

Lewis & Clark  
Graduate School of  
Education and Counseling



**MCFT 510-02: LEGAL AND ETHICAL ISSUES IN MCFT**  
**FALL 2018**

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Dates and times: Wed 10/3/18 to 12/12/18 (No Class 11/21) - 9:00am-12:00pm

Place: Rm 116

Instructor: Marcia L Michaels, PhD, LMFT

Office Hours: by appointment (Wed 12-1pm)

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**CATALOG DESCRIPTION**

Legal and Ethical Issues in MCFT is a survey of current issues relating to ethical practice and legal responsibilities in family therapy and counseling. The course addresses issues such as confidentiality, informed consent, dual relationships, and therapist liability. MCFT 510 also includes models for ethical decision making, working with the legal system, and relevant aspects of family law.

**COURSE DESCRIPTION**

This course is designed specifically to meet the educational requirements for students in the Marriage, Couple and Family Therapy Program. Topics include major trends, legal considerations and ethical issues relative to the practice of relational therapy.

**COURSE OBJECTIVES**

The following objectives are in keeping with the AAMFT Core Competencies. At the end of this course, students are expected to:

1. Understand the ethical and legal considerations specifically related to the practice of family therapy (e.g., confidentiality & release of records in relational therapy). Know and follow the AAMFT Code of Ethics, standards of practice, and state laws and regulations for the practice of MCFT.
2. Understand the implications of professional issues unique to the practice of family therapy, including contemporary debates in the field (e.g., diagnosis and relational therapies, evidence-based & common factors movements).
3. Understand philosophies and best practices for ethical decision-making. Learn to apply a

model of ethical decision making appropriate for clinical work

4. Become familiar with family law, family regulating agencies, and actions required of family therapists, (e.g., reporting child abuse & neglect, going to court, responding to subpoenas, working with child protection agencies).
5. Develop a beginning understanding of the behavioral health care delivery system, its impact on the services provided, the barriers and disparities in the system, and how institutional barriers prevent members of varying cultural and class groups from using/benefiting from mental health services.

### **TEACHING METHODS**

A variety of teaching methods will be used during this course in order to achieve the above objectives. Among those methods will be assigned readings, class discussions, experiential activities, and lectures.

### **READINGS:**

Readings are to be completed prior to each day of class as indicated in the schedule below. Students are expected to be prepared to discuss the ideas and concepts discussed in the readings. You are responsible for all of the assigned readings, whether or not they are discussed in class.

### **CPSY DEPARTMENT ATTENDANCE POLICY**

Class attendance is expected and required. Any missed class time will be made up by completing extra assignments designed by the instructor. Missing more than ten percent of class time may result in failure to complete the class. This would be 4.5 hours of a 45 hour class (3 credits), 3.0 hours for a 30 hour class (2 credits) or 1.5 hours for a 15 hour class (1 credit.) In case of extreme hardship and also at the discretion of the instructor, a grade of incomplete may be given for an assignment or the entire course. In such cases, the work to be submitted in order to remove the incomplete must be documented appropriately and stated deadlines met. Students are expected to be on time to class and tardiness may be seen as an absence that requires make-up work.

### **DISABILITY SERVICES STATEMENT**

If you have a disability that may impact your academic performance, you may request accommodations by submitting documentation to the Student Support Services Office in the Albany Quadrangle (503-768-7192). After you have submitted documentation and filled out paperwork there for the current semester requesting accommodations, staff in that office will notify me of the accommodations for which you are eligible.

### **DISCLOSURE OF PERSONAL INFORMATION**

The Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) requires the program to have “established policies for informing applicants and students regarding disclosure of their personal information” (COAMFTE Standard 140.02, 2003). Each student should decide for him/herself what information to disclose.

Students are advised to be prudent when making self disclosures. The program cannot guarantee confidentiality of student disclosures given the group environment, although personal comments should be considered private and confidential – and remain only in the classroom – unless an exception to confidentiality applies.

### **CELL PHONES & COMPUTERS**

Cell phones must be silenced and text messaging is not allowed during class time. If there is an emergency you may exit the class to use your cell. Computers and other electronic devices should be used in class only when required for a class activity or for the limited use of taking notes.

### **ASSIGNMENTS AND COURSE REQUIREMENTS**

#### **1. Participation in all classes (15 points)**

- Attending all classes and being on time each week.
- Giving attention to the instructor and/or other students when they are speaking.
- Demonstrating ability to recognize and use subtle non-verbal communication cues to assess your impact on your peers and participation in class.
- Demonstrating ability to be open about discussing the impact of your comments on your peers.
- Coming to class prepared having read the assignments for the day.
- Contributing to in-class discussion based on the topics and the readings assigned; full participation in small group activities is also required.
- Engaging in large and small group discussions with attention and energy.
- Asking questions of the instructor and/or other students regarding the material examined in that class.
- Providing examples to support or challenge the issues talked about in class.
- Making comments or giving observations about topics in the course, especially those that tie in the classroom material to "real world" problems.
- Dealing with other students and/or the instructor in a respectful fashion.
- Listening actively. Students will be asked questions related to the course's readings randomly in class by other students and by the instructor.

#### **2. Resource Binder (10 points)**

**DUE NOV 14th**

The resource binder is a 3-ring binder that you will create with materials used in this class. This is a binder of resources that you will be able to use when you start your clinical training experience at the Lewis & Clark Community Counseling Center. At minimum, it will contain the following items/sections: AAMFT Code of Ethics; ACA Code of Ethics; MCFT Clinical Training Handbook; Lewis & Clark Community Counseling Center Policies, Procedures, & Training Manual; Child, Elder, & Dependent Adult Abuse Reporting Procedures; Suicide Risk Assessment & Safety Plan; Domestic Violence (IPV) Assessment; List of Community Referrals.

All required documents are present in the binder	5pts
Binder is organized so specific information is easily accessible	5pts

**3. Professional Disclosure Statement (20 points) DUE OCT 24th**

The PDS is a written document that an LPC, LMFT, and registered intern gives to clients to tell the client information about the licensee/intern and his/her practice. This document should state for your future clients what you want them to know about you. The guidelines set forth by the Oregon Board of Licensed Professional Counselors and Therapists can be found on their website – <https://www.oregon.gov/OBLPCT/> Read the Guidelines for Professional Disclosure Statements and prepare a professional document that is presentable to clients and colleagues. It is expected that you write a statement that goes beyond the minimum information required by law and reflects your own thinking through what you consider important for informed consent. In addition, submit a 1 page rationale for what information you have and have not included and explain how you decided what to include. Evaluation parameters include:

Writing and professional appearance of PDS (grammar and format)	5 points
PDS fulfillment with OBLPCT guidelines	5 points
PDS reflection of AAMFT and OBLPCT/ACA Codes of Ethics	5 points
Thoughtful consideration of what issues to include/exclude	5 points

**4. Take Home Exam (25 points) DUE START OF CLASS DEC 5th**

You will be given a family therapy practice scenario that requires ethical and legal decision making. You will have one week to explore and determine how you would make decisions as a family therapist and what resources and guidelines you would apply in order to make your decisions. The exam must be returned along with a 2-4 page typed, double-spaced response that includes:

Identification of relevant ethical concerns/dilemmas	5 points
Identification of relevant clinic policies/procedures	5 points
Identification of relevant Oregon state laws	5 points
Identification of applicable ethical codes (AAMFT & ACA)	5 points
Brief description of ethical decision making process you would use	5 points

**5. Open Book Exam (25 points) DEC 12th**

The final exam will be formatted similarly to the MFT National Exam. It will include true/false and multiple choice questions covering the entire scope of the course. You may use books, articles, notes and websites during the exam.

Each of 25 questions will be worth 1 point. 25 points

**EVALUATION AND GRADING**

Students MUST complete all assignments in order to pass the course. Points will be awarded as follows:

LMFT Interview from MCFT 502	5pts
Attendance/Participation	15pts
Resource Binder	10pts

Professional Disclosure Assignment	20pts
Take Home Exam	25pts
In Class Exam	25pts

### **FINAL GRADING**

A = 93-100	B = 83-87	C = 73-77
A- = 90-92	B- = 80-82	C- = 70-72
B+ = 88-89	C+ = 78-79	

***NOTE: All assignments must be turned in at the beginning, before class starts on the day they are due. Five points will be deducted for each day an assignment is late.***

### **TEXT AND READINGS**

Readings include the course text, published articles that you can retrieve from Watzek Library, materials on the class Moodle site, and information from various websites.

#### **Texts**

Murphy, M. J., & Hecker, L. (2016). *Ethics and professional issues in couple and family therapy* (2<sup>nd</sup> ed). New York, NY: Routledge.

#### **Articles**

Cottone, R. R., (2001). A social constructivism model of ethical decision making in counseling. *Journal of Counseling & Development, 79*, 39-45.

Cottone, R. R., & Claus, R. E. (2000). Ethical decision-making models: A review of the literature. *Journal of Counseling & Development, 78*, 275-283.

Ellis, E., (2012). What are the confidentiality rights of collaterals in family therapy? *The American Journal of Family Therapy, 40*, 369–384.

Garcia, J. G., Cartwright, B., Winston, S. M., & Borzuchowska, B. (2003). A transcultural integrative model for ethical decision making in counseling. *Journal of Counseling & Development, 81*, 268-277.

Gonyea, J. & Wright, D. (2014). Navigating dual relationships in rural communities. *Journal of Marital and Family Therapies, 40*(1), 125-136. doi: 10.1111/j.1752-0606.2012.00335.x

Newfield, S. A., Newfield, N. A., Sperry, J. A., & Smith, T. E. (2000). Ethical decision making among family therapists and individual therapists. *Family Process, 39*(2),

177-188.

Peluso, P. R. (2003). The ethical genogram: A tool for helping therapists understand their ethical decision-making styles. *The Family Journal: Counseling and Therapy for Couples and Families*, 11(3), 286-291.

Woody, R. (2007). Avoiding expert testimony about family therapy. *The American Journal of Family Therapy*, 35, 389–393.

### **Other Readings (required)**

What You Can Do About Child Abuse by DHS, Oregon Department of Human Services  
<https://apps.state.or.us/forms/served/de9061.pdf>

### **Extra Readings (not required)**

Bernal, A. & Coolhart, D.(2012). Treatment and ethical considerations with transgender children and youth in family therapy. *Journal of Family Psychotherapy*, 23, 287–303.

McDowell, T., Libal, K. & Brown, A. (2012). Family therapy and human rights: Domestic violence as a case in point. *Journal of Feminist Family Therapy*, 24, 1-23.

Wulff, E. & St. George, S. (2011). Revisiting confidentiality: observations from family therapy practice. *Journal of Family Therapy*, 33, 199–214. doi: 10.1111/j.1467-6427.2010.00514.x

### **Websites**

American Association for Marriage and Family Therapy: <https://www.aamft.org>

AAMFT Code of Ethics: [https://www.aamft.org/Legal\\_Ethics/Code\\_of\\_Ethics.aspx](https://www.aamft.org/Legal_Ethics/Code_of_Ethics.aspx)

American Counseling Association: <https://www.counseling.org/>

Oregon Board of Professional Counselors and Therapists (OBLPCT) Home Page:  
<http://www.oregon.gov/oblpct/Pages/index.aspx>

Oregon Coalition Against Domestic and Sexual Violence Webinars:

<https://www.ocadsv.org/resources/webinars/webinar-series-domestic-violence-and-mental-health>

Understanding Domestic Violence Beyond Physical Abuse – 1.5 hrs

Screening for Domestic Violence by Mental Health Professionals – 1.5 hrs

## **COURSE SCHEDULE**

<b>DATE/TIME</b>	<b>TOPICS</b>	<b>ASSIGNED REQUIRED READINGS</b>	<b>DUE</b>
OCT 3	<b>Introduction Syllabus Difference between law and ethics</b>	AAMFT Code of Ethics (2015) ACA Code of Ethics (2014) <b>(Bring Codes of Ethics to every class)</b>	INTERVIEW DUE
OCT 10	<b>Ethical Decision Making Models</b>	Murphy & Hecker Text: Ch 2. Ethical Decision-Making from a Relational Perspective  Articles: Cottone, 2001 Cottone & Claus, 2000 Garcia et al., 2003 Newfield et al., 2000 Peluso, 2003	
OCT 17	<b>Informed Consent PDS</b>	Murphy & Hecker Text: Ch 10. Ethics in Therapy with Children in Families  Website: OBLPCT	
OCT 24	<b>Confidentiality/Privilege ROI, Subpoena HIPAA</b>	Murphy & Hecker Text: Ch 3. Legal Issues in Couple and Family Therapy Ch 4. The Impact of HIPAA and HITECH Regulations on the Couple and Family Therapist  Articles: Ellis, 2012 Woody, 2007	PDS DUE
OCT 31	<b>Mandatory Reporting: Child and Adult</b>	What You Can Do About Child Abuse – by OR DHS	
NOV 7	<b>Suicide/Homicide, Domestic Violence Assessment Clinical Paperwork</b>	Murphy & Hecker Text: Ch 8. Risk Management in Practice  Webinars: Understanding DV Beyond Physical Abuse (1.5 hrs) Screening for DV by MHP (1.5 hrs)	

NOV 14	<b>Boundaries Client Welfare</b>	Murphy & Hecker Text: Ch 7. Sexuality, Boundaries, and Ethics  Articles: Gonyea et al., 2014	RESOURCE BINDER DUE
NOV 21	<b>Holiday – No Class</b>		
NOV 28	<b>Distance Therapy Advertising/Social Media Scope of Practice</b>	Murphy & Hecker Text: Ch 14. Ethical Couple and Family E- Therapy	TAKE HOME EXAM GIVEN
DEC 5	<b>Complaint Process – Oregon and AAMFT</b>	Website: OBLPCT	TAKE HOME EXAM DUE
DEC 12	<b>Open Book Exam Course Evaluations</b>	Review all readings, lectures, and websites	IN CLASS EXAM