programs unless the clients posed a serious threat to themselves or others and their needs could not be met in a local program. Maria was concerned that complying with the executive order would prevent her from fulfilling her ethical duty to address one particular client’s unique and challenging psychiatric needs. Maria wondered whether she should exaggerate key clinical facts in her client’s files to facilitate his referral to an out-of-state residential treatment program that could address his serious clinical needs, thereby fulfilling her ethical duty to meet clients’ needs (see NASW, 1999, standard 1.01).

Melanie A. was a social worker in a geriatric psychiatry program. The program provides publicly funded outpatient mental health services to the elderly. One of Melanie’s clients filed a malpractice lawsuit against her physician. The client alleged that the physician misdiagnosed her neurological disorder and that the client became clinically depressed as a result. Melanie was subpoenaed by the physician’s defense attorney and was asked to produce any personal notes she had about her client in addition to her formal case record. Melanie had personal notes she had recorded about some very sensitive issues in her client’s life. At the time she recorded the personal notes Melanie did not realize they could be subpoenaed. The client’s attorney attempted unsuccessfully to use the notes as evidence to punish the provider. To protect her client from adverse consequences, Melanie considered lying about the notes that she destroyed incriminating details contained in the personal notes.

Kate C. was a social worker in a neighborhood health clinic. One of her clients was a recent immigrant to the United States from Thailand. The client spoke and understood little English. According to state and federal laws, Kate was required to obtain the client’s consent before releasing information about her health status to professionals in other human service agencies from which the client was scheduled to receive services later that day. Kate was unable to locate an interpreter and considered disclosing information to the other service providers without the client’s consent. In Kate’s opinion, her ethical duty to meet the client’s needs might be more compelling than the informed consent requirements.

Discussion

Social workers sometimes encounter conflicts between ethical duties and legal standards. In some instances, social workers believe that actions that the law permits or requires would violate ethical standards in social work or that actions that would violate the law are necessary to comply with ethical standards in the profession.

These circumstances constitute ethical dilemmas in that they entail conflicts among professional values, duties, and obligations. Compliance with legal expectations and requirements might lead to violation of ethical standards in social work, and compliance with ethical standards might lead to violation of the law.

There are no formulaic or simple solutions to these ethical dilemmas. As with all ethical dilemmas, social workers should engage in a series of steps, based on the best available knowledge about ethical issues in the profession, to make the most responsible decisions possible. In recent years, several social work authors have proposed conceptual frameworks and protocols to help social workers make these difficult judgments (Congress, 1998; Linzer, 1999; Loewenberg et al., 2000; Reamer, 1999). Although there are some modest differences among them, as a group these frameworks and protocols include a series of steps that social workers can take to facilitate and enhance the quality of their ethical decisions. Typical steps include the following:

1. Identify the conflicts between professional and legal expectations and requirements, including the social work profession’s standards that conflict. For example, in the case of Alicia V., the social worker encountered a conflict between the mandatory reporting law concerning child abuse and neglect and her ethical duty to her client. Alicia believed that compliance with the state law would jeopardize her client’s well-being if the state law were not followed. If Alicia complied with the mandatory reporting law, the baby may be at risk and Alicia would expose herself to the risk of prosecution for violating the law, an ethics complaint (for example, by a relative of the baby who thinks the social worker failed to perform her ethical duty by complying with the law), and litigation (for example, if the baby were to be severely injured or died as a result of the mother’s neglect).

2. Identify the individuals, groups, and organizations that are likely to be affected by the ultimate ethical decision. Alicia’s decision would certainly have an impact on her client. If Alicia complies with the mandatory reporting law, the child welfare agency might remove the child from the mother’s custody, which may or may not be in the child’s best interest. Further, Alicia’s client might feel betrayed and could terminate treatment. If Alicia fails to comply with the law, the baby may be at risk and Alicia would expose herself to the risk of prosecution for violating the law, an ethics complaint (for example, by a relative of the baby who thinks the social worker failed to perform her ethical duty by complying with the law), and litigation (for example, if the baby were to be severely injured or died as a result of the mother’s neglect).

3. Tentatively identify all possible courses of action and the participants involved in each, along with possible benefits and risks for each. Alicia would need to think through the potential benefits and risks associated with complying with the state law or violating the state law with respect to her clients (mother and child), herself, her agency, and the broader society.

4. Thoroughly examine the reasons in favor of and opposed to each possible course of action, considering...