Confidentiality: "I Know What's Best"

CRITICAL INCIDENT

Background

Tara is a 16-year-old sophomore student who has recently transferred into the school. As part of my role as school counselor, I interviewed her when she arrived at the school. The purpose of the interview was to get to know her and to orient her to the school. Tara's parents have separated and she is living with her mother, who resides within the school district. Tara indicated that she really did not want to live with her mother but had no other choice.

Tara was pleasant during the interview and volunteered any information that was relevant to the school

orientation. She felt that she had been academically successful in her former school and was maintaining an average in the high 70s. She expressed interest in popular music and art. We developed a good rapport, and I would often stop and talk to her in the halls when we would meet. She appeared to fit into the life of the school and make friends easily. She appeared to have made a successful transition to her new school environment.

About 3 months later, I was in the main school office to discuss some things with the secretary. Tara came in carrying a large suitcase and looking stressed. I asked her if she was spending the weekend at a friend's place. She angrily responded that she was never going back home again. She had a big fight with her mother, who was concerned with the late hours that Tara was keeping. As a result, her mother had imposed a curfew on her. Tara was not going to live with her again if she had to have a curfew. I asked her if she wanted to talk further about this, and she responded by saying there was nothing to talk about. After all, she was 16 and she had the right to make her own rules. She said emphatically that she did not want to talk about this issue and that she could handle it on her own.

She was quite loud during this tirade against her mother. I asked if she had a place to spend the night, and she said she hoped to spend the night with one of her friends. At lunch time during that day, I asked her if she had a place to stay for the weekend and she told me she had. Because I knew the mother of Tara's friend, I took the liberty to call and confirm that Tara was staying there. I was concerned that she may be on the street for the night, and I wanted to help her find shelter.

Incident

About a year later, Tara came to my office. She looked very pale and tired and wanted to know if she could lie down on the health room bed for the rest of the school day. I asked her how long she had been feeling this way. She indicated that she had been tired for the past 2 weeks. I asked her if she knew of anything that might explain her feelings. She did not respond, so I assumed she may [illegible] I should probe further so I asked her

about mononucleosis. She indicated that she had not been to see her doctor. I opened the door to the health room and fixed the blankets on the bed. During this time, she indicated that she had not had a period for 2 months. I asked her if she thought she was pregnant and she nodded. I asked her if she had told her mother, and she instantly said I was not to say anything especially to her mother. She did not want anyone to know if she was pregnant. I asked if she had been eating a balanced diet. She indicated that her diet mostly consisted of Pepsi, chips, and occasionally a burger. She did not like milk and was not taking any vitamins.

I indicated that I felt obligated to inform her mother of the possibility of pregnancy and that this sharing of information would be best for her in the long term. Instantly, she became very angry with me and shouted something about my breaking confidentiality. She was now 17 and could look after herself. It was none of my business and she did not want it discussed any further. Again she reiterated that she did not want her mother to know of her possible pregnancy. I attempted to tell her the limits of confidentiality but she would not listen. She called me several names and immediately left the room, slamming the door as she left.

Discussion

I decided I had to call her mother, which I did. However, I did not discuss the possibility of pregnancy but indicated that Tara was looking pale and was experiencing tiredness. I suggested that she be taken to her doctor and be checked possibly for mononucleosis. I was hoping that if Tara was pregnant, the doctor would detect it. Tara's mother came to the school that afternoon and took her to see the doctor. The doctor confirmed she had mononucleosis and was not pregnant.

QUESTIONS

1. Should I have broken confidentiality with Tara by informing her mother of her symptoms? She was 17 at this time and had the legal right to deal with her medical needs without her mother's knowledge.

2. Should I have been up front with Tara's mother and told her that Tara had not menstruated for 2 months and that she may be pregnant?
3. In terms of looking after a client's welfare, should I be more concerned about Tara's long-term needs that may necessitate overlooking the immediate wishes of the client? If Tara was pregnant, she would be much more healthy if she acknowledged her pregnancy and adjusted her diet to reflect her nutritional needs. Or should I have respected Tara's ethical right to confidentiality? In this incident Tara did not want to discuss her condition any further and did not indicate that she would see me again.
4. Should I have suggested that Tara see her doctor and let it at that?
5. Should I have informed the school principal of the possibility of Tara's pregnancy and let him deal with it instead of contacting Tara's mother myself? It was school policy that the principal be informed of all student pregnancies so that suitable schooling arrangements could be made during the last trimester of the pregnancy.

RESPONSES TO THE INCIDENT

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There are a number of legal, ethical, therapeutic, and policy issues that interweave to make this a difficult and challenging incident with which to deal. The "easiest" response would be to confront the school counselor about the failure to establish informed consent regarding confidentiality prior to the disclosure by the student. Apparently, confidentiality and the limits therein were not understood by Tara. However, the therapeutic relationship between the counselor and client appears to have been informal, primarily involving brief conversations in the hall. Because a more formal counseling relationship has not been established, it is hard to fault the school counselor for failing to establish informed consent before the disclosure of the possible pregnancy. The counselor attempted to tell Tara about the limits of confidentiality after the disclosure, but as we might expect, attempting to establish informed consent after the disclosure was not well received by Tara.

One issue around disclosure to the mother is whether this is clearly in Tara's best interest. Although information is limited, it appears that Tara did not want to live with her mother after her parents separated, and she has left home on at least one occasion. Also, it seems that the mother has failed to notice physical symptoms (i.e., looking pale and tired) that the counselor noticed immediately. From this, our "best guess" is that the relationship between Tara and her mother may be strained. In addition, no information is given about any contact or relationship between the school counselor and Tara's mother. Thus, at the point at which disclosure was made, there was no foundation on which to believe that Tara's mother would serve as an advocate for Tara if she had indeed been pregnant.

Regardless of the correctness or incorrectness of the decision, the school counselor appears to move quickly into the issue of disclosing to the mother. That is, the school counselor moves into the legal and ethical issues of disclosure without fully exploring the therapeutic issues involved in this situation. It may well be that Tara was "crying" out for help by disclosing that she had not had a period for 2 months, thus hinting to the counselor of a possible pregnancy. Process-oriented questions such as "What do you plan to do now?" or "I sense that you have told me this for a reason. How can I help you?" may be useful to collect additional information from the student. From this, it is possible that there are more solutions than simply disclosing to the mother. For example, Tara may choose to go to see a doctor on her own.

Because Tara was not pregnant, the incident seems to have been resolved. However, there is one major aspect of the incident that likely is unresolved—that of the therapeutic relationship between the counselor and Tara. It is unlikely that Tara will trust this counselor with other personal situations when they arise. Furthermore, Tara may associate this incident with counseling in general and refuse to seek help from any professional helper in the future. Thus, the potential damage from the decisions of this counselor may be far-reaching.

asked and, as has been the case in many negligence suits, is a critical deciding factor.

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