

Analysis of an Ethical Dilemma

Contributed by Kevin Stanford

Paula is a social worker in a fostercare agency. She has been working with 9-year-old Rita, her foster mother, Flo, and biological mother, Stella, for three years. Rita was removed from her mother's care three years ago because Stella was abusing heroine with her boyfriend and was neglecting Rita. Since losing Rita, Stella has been to rehab and has been clean for a year and a half. She left her boyfriend and currently lives in her own apartment. She also has had a steady job working at Stop and Shop for a year and has even been promoted to Assistant Manager. Stella has had limited supervised visits with Rita and has agreed to an open adoption with Flo. This agreement will allow Stella to have unsupervised visits with Rita once a month. All parties are satisfied with this arrangement. {mosgoogle right}

Last week, during a visit to discuss the adoption with Paula, Stella admitted to using heroine the previous weekend with her ex-boyfriend. He had moved out of the state, but showed up at Stella's apartment Friday night looking for a place to crash. Stella reluctantly let him stay, and when he went to shoot up, Stella couldn't resist. Stella spent the weekend drinking and using drugs with her ex, and she missed work on Monday because she was "strung out." Stella realized her mistake Monday afternoon and "kicked out that asshole for good. I'm so pissed at myself," Stella said to Paula. "I've been clean for a year and a half, and now this happens right before the adoption goes through."

Stella said she told Paula about the situation because they have developed a strong relationship and she wants to be honest with Paula. Stella begs Paula not to tell the judge of this isolated setback and promises it won't happen again. "I've lived the last two years of my life in hopes of being able to see my daughter on a regular basis and be a part of her life again. I've gone clean for her. If I lose this opportunity, I'll have nothing left to live for."

Paula firmly believes that this has been Stella's only relapse and that Stella will not let it happen again, out of devotion to Rita. Paula believes that Stella would never put her daughter at any risk or danger by being under the influence of drugs or alcohol during the monthly visits. Paula believes that the influence of Stella's ex triggered the relapse.

However, Paula fears that Stella might return to her old ways of drug use if she loses the chance to be a part of Rita's life. Stella's rebuilt life might collapse around her. Paula knows that the NASW Code of Ethics (1999) guides her to accurately document what Stella has told her and seek supervisory advice, but she knows this will only result in Stella losing her rights to see Rita. Paula also knows that if it is learned that she did not document Stella's testimony, she could easily lose her job, which puts her family (husband and three children) in great financial difficulty. Paula wants to help Stella move forward while also assuring the safety and interests of the child. The following decision-making model used to analyze Paula's situation is based on Dr. Marian Mattison's (2000) article on ethical decision-making in social work.

Competing Professional Obligations

Paula is obligated by agency policy to document all information presented in her sessions with Stella, which includes the disclosure of her recent drug use.

Rita is Paula's direct client, and Paula only meets with Stella to work out issues of Rita's case. Thus, Paula's main obligation is to Rita and Rita's best interest, not Stella.

Paula is obligated to adhere to agency policy but should not allow agency procedures to interfere with her ethical practice of social work (NASW Code of Ethics, 1999, Sections 3.09a & 3.09d).

Paula is obligated to protect client confidentiality, but is also obligated to disclose information that puts a child at risk.

Paula is obligated to seek supervision (NASW Code of Ethics, 1999, Section 2.05a) but doing so might result in the disclosure, and Stella's best interests would not be served.

Ethical Questions

Should I disclose the information of Stella's drug use to the judge assigned to Rita's adoption case?

Should I adopt a "wait and see" approach and monitor Stella's sobriety and report at a later time, if needed?

Should I omit the disclosure of Stella's drug use from the case record to promote the long term mother/daughter relationship?

Should I seek supervision as to how to handle the situation?

If I seek supervision, will I be happy with the results?

Will failure to disclose pose an immediate threat to Rita's well-being?

Will disclosure pose an immediate threat to Stella's well-being?

Identifying Principles in the Code of Ethics That Bear on the Case

Section 1.01 of the NASW Code of Ethics (1999) refers to Commitment to Clients. Paula must attempt to provide for the well-being of both Rita and Stella, even though the interests of each client conflict. Paula may have to sacrifice some of

her loyalty to Stella to make sure to provide for the well-being of Rita and her foster family. Stella is covered under the NASW Code of Ethics confidentiality rules. However, the information she disclosed to Paula about her recent drug use could point to potential danger in the future for Rita (if Stella relapses again). This could constitute a compelling professional reason for breaking confidentiality. This refers to Sections 1.07a and 1.07c of the Code of Ethics. Section 2.05a refers to seeking supervisory advice on difficult cases and ethical decisions. Under normal circumstances, Paula should seek consultation with her supervisor on how to approach the information presented to her by Stella. However, Paula knows that her supervisor will be obligated to report Stella's drug use to the judge in charge of Rita's adoption, and Stella's visitation rights will be terminated. If a colleague learns that Paula has withheld information about Stella's drug use, that colleague may report Paula through formal channels as acting unethically, as referred to in Section 2.11d of the Code of Ethics. This could result in Paula being fired, as well as making it difficult for her to procure another position in the social work field, causing many financial difficulties for Paula's family.

According to Section 3.04a and 3.04b, Paula is obligated to provide accurate, sufficient, and timely documentation of her interactions with clients. However, it is Paula's professional judgment that the benefit of not recording the information Stella has disclosed will outweigh the possible drawbacks, and the greater good of her clients will be provided for. Sections 3.09a and 3.09d state that social workers are required to follow policies of the agencies they represent. In Paula's case, agency policy mandates that all workers accurately document all client interactions. Paula has always remained true to this obligation, but believes that it interferes with her ethical practice in this case, in that she would not be providing for Stella's best interest.

Possible Courses of Action

The preferred treatment option is to provide for the collective interests of both Stella and Rita by facilitating an open adoption while remaining as ethically sound as possible.

Plan 1: Maintain Stella's confidence; do not document information of her recent drug use.

Client Focus: Stella

Possible Benefits

Client confidentiality will be maintained.

The open adoption will go through, and Stella will be able to visit with Rita, thus motivating her to remain clean. Both Stella and Rita may benefit from the relationship made possible by the open adoption.

Possible Harms

Stella may relapse after the open adoption is finalized and could potentially put Rita in danger. Stella will not learn to take responsibility for her actions.

Client Focus: Rita and her adoptive family

Possible Benefits

Rita will benefit from an ongoing relationship with her biological mother, preventing possible future tension and questions about her biological family.

Possible Harms

If Stella relapses during one of her visits with Rita, Rita could be placed in danger.

Stella's ex-boyfriend could show up during a visit and place Rita in danger. At the very least, this would bring up potentially damaging questions in Rita's mind about her biological father.

Flo runs the risk of placing her new daughter in danger by allowing her to visit with Stella and will feel guilty for allowing such visits if Rita is hurt.

Focus: Paula

Possible Benefits

Paula will maintain a positive relationship with Stella as a client.

Paula will have peace of mind in the fact that she firmly believes that Stella will not relapse again if the recent relapse is not reported and the greatest good will be provided for all clients.

Possible Harms

If Stella does relapse again and puts Rita in danger, Paula will have to deal with the guilt of allowing Stella to endanger

Rita.

If Paula's supervisor finds out that Paula has not produced accurate documentation, whether this is through a relapse on Stella's part or any other leaking of information, Paula's job could be put in jeopardy. This would put significant financial strain on Paula's family, as well as make it difficult for Paula to find a new job. Paula's legal obligations may be violated in providing documents/recommendations for the court proceedings that do not contain all of the information relative to the case. She could be charged with negligence.

Plan 2: Do not initially document information about Stella's recent drug use but seek supervisory advice as to how to approach the situation.

Client Focus: Stella

Possible Benefits

Paula would not be directly betraying Stella's confidence by seeking supervisory advice.

Possible Harms

Paula's supervisor may immediately require Paula to report Stella's drug use or report it to the judge herself, resulting in Stella's feeling betrayed by Paula.

If Paula's supervisor requires that the information about Stella's drug use be reported, Stella will most likely lose her right to an open adoption and to visit with Rita. This loss could result in Stella's drug relapse and a return to Stella's previous history of drug abuse and unemployment.

Client Focus: Rita and her adoptive family

Possible Benefits

If Paula's supervisor requires that Stella's recent drug use be reported, the danger of Rita being harmed by a possible relapse on Stella's part during a visit is reduced. The family will have the benefit of two professional opinions on the matter.

Possible Harms

Rita will not enjoy the benefits that could be realized through an ongoing relationship with her biological mother if Paula's supervisor reports Stella's drug use.

Focus: Paula

Possible Benefits

Paula will not have to labor over the decision of whether to report Stella's drug use on her own. Paula's supervisor may point out facts or issues that Paula has not thought of, which may influence her decision. Paula will avoid being cited for violating agency policy for keeping Stella's drug use to herself.

Possible Harms

Paula's supervisor may reprimand Paula for not automatically adhering to agency policy and documenting Stella's drug use, which could cause tension between Paula and her supervisor. Such tension could result in the unfair treatment of Paula by her supervisor.

If Paula's supervisor agrees that Paula should not report the drug use, then Paula has put another worker's credibility and job security in jeopardy by providing her with information about Stella's drug use.

Plan 3: Follow agency policy and legal obligations, and document all information presented by Stella during appointments.

Client Focus: Stella

Possible Benefits

Stella will be forced to take responsibility for her actions.

Possible Harms

Stella will feel betrayed by Paula and may have difficulty trusting any social worker in the future.

Stella's rights to an open adoption and to visit with Rita will be revoked.

If Stella's rights to visitation are revoked, she may begin to use drugs routinely again, since Rita was her reason for getting clean.

Client Focus: Rita and her adoptive family

Possible Benefits

Any potential danger that could have befallen Rita during future visits with Stella would be effectively reduced.

Flo will not have to worry about Rita's safety while on visits with Stella.

Flo will have full information about Stella's drug use, which is a very important factor in the open adoption case.

Possible Harms

Rita will not have the benefit of an ongoing relationship with her biological mother.

Rita will be unable to understand why she is unable to see her biological mother after being told that visits would take place. This could lead to behavioral issues and/or tension between Rita and Flo.

Focus: Paula

Possible benefits

Paula will be acting in full accordance with both legal proceedings and agency policy.

Paula will be preventing any potential harm that could befall Rita as a result of visits with Stella.

Possible Harms

Paula will lose Stella's trust and possibly lose her as a client.

Paula will have to deal with feelings of guilt if Stella relapses into consistent drug use as a result of her losing the right to see Rita.

Paula will be undermining her own personal values, since she believes that it is in Stella's and Rita's best interest not to report Stella's recent drug use.

Chosen Action

If I were Paula, I would seek supervisory advice, although I would be leaning toward disclosing the information about Stella's recent drug use. I feel as if this decision would be too difficult to be made on my own. I would like to believe that Stella's recent drug use was a one-time occurrence, since everyone is entitled to make mistakes and she has made very significant progress. However, it is very possible that Stella has relapsed in the past, but only told Paula of this particular occurrence because it forced her to miss work and she knew Paula would question her about her absence.

Also, even if this was indeed the first time Stella has relapsed, it is possible that it could happen again. The possibility that this could happen while Stella is taking care of Rita is too great of a risk to take. Rita is Paula's primary client and is also a young child, and her best interests must be met before Stella's.

The possible benefits for Rita and Flo for this course of action outnumber and outweigh the potential harms. The only benefit for Rita, if Paula chooses not to report the drug use, is that Rita will be able to have an ongoing relationship with her biological mother. However, there is no guarantee that this relationship will be beneficial to Rita. The relationship could cause confusion and other problems for Rita, even if Stella never relapses.

This course of action also keeps Paula legally and ethically safe. As much as social work is a profession of helping others, a social worker must be sure to provide for his or her own good, as well.

In summary, I believe the benefits of reporting Stella's drug use outweigh the harms, but I would still seek the advice of another professional, since another educated opinion is always helpful, regardless of whether it is in accordance with one's own opinion. I am also a firm believer in my own integrity and being truthful, and I would feel as if I was being dishonest and disrespectful of my supervisor and agency by violating agency policy and keeping valuable information from them. I honestly do not believe that my personal values would allow me to take any action besides seeking supervision with the desire to disclose of Stella's drug use.

References

Mattison, M. (2000). Ethical decision-making: The person in the process. *Social Work*, 45 (3), 201-212.

National Association of Social Workers. (1999). *Code of Ethics*. Washington, D.C.

Kevin Stanford is a senior social work major at Providence College in the Liberal Arts Honors Program. He is minoring in

Spanish. Kevin has worked as a group living staff member for the past two summers in a Connecticut Department of Children and Families residential facility, and is currently serving as a casework intern at Family Resources Community Action in Woonsocket, RI. He plans to obtain his MSW after graduating from Providence College.