

Analysis of an Ethical Dilemma Scenario

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Abstract

For this assignment, I will be addressing and analyzing an ethical dilemma scenario. I plan to work through the ethical decision-making model and break this essay up into five sections. I will also take into consideration my state's laws and regulations, as well as scholarly sources. I will work to acknowledge the issues and facts, work through the potential ASCA Ethical Standards that are applicable, as well as the ACA Code of Ethics. I will use scholarly articles to help articulate this scenario in real life findings and I will support my course of action with these sources as well. I will discuss the state codes/laws within Oregon as it pertains to this scenario.

Keywords: Ethical decision-making model, Oregon state laws and regulations, scholarly sources, ASCA Ethical Standards, ACA Code of Ethics

The problem

To begin, let's cover the facts of this scenario. The scenario I chose was scenario number three, which involves a parent expressing concern about her husband having access to their child's student records and ability to pick up the child from school. The parent expresses this due to a statement made by their child that she is "deathly afraid" to be alone with her father. The parent also tells the counselor that her and the child's father are getting a divorce. I chose this scenario because I believe that each of the foundational ethical principles can be addressed in this context. The problem in this scenario: I believe the problem lies within the counselor's abilities to restrict the parent's access to their own child's records. This is a problem because legal action needs to take place if the child feels unsafe in their home. The facts are that this set of parents are getting a divorce, but there have been no legal rulings regarding restricting the father when it comes to his interactions with his child. The statement from the daughter that she is "deathly afraid" to be alone with him is one that should be considered when contacting the proper authorities. I would say that this scenario is absolutely a legal issue. Given the information provided by the parent, there needs to be legal action taken against the father if the child feels unsafe. Then protections can be put into place to prevent the child from having contact with her father or the father from having access to the child's records.

Applicable ASCA Ethical Standards and ACA Code of Ethics

According to the ACA Code of Ethics, in section B.5.c. it states that counselors are to work within their level of understanding of situations and take appropriate actions to ensure client confidentiality and safety. (ACA, 2014). Due to the nature of the child's claims, it conveys a safety issue. Because of this, I believe that the correct step to take would be to reach out to child protective services. In the ASCA Ethical Standards it clearly states in section A.2.d. that counselors are to make the best-informed decisions that they can regarding the client's welfare.

(ASCA, 2016). According to the state of Oregon, which is where I live and will practice as a counselor, it states that when there is a disagreement between parents during a divorce that a temporary parental agreement should be drawn up by a judge until the divorce can be finalized. (State of Oregon, 2022). According to the ASCA Ethical Standards in section A.2.F. about confidentiality, it clearly states that all information regarding a student is required to be kept confidential unless legal requirements demand otherwise. (ASCA, 2016). The ACA Code of Ethics also states in section A.1.a. that the primary goal of counselors is to promote the welfare of the individual. (ACA, 2014). A child's safety is of the utmost importance and a child's claims regarding safety concerns should be taken seriously. This is the obligation of counselors to ensure child safety. The resolution to this problem lies within the court system and what can be done legally to ensure the child's safety, based on the temporary parental agreement. Once that is created, the counselor can follow that agreement as it states. There can be programs put in place in the school setting to help children during a major transition such as this.

Applicable State Codes/Laws and Federal Mental Health Laws

There are applicable state codes/laws and federal mental health laws in this scenario. According to the Oregon Board of Licensed Professional Counselors and Therapists, ethical codes state that everything is referenced through the ACA Code of Ethics. It states that the standards for professional conduct require that all counselors and therapists have the welfare of the individual they are working with as their goal. (Board of Licensed Professional Counselors and Therapists, 2022). Federal Mental Health Laws apply in this scenario if the child decides to participate in school counseling services. The child will be given an informed consent and will be given access to mental health services. Other applicable laws would also include rulings of the family courts.

Nature and Dimensions of the Dilemma

The nature of this dilemma is multidimensional. I believe that each of the foundational ethical principles can be discussed in this scenario. To begin, let's discuss the principle of autonomy. Autonomy is described as an individual's independence and self-determination when making decisions. I think that in this scenario it is important that the child feels supported in their decision to not interact with their father because they feel unsafe. The principle of justice is described as the treatment of individuals dependent on their needs. In this scenario the child and mother need to be treated differently than other children at the school, because of this unique set of circumstances. The principle of beneficence is described as the counselor's responsibility to aid in the welfare of the individual. I believe that in this scenario the counselor has the duty to contribute to the welfare of the client in how the counselor involves legal action to ensure the child's safety. The counselor can also provide a safe space for the child to talk about how this divorce is affecting him/her. The principle of nonmaleficence is described as the value of doing no harm. This is pertinent in this scenario because the goal is to ensure no further emotional harm, or physical harm comes to this child. Lastly, the principle of fidelity. This is described as the notion of honoring commitments. Counselors are committed to protecting individuals from harm and doing all that they can to help an individual. Honoring those values is essential within this scenario so that the child is given the best counseling care. (Forester-Miller, & Davis, 2016). In this case, the principle that takes priority for me is that of beneficence. As counselors our priority should always be to help and benefit the individual who is in need. In this case, doing all that is possible to help the child feel safe and supported is of the utmost importance. Working to ensure all safety measures are taken so that a child feels comfortable and supported is necessary in all scenarios.

Potential course of action

Finally, let's cover the course of action. To fix this issue of a child feeling unsafe with their father and their mother requesting the father's access to the child be limited, there are four courses of action that need to be taken. The first step, as I stated before, is to take legal action. According to the State of Oregon, a temporary parental agreement must be put into place to legally address issues of parental contact with the child. This agreement will also work to address the issue of access to the child's student records. Now, after this legal action is taken the next step is for the counselor to follow this agreement. If a legal document is presented to the school, the school counselor is required to follow it. The third step would be for the counselor to offer counseling for this child that is experiencing a parental divorce and a major life change. And the fourth and final step would be for there to be potential follow up program set in place and referrals made to family counseling services. This can aid in co-parenting choices that are made in the future. Studies show that educational programs that work to build co-parenting skills in divorced families create positive improvement in family dynamics. This leads to a positive improvement in a child's well-being. (Schramm, & Becher, 2020). Since children of divorced parents are at a higher risk for developing behavioral problems, having group programs that teach coping skills can positively impact that child. (Hoseini Yazdi, et al., 2021). So, I truly believe the next step for this child would be to offer counseling services at school. Providing further information about optional services such as group and family counseling could also be extremely beneficial for this family. Making sure that clients have all the knowledge and access to resources possible is something that would be a top priority for school counselors.

Conclusion

After working through this scenario and utilizing the ethical decision-making model, the ACA Code of Ethics, the ASCA Ethical Standards, and the research I found I can say that this scenario is a complex one. When looking into the future of becoming a school counselor, I believe it is essential for me to commit this information to memory. I believe that as a future counselor I will employ all these resources and tools to make informed decisions when dealing with ethical dilemmas/scenarios. I thought that this process of identifying the dilemma and working through the ethical decision-making model was very informative and helpful. I really enjoyed examining the ACA Code of Ethics. I feel as though I learned a lot and that it will remain an essential tool for me in the future. I found some interesting research as it pertains to counseling children of divorce. I feel confident that if I were to ever come across a scenario like this in my counseling practice, I would feel competent in making the most ethical and beneficial decision.

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