

Case brief

Education



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Case brief Affiliation: The case is Mikell v. School Administrative Unit 33, case number 2008-737 which was decided in May 15, 2009, <http://caselaw.findlaw.com/nh-supreme-court/1204844.html>

2. FACTS

Joshua Markiewicz was a seventh grader student who hanged himself. He had been having disciplinary troubles in school which the school counselor was aware of and had informed his mother about some of them. A statement however about him “ wanting to blow his brains out” was however termed as not serious by the counselor to his mother and he was made to sign a contract of safety but the matter was never followed again. The mother was suing the school administration including the counselor for negligence, emotional distress and wrongful death.

3. STATUTE AND CODE OF ETHICS

The ASCA code of ethics involved in this case is A7 about danger to self and others. A school counselor is supposed to inform guardians about risk to self and others and consult with counseling professionals. There is also about understanding the ethical and legal liability for releasing a student who is a danger to himself and others without proper support for the student.

4. OUTCOME

The Supreme Court affirmed the decision by the trial court to dismiss the claims of alleged negligence, intentional infliction of emotional distress and wrongful death claims.

5. REASONING

The reasons for the dismissal of these claims against the school administration were based on the fact that the school did not have custodial care of the child at the time of death. They also did not engage in <https://assignbuster.com/case-brief/>

outrageous or extreme conduct that would drive the boy to commit suicide.

6. LEGAL DOCTRINE AND HOW WOULD YOU HAVE HANDLED THE SITUATION DIFFERENTLY TO AVOID LEGAL ISSUES

The case is not so much based on legal doctrines or ethical ones but parental ones. The parent did not follow up the suicide case with the school or with the boy about the causes. She should also have been keeping a close eye and not left him alone. Telling the parents every detail is important for a school counselor.

References

FindLaw (2009). Mikell v. School Administrative Unit 33. Retrieved from: <http://caselaw.findlaw.com/nh-supreme-court/1204844.html>