
How to Handle Tarasoff Obligations

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Introduction: The 1968 case of Tatiana Tarasoff and Prosenjit Poddar in Oakland brought significant changes to mental health law. After their relationship ended, a distressed Poddar told his therapist he planned to kill Tarasoff. Despite the therapist's warning to police, Tarasoff wasn't informed and was later murdered by Poddar. This led to the creation of "Tarasoff Warnings," requiring mental health professionals in California and other states to warn or protect individuals from their patients' threats.

Duty to Warn vs Duty to Protect

- **Duty to Warn:** If you're faced with a patient expressing a clear intent to harm someone, you're legally bound to warn the potential victim.
- **Duty to Protect:** In some states, the law requires that you take whatever steps are necessary to protect the intended victim. You can warn them, but you can also protect the intended victim by, for example, placing the patient on an involuntary psychiatric hold. This option has the advantage of not breaching patient confidentiality.

Does the Tarasoff obligation apply to you in your state?

Tarasoff laws are in place in 26 states and Puerto Rico, often with local variations. To get specifics, check out this webpage from the National Conference of State Legislatures (www.tinyurl.com/mves5y29).

Evaluating risk

How do you decide whether a patient's threats are serious enough to warrant action? Your patient might express violent fantasies but have no intention of following through with them.

- Look for red flags that increase the likelihood of a threat leading to actual violence: prior violence, substance use, and untreated mental illness.
- The more positive responses to these questions, the greater the urgency for you to act:
 - Is the threat clear and imminent?
 - Is the patient able to carry out the threat?
 - Has the patient engaged in preparatory actions, such as buying a weapon or rehearsing a planned attack?
 - Is the intended victim identifiable?

What do you do if you have no contact information for the intended victim?

- Consider reaching out to the patient's family members who might have the intended victim's contact information
- Conduct an online search
- Let the police department know if you are unable to reach the intended victim.

Documentation

- Document all your efforts to warn or protect the potential victim.
- Describe the patient's threat using verbatim quotes.
- If you contact the police, take down the name and badge number of the officer you spoke with.