

DUTY TO WARN

Some states have codified duties to warn, though duty to warn laws vary from state to state. Some states have permissive warning that allows mental health professionals to ease confidentiality discretionarily, but do not mandate it, and do not impose liability to failing to warn. Other states have not established any kind of statutory duty to warn, though it may be imposed by case law. Twenty-two states have mandatory duty to warn statutes:

- Arizona
- California
- Colorado
- Delaware
- Idaho
- Illinois
- Indiana
- Kentucky
- Louisiana
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Montana
- Nebraska
- New Hampshire
- New Jersey
- Ohio
- Tennessee
- Utah
- Virginia (this is a recent change, prompted by the shootings at Virginia Tech)
- Washington

A second group forms the “may warn” jurisdictions, which make warnings about serious threats permissive, but not required:

- Alaska
- Arkansas
- Washington, District of Columbia
- Florida
- Hawaii
- Iowa
- Mississippi
- Missouri
- New Mexico
- New York
- Oklahoma
- Oregon

- Rhode Island
- South Carolina
- South Dakota
- Texas (permissive warning may be made only to medical or law enforcement authorities, rather than the person at risk)
- US Virgin Islands
- West Virginia
- Wyoming

A final group of states provide no statute imposing a duty to warn, but the courts have imposed duty through case law:

- Connecticut
- Pennsylvania
- Vermont
- Wisconsin

Jurisdictions that have not clarified duty or permission to warn through statute or caselaw include:

- Georgia
- Kansas
- Maine
- Nevada
- North Dakota
- Puerto Rico

Three jurisdictions have statutes or caselaw expressly limiting or foreclosing the duty to warn, including:

- Alabama
- Guam
- North Carolina