Louisiana Counseling Association
2013 Annual Conference
Marriage and Family
ETHICS
-Confidentiality-
Session Goals

1. Identify different issues pertaining confidentiality, particularly as it pertains to working with individuals, couples, and families
2. Become familiar with Rules and Laws
3. Ethical Decision Making
4. Identify resources available
5. Question & Answer
• §4301. Privileged Communication with Clients

A. Licensed marriage and family therapists disclose to clients and other interested parties, as early as feasible in their professional contacts, the nature of confidentiality in the therapeutic process and possible limitations of the clients' right to confidentiality. Therapists review with clients the circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. Circumstances may necessitate repeated disclosed disclosures. Licensed marriage and family therapists also shall be aware of specific ethical requirements concerning licensed marriage and family therapy as specified in the Code of Ethics (Chapter 47) and in §4301.C.
LPC Rules 4301 (cont.)

• §4301. B. Licensed marriage and family therapists do not disclose client confidences except by written authorization or waiver, court order, or where mandated or specifically permitted by law, or reasonably necessary to protect the client or other parties from a clear and imminent threat of serious physical harm. Verbal authorization may be sufficient in emergency situations or where otherwise permitted by law.
LPC Rules 4301 (cont.)

- §4301 C. Licensed marriage and family therapists shall be cognizant of and adhere to any confidentiality requirement that may differ from requirements in other licenses they hold. Licensed marriage and family therapists have unique confidentiality concerns because the client in a therapeutic relationship may be more than one person. Therapists respect and guard the confidences of each individual client within the system of which they are working as well as the confidences of the system.
Rules (cont.) §4301. C.

• 1. When providing couple, family, or group treatment, a licensed marriage and family therapist shall not disclose information outside the treatment context without a written authorization from each individual competent to execute a waiver.

• 2. In the context of couple, family, or group treatment, the therapist may not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.
Rules - §4707. Confidentiality

• A. Licensed marriage and family therapists have unique confidentiality concerns because the client in a therapeutic relationship may be more than one person. Therapists respect and guard the confidences of each individual client.
Informed Consent

Do you have one in your practice?
Does your agency have one?
Does it follow the board’s guidelines?

4705-2. When persons, due to age or mental status, are legally incapable of giving informed consent, licensed marriage and family therapists obtain informed permission from a legally authorized person, if such substitute consent is legally permissible.
Who can give consent?

• Person of legal age
• Parents
• Guardians
• LEGAL guardians
• Grandparents taking care of (raising) grandchildren?
  (Not unless they have legal authority)
  (Power of attorney)
  (Court ordered/legal custody)
Licensed marriage and family therapists are aware of their influential positions with respect to clients, and they avoid exploiting the trust and dependency of such persons.

What are some possible exploitive situations?

In therapy!
Seeing husband, wife, children (separately)
In the community!
Buying a car – Real estate – Neighbors – in Stores
DO

NO

HARM!!!
Special considerations in family counseling

Confidentiality when working with a family?

Confidentiality when working with a couple?

Confidentiality when working with a spouse individually?

Confidentiality when doing “co" therapy?

One counselor works with husband other works with wife. Both work with the couple . . .
DUTY to REPORT!!!

• Failure to report suspected child abuse or neglect (R.S. 14:403 et seq. and Children's Code Article 609 et seq.).
• Failure to report suspected elder abuse or neglect (R.S. 14:403.2 et seq.).
R.S. 15:1504(A)

- A. Any person, including but not limited to a health, mental health, and social service practitioner, having cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation shall report in accordance with R.S. 15:1505.

- B. No cause of action shall exist against any person who in good faith makes a report, cooperates in an investigation by an adult protective agency, or participates in judicial proceedings authorized under the provisions of this Chapter, or any adult protective services caseworker who in good faith conducts an investigation or makes an investigative judgment or disposition, and such person shall have immunity from civil or criminal liability that otherwise might be incurred or imposed. This immunity shall not be extended to:
  - (1) Any alleged principal, conspirator, or accessory to an offense involving the abuse or neglect of the adult.
  - (2) Any person who makes a report known to be false or with reckless disregard for the truth of the report.
  - (3) Any person charged with direct or constructive contempt of court, any act of perjury as defined in Subpart C of Part VII of Chapter 1 of Title 14, or any offense affecting judicial functions and public records as defined in Subpart D of Part VII of Chapter 1 of Title 14.

Art. 609. Mandatory and permitted reporting

• A. With respect to mandatory reporters:

• (1) . . . any mandatory reporter who has cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect or that abuse or neglect was a contributing factor in a child's death shall report . . .

• (2) Violation of the duties imposed upon a mandatory reporter subjects the offender to criminal prosecution authorized by R.S. 14:403(A)(1).

Ethical Decision Making Model
Tarvidas (1988)

1. Interpret situation
2. Review problem of dilemma
3. Determine standards that apply to dilemma
4. Generate possible and probable courses of action
5. Consider consequences for each course of action
6. Consult with supervisor and peers
7. Select an action by weighing competing values, given context
8. Plan and execute the selected action
9. Evaluate the course of action
SCENARIOS

And

Discussion
Scenario - 1

You are a counselor who has provided family therapy to Mr. & Mrs. Anderson and their three adolescent children: Harry, age 17; Judy, age 15; Tom, age 14. You have completed six session with them. After the sixth session, you find that Mary has left a not on your des. The note says, “My father has molested me for the last 2 years. He has threatened to kill my mother and me if anyone else finds out. I could not take it if you told anyone else. I you do, I will find a way to kill myself.
What do you do?

-What are your legal responsibilities?

-What are your ethical responsibilities?

-What are your responsibilities to the child, her siblings, and her parents?
You have been counseling Robert, a 40-year-old married man, for 3 weeks now. At the third session, he presents with intense feeling of guilt and anxiety because of passive feelings of attraction to a woman at his work. He feels severely self-critical, believing, according to his religious beliefs, that thoughts are equal to actions. He states he does not want to get to the point of not seeing this as a problem because it would violate his religious beliefs and would lead him to immorality. He feels that he has betrayed his wife and family, as well as his spiritual community. Her reports that he has had thoughts about deserving to die. You determined that he has a plan and the means to follow through on his plan. He also has a history of suicide attempts. You never discussed the limits of confidentiality with him during your initial intake and you did not provide him with an informed consent, written or verbal.
What do you do?

- What are your legal responsibilities?

- What are your ethical responsibilities?

- What are your responsibilities to the client?
You have been working with Sally and her 12-year-old daughter, Amy, for 2 months. Sally has been married to her new husband for approximately 6 months. He is 10 years younger than Sally. During your last session, Sally reports that Mike, her husband, hit her daughter 3 days ago. She shows you the bruise. You see a hand imprint on Amy’s right leg. The bruise is still quite prominent.
What do you do?

- What are your legal responsibilities?

- What are your ethical responsibilities?

- What are your responsibilities to the child, and to her mother?
Scenario - 4

You have been working with Lawanda, age 14, and her mother for the past six sessions. Before the most recent session, her mother reports to you that her daughter has been having unprotected sex with a 21-year-old drug dealer. You get permission from the mother to discuss this during your family session. When you bring up this point, Lawanda says, “It’s my body, and I’ll do what I want with it!”
What do you do?

- What are your legal responsibilities?

- What are your ethical responsibilities?

- What are your responsibilities to the child?
PARTICIPANT

SCENARIOS
QUESTIONS?

Wrap up
References


Thank you
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