**Forms of Child Abuse, Dilemmas, Legalities,**

**and the Counselor’s Role**

You will discuss a legal or ethical dilemma applicable to school counseling. You will need to report the dilemma; indicate why this dilemma is important to school counseling work; why you consider this dilemma to be an ethical or legal problem citing relevant codes, principles and/or laws that apply; and the proposed action you would take to this dilemma. ( child abuse)

You must follow the recommended ethical decision-making model, Solutions to Ethical Problems in Schools (STEPS), and cite applicable ASCA ethical standards, federal and Oklahoma statutes, and relevant case laws.

Paper should be approximately 10- pages in length. Follow APA forma

**You are required to include a minimum of ten references;**

Stone, C. (2017). School counseling principles: Ethics and law (4 th ed.). Alexandria, VA: American School Counselor Association. (ISBN# 978-1-929289-50-9)

Minard, S.M. (1993). The School Counselor’s Role in Confronting Child Abuse. *School counselor,* 41(1), 9.

Abeni Omidiji, O.T., Atalabi, O.M., Evbuomwan, O.E., Okwuegbuna, F.I., Olusevi, O., & Omidiji, O.A. (2016). Unusual Presentations of Child Abuse: A Report of Two Cases and the Role of Imaging. *African Journal of Paediatric Surgery,* 13(4), 213-216. doi:10.4103/0189-6725.194678.

Springer, S.I. (2016). When Values Blur the Lines: Navigating an Ethical Dilemma in School Counseling. *Journal of counselor preparation and supervision,* 8(2), 70-85.

**Abstract**

“Child maltreatment is defined as any act by a parent or caregiver that results in injury, potential injury, or threat of injury to a child” (Tillman, et al. 2015). Child abuse comes in many different forms, some easier to detect uiuuiyutytyrytrtyrytyabuse, neglect, sexual abuse, and psychological abuse. Common questions that may arise when dealing with child abuse cases are “Who is obligated to report nmbjbjhghghghlkjif I report abuse and nothing seems to change?” “How effective are the services meant to protect children?” The participants in the studies include school counselors, principals, students, and offenders. M

*Keywords:* child abuse, report, counselor

**Forms of Abuse, Legalities, Dilemmas, and the Counselor’s Role**

**It is pertinent schools counselors’ role and responsibilities be clearly defined and understood by supervisors, as recommended by the American School Counselor Association (ASCA, 2012). Confidentiality can and should be addressed with the entire school staff at the beginning of the school year, in the event situations arise when staff may become aware of sensitive information (ASCA, 2010). Counselor training should focus on the** development of lkjkhjhjgjhgjhgjhgkhjkhkhlkhchild abuse and the effects it has on its’ victims. An abused child signs and symptoms can not always in an inappropriate way, making it difficult for others to pinpoint an offender. ujiyuyhuy

Ways to counsel abused children vary, for every person is different as well as every situation. With that being said, not one counseling technique will work for every client. Most counselors and therapists consider themselves developmentally oriented (Ivey & Ivey, 1990). Identifying the problem is the first step of the counseling process. Then, the counselor starts from the very basic level of cognitiveljkklhjgyjghgjhghjgjlk.

**The Case**

**During Ms. Doe’s third year of counseling, a ten year old student, John Smith, was referred to the counseling office because of a decline in his grades, detached from his peers, and a morose look about him. After visiting with John for a while, he proceeded to tell Ms. Doe about his father’s temper. John was able to describe situations where he and his siblings would** hide from their father until he either left the house or calmed down. John also mentioned how he would fall asleep during class, rather than participate in discussions, because he was so tired and drained from the evening before, sometimes being afraid to fall asleep. Ms. Doe was concerned huiin making a quick decision that could have significant negative consequences for the home-school relationship, but she knew of her legal and ethical obligation to contact protective services if John was not safe. Since Ms. Doe was to express sadness and clarified her sokiuhiuhujd specific incidences of abuse with Ms. Doe, as Ms. Doe was aware her own values were influencing how she heard the conversation.

Following Mrs. Smith’s disclosures, Ms. Doe agreed to continue working with John on a short-term basis and discussed her role in the school setting (ASCA, 2010). Ms. Doe provided referrals to counseling resources that would support Mrs. Smith and her children on a longer term basis (ASCA, 2010). Mrs. Smith took the referrals, but from Ms. Doe’s perspective, she only continued to make excuses for why she may not be able to use them (Springer, 2016). Ms. Doe never reported the incident to Child Protective Services. However, she did consult with her principal about the issue and discussed with him whether or not she should make the call. He advised she don’t call since this was the first incident with this child. He also claimed to know the family and they were a “good family.” Ms. Doe wished to speak with another counselor, but unfortunately, she was the only counselor in the school district.

**Ethical/Legal Dilemma.** In **this particular dilemma, my initial reaction to the scenario is frustration at the father, for putting his family in a situation like this. Also, frustration is felt with Mrs. Smith, for allowing this to happen in the home and take no action for her children or herself. Intellectually, I understand Ms. Doe was concerning** herself less with what she should do to immediately protect John, such as filing a report with Child Protective Services. She by o (i.e. removal of children) and her desire to remain in good standing with families and stakeholders complicated her dilemma further. By law, Ms. Doe could face jail time and civil penalties, since she failed to report suspected child abuse to proper authorities (Stone, 2013). According to Oklahoma Statute (Child Witnesses to Domestic Violence, § 644 (H), it is stated:

Every person having reason to believe a child under age 18 is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services. No privilege or contract shall relieve any person from the requirement of reporting pursuant to this section (Child Welfare Information Gateway, 2009).

The American School Counselor Association (ASCA, 2003) states it is the professional school counselor’s legal, ethical, and moral responsibility to report suspected cases of child abuse to proper authorities.

According to ASCA *Ethical Standards for School Counselors* (2010), a case should be made that the disclosure of confidential information violated the counselor’s ethical responsibility to honor the student’s confidentiality. Ms. Doe’s decision to provide counseling and domestic violence resources to Mrs. Smith after listening to her needs is consistent with the ASCA’s standards, which encourage counselors to provide clients with referrals to appropriate resources (ASCA, 2010). She also honored the ethical codes associated with competence by discussing with Mrs. Smith her ability and willingness to continue to provide short-term counseling support to John and how her services differ from the outpatient resources she had provided (Springer, 2016).

The case *Commonwealth v. Allen* (1998) demonstrates that school counselors cannot abdicate their responsibilities unless the state statute specifically says they can (Stone, 2013). In this particular case, abuse was being done to the spouse as well as the children; In Oklahoma committing domestic violence in the presence of a child is a separate crime that may be charged separately or in addition to the act of violence. Oklahoma requires the offenders to undergo counseling (Stone, 2013). Oklahoma Statutes regarding domestic violence in front of a child state “In the presence of a child means in the physical presence of a child or having knowledge that a child is present and may see or hear an act of domestic violence. For the purposes of this section, a child may be any child whether or not related to the victim or the defendant.” The penalties for such an act are the following: Imprisonment in the county jail for no less than 6 months or more than 1 year, a fine not exceeding $5,000, or by both. For second or subsequent convictions, imprisonment in the custody of the Department of Corrections for no less than 1 year or more than 5 years, a fine not exceeding $7,000, or by both (Child Welfare Information Gateway, 2009).

could have to do with a learning barrier due to the trauma he is facing at home.

**Relevancy to School Counselors.** This case, and many **other cases similar, is important to school counselors in that child abuse is something counselors deal with on a daily basis. According to Tillman (2015), child maltreatment is a problem that affects all children of all races, sexes, and socioeconomic statuses. Research shows that in the United States, physical abuse alone accounts for 18% of child maltreatment (Tillman, et al., 015**). African American children account for 21% of physically abused children, Hispanic children (21.8%), and Caucasian children (44%) in 2012 (Tillman, et al., 2015). Not only is child abuse an issue, the even bigger also worry that their reports would not be properly investigated. Educators in all states are mandated to report suspected abuse under penalty of criminal charges. estimated that at least five students have been or will be reported as being possible victims of abuse in a typical teacher’s States. All in all, child abuse is a serious issue and should be handled in that manner.

**Proposal of Action.**  In this situation, after the **child disclosed to me what was going on in the household, I would immediately contact Child Protective Services. After doing this I would discuss with the child counseling options for him and how to cope with what was going on at home for the time being, since I know CPS doesn’t take care of** things at the drop of a hat. I would talk with John about whether or not we should discuss with his mother what he had disclosed to me and why that may be in his favor to do so. If John granted me the permission for her family will accounts given at that time. After contacting CPS I would follow up a few weeks later to find out anything I could on the case and possibly get a better understanding of the direction the case was headed.

***Forms of Abuse***

**Having an understanding of abuse symptoms is supreme in intervening as early as possible for the student’s benefit. There are four different forms of abuse: Physical abuse, emotional abuse, sexual abuse, and neglect. The difference between abuse and neglect is substantial. Abuse is the infliction of physical harm upon the body of a child by other than accidental means, continual psychological damage, or denial or emotional needs; Neglect is the** failure to provide necessary food, clothing care, shelter, supervision, or medical attention for a child (Lambie, 2005). Abuse is seen in all races, religions, socioeconomic groups and cultures. Childhood maltreatment seems to be a risk factor for physical diseases, such as obesity, growth failure, lead, ASCA’s (2004) Ethical Standards for School Counselors specifies that counselors “inform appropriate officials in accordance with school policy of conditions that may be potentially disruptive or damaging to the school’s mission, personnel, and property while honoring the confidentiality between the student and counselor” (D.1.b). The ASCA’s (2004) *Ethical Standards for School Counselor* states that a professional school counselor ethically is “regarding their rights” (A.1.d). In addition, ASCA’s (2003a) Position Statement: Child Abuse/Neglect Prevention specifies that “it is the professional school counselor’s legal, ethical, and moral responsibility to report suspected cases of child abuse/neglect to proper authorities (Lambie, 2005). If an individual fails to report suspected abuse they are subject to being held criminally liable.

In an article written by Crofts (2016), it was found that individuals fail to report because they feel that it is not their responsibility. Many times in schools and other large organizations, duties are spread so far and so thin that no one knows who is held responsible for reporting the training, and enforcing existing policies within their school. Successful reporting by teachers is influenced by their attentiveness of the duty to report, knowledge of what that duty entails, and their attitudes toward that duty (Crofts, 2016).

**Physical Abuse.** According to Lambie (2005), physical abuse is non-accidental physical injury to a child, ranging from bruises to fractures or death. Physical abuse includes bruises, burns, welts, bite marks, bald spots, unexplained fractures, abrasions, etc. Whenever a child is the victim of physical abuse, specific behaviors become prominent. These behaviors may include, but are not limited to: Nervous, aggressive, disruptive, apprehensiveness of physical contact, expressing little or no emotion when hurt, being unusually shy, withdrawn, or passive (Lambie, 2005). Having a good understanding of the symptoms of abuse is crucial for early intervention. In some cultures and in the home it is the preference by parents/caretakers to use physical punishment as a type of discipline, therefore at times it may be hard to distinguish how much is too much. According to Omidiji (2016), physical abuse can be a very complicated diagnosis to consider, especially in an environment where it is encouraged as a punitive measure, which leads to the underreporting of abuse. It is also pointed out in this article that with African American children it may be much harder to notice physical signs of abuse due to the darkness of the skin.

**Emotional Abuse.** Emotional abuse may be defined as any pattern of behavior that harms a child’s emotional development or sense of self-worth, including constant threats, criticism, or rejection, as well as withholding love, support, or guidance (Lambie, 2005). Similar to physical abuse, when emotional abuse is occurring there will be behavioral warning signs. These signs include speech disorders, ulcers, delayed physical or emotional development, habit disorders, extreme passive and undemanding manner or the opposite, demanding behavior, low self-esteem, conduct disorder, and many more (Lambie, 2005).

**Sexual Abuse.** Sexual abuse is involvement imposed upon a child by an adult, which includes fondling a child’s genitals, penetration, incest, rape, sodomy, indecent exposure, and commercial exploitation through prostitution or the production of pornographic materials (Lambie, 2005). While sexual abuse is more difficult to detect than any other form of abuse, there are still symptoms and signs to keep an eye out for. These include difficulty walking or sitting, pain, itching, bruising, bleeding in the genitalia, STD’s, detailed and sophisticated understanding of sexual behavior, regression, poor interpersonal relationships with peers, etc (Lambie, 2005).

**Neglect.** Last but not least, neglect is another form of child abuse. It is defined as a failure to provide for a child’s basic needs, which include food, shelter, medical care, education, emotional needs, or exposure to domestic violence (Lambie, 2005). Like all the other types of abuse, a neglected child will show signs and symptoms at some point. Some of these warning signs to watch for are unattended medical needs, abandonment, consistent hunger, inappropriate dress, poor hygiene, lice, poor social skills, craving for attention, fatigue, self-destructiveness, begging or stealing food, and frequent absences or tardiness (Lambie, 2005). The list for the signs and symptoms of any type of abuse may go on and on, but as educators it is pertinent that we are aware of all of them and know the proper way to react when we suspect.

**Counseling Abused Students**

For counseling abused children there are evidenced-based treatments (EBTs) that promote practices which have been demonstrated to be safe and effective (Brassard, 2009). These different programs target a specific age group and imply what treatment should be used for that particular child. These programs have the ability to harness the power of the school to provide children with positive adult-child relationships, support for positive and socially capable behavior, and an students make a list of all adults whom they could turn to for assistance (Minard, 1993). It is to be noted that counselors, teachers, administration, and the community must be prepared to deal with an increase in the number of cases reported after a sexual abuse prevention program is implemented (Minard, 1993). Improved understanding of offender behaviors is important to promote prevention and child and parent awareness efforts, improve the therapeutic processes that deal with offenders and victims, and improve the legal process (Katz&Barnetz, 2016).