



CASE STUDIES

Legal and Ethical Issues in Working with Minors in Schools

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CASE 1 Group Work

You are working with a young woman who reveals she is a victim of incest that ended five years ago. You are already working with another young woman who is dealing with the same issue. After several months you decide it would be in the best interest of these two girls to bring them together. You also include 2 other young women who are incest victims, have been through years of counseling and are progressing well. You bring these four students together for weekly group counseling. You spend a great deal of time on the issue of confidentiality at the first meeting. You are comfortable that the students all understand the imperative to keep all revelations confidential. Is there an ethical dilemma here?

Points to Consider

ASCA Ethical Standard A.6.c. “establishes clear expectations in the group setting and clearly states that confidentiality in group counseling cannot be guaranteed. Given the developmental and chronological ages of minors in schools, the counselor recognizes the tenuous nature of confidentiality for minors renders some topics inappropriate for group work in a school setting.”

We must continually ask ourselves, “will the potential emotional cost to students and their families be worth any gains that we may accomplish?”

Case 2 Suicide

A fourteen-year-old middle school student reports to you that Sarah, a counselee of your colleague Mr. Barnes, is involved in Satanism and has entered a murder-suicide pact with another student. You and Mr. Barnes call Sarah in and she vehemently denies the allegations and even scoffs at the idea that she would ever be involved in a cult. She convinces you. Do you have any further obligations in this case?

Points to Consider

- A duty was owed
- The duty owed was breached
- There was sufficient casual connection between breach and injury

- Standard of Care
- codes
- credentialing bodies
- school board or agency policies

-Injuries were suffered

-civil laws, criminal laws

Eisel vs. Montgomery County Board of Education

-court cases

-expert witnesses

CASE 3 Sexually Active Teens

You are a school counselor, school psychologist, social worker, or licensed mental health therapist employed by a (local school district, community agency). You are counseling a young woman who is 15 and sexually active. Should you notify her parents that their daughter is sexually active?

Points to Consider

Revisit the complications of working with minors in schools.

CASE 4 Abortion Counseling

A seventeen-year-old woman tells you she is pregnant and asks for your advice as to whether she should have an abortion. What should you do?

14 A The above minor is thirteen-years-old?

14 B (The above scenario, yet add this information...) You are vehemently opposed to abortion. What do you do?

Points to Consider

Arnold v. Escambia County Board of Education

11th Circuit Court of Appeals remanded the case to trial

Principle involved: Constitutional Rights would be violated if it were found that there was coercion.

CASE 5 GLBTQ Students

A principal has called two girls into his office that was making out in the hallways. Despite their protest he calls their parents to tell them the code of conduct they violated and the gender of the partner. One student's parent sues for breach of her child's privacy rights. Did her daughter give up her privacy rights when she made out with her girlfriend in the hallway?

Court Cases to Consider

- Wisconsin, 1996: Jamie Nabozny was awarded \$962,000, for injuries he suffered while at Ashland Middle School and Ashland High School. This was the first time a federal jury found school officials responsible for anti-gay harassment committed by students. In addition to verbally abusing him, Nabozny said other students kicked him, urinated on him, and in one incident, pretended to rape him. One attack left him in need of surgery.
- Illinois, 1996: The Riverside-Brookfield School District settled a lawsuit filed by the family of a gay student who alleged that school officials did not act on his complaints of abuse from other students.