



North Carolina Board of Licensed Professional Counselors

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NCBLPC Professional Brief

Content Area: Professional Relationships - Sexual

Brief Overview/Description:

According to the ACA Code of Ethics, “the primary responsibility of all counselors is to respect the dignity and to promote the welfare of clients.” Meeting client needs is vital to the counseling process. These needs do not include the performance of sexual acts or the use of techniques or strategies designed to promote sexual gratification. The responsibility to promote client welfare includes treating clients in such a way as to “avoid harm.”

Sexual relations with clients is a major violation of counseling ethics and is prohibited with current clients and allowed with former clients only after a period of five years following the last professional contact. Romantic and sexual interactions with clients are designed to meet the personal needs of therapists with disregard for client welfare. Most often, clients are left feeling a loss of dignity and respect coupled by intense pain and suffering. Furthermore, therapists place themselves at risk of malpractice suits by engaging in such activities.

Key Legal Factors:

Therapists engaging in sexual relations with clients should be aware of the following legal consequences:

- Sexually exploited clients may file civil actions against therapists (N.C. Gen. Statute 90-21.42)
- Sexually exploited clients may recover financial damages (N.C. Gen. Statute 90-21.43)
- Client consent nor occurrence outside of therapy or off the premises is not a defense for the therapist (N.C. Gen. Statute 90-21.46)
- Clients may take legal actions up to three years after the exploitation occurred (N.C. Gen. Statute. 90-21.47)
- Settlement agreements do not prevent clients from initiating complaints with the licensing board (N.C. Gen. Statute 90-21.48)

Real Issues to Consider:

As humans, therapists may develop sexual attractions to clients and/or clients may develop sexual attractions for therapists. The first line of defense should take place during professional disclosure prior to the beginning of the counseling process in which the therapist sets the limitations of the therapist-client relationship. Subsequently, it is incumbent upon the therapist to refrain from acting upon such attractions.

Catch 22:

Since it is the therapist’s responsibility to avoid engaging in sexual relationship with clients, therapists must take immediate action when they realize an attraction is evident. They should examine their motives and needs in relation to the situation, attain professional consultation, or commit to personal counseling for themselves. If none of these work, the counseling relationship should be terminated. Although early termination may cause some emotional discomfort for the client initially, it should prevent long-term harm to the client.

Summary Statement:

Like so many other pitfalls in life, intimacy with a client is a situation that would be much easier to get *into* than *out of* for a counselor. While the dynamics of transference may help clients work through their therapeutic issues, the dynamics of

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counter-transference should quickly send a counselor to meet with their own therapist or supervisor. When clients enter into a counseling relationship, they are placing their trust in the counselor and in the process of counseling. Any violation of that trust damages the client emotionally and damages the reputation of the entire counseling profession. Clients usually seek therapy when they feel out of control of their lives and their emotions. In the effort to help clients, counselors are employed to serve as role models who help clients regain their sense of control over their lives and relationships, not to lose it. In this context, sexual behavior is tantamount to sexual abuse and when the dust settles, the counselor will no longer be employed or licensed.

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