

CODE OF ETHICS FOR CHILD WELFARE PROFESSIONALS

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Table of Contents

Preamble

1. General Responsibilities

1.01 Integrity

1.02 Propriety

1.03 Competence

1.04 Avoiding Harm

1.05 Nondiscrimination

1.06 Sexual Harassment

1.07 Conflict of Interest

1.08 Personal Problems

1.09 Documentation of Professional Work

2. Responsibilities to Clients

2.01 Integrity

2.02 Client Self-Determination

2.03 Informed Consent

2.04 Confidentiality

2.05 Sexual Relations with Clients

2.06 Termination of Services

3. Responsibilities to Colleagues

4. Responsibilities to the Court

5. Responsibilities to Foster Parents

6. Responsibilities in Supervision

6.01 Personal Integrity

6.02 Management Responsibilities

7. Responsibilities in Administration

7.01 Personal Integrity

7.02 Public Welfare

7.03 Organization

8. Responsibilities in Research

9. Responsibilities to the Child Welfare Field

10. Responsibilities to Society

11. Ethical Decision-Making

CODE OF ETHICS FOR
CHILD WELFARE PROFESSIONALS
PREAMBLE

Society values each child's natural right to have basic needs for survival and development met and each child's natural right to live with his/her parents. Society also values each parent's natural right to rear his/her child, but through its child welfare laws, defines certain situations in which the parent's rights can be limited so that the child can be protected. Society delegates to the child welfare field and to those who become members of the field the authority to intervene in the lives of families with the goals of ensuring the safety of abused and neglected children, assisting parents in meeting minimum parenting standards, and planning alternative permanent care when parents are incapable of or unwilling to meet those standards.

The child welfare professional is a person who functions in a societally sanctioned decision making capacity for neglected and/or abused children and their families. When individuals accept the role of child welfare professional and the delegated authority inherent in that role, they publicly acknowledge having the professional responsibilities which accompany that authority. Society and agency clients, therefore, have legitimate expectations about the nature of professional intervention as it occurs in one-on-one professional/client interactions, in the management and administration of those providing intervention, and in policy decision-making.

Because of their special knowledge and authority, all professionals are in a position of power in inherently unequal relationships with their clients. The power of child welfare professionals is particularly daunting because of their delegated state authority and the mandated nature of their professional/client relationships. Their clients and society must be able to trust that child welfare professionals are working with their clients' interests in mind with no element of disrespect, punishment, or personal bias. Child welfare professionals must behave in such a manner as to ensure not only that their delegated authority is exercised appropriately but that their clients and society perceive their use of authority as appropriate.

Child welfare professionals' responsibilities to clients are grounded in a fiduciary relationship with its promise of trustworthy intervention in the lives of those less powerful. This type of relationship entails certain responsibilities based on the values of respect for persons, client self-determination, individualized intervention, competence, loyalty, diligence, honesty, promise-keeping, and confidentiality. Child welfare professionals' responsibilities to colleagues, supervisors, foster parents, the court, employees, the child welfare field, and society also find their roots in many of the same values - respect for persons, honesty, promise keeping, and loyalty - as well as in the values of accepting the responsibility for one's actions and their consequences and holding professional behavior to a standard higher than self-interest.

This code of ethics sets forth ethical principles which should be considered by child welfare professionals whenever ethical judgment must be exercised in specific situations and which should become habitual guides to daily conduct. It sets standards of behavior to be adhered to in relationships between professionals and their clients, colleagues, supervisors, foster parents, the court, employees, the child welfare field, and society. Its purpose is to assist in identifying the many and often competing values and responsibilities present in practice issues so that appropriate consideration is given to each value and responsibility in the decision-making process.

It is understood that ethical judgments are made by individuals who bring their personal values,

culture, and experiences to the decision-making process. By making public the values and ethical standards shared by child welfare professionals, this code will assist in making ethical decisions more consistent and objective and will reinforce child welfare professionals' accountability to society and to those individuals with whom they have professional relationships.

1. GENERAL RESPONSIBILITIES

1.01 Integrity

Child welfare professionals should carry out their professional responsibilities with integrity, treating those with whom they have professional relationships in a dignified, respectful, honest, and fair manner.

1.02 Propriety

Child welfare professionals should maintain high standards of personal moral conduct when engaged in professional activity. Personal standards and conduct are private matters except when such conduct may compromise professional responsibilities or reduce public confidence in the child welfare field.

1.03 Competence

- a. Child welfare professionals should provide services only within the boundaries of their competence based on their education, training, supervised experience, and professional experience.
- b. Child welfare professionals should accurately represent their qualifications, educational backgrounds, and professional credentials.
- c. Child welfare professionals should be aware of current professional information and take advantage of continuing professional education in order to maintain a high level of competence.

1.04 Avoiding Harm

Child welfare professionals should act in the best interest of those toward whom they have professional responsibilities. It is understood, however, that choices must often be made from among competing values and responsibilities resulting in some values being given priority over others.

- a. Child welfare professionals should promote the welfare of those toward whom they have professional responsibilities.
- b. Child welfare professionals should avoid harming those toward whom they have professional responsibilities.
- c. Child welfare professionals should minimize harm when it is unavoidable.

1.05 Nondiscrimination

- a. Child welfare professionals should not engage in and should act to prevent discriminatory behavior based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

b. Where personal or cultural differences could significantly affect child welfare professionals' intervention with a particular individual or groups, child welfare professionals should seek and obtain the supervision and training necessary to ensure that the intervention is unbiased, competent, and culturally appropriate.

1.06 **Sexual Harassment**

Child welfare professionals should not engage in and should act to prevent sexual harassment.

1.07 **Conflict of Interest**

1.07(a) Multiple Relationships

Child welfare professionals should take into consideration the potential harm that intimate, social or other nonprofessional contacts and relationships with clients, family members, foster parents, colleagues and supervisors could have on their professional objective judgment and performance.

1. Child welfare professionals should avoid any conduct that would lead a reasonable person to conclude that the child welfare professional might be biased or motivated by personal interest in the performance of duties.
2. Whenever feasible, child welfare professionals should avoid professional relationships when a preexisting nonprofessional relationship is present.
3. Child welfare professionals should discuss past, existing and potential multiple relationships with their appropriate superiors and resolve them in a manner which avoids harming and/or exploiting affected persons.
4. Child welfare professionals who are also foster parents should disclose and have ongoing discussions regarding these dual roles with their appropriate superior in order to prevent conflicts of interest, abuse of power, or the suggestion of impropriety in carrying out professional activities.

1.07(b) Private Interests

1. Child welfare professionals should not allow their private interests, whether personal, financial, or of any other sort, to conflict or appear to conflict with their professional duties and responsibilities. Any conduct that would lead a reasonable person to conclude that the child welfare professional might be biased or motivated by personal gain or private interest in the performance of duties should be avoided.
2. Child welfare professionals should avoid professional matters where they have a private financial or personal interest. If a situation arises where such a conflict may exist, child welfare professionals should consult with an appropriate superior and take steps to eliminate any potential or real conflict.

1.08 **Personal Problems**

a. Child welfare professionals should not perform professional activities when they know or should know that personal problems, mental health problems, or substance abuse could impede professional judgment and performance.

b. When such problems could interfere with performance, child welfare professionals should consider obtaining appropriate professional help and determine, along with their appropriate superior, whether they should limit, suspend or terminate their professional duties.

1.09 Documentation of Professional Work

Child welfare professionals should accurately and truthfully document their professional work according to agency policy and/or legal requirements in order to ensure accountability and continuity in the provision of services to clients.

2. RESPONSIBILITIES TO CLIENTS

The client is a child or a family member who is receiving a professional intervention and/or child welfare services from DCFS or through an agency with which DCFS has purchase of service contracts. The first responsibility of the child welfare professional is to the client; however, the specific nature of that responsibility differs depending on whether the client is the child, the parent, or another family member.

A. Responsibilities to the child

The child becomes a client when the child's right to have basic needs met may have been compromised or denied. The child welfare professional acts to ensure that the basic needs of the child are met by the child's parents. If this is not possible, the child welfare professional acts in a timely manner to ensure that the basic needs of the child are met by others.

B. Responsibilities to the parents

The parent becomes a client when the parent's ability to responsibly care for the child has been questioned. Both the parent and the child have the right to live together as a family, and the parent has the right to care for the child if the parent is able and willing to meet the basic needs of the child. The child welfare professional makes reasonable efforts to help the parent meet the applicable standard of care, and recognizes the changing nature of the responsibilities of the professional to the parent based on the parent's response to intervention.

C. Responsibilities to other family members

Other family members become clients when providing services to them will help meet the basic needs of the child. The child welfare professional acts to provide those services.

2.01 Integrity

Child welfare professionals recognize the vulnerability of their clients and the serious responsibilities associated with intervention in the parent/child relationship. The behavior of child welfare professionals should reflect the emphasis placed by the child welfare field on

professional trustworthiness and on the values of respect for persons, client self-determination, individualized intervention, competence, loyalty, diligence, honesty, promise-keeping, and confidentiality.

2.02 Client Self-Determination

The mandated nature of the child welfare professional/client relationship limits the options available to clients, but does not eliminate their right to self-determination. Client self-determination refers to the client's right to make self-determined choices and to freely act upon those choices without undue influence or coercion. It also refers to the client's right to receive information necessary to make a self-determined choice.

- a. Child welfare professionals should evaluate the decision-making capacity of all clients and reevaluate it appropriately as circumstances change.
- b. Child welfare professionals should ensure that all clients, whatever their age, have the opportunity to make self-determined choices according to their level of understanding and decision-making capacity.
- c. Child welfare professionals should ensure that their clients have available to them all of the information necessary to make self-determined decisions.
- d. Child welfare professionals should ensure that their clients have the opportunity to make self-determined choices from among the options available to them free from external coercion.
- e. Child welfare professionals should ensure that psychological constraints to self-determined decision-making are addressed and, if possible, eliminated or reduced so that self-determination is enhanced.

2.03 Informed Consent

Informed consent emanates from the principle of client self-determination. It promotes decision-making by the client after complete and accurate information regarding the nature of the intervention and the possible consequences of that intervention have been fully discussed by the professional and the client. Child welfare professionals have the responsibility to engage in this process with mandated clients who have not chosen to become clients but who have options to consider and decisions to make within the framework of a mandated intervention.

- a. Child welfare professionals should inform clients as soon as feasible and in language that is understandable about the nature of the professional relationship, the nature of the professional intervention, the professional's delegated authority and the limits of that authority, which decisions the client can make and which decisions the child welfare professional will make.
- b. Child welfare professionals should inform clients of the role of the court, if any, and of their legal and procedural rights.
- c. Child welfare professionals should keep clients informed about the case plan throughout the entire intervention.

- d. Child welfare professionals should obtain permission for intervention from a legally authorized person when a client is legally incapable of giving informed consent.
- e. Child welfare professionals should seek assent for intervention from clients who are not capable of giving an informed consent, giving due consideration to the clients' preferences in pursuing their best interests.

2.04 **Confidentiality**

- a. Child welfare professionals should respect the confidentiality rights of clients and those with whom they work or consult. Confidential information should be used only for professional purposes and shared only with authorized parties.
- b. Child welfare professionals have a duty to be familiar with all relevant confidentiality requirements and limitations found in federal and state laws and agency rules that apply to the child welfare field.
- c. Child welfare professionals should inform clients of all relevant confidentiality requirements and limitations.

2.05 **Sexual Relations with Clients**

Child welfare professionals are in inherently unequal relationships with their clients creating the potential for abuse of power. In mandated relationships there is a special potential for harm and exploitation of vulnerable clients by child welfare professionals.

- a. Child welfare professionals should not engage in sexual activities with current clients.
- b. Child welfare professionals should not accept as clients persons with whom they have previously engaged in sexual activities.
- c. Child welfare professionals should not engage in sexual activities with former clients who were adults during the professional intervention for a period of at least two years after the termination of the professional intervention. Because sexual intimacies with former clients are potentially harmful to the client, child welfare professionals who do engage in sexual intimacies after a two year period following termination of professional intervention are responsible for demonstrating that no exploitation is taking place.
- d. Child welfare professionals should not engage in sexual activities with former clients who were minors during the professional intervention for a period of at least two years after the client has reached the age of 21. Because sexual intimacies with former clients are potentially harmful to the client, child welfare professionals who do engage in sexual intimacies after this two year period following the client's reaching the age of 21 are responsible for demonstrating that no exploitation is taking place.
- e. Child welfare professionals who are still employed in the field should consult with their superior before initiating with a former client a relationship that has the potential for becoming intimate to help ensure that no exploitation will take place. Child welfare workers who leave the

field continue to have the responsibility of considering the potential for exploitation and harm in relationships with former clients.

f. Child welfare professionals should not engage in sexual activity with clients' relatives or with other individuals with whom clients maintain a close personal relationship since such behavior has the potential of being harmful to the client.

2.06 Termination of Services

Child welfare professionals should not abandon their clients. Child welfare professionals should continue appropriate intervention with clients until intervention is no longer required to meet the needs of the child or is no longer appropriate under the applicable statute. At that time, intervention is terminated.

a. Child welfare professionals should promptly notify clients when termination or interruption of services is anticipated.

b. Prior to termination, for whatever reason, except precise order of the court, child welfare professionals should provide appropriate pre-termination counseling and take other steps to facilitate transfer of responsibility to another colleague or provider of services if further intervention is required.

c. Child welfare professionals should request the transfer of a case to another professional when compelling reasons prevent successful professional intervention.

3. RESPONSIBILITIES TO COLLEAGUES

Child welfare professionals should act with integrity in their relationships with their colleagues, treating them with respect, honesty, and fairness and accepting their right to hold values and beliefs that differ from their own.

a. Child welfare professionals should cooperate with colleagues in order to serve the best interests of their clients effectively and efficiently.

b. Child welfare professionals should accurately represent the views and qualifications of colleagues, making opinions on such matters known through the appropriate professional channels.

c. Child welfare professionals should extend to colleagues of other agencies the same respect, honesty, fairness, and cooperation that is extended to colleagues in their own agencies.

d. Child welfare professionals should extend to members of other professions the same respect, honesty, fairness, and cooperation that is extended to child welfare professionals.

4. RESPONSIBILITIES TO THE COURT

Child welfare professionals frequently are called upon to appear in court and participate in court proceedings. They have special responsibilities in that setting.

- a. Child welfare professionals should treat all parties to the case with respect, honesty, fairness, and cooperation.
- b. Child welfare professionals should thoroughly familiarize themselves with the background of the case involved.
- c. Child welfare professionals should testify honestly in court. They should apprise the court of all relevant facts in the case, both positive and negative, of which they are aware.
- d. Child welfare professionals should advise the court if they come to know of the falsehood of prior testimony given in a child welfare proceeding.
- e. Child welfare professionals should take appropriate action against any unethical conduct they observe in court.

5. RESPONSIBILITIES TO FOSTER PARENTS

Foster parents act as a bridge between the client and child welfare agencies. Therefore, child welfare professionals should treat foster parents with respect, fairness, honesty, and cooperation.

- a. Child welfare professionals should be familiar with and adhere to the Foster Parent Law which sets forth the rights and responsibilities of foster parents.
- b. Child welfare professionals should not engage in sexual activities with foster parents with whom they are presently working.
- c. Child welfare professionals should consult with their appropriate superiors when initiating a potentially intimate relationship with a foster parent or if they have had an intimate relationship with a person who will now be working with them as a foster parent. These types of situations should be resolved in a manner which avoids harming and/or exploiting all affected persons.

Child welfare supervisors, as members of management, recognize that their primary responsibility is to implement the policies and practices of their agencies so that the best possible services are delivered to clients. Child welfare supervisors also recognize their responsibilities to their supervisors, treating them with respect, fairness, and honesty; offering the professional support necessary to sustain the supervisors' continued motivated work; and providing a work environment which encourages ethical behavior .

6.01 **Personal Integrity**

- a. Child welfare supervisors should not use their position of authority to exploit their supervisees in any way.
- b. Child welfare supervisors should not engage in sexual activities with current supervisees.
- c. Child welfare supervisors should accept responsibility for their own decisions and the consequences of those decisions. They also have a high level of responsibility for decisions made by their supervisees and should accept appropriate responsibility for those decisions.

6.02 Management Responsibilities

- a. Child welfare supervisors should apprise supervisees of current professional information and encourage supervisees to take advantage of continuing professional education in order to maintain a high level of competence.
- b. Child welfare supervisors should communicate, explain, and apply legislation, agency policies, and administrative decisions necessary for them and for their supervisees to perform their work competently.
- c. Child welfare supervisors should act as advocates for their supervisees by apprising upper management of problems which impede or prevent them from efficiently and effectively performing their duties. They should also suggest appropriate changes in policy and procedure.
- d. Child welfare supervisors should provide necessary training and guidance when supervisors' personal or cultural differences could result in biased or discriminatory professional intervention with a particular individual or groups.
- e. Child welfare supervisors should consult with supervisees and help with remedial action if they have knowledge of the supervisees' impairment due to personal problems, mental health problems, or substance abuse.
- f. Child welfare supervisors should evaluate supervisors fairly and objectively on clearly stated criteria, sharing opinions about the supervisees' performance in an ongoing manner.
- g. Child welfare supervisors should take appropriate steps to terminate employment of supervisees who are not competent and are not likely to become competent.

7. RESPONSIBILITIES IN ADMINISTRATION

Child welfare administrators recognize that, although each child welfare professional is responsible for his/her ethical behavior, the agency is responsible for the environment in which ethical judgments are made. Child welfare administrators, therefore, should nurture and model organizational norms that encourage and reward the ethical behavior for which society holds the child welfare field accountable.

7.01 Personal Integrity

- a. Child welfare administrators should treat each client, colleague, and employee with respect.
- b. Child welfare administrators should maintain truthfulness and honesty and not compromise them for advancement, recognition, or personal gain.
- c. Child welfare administrators should take responsibility for their own decisions and behavior.
- d. Child welfare administrators should conduct official acts without partisanship.

7.02 Public Welfare

- a. Child welfare administrators should exercise their discretionary authority to promote the values of the child welfare field.
- b. Child welfare administrators should respond to the public in ways that are complete, truthful, clear, and easy to understand.
- c. Child welfare administrators should understand and apply legislation and regulations relevant to their professional role.
- d. Child welfare administrators should work to improve and change laws and policies which are counter-productive or obsolete.
- e. Child welfare administrators should prevent all forms of mismanagement of public funds by establishing and maintaining strong fiscal and management controls, and by supporting audits and investigative activities.

7.03 Organization

- a. Child welfare administrators should enhance organizational capacity for open communication, creativity, efficiency, and dedication.
- b. Child welfare administrators should subordinate institutional loyalties to the public good.
- c. Child welfare administrators should establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct.
- d. Child welfare administrators should provide organization members with a working environment which permits frank discussion and criticism of agency operations and with an administrative means for dissent, assurance of due process, and safeguards against reprisal.
- e. Child welfare administrators should promote organizational accountability through appropriate controls and procedures.
- f. Child welfare administrators should maintain a high level of competence and provide support to upgrade competence throughout the organization.

Research performed by child welfare professionals should be rigorous and relevant to the delivery of services, the outcomes of interventions, and policy formation in the child welfare field.

- a. Child welfare professionals should protect the rights and welfare of research subjects, treating them with respect and dignity and protecting them from harm, danger, unnecessary discomfort, and ethnic and/or social discrimination.
- b. Child welfare professionals should obtain informed consent from their prospective subjects, after explaining in language that is understandable to them, the nature of the research; its possible

risks, benefits, and consequences; alternative treatments or interventions; confidentiality rights; and the voluntary nature of participation with no penalty for refusing to participate or choosing to withdraw at a later date. Child welfare professionals should answer any questions the prospective subject asks.

c. When the prospective subject is not legally capable of giving informed consent, child welfare professionals should give an appropriate explanation of the research, obtain assent when appropriate, and obtain informed consent from a legally authorized representative.

d. Child welfare professionals should conduct research according to accepted standards of professional competence, federal and state law and regulations, agency policy, and accreditation requirements.

e. Child welfare professionals should obtain the approval of the agency Institutional Review Board and other relevant regulating boards before initiating research and should conduct their research according to approved protocol.

f. Child welfare professionals should report the findings of their research truthfully and completely. They should work to prevent misuse and distortion of their research findings.

9. RESPONSIBILITIES TO THE CHILD WELFARE FIELD

a. Child welfare professionals should perform their duties in a competent, honest, diligent manner to ensure society's continuing trust in the child welfare field.

b. Child welfare professionals should broaden the knowledge base of the child welfare field.

c. Child welfare professionals should critically examine child welfare policies and advocate appropriate change.

d. Child welfare professionals should take appropriate action against unethical conduct by any member of the child welfare field.

10. RESPONSIBILITIES TO SOCIETY

Child welfare professionals should apply the values and specialized knowledge of the child welfare field and should work to increase public awareness of those values in order to promote the general welfare of society.

a. Child welfare professionals have a duty to be familiar with this Code of Ethics and to consider which ethical principles apply in each practice decision.

b. Child welfare professionals should follow applicable ethical principles in each practice decision. If there is a conflict between two or more ethical principles and/or responsibilities in a particular case, child welfare professionals should consult with superiors and colleagues knowledgeable about ethics issues, or with the child welfare ethics committee, in choosing a proper course of action.

c. If the demands of an agency with which child welfare professionals are affiliated conflict with this Code of Ethics, child welfare professionals should clarify the nature of the conflict, make known their commitment to the Code, and seek to resolve the conflict in a way that permits fullest adherence to the Code.

d. Child welfare professionals who observe a violation of this Code by a colleague should bring the issue to the attention of the colleague if an informal resolution appears appropriate. If the issue cannot be informally resolved, child welfare professionals should refer it to appropriate superiors and/or to the child welfare ethics committee.