

# CHAPTER 1

## THE COUNSELING RELATIONSHIP (SECTION A OF THE ACA CODE OF ETHICS)

### INTRODUCTION

*At its most basic, counseling is a relationship, as it involves a connection between two or more people. The following cases outline the ways in which this relationship requires careful thought and planning to ensure the safety of all clients and the integrity of the profession. The scenarios in this section focus on the personal and professional interactions between counselors and their clients.*

**All cases will be assessed using Forester-Miller and Davis's (2016) seven-step sequence for making an ethical decision.**

### FORESTER-MILLER AND DAVIS'S ETHICAL DECISION-MAKING MODEL

One of the most widely accepted—not to mention American Counseling Association (ACA) endorsed—approaches to ethical decision-making is Forester-Miller and Davis's ethical decision-making model. A practice-based model, this approach enumerates seven steps that should assist counselors in coming to a reasonable decision regarding ethical dilemmas. The model suggests that counselors:

- 1. Identify the problem.** The goal is to identify the nature and scope of the ethical concern(s) presented. Who are the *stakeholders* (clients, clinicians, the general public, the employment setting, etc.) in this particular situation? Are the major concerns connected to law, ethics, or clinical practice?
- 2. Apply the ACA Code of Ethics.** Counselors are expected to reference the code either directly in the moment or in the aftermath of decision-making to verify the accuracy of a specific judgment or action. What sections or specific elements of the ACA code apply?
- 3. Determine the nature and dimensions of the dilemma.** Specifically, what are the needs of the client, the needs of the profession, and any conflicting needs presented by the clinician(s) in this case? Is there any relevant literature that delineates what should (or should not) happen here? This is also where consultation with experts in the field or with members of the ACA ethics committee and/or state licensing boards may be warranted.

4. **Generate potential courses of action.** This step is all about brainstorming. What might be potential ways to resolve this dilemma? The goal should not be simply to list as many options as possible, but to generate realistic ideas about possible solutions.
5. **Consider the potential consequences of all options and determine a course of action.** For each of the ideas outlined in step 4, what are the potential pros and cons? Based on more careful evaluation of possible outcomes, what ideas can be eliminated from the list determined in step 4?
6. **Evaluate the selected course of action.** For the possible course of action that seems to generate the most benefit and the least harm, how will the counselors be able to determine that a desirable outcome was achieved? Is this decision as fair as possible? Would this outcome be embarrassing to the clinician or the profession in general if it were made public? From the clinician's perspective, is this what they would recommend to anyone else in their situation?
7. **Implement the course of action.** Determine what exactly will be done and how. Clinicians should also follow up in the aftermath of their decisions to determine their efficacy overall.

## **CONTROLLING FOR BIAS AND PERSONAL VALUES IN COUNSELING (COUNSELING IS A VALUE-ABLE SERVICE)**

Joseph is a counselor working for a college counseling center at a small Christian university. He has been at this position for just 6 months now and is experiencing some struggles with reconciling his personal values with the values of the institution. Specifically, he identifies as an atheist, but he is regularly reminded of the university's commitment to Christianity and Christian values.

As Joseph's shift is nearing its end at about 4 p.m. on a Friday, a young woman, Mary, comes in for an intake session during "drop-in" hours. As the only counselor available, Joseph agrees to meet with her for an intake session. Midway through this introductory meeting, she begins to cry, stating that she recently found out that she is pregnant and is considering an abortion. She asks him if he can help her "figure out what to do."

Joseph is very aware of his personal bias in this case: He identifies as pro-choice, in that he believes a woman should maintain the individual right to have an abortion if she chooses. However, he has been instructed by his supervisor and other university administrators that all faculty and staff must promote the basic values of Christianity in their counseling. In fact, his supervisor has explicitly stated that he should *not* advocate anything that is not "explicitly aligned with the church's values," including abortion.

## Questions for Discussion

1. How will Joseph account for his personal values in a way that does not have an impact on counseling?
2. If the values of his employer are not in line with the values of the counseling profession, what should Joseph do?
3. Is it acceptable for Joseph to offer any direct advice in this situation?

## Straight From the Code

1. **A.4.b. Personal Values.** Counselors are aware of, and avoid imposing, their own values, attitudes, beliefs, and behaviors. Counselors respect the diversity of clients, trainees, and research participants and seek training in areas in which they are at risk of imposing their values onto clients, especially when the counselor's values are inconsistent with the client's goals or are discriminatory in nature.

## Applying a Decision-Making Model: Forester-Miller and Davis's Ethical Decision-Making Model

1. **Identify the problem.** The primary problem is that a conflict exists among Joseph's values, the values of the institution where he is employed, and, to some extent, the values of the counseling profession. Joseph believes that Mary should be able to have an abortion if she chooses, but he needs to be sure that he does not allow this value to skew the intervention or support he provides. The university believes that Mary should *not* be able to have an abortion and that Joseph should refrain from any indication, through direct guidance or by refusing to provide direct guidance, that suggests otherwise. Finally, the values of the counseling profession seem to suggest that Mary should have the autonomy to make whatever choice she feels is in her best interest, regardless of the beliefs of her counselor or the university she attends.
2. **Apply the ACA Code of Ethics.** This section of the code (A) is clear that counselors should not impose their own values on their clients. The code also indicates that counselors should avoid discriminating against clients where religion is concerned (C.5) and are obligated to accept the policies of any institution where they are employed (D.1.g.). They should, however, alert employers when policies are inappropriate or potentially harmful to clients (D.1.h.).
3. **Determine the nature and dimensions of the dilemma.** One of the major areas of concern is how Joseph should handle a discrepancy between the ethics of the profession and the values of his employer. If

he tacitly supports Mary's decision to have an abortion and the university finds out, he could lose his job. If Joseph imposes the will of the university by suggesting to his client that it is against the rules of the Church to have an abortion, he is violating his own values and refusing to allow his client autonomy.

It should be noted that the institution in this case has the right to promote and uphold whatever values it chooses. Christian universities reserve the right to promote a specific mission that contains specific values (see Bryn Athyn College, 2019), and the university's refusal to condone abortion is not necessarily a violation of student rights.

- 4. Generate potential courses of action.** One possible option would be to simply listen to Mary as she navigates this dilemma, providing support and refraining from offering any specific direction. This is likely in keeping with the humanistic fundamentals of the profession (e.g., Wampold, 2012), though it may contradict the values of the institution. If so, Joseph could follow up by bringing this to the attention of his supervisors, as it may be important for them to understand that counseling requires clients be granted autonomy. It might be helpful to work toward negotiating a change in policy regarding the regulations applicable to the counseling center if possible.

Joseph could also allow Mary the space to go over her own list of possible choices but reiterate to her that as an employee of an institution committed to Christian values, he could not explicitly advocate that she have an abortion. He could highlight to her that while this particular stance is not in keeping with the values of professional counseling, it is the rule in place at their university.

- 5. Consider the potential consequences of all options and determine a course of action.** If Joseph decides on the first option (to simply listen to Mary as she navigates this dilemma, providing support and refraining from offering any specific direction), he should likely follow up with his supervisor immediately to outline his concerns and to see if any institutional change is possible. If so, he should advocate that a counselor's role is not to direct people in any choice but to allow them the freedom to explore all options available. If the university refuses to agree to this, Joseph will have to make a difficult decision between keeping his job and adhering to his own values. If the institution decides that anything less than a pro-life stance is unacceptable, they are likely within their right to do so.

If Joseph decides on the second option (to allow Mary the space to explore her options but also reminding her of the values of the institution), this reminder may serve as little more than a disclaimer about the values of the institution. Joseph will need to carefully monitor the delivery of his statement (e.g., is he saying it in a way that indicates

he believes it, or does it sound like he disagrees?) to ensure that it serves only as a reminder and is not intended to steer her in any particular direction. He should use this same caution in allowing Mary to explore the extent to which her own values affect her decision-making process, particularly to ensure that his pro-choice beliefs are kept in check.

6. **Evaluate the selected course of action.** Of the two options, transparency with the institution seems to be the better course of action. If Joseph can run this situation past his supervisor and superiors at the university, there is a good chance of advocating for the profession of counseling in an important way. This would also provide him the possibility of engaging in the second option during a future session if his employer enforces this value as a requirement for employment.
7. **Implement the course of action.** This situation is likely to create a number of challenging conversations, particularly if it requires Joseph to discuss policies with his supervisors and administrators within the university. Difficult conversations are never fun (especially when they involve topics as heavy as employment and religious values), but this might be a necessary course of action if the university's policies affect all individuals receiving help at the university counseling center.

### The Likely Answer

As stated earlier, Joseph should do his best to be supportive, allow Mary to talk out all possible options, and then go to his supervisor immediately to outline the contradiction between the university and the counseling profession to see what can be negotiated.

## PERSONAL VIRTUAL RELATIONSHIPS WITH CLIENTS (*FACE-BOOK-ING YOUR FEARS*)

Annaliese is a counselor at a drug and alcohol clinic in an urban area. She has been seeing Tim for individual and group counseling for the past 3 months as part of an intensive outpatient program for alcohol dependency. For Tim, the support provided by Annaliese during his stepdown from inpatient detox has been "nothing short of invaluable," and he is now preparing to step down to the next level of care (weekly individual counseling with an outpatient provider).

During their last individual session, Tim again says how valuable Annaliese's support has been and expresses an interest in maintaining contact. He is a musician and is excited to get back to performing with his band, a rock and electronic group named Dekkar, which he regularly discussed as one of the most important things in his life during their meetings.

Tim asks Annaliese if she would be willing to follow his band on social media using her Facebook page. He promises not to try to connect with her using his own personal Facebook page but states that it would “mean a lot” if he knew she checked out his music.

### Questions for Discussion

1. *Are social connections of any kind appropriate with former clients?*
2. *Is Tim’s proposed connection appropriate as it is a request to follow an artist page (as opposed to a personal page)?*
3. *If Annaliese opts to deny his request, can she do so without hurting Tim’s feelings?*

### Straight From the Code

1. **A.5.e. Personal Virtual Relationships With Current Clients.** Counselors are prohibited from engaging in a personal virtual relationship with individuals with whom they have a current counseling relationship (e.g., through social and other media).
2. **A.6.e. Nonprofessional Interactions or Relationships (Other Than Sexual or Romantic Interactions or Relationships).** Counselors should avoid entering into nonprofessional relationships with former clients, their romantic partners, or their family members when the interaction is potentially harmful to the client. This applies to both in-person and electronic interactions or relationships.

### Applying a Decision-Making Model: Forester-Miller and Davis’s Ethical Decision-Making Model

1. **Identify the problem.** In this case, the problem is relatively simple: Tim is attempting to maintain a personal relationship with Annaliese after treatment has ended. Though his overture is connected to his interest in music, the description clearly indicates that Tim has expressed an interest in “maintaining contact.”
2. **Apply the ACA Code of Ethics.** The code appears to be very straightforward with matters such as these: Virtual relationships are to be avoided both during treatment (A.5.e.) and after treatment has concluded (A.6.e.). It should be noted, however, that the wording for both is slightly different: While virtual relationships with current clients are “prohibited,” relationships with former clients are to be “avoid[ed].”
3. **Determine the nature and dimensions of the dilemma.** The main concern here is that while Tim is no longer an active client, denying his request could potentially cause him emotional hurt. This is in no

way guaranteed, but how to tactfully deny unwanted friend requests on social media has been a cause of great discomfort for many since its inception (Baum, 2010). The concern is that anytime a person expresses an interest in a social connection that is denied, the rejection creates a potential to offend or hurt.

4. **Generate potential courses of action.** One option would be for Annaliese to simply cite the code of ethics, stating that social media connections of any kind with former clients are to be avoided. Another option would be for her to interpret a connection through an artist page as something other than a relationship and to accept this request on the contingency that it go no further.
5. **Consider the potential consequences of all options and determine a course of action.** If Annaliese decides to reject this request by way of directly citing the code, she still risks the chance of offending or harming a client that is being discharged following a recent struggle with substance abuse. If she opts to accept this request, she will publicly express interest in a former client's social media, which the code (at the very least) indicates is to be avoided. Were a colleague or supervisor to become aware of this, it is unlikely that it would result in anything as severe as the loss of her license, but Annaliese should likely consult the relevant employee handbook(s) or related literature available through her place of employment. Also, this creates a problem for future counseling for Annaliese and Tim. If Tim returns to her for treatment in a few months' time, her connection to him through social media has now shifted from ethically questionable to something the code states is "forbidden."
6. **Evaluate the selected course of action.** Of the two options, the risk of offense to the client seems to bring about the lesser possibility of harm overall. If Tim is unable to accept that this type of interaction is inappropriate as outlined in the code of ethics, it may be an indication that, as he stated in the initial request, this is less about sharing his art and more about maintaining a connection with his former counselor.
7. **Implement the course of action.** If Annaliese is able to respond to Tim in the moment, she can directly tell him no and cite the code as one reason why and the importance of keeping a return to treatment as a potential option as another. If the request comes in writing by way of a social media message, she can say the same thing in a short, polite missive.

### The Likely Answer

Annaliese should politely say no, keep the door open for future counseling sessions as needed, and revisit boundary issues if Tim returns (also as needed).

## CONFIDENTIALITY IN GROUP COUNSELING (*WHOOPS! WRONG ROOM*)

Mildred is a counselor who has managed her own private practice for the past 10 years where she sees mostly adolescent clients for individual counseling. As business has been struggling the past year or so, she has been exploring other options for potential income. At the recommendation of a colleague, Mildred has started a weekly counseling support group for young women, which has been running successfully for the past month. Most of the members are referrals from other mental health professionals in the area, but a few members are clients that Mildred also sees individually.

During a recent group session, one of her individual/group clients, G.G., reports to the group that she has been struggling with trust in her relationship with her boyfriend and talks for a bit about her struggles with anxiety. The group, in general, is supportive, but G.G. begins to cry when discussing some of her stress and frustration related to intimacy. Mildred offers support as well, stating that she is impressed with G.G.'s capacity for strength and resilience, particularly in light of her past history of sexual abuse as a child.

At this last statement, G.G. looks horrified, and the rest of the group seems equal parts confused and surprised. Mildred immediately realizes that G.G. had shared this with her in individual counseling and *not* with the group.

### Questions for Discussion

1. *What should Mildred do in this moment to mollify what has happened? Should she admit what has happened to the group?*
2. *Has Mildred violated any basic ethical principles by seeing a client for both group and individual counseling at the same time?*
3. *How will Mildred reestablish trust such that individual counseling can continue with G.G.?*

### Straight From the Code

1. **A.9.a. Screening.** Counselors screen prospective group counseling/therapy participants. To the extent possible, counselors select members whose needs and goals are compatible with the goals of the group, who will not impede the group process, and whose well-being will not be jeopardized by the group experience.
2. **A.9.b. Protecting Clients.** In a group setting, counselors take reasonable precautions to protect clients from physical, emotional, or psychological trauma.



## Applying a Decision-Making Model: Forester-Miller and Davis's Ethical Decision-Making Model

1. **Identify the problem.** The primary problem is that Mildred has accidentally divulged personal information to a group of individuals without the client's consent. A secondary concern is whether it is appropriate for Mildred to see clients for both individual and group counseling concurrently.
2. **Apply the ACA Code of Ethics.** The decision to see clients for both individual and group work is not specifically supported or prohibited in the code, though addressing the changing nature of relationships within counseling is discussed in section A.6.d. Mildred should have screened her potential participants carefully (particularly her current individual clients) to make sure that there were no concerns that would jeopardize the group or individuals' well-being.

How to screen for this kind of information is a difficult question to address. What constitutes such concerns (e.g., compatible needs, will not impede the group process) is unclear and may vary from setting to setting or client to client. In the case of a basic support group for adolescents, it seems unlikely that G.G.'s history of abuse would have in any way precluded her from attending in the first place. However, counselors who decide to see clients in individual and group settings concurrently should at the very least discuss these potential concerns as part of informed consent and throughout treatment.

3. **Determine the nature and dimensions of the dilemma.** Though screening participants may or may not have been a dilemma initially, the concern at present is how to handle the slip of information that has occurred. Mildred may have been in the right to see G.G. in both settings, but the primary concern at the moment is that information that a client did not consent to be released has been disclosed in a group setting.
4. **Generate potential courses of action.** One possible option would be to address the breach immediately within the group setting. The group as a whole appears aware of what has happened, and it may be unavoidable to process this in the moment. Another option might be to "table" discussion of the incident until Mildred is able to meet privately with G.G. to determine how she would like to handle the matter.
5. **Consider the potential consequences of all options and determine a course of action.** If Mildred decides on the first option, processing the incident in the moment, she is addressing the concern as it occurs in the present, which seems ideal in some ways. It seems that both the group and G.G. are aware of what has happened in this moment,

and to push ahead without addressing what has happened would be questionable. This would require Mildred to openly admit fault to the group as a whole, as she would need to first indicate that she accidentally betrayed the confidence of a group member, and then ask G.G. how she would like to proceed.

If Mildred decides on the second option—to table discussion of the incident until she is able to meet with G.G. privately—she runs the risk of damaging rapport with the entire group. While this may allow G.G. the opportunity to make a more informed decision about how to handle the matter, it would likely be complicated to continue the group without discussing what is both an obvious error on behalf of the leader and a compelling disclosure about one of its members.

6. **Evaluate the selected course of action.** Of the two basic options, processing the incident in the moment seems inevitable. Mildred will have to determine how to proceed with this course of action in a way that affords respect to both the group and G.G. She could begin by addressing the incident outright, admitting that she clearly just made a disclosure accidentally, apologize to both G.G. and to the group overall, and then ask G.G. how she would like to proceed.
7. **Implement the course of action.** In doing so, Mildred will have to be willing to accept that both G.G. and the group could be angry at her for what has happened. Her slip up was an honest mistake, and even with appropriate screening of group members, it may not have been avoided. It is to be hoped that Mildred had informed group members of the risks inherent in seeing individuals in two settings and that she did not guarantee that missteps would never occur.

### The Likely Answer

Mildred needs to pause, admit she made a mistake, process it with G.G. and the group, and meet with G.G. afterward to see what she needs moving forward.

## COMPETENCE AND VALUES WITHIN TERMINATION AND REFERRALS (*WHY DIDN'T YOU TELL ME THAT IN THE FIRST PLACE?*)

Petra is a counselor who manages her own private practice. She has been seeing a client, Dylan, for the past 3 months to help him cope with social difficulties and related anxiety. The two have a good rapport, though treatment goals have been difficult to define.

At the start of today's session, Dylan appears nervous. He says that he needs to be honest with Petra about what brought him to treatment in the first place and that he is worried about how she will respond. Petra assures

him that she will do her best to be supportive and reminds him that her role as a counselor is to promote respect for human dignity and diversity. Dylan responds by stating that he, a 39-year-old male, has been attracted sexually to young boys for as long as he can remember. He states that he has not acted on these impulses and has no intention of doing so but that he could not continue with counseling if he did not bring this into the discussion. He tells Petra that she has seemed supportive and kind, and he was worried that she would judge him if he told her all of this initially.

Petra is distressed upon hearing this. In addition to being the mother of two young boys herself, Petra has counseled many children and adults who were the victims of childhood sexual abuse. She has training in cognitive behavioral therapy (CBT) for sexual dysfunctions, but she worries that she cannot continue treatment with Dylan as she is strongly biased against individuals who identify as being sexually attracted to children.

### Questions for Discussion

1. *Is it acceptable to refer a client out to other providers when a counselor's ability to be objective is potentially compromised?*
2. *Is Petra competent to treat an individual who self-identifies as being attracted to young boys? Is her CBT training sufficient?*
3. *If Petra does continue to treat Dylan, how will she keep her own biases in check?*

### Straight From the Code

1. **A.11.a. Competence Within Termination and Referral.** If counselors lack the competence to be of professional assistance to clients, they avoid entering or continuing counseling relationships. Counselors are knowledgeable about culturally and clinically appropriate referral resources and suggest these alternatives. If clients decline the suggested referrals, counselors discontinue the relationship.
2. **A.11.b. Values Within Termination and Referral.** Counselors refrain from referring prospective and current clients based solely on the counselor's personally held values, attitudes, beliefs, and behaviors. Counselors respect the diversity of clients and seek training in areas in which they are at risk of imposing their values onto clients, especially when the counselor's values are inconsistent with the client's goals or are discriminatory in nature.

### Applying a Decision-Making Model: Forester-Miller and Davis's Ethical Decision-Making Model

1. **Identify the problem.** The primary problem is that Petra feels uncomfortable on a personal level working with Dylan, now that he has

disclosed his paraphilia. Her competence may be in question as well, as she indicates having training in sexual dysfunction but not paraphilias specifically.

- 2. Apply the ACA Code of Ethics.** The code permits termination and referral for issues of competence, but not for conflicts of values. Petra can refer Dylan to a separate provider if she determines her decision is motivated by a lack of sufficient training or experience to provide a specific treatment that is required. If, however, she believes her actions are motivated by personal bias, Petra is obligated to seek support through additional training or supervision.

Competence is difficult to define, though Petra could likely contend that her training in CBT for sexual dysfunction, while not an indication of expertise, is sufficient enough to qualify as competence. Treatment for pedophilia typically focuses on relapse prevention, with CBT having some support for its ability to reduce recidivism (Lösel & Schmucker, 2005).

- 3. Determine the nature and dimensions of the dilemma.** Another problem is that, in this case, the line between competence and value is decidedly thin. If Petra did choose to refer Dylan to another provider, could she say with absolute certainty that this was in his best interest and not a function of her own needs and values? Or can she justify her decision by suggesting that her values would have led to a concern of competence? Assuming the latter, can Petra have personal values that are not in accordance with the ACA?
- 4. Generate potential courses of action.** Depending on how she actually feels, Petra could likely validate either continuing with treatment or referring to another provider. Regarding the decision to refer out, she could argue that she has training in CBT but that she is not experienced enough in the treatment of paraphilias to be of help to Dylan. Regarding the decision to continue treatment, she could certainly justify continuing treatment while obtaining additional training or supervision from a mental health professional with greater experience in the treatment of sexual attraction to children.
- 5. Consider the potential consequences of all options and determine a course of action.** If Petra decides to continue treatment, she would need to offer Dylan the option of seeking treatment from another provider with greater experience. The decision to continue treatment would need to be made by the client once Petra clearly explains what options are available (i.e., to stay with a provider with less experience with whom he feels connected, or to transfer to a provider with more experience where he will essentially be restarting treatment). She would also have to make clear (and follow through on) her efforts to continue with training and supervision necessary to provide

competent treatment. Petra will likely have to work closely with a clinical supervisor throughout this process to ensure that treatment is in no way seriously compromised by her beliefs and biases.

If Petra instead decides that her competence is in question such that she risks harming Dylan, she should clearly outline why she is unable to continue treatment with him and provide referrals to providers that are within reason both financially and geographically. This in and of itself may prove to be problematic given the social stigma among mental health professionals in the United States attached to sexual attraction to children (Jahnke, Philipp, & Hoyer, 2015), as providers willing to take the referral may be few and far between. Petra will also have to consider that the decision to refer to a separate provider may cause harm to Dylan. If the implicit message from this encounter is that the counselor was uncomfortable with Dylan's presenting concerns, he may be unlikely to seek treatment from another clinician or be less inclined to engage in an honest discussion of his problem in the future.

6. **Evaluate the selected course of action.** Unless Petra honestly believes that she lacks competence to treat Dylan, she seems to have little choice but to continue with treatment at this time. The ACA's decision to discourage referrals based on personal values has received some criticism (see Herlihy, Hermann, & Greden, 2014 for a detailed review), but is ultimately grounded in counseling's humanistic roots. If Petra refuses to treat Dylan, she could be causing him harm, and counselors are obligated to refrain from discrimination of any kind in their clinical practice.
7. **Implement the course of action.** As stated earlier, Petra will have to seek additional training if she feels this is required, but she will, at the very least, need to process these concerns in clinical supervision.

### The Likely Answer

We cannot choose who we treat. While the counseling profession does not say that Petra *has* to work with Dylan, it seems clear that she probably *should*.

### RECEIVING GIFTS (FOR ME? HOW LOVELY)

Kathy is a newly hired school counselor working in a suburban high school. This is her first counseling job after graduate school. She has a caseload of approximately 350 students, ninth to 12th grade. She has been meeting with all the seniors assigned to her to assist with career and college planning. The students seem to like Kathy overall, with many describing her as the "cool young counselor, who gets it."

Kathy has met with Juan, a 19-year-old Latino male senior, several times to assist with college and scholarship applications. Juan's parents were born in Mexico, and he is the first in the family to be born in the United States. His parents do not speak English, and Juan spends most

of his summers in Mexico with other family members. The relationship between Kathy and Juan has remained professional but close; she sees him as a student with a lot of potential, and they have spent a lot of time together discussing his plans for the future, speaking about his resultant anxieties, and completing the necessary paperwork to complete Juan's college and scholarship applications.

During one of their final meetings before the summer, Juan tells Kathy that if he gets into college, he will buy her flowers and take her on a date after graduation. Kathy assumes he is joking and laughs it off.

Just before graduation, Juan sends Kathy a bouquet of flowers to her home address. The flowers come with a handwritten note containing a poem written by Juan, wherein he expresses a deep, profound appreciation of Kathy. She is at once both flattered by the sentiment and a little uncomfortable, as the poem has an almost romantic tone.

### Questions for Discussion

1. *Should Kathy accept the flowers? Will this hurt the relationship if Kathy does not accept the flowers?*
2. *Would the decision-making process be different if this had occurred in a private practice or clinical mental health setting?*
3. *How will Kathy continue the relationship (if she does, or does not accept the flowers)?*

### Straight From the Code

1. **A.5.a. Sexual and/or Romantic Relationships Prohibited.** Sexual and/or romantic counselor–client interactions or relationships with current clients, their romantic partners, or their family members are prohibited. This prohibition applies to both in person and electronic interactions or relationships.
2. **A.10.f. Receiving Gifts.** Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and gratitude. When determining whether to accept a gift from clients, counselors take into account the therapeutic relationship, the monetary value of the gift, the client's motivation for giving the gift, and the counselor's motivation for wanting to accept or decline the gift.

### Applying a Decision-Making Model: Forester-Miller and Davis's Ethical Decision-Making Model

1. **Identify the problem.** It seems evident that Juan has a different perception of his relationship with Kathy and that she is obviously uncomfortable with his overture. At the same time, he is showing

gratitude for the help and support Kathy has provided, and there may need to be some consideration of cultural contextual factors.

Obviously, it is unacceptable for Kathy to engage in a romantic relationship with a former client. However, as a new counselor, Kathy may be unsure of what her school's policy is for accepting gifts. In some schools, it may be common practice for students to give teachers gifts during the holidays or at the end of the school year as a token of appreciation. The problem in this case is predominantly connected to how the gift was presented and the way in which Kathy should respond.

- 2. Apply the ACA Code of Ethics.** Per the American School Counselor Association (ASCA) ethical code, there is nothing that states a school counselor cannot accept gifts, so referring to ACA is the best first course of action. The ACA code is clear that romantic relationships are wholly inappropriate, but the language regarding gifts is more equivocal. What constitutes a "small" gift is unclear, and the motivations behind accepting or receiving are also hazy. Does a \$20 bouquet of flowers meet the criteria for "small?" Does the romantic flavor of the attached poem sully the intentions of the flowers such that accepting them would be inappropriate?

Context needs to be considered in this case as well. Kathy should refer to the school board policy, as many institutions may have protocols in place that are more direct than what the ACA code outlines. Also, in some cultures, it is disrespectful to not accept a gift. It is expected that Kathy had training as part of her graduate program in working with diverse populations and knows the cultural norms related to receiving gifts, but the individual context that Juan presents needs to be considered carefully.

- 3. Determine the nature and dimensions of the dilemma.** The core issue here is whether Kathy should accept or decline the gift and how (or if) to address this with the client moving forward. In consideration of nonmaleficence, Kathy may be concerned that declining the gift could cause more harm than benefit. However, the gift's romantic overtones bring into question Juan's motivations.
- 4. Generate potential courses of action.** One option would be for Kathy to accept the flowers, tell Juan "Thank you" when she sees him next, and have that be the end of it. Another option would be to set up a meeting with Juan to discuss and process what has occurred and establish what constitutes acceptable boundaries in their interactions moving forward.
- 5. Consider the potential consequences of all options and determine a course of action.** If Kathy accepts the flowers without comment, there are concerns regarding both what Juan will interpret from this action



and what other students in the school or faculty will think. If Kathy responds with a scheduled meeting and review of intentions and protocol, she may embarrass Juan and hurt his feelings.

6. **Evaluate the selected course of action.** Of the two options, simply discussing the gift with Juan seems to make the most sense. It is to be hoped that Kathy has established enough of a rapport with Juan such that a discussion such as this would be possible.
7. **Implement the course of action.** While the selected course of action might be a difficult conversation to have with Juan, it would potentially create further problems if Juan left the counseling relationship with a profound misunderstanding about its parameters. Maintaining a person-centered approach may help facilitate this conversation, and hopefully, it can be done without tremendous hurt on Juan's end.

### The Likely Answer

Kathy should accept the flowers (to send them back would likely be impractical), talk to her direct supervisor, review the school's policy, and then ask to talk with Juan about the importance of professional boundaries in counseling (and school), be it with her or with any other counselor he sees moving forward.

## ABANDONMENT AND CLIENT NEGLECT WITH TERMINATION (ALOHA CLIENTS)

Wendy is a licensed professional counselor in private practice with a caseload of approximately 40 clients. Overall, the practice is a financial success! A few of her clients have been in treatment for over a year (e.g., some attend session weekly, others monthly), and she has scheduled three new client intakes for next week.

It is the Friday before a holiday weekend, and Wendy's partner has just surprised her with an anniversary gift: a vacation to Hawaii for 4 weeks! The flight leaves in 2 days.

Wendy has taken extended vacations before, but never with this short of notice. In the past, she would let her clients know at least a month in advance and would provide all of them with names of colleagues to contact in an emergency during her absence. For current clients, Wendy would do this in person at an appointment where they could discuss a plan of care while she is out of the office. For clients who she had not seen in some time, she would mail a letter to each with detailed information of who to contact in her absence.

Wendy is worried that she will not be able to contact all her clients over the weekend. More so, she is also concerned that she will be unable to find a colleague to fill in while she is away on such short notice.



## Questions for Discussion

1. *Is it ever okay to just abandon a practice?*
2. *Can Wendy find a way to meet the needs of her clients without missing an opportunity to enjoy a surprise vacation with her partner?*
3. *Is there anything Wendy can do to prevent something like this from happening in the future?*

## Straight From the Code

1. **A.12. Abandonment and Client Neglect.** Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination.
2. **A.11.c. Appropriate Termination.** Counselors terminate a counseling relationship when it becomes reasonably apparent that the client no longer needs assistance, is not likely to benefit, or is being harmed by continued counseling. Counselors may terminate counseling when in jeopardy of harm by the client or by another person with whom the client has a relationship, or when clients do not pay fees as agreed upon. Counselors provide pretermination counseling and recommend other service providers when necessary.

## Applying a Decision-Making Model: Forester-Miller and Davis's Ethical Decision-Making Model

1. **Identify the problem.** All counselors deserve a break, and Wendy is no exception. However, she did not know of this vacation, or she would have started to prepare her clients in the past month. The concern is clearly related to Wendy's obligations as a practicing counselor and not abandoning, neglecting, or terminating her clients without notice. Wendy has 2 days over a holiday weekend to figure out who will be the on-call counselor and how she will get this information to each of her clients and the three new ones scheduled for intakes.
2. **Apply the ACA Code of Ethics.** Counselors do not leave or terminate the counselor–client relationship without making arrangements in their absence or providing pretermination counseling, respectively. Since there are potential new clients scheduled, Wendy may also need to consider transferring these cases to a new counselor.
3. **Determine the nature and dimensions of the dilemma.** Wendy needs to act with fidelity and honor the appointments and obligations made

to current and potential clients. She is also entitled to a vacation to practice self-care and reduce burnout.

This example details a vacation, but emergencies occur, and counselors are at times placed in positions where they are incapable of honoring the needs of their clients. If, instead of a vacation, Wendy had suddenly needed to go out of state to care for a sick relative, the problem would be more or less the same. However, the nature of the dilemma is still important to consider. Specifically, if one of her clients were to make a complaint to a licensing board, a sick family member would likely garner more sympathy than a spontaneous luxury vacation.

4. **Generate potential courses of action.** One option would be to simply reach out to all of her clients via phone and inform them that she will need to reschedule their appointments 4 weeks out. In this case, Wendy would also need to provide contact information for another practicing clinician, emergency support numbers (e.g., a 24-hour crisis hotline), and be certain to document this in all of her clients' charts. Another option would be to refuse the vacation out of concern for her clients' well-being.
5. **Consider the potential consequences of all options and determine a course of action.** If Wendy chooses to go, it is unlikely that she would meet the criteria for abandonment, as she is only leaving for a set period of time. However, if something were to happen to one of her clients (e.g., an increase in depression followed by a suicide attempt) that led to an inquiry of some kind, Wendy would have to admit that she left her clients suddenly for an entire month to take a last-minute vacation to Hawaii. If she chooses not to go, she is acting in the best interest of her practice, but this may have an impact on her relationship with her partner.
6. **Evaluate the selected course of action.** Life happens, and it is expected that counselors may have to take leaves of absence for unexpected reasons. If Wendy can quickly determine the needs of her clients, provide appropriate support in her absence, and contact all of them in the brief window available, she can probably go on her vacation.
7. **Implement the course of action.** It looks as if Wendy is going to have a busy weekend making phone calls to all of her clients and checking in with other therapists in the area who can provide support in her absence.

### The Likely Answer

As suggested earlier, Wendy needs to sit down, determine the needs of her clients, provide referrals to practicing clinicians in her absence, contact all

of her clients, and remind her partner never to do anything like this again without consulting her first.

### **EXTENDING COUNSELING BOUNDARIES (*BE MY GUEST!*)**

Jill has been a high school counselor for the past 12 years in the same school district in a small, tight-knit community. She has gotten to know many students and their families in the district over the years. She currently has a caseload of approximately 300 students, and she is the only high school counselor on staff.

One student on her caseload is a 10th grader named Tim who has been to the counseling office with some concerns about his family and how his older sister Marney has been “getting all the attention” with her upcoming wedding to her fiancé, Steve. Tim has always felt as though he was “in his sister’s shadow” and that this wedding is just another example of his family showing preference for her over him. The stress overall has caused him a lot of anxiety and depression, and he has been meeting with Jill regularly for the past year.

To make matters more complicated, Jill was also Marney’s counselor when she was a student at the same high school 10 years ago. Marney was a top student in her class, involved in countless activities, and voted class president (twice), and everyone liked her. She saw Jill on and off during her senior year for stress related to college applications. Though Jill is not one to rank her clients according to her personal preferences, she would be lying to herself if she said she did not find Marney to be one of her favorite clients ever.

Out of the blue, Jill receives an invitation to Marney and Steve’s wedding in 2 months—she apparently had a greater impact on Marney than she realized! She wants very much to go but knows that this would likely be upsetting to Tim. Tim has not told his family that he sees Jill for counseling, and he would likely be offended to see Jill celebrating the wedding that has annoyed him so thoroughly these past few months.

### **Questions for Discussion**

1. *Can Jill go to the wedding since she is no longer Marney’s school counselor? Should she buy a gift or give money?*
2. *If Jill goes to the wedding, should she acknowledge Tim?*
3. *How will Jill continue the relationship with Tim (if she does or does not go to the wedding)?*

### **Straight From the Code**

1. **A.6.b. Extending Counseling Boundaries.** Counselors consider the risks and benefits of extending current counseling relationships

beyond conventional parameters. Examples include attending a client's formal ceremony (e.g., a wedding/commitment ceremony or graduation), purchasing a service or product provided by a client (excepting unrestricted bartering), and visiting a client's ill family member in the hospital. In extending these boundaries, counselors take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no harm occurs.

### Applying a Decision-Making Model: Forester-Miller and Davis's Ethical Decision-Making Model

- 1. Identify the problem.** Jill is conflicted as she wants to go to the wedding but knows that this could have an impact on Tim's treatment and well-being. She is concerned that if she attends the wedding, it will make Tim feel uncomfortable, both because it may identify him as a client in counseling and because it may have an impact on their development or maintenance of rapport.
- 2. Apply the ACA Code of Ethics.** As a certified school counselor, Jill should also consult the American School Counselor Association's (ASCA) 2016 Code of Ethics for best practice. She should also refer to school board policy; however, most school districts do not have policies that pertain to attending weddings. In applying the code A.6.b. Extending Counseling Boundaries, Jill is considering attending the wedding and whether to give a gift. She is also considering the complexity of this situation since she is Tim's current counselor. The code does not provide clear guidance in this situation; it only acknowledges that such actions are not outside the realm of acceptable ethical behaviors.
- 3. Determine the nature and dimensions of the dilemma.** The core concern is not just whether Jill should go to the wedding but also how this will impact her relationship with Tim. It is important to consider the principle of nonmaleficence. Specifically, Tim appears to be struggling more than his sister, and attending the wedding may cause harm to Tim. However, not going to the wedding could cause harm to Marney, as it may be seen as a betrayal from a trusted former counselor (though this appears unlikely based on the information provided so far).
- 4. Generate potential courses of action.** Jill could meet with Tim and discuss her concerns. She could attend the wedding, in which case she might also consider if buying a gift is appropriate. She could also simply decide not to go and send a gift instead.
- 5. Consider the potential consequences of all options and determine a course of action.** Jill could speak with Tim before deciding what to

do, though this may exacerbate some of his angst regarding his relationship with his sister. If she attends the wedding without consulting Tim first, this would likely cause him some amount of discomfort. However, if Jill decides not to attend the wedding and simply sends a gift, she avoids the entire debacle altogether (albeit at the expense of missing a wedding she would have liked to attend).

6. **Evaluate the selected course of action.** The best course of action is consultation first. Jill should consult with a counselor in a neighboring district who could help process different solutions and serve as a professional precaution. However, it seems that it would cause the least amount of harm to all involved if Jill simply opted not to attend.
7. **Implement the course of action.** If she does decide not to attend, Jill will have to take care to explore her emotional response to this decision in her ongoing work with Tim. It would be important to ensure that she does not harbor resentment toward him for missing the wedding or to work in supervision to manage these emotions if she does.

### The Likely Answer

While it would be nice to see Marney again, the risk of harm to Tim seems to make attending the wedding the less desirable solution.

## IN-CLASS DISCUSSION AND EXERCISES

### Group Discussion: Theoretical Orientation

Guidelines for the counseling relationship are obviously informed by the ACA Code of Ethics, but a counselor's theoretical orientation is an important *playbook* for how the therapeutic relationship is to be managed. Some theories support closeness and personal disclosure (e.g., existential psychotherapy), whereas others support greater boundaries (e.g., cognitive therapy).

As a group, discuss your respective approaches to counseling and the theories that inform it. What will be some of the potential tripping points related to ethically managing relationships with clients? What might you need to consider in balancing the needs of your client(s), the specifics of your counseling approach, the ethics of the profession, and your own needs regarding personal disclosures and/or personal boundaries with clients?

### Group Discussion: Maintaining Boundaries

Counseling is a humanistic profession, and efforts to maintain boundaries can at times require clinicians to negate the needs of their clients in favor of adherence to the code of ethics. Accepting gifts, phone calls outside of

normal business hours, and even disclosure of personal information may be seen as boundary violations in some cases.

With regard to boundaries, what might be some of your areas of potential difficulty? If a client attempts to give an extravagant gift, calls repeatedly outside of scheduled appointments, or repeatedly asks you for personal information, how will you respond in a way that maintains the restrictions of the counseling relationship yet does not damage rapport? Are there certain boundaries that you anticipate will be more challenging to maintain?

### Role Play: Whoops! Wrong Room

Using the scenario described in *Whoops! Wrong Room*, role-play possible outcomes. Have one member play the role of G.G. and another play the role of Mildred discussing the situation afterward. If you were Mildred, how might you actually express your sympathy and concern for what happened? As G.G., how quick would you be to forgive, and how might you respond to Mildred's apology?

### Documentation: Problem, Data, Assessment, and Plan

Using the Problem, Data, Assessment, and Plan (PDAP) format, pick one of the cases and write a progress note indicating the following:

**Problem:** What were the presenting concerns of this particular interaction?

**Data:** What, objectively, has happened? Remember to write this without subjective language or interpretation.

**Assessment:** As the counselor or supervisor in question, what *should* be done? Be sure to demonstrate comprehensive use of the decision-making model in this section.

**Plan:** What *will* be done? Be sure to outline a comprehensive plan that relates to the decision-making model.

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