

Ethical Vignette Paper #1

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In the video done by Negley Associates (2011), the question is brought up about a therapist's duty to warn (Negleyunderwriting, 2011). Described is a situation of a therapist that knew about an aggressive patient that had communicated threats to both themselves as well as others around them. As a therapist they ask is it our duty to warn others of a violent patient? This particular therapist by law did not have a duty to warn in the state they were in, however though that was the law it still did not work out in their favor when a client was taken to court. The therapist knew of the aggressive behavior and that the client was a danger but did not warn as it was not law. So, the question arises of if this was a logical and even ethical decision. The decision was made not to warn the arriving police officer, and this resulted in injury, though it was not law that did not work in the favor of the therapist in court. Though they did not have a duty to warn in place, the therapist could've protected the arriving officer and failed to do so. As a pursuing counselor, I want to discover what my state laws and regulations are regarding this matter and how I feel as if it was ethical to withhold information that is a danger to someone else. This applies to many situations when it comes to ethical decisions for professionals, those in the medical and behavioral world both deal with such.

I believe that ethically if someone is in harm's way, the person with the knowledge to stop them from being hurt has a duty to do so. With my degree I could be working in the state of North Carolina, after looking up the state board of counseling regulations I came across this topic. In section H of the American Counseling Association (ACA), it is discussed that a counselor acting in the benefit of a client should do so when the conflict cannot be resolved and is within the laws (American Counseling Association, 2014). This can be important as in the described situation, the action done was unlawful and even though the therapist acted ethically by holding her obligation not having a duty to warn, under these terms the conflict could not be

resolved, she could've acted under the law. To follow that same guideline, in the American School Counselor Association (ASCA), in part A.9, it states that if someone is a harm to themselves or others that it should be reported to the parents and the authorities (American School Counselors Association, 2016). I believe both of these are very clear on the "duty to warn" and how it should be handled in a situation of harm to oneself or others but wanted to see how the other careers view the duty to warn over the years. In a study done based on when the confidentiality of a patient should be broken and duty to warn comes in to play, Leila Afshar (2017) looked at a breast cancer study where a 22-year-old did not want to disclose information of her condition to her family (Afshar, 2017). Though this is not morally right in her eyes to withhold this information, due to confidentiality the information is to be withheld. I believe in this such instance though this is a harm to herself it is difficult under both ethical and legal law to determine this to not be the patient's choice. The second study was done by Mark A. Rothstein, looking at if genetically at-risk relatives deserved a duty to warn. Again, we face this ethical versus legal battle and Rothstein believed that though it was not legal to release the information to relatives that it was imperative to let them know the importance of their own duty to warn their relatives as it was the "ethical" thing to do (Rothstein, 2018). Looking at both studies in depth you see a common thing, the ethical decision is left up to the patient. This is very interesting as in the video it was left up to the therapist instead. In a school setting it may be left in the therapists' hands and if so, how do you know what is ethical? Knowing your laws and codes helps to guide you to the right decision, along with developing a great relationship with client so that they can trust you and you can give the proper assistance.

As a school counselor, I will take it very seriously if or when this situation arises within my time and know the guidelines above to help me to act appropriately. I feel ethically it is very

important in a relationship with a client to do your job and be reasonable and ethical in decision making. In the ASCA, it also states that the counselor is to inform the student of any legal obligations that they have with information of that matter. By being upfront with a student I believe you can stay ahead of the harm if you are upfront with them because it will build trust in the relationship. If it is left in your hands as a counselor, you should first assess the situation and try to resolve the conflicts but if you know that there will be harm done, by all my provided guidelines it will be my duty to report in some situations but that needs to be addressed with the client so they understand upfront it is my duty.

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Ethical Dilemma #2 David Marshall Beachboard

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Abstract

This paper is discussing the ethical dilemma that is caused when a young man considered a minor has been labeled as at risk for suicide. He has stated he has family issues at home that are causing these thoughts but as a minor his parents are contacted by the school counselor and given a list of agencies, they can refer him too. Within this situation as a counselor you are to act on behalf of the student's best interest and that will be explored here.

Keywords: Suicide, Ethical Dilemma, Counseling

Ethical Dilemma #2

Moral Principles

I believe beneficence is the largest moral principle to consider in this dilemma as the counselor is always ethically supposed to act on the behalf of the client's best scenario or what is best for them. If the counselors act on beneficence in this situation then they will choose what is the best for this client and not what others believe is best considering the client is a minor. If the client's parents were not a part of the problem, I would say consulting someone truly there to help the client would fall right along with a beneficial decision on part of the underage client.

Morally as a counselor we are to protect the rights of clients, privacy of our clients, and to achieve the best outcome for the client. If in this situation you look at the moral decision at hand for this counselor, you have to morally act on the best interest of the client while respecting privacy, the only way to do so here would have been to protect privacy from the people causing the threat while acting in the best interest for Jason and referring him for help. If the counselor in this situation acts on the student as far as moral principle, Jason will be referred to a counselor without his confidentiality breached to someone who could cause more harm. His safety in this situation means more morally than his age does.

Identifying the Problem

When it comes to Jason and his age, we have what I believe two things causing this situation of him being suicidal truly a dilemma for a counselor. The first being what the ethical decision is on as what the counselor should do and what is truly ethical for this student. On

the other hand, you have a legal issue at hand with Jason being a minor. When you have a client that is considered at risk, I believe that even in this instance the counselor only telling the parents you could be risking the life of the student if you let them act on the proper treatment. In the code of

ethics by the American Counseling Association (ACA), it states that counselors are to keep confidentiality of their clients unless they suspect harm to client then it is not ethical to withhold the information. Jason has been diagnosed now as an at-risk student so that has been established and it is the counselor's duty to react ethically by getting Jason the sufficient help he needs. With Jason having issues at home by reporting the problem to his parents, it could escalate the situation. In section B.5.c of the ACA it states that when counseling a minor, you are required to seek third party approval for release of information with the exception being if held for the protection of your client. So, in this situation withholding that information may be in the best interest of protecting the client considering the third party is causing the feelings of the student. As the counselor you have to decide on if it is more important to ask for permission to refer this student for help from people that could not take it seriously or could cause the situation to be worse versus acting in the best interest of your client. This problem will be related to the field I am pursuing as I could be faced with a suicidal student and have to make judgment on behalf of a minor. In this scenario, the counselor is also working within the school system and they must understand that through the school system there will be guidelines on contacting parents on information as well.

Apply ACA Code of Ethics

When looking at what the ACA manual has to say about this situation, we see that we have the previously mentioned guideline stating that if in acting of the best interest for a minor then the third party does not have to be involved. That is the most specific rule in the manual that applies to this situation. If you are the counselor and basing your ethical decision of the rights and legalities of this manual, I believe it to be very clear that you are ethically correct and safe legally by acting in the best and immediate interest of this student whose life could be a jeopardy.

Confidentiality is very important in counseling and the duty to report things sometimes can be a very gray area for a counselor. I do not think that is the case here as the ACA backs up the counselor if they act on the better half of the interest of the student. If there were no personal issues at home with the parents, then the ACA would support the notion of the counselor contacting the parents and suggesting the agencies in which a referral could be made.

Nature and Dimensions of the Dilemma

In this dilemma I believe there are multiple principles at play, beneficence, autonomy, nonmaleficence and fidelity are all involved. Jason should have the right to report this to who he pleases as this is life threatening to him and he should have a say so on if he releases this information to his parents considering they could be part of the problem and in this he has

autonomy. The nonmaleficence comes in as the counselor has a responsibility to do “no harm” as stated in the *Practitioner's Guide to Ethical Decision Making (1995)*, the counselor should seek to do no harm to the client and with parents being made aware you could be adversely causing unnecessary harm. Beneficence is the counselor’s duty to act for the best interest of the client and to hinder any harm that could come from this conflict. Lastly, fidelity is the loyalty that a counselor owes to the school, the ethical responsibility and the relationship with the client.

Beneficence above all else stands out to me the most here as it is a clear duty of the counselor to avoid causing unnecessary harm to Jason and by contacting his parents this beneficence is broken as you could bringing more harm than wanted. In a study performed by Dr. Rivka Lazovsky (2008), he showed through data how counselors felt toward breaching confidentiality. The highest reasoning for breaching confidentiality among these counselors was when dangerous actions or harm was involved (Lazovsky, R., (2008)). If this is the case within this more recent study, then I would say that in the dilemma we face here it is dangerous or has a threat of danger

to the student and breaching this confidentiality might be in the best interest of the student. Even in the best interest of the students if there is harm to self at risk then parents must be contacted as stated in a study done by Brown et al that showed how ethical dilemmas can be logically handled. Brown et al, also states that as counselors within a school you are constantly faced with this dilemma type if looking to act in the best interest of the student and it is important that the counselor act on both the school policy as well as the *ACA Code of Ethics*. So, this leads us to diving deeper into how if breaching the confidentiality of the

student truly benefits the student in this case and by Jason reporting that he has issues at home I believe that breaching the confidentiality with the student was more harmful in this case than with the parent. Lastly, in a study on suicide prevention by Gallo (2017), he states that 90 percent of adolescents who committed suicide showed signs before the action. If this is the case the statistics support the counselor in acting on this possible threat as they have identified that there is a problem to be addressed with this at-risk student.

Potential Courses of Action

So, what does the counselor do now? Possible courses of action are to act on behalf of Jason and seek help from a community agency as he has been decided as imminent risk for suicide. If the counselor acts on Jason's behalf and ignores the responsibility of the parents, then legally they could be making the incorrect choice but ethically could be making the best decision by seeking help for Jason that could be beneficial on his behalf and may not be received if left up to his parents. On the other hand, the counselor has done the legal obligation of informing a minor's parent on possible harm and given them options of help for their son. If this choice is decided upon by the parents, then by leaving it in their hands ethically if Jason was to take his life then the counselor had an obligation to act in the best interest of the client and by doing this

route may have incorrectly done so. These are just two options, but I believe they are the main two that the counselor now has. As the counselor if you act upon your own beliefs you can be at risk for repercussions but could ethically have grounds to stand on for your

decisions and could inversely save Jason's life. When someone's life is at justice and you are made aware, it is your duty to do everything both ethically and legally correct to in order the person attains the correct help but also that they are acted for in their best interest and not anyone else's. If the counselor leaves this to the parents who have been identified as a possible issue, then I believe ethically the counselor has chosen to leave Jason's life at risk with someone not working in his interest alone. **Potential Consequences**

I believe this to be a case of duty to warn versus confidentiality when it comes to Jason.

In an article on duty to warn, Warn (1990) states that though there is a duty to warn from a counselor point of view there is no guarantee that the counselor is right. If the counselor jumps and takes action, they could be risking losing their license and legal obligations for acting on behalf of the minor. Though this is true, if the counselor does not act further and Jason commits suicide then they could be considered as someone who could've prevented this death by acting even though the legal obligation to tell the family was complete. When you weigh these consequences, I think that it comes more to light on which interest the counselor should take. If they have filled the legal obligation already, by ethically acting and seeking help, if Jason keeps his life and starts to become mentally stable then the right choice was to act.

Course of Action

As a counselor my best course of action in this scenario comes down to how I take what I view as the most important thing into consideration, that is acting in the best interest of the

student/client. Jason has come to you as the counselor about a problem that he could end his life

over and I believe it is your duty to get Jason help. His age in this matter to me is relevant but not the most important. His parents should be made aware of the situation, but Jason should choose how to let them know and he should be provided the best counseling he can receive if he is willing to accept it. I would act in the best interest of Jason in all ways to show him that he can have faith in me to seek the best interest for him at all times. Above all else I believe that no matter the implications or complications, if you act on behalf of the client ethically I am willing to go against the grain to prove that it was in the best interest and a life was spared because that is overall the most important.

Implementing the Plan

As I pursue a counseling degree, I will eventually face a dilemma. Though it may not be to this extent, I look to take that into my career as knowing the legal side of things as well as being versed on the ethics of situations. If I am acting in the best interest of my client I can truly feel as if I am reaching one of the ultimate goals of counseling. In counseling there is so much gray area, so many times we can find ourselves in these dilemmas where we are faced with decisions with real consequences. If I can take what was learned here and apply it to my counseling career I believe that as a counselor I will be acting ethically and legally at a high level to where I can assess a situation and be able to know that if I take the action in the best interest of my student or client, then I can rest knowing I have fulfilled my obligation to them

no matter the repercussions to come. Ultimately in the concern of justice, saving a life is justice enough for me outside of the legal system in which can have gray area and flaw, the only true justice is doing the right thing for the student to help them in this very dangerous situation.

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