

SUICIDE RISK ASSESSMENTS POSE LEGAL RISK TO SCHOOL COUNSELORS

Webinar Presenters:

Carolyn Stone, Ed.D.
Professor
University of North Florida

Wendy D. Rock, Ph.D.
Assistant Professor
**Southeastern Louisiana
University**

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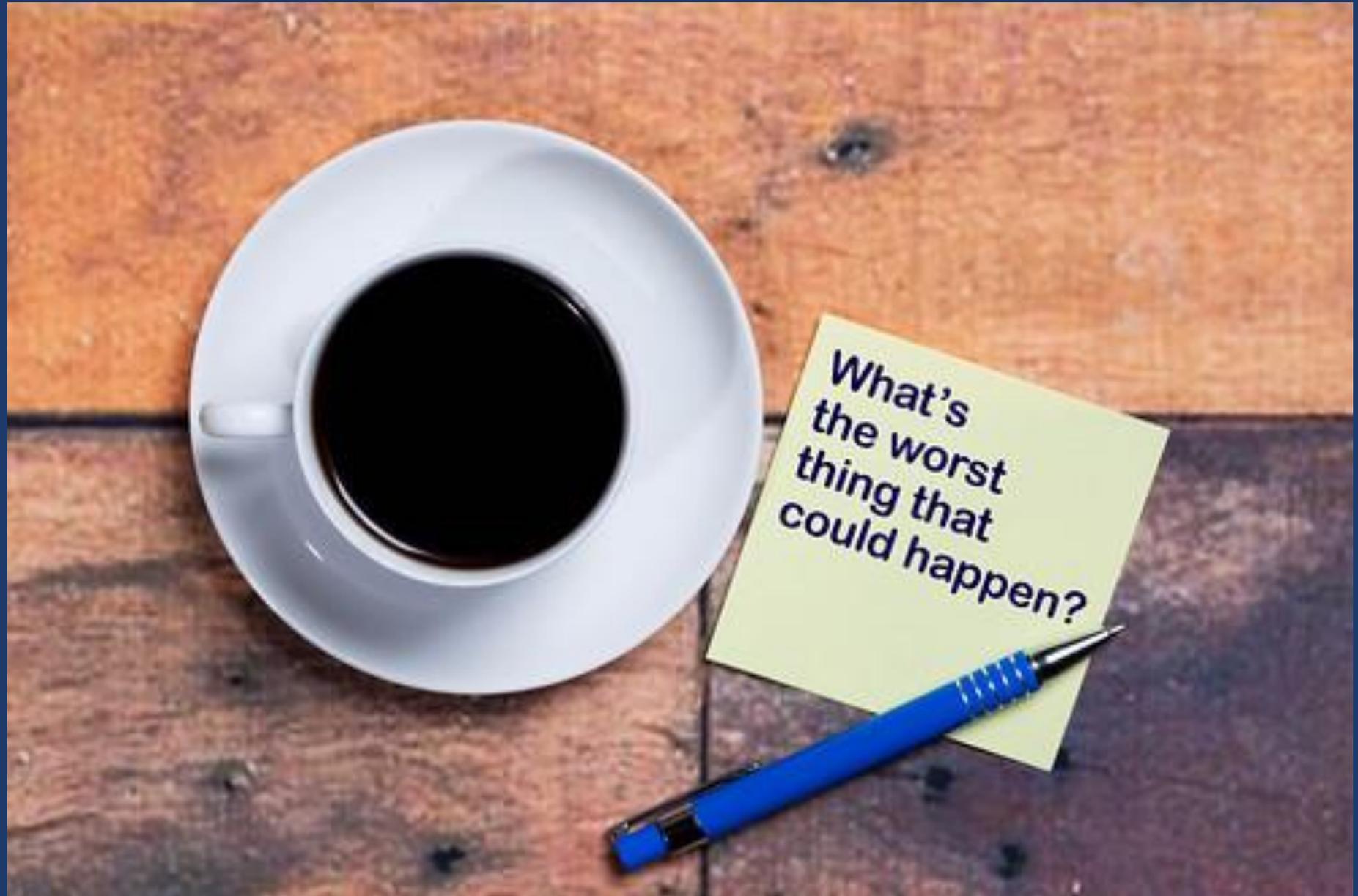


Will You Be the Next Defendant? Legal and Ethical Issues in Assessing Suicide



1. Identify and discuss the legal and ethical implications for school counselors who are notified of or working with students who may be experiencing suicidal ideation.
2. Explore ethical dilemmas and considerations when using risk assessments and universal screeners.
3. Examine court cases and identify best practices when required to quantify suicide risk.

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CASE STUDY

Camryn is referred to you by two of his friends who told you he was making statements about not wanting “to be here anymore” and appearing sad. You speak with Camryn who tells you he broke up with his significant other of 6 months. He says what he meant is that he doesn’t want to be at school. He assures you he is fine. Just to be safe you assess him using the Columbia-Suicide Severity Rating Scale (C-SSRS) which indicates “low-risk.” As a precaution you notify his mom of the assessment and the results.



**You have covered your
legal liability and you
can be assured the
student is safe...**



Right?

- Duty Owed
- Duty Owed
Breached
- Causal Connection
- Injury

Suicide is an Intervening Variable that breaks the causal connection.

NEGLIGENCE



***Loudoun County Public School
Counselor***

Suing the counselor and not the district to avoid the district's shield of governmental immunity.

BAAB V. MEDINA CITY SCHOOL BOARD OF EDUCATION



discretionary

adjective dis·cre·tion·ary \ -'kre-shə-
,ner-ē \

ministerial

adjective min·is·te·ri·al \ ,mi-nə-'stir-
ē-əl

MIKELL V. SCHOOL ADMIN. UNIT 33

A.9.b. . . .When reporting risk-assessment results to parents, school counselors **do not negate the risk of harm even if the assessment reveals a low risk** as students may minimize risk to avoid further scrutiny and/or parental notification. School counselors report risk assessment results to parents to underscore the need to act on behalf of a child at risk; this is **not intended to assure parents their child isn't at risk, which is something a school counselor cannot know with certainty.**

MEDICAL AND MENTAL HEALTH PROFESSION AND SUICIDE RISK ASSESSMENTS: NO PREDICTIVE VALUE

- Large, et. Al.
- Doyle, R., Fite, P. (2021).
- Mulder et al. (2016)

GATHER INFORMATION



- FRANKLIN, J., ET AL. (2016).

**WORDS
MATTER**

Impulse Control.

Just Words.

Did not mean it.

ROGERS V CHRISTINA SCHOOL DISTRICT

Good Morning Everyone,

After talking with Roger Ellerbe in great detail [four hours] I feel that he is not a threat to himself. Roger was having a bad day yesterday with build [sic] up anxiety from home and girl friend issues. His girl friend broke up with him on Sunday he couldn't handle what was happening to him leading to him thinking that no one cares about him. . . . I got Roger and [his girlfriend] together to talk about their relationship and will call Grandmother letting her know what's going on. I also gave Roger a packet for the wellness center to get filled out and return [sic] back to me. Roger agreed to come to me, Mr. Newman or the wellness center if he has any concerns. I had Roger write a statement as to how he was feeling yesterday and today. If anyone [sic] of you think we should do anything else please let me know.

Keeping you all informed!

Mrs. Finney

PREADOLESCENTS AND SUICIDE ASSESSMENTS

HEISE, B.,
YORK, A., AND
THATCHER, B.
(2016).

UNIVERSAL SCREENERS



Proactive

Efficient

Detect students at risk for emotional and behavioral disorders, especially those with internalizing behaviors

Get a picture of schoolwide student functioning

Resources to respond to results

Storing results

Considerations



- Community By-In
- Instrument Selection
 - Reliability
 - Validity
 - Cultural Sensitivity
- Screening Procedures
- Responding to Results
- Storing Results
- PPRA

THERE IS NO ERROR TO BE MADE
IN SAYING, “I DON’T KNOW” BUT
THERE IS DANGEROUS ERROR TO
BE MADE IN PRETENDING YOU DO.

POLICY

SKINNY, SLIM, BRIEF- LESS IS MORE

IF PLACED ON NOTICE BY ANY MEANS THAT A STUDENT MIGHT BE SUICIDAL, MAKE CERTAIN THE STUDENT IS SECURE, GATHER INFORMATION FROM THE STUDENT TO SHARE WITH THE PARENTS, CALL PARENTS AND PROVIDE PARENTS WITH RESOURCES. IF PARENTS ARE THE REASON FOR THE SUICIDAL IDEATION CONTACT CHILD PROTECTIVE SERVICES. PROVIDE SUPPORT TO THE STUDENT AND PARENTS AS NEEDED. DOCUMENT THE DATES AND TIMES OF THE PARENT CONTACT.

I am being asked to address all the alerts when our students search questionable material on their school district issued chrome books and attend to the problem but no one has told me how. What is my liability?

SUICIDALITY IN THE VIRTUAL WORLD

If the danger to a student is acute and parents/guardians and not immediately available, contacting local first responders for a wellness check may be necessary.



You can't practice risk free



CONTACT US

Carolyn Stone

cstone@unf.edu

Wendy Rock

wendy.rock@selu.edu