

## Differences between the two rules of law:

### TARASOFF the CASE (determined by CA Supreme Court, 1976)

1. The duty to protect is triggered when the clinician “**determines** that a patient presents a serious danger of violence to another.” An actual threat of violence is unnecessary.
2. Potential victim = “intended victims”
3. Discharging the duty to protect: It may require the counselor to take one or more various steps, depending upon factors of the case. (e.g., call & warn the intended victim or others to apprise the intended victim of the danger, notify police, hospitalization, or whatever step(s) reasonably necessary)
  - Risk = Low, moderate, high?
  - Could calling the police increase the likelihood of violence?

### TARASOFF the STATUTE (CA Civil Code §43.92, 1985; 2012)

1. The duty to protect is triggered when the client (or family member) **communicates** to the clinician a “serious threat of physical violence.”
2. Potential victims = “reasonably identifiable victims”
3. Discharging the duty to protect: making reasonable efforts to communicate such threats to the identifiable victim(s) and to a law enforcement agency.
  - If your client communicates a serious threat of violence against a reasonably identifiable victim and your sole response is assisting in having your client hospitalized, you will not have immunity from liability. However, your defense (under *Case Law*) is that you met the care standard by taking reasonable action under the circumstances to protect the intended victim.