# ETHICAL CONSIDERATIONS IN WORKING WITH PEOPLE WITH TRAUMA AND ADVERSITY

David S. Prescott, LCSW, LICSW 2025 Welcome!

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# HELLO, HELLO, WELCOME!



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# **AGENDA**

- Introductory remarks
- What are ethics?
- What are the most common issues?
- Case examples from the field
- Boundaries
- Extra slides if time allows ©

# LET'S BE HONEST

- Everyone is at a different place in their professional development
- This presentation is for all audiences



# PLEASE BE PATIENT

- We live in troubled times
- I am going to be very provocative
- I am going to be highly irreverent
- This is a training for professionals only
- I come in peace and believe in human dignity
- I mean no harm
- Please take everything I say in the spirit in which it is intended

# WARNING!

- This will be provocative
- It is intended to be relevant to survivors generally as well as survivors who go on to abuse others
- We should come down on only one side:
  - Thoughtful, ethical practice

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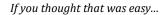
# **SAFETY**

- · Keep it simple!
- · Our work is hard enough
- Be careful out there!
  - (With apologies to Hill Street Blues...)

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# TRIVIA QUESTIONS

 What is the number one crime committed by treatment providers?







• What is the second most common crime committed by therapists?

# LET'S TALK SOME ABOUT TRAUMA

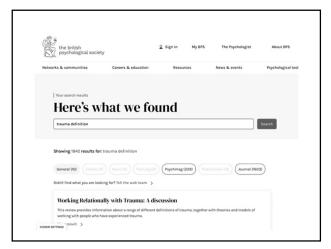
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# WHAT IS TRAUMA?

- APA:
- Trauma is an emotional response to a terrible event like an accident, rape or natural disaster. Immediately after the event, shock and denial are typical. Longer term reactions include unpredictable emotions, flashbacks, strained relationships and even physical symptoms like headaches or nausea. While these feelings are normal, some people have difficulty moving on with their lives. Psychologists can help these individuals find constructive ways of managing their emotions.

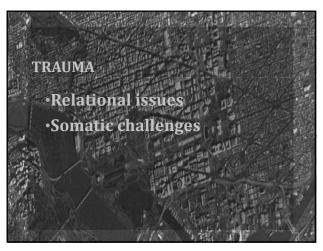
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HERMAN, 1992	
pe 1 Trauma: olated, simple trauma	Type 2 Trauma: Chronic & Complex
Usually a single incident or time- limited duration	Prolonged, repeated trauma
Acute Stress Disorder/PTSD	Increased risk for long-term PTSD symptoms
Response and effects may vary with many factors	Increased risk for related behavioral health syndromes

# WHAT IS TRAUMA? Trauma is the desperate hope that the past was somehow different. — Jan Hindman



# CONSIDER...

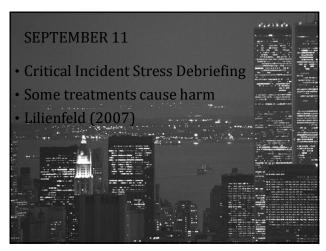
- Unless we are truly supporting autonomy in our attempts to help people, we may not be helping them.
- "Am I supporting autonomy and if so, how?" can be an excellent first step in resolving clinical challenges.

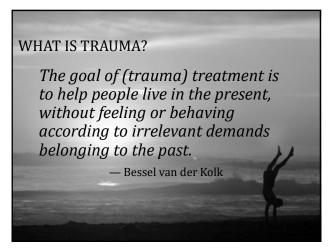
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# BENISH, IMEL, & WAMPOLD, 2008

- Treatment for PTSD is effective
- "Bona fide psychotherapies produce equivalent benefits for patients with PTSD"
- · Much controversy







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# IMPLICATIONS FOR ETHICAL PRACTICE

- Understanding the physical aftereffects
- Preventing even subtle re-traumatization
- Not assuming we have optimal relationships with clients
  - How do you fit into the client's life from their perspective?
- Avoiding nonmaleficence (client perspective)
- Promoting Beneficence (client perspective)
- Ensuring Justice (client perspective)

# CASE EXAMPLE

- EBT roll-out
- · JCCO directed client into treatment
- · Client reluctant to attend
- Harm





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# ULTIMATELY

No intervention that takes power away from the survivor can possibly foster her recovery, no matter how much it appears to be in her immediate best interest.

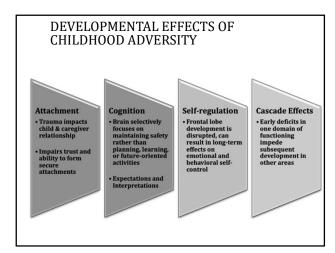
- Judith Herman

Reframe: Interventions that empower survivors foster recovery

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HOW DOES TRAUMA AND ADVERSITY AFFECT DEVELOPMENT?

And Risk Factors? And Good Lives Goals?



DEVELOPMENTAL EFFECTS OF CHILDHOOD ADVERSITY AND RISK				
Attachment  Intimacy deficits  Dismissive or disorganized attachment style  Negative peer/social influences  Hostility towards women  Emotional conference with children	Cognition  - Attitudes and beliefs that support child abuse, criminality, to the second of the secon	Self-regulation  Coping style focusing on problems instead of solutions, focus on the problems generate, etc.  General self-regulation, sexual self-regulation, sexual self-regulation, etc.  Can appear as ADHD, Conduct Disorder, etc.	Cascade Effects  • Early deficits in one domain of functioning impede subsequent of the case of the ca	

WE DON'T ALWAYS HAVE A GREAT TRACK RECORD



# A PIONEER IN OUR FIELD

Dear Parties:

Enclosed please find the Determination and Order (No. 00-30) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct New York State Department of Health Hedley Park Place 433 River Street - Fourth Floor Troy, New York 12180

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Based on the evidence in this case the Hearing Committee concludes that the conduct resulting in the Oregon Board's disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to:

- New York Education Law §6530(2) (practicing the profession fraudulently);
- New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);
  - New York Education Law §6530(20) (moral unfitness); and
  - 4. New York Education Law §6530(21) (willfully making or filing a false report).





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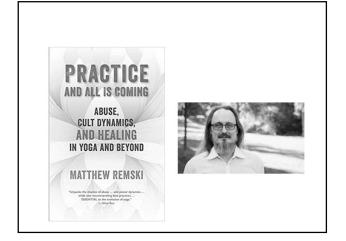
# 2013: NEW HAMPSHIRE

For the purposes of this appeal, the following facts are undisputed. At the time of the alleged crimes, the defendant was a licensed psychologist, who provided therapy to the complainant in 2007. Less than a year after the therapy ended, the two became sexually involved. In April 2010, the defendant was charged with thirty counts of aggravated felonious sexual assault (AFSA) for engaging in sexual penetration with the complainant between February 1, 2008, and December 9, 2008. The indictments alleged that by engaging in sexual penetration with the complainant "within one year of the termination of their therapeutic relationship," the defendant "act[ed] in a manner which is not professionally recognized as ethical," thereby violating RSA 632-A:2, I[g](1).

In December 2010, the defendant moved to dismiss the indictments, arguing, inter alia, that RSA 632-A:2, I(g)(1) violated his state and federal rights to substantive due process because it "criminalizes the private sexual conduct











HTTPS://WWW.YOUTUBE.COM/WATCH?V=FXL-CBPEGRA

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# **ETHICS OF SELF-CARE**

- Enshrined in many codes of ethics
- · Comes in many forms
  - "So pizza with friends may be as healthy as a salad alone."
- "Engaged self-care"
- Can never forget the corrosive effects of this work.

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# THE PROBLEM WITH EMPATHY

• Connecting with others when we're not connected to ourselves

# PRESCOTT, DIGIORGIO-MILLER, & HASKELL (2024, FEBRUARY)

- · Safer Society survey
- 313 professionals working in the field
- · Overall level of self-care was good!
- 45% of respondents described a high or very high level of stress in the previous six months
- · 80% described having symptoms of burnout
- Smaller trends showed more pronounced effects among younger professionals

(Prescott et al., 2024)

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# PRESCOTT, GINESIN, & HASKELL (2025, IN PREPARATION)

- · What gives you joy?
- Client growth and progress
- · Colleagues
- · Friends and family
- Spirituality/mission & purpose
- · Being outside/in nature

(Prescott et al., 2025)

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# THE CASE OF DARNELL

- · EBP rollout
- "Can I videotape our session as part of our treatment implementation project?"
- "Sure, I'll do that for you."
- "But David, clinicians will do anything to avoid being monitored for fidelity."
- Where are the ethical challenges?

# CONSIDER...

- Unless we are truly supporting autonomy in our attempts to help people, we may not be helping them.
- "Am I supporting autonomy and if so, how?" can be an excellent first step in resolving issues.

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# MAJOR CONSIDERATIONS IN TRAUMA

- 1. Distinguishing facts from appearances
- 2. Objective reality/findings and client experience
- 3. Questions about our role and who the client is:
  - Autonomy support versus righting wrongs/fixing things
  - Seeking disclosures of trauma based on therapist beliefs

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# MAJOR CONSIDERATIONS IN TRAUMA

- Scanning the environment for evidence of wrongdoing
  - (and adjusting our approach accordingly)
- · Reduced curiosity
  - Intervention framework:
  - Just notice
  - Practice making choices based on what you notice
  - See what happens next

# ETHICS OR BOUNDARIES?

- The case of the trauma therapist who...
- bought emotional support equipment...
- to bring his dog onto airplanes
- How does integrity factor into our work?
- How might our our integrity blunders become retraumatizing?

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# MAJOR PROBLEM

- Ethical and boundary problems happen to people who think they're at no risk.
- Being a little anxious about boundaries and ethics can be a good thing.
  - Good people can do bad things
- For managers, our ethics should include providing an excellent workplace as well as outstanding treatment





# WHAT ARE ETHICS?

- Principles for behavior.
- The moral correctness of conduct
- Ethical codes protect the client and guide the professional

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# ETHICAL PRACTICE

- We have a duty to ourselves, our clients, and our fellow citizens to maintain ethical practice at all times.
- Breaches of professional ethics always lead to harm.

### The AMHCA Code of Ethics is on the **American Mental Health Counselors** Association (AMHCA) website

https://www.amhca.org/events/publications/ethics

This page provides access to the complete code of ethics, which outlines the ethical principles and standards that guide the professional conduct of clinical mental health counselors. It covers:

- $\hbox{\bf Commitment to clients}. Confidentiality, informed consent, dual relationships, and other ethical$
- Commitment to other professionals: Professional relationships, collaboration, and ethical
- Commitment to students, supervisees, and employee relationships: Responsibilities in
- supervision, training, and employment settings.

  Commitment to the profession. Maintaining competence, upholding the integrity of the profession, and engaging in ethical research and publication.

  Commitment to the public: Advocacy, social justice, and responsible use of technology.

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### The NASW Code of Ethics is on the **National Association of Social** Workers (NASW) website.

https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English

This page provides access to the complete code of ethics, which outlines the values, principles, and ethical standards that guide social workers' professional conduct. It's a comprehensive document that covers a wide range of topics, including:

- Social workers' ethical responsibilities to clients: This section addresses confidentiality, informed consent, conflict interest, and other important considerations in the client social worker relationship.
   Social worker's ethical responsibilities include respecting colleague, maintaining professional boundaries, and
- addressing ethical concerns with colleagues.
   Social workers' ethical responsibilities in practice settings: This section covers ethical conduct in agencies,
- Social workers' ethical responsibilities as professionals: This addresses competence, profess
- Social workers' ethical responsibilities to the social work profession include promoting ethical standards, engaged and the social work profession include promoting ethical standards, engaged and the social work profession include promoting ethical standards, engaged and the social work profession include promoting ethical standards, engaged and the social work profession include promoting ethical standards, engaged and the social work profession include promoting ethical standards, engaged and the social work profession include promoting ethical standards, engaged and the social work profession include promoting ethical standards, engaged and the social work profession include promoting ethical standards.
- in ethical research, and contributing to the profession's knowledge base.

  Social workers' ethical responsibilities to the broader society: This section emphasizes social justice, advocacy, and

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The link to the Ethical Principles of Psychologists and Code of Conduct from the American Psychological Association (APA) can be found here:

https://www.apa.org/ethics/code

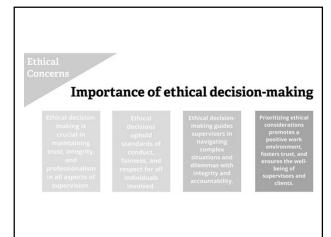
This page gives you access to the complete ethics code, which is essential for psychologists and anyone involved in the training or supervision of psychologists. It covers a wide range of ethical principles and standards related to:

- Resolving Ethical Issues: How to approach and handle ethical dilemmas.
- Competence: Maintaining sepertise and practicing within one's area of qualification.

  Human Relations: Navigating relationships with clients, colleagues, and students ethically.

  Privacy and Confidentiality: Protecting client information and respecting privacy.

  Advertising and Other Public Statements: Ensuring accurate and responsible
- Education and Training: Ethical considerations in teaching and training.
   Assessment: Using assessments responsibly.



# THE BIG THREE

- Beneficence
  - Kindness, wellbeing, mercy, etc.
- Autonomy
  - Client right to self-determination
- Nonmaleficence
  - Avoiding harm or unacceptable risk of harm

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# WHY SHOULD WE CARE ABOUT THIS?

- Threat to safety of clients, staff, and public
- · Known high-risk contexts for escape
- Venues for contraband and drug traffic
- Contaminates the treatment environment
- Illegal, unethical, and policy violation
- Disaster for employee, family, and facility or organization

# **RELATIONSHIPS & BOUNDARIES**

- Do you look forward to seeing a particular client when you come to work?
- Have you done anything with a client you would not want your supervisor or your family to know about?
- Would you be reluctant to have a coworker observe your behavior for a whole day?
- · Do you talk about personal matters with clients?
- Do you believe you can ask a client to do personal favors for you?
- Have you ever received personal advice from a client?

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# **RELATIONSHIPS & BOUNDARIES**

- Have you said anything that you wouldn't want recorded?
- Do you have thoughts or fantasies of touching a particular client?
- Do you have the right to touch a client wherever and whenever you want?
- Do you have a feeling of not being able to wait to share good/bad news with a client?
- Do you think clients are not allowed to say no to you, no matter what you ask?
- Have you ever allowed clients to talk about past sexual experiences or sexual fantasies, or tell sexual jokes in your presence outside of treatment?

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# RESPONSIBILITY

Generally speaking

- Our client is:
- The clients themselves
- Their families
- The programs
- The community

 The therapist has an ethical responsibility to the client, a legal responsibility to the court, and a moral/ethical responsibility to the community



(Sawyer & Prescott, 2010)

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# SELF-DISCLOSURE

- The case of the pierced ear
- The case of the hickey
- The case of the wedding ring
- "Are you the president?"
- "What music do you listen to?"



# **VULNERABILITIES**

- It is easy to minimize vulnerability when:
  - Clients are ambivalent about treatment
  - Their crimes are severe
  - They have exploited the vulnerabilities of others

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# SMITH & FITZPATRICK, 1995

- Three principles underlying therapist-client relationships:
  - Abstention: refraining from self-seeking and personal gratification
  - Neutrality: Focusing on the client's therapeutic agenda
  - Therapists strive for client independence and autonomy

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# TRIVIA QUESTION

- What are the two most common ethical complaints in our field?
- · Coercive treatment
- · Misuse of assessments

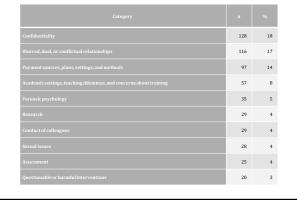
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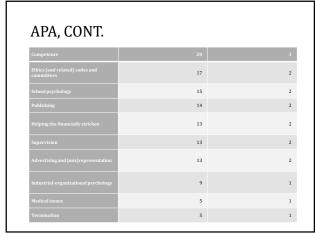
# VAN HORNE ET AL. 2005

August 1983 - January 20	005	
Sexual/Dual Relationship with patient	842	30.49%
Unprofessional/unethical/negligent prac	823	29.80%
Conviction of crimes	252	9.12%
Fraudulent acts	173	6.26%
Improper/inadequate record keeping	148	5.36%
Breach of confidentiality	124	4.49%
Inadequate or improper supervision	121	4.38%
Failure to comply with CE requirements	121	4.38%
Impairment	108	3.91%
Fraud in application for license	50	1.81%

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# AMERICAN PSYCHOLOGICAL ASSOCIATION, 1992, ON ETHICAL QUANDARIES





# STEPS IN ETHICAL DECISION-MAKING

Pope & Vasquez (2011)

- 1. State the dilemma, question, or concern as clearly as possible
- 2. Anticipate who will be affected by the decision
- 3. Figure out who, if anyone, is the client
- 4. Assess whether our areas of competence and missing knowledge, skills, experience, or expertise are a good fit for this situation

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# STEPS IN ETHICAL DECISION-MAKING

- 5. Review relevant formal ethical standards
- 6. Review relevant legal standards
- 7. Review relevant research and theory
- 8. Consider whether personal feelings, biases, or self-interest might affect our ethical judgment.
- 9. Consider whether social, cultural, religious, or similar factors affect the situation and the search for the best response.

# STEPS IN ETHICAL DECISION-MAKING

- 10. Consider consultation
- 11. Develop alternative courses of action
- 12. Think through the alternative courses of action
- 13. Try to adopt the perspective of each person who will be affected.
- 14. Decide what to do, review or reconsider it, and take action.
- 15 Document the process and assess the results.

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# TO DISCLOSE OR NOT TO DISCLOSE?

- Client doesn't know if she should confront the male family member who abused her.
- Resolving ambivalence versus providing advice.

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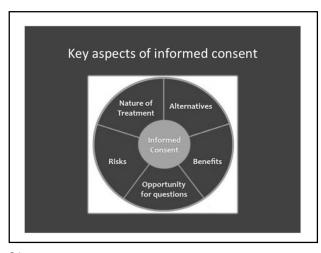
# TO DISCLOSE OR NOT TO DISCLOSE?

- Youth in treatment discloses molesting his mother while she sleeps.
- What are the limits of confidentiality?
- What are obligations to disclose?



# CONFIDENTIALITY

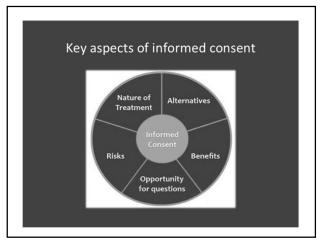
- 12-year-old: What we talk about is confidential, right?
- · Clinician: Yes, and...
- 12-year-old: Good, 'coz my dad's been taking pictures of me with no clothes on, only necklaces. What should I do?
- What's the ethical dilemma?



# INFORMED CONSENT – CIVIL COMMITMENT

- 1) A client signs consent to treatment but he spells his name backwards
- 2) The same client then signs his name upside down
- 3) A client signs informed consent and adds "Signed under duress and threat of returning to prison"

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# CHILD SEXUAL ABUSE IMAGERY

 A client in treatment discloses having viewed child sexual abuse imagery. He is not subject to court orders or supervision conditions.



# THREAT

- 14-year-old
- Privacy is everything
- Conversations with guardian happen only in his presence
- Threatens to kill his 3-year-old sister
- What's the ethical dilemma

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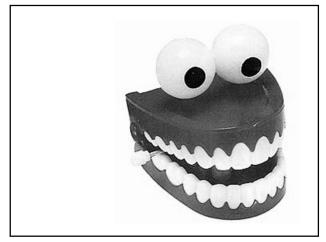
# DISCLOSURE



# **EXCITED UTTERANCE**

- Doc, there's something I gotta tell you...
- I killed a guy in a barfight...

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# THOSE PESKY DISCLOSURES

- I was 13
- At a party
- I saw an 18 year old shoot dope
- · He died
- $\bullet\,$  They took him out to the woods and buried him
- What's the ethical dilemma? How to resolve?



# **ETHNICITY**

- Civil commitment
- Allegations of institutional racism
- Led to the unfortunate nickname...
- Prescott Hair Initiative
- What's the dilemma? How to resolve?

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# GET READY, HERE IT COMES...



# POLYGRAPH FAILURE

- Polygraph w/o parental consent
- Moving forward
- Moving back
- What do we need to know?

• The case of "Angry Al"

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# **RECORDS**

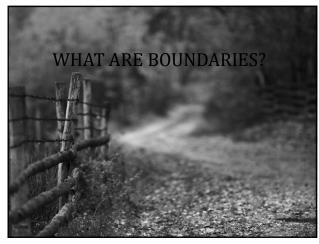
- DJJ
- Records are confidential
- Outpatient providers can't access inpatient records
- What's the dilemma? How to resolve?

# ADDITIONAL CONSIDERATIONS

(THANKS TO POPE AND VASQUEZ)

- · Being ethical is an ongoing process
- · Being ethical is a verb, not a state or trait
- Formal codes don't take the place of thoughtful approaches
- Legal standards should not be confused with ethical responsibilities
- The overwhelming majority of professionals are conscientious and caring
- Many of us are better at spotting ethical issues in others than in ourselves

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# WHAT ARE BOUNDARIES?

- Protected and connected
  - Both are required for the safety of all

# PROTECTED AND CONNECTED



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Be very, very clear about your intentions

# EMAIL IS DISCOVERABLE

- You only think they need probable cause...
- DOC investigation turns up ties to others employed elsewhere
- Administrator affair with supervisee
- · Leaked emails regarding Harvard cheating
- "confidential" incident report leaked to home addresses
- · ATSA listserv restrictions
- · Spilled cup of coffee

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# TWO KINDS OF BOUNDARIES...

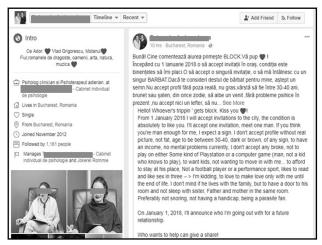
### Structural:

- · Clarity and consistency of
- Time
- Place
- Fees
- The service itself

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# TWO KINDS OF BOUNDARIES...

- Interpersonal:
  - Physical contact
- Gifts
- Self-disclosure
- etc.



# CONSIDER...

- · Attempting to "save" clients
- · Expectations of trust
- · Physical touch
- · Personal space and related boundaries
- · Role of client feedback

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# WHAT'S WHAT?

- Boundary crossings: non-pejorative.
   Departures from commonly accepted practice.
   May or may not benefit the client.
- Boundary violation: Departure from accepted practice that places the client or therapeutic process at risk.

# BEFORE WE TALK ABOUT ANYTHING ELSE

- How to manage ethical and boundary violations:
  - Culture: No secrets (repeat X3)
  - All staff make clear to others there are no secrets anywhere (repeat X3)
  - This is for the safety of clients and the program alike
  - Make every attempt to involve the other person

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# **EXAMPLES**

- I'm not sure this is such a good idea. Let's both go talk to the director.
- We both know that this can't stay secret. Would you like to speak with the director before I do, or should we both go together?
- We can't be in this situation alone. It would be bad for the kids, the program, and us. We need to talk to the director

	EXTRA SLIDES ☺	
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What happens in programs that have few or no complaints?



# **OUR WORK ENVIRONMENTS**

- Expect hard work and professional development (deliberate practice)
  - ("when do I start?")
- Everyone is responsible for their own morale
  - Step up to the plate
- Part of drawing a paycheck is showing up to work...
  - Ready, willing able
  - Rested

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# AN OUNCE OF PREVENTION

- Documentation
  - Why document?
  - Contractual obligations
  - If we were all hit by a bus...
  - · Protection of all parties
  - If it's not on paper it doesn't exist

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# WHAT MAKES THE PROFESSIONAL?

- Dress Code
- Showing up timeliness
- · Follow-through
- Open Mind
- Presentation of self manners, etc.
- Life-long commitment who you have been to this young person and their family can never change.

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#1: TEAM SPIRIT

• Everyone is depending on you

• Be on time, do what you say you'll do

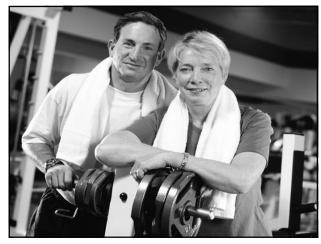
• Be helpful

• Give more than you get

# DO NO HARM

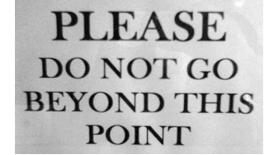
- No sex
- NEVER say bad things about clients or their families
- · No scared straight
- $\bullet \ \ \mbox{Be strength-driven, not symptom-driven}$

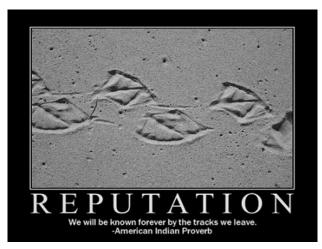
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# **DUAL RELATIONSHIPS**





# **DUAL RELATIONSHIPS**

- Probation officer as co-facilitator
  - Observes group
- Equal responsibility for treatment?
- Represents court
- Carries out orders of the court
- $\,$   $\,$  The rapist can then be seen as agent of the court
- Affects therapeutic alliance (?)
- Increased client vulnerability due to wanting to look good?

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# **DUAL RELATIONSHIPS**

- With kids
- With families
- Self-Disclosure
- Whose needs are we meeting?

DUAL RELATIONSHIPS	
• With each other	
<ul><li>Privacy</li><li>Outside relationships</li></ul>	
– Harassment	
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NON-COMPETE	
Stealing cases	
Privacy beyond confidentiality	
No hiring away	
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DISCLOSURE TO ADMINISTRATION	
Medical conditions     Psychiatric conditions	
For protection of self as well as clients	
- rot protection of sen as wen as chefits	

# CONCLUSION

- Offer choices, explore choices, clarify choices within all contexts
- Be the person who offers choices when all other choices have been taken away.
- Multiple choice where possible
- Not "do it or go to prison"
- Be very clear about assessment limitations

