

Ethical Vignette Paper

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Author Note

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There might be conflicting interests in the contents of this paper.

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Abstract

Counselors often face ethical dilemmas while performing their tasks. Although one could find some answers to ethical dilemmas in the ACA Code of Ethics for Counselors, not all dilemmas counselors face can solve only this method. The key to any counselor making the right decision is whether that decision would cause more harm than good to the client if the decision were made. That being said, there is never only one way to solve an ethical problem; many counselors use their knowledge of the client to make a good choice. Often, the option they might come up with differs from the right one, but it is essential to learn where it went wrong and try again. Before deciding on a problem, a counselor should try their best to be as educationally and multiculturally informed about the dilemma as possible to avoid the loss of trust between client and counselor. Here, we will look at an ethical dilemma and apply the Practitioner's Guide to Ethical Decision Making to find a reasonable solution for the client. Keywords: *Divorce, Abuse, Ethical Dilemma, Code of Ethics,*

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As a future counselor, I will face ethical issues, whether those are contradictory to my values or unsure how to respond ethically. In either case, there is a step-by-step way of determining the best action. In this paper, I will discuss an ethical dilemma that I (hypothetically) experience as a counselor and will take the necessary steps to solve it. First, by identifying the problem and applying the ACA code of ethics. Third, by determining state codes/laws and federal mental health laws; Fourth, by determining the nature and dimensions of the dilemma. And finally, to generate potential courses of action.

Identify the Problem:

A parent of a child client has come to me privately and informed me that she is going through a divorce with her husband. I have often met her and her husband in our community and church. She mentions how he has been distant towards her, and her older daughter (who is nine) seems to be deathly afraid to be alone with him. She doesn't share more, but she asks me to ensure the father does not have access to the daughter's records and that he does not pick her up from school. As this problem is a matter of parents' legal rights and confidentiality and history rights, it is a legal problem. Because it is stated in a private conversation between you and a parent, it is a professional problem. Finally, because it is connected to record accessibility, it is a technology problem.

Apply the ACA Code of Ethics

In these problems, there are violations of the ACA Code of Ethics. One thing that might come up is the ACA Code of Ethics I.1.c, which, in summary, explains what a counselor should do when counselors believe doing the ethical thing is against what the law

states. ((American Counseling Association ACA, 2014), Because in regards to the law, both parents legally have access to records of a minor. But on the ethical end, A.1.a and A.4.a. promote the client's welfare by respecting their dignity and avoiding the issue of potential harm. (ACA, 2014). Since the mother makes it clear that the father makes the child uncomfortable, these two ethical requirements would be met regarding the mother's request.

There also might be some violations of A.6.a and some steps from B.3.a I will have to take. For A.6.a, I must be aware of the risks and benefits of working with a client with whom I have a familiar relationship and make sure my judgment is not impaired in serving this family through the guidance of a supervisor. (ACA, 2014). For B.3.a. I would have to take precautionary steps to ensure that members of my school are fully aware of the need for confidentiality and agreement. If the father does come, everyone is on the same page and knows not to inform him of anything or allow him to leave with the girl.

Applicable State Codes/Laws and Federal Mental Health Laws

In the revised code of Washington, Title 26 (Domestic Relations), Chapter 26.09, Section 26.09.225, (Access to child's education and health care records), Part 1. Both parents are supposed to have access to the records of their children, and a single parent cannot stop the other from seeing the documents. (Washington State Legislature, 1991). This is where ethical reasoning and legal requirements contradict one another. As a counselor, legally, I cannot stop the father from having access to his child's records. However, there is an exception to the law in the case of possible child abuse. If the child is found to have experienced abuse from the father,

he will legally have no right to the child's information. (Title 26, Chapter 26.09, Section 26.09.013, Part 6.a) But this will only apply if a court has found evidence of abuse. So, in this case, although there might be suspected abuse, I cannot deny access to records until the abuse has been proven in court. There is also the problem of the mother not allowing the father to pick up her child from school. In the law, the father could bring a civil action against her for not allowing access to the child. (Title 26. Chapter 26.09. Section 26.09.225, Part 1). So, without the court's validation of the mother's request, it would be legally wrong for me to stop the father from picking up the child.

Determine the Nature and Dimensions of the Dilemma

The ACA moral principles that might apply to this case are Beneficence and Nonmaleficence. Both of these are similar to the ACA code of ethics I pointed out earlier in this paper in that they ensure the counselor is working for the client's welfare and not causing harm to the client. Both relate to the case because the child might suffer harm if I allowed the father access to the records or allowed him to pick his daughter up from school. In this case, I think the matter of beneficence has priority since it is about taking proactive steps to ensure the child's safety. The step of withholding information from a potentially harmful person would be an act of beneficence.

Now, the literature provides that if I faced this as a counselor, there are some things I must do. The first is that if the parent mentions possible abuse. I must report the suspicion to my superiors. (Privacy and Confidentiality in School Counseling, 2002). Secondly, before promising anything, I should see how far along the divorce process is. If the court has already made a decision on who has legal custody of the child, then there will be no legal problem. "Regardless of the type of custody arrangement, it is important that the pediatrician be given a copy of the

divorce decree or be informed in writing by both parents of who is responsible for informed consent” (Helping Children and Families Deal With Divorce and Separation, 2002).

Some professionals I could refer to to get advice on my problem would be Dr. Brigitte Pender, licensed in Washington, and Dr. Andrea Viegas, licensed in Alabama. With Dr. Brigitte, I can ensure that I am following Washington protocol, but with Dr. Andrea, I can also ensure that after I move to Alabama, I meet Alabama protocol. Betterhelp. com, an online organization for counseling, offers courses and classes to help you develop; I can consult members of this organization on ethical dilemmas. Also, I could use resources from my membership in the ASCA or the American School Counseling Association.

Generate Potential Courses of Action

Now, in my understanding of all the steps I have taken to ensure I am ethically sound in decision-making. In this case, the best course of action would be to seek legal and professional counsel before promising anything to the client’s mother. As mentioned above, without proof of wrongdoing on the father, I might be held legally responsible for the harm I would cause the family by not allowing the father access to the records. I think that it might also be essential to ask the mother to consult the lawyer about pressing charges against her husband in court. If she believes that her child might be in danger due to her husband, it would work best in her favor to speak to a lawyer on possible charges of abuse. But court cases take time, and if the claims she has made are legit, I might be putting the child’s mental health in danger by allowing the father access to the child. In this case, I might enact the ACA Code of Ethics B.2.e. Only disclosing information that is essential in the records to the father. (ACA Code of Ethics, 2014).

Conclusion

In conclusion, as a counselor, I want to ensure that my client doesn't suffer harm, but to the best of my ability, the rest will have to depend on the client's (and, in this case, the client's family) actionable steps to protect their child. Since the actionable step I decided to take might result in some legal issues, I would consult professional supervisors and a lawyer on whether I would be liable.

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The date is the date enacted or revised.

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