

DRAFT

National Organization of Forensic Social Work

Specialty Guidelines for Values and Ethics

Introduction

Since the 1960s, the practice of forensic social work has expanded as organizations, government and legal institutions, social and family environments, and individual rights and vulnerabilities have intersected in more complex and ever-changing ways. Forensic social work, as a professional specialty, seeks to ensure that all individuals and groups receive ethical care with specific attention to those who have been historically deprived of forensic services within institutions and systems. Forensic social work employs scientific and evidence-informed practices and policies applied with a social justice and equity lens within government or social service systems.

The goals of these *Guidelines* are to improve the quality of forensic social work services; enhance high-quality and effective practice; facilitate the systematic development of forensic social work; and encourage forensic social workers to acknowledge and respect all human rights.. These *Guidelines* are intended for use by forensic social workers when engaged in the practice of forensic social work and in providing expert consultation, opinion, evaluations, observations, and analysis by court-order or by the provision of forensic services to an organization or other professionals for purposes of offering the expertise and professional judgment to clients. Forensic social work practice is not considered forensic only because the conduct occurs in a tribunal or other judicial, legislative, or administrative forum when clinical or advocacy roles are part of treatment or supervision. Forensic social work refers to advisory, consultation, or expert services in which the social worker reasonably expects to, agrees to, or is legally mandated to, provide expertise concerning an explicitly defined psychosocial legal issue. Forensic social workers may serve as mediators or negotiators, in third-party neutral roles, to assist parties in resolving disputes, and as arbiters, special masters, or case managers with decision-making authority.

These *Guidelines* are informed by the National Association of Social Workers [NASW] Code of Ethics (2018). The term guidelines refers to statements that suggest or recommend specific professional behavior, endeavors, or conduct for forensic social work. Guidelines differ from standards in that standards are mandatory and may be accompanied by an enforcement mechanism. Guidelines are aspirational in intent. They are intended to facilitate the continued systematic development of the profession and facilitate a high level of practice. Guidelines are not intended to be mandatory nor exhaustive and may not be applicable to every professional situation. Guidelines are not definitive and are not intended to take precedence over the judgment of social workers. As such, these *Guidelines* are advisory in areas in which the forensic social worker has discretion to exercise professional judgment that is not prohibited or mandated by the NASW Code or by applicable federal and state law, rules, or regulations. The *Guidelines* provide additional guidance for forensic social work.

8.1.2020

V2

DRAFT

The *Guidelines* are not intended to serve as a basis for disciplinary action or civil or criminal liability. The standard of care is established by a competent authority not by the *Guidelines*. No ethical, licensure, or other administrative action or remedy, nor any other cause of action, should be taken *solely* on the basis of a forensic practitioner acting in a manner consistent or inconsistent with these *Guidelines*. In cases in which a competent authority references the *Guidelines* when formulating standards, the authority should consider that the *Guidelines* attempt to identify a high level of quality in forensic practice. Competent practice is defined as the conduct of a reasonably prudent forensic social worker engaged in similar activities in similar circumstances.

Preamble

The National Organization of Forensic Social Work (NOFSW) is a global organization of professionals who work within civil and/or criminal legal systems, in collaboration with courts, corrections and legal entities, and in forensic capacities with human service providers. Forensic social work (FSW) professionals of all fields find common ground in NOFSW's values of justice, equity, lawfulness, competency/accountability, integrity, and transdisciplinary partnerships.

NOFSW upholds the dignity and worth of every person involved with legal systems throughout the world and stands firmly against laws, policies, and practices that threaten, demean, discount, marginalize or otherwise devalue individuals – court-involved or otherwise. NOFSW promotes principles in alignment with the United Nations' Universal Declaration of Human Rights and supports movements to end the death penalty, **prolonged solitary confinement**, state-sponsored torture and/or terrorism, human trafficking, and forced family separation immigration policies. Forensic social work professionals promote smart decarceration, and more equitable and just systems and institutions.

FSW professionals are committed to contributing their unique individual knowledge, skills, and experiences in service to the collective advancement of the profession. Forensic social work professionals strive to practice competently and utilize anti-oppressive frameworks; follow

DRAFT

relevant statutes and mandated reporting; protect confidentiality and privilege; provide individualized, client-centered, and transparent care; avoid legal labels; and consider the impact of technology with their clients from legal and human service systems. Forensic social work practitioners promote the well-being and potential of people are served by legal and human service systems, along with their families, and their communities, and take strategic action against systemic racism and other forms of structural oppression in order to promote just and equitable services and outcomes for all.

Ethical Principles

Value: *Justice*

Ethical Principle: *Forensic social work professionals act in a manner that provides equal opportunities for all while exploiting no one.*

FSW practitioners know first-hand about justice and injustice and thus strive to ensure that benefits and burdens of any action or decision are distributed equitably.

Value: *Equity*

Ethical Principle: *Forensic social work professionals promote equitable policy and practice as measured by the outcomes of those involved with legal and human service systems.*

Thus, FSW practitioners explicitly address discrimination and bias, including one's own professional self-awareness, educate others regarding best practices, and mediate to resolve points of disagreement regardless of the position, education, or influence of those involved.

Value: *Lawfulness*

DRAFT

Ethical Principle: *Forensic social work professionals are obliged to follow all laws and statutes that guide forensic social work practice.*

Thus, FSW practitioners must familiarize themselves with federal, state, and local laws as well as jurisdictional and agency-level policies.

Value: *Competence/Accountability*

Ethical Principle: *Forensic social work professionals practice within the scope of their experience and training and rely on organizations such as NOFSW to provide support and accountability measures.*

Forensic social work practitioners are mindful that competence is often defined and regulated by jurisdiction. They work diligently to keep abreast of the best practices in FSW and to abide by the profession's Code of Values and Ethics.

Value: *Integrity*

Ethical Principle: *Forensic social work professionals conduct themselves with personal and professional integrity.*

Forensic social work practitioners are honest and transparent and strive towards the values and ethics of the profession.

Value: *Transdisciplinary Collaboration*

Ethical Principle: *Forensic social work professionals engage in transdisciplinary collaboration/partnerships to achieve the best outcomes for their clients.*

DRAFT

Forensic social work professionals recognize that various disciplines, such as social work and law, have distinct socialization that is specific to their respective roles and aims. Thus, as they partner with others, forensic social work professionals value, leverage, and center diverse perspectives to deliver the best services for their clients.

Ethical Standards

1. Forensic Social Work Professionals' Ethical Responsibilities to Clients

Forensic social work “clients” cover a broad-spectrum including individuals and families, agencies and organizations, and communities, jurisdictions, cities, states, regions, and countries. At micro-, mezzo-, and macro-practice levels, FSW practitioners promote the well-being of their clients in legal and human service settings. Forensic social work professionals strive to practice competently and with cultural humility; follow relevant statutes and mandated reporting; protect confidentiality and privilege; provide individualized, client-centered, and transparent care with recognition and appreciation of client’s social identities; avoid legal labels; and consider the impact of technology with their clients from legal and human service systems.

1.01 Competence to Serve Clients

Forensic social work professionals recognize the complexity of their work. Establishing markers for competence in nontraditional settings takes particular care and forensic social work professionals practice within the scope of their experience and training. Forensic social work practitioners are mindful that competence is often defined and regulated by jurisdiction.

1.02 Relevant Legal Statutes and Mandated Reporting

Forensic social work professionals are required to follow federal and local legal statutes regarding contact with victims, mandated reporting, confidentiality, child visitations, Prison

DRAFT

Rape Elimination Act (PREA), etc., as well as other relevant statutes governing FSW with clients in legal and human service systems. It is the responsibility of FSW practitioners to be aware of relevant statutes that impact their forensic social work practice and abide by those accordingly. Additionally, forensic social work professionals recognize that particular positions may prohibit actions that place the client in further legal jeopardy, including mandated reporting. When appropriate, forensic social work professionals advocate for changes to relevant statutes in order to provide the best forensic services to their clients.

1.03 Confidentiality and Privilege

Forensic social work professionals understand that confidentiality may at times, conflict with attorney-client privilege. It is the duty of the forensic social work professional to ascertain the limits of confidentiality and if and/or how attorney-client privilege may be affected. Forensic social work professionals should consult with regional licensing boards, local statutes, and other professionals to determine the extent of confidentiality and privilege when serving FSW clients.

1.04 Individualized Standard of Care

Forensic social work professionals do not perform a one-size-fits-all approach to casework. Tasks are tailored to the unique and specific needs of the client. Interventions are targeted, specific, and earnestly carried out to achieve the maximum benefit to clients.

1.05 Work Ethic, Client Voice, and Transparency

Forensic social work professionals work diligently on behalf of their clients. This commitment is client-centered, and clients are actively involved in their treatment/discharge/service provision and their input is sought, taken seriously, and investigated fully by forensic social work professionals. To that end, FSW practitioners demonstrate transparency with their clients in legal and human service systems.

1.06 Legal Labels

Labels in legal and human service systems can present long-term barriers to clients' ability to overcome obstacles and to pursue freedoms. Forensic social work professionals recognize that labels do not comprise the whole of their clients. Forensic social work practitioners have an obligation to explore and consider holistic aspects of their clients' history and experience, including any injustice that arises from the application of any legal labels. Moreover, legal labels such as "felon," "undocumented immigrant," and "noncustodial parent" have historically been tools of oppression and discrimination and FSW practitioners do not perpetuate their use.

1.07 Impact of Technology

Forensic social work professionals are keen to the impact of technology for clients in legal and human service systems and are mindful that clients may not have equal access to technology. Thus, FSW practitioners work to shore up these shortcomings and challenges and advocate for equal access to technology.

2. Ethical Responsibilities to Colleagues, Employers, and the Profession

Forensic social work professionals recognize their unique position as practitioners in a variety of settings with colleagues from a myriad of disciplines and still fulfill their ethical responsibilities to colleagues, employers, and the profession. Forensic social work practitioners are mindful that the collective success of the forensic social work profession is enhanced by FSW practitioners' attention to equity, justice, and anti-racism; transdisciplinary partnerships; education; supervision; mentoring; caseloads; and self-care.

2.01 Equity, Justice, and Anti-Racism

DRAFT

Forensic social work professionals are cognizant that their acts of commission or omission have implications for equity and justice across legal and human service systems. Forensic social work practitioners elevate issues that promote clients' equal access to navigate systems. Forensic social work professionals recognize that silence is complicit action and instead, raise awareness and challenge injustice in a productive, pragmatic, and problem-solving manner. Forensic social work practitioners attest to the discrimination and oppression that occurs with respect to race, ethnicity, national origin, color, class, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, and mental or physical ability, for example. Therefore, forensic social work professionals acknowledge both historic and modern-day oppression and injustices within legal and human service systems, work to dismantle these policies and practices, and demonstrate an active and constant commitment to anti-racism and anti-oppressive professional practice.

2.02 Transdisciplinary Partnerships

Forensic social work professionals value transdisciplinary partnerships as they often strengthen the ability and likelihood of producing just outcomes across legal and human service systems.

2.03 Education and Ongoing Professional Development

Forensic social work practitioners understand that standards of practice in legal settings are constantly evolving. In order to keep abreast of relevant trends, forensic social work professionals maintain competent practice by seeking continuing education in the field of forensic social work. They also contribute to the profession's extant knowledge by teaching, developing curricula, disseminating research, etc.

2.04 Supervision

DRAFT

Forensic social work professionals recognize the importance of supervision in promoting competence among FSW practitioners in legal and human service settings. The forensic social work supervisor has mastery of relevant knowledge and skills and excels in helping supervisees to work effectively with clients in many settings. Supervision may include topics such as: intake, assessment, and diagnoses; treatment planning at the micro-, mezzo-, and macro-levels; practice competence; relevant statutes and mandated reporting; confidentiality and privilege; etc. Finally, supervisors create space for students and employees to meaningfully contribute to the forensic social work profession.

2.05 Mentoring

NOFSW values and encourages the mentoring of students and emerging professionals. Forensic social work professionals often provide guidance and feedback to those entering the field and/or seeking professional development. NOFSW invests in future colleagues and elevates the quality and reputation of the field by such efforts as hosting and investing in mentoring efforts, internships, and apprenticeships. Forensic social work practitioners stress the benefits of mentoring in complex legal settings as it can strengthen the competence of future forensic social work colleagues.

2.06 Advocacy

Forensic social work professionals utilize their unique knowledge, skills, and experiences to advocate for their clients, themselves, and the profession. This advocacy may emanate from the aforementioned values and the desire to dismantle the discrimination and racism that are embedded in legal and human service systems around the world. Forensic social work advocacy occurs at the micro, mezzo, and macro levels and includes personal reflection and action,

agency-level reform, and the identification and eradication of root causes of oppression, marginalization, discrimination, and racism.

2.07 Caseload

Forensic social work professionals are cognizant that high caseloads are detrimental to both practitioners, clients, and the broader profession. Forensic social work practitioners are open about time constraints, incomplete assignments, and the standard of care for cases with their supervisors, the Court, and other professionals. Forensic social work professionals rely on relevant laws regarding standards of care and support from the forensic social work community to advocate for accommodations to ensure that each client's needs are being met within appropriate caseload limits.

2.08 Self-Care

Forensic social work professionals know that working with clients in legal and human service systems can be fulfilling while simultaneously stressful and emotionally taxing. To that extent, FSW practitioners acknowledge the possibility for burnout and combat the effects of it by seeking appropriate therapeutic support in order to be able to maintain the high standard of care for clients served by the legal and human service systems.

2.09 Impaired Judgment of Colleagues

Forensic social work professionals recognize that colleagues may at times demonstrate impaired judgement. When appropriate, forensic social work professionals approach their colleagues individually to discuss the matter in an empathetic, compassionate manner to see if resolution can be achieved prior to escalating the concern to superiors and/or licensing boards.

3. Standards of Competence

3.01 Core

Forensic social work professionals recognize that competence is defined by the ability to ethically, independently, and successfully deliver forensic social work services in legal and human service settings. Benchmarks of competence include employing forensic social work values and ethics in practice; recognizing the limits and scope of one's own abilities, experience, and training; following relevant statutes and mandated reporting; protecting confidentiality and privilege; providing individualized, client-centered, and transparent care; achieving equitable, just, and anti-racist practice; seeking transdisciplinary partnerships; and utilizing continued education, mentoring, supervision, and self-care.

Forensic social work professionals also recognize the practice of cultural humility and its relevance to disrupting dynamics of power and privilege in legal and human service settings. Consideration of the professional's own social identities, and ways these may inform professional practice is ongoing through self-awareness and self-reflection to mitigate acts of bias and promote justice.

3.02 Preferred

NOFSW suggests that mentoring is key to promoting competence in the field. It is preferred that forensic social work professionals complete a graduate-level internship/practicum in a forensic setting under a seasoned forensic social work professional. Additionally, it is preferred that forensic social work professionals obtain a graduate degree in social work or a closely-related field.

3.03 Instructional

Forensic social work professionals understand that successful intervention in legal and human systems is enhanced by lifelong learning. Forensic social work professionals seek out

DRAFT

trainings, conferences, and certificate programs to further develop, deepen, and broaden their knowledge base and forensic skills throughout their careers.