



Question:

I received the following question from Antonio Nunez, MSW,

“Social workers working with children and adolescents we often become aware of behaviors hidden from the parents that place the child/adolescent at some physical, psychological or legal risk. For example, sexual activity, criminal activities, truancy, theft, pregnancy etc. What is our responsibility to disclose this confidential information when the child is engaging in risky behaviors?”

NASW published a standard for confidentiality when working with adolescents:

It consists of 134 words...

NASW Standards for the Practice of Social Work with Adolescents

Standard 8. Confidentiality Social workers shall maintain adequate safeguards for privacy and confidentiality in their relationships with youths.

Interpretation:

Respect for the client as a person and for his or her right to privacy underlies the social worker–client relationship. Except for federal, state, or local legal and other overriding requirements, the social worker will share information only with the informed and signed consent of the youth, the family, or both. Although assurance of confidentiality enhances the relationship and the willingness of the youth to develop and adhere to a case plan, the youth should be advised that there are circumstances in which confidentiality cannot be maintained. These situations may include

- suspicion of child abuse or neglect, which requires that appropriate authorities be notified
- suspicion of danger to the youth or to others. In all such situations, the social worker shall advise the youth of the exceptions to confidentiality and privilege, shall be prepared to share with the youth the information that is being reported, and shall appropriately address the feelings evoked.

HERE IS THE PROBLEM:

You are working with an adolescent (16 year old) male who admits to having unprotected sex with two different female partners. He is not concerned about pregnancy or sexually transmitted diseases.

Scenario 1: You do not know the names of the females, but are familiar with the parents feelings and they are opposed to sex outside of marriage.

Should you tell the parents?

The implications of adolescent sex outside of marriage are enormous. Unplanned pregnancy can alter the life of both the baby's father and mother as well as their families.

There are many parts which need to be explored...

It is almost necessary to use a flowchart to figure out the best possible decision.

The first question I think we need to ask is whether or not disclosure to the parents will result in the adolescent refusing to see or talk to you again.

Will it destroy your therapeutic relationship?

If it will not significantly interfere with your relationship, then you would be more likely to tell the parents.

Next, you would have to make a determination of how honest the youth was about his admissions.

Was he lying?

Was he exaggerating?

Can you trust his story?

If you feel he is exaggerating for secondary gain, you should be more likely to report to his parents...

How will the parents handle the situation?

Will they become irrational, threatening, or attempt to stop the youth from involving himself in this behavior and cause more problems with the youth?

The more problematic the parents reaction to the news, the more likely you would be not to report.

The second situation enumerated in the NASW Standard for Adolescent involvement gives the following advice, "suspicion of danger to the youth or to others. In all such situations, the social worker shall advise the youth of the exceptions to confidentiality and privilege, shall be prepared to share with the youth the information that is being reported, and shall appropriately address the feelings evoked. "

This brings up more questions...

Is the unprotected sex with two different females a danger to the youth.

You could argue: YES.

- What if he gets a sexually transmitted disease?
- What if he gets a girl pregnant?
- What if one of the girls are violent and jealous and upon finding out about the other, seek to do him harm?
- What if pregnancy occurs and the father or mother become enraged and threaten or attempt to attack the youth?
- What if the parents push for "Statutory Rape" charges and the youth must spend the rest of his life registering as a sex offender?

Surely, this type of behavior has the potential for harm.

Since all of these situations are hypothetical, do you need to report issues that have not happened?

Now let's take a sideways look at the issue...

A new scenario...

Let's say one of the girls becomes pregnant, and during the exam it is discovered that she has a form of Herpes Simplex (a life-long, incurable disease). The girl's parents then file statutory rape charges against the youth. Both parents find out you knew about the sexual behavior and both feel if you have given them the information, they may have been able to avert this personal and family disaster.

The parents of the girl file a complaint against you for withholding information.

They feel if you had provided the information to them or the other parents they could have avoided the disease and the pregnancy, which will not de-rail the girls college plans and the parents retirement plans.

The parents of the boy file suit against you and file a complaint stating if you have told them, they could have stopped the behavior and their child would not be facing sexual offender charges and a life-time if registering as a sex-offender everywhere he goes.

Your response to these issues is...

Your liability in this situation revolves around your not allowing other people in the life of this youth to have sufficient information to alter the possible outcomes.

Now the other side of the coin...

Your primary goal when working with any client is to empower, assist and help them achieve their maximum potential.

- Did withholding this information assist you in empowering the client?
- In some situations it might have seemed sound, but the outcomes, hypothetical or not, could destroy your career and your ability to help others in the future.

Given this situation I would probably tell the youth's father and encourage them to locate

and tell the parents of the unknown females. I would explain my decision to the youth prior to telling the parents and I would allow them the opportunity to tell their parents, with me there or not. I would justify this with a client's right to self-determination.

- They have the right to determine if they wish to come back to see me again or not.
- They have the right to be angry at me or not.

The primary desire not to tell seems to be rooted in the fear that the therapeutic relationship would be damaged and therefore the youth would not come back for services.

In reality, the youth may not come back for services, WITH YOU...but you are not the only individual that can assist the youth.

The destruction of your relationship with the youth may well be a catalyst that sends the youth forward to better decisions and allows them to grow.

Your therapeutic role may have been limited to setting them up for their next therapist,.

One of the most difficult things about counseling is the realization that you may never know the extent to which you have helped most client's or whether your intervention was ultimately useful in their future.

Like it or not, counseling requires a leap of faith by the therapist as well as the client.

EMAIL your questions to ethics@mymsw.info

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Wednesday Nights at 9:00 PM EST**

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