

A photograph of a young boy and a young girl sitting on a school bench in a locker room. The boy is on the left, wearing a plaid shirt and dark pants, looking towards the girl. The girl is on the right, wearing a white shirt and blue shorts, holding a book and looking back at the boy. The background consists of green lockers.

Ethical Dilemmas with Children, Adolescents and Adults

Rosemary A. Thompson, Ed.D., LPC, NCC, NCSC

Core Values

- Veracity
- Social Justice or Fairness
- No Maleficence
- Beneficence
- Autonomy
- Fidelity



Basic Moral Principles Related to Ethical Practices

- **Veracity:** telling the truth only to necessary individuals parties with a vested interest in the counselee (e.g., no gossiping about client/family issues to a third party);
- **Social justice or fairness:** especially as it pertains to today's increasing diverse populations within the community (i.e., making all interventions available to all clients, not just those with insurance by providing sliding scales); and
- **No maleficence:** doing no harm (e.g., confidential information should not be shared, and gossiping about events inside or outside of the office to patrons, politicians or the news media should not be tolerated, e.g. "*there is no such things as off the record with the media*").

Basic Moral Principles Related to Ethical Practices

- **Beneficence:** doing good (e.g., helping clients and families gain something positive from the counseling experience, especially those new to the United States and immigrants whose primary language is not English);
- **Autonomy:** respecting freedom of choice (e.g., sometimes clients will not necessarily accept our clinical suggestions or interventions. Sometimes they overestimate or underestimate their potential or abilities, or are not ready to take the first step toward individual well-being); and
- **Fidelity:** keeping promises (e.g., always following through on agreed on actions and contractual agreements such as “ownwork assignments,” letters for accommodations such as ADA, FMLA, 504 Plans and letter for Emotional Support animals. Also, always let the client know up front that there will be a fee because you are doing the research and are putting your license on the document).

Decision Key

- **CA = Correct Action**
- **IA = Incorrect Action**
- **UC = Unclear**



Real Ethical Scenarios



The following scenarios are provided to test your knowledge according to the ASCA (2010), ACA (2005) and APA (2010) ethical standards: Mark each scenario with “correct action (CA),” “incorrect action (IA),” “unclear (UC)”

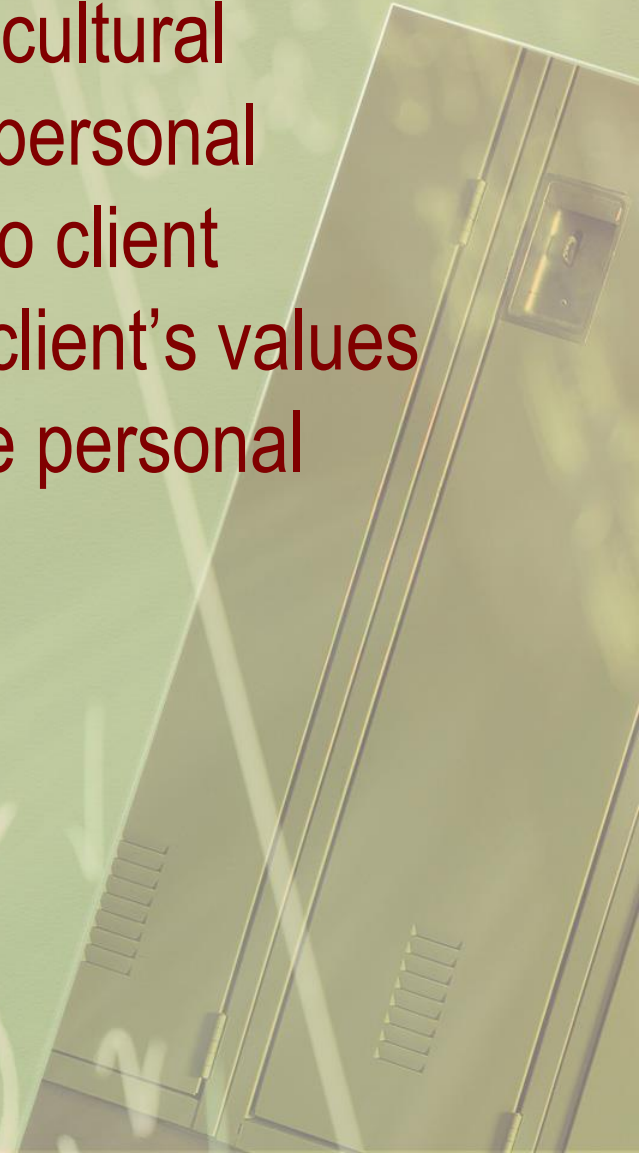
- **Scenario 1:** A high school counselor meets with a student who confides in her that she maybe pregnant. The district policy is that if students confides in another adult in the school setting, school personnel must inform the parent. The counselor tells the student that she (the counselor) must call her parents or guardian. The student says that, if she does, she will commit suicide. The counselor says that she must also call her parents or guardian because she is now a threat to herself, she is in danger of harming herself. After a long discussion, the counselor and the student agree that she will buy a pregnancy test, take it in the nurse’s office and if it is positive, the counselor and the student will tell her parent or guardian together. It turned out to be a false alarm, and the student was not pregnant.

- A.7. Danger to Self or Others (section a): Informs parents/guardians or appropriate authorities when the clients condition indicates a clear and imminent danger to the self or others. This is done after careful deliberation and consultation with other counseling professionals (ASCA, 2010). Section b. Report risk assessment to parents and underscore the need to act on behalf of a child at risk; never negate a risk of harm as clients sometimes deceive in order to avoid further scrutiny and/or parental notification.

Scenario 2: Sexual Identity Issues

- A male therapist meets a male client who is struggling with sexual identity issues. The client feels more and more attracted to males. He has recently been attending some gay clubs with older males and likes the attention and the unconditional acceptance of his sexual identity at the club. The counselor believes in “conversion therapy” (i.e., a controversial therapy that can convert a person back to their given sexual identity) so he tells the male client that he knows someone who can change his thinking about his identity, and gives him a name of a free counselor he can talk to at his church.

- Respect clients' values, beliefs and cultural background and do not impose the personal values on clients and their families to client students (section c): Respects the client's values and beliefs and does not impose the personal beliefs on others (ASCA, 2010).



Scenario 3: Sexual Abuse

- **A female client in high school confides in a male therapist that she is being sexually abused by her father. The male counselor hesitates to call child protective services because he thinks she may be doing it to get attention. He brings in another therapist (female) in and the student tells the same story. He also brings the girl's sister in and she confirms that the sexual abuse is true. The male therapist calls child protective services and child protective services calls the father at work to confirm the story over the phone.**

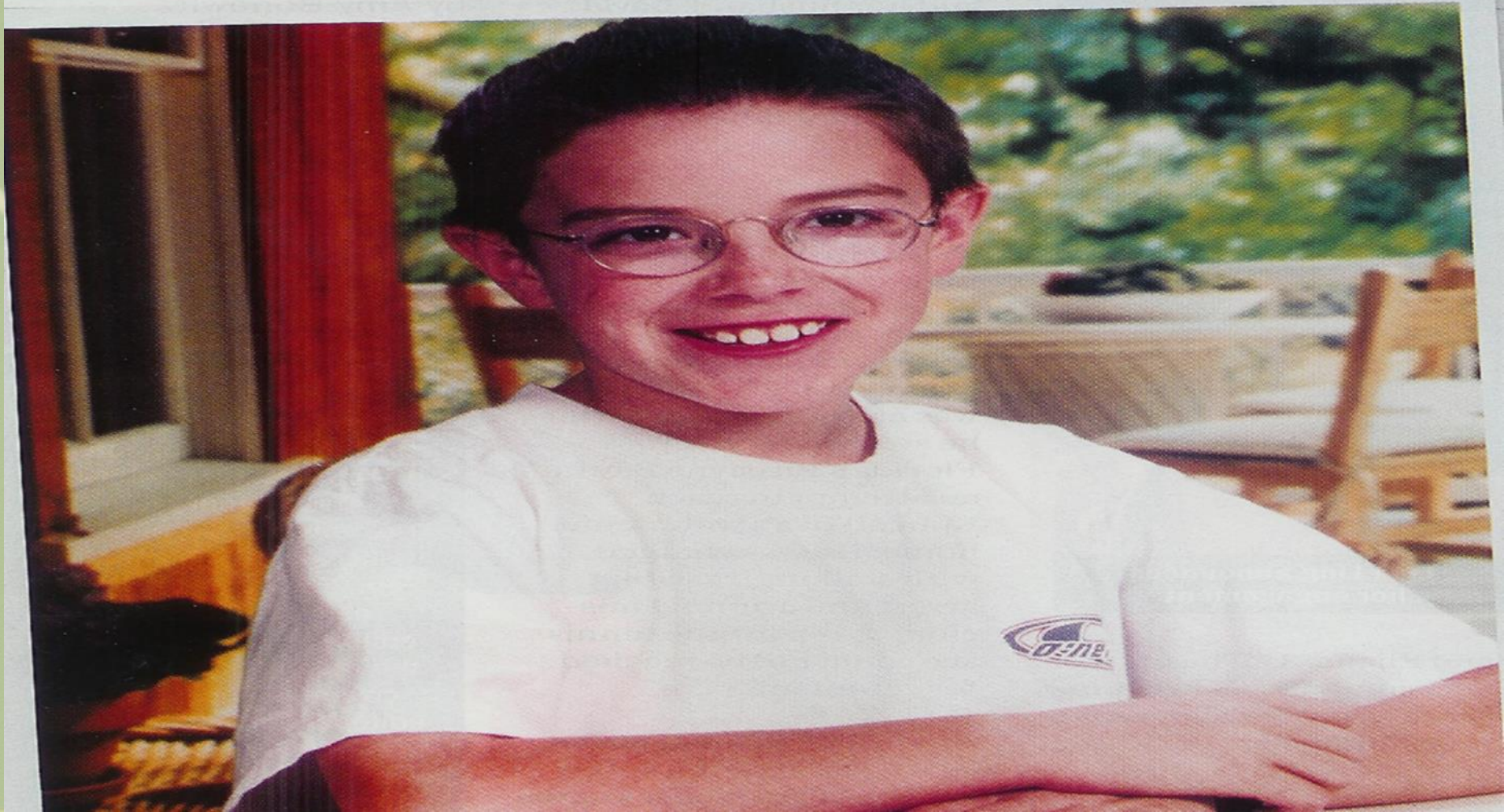
- **A.2. Confidentiality (section b): Keeps information confidential unless disclosure is required to prevent clear and imminent danger to the student or others or when legal requirements demand that confidential information be revealed. Therapist will consult with appropriate professionals when in doubt as to the validity of an exception (ASCA, 2010).**

Scenario 6: Cyber Bullying

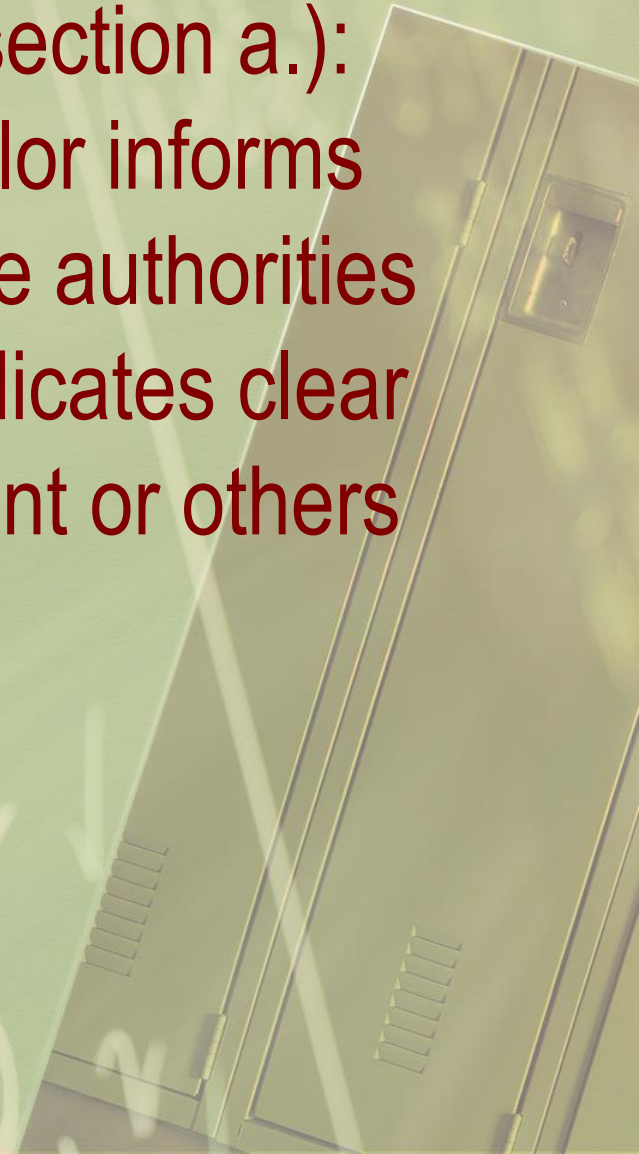
- An 8th- grade male student is being cyber bullied by a group of 8th- grade mean middle school girls. They leave messages on his cell phone and computer and say “I heard “you are going to kill yourself, I hope you succeed this time.” The student’s friend brings it to the counselor’s attention. The counselor brings it to the principal’s attention, because they have an Internet harassment policy. The counselor and principal call in the parents/guardians along with the local police for a conference with samples of the messages. They document that if it happens again, they will press charges. In the meantime, the counselor meets with the bullied student to offer assurance and support.

“The Only Way to Get the Respect You Deserve is to Die”

With a new arsenal of Web sites and chat rooms, mean kids can torment their victims 24/7 online —often with devastating results



- A.7. Danger to Self or Others (section a.):
The professional school counselor informs parents/guardians or appropriate authorities when the student's condition indicates clear or imminent danger to the student or others (ASCA, 2010).



Scenario 6a: Cyber stalking of Therapists

Threats, Stalking or Assaults by Patients

Pope & Vasquez (2010) found:

- Almost one in every 5 therapists reported having been physically attacked by at least one client.
- Over 80% of the psychologists reported having been afraid that a client would attack them.
- Over one out of 4 had summoned the police or security personnel for protection from a client.
- About 3% reported obtaining a weapon to protect themselves against a client.

Scenario 6a: Cyber Stalking (Cont'd)

Scenario: A client is enamored with his/her therapist. It has become an obsession. The client cyber stalks the therapist; follows him to his/her home; knows where his or her children go to school; and posts his picture on various social network sites and is involved in cyber snooping using search engines, online forums, discussion boards, and chat rooms.

The client also uses social networking sites, i.e., Facebook, Twitter, Snapchat and LinkedIn, as sources of personal information. Placing personal information on Internet sites has exposed the therapist to a variety of psychological and physical harms.

This client ordered over-the-Internet pornographic magazines and sex toys in the name of the therapist and sent them to his mother-in-law. The therapist notifies his/her supervisor and the counseling relationship is terminated.

- Therapists may terminate the therapy when threatened or otherwise endangered by the client/patient or another person who the client/patient has a relationship.
- [APA Ethical Standards, 10:10 B]

CA

- **Counselors may terminate counseling when in jeopardy of harm by the client or other persons with whom the client has a relationship; should provide termination counseling and recommendation of other services (ACA, 2005)**
- **There are a number of clinical, civil and legal options available to clinicians. Among these are: (1) limit setting such as setting boundaries (2) confrontation, (3) civil orders of protection, and (4) prosecution of stalking and stalking related offenses. Remember that behind anger is fear or hurt, so use your skills to try and find out what the underlying issue is.' Offering food, drink, or even a stick of gum may help dispel the violent energy; An unlisted home phone number; home alarm system; Creating obstacles that make it difficult for clients to intrude into the personal space of the practitioner and his or her family should be encouraged (A.11c. Appropriate Termination ACA 2005)**

Scenario 6b: Online Therapy

- A therapist is conducting research on the new trend of online therapy. Since gas prices are soaring and traffic is horrendous online therapy sounds like a great idea. The therapist decides to develop a website, sets up a PayPal account, puts up their photograph of themselves and licensure information and starts counseling online.
- He/she uses their regular informed consent form for face-to-face counseling and lists that they are endorsed by a local prestigious counseling center. The therapist uses their own home computer, but many clients use the public library, or work computer because the client's own computer is old.

IA (Because of lack of consistency in laws and policies at the present time)

- Email messages can be sent to the wrong person, received by the wrong person or read on a shared computer by someone not associated with therapy. These instances create an ethical patient-confidentiality dilemma for the therapist and patient due to the private nature of patient-therapist sessions.
- Emergency assistance for the patient: There is no guarantee that the contact information provided by the patient is legitimate.
- Individuals who have disorders that affect their interaction with others may become increasingly disconnected from society by seeking therapy on the Internet. This does not encourage healthy relationships?
- Therapist and clients should be concerned about the security of Internet transmissions (employers and the workplace have access to all email transmissions by employees)
- Encryption programs can be used to protect privacy.

Scenario 7: Crossing Boundaries

- **A young female high school counselor also coaches the girls' and boys' varsity track team. She has both track teams over for cookouts and sleepovers at her house. She doesn't mind if they drink alcohol beverages, as long as they stay at her house and don't drive, so she takes their keys. Her boyfriend, who lives with her, is also at her house. The coach and her boyfriend retire around midnight, but promise to be up to cook breakfast for the teams in the morning.**

- A.4. Dual Relationships (section a.): The professional school counselor or educators in general should avoid dual relationships that might impair his/her objectivity and increase the risk of harm to students (ASCA, 2010). She is also contributing to the “delinquency of minors” (underage drinking) and is operating a disorderly house (harmful to minors).

Scenario 7 a: Helping a Client

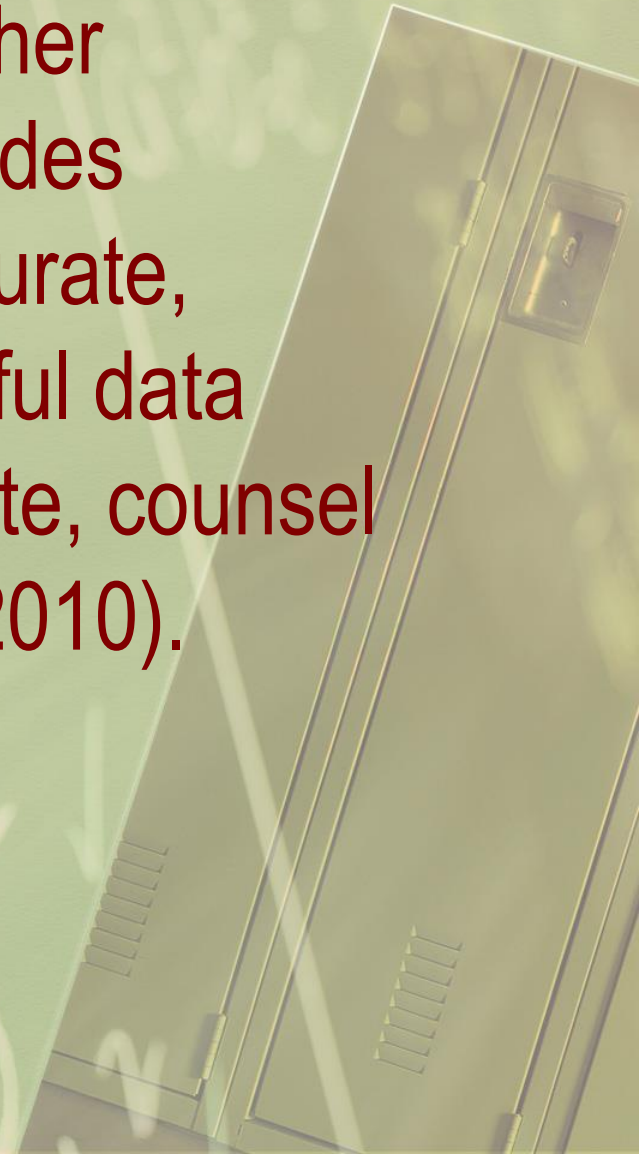
- **Scenario:** A clinician leaves the office at the very end of the weekday and notes that a heavy rainfall with considerable flooding has occurred during the day. Driving home, the therapist sees the last patient of the day struggling on foot, and offers the patient a potentially life-saving lift home with a local transport in his car. The clinician (1) behaves professionally during the ride, deferring clinical issues to the next meeting; (2) carefully records the situation and context when next in the office; and (3) explores or debriefs the patient on the experience at the next session, also recording that.

- **When a counselor's interaction with a client may be potentially beneficial to the client, the therapist must document in case records, prior to the interaction (when feasible), the rationale for such interaction, the potential benefit, and anticipated consequences for the client (Standard A.5.d. Potential Beneficial Interactions, ACA, 2005).**

Scenario 8: Sharing the Need to Know

- A 9- year old male student's parents are going through a contentious divorce. He has been withdrawn in his interactions at school, has had angry outburst with his peers and has been failing his school work. He is also an only child and is struggling with arguments and fights between his parents that he has to endure at home alone. He often cries himself to sleep. The counselor is concerned, so she calls a meeting with his grade-level team, to fill them in on his changed behavior and to encourage their support for his current circumstances.

- C.2 Sharing Information with Other Professionals (section b.): Provides professional personnel with accurate, objective, concise and meaningful data necessary to adequately evaluate, counsel and assist the student (ASCA, 2010).



Scenario 9: Caught in the Middle

- An elementary school counselor has received a subpoena in October to testify in court regarding a contentious child custody case. The mother's lawyer is very aggressive and has asked for the professional school counselor's counseling notes regarding the case. The counselor says she does not keep any notes and only worked with the student briefly academically in a classroom with his peers at the beginning of school to introduce herself and her services. She knows nothing about the parents or their relationship and only met them briefly at a crowded open house during introductions of faculty and staff at the beginning of the school year.

- **B.2. Parents/Guardians and Confidentiality (section d.):** The professional counselor makes reasonable efforts to honor the wishes of parents/guardians concerning information regarding the student, and in the cases of divorce or separation exercises a good-faith effort to keep both parents informed with regard to critical information with the exception of a court order (ASCA, 2010). Note with shared custody, schools are obligated to notify both parents about discipline, attendance, and placement, etc.

Scenario 9 b: Divorce Mediator

- You have provided marital counseling to a couple, and they have asked you to serve as the mediator in their divorce. You agree to the request and take a one hour CE class online and read a few books on being a mediator and proceed to work with the clients. You have even added divorce mediator to your business card.

IA • Ethical standard apply to this situation:

- Does the therapist have adequate training to be a competent mediator?
- Would multiple relationship be harmful to the couple or impair the therapist?
- Would knowledge gained from the previous therapy influence his judgment in this new role?

Boundaries of Competence

- Therapists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on education, training, supervised experience, consultation, study, or professional experience APA Ethical Standards, 2.01 [2010]

Scenario 10: Access to Information

- A middle school counselor has recently become a licensed professional counselor (LPC) and licensed marriage and family therapist (LMFT). She feels very confident in her abilities to teach parenting skills and to counsel families. She thinks there is a real need for such programs in her school district. She has an office established in a local church and she has advertised her services to all the school counselors, administrators in her school district. She uses the school data base to get the names and addresses of students and their families to advertise her services.

- **D.2 Responsibility to the Community; (section a): The professional school counselor collaborates with agencies, organizations and individuals in the community in the best interest of students and without regard to personal reward or remuneration; A.4. Dual Relationships;(section b): Avoids dual relationships with school personnel that might infringe on the integrity of the counselor/student relationship (ASCA, 2010).**

Scenario 10b: “I Have a Room for You!”

- As a therapist, you haven't received a raise in two years and you have decided to rent rooms to clients from the house that you inherited after your parents passed away to clients who have concluded their program and need a transitional place to find work or to further their education. If they can't pay the rent, you barter with them and have them do repair work on the house.

IA

- Could the relationship impair the therapist's objectivity, competence or effectiveness, and does the relationship risk harm or exploitation to the client?
- **Section E. Record-Keeping, Fee Arrangements, and Bartering**
2b. Fee Arrangements, Bartering, and Gifts. Mental health counselors usually refrain from accepting goods or services from clients in return for counseling services because such arrangements may create the potential for conflicts, exploitation and distortion of the professional relationship.
- **American Mental Health Counselors Association (AMHCA) - (2015)**

Scenario 11: Potential Suicide

- A middle school counselor is meeting with an 8th- grade student who has had two previous suicide attempts and has been hospitalized twice. The student seems distraught and doesn't want to go home. The counselor views it as another effort to get attention so the counselor gives the student a suicide hotline number and tells her to hurry so she does not miss her bus ride home.

IA

- **A.7 Danger to Self or Others; (section a):** The professional school counselor informs parents/guardians or appropriate authorities when the student's conditions indicates a clear and imminent danger to the student or others (ASCA, 2010). Hold the student call the parents.

Scenario 11 b: Who's Has the Right to Know?

- **Scenario: A 18-year-old youth comes to your office and asks you to conduct a comprehensive psychological evaluation.**
- **He has been experiencing some headaches, anxiety, and depression. A high-school dropout, he has been married for a year and has a one-year-old baby, but has left his wife and child and returned to live with his parents. He works full time as an auto mechanic and has insurance that covers the testing procedures. You conduct the evaluation.**

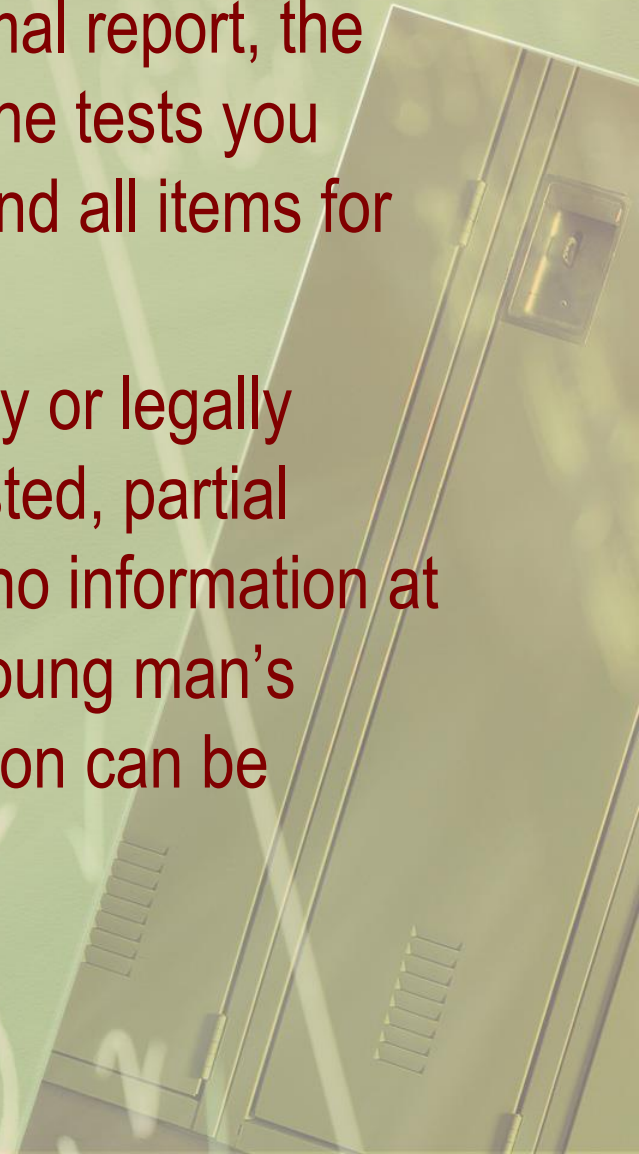
Who Has the Right to Know ?

- During the following year you receive requests for information about the testing from:
 - The young man's physician, and internist,
 - The young man's parents, who are concerned about his depression,
 - The young man's employer, in connection with a worker's compensation claim filed by the young man,
 - The attorney for the insurance company that is contesting the worker's compensation claim,
 - The attorney for the young man's wife, who is suing for divorce and for custody of their child, and
 - The young man's attorney, who is considering suing you for malpractice because he does not like the results of the tests

- Therapist may administer, adapt, score, and interpret, or use assessment techniques, interviews, tests, or instruments in a manner warranted or necessary for purposes that are appropriate in light of the research.
- Therapist obtain informed consent in assessments; and release of information to provide this information to a third party [APA Ethical Standard 9.03, 2010].

Scenario 11 b: Who Has the Right to Know ?

- Each of the requests asks for the full formal report, the original test data, and copies of each of the tests you administered (for example, instructions and all items for the MMPI-2).
- To which of these people are you ethically or legally obligated to supply all information requested, partial information, a summary of the report, or no information at all? Which requests require having the young man's written informed consent before information can be released?



Handling an Ethical Bind

- **Consult with a colleague or ethics expert and consider calling your state board or state counseling association for additional assistance.**
- **Document the steps you took and those you considered, but didn't take, and your reasoning behind those decisions.**
- **Aspire to the general principles in the Ethics Code in both psychology and counseling.**
- **If a conflict of interest, such as having a relationship with someone closely associated with a client, can reasonably be expected to jeopardize your objectivity, carefully consider your options, most notably refraining from the relationship.**
- **Any time you decide to terminate counseling, follow ethical standards and offer the client a referral to another colleague.**

“Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity.”

~W. Clement Stone



References

American Counselor Association Ethics (2005)
[Ethics/http://www.counseling.org/cp/ct2.aspx](http://www.counseling.org/cp/ct2.aspx)

American Psychological Association Ethics (2010)
<http://www.apa.org/ethics/code/index.aspx>

American School Counselor Association Ethics (2010)
<http://asca2.timberlakepublishing.com//files/EthicalStandards2010.pdf>

Pope, K.S. & Vasquez, M.J.T. (2010) Ethics in Psychotherapy and Counseling: A Practical Guide (4th edition).
Jossey-Bass Publishers

