



The American Art Therapy Association Ethics Committee provides this series of “best practice” papers as non-binding guidelines to help art therapists interpret and apply the *Ethical Principles for Art Therapists*.

## **Working with Unaccompanied Immigrant Children in Federal Agencies**

Unaccompanied immigrant children are housed in shelters overseen by a federal agency, the Office of Refugee Resettlement (ORR). A 1997 court order established minimum detention standards for immigrant children, requiring them to meet with counselors within 72 hours of entering custody, and then at least once a week until their release. The goal of this therapy was originally to support traumatized children. However, due to a formal Memorandum of Agreement with ICE to share details about children in its care, the ORR has begun using therapy notes, often without the consent of the children or therapists involved, in immigration hearings to deny asylum to children previously involved with drug or gang activity.

The American Art Therapist Association takes the position that while using therapy notes may be legal, it is not ethically defensible. AATA recommends the following best practices for art therapists who find themselves in situations where they are asked to compromise their ethical responsibilities to maintain client confidentiality in order to satisfy the requests of federal agencies.

Although unaccompanied minors do not have the same legal rights as citizens and lawful permanent residents, art therapists are guided in their work by the aspirational values of fidelity, nonmaleficence and beneficence which direct us to treat all clients with honesty and integrity, working to enhance client welfare, improve their circumstances and to do nothing that would cause harm to clients.

Art therapists working with immigrant youth in agencies or federal detention centers work with the knowledge that there is likely no guarantee of confidentiality for their young clients. It may be that the agency has policies that conflict with the AATA *Code of Ethics* with regards to confidentiality. In this case art therapists need to inform clients, at the outset and throughout therapy, that information is being released, to whom and for what purposes. Art therapists have an ethical obligation to protect client confidentiality to the best of their ability in every circumstance, and are advised to exercise appropriate care and caution in their documentation to serve the best interests of their clients.

If inconsistencies exist between ethical responsibilities and the law, agency regulations, and/or other governing authorities, art therapists should remain committed to the AATA *Code of Ethics* and take steps to resolve the conflict utilizing an ethical decision-making model. Consultation with clinical and administrative supervisors, and/or colleagues is recommended to formulate solutions. If the issue cannot be resolved, art therapists act in their client's best interest. It is always advised that art therapists consult with their client's legal representation to clarify any requests for subpoenaed records and become educated on their client's rights.