

Family Secrets

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Introduction

As in any counseling situation, there are many unknowns in the scenario involving Elisa and the family she is currently counseling. Throughout the following exploration of this particular ethical scenario, the authors will be following Herlihy and Corey's (2006) ten-step model for ethical decision-making. Due to the complexity of the family's situation and the counseling relationship, the authors will also include an ecological perspective for understanding the problem (Thomas, 1994). This situation involves considerations on ethical, professional, and clinical dimensions, which will be explored in depth throughout the following sections (Herlihy & Corey, 2006).

Identifying the Problem

The first step in the ethical decision-making model as outlined by Herlihy and Corey (2006) is to identify the problem. Although the ethical dilemma in this case is multifaceted, Eric's disclosure of Joel and Kyle's adoption is the crux of this matter. While adoption is a legal issue, this family is in the post-adoption phase and they are seeking counseling services for issues that are not explicitly related to the adoption. In order to more fully understand the effect of Eric's disclosure on the family, an ecological or systems perspective illuminates the many factors influencing the outcome.

Microsystem

There are two systems that comprise the microsystem level in an ethical concern regarding a family system (Thomas, 1994). The first system to consider is the counselor, Elisa. The biggest factors informing Elisa's reaction to this disclosure are her professional experiences and clinical skills, especially in regard to working with families and adoption issues. Both Elisa's professional and personal values will affect her

decision-making and shape her response to the family and her ability to maintain a beneficial counseling relationship with them (Thomas, 1994).

The second microsystem to consider is the client, which in this case is the family (Thomas, 1994). It is important to consider the impact on Eric of having to keep Joel and Kyle's adoption secret, and how it might be contributing to the problems between the boys. Also, what is the impact of the timing of this disclosure? How does the revelation of Joel and Kyle's secret adoption during a tense moment in the third session of the counseling process bolster or impede the family's progress in counseling?

Mesosystem

The next layer to consider is the mesosystem, or the counseling relationship (Thomas, 1994). Informed consent and the strength of the therapeutic alliance are the main elements to consider at this level. Does Elisa consider informed consent to be an active process throughout the counseling relationship? Had she prepared Gina, Mary, and Kevin for the possibility that keeping the adoption secret could not be guaranteed throughout the family counseling process? Had Elisa and the adults in the family made a plan for telling Kyle and Joel about their adoption status in the likely event that it would eventually come to light? If these steps were taken when family counseling was initiated, they will form a solid foundation for the family to move forward in a positive and healing direction after the adoption is revealed.

It is also compelling that Joel and Kyle are looking to Elisa for confirmation that they were indeed adopted. How can Elisa use this as an opportunity for the family to come together? Should she be the person to confirm, deny, or avoid this information?

Exosystem

On the exosystem level, it is important for Elisa to consider what the family is experiencing outside of the counseling relationship (Thomas, 1994). Important elements for consideration are the ways in which the extended family and the individuals at the boys' school think, feel, and behave in regard to the boys and the adoption. Do the other students, staff, and the community at large know about the adoption? Is there something outside of Elisa's awareness that would increase Eric's urgency to tell his brothers they were adopted?

Macrosystem

According to Thomas (1994), the macrosystem level for considering ethical dilemmas in family counseling includes the culture surrounding the family. The cultural aspects involved in this scenario include the potential differences in socioeconomic status (SES) between Gina and Eric and Mary, Kevin, Kyle and Joel, as well as the trend of keeping adoptions secret in American culture (Melosh, 2002), and the American cultural belief that adoption is an inferior way to form a family (Janus, 1997). All of these elements are at play in this delicate situation. Elisa must then turn to her professional ethical codes and professional literature in order to make sound decisions in this provocative situation (Herlihy & Corey, 2006).

Reviewing the Relevant Codes and Professional Literature

The American Counseling Association (ACA; 2014) Ethical Codes involved in this scenario broadly include the counseling relationship, informed consent, confidentiality, avoiding harm and imposing values, professional responsibility, professional competence, and consultation issues. The other ethical codes that were

considered relevant in their support of relevant ACA Ethical Codes were the Ethical Code for the International Association of Marriage and Family Counselors (IAMFC; Hendricks et al., 2011) and the American Association for Marriage and Family Therapy (AAMFT) Code of Ethics (2012). These codes added depth and specificity to the review of relevant ethical codes and professional literature.

Informed Consent and Confidentiality

Informed consent and confidentiality are the foundation upon which trust and the therapeutic alliance are built. Elisa's ability to support this family and retain their trust during this turbulent time is largely dependent upon how thoroughly informed consent and confidentiality were addressed in the previous sessions. Section A.2.a, Informed Consent (ACA, 2014), states that "counselors have an obligation to review in writing and verbally with clients the rights and responsibilities of both counselors and clients" (p. 4). When applying this code to family secrets, Brendel and Nelson (1999) outlined four potential avenues for counselors to consider: never keeping secrets; letting all members of the family know that you may keep something confidential that they do not want other family members to know; giving the holder of a secret the option to work on disclosure to the family and inform them that sessions may be terminated if they do not eventually disclose; and providing the secret holder with choices around their secret, such as to whom they would like to disclose (p. 115).

In order for Elisa to practice in an ethical manner, she should have explicitly stated and documented her responsibilities as a counselor pertaining to confidentiality of each family member and the entire family system, in compliance with ACA Ethical Code

A.2.b. This is Elisa's opportunity to initiate and document her reasoning for choosing a "no secrets" or therapeutic discretion policy.

Confidentiality is important to consider in Elisa's scenario. In particular, ACA (2014) Ethical Code B.1.c states that "Counselors disclose information only with appropriate consent or with sound legal or ethical justification" (p. 7). However, when working with families and depending on the informed consent process, confidentiality of individual family members may be maintained by Elisa, but confidentiality may not be maintained to the same degree between individual members within the context of the therapeutic sessions. Therefore, after Eric's disclosure, it is still not an ethically sound decision for Elisa to confirm that the adoption is indeed true when Kyle and Joel ask Elisa directly, unless she has explicit written permission from Gina, Mary and Kevin to do so.

If Elisa did not explicitly state that there was a "no secrets" policy from the initial informed consent, she may not ethically be able to answer Kyle and Joel's question about their adoption without the consent of the original person who disclosed it; to do so would be a breach in confidentiality. ACA (2014) Ethical Code B.4.b is applicable; it would be important for Elisa to "seek agreement and document in writing such agreement among all involved parties regarding the confidentiality of information" (p. 7). Moreover, because there are three minors in this family unit, it will be important for Elisa to be mindful of the culture of this particular family and to develop an understanding of the information that the adults may feel is inappropriate to share with the children, such as the adoption status of Kyle and Joel.

Avoiding Harm and Imposing Values

ACA (2014) Ethical Code A.4, Avoiding Harm and Imposing Values, may also be important to consider in this context. It states that “Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm” (p. 4). Moreover, “Counselors are aware of – and avoid imposing - their own values, attitudes, beliefs, and behaviors” (p. 5). Elisa’s choice to not disclose the adoption as soon as treatment was initiated may have included risk; it may have been ethically sound in regard to respecting the confidentiality and autonomy of Gina, Mary and Kevin as well as preventing harm to both the children and the family system as a whole.

Now that the disclosure has happened, Elisa must work to minimize the harm that Eric’s disclosure may do to the whole family system. If Elisa acted in the interest of protecting confidentiality, harm may have been unavoidable when the secret of the adoption emerged. If Elisa insisted upon a “no secrets policy” and ignored the wishes of Gina, Mary, and Kevin to withhold or delay disclosing the adoption, she could have run the risk of imposing her professional values as a counselor on the family because what she wanted for the family would have been “inconsistent with the client’s goals” (p. 5).

Section A.2.c outlines the need for cultural and developmental sensitivity. Elisa may want to explore with Gina, Mary and Kevin about why it is so important to them to keep the adoption secret. It will also be important for Elisa to be mindful of the fact that historically, it has been a common practice in American culture to hide adoption from adoptees in order to promote “safety of secrecy” among birth mothers and adoptive parents alike (Melosh, 2002, p. 202; Rosenberg & Groze, 1997). This may be an

important cultural influence when discussing this with family members, and it could be an important psychoeducational tool when discussing the adoption with the children. This would also align directly with multicultural/diversity considerations as outlined in ACA (2014) Ethical Code B.1.a, in which “Counselors respect differing views toward disclosure of information. Counselors hold ongoing discussions with clients as to how, when, and with whom information is to be shared” (p. 6). It is also important to consider the children in the process of this disclosure; were they given the opportunity to provide input around treatment goals? Were they given an opportunity to understand why they were in counseling and build their own relationship with Elisa?

Professional Responsibility, Professional Competence, and Consultation

Section A.1.a, Primary Responsibility, clearly states that it is “the primary responsibility of counselors to respect the dignity and promote the welfare of clients” (p. 4). In the context of one identified individual client, Elisa’s responsibility would be to advocate for the welfare of that one person; in the context of the whole family as a client, Elisa is responsible for helping them move forward from this disclosure in a way that promotes openness and honesty among all members. In order to achieve this goal and practice ethically in accordance with ACA Ethical Code A.2.b, Elisa must share her “qualifications, credentials, and relevant experience” (p.4) in working with family and adoption issues and her responsibility to either consult or refer when issues arise in the counseling relationship that are outside the boundaries of her professional competence. ACA (2014) Ethical Code C.2 is also compelling to consider in this case. Elisa may want to consider if adoption issues in families are within her boundaries of competence and to seek consultation, supervision, or refer the family to a more experienced counselor if

needed (ACA, 2014; AAMFT, 2012; Hendricks et al., 2011). While social workers have often worked with families through adoption issues, Janus (1997) advocated for counselors to increase their knowledge and skills to be prepared for working with families throughout the lifelong adoption process, as counselors already have the basic clinical skills necessary to empathize, listen to, and support families who have experienced adoption.

A significant part of professional competence is consistent documentation. Not only will it be important for Elisa to create and maintain appropriate documentation as outlined in ACA (2014) Ethical Code B.6.a, it will also be important for her to maintain the confidentiality of such records, as outlined in Ethical Code B.6.b. However, if one of the children asks to see records, she will need to consider her professional obligation to not cause harm in allowing this, as outlined in Ethical Code B.6.e. If she allows one of the children access to the records, she also must “document the request of clients and the rationale for withholding some or all of the records in the files of clients” (p. 8) if she chooses not to show them the records of the adoption disclosure. She should also document her decision-making process as she proceeds with the family as outlined by ACA (2014) Ethical Code I.1.b.

The Counseling Relationship

When working with multiple clients, the ACA (2014) Code of Ethics clearly states that “...the counselor clarifies at the outset which person or persons are clients and the nature of the relationships the counselor will have with each involved person” (p. 6). Because of this disclosure, the identified client(s) may change, based on how the family would like to proceed after Eric’s disclosure of Joel and Kyle’s adoption. For example,

the family as a single unit may have been Elisa's client coming into the relationship, or it may have been the three children, based on the idea that the family came in to work through conflict that they were experiencing. It may be important for Elisa to discuss any potential changes to this dynamic with the family and renew the informed consent process, with the ultimate goal of supporting the family in coping with this unexpected disclosure.

It may also be important to consider a new counseling plan now that this disclosure has emerged; Ethical Code A.1.c states that "Counselors and their clients work jointly in devising counseling plans that offer reasonable promise of success and are consistent with the abilities, temperament, developmental level, and circumstances of clients" (ACA, 2014, p. 4). It will be important for Elisa to create a plan with the family that respects their autonomy to acknowledge the disclosure, or to avoid it.

Considering the Moral Principles

The moral principles of autonomy, beneficence, nonmaleficence, justice, and fidelity are important in this scenario, both within the family system as the client and among the individual members. If Elisa disclosed the adoption herself, she would not have been honoring the autonomy of Gina, Mary, and Kevin, who chose not to disclose the adoption to Joel and Kyle. Now that this disclosure has happened, she also must honor the autonomy of the family and supporting their decision to be open about the adoption and work through it, or by respecting the family's decision to delay further discussions about it. Conversely, she may have preempted this with her informed consent. The moral principle of nonmaleficence conflicts with autonomy in this case, because if Gina, Mary, and Kevin are not able to be open about the adoption at this time,

they may unintentionally cause harm to Eric, Joel and Kyle, as well as maintain dysfunctional family patterns. In order to promote beneficence, Elisa may want to encourage and support a discussion of the adoption in a safe and confidential space with the whole family system and with dyads, triads and individuals as needed.

In the interest of justice, Elisa must consider the needs of both the adults and the children, as well as their individual points of view about this disclosure and how they want to proceed. It will be important to involve everyone in this discussion; however, it may also be beneficial for Elisa to talk to the adoptive parents and birth mother before proceeding in order to honor their wishes around how the disclosure and discussion of the adoption will be handled in the therapeutic process. In this instance, it could be important for Elisa to also advocate for all three children and their need for openness and honesty about the adoption. By practicing justice in this way, Elisa is also practicing fidelity both to the family system and to each individual family member.

Consulting with colleagues, supervisors, or experts

The next step in the Herlihy and Corey (2006) model is consulting with colleagues, supervisors, or experts. According to ACA (2014) Ethical Code C.2.a, Elisa must practice within the boundaries of her competence (p. 8). This may include consulting with colleagues or getting supervision around this case. According to Ethical Code I.2.c, Elisa can “consult with other counselors who are knowledgeable about ethics and the *ACA Code of Ethics*, with colleagues, or with appropriate authorities” (p. 19). It may be professionally responsible in this case in particular because of its complexity in order to consider several different perspectives before moving forward with the family.

Getting supervision around this case may also help Elisa with the next step in the Herlihy and Corey (2006) model, which is attending to one's emotions.

Attending to Emotions

Elisa may have several strong feelings as they pertain to this case. Some examples of this include that she herself may be adopted, or she may have built solid working relationships with the adults or the children individually that may cause her to advocate more strongly for one perspective over another, based on her feelings for certain people in the family system. It will be important for Elisa to sit with these feelings and be aware of their potential impact on the counseling relationship with this family and its individual members.

Another avenue Elisa can pursue in order to explore her implicit biases and personal values around ethical decision-making would be for her to explore her own family of origin and how value-driven decisions were made. According to Kitchener (1984), this exploration helps counselors understand and integrate feelings and "personal ethical beliefs" into their individual ethical decision-making process (as cited in Peluso, 2003, p. 287).

Involving Client in Making a Decision

Involving the client in the decision-making process is a significant step in this particular case. Elisa will need to ascertain how ready Gina, Mary, and Kevin are for Kyle and Joel to know about the adoption situation and be open about it. She will need to balance that with what may be in the best interest of the whole family system, in her opinion as a counselor. In order for Elisa achieve that balance, she will need to clearly

communicate all options for moving forward to the family. She must also allow them the autonomy to decide the direction of therapy after this disclosure.

Identifying Desired Outcomes and Generate Potential Courses of Action

It may be prudent for Elisa to carefully consider and advocate for the best interests of the children when deciding how to move forward. While historically, secrecy around adoption has been commonplace in American culture, since the early 1920s, there has been a movement to advocate for telling the truth to people who have been adopted (Melosh, 2002). This is not only a compelling idea for the family system, but it can also be a compelling idea in terms of the identity development of Kyle, Joel, and Eric, which can remain incomplete if a child is wondering about their own history and lineage. Elisa may want to be mindful of the potential emotional harm that the unexpected disclosure could potentially do to the younger children in terms of their trust of both their birth parents and adoptive parents (Melosh, 2002).

According to Levine and Sallee (1990), adoptees go through several developmental phases regarding how they conceptualize their adoption throughout their lifespan: Preawareness, dim awareness of a special state, cognitive integration, personal and identity crisis of the adopted adolescent, and concomitant acceptance of the biological and adoptive family. Joel and Kyle, because they are older and this adoption was never disclosed to them, may never have gone through the first two stages. They may never have experienced the confusion that is common during this time among adoptees. During cognitive integration, which is posited to happen at their developmental stage, they may become aware of their differences to their peers and their eldest sibling and begin to integrate what that means in terms of their own identities. The characteristic

wonderings about biological parents at this stage will not be applicable to Joel and Kyle, but the conflict around why she may have given them up in the first place may be difficult for them, as well as the conflict about why the adoption was never disclosed to them. The next stage, Personal and Identity Crisis of the Adopted Adolescent, may be more difficult for Joel and Kyle if the adoption is disclosed to them. It may be important for Elisa to work to educate the whole family about what Joel and Kyle may be going through as they work through this disclosure, if that is how the family wishes to proceed. This would be valuable psychoeducation for the whole family system. In addition, Elisa should consider connecting the family to community resources (e.g., adoption support groups) when they are ready (Janus, 1997).

Considering the Potential Consequences and Determine Course of Action

When considering potential courses of action, there are several that Elisa could take. She could make the decision to confirm Eric's disclosure to Kyle and Joel. She could also default to any one of the adults to answer the question that Joel and Kyle posed about their potential adoption. She could ask the children how they feel about this disclosure and help them begin to process it. She could also ignore the question, or ask the children to leave the room in order to discuss this with the adults, bringing them in later. The consequences of all of these courses of actions vary, and Elisa will need to use her professional judgment and consult with the family in considering what might be in the best interest of everyone involved.

Potential consequences if Elisa confirms Eric's disclosure is that she violates the ACA (2014) Code of Ethics around the confidentiality of the Gina, Mary and Kevin. If Elisa defaults to the adults to answer the question, they may lie to the children, or they

could choose to be open and honest. Either response could increase potential harm and strain relationships within the family. Eric would know they are lying, but confirming the adoption at this time and in this way could do emotional harm to Joel and Kyle. Asking the children how they feel about this disclosure could open up the lines of communication between the adults and the children, bring the family closer, and reduce the conflict between Eric, Joel, and Kyle. If Elisa ignores the disclosure, it could cause conflict, add to the already-present unfinished business in the family if it is never addressed again and reduce the family's confidence in her as their counselor. If Elisa chooses to ask the children to leave the room so that she can talk to the adults, it may imply truth to Eric's disclosure, which could create mistrust among the children if they are brought back in and told that what Eric said was not true. If the adults are consulted on their own and they choose to discuss the adoption, it may cause conflict initially, but would be an opportunity for more openness and honesty among the whole family. Regardless of the course of action chosen, it is clear that Eric's disclosure cannot go unaddressed.

Elisa's best option may be to ask the children leave the room so that she can talk to Gina, Mary and Kevin about how to proceed. During this time, it may be a good opportunity for her to discuss her ethical responsibility regarding confidentiality, and give them the option to disclose the truth behind the adoption to Joel and Kyle, as well as the risks and benefits of doing so. This may also be a good opportunity for Elisa to revisit their reasons for secrecy and decide if maintaining it is in the best interest of their children and their family as a whole. In either scenario, when the children come back into the session, it will be important to continue the work to resolve the conflict between Eric, Joel, and Kyle and facilitate healthier interactions within the family.

Evaluating the Selected Course of Action

When evaluating the selected course of action, Elisa must consider what actions she would take working with another family in this situation. Elisa may feel as though she would strongly encourage openness and honesty in regard to the adoption with any family. It would become more complicated, however, if Elisa were considering this as it pertains to individual family members; what may be good for Eric may not be good for Joel or Kyle, and vice versa. What may be good for the adults may not benefit the children.

In considering publicity, Elisa's standard procedures for obtaining informed consent and addressing the limitations of confidentiality between family members in counseling and encouraging the family to talk about the adoption openly after asking the boys to step out is the most prudent of all of those proposed previously.

In regard to universality, Elisa must consider if she would recommend this course of action to a colleague in a similar situation. In this sense to Elisa may feel confident that her decision to ask the boys for a few minutes with Gina, Mary and Kevin is the best course of action, given the unexpected nature of the disclosure.

Implementing the Course of Action

Elisa chose kindly to ask the boys to step out of the counseling room for a moment to check in with the Mary, Gina, and Kevin. Fortunately, due to the thorough and ongoing informed consent process, Elisa engaged in and documented Gina, Mary, and Kevin felt ready to tell Joel and Kyle that they were adopted. Although it was two sessions earlier than they had planned, everyone agreed that it would be an important step in relieving the tension between Eric, Joel, and Kyle. While coping with adoption is a

lifelong process, Joel and Kyle, now had another brother and a birth mother to support them, in addition to their adoptive parents (Janus, 1997).

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