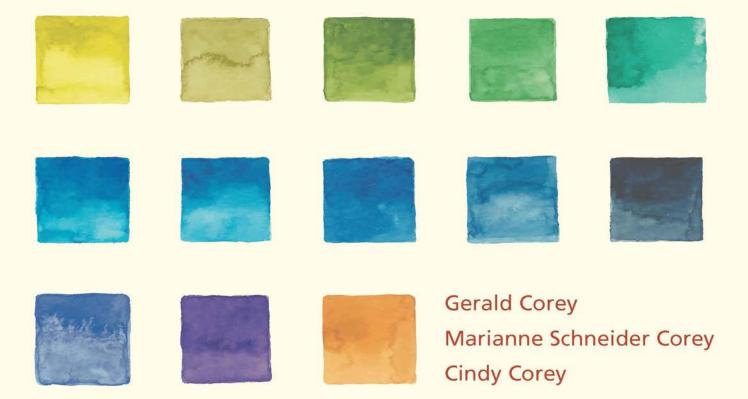




Issues & Ethics In the helping professions







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Issues and Ethics in the Helping Professions, 10th Edition

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In memory of our lifelong friend and colleague, Patrick Callanan.

Patrick was a generous, honest, witty, and adventurous man who left his mark on the world through his roles as priest, father, uncle, teacher, counselor, author, mentor, and friend.

We will always remember him, as he is impossible to forget!

About the Authors

Gerald Corey is Professor Emeritus of Human Services and Counseling at California State University at Fullerton. He received his doctorate in counseling from the University of Southern California. He is a Diplomate in Counseling Psychology, American Board of Professional Psychology; a licensed psychologist; and a National Certified Counselor. He is a Fellow of the American Psychological Association (Division 17, Counseling Psychology, and also Division 49, Group Psychotherapy); a Fellow of the American Counseling Association; and a Fellow of the Association for Specialists in Group Work. He also holds memberships in the American Group Psychotherapy Association; the



American Mental Health Counselors Association; the Association for Spiritual, Ethical, and Religious Values in Counseling; the Association for Counselor Education and Supervision; and the Western Association of Counselor Education and Supervision. Both Jerry and Marianne Corey received the Lifetime Achievement Award from the American Mental Health Counselors Association in 2011, and both of them received the Eminent Career Award from ASGW in 2001. Jerry was given the Outstanding Professor of the Year Award from California State University at Fullerton in 1991. He regularly teaches both undergraduate and graduate courses in group counseling and ethics in counseling. He is the author or coauthor of 15 textbooks in counseling currently in print, along with more than 60 journal articles and book chapters. Several of his books have been translated into other languages. *Theory and Practice of Counseling and Psychotherapy* has been translated into Arabic, Indonesian, Portuguese, Turkish, Korean, and Chinese. *Theory and Practice of Group Counseling* has been translated into Korean, Chinese, Spanish, and Russian.

During the past 40 years Jerry and Marianne Corey have conducted group counseling training workshops for mental health professionals at many universities in the United States as well as in Canada, Mexico, China, Hong Kong, Korea, Germany, Belgium, Scotland, England, and Ireland. In his leisure time, Jerry likes to travel, hike and bicycle in the mountains and the desert, and drive his grandchildren in his 1931 Model A Ford. Marianne and Jerry have been married since 1964. They have two adult daughters (Heidi and Cindy), two granddaughters (Kyla and Keegan), and one grandson (Corey).

In addition to *Issues and Ethics in the Helping Professions*, Tenth Edition (2019, with Marianne Schneider Corey and Cindy Corey), which has been translated into Japanese, Chinese, and Korean, other recent publications by Gerald Corey, all with Cengage Learning, include:

- Groups: Process and Practice, Tenth Edition (2018, with Marianne Schneider Corey and Cindy Corey)
- *I Never Knew I Had a Choice,* Eleventh Edition (2018, with Marianne Schneider Corey and Michelle Muratori)
- *Theory and Practice of Counseling and Psychotherapy,* Tenth Edition (and *Student Manual*) (2017)
- Theory and Practice of Group Counseling, Ninth Edition (and Student Manual) (2016)
- Becoming a Helper, Seventh Edition (2016, with Marianne Schneider Corey)
- *Group Techniques,* Fourth Edition (2015, with Marianne Schneider Corey, Patrick Callanan, and J. Michael Russell)

- *Case Approach to Counseling and Psychotherapy,* Eighth Edition (2013)
- The Art of Integrative Counseling, Third Edition (2013)

Jerry Corey is coauthor (with Barbara Herlihy) of *Boundary Issues in Counseling: Multiple Roles and Responsibilities*, Third Edition (2015) and *ACA Ethical Standards Casebook*, Seventh Edition (2015); he is coauthor (with Michelle Muratori, Jude Austin, and Julius Austin) of *Counselor Self-Care* (2018); he is coauthor (with Robert Haynes, Patrice Moulton, and Michelle Muratori) of *Clinical Supervision in the Helping Professions: A Practical Guide*, Second Edition (2010); he is the author of *Creating Your Professional Path: Lessons From My Journey* (2010). All five of these books are published by the American Counseling Association.

He has also made several educational DVD programs on various aspects of counseling practice: (1) *Ethics in Action: DVD and Workbook* (2015, with Marianne Schneider Corey and Robert Haynes); (2) *Groups in Action: Evolution and Challenges DVD and Workbook* (2014, with Marianne Schneider Corey and Robert Haynes); (3) *DVD for Theory and Practice of Counseling and Psychotherapy: The Case of Stan and Lecturettes* (2013); (4) *DVD for Integrative Counseling: The Case of Ruth and Lecturettes* (2013, with Robert Haynes); and (5) *DVD for Theory and Practice of Group Counseling* (2012). All of these programs are available through Cengage Learning.

Marianne Schneider Corey is a licensed marriage and family therapist in California and is a National Certified Counselor. She received her master's degree in marriage, family, and child counseling from Chapman College. She is a Fellow of the Association for Specialists in Group Work and was the recipient of this organization's Eminent Career Award in 2001. She received the Lifetime Achievement Award from the American Mental Health Counselors Association in 2011 and is a member of the American Mental Health Counselors Association. She also holds memberships in the American Counseling Association, the American Group Psychotherapy Association, the Association for Specialists



in Group Work, the Association for Multicultural Counseling and Development, the Association for Counselor Education and Supervision, and the Western Association of Counselor Education and Supervision.

Marianne has been involved in leading groups for different populations, providing training and supervision workshops in group process, facilitating self-exploration groups for graduate students in counseling, and cofacilitating training groups for group counselors and weeklong residential workshops in personal growth. Both Marianne and Jerry Corey have conducted training workshops, continuing education seminars, and personal-growth groups in the United States, Germany, Ireland, Belgium, Mexico, Hong Kong, China, and Korea.

In addition to *Issues and Ethics in the Helping Professions*, Tenth Edition (2019, with Gerald Corey and Cindy Corey), which has been translated into Japanese, Chinese, and Korean, Marianne has coauthored the following books with Cengage Learning:

- *Groups: Process and Practice*, Tenth Edition (2018, with Gerald Corey and Cindy Corey), which has been translated into Korean, Chinese, and Polish
- *I Never Knew I Had a Choice,* Eleventh Edition (2018, with Gerald Corey and Michelle Muratori), which has been translated into Chinese
- *Becoming a Helper,* Seventh Edition (2016, with Gerald Corey), which has been translated into Korean and Japanese
- *Group Techniques,* Fourth Edition (2015, with Gerald Corey, Patrick Callanan, and Michael Russell), which has been translated into Portuguese, Korean, Japanese, and Czech

Marianne has made educational video programs (with accompanying student workbooks) for Cengage Learning: *Groups in Action: Evolution and Challenges DVD and Workbook* (2014, with Gerald Corey and Robert Haynes); and *Ethics in Action: DVD and Workbook* (2015, with Gerald Corey and Robert Haynes).

Marianne and Jerry have been married since 1964. They have two adult daughters, Heidi and Cindy, two granddaughters (Kyla and Keegan), and one grandson (Corey). Marianne grew up in Germany and has kept in close contact with her family and friends there. In her free time, she enjoys traveling, reading, visiting with friends, bike riding, and hiking.

Cindy Corey is a licensed clinical psychologist in private practice in San Diego, California. She worked for over a decade as a full-time visiting professor in the Department of Counseling and School Psychology at San Diego State University in both the Community-Based Block and Marriage and Family Therapy programs. She received her master's degree in Marriage and Family Therapy from the University of San Diego and her Doctorate (PsyD) in Multicultural Community Clinical Psychology at the California School of Professional Psychology in Alhambra, California. She is a member of the American Counseling Association, the Association for Specialists in Group Work, the American Psychological Asso-



ciation, and the San Diego Psychological Association (SDPA). She served as the chair of the Lesbian, Gay, Bisexual, and Transgender Committee for the SDPA and has been a member of the Multicultural Committee and Women's Committee.

Cindy has focused much of her work in the area of counselor education, specializing in multicultural training, social justice, and community outreach. In addition to teaching at San Diego State University, she taught part time in the PsyD program at Alliant International University in Alhambra. Cindy has also worked as a Contracted Clinician for Survivors of Torture International, focusing primarily on helping Sudanese refugee youth adjust to life in the United States, gain employment, and attend colleges and universities.

Cindy works as a multicultural consultant and has created clinical intervention programs, training manuals, and diversity sensitive curriculum for a variety of schools, businesses, and organizations in the San Diego area. Her private practice focuses on working with women, couples, counselors, and graduate students in counseling programs.

Cindy is coauthor, with Marianne Corey and Gerald Corey of *Groups: Process and Practice*, Tenth Edition (2018).

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Preface



Our friend and colleague, Patrick Callanan, died on March 17, 2017 (St. Patrick's Day). He was a coauthor with us on the previous editions of *Issues and Ethics in the Helping Professions*. For many years we enjoyed working with Patrick on various projects, and we will miss his companionship and professional involvement with us. Patrick devoted much of his life to the counseling profession as a practitioner and made a significant difference in the lives of many clients, students, and professionals.

Issues and Ethics in the Helping Professions is written for both graduate and undergraduate students in the helping professions. This book is suitable for courses in counseling, mental health counseling, human services, couples and family therapy, counseling and clinical psychology, school counseling, and social work. It can be used as a core textbook in courses such as practicum, fieldwork, internship, and ethical and professional issues or as a supplementary text in courses dealing with skills or theory. Because the issues we discuss are likely to be encountered throughout one's professional career, we strive to use language and concepts that will be meaningful both to students doing their fieldwork and to professionals interested in keeping abreast of developments in ethical, professional, and legal matters pertaining to therapeutic practice.

In this book, we want to involve our readers in learning to deal with the ethical and professional issues that most affect the actual practice of counseling and related helping professions. We address such questions as: How aware are you of how your values and life experiences affect your professional work? What are the rights and responsibilities of both the client and the counselor? How can you determine your level of competence? How can you achieve and maintain your competence? How can you provide quality services for culturally diverse populations? In what ways could you involve yourself in social justice and advocacy work? How can you go outside of the office and make a difference in the community? What major ethical issues might you encounter in couples and family therapy? in group work? in community agencies? in a school setting? in private practice? Our goal is both to provide a body of information and to teach a process for thinking about and resolving the basic issues counselors will face throughout their career. For most of the issues we raise, we present various viewpoints to stimulate discussion and reflection. We also present our personal views and commentaries, when appropriate, and challenge you to develop your own position.

The ethics codes of various professional associations offer some guidance for practice. However, these guidelines leave many questions unanswered. We believe that as a student or a professional you will ultimately struggle with the issues of responsible practice, deciding how accepted ethical principles apply in the specific cases you encounter.

Throughout this book, we aim to involve you in an active and meaningful way. We provide many opportunities for you to respond to our discussions. Each chapter begins with Learning Objectives to guide your reading and a Self-Inventory designed to help you focus on the key topics to be discussed in the chapter. Within the chapters we frequently ask you to think about how the issues apply to you. Open-ended cases and situations are designed to stimulate thought and discussion, and we encourage you to apply the codes of ethics of the various mental health professions to the case illustrations. Reflecting on the questions following each case example will help you determine which of the therapist responses are ethically sound and which are not. We offer our commentaries after each case to guide you in the process of determining sound ethical decisions. We also cite related literature when exploring ethical, legal, professional, and clinical issues. Instructors will find an abundance of material and suggested activities, surely more than can be covered in a single course.

An *Instructor's Resource Manual* is available that contains chapter outlines, suggestions for teaching an ethics course, additional exercises and activities, a list of PowerPoint slides, and study guide questions. A Test Bank for each chapter and online quizzes are available to instructors. An electronic version of the *Instructor's Resource Manual* is available for all platforms.

Issues and Ethics in the Helping Professions comes with MindTap[®]. MindTap, a digital teaching and learning solution, helps students be more successful and confident in the course—and in their work with clients. MindTap guides students through the course by combining the complete textbook with interactive multimedia, activities, assessments, and learning tools. Readings and activities engage students in learning core concepts, practicing needed skills, reflecting on their attitudes and opinions, and applying what they learn. Videos of client sessions illustrate skills and concepts in action, and case studies ask students to make decisions and think critically about the types of situations they will encounter on the job. Helper Studio activities put students in the role of the helper, allowing them to build and practice skills in a nonthreatening environment by responding via video to a virtual client. Instructors can rearrange and add content to personalize their MindTap course and easily track students' progress with real-time analytics. MindTap integrates seamlessly with any learning management system.

An integrated learning package titled *Ethics in Action: DVD and Workbook* (third edition, 2015) is available to enhance the 10th edition of *Issues and Ethics in the Helping Professions.* The *Ethics in Action* DVD is designed to bring to life the ethical issues and dilemmas counselors often encounter and to provide ample opportunity for discussion, self-exploration, and problem solving of these issues and dilemmas. The vignettes on the DVD are based on a weekend workshop cofacilitated by Marianne Schneider Corey and Gerald Corey for a group of counseling students, which included challenging questions and lively discussion, role plays to bring the issues to life, and comments from the students and the Coreys. Additional material on the DVD program is designed to provide a self-study guide for students who are also reading this book. This educational program is divided into three segments: ethical decision making, values and the helping relationship, and boundary issues and multiple relationships in counseling. At the end of several chapters in this book are suggested activities and guidelines for integrating the *Ethics in Action* video program with this textbook.

What's New in the 10th Edition of *Issues and Ethics*

For the 10th edition, each chapter has been carefully reviewed and updated to present the current thinking, research, and trends in practice. The following chapter-by-chapter list of highlights outlines some sample material that has been added, updated, expanded, and revised for the 10th edition.

Chapter 1 Introduction to Professional Ethics

- Citation of updated ethics codes whenever available
- Inclusion of themes common to most codes of ethics
- Increased emphasis on positive ethics rather than rule-based ethics

Chapter 2 The Counselor as a Person and as a Professional

- Updated literature on personal therapy for trainees and for practitioners
- Updated material on sources of stress in the helping professions
- Expanded discussion of self-compassion and self-care strategies for professionals
- Updated discussions of burnout, practitioner impairment, and maintaining vitality

Chapter 3 Values and the Helping Relationship

- A new section on controversies regarding integrating personal values with a professional identity
- Increased attention to the responsibility of counselor education programs in being clear with students about managing personal values
- Increased attention to the necessity for graduate students in counseling to learn how to work within the framework of the client's value system
- More focus on avoiding value imposition by ethical bracketing
- Implications of several court cases in dismissing students unwilling to keep their personal values separate from counseling clients with a different set of values
- New section on state legislation to protect religious freedom
- New literature on the ethics of values-based referrals and discriminatory referrals
- New material on the role of spirituality and religion in counseling
- New section on ethical and clinical issues with nonreligious clients
- Description of an ethical decision-making model to determine whether religious or spiritual beliefs may be clinically salient

Chapter 4 Multicultural Perspectives and Diversity Issues

- Increased coverage of cultural pluralism and cultural competence
- Updated section on ethical issues regarding sexual orientation
- Increased and updated coverage of ethical issues and competencies required in counseling lesbian, gay, bisexual, and transgender clients

- Introduction to how a social justice orientation relates to a multicultural perspective
- Updated discussion regarding acquiring and maintaining cultural competence
- Presentation of authors' views on multicultural training

Chapter 5 Client Rights and Counselor Responsibilities

- Updated and expanded section on content of informed consent process
- Updating of all of the ethics codes on the topic of client rights and counselor responsibilities
- More attention to cultural factors related to the informed consent process
- Revised discussions of informed consent and confidentiality as it pertains to managed care
- Added literature on addressing risks of diagnosis in the informed consent process
- Expanded treatment of clinical record keeping
- Revised guidelines for keeping records with couples, families, and groups
- Updated discussion of the ethical issues involved in online counseling
- New material on alternative technologies in online counseling
- Updated material on emerging issues in online counseling
- Expanded discussion of common complaints against counselors and reasons for malpractice suits
- Revised discussion of risk management practices and implications for clinical effectiveness
- Increased focus on balancing risk management with investment in quality care of clients

Chapter 6 Confidentiality: Ethical and Legal Issues

- More emphasis on counselors having an ongoing dialogue with their clients about how, when, and with whom information will be shared
- Revised section on privacy issues with telecommunication devices
- Commentary on the use of telephone-delivered psychotherapy
- Revised discussion of confidentiality and privacy in a school setting
- New literature on duty to warn and to protect
- New section on ethical considerations with clients who self-injure
- New material on safety plans with high-risk clients
- Expansion of topic on prevention of school violence
- Expansion of discussion on predicting and preventing acts of violence
- Revision of section on dealing with dangerous clients
- Revision of risk management strategies in dealing with duty to protect situations

Chapter 7 Managing Boundaries and Multiple Relationships

- Revised discussion of how some boundary crossings can result in enhanced client care
- More attention to ways of establishing appropriate boundaries
- New section on setting appropriate boundaries outside the office

- Revised critique of the slippery slope phenomenon
- Updated literature on ways to minimize risks for those working in rural areas and in small communities
- New literature on dealing with sexual attractions

Chapter 8 Professional Competence and Training

- Increased emphasis on how competence is a significant topic for counseling students
- Expanded discussion of the gatekeeper role of faculty
- New section on training practitioners to work in a digital culture
- Expanded discussion on the role of interpersonal behavior in working with trainees and the need to have difficult conversations with trainees who manifest professional competency problems
- Updated discussion on dismissing students for nonacademic reasons
- Updated section on maintaining competence and the value of lifelong learning

Chapter 9 Ethical Issues in Supervision

- Updated coverage of informed consent in clinical supervision
- Revised material on legal aspects of supervision
- Discussion of power dynamics in the supervisory relationship
- More emphasis on the importance of a strong supervisory working alliance
- New discussion of the role of a supervision contract
- New discussion of the concept of strict liability for supervisors
- Revised material on assessment of culturally competent supervision
- Updated treatment on role of spirituality in supervision
- Expanded section on addressing gender issues in supervision
- Revised discussion of clinical supervision for school counselors
- Revised section on the ethical issues for online supervision
- Revision of multiple relationships in the supervisory process
- Updated discussion of how positive boundary crossings can enhance supervisory relationships

Chapter 10 Issues in Theory and Practice

- Updated section on assessment and diagnosis
- Updated discussion of ethical issues regarding the DSM-5
- Revised section on ethical and legal issues pertaining to diagnosis
- Revision of cultural considerations in assessment and diagnosis
- A critique of empirically supported treatments

Chapter 11 Ethical Issues in Couples and Family Therapy

- Expansion of the systems theory perspective
- More emphasis on the revised AAMFT code of ethics
- More attention to how a therapist's family-of-origin experiences can influence a therapist's work with families
- Updated discussion of confidentiality in couples and family therapy
- Updated discussion on dealing with secrets in working with multiple clients

Chapter 12 Ethical Issues in Group Work

- Revised and expanded discussion of training and supervision of group leaders
- Updated section on ethical issues in diversity training of group leaders
- Revised guidelines for acquiring multicultural and social justice competence in group work
- New literature on privacy and confidentiality considerations pertaining to social media in group work
- Revised section on evaluating what works in a group
- Updated material on the practice-based approach to group work

Chapter 13 Community and Social Justice Perspectives

- Additional concrete examples and cases to illustrate key concepts of social justice in community work
- Revised section on the community as client
- Updated discussion on the goals of social justice and advocacy
- New section on social justice advocacy in school counseling

Acknowledgments

We would like to express our appreciation for the suggestions given to us by reviewers, associates, students, and readers. The reviewers of this **10th edition** have been instrumental in making significant changes from the earlier editions. We especially recognize the following people who reviewed the revised manuscript of the 10th edition and offered ideas that were incorporated into this edition:

Kristen Dickens, Georgia Southern University Maureen C. Kenny, Florida International University Kristin Vincenzes, Lock Haven University Julia Whisenhunt, University of West Georgia

We appreciate the feedback from the following people on selected chapters in this edition, based on their areas of special interest and expertise:

The following people provided reviews and suggestions for various aspects of Chapter 3, on dealing with values in counseling: Perry Francis, Eastern Michigan University; David Kaplan, Chief Professional Officer, American Counseling Association; and Brad Johnson, United States Naval Academy.

For Chapter 4 on ethical issues in multicultural counseling, appreciation goes to Mark Stebnicki for his contribution of a section on the culture of disability, which highlights ethical issues in counseling people with disabilities.

For Chapters 5 and 6, we thank Anne Marie "Nancy" Wheeler, JD, attorney in private practice in Maryland and the District of Columbia, affiliate faculty member at Loyola University Maryland, and consultant for the ACA Risk Management Service; and Jamie Bludworth, Assistant Professor of Counseling and Counseling Psychology at Arizona State University.

For Chapter 9 on clinical supervision, we appreciate the critique of Jamie Bludworth, Arizona State University. For Chapter 13 on community and social justice issues, our thanks to Fred Bemak, George Mason University.

Finally, as is true of all our books, *Issues and Ethics in the Helping Professions* continues to develop as a result of a team effort, which includes the combined efforts of several people at Cengage Learning: Julie Martinez, Product Manager, Counseling, Social Work, & Human Services; Alexander Hancock, Associate Content Developer, Sociology, Counseling, and Social Work; Vernon Boes, Art Director; and Rita Jaramillo, Content Project Manager. Thanks to Ben Kolstad of Cenveo® Publisher Services, who coordinated the production of this book. Special recognition goes to Kay Mikel, the manuscript editor of this edition, whose exceptional editorial talents continue to keep this book reader friendly. Special recognition goes to Michelle Muratori of Johns Hopkins University for her work in updating literature for all of the chapters and for providing detailed input in the various aspects of this revision. We appreciate Susan Cunningham's work in creating and revising test items to accompany this text, preparing the index, updating the Instructor's Resource Manual, revising the PowerPoints slides, and in assisting in development of other supplements to this book. The efforts and dedication of all of these people have contributed to the high quality of this revised edition.

Gerald Corey Marianne Schneider Corey Cindy Corey



LEARNING OBJECTIVES

- **1.** Identify common themes of ethics codes
- 2. Understand the limitations of codes of ethics
- 3. Describe three objectives fulfilled by codes of ethics
- 4. Explain the difference between law and ethics
- 5. Differentiate between aspirational ethics and mandatory ethics
- 6. Compare principle ethics and virtue ethics
- 7. Apply the six moral principles to ethical dilemmas
- 8. Recognize the steps in working through an ethical dilemma
- **9.** Assess your attitudes and beliefs pertaining to a range of ethical and professional issues addressed in this book











The Focus of This Book

Working both independently and together over the years, the three of us have encountered a variety of professional and ethical issues that seem to have no clearcut solutions. Conversations with students and colleagues reveal similar struggles. Exchanging ideas has helped us deal with these issues, and we extend this conversation to you throughout this book. We are convinced that students in the helping professions must anticipate and be prepared for these kinds of problems before their first fieldwork experience, and certainly before they begin practicing. The lack of clear-cut answers to ethical dilemmas can be frustrating, but engaging in a dialogue on these issues makes us all better clinicians and guides us toward better clinical outcomes.

We cannot dispense prescriptions or provide simple solutions to the complex situations you may encounter. Our main purpose is to facilitate critical thinking on your part and to establish a basis for you to develop a personal perspective on ethical practice within the broad limits of professional codes and divergent theoretical positions. We raise some central issues, present a range of views on these issues, discuss our position, and provide you with opportunities to refine your thinking and actively develop your own position. Many of these issues may resurface and take on different meanings at various stages in your professional life.

In this book we provide a flexible framework and a direction for working through ethical dilemmas. We have refined our ideas through our clinical experiences, our experiences teaching ethics, and by engaging in discussions with colleagues and students. We are passionate about the study of ethics because it requires that we (1) use critical thinking skills, (2) strengthen our own judgment and decision-making processes, (3) advocate for social justice issues, and (4) challenge culturally encapsulated standards in our profession.

As you read this book, you will discover our biases and viewpoints about ethical behavior. We clearly state that these represent our perspective and are not a universal standard. We offer our position not to sway you to adopt our views but to help you develop your own position. Identifying our own personal misconduct can be far more challenging than pointing out the misconduct of our colleagues, yet each of us must continually reflect on what we are doing personally and professionally. In the end, each of us is responsible for his or her own ethical practice.

You will encounter many situations that demand the exercise of sound judgment to further the best interests of your clients. Codes of ethics provide general standards, but these are not sufficiently explicit to deal with every situation. It is often difficult to interpret ethics codes, and opinions differ over how to apply them in specific cases. In all cases, the welfare of the client demands that you become familiar with the guiding principles of the ethics codes and accepted standards of practice of your profession.

The various mental health professions have developed codes of ethics that are binding for their members. Often students and practitioners confuse ethical and legal standards, or mistakenly assume that ethics are regulated by law. Ethics and the law are not synonymous (see Chapters 5 and 6). As a mental health provider, you are expected to know the ethics code of your professional organization and to be aware of the consequences of practicing in ways that are not sanctioned by the organization. Responsible practice requires that we use informed, sound, and responsible judgment. It is necessary that we demonstrate a willingness to consult with colleagues, keep up to date through reading and continuing education, and continually monitor our behavior.

We have reexamined many of the issues raised in this book throughout our professional lives. Levitt, Farry, and Mazzarella (2015) "suggest that experienced counselors still struggle with the gray areas of ethics, and what may seem like a straightforward issue rarely has clear resolutions" (pp. 94–95). Although you may think you have resolved some of these ethical and professional issues at the initial stage of your development as a counselor, these topics can take on new dimensions as you gain experience. Many students believe they should resolve all possible issues before they begin to practice, but this is an impossible task. The definition and refinement of such concerns is a developmental process that requires self-reflection, an open mind, and continual reexamination.

Some Suggestions for Using This Book

Introducing students to the many dimensions of thinking about ethical practice is essential even though our response to questions surrounding ethical issues and dilemmas often is "it depends." Although a lack of clear-cut answers can be viewed as anxiety-producing, we prefer to see it as liberating. The vast gray area within ethical decision making provides ample opportunity for creativity and empowerment as we grow as professionals.

We frequently imagine ourselves in conversations with you, our readers. We state our own thinking and offer a commentary on how we arrived at the positions we hold. We encourage you to integrate your own thoughts and experiences with the positions and ethical dilemmas we raise for consideration. In this way you will absorb information, deepen your understanding, and develop an ethical way of thinking. A main priority is to clarify your goals and to think about ways of becoming actively involved. To get the most from this book, we encourage you to focus on the following:

- *Preparation.* Prepare yourself to become active in your class by spending time reading and thinking about the questions we pose. Completing the exercises and responding to the questions and open-ended cases will help you focus on where you stand on controversial issues.
- *Expectations*. Students often have unrealistic expectations of themselves. If you have limited experience in counseling clients, think about situations in which friends sought your help and how you dealt with them. You can also reflect on the times when you were experiencing conflicts and needed someone to help you gain clarity. This is a way to relate the material to events in your own life.
- *The self-assessment survey.* The multiple-choice survey at the end of this chapter is designed to help you discover your attitudes concerning most of the issues

we discuss in the book. Take this inventory before you read the book to discover where you stand on these issues at this time. Take the inventory again after you complete the book to compare your responses to see what changes, if any, have occurred in your thinking.

- *Chapter self-inventories.* Each chapter begins with an inventory designed to encourage reflection on the issues to be explored in the chapter. Completing the inventory is a good way to focus your thinking on the topics in a chapter. Consider discussing your responses with your fellow students and peers. After reading the chapter and discussing the material in class, complete the inventory again to see if your position has changed in any way.
- *Learning objectives.* Found at the beginning of each chapter, the learning objectives guide you to focus on the main points presented in the chapter and serve as a checklist to help you assess the degree to which you have mastered these key topics.
- *Examples, cases, commentaries, and questions.* Many examples in this book are drawn from actual counseling practice in various settings with different types of clients. (Elements of these cases have been changed to protect confidentiality.) Consider how you might have worked with a given client or what you might have done in a particular counseling situation. We provide our commentary on each of the cases to guide you in clarifying the specific issues involved and in helping you think about the course of action you might take in each case. We also provide illustrations of possible therapist responses to the various ethical dilemmas in the cases, not all of which are ethical or appropriate.
- *End-of-chapter suggested activities.* These suggested activities are provided to help you integrate and apply what you have learned.
- *Code of ethics of various professional organizations.* A summary of relevant ethics codes of various professional groups is provided as boxed excerpts pertaining to the topics discussed in the chapter. You may want to visit the websites of these professional organizations and download their codes of ethics.
- *Engage in critical thinking.* Involve yourself in thinking about the issues we raise. Focus on the questions, cases, commentaries, and activities that have the most meaning for you at this time, and remain open to new issues as they assume importance for you. Develop your thoughts and positions on the ethical dilemmas presented. As you engage in discussions with your peers and faculty, be open to new perspectives on how to proceed through the ethical decision-making steps. By becoming actively involved in your ethics course, you will find additional ways to look at the process of ethical decision making.



Professional Codes of Ethics

Various professional organizations (counseling, social work, psychiatry, psychology, marriage and family therapy, human services) have established codes of ethics that provide broad guidelines for their members. The codes of these national professional organizations have similarities and also differences. Publications by the various professional organizations contain many resources to help you understand the issues underlying the ethical decisions you will be making in your professional life.

Common Themes of Codes of Ethics



Each major mental health professional organization has its own code of ethics. Obtain a copy of the ethics code of the profession you are planning to enter and familiarize yourself with its basic standards for ethical practice. You do not need to memorize every standard, but lacking knowledge of the ethics code of your profession is not an acceptable excuse for engaging in unethical behavior. The ethics codes are broad and general; they do not provide specific answers to the ethical dilemmas you will encounter. Although there are specific differences among the ethics codes of the various professional organizations, there are a number of similar themes:

- Being interested in the welfare of clients
- Practicing within the scope of one's competence
- Understanding and respecting the cultural values of clients
- Distinguishing between personal values and professional values
- Avoiding harm and exploitation
- Establishing and maintaining appropriate professional boundaries
- Protecting client's confidentiality and privacy
- Practicing within an ethical and legal framework
- Avoiding discrimination in providing services to clients
- Striving for the highest level of ethical practice
- Recognizing the importance of self-care as a basis for competent practice

Limitations of Codes of Ethics

Your own ethical awareness and problem-solving skills will determine how you translate the various ethics codes into professional behavior. The codes do not provide a blueprint for adequately dealing with all of the ethical challenges you will encounter, but they do represent the best judgment of one's peers about common ethical problems (Welfel, 2016). Codes of ethics are not cookbooks for responsible professional behavior; they do not provide recipes for effective ethical decision making. Indeed, ethics codes offer unmistakably clear guidance for only a few problems. The American Psychological Assocation's (APA) ethics code (2010) is quite clear that it neither provides all the answers nor specifically addresses every dilemma that may confront a practitioner. The ethical principles in the APA code are not enforceable rules, but they should be considered by psychologists in arriving at an ethical course of action. Pope and Vasquez (2016) remind us that ethics codes, standards, and laws are the beginning, not the end, of ethical considerations. They inform us but do not replace our effort in critically thinking through ethical issues. "Ethical decision making is a process and codes are only one part of that process" (p. 3). In short, ethics codes are necessary, but not sufficient, for exercising ethical responsibility. Ethics codes have a number of limitations (see Herlihy & Corey, 2015a; Knapp, Gottlieb, & Handelsman, 2015; Pope & Vasquez, 2016; Welfel, 2016). Problems you might encounter as you strive to be ethically responsible include the following:

- Some issues cannot be handled solely by relying on ethics codes.
- Ethics codes do not address the many situations that lie in an ethical gray zone.
- Some codes lack clarity and precision, which makes assessment of an ethical dilemma unclear.
- Simply learning the ethics codes and practice guidelines will not necessarily make for ethical practice.
- Answers to ethical dilemmas are not contained in the ethics codes.
- Conflicts sometimes emerge within ethics codes as well as among various organizations' codes.
- Ethics codes tend to be reactive rather than proactive.
- No set of rules or ethical standards can adequately guide practitioners through many of the complex situations they may encounter.
- New situations arise frequently, and no two cases are exactly the same.
- A practitioner's personal values may conflict with a specific professional value or standard within an ethics code.
- Codes may conflict with institutional policies and practices.
- Ethics codes need to be understood within a cultural framework; therefore, they need to be adapted to specific cultures.
- Codes may not align with state laws or regulations regarding reporting requirements.
- Codes of ethics are often updated and require continuing education and professional development throughout a professional's lifelong learning journey.

Using Ethics Codes as Guides

Formal ethical principles can never be substituted for an active, deliberative, and creative approach to meeting ethical responsibilities (Pope & Vasquez, 2016). Ethics codes cannot be applied in a rote manner because each client's situation is unique and may call for a different solution, which demands professional judgment. A *rule-based approach* to ethics is limited in providing meaningful assistance to clinicians who are concerned with practicing at the highest level of ethical functioning.

Becoming a professional is somewhat like learning to adjust to a different culture, and both students and professionals experience an ethical acculturation process. From our perspective, practitioners are faced with assuming the responsibility of making ethical decisions and ultimately taking responsibility for the outcomes. This process takes time, and it should include consultation. Even with many years of field experience, consultation with colleagues provides an important check on our thinking about various ethical issues.

Herlihy and Corey (2015a) suggest that codes of ethics fulfill three objectives. The first objective is to *educate professionals* about sound ethical conduct. Reading and reflecting on the standards can help practitioners expand their awareness and clarify their values in dealing with the challenges of their work. Second, ethical standards provide a *mechanism for professional accountability*. Practitioners are obliged not only to monitor their own behavior but also to encourage ethical conduct in their colleagues. One of the best ways for practitioners to guard the welfare of their clients or students and to protect themselves from malpractice suits is to practice within the spirit of the ethics codes. Third, codes of ethics serve as *catalysts for improving practice*. When practitioners interpret and apply the codes in their own practices, the questions raised help to clarify their positions on dilemmas that do not have simple or absolute answers. You can imagine the chaos if people were to practice without guidelines so that the resolution of ethical dilemmas rested solely with the individual clinician.

We must never forget that the primary purpose of a code of ethics is to safeguard the welfare of clients. Ethics codes are also designed to safeguard the public and to guide professionals in their work so that they can provide the best service possible. The *community standard* (what professionals *actually* do) is generally less rigorous than the ethical standard (what professionals *should* do). It is important to be knowledgeable of what others in your local area and subspecialties are doing in their practices.

Ethics Codes and the Law

Ethical issues in the mental health professions are regulated by both laws and professional codes. The Committee on Professional Practice and Standards (2003) of the American Psychological Association differentiates between ethics and law as follows: **ethics** pertains to the standards that govern the conduct of its professional members; **law** is the body of rules that govern the affairs of people within a community, state, or country. Laws define the minimum standards society will tolerate, which are enforced by government. An example of a minimum standard is the legal obligation mental health professionals have to report suspected child abuse. The law can also encourage us to work toward changing societal attitudes, for example, to prevent child abuse rather than merely to report it.

All of the codes of ethics state that practitioners are obligated to act in accordance with relevant federal and state statutes and government regulations. In a court case, the law generally overrules ethics. As ethical mental health practitioners, however, we can advocate for social justice both *with* and *on behalf of* our clients and the communities we serve. Practitioners should be able to identify legal problems as they arise in their work because many of the situations they encounter that involve ethical and professional judgment will also have legal implications.

Remley and Herlihy (2016) note that counselors sometimes have difficulty determining when there is a legal problem, or what to do with a legal issue once it has been identified. To clarify whether a legal issue is involved, it is important to assess the situation to determine if any of the following apply: (a) legal proceedings have been initiated, (b) lawyers are involved, or (c) the practitioner is in danger of having a complaint filed against him or her for misconduct. When confronted with a legal issue, consult a lawyer to determine which course of action to take. Remley and Herlihy do not advise consulting with counselor colleagues about how to deal with legal problems because counselors rarely have expertise in legal matters. Many professional associations have attorneys who are familiar with both

legal and clinical issues, and members of these associations can use this source of consultation. Establish a working, collegial relationship with a local attorney in your state whom you can consult regarding legal issues. Some professionals have both a law degree and a mental health degree, which can be a useful resource.

Laws and ethics codes tend to emerge from what has occurred rather than from anticipating what may occur. Limiting your scope of practice to obeying statutes and following ethical standards is inadequate. We hope your behavior will not be determined by *fear-based ethics*. It is important to foster an attitude of *concern-based ethics* early in your training program, striving for the highest level of ethical care for your clients, a theme that is repeated many times throughout this book. Birrell and Bruns (2016) suggest that ethics is better viewed from a relational engagement rather than a risk management perspective. They contend that counselors need to release the fear of punishment and open themselves to authentic mutuality so that "ethics becomes relational and alive and fully integrated into each moment of the clinical encounter" (p. 396).

Ethical standards serve as a form of protection for the client, but they also help clinicians ensure their own self-care. For example, counselors sometimes struggle with setting limits around being helpful to others. Having clear guidelines in place can help you establish healthy boundaries for yourself, both personally and professionally.

At times you may encounter conflicts between the law and ethical principles, or competing ethical standards may appear to require incompatible courses of action. In these cases the values of the counselor come into play (Barnett & Johnson, 2015). Conflict between ethics codes and the law may arise in areas such as advertising, confidentiality, and clients' rights of access to their own files. If obeying one's professional code of ethics would result in disobeying the law, it is a good practice to seek legal advice. A licensed mental health professional also may contact his or her professional organization's legal department or state licensing board for consultation.

When laws and ethics collide, Knapp, Gottlieb, Berman, and Handelsman (2007) state that practitioners need first to verify what the law requires and determine the nature of their ethical obligations. Practitioners may not understand their legal requirements and may assume a conflict exists between the law and ethics when there is no such conflict. If there is a real conflict between the law and ethics, and if the conflict cannot be avoided, "psychologists should either obey the law in a manner that minimizes harm to their ethical values or adhere to their ethical values in a manner that minimizes the violation of the law" (Knapp et al., 2007, p. 55). Apparent conflicts between the law and ethics can often be avoided if clinicians anticipate problems in advance and take proactive measures.

One example of a potential conflict between legal and ethical standards involves counseling minors. This is especially true as it pertains to counseling children or adolescents in school settings. Counselors may be committed to following ethical standards in maintaining the confidentiality of the sessions with a minor, yet at times parents/legal guardians may have a legal right to information that is disclosed in these sessions. Practitioners may struggle between doing what they believe to be ethically appropriate for their client and their legal responsibilities to parents/legal guardians. When working with minors, it is necessary to be familiar both with state laws and with school policies. Some school districts may have rules regarding breaking confidentiality about substance abuse that differ from those of a private practitioner.

Mental health providers in the military are likely to experience ethical dilemmas when obligations to clients and obligations to the military organization conflict. Providers in military settings are occasionally forced to choose between client-centered therapeutic interests and organization-centered administrative interests (Johnson et al., 2010). These competing obligations can generate challenging ethical dilemmas. Information that is viewed as confidential in the civilian sector may not be protected from disclosure in a military setting. A commanding officer's need to know about the fitness of a service member may appear to conflict with the ethical values of privacy and confidentiality. Licensed health care providers in the military may struggle with apparent conflicts between their mandated and commissioned roles as military officers and their duty to their clients (Johnson & Johnson, 2017). Strategies for successfully managing these situations can be found, and Johnson, Grasso, and Maslowski (2010) state that "genuine conflict between an ethical and legal course of action—when abiding by law will automatically violate the code of ethics or vice versa—are infrequent occurrences" (p. 552).

In ethical dilemmas involving legal issues, a wise course is to seek advice from legal counsel and to discuss the situation with colleagues familiar with the law. When neither the law nor an ethics code seems to resolve an issue, therapists are advised to consider other professional and community standards and their own conscience as well. This subject is addressed more fully in Chapters 5 and 6.

Evolution of Ethics Codes

Codes of ethics are established by professional groups for the purpose of protecting consumers, providing guidelines for practitioners, and clarifying the professional stance of the organizations. Ethics codes undergo periodic revisions and are best viewed as living documents responsive to the needs of counselors, the clients they serve, and society in general. For example, the revised *Code of Ethics* of the American Counseling Association (ACA, 2014) addresses evolving ethical issues per-taining to ethical decision making, professional values, managing and maintaining boundaries, technology, the nonimposition of counselor personal values, counselor education, and legal issues, to mention a few—all of which were in response to recent developments in the field (Kaplan et al., 2017). A new section of the code covers informed consent, privacy, and security of electronic communications, distance counseling, online and research maintenance, and social media. Most professional associations revise their ethics codes every 5 to 10 years. It is necessary that the standards reflect changes in the profession and evolving social trends.

However useful the ethics codes may be, they can never replace the informed judgment and goodwill of the individual counselor. We emphasize again the need for a level of ethical functioning higher than merely following the letter of the law or the code. For instance, you might avoid a lawsuit by not paying attention to cultural diversity, but many of your ethnically diverse clients would likely suffer from your insensitive professional behavior.