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2018 ATSA Conference | Friday October 19 | 3:30 PM – 5:00 PM

F-44

Mandatory Reporting in the Context of Primary Prevention Programming

Symposium Co-Chair: Skye Stephens, PhD, RPsych
Saint Mary's University

Symposium Co-Chair: Ian V. McPhail, PhD Candidate
University of Saskatchewan

Primary prevention programming could have a considerable impact on reducing the occurrence of childhood sexual abuse. Service provision is complicated by mandatory reporting, which is highlighted as a significant barrier for non-offending people with sexual interest in children who are interested in accessing services (Lasher & Stinson, 2016; Saunders & McArthur, 2017). For those seeking support, this creates the double bind of wanting services, while facing the uncertainty of whether they will be reported to child welfare authorities. As such, mandatory reporting legislation creates ethical and legal tension for those providing services to clients with sexual interest in children. The symposium will involve a series of presentations on mandatory reporting of childhood sexual abuse and how it impacts the delivery of primary prevention. Although the symposium will focus on the Canadian context, we will also discuss relevant legislation and case law in the United States where appropriate.

The first presentation will consider the development of mandatory reporting legislation. Additionally, the ethical guidelines of different healthcare professionals will be discussed with a specific focus on how these principles might influence primary prevention. The second presentation will review associated case law and college complaints that have shaped the way in which mandatory reporting laws are interpreted in adversarial contexts. In the third presentation, an ethicist will share their perspective on the provision of primary prevention programming to individuals with a sexual interest in children and the influence of mandatory reporting legislation. Lastly, a group-based discussion will be facilitated on ethical dilemmas surrounding mandatory reporting in the context of primary prevention. A series of recommendations based on the presentation content will be shared with audience members.

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An Introduction to Mandatory Reporting: Legislation & Ethical Guidelines

Skye Stephens, PhD, RPsych
Saint Mary's University

Mandatory reporting laws designed to protect children are enshrined in various child welfare statutes across North America. These laws govern the behaviour of various professionals who may encounter instances of suspected or confirmed child maltreatment and have a duty to report their concerns to child welfare officials. The presentation will briefly discuss the development of mandatory reporting laws and focus on the specifics of these laws, which vary by province. Although the focus will be on Canada, we will also discuss some of the mandatory reporting laws in the United States and how it differs from Canada. Lastly, a brief discussion of the CPA and APA codes of ethics and how they influence reporting obligations and primary prevention will be discussed. We will briefly touch on similarities with other ethical guidelines that govern the behaviour of different regulated healthcare professionals (e.g., social workers) with an emphasis on the similarities across the different codes of ethics.

Learning Goals:

- Understand the development and purpose of mandatory reporting laws in North America.
- Consider similarities and differences across different legislation and ethical guidelines.
- Understand how legislation and ethical guidelines impact primary prevention programming.

Mandatory Reporting: College Complaints & Case Law

Ian V. McPhail, PhD Candidate
University of Saskatchewan

There is ambiguity in mandatory reporting legislation in how these laws may be interpreted and applied to clinical casework. Ambiguity in mandatory reporting statutes requires those providing services to individuals with a sexual interest in children to be familiar with relevant case law in their jurisdiction (Walters, 1995). The presentation will review case law in Canada on mandatory reporting and highlight issues that have been discussed in case law, such as reasonable grounds for making a report, the concept of

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malice when determining whether a report was filed in good faith, the content of the report, and the concept of being at risk of harm. In addition to case law, we will briefly review college complaints that involve mandatory reporting. The impact of case law and college complaints will be discussed in relation to primary prevention programming.

Learning Goals:

- Understand major case law decisions that have been made in regards to mandatory reporting
- Appreciate the trends in college complaints as they relate to mandatory reporting
- Understand how case law and college complaints inform clinical practice with non-offending clients with pedohebephilic interests.

An Ethicist's Perspective on Mandatory Reporting & Primary Prevention

Thomas Foreman, DHCE
Centre for Addiction and Mental Health (CAMH)

There will be an exploration of the tension created between the law and ethics regarding mandatory reporting provisions and the professional obligations to minimize harm, act in the best interests of patients under your care and be a patient advocate, among others. Questions of risk vs. benefits, understandings of vulnerability and obligations beyond the individual therapeutic relationship will also be considered. In addition, a framework for ethical decision making will be presented as an example for clinicians to consider in their own unique clinical contexts.

Learning Goals:

- Increase understanding of ethical obligations toward patients, other “at risk” individuals and society at large.
- Increased awareness of the tension between ethical obligations and legal requirements.
- Ability to apply an ethical decision-making framework to complex cases.

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Ethical Decision Making in Primary Prevention: Case Vignettes & Recommendations

Ainslie Heasman, PhD, CPsych
Centre for Addiction and Mental Health (CAMH)

A series of ethical dilemmas will be presented to audience members that require them to apply their knowledge from the previous presentations on professional ethics, mandatory reporting legislation, and the proposed ethical decision-making model to the primary prevention context. The ethical vignettes will centre on issues of mandatory reporting. Audience members will have a chance to discuss the vignettes with audience members and the presenter will facilitate a wider discussion on ethical decision making as it applies to these cases. The presentation will conclude with recommendations surrounding mandatory reporting in the provision of services to individuals with a sexual interest in children.

Learning Goals:

- Apply knowledge of mandatory reporting and ethical guidelines to ethical dilemmas.
- Appreciate the complexity in ethical decision making in primary prevention programming.
- Consider various clinical recommendations for managing ethical dilemmas and mandatory reporting.

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Dr. Skye Stephens is an Assistant Professor in the Department of Psychology at Saint Mary's University. Her research has mainly focused on the assessment of sexual interest in children. With her colleagues, she is conducting research on mandatory reporting and the treatment needs of individuals with a sexual interest in children. Dr. Stephens is a Clinical and Forensic Psychologist in Nova Scotia where she works with adolescent and adults. She has a particular interest in working with those who are at risk of committing sexual offenses.

Ian McPhail is a PhD Candidate in clinical psychology at the University of Saskatchewan. Ian has experience working with adult and adolescent sexual offenders and has worked with these clients in the community, in prisons, and in forensic psychiatric settings. He has also worked in the research unit of a provincial corrections ministry and has published on issues related to sexual offending and pedohebephilic interests.

Dr. Foreman holds a Doctor of Health Care Ethics degree from Duquesne University in Pittsburgh, PA, a MA in Theology from Duquesne University, a Masters in Public and International Affairs from the University of Pittsburgh, and a BS from Eastern Mennonite University. He also completed a post-doctoral Fellowship at the Joint Centre for Bioethics at the University of Toronto. He is currently an Ethicist with the Professional Practice Office at the Centre for Addiction and Mental Health, Assistant Professor University of Ottawa Faculty of Medicine, Division of Palliative Medicine, a Resource Expert with Bioethics Beyond Borders, and Canada Chair of the Cambridge Working Group for Bioethics Education. He also is an Ethics Advisor to the Canadian College of Health Leaders.

Dr. Ainslie Heasman is a Clinical and Forensic Psychologist at the Sexual Behaviour Clinic at the Centre for Addiction and Mental Health in Toronto, ON. She provides assessment and treatment services to individuals with sexual offences, as well as those with self-identified hypersexual and/or paraphilic interests. She also works in private practice conducting pre-sentence risk assessments and assessments for child protective services. Dr. Heasman also has experience working in provincial corrections. She did her graduate school training in the U.S. and has training and experience with Sexually Violent Predators (SVP's) in Washington State, engaging in competency to stand trial evaluations, and in the state prison system in California.