

Lawsuits against counselors



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& Number 15 Feb. 2008 Counselors, Too, Can Be Sued In a society as litigious as the United s, there seems to be no end to who can be sued, and for what paltry offense. We are witness to the McDonald's Corporation defending itself for having coffee that is too hot, and for causing obesity among children. In recent times, counselors of all kinds can be added to the list of persons and employees who must face the courtrooms as defendants. These offenses include failing to prevent a suicide, failure to report child abuse, and failing to give proper academic advice.

In 2001, a high school counselor was sued because a student claimed he was told a particular English class was accredited, but he later lost his scholarship because it wasn't. The guidance counselor denied giving the student that advice, but the courts ruled in favor of the student. Karla Scoon Reid's news report reads, " A high school counselor can be sued for dispensing academic advice that has an adverse effect on a student." In this instance, the counselor could have saved himself the trouble by double-checking to make sure the class was properly accredited, especially since it was new to the high school's curriculum.

With recent allegations having come forth regarding Catholic priests and molestation/rape, it is no wonder that failure to report child abuse is a huge faux pas. Child abuse charges that need to be reported are not only ones of a sexual nature, but also physical abuse. As well, clergy counselors are especially susceptible. A website report on clergy counselors reads, " At least nine states have permitted adults who were abused as children to sue clergy counselors (para. 1)." Since each state has different laws, counselors who are made aware of child abuse need to stay updated on exactly what allegations need to be reported, and which officials are appropriate to

contact in each specific case.

The most common cause of lawsuits against counselors, perhaps, is failure to prevent suicide. After committing suicide, the family members of a deceased patient may blame the counselor for having information that would have prevented the suicide. Due to confidentiality laws, some information from a patient's session with his counselor may never become public knowledge, but there are ways for the therapists to protect themselves. First, a counselor must make sure that he or she thoroughly examines the patient's current and past mental health in order to determine whether the person is a suicide risk. Also, some counselors have patients sign a "no suicide contract" stating that suicide will never become an option when dealing with problems or depression. Some professionals believe that the no suicide contract does more harm than good, but others have found the contract to be very effective in forcing patients to take responsibility for themselves. Some other reasons for lawsuits against counselors are seduction of counselees by counselors, breach of confidentiality, negligent counseling, and negligent misrepresentation. While cases must be treated individually, the best defense for any counselor is to keep abreast of ever-changing laws by checking for changes at least once or twice a year. This gives counselors a chance to be proactive, instead of reactive.

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