

Guidelines for Psychologists Addressing Recovered Memories

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Preamble

These guidelines were developed for psychologists who encounter clients dealing with forgotten or recently remembered life events. They were based on the *Canadian Code of Ethics for Psychologists* (CPA, 1991) and have been updated to cross reference to the third edition of the *Code* (CPA, 2000).¹ The guidelines are aspirational in intent. The goal is to promote competent care in therapeutic work with clients, as well as to provide guidelines for evaluating the appropriateness of practices should there be questions about the competence of the practitioner.

Psychologists maintain an important service by providing competent, objective, and unbiased therapy and counselling in the best interests of their clients, and by clarifying and performing their roles in an ethical manner. The study of human memory is a major area of experimental and clinical research. Although some areas of disagreement still need to be resolved, much valuable research has been performed. The research on unconscious memory (also referred to as “implicit” or “automatic memory”) that has taken place in the last 15-20 years is particularly pertinent. In addition, there also are many theoretical approaches to counselling and therapy, many of which support the existence of repressed memories which, in entrenched emotional disturbances, may need to be brought to consciousness to address the past painful

experiences more realistically. It is recognized that there is serious concern that some professionals may unintentionally create false memories of childhood abuse and thus cause harm to both clients and their families. The issue of childhood sexual abuse is sensitive and potentially stressful, and it is important for psychologists to retain a balance in which they recognize that the objective reality of memories of abuse may vary considerably. General guidelines for conducting competent and ethical therapy and counselling also apply to addressing the specific issues of recovered memories. The primary obligation of the therapist or counsellor is to the welfare of the client.

Guidelines

The guidelines that follow are derived from and supported by references to the *Canadian Code of Ethics for Psychologists*, which provides the basic principles governing all professional activities of psychologists. References for each guideline are provided at the end of the document for easy reference.

1. The psychologist's primary purpose is to serve the best interests of the client.

- A. The welfare of the client, the individual seeking counselling or therapy, remains the primary concern of psychologists. There is always a secondary concern that no harm is done to other persons who may be involved or who are important in the life of clients (e.g., family members, relatives, friends, other involved professionals and agencies).
- B. The purpose of therapy, whatever the theoretical approach, is to enable clients to be empowered to deal with their lives in what are for them and others more adequate and satisfying ways. It is in the best interests of clients to remove barriers to achieving their goals and to develop personal strategies for coping with life events. Therapists require knowledge of interventions, sensitivity to clients' personal needs, and the ability to maintain their obligations to their clients, independent of personal biases.

2. Psychologists clarify their roles as therapists and counsellors and avoid multiple relationships that may impair their professional objectivity.

¹ These guidelines were prepared and updated by Sharon Crozier and Jean Pettifor, with the assistance of the Committee on Ethics of the Canadian Psychological Association.

- A. At the beginning of a professional relationship, psychologists clarify their role(s) for clients and for themselves. This will include the purpose of the professional relationship, relationships and communications (confidentiality) with third parties, consent, and financial arrangements. To avoid multiple relationships, the role of therapist must not be combined with that of expert witness in court, evaluator for third parties, or reporter of abuse, except when required by law or when necessary to prevent harm to the client or others. In addressing recovered memories, the primary role of the therapist is to enhance the understanding and healthy functioning of the client.
- B. Psychologists acknowledge that a definite conclusion that a memory is based on objective reality is not possible unless there is incontrovertible corroborating evidence. If the client wishes to make a complaint to the police about, or bring a civil suit against, an alleged perpetrator, the therapist may discuss the meaning of this action for the client, the probable consequences of such action for the client and for others who may be involved, as well as various options that may be available for the client. Whenever appropriate, the psychologist should refer clients to a lawyer who may be able to provide professional information to the clients concerning the law and legal actions and remedies that may be available. The potential role of the therapist in a court action also should be discussed. The primary issue is the welfare of the client rather than “punitive justice.”

3. The psychologist obtains specialized competence in addressing recovered memories.

- A. Therapists must constantly be aware of the limitations of their knowledge and skills and not practice in areas in which they lack expertise. Therapists should possess appropriate education, supervised professional training, and relevant experience in the areas of: child and family development; child, adult and family psychopathology; the impact of trauma on children and adults and, more specifically, the literature on child sexual abuse; and, the research literature on memory, including unconscious memory and childhood amnesia. Psychologists recognize that there is no constellation of symptoms that is diagnostic of child sexual abuse.

- B. Professional training in some therapeutic interventions will include techniques to elicit unconscious motivations or memories, and to address defense mechanisms of repression, dissociation, and forgetting, while training in others will not. Psychologists should have knowledge of post-traumatic stress reactions, and dissociative disorders.
- C. Psychologists should be aware of the benefits and cautions when considering the use of the following techniques: relaxation, hypnosis, guided imagery, free associations, inner child exercises, age regression, body memory interpretation, body massage, dream interpretation, and the use of projective techniques. The employment of some of these techniques has placed the veracity of recovered memories in question in the legal system, and if the client is considering legal action, it is important to discuss the implications of using particular therapeutic techniques.
- D. Psychologists should maintain systematic, regular and comprehensive record keeping systems.
- E. Psychologists should make themselves aware of the relevant laws and procedures in local jurisdictions relative to making complaints to the police about, as well as initiating possible civil actions against, alleged perpetrators of child sexual abuse.
- F. If a client discloses recovered memories of abuse, the psychologist must be ready to consult, obtain supervision, or refer the client to another therapist without abandoning the client. This is especially important if the professional lacks specialized expertise in this area.

4. The psychologist acknowledges and strives to overcome unjust discrimination.

Psychologists are acutely aware of how biases regarding age, gender, race, ethnicity, religion, disability, socioeconomic status, sexuality, violence, and abuse may interfere with their objectivity and impartiality in the therapeutic encounter. Issues of cultural/social/ethnic diversity need to be carefully considered. Psychologists strive to be aware of their personal beliefs and values to avoid advancing their personal agendas which are inconsistent with those of the client.

Psychologists strive to be objective in relating with the client and in avoiding harmful consequences for others.

5. The psychologist maintains professional objectivity and impartiality in presenting legal evidence.

Psychologists called to provide fact or expert opinion evidence in a court of law, will in a balanced and impartial manner, inform and advise the court of the relevant psychological factors pertaining to the issue. Psychologists should ensure that comprehensive records are maintained about the content and process of disclosures of clients who report recovered memories. Despite what may be a difficult and emotionally charged scenario, psychologists remain sufficiently aware of their personal attitudes and biases to maintain professional objectivity.

6. The psychologist always informs clients about the limits of confidentiality generally and, in considering potential litigation, informs clients specifically about the limitations on confidentiality.

Psychologists always inform clients about the limits of confidentiality. The client should be informed that: confidentiality will not be protected in court and psychologists might be required to disclose all records and information they have concerning the client; the judicial process is adversarial, stressful, and often open to the public; opposing lawyers will seek evidence that corroborates and refutes the client's testimony; and, the credibility of the client may be challenged. The therapist should discuss with the client what the therapist might present in court if called as a witness, recognizing the obligation to tell the truth. It is important for the psychologist to use discretion in reporting sensitive material in a way that conforms to the law and is compatible with serving the best interests of the client and avoiding doing harm to others.

7. The psychologist has a responsibility, which may be undertaken in various ways, for helping to eliminate negative aspects of society, but in doing so must never place the welfare of individual clients at risk.

It is recognized that abuse is harmful both to the individual and to society as a whole. Psychologists have a social responsibility not to condone or tolerate such activities. There are multiple avenues for bringing about changes within society, such as public education, political action within the profession and in the public arena, and advocacy by special interest groups. However, the primary obligation, while the psychologist is conducting therapy, is to the client's welfare. This fiduciary relationship cannot be compromised to bring about changes in society. The integrity of the client-counsellor relationship must be maintained independent of the social action agenda.

Appendix

References to *Canadian Code of Ethics for Psychologists, 3rd Edition*

In this Appendix, relevant ethical principles and standards from the third edition of the *Canadian Code of Ethics for Psychologists* (CPA, 2000) are reproduced for each of the above guidelines.

Guideline 1: The psychologist's primary purpose is to serve the best interests of the client.

Principle I: Respect for the Dignity of Persons

Although psychologists have a responsibility to respect the dignity of all persons with whom they come in contact in their role as psychologists, the nature of their contract with society demands that their greatest responsibility be to those persons directly receiving or involved in the psychologist's activities . . .

Principle II: Responsible Caring

Responsible caring recognizes and respects (e.g., through obtaining informed consent) the ability of individuals, families, groups, and communities to make decisions for themselves and each other. It does not replace or undermine such ability, nor does it substitute one person's opinion about what is in the best interests of another person for that person's competent decision making. However, psychologists recognize that as vulnerabilities increase or as power to control one's own life decreases, psychologists have an increasing responsibility to protect the well-being of the individual, family, group, or community involved.

Guideline 2: Psychologists clarify their roles as therapists and counsellors and avoid multiple relationships that may impair their professional objectivity.

Standard I.16

Seek as full and active participation as possible from others in decisions which affect them, respecting and integrating as much as possible their opinions and wishes.

Standard I.26

Clarify the nature of multiple relationships to all concerned parties before obtaining consent, if providing services to or conducting research at the request or for the use of third parties. This would include, but not be limited to: the purpose of the service or research; the reasonably anticipated use that will be made of information collected; and, the limits on confidentiality. Third parties may include schools, courts, government agencies, insurance companies, police, and special funding bodies.

Standard II.20

Make themselves aware of the knowledge and skills of other disciplines (e.g., law, medicine, business administration) and advise the use of such knowledge and skills, where relevant to the benefit of others.

Standard III. 31

Not exploit any relationship established as a psychologist to further personal, political, or business interests at the expense of the best interests of their clients, research participants, students, employers, or others.

Standard III.33

Avoid dual or multiple relationships (e.g., with clients, research participants, employees, supervisees, students, or trainees) and other situations which might present a conflict of interest or that might reduce their ability to be objective and unbiased in their determination of what might be in the best interest of others.

Standard III.35

Inform all parties, if a real or potential conflict of interest arises, of the need to resolve the situation in a manner that is consistent with Respect for the Dignity of Persons (Principle I) and Responsible Caring (Principle II), and take all reasonable steps to resolve the issue in such a manner.

Guideline 3: The psychologist obtains specialized competence in addressing recovered memories.

Principle II. Responsible Caring

Responsible caring leads psychologists to “take care” to discern the potential harm and benefits involved, to predict the likelihood of their occurrence, to proceed only if the potential benefits outweigh the potential harms, to develop and use methods that will minimize harms and maximize benefits, and to take responsibility for correcting any harmful effects that have occurred as a direct result of their research, teaching, practice, or business activities.

In order to carry out these steps, psychologists recognize the need for competence and self-knowledge. They consider incompetent action to be unethical per se, as it is unlikely to be of benefit and likely to be harmful. They engage only in those activities in which they have competence, or for which they are receiving supervision, and they perform their activities as competently as possible. They acquire, contribute to, and use the existing knowledge most relevant to the best interests of those concerned. They also engage in self-reflection regarding how their own values, attitudes, experiences, and social context (e.g., culture, ethnicity colour, religion, sex, gender, sexual orientation, physical and mental ability level, age, and socio-economic status) influence their actions, interpretations, choices, and recommendations. This is done with the intent of increasing the probability that their activities will benefit and not harm the individuals, families, groups and communities to whom they relate in their role as psychologists. Psychologists define harm and benefit in terms of both physical and psychological dimensions. They are concerned about such factors as social, family, and community relationships; personal and cultural identity; feelings of self-worth, fear, humiliation, interpersonal trust, and cynicism; self-knowledge and general knowledge; and such factors as physical safety, comfort, pain, and injury. They are concerned about immediate, short-term, and long term effects.

Standard II.6

Offer to carry out (without supervision) only those activities for which they have established their competence to carry out to the benefit of others.

Standard II.9

Keep themselves up to date with a broad range of relevant knowledge, research methods, and techniques, and their impact on persons and society through the reading of relevant literature, peer consultation, and continuing education activities, in order that their service or research activities and conclusions will benefit and not harm others.

Standard II.10

Evaluate how their own experiences, attitudes, culture, beliefs, values, social context, individual differences, specific training, and stresses influence their interactions with others, and integrate this awareness into all efforts to benefit and not harm others.

Standard II.14

Be sufficiently sensitive to and knowledgeable about individual, group, community, and cultural differences and vulnerabilities to discern what will benefit and not harm persons involved in their activities.

Standard III.1

Not knowingly participate in, condone, or be associated with dishonesty, fraud, or misrepresentation.

Standard III.8

Acknowledge the limitations of their own and their colleagues' knowledge, methods, findings, interventions, and views.

Standard III.9

Not suppress disconfirming evidence of their own or their colleagues' findings and views, acknowledging alternative hypotheses and explanations

Standard IV.3

Keep informed of progress in their area(s) of psychological activity, take this progress into account in their work, and try to make their own contributions to this progress.

Standard IV.8

Engage in regular monitoring, assessment, and reporting (e.g., through peer review, and in program reviews, case management reviews, and reports of one's own research) of their ethical practices and safeguards.

Guideline 4: The psychologist acknowledges and strives to overcome unjust discrimination.

Standard I.7

Make every reasonable effort to ensure that psychological knowledge is not misused, intentionally or unintentionally, to infringe on human rights.

Standard I.9

Not practice, condone, facilitate or collaborate with any form of unjust discrimination.

Standard I.10

Act to correct practices that are unjustly discriminatory.

Standard II.10

Evaluate how their own experiences, attitudes, culture, beliefs, values, social context, individual differences, specific training, and stresses influence their interactions with others, and integrate this awareness into all efforts to benefit and not harm others.

Guideline 5: The psychologist maintains professional objectivity and impartiality in presenting evidence.

Standard II.30

Be acutely aware of the need for discretion in the recording and communication of information, in order that the information not be misinterpreted or misused to the detriment of others. This includes, but is not limited to recording information that could lead to misinterpretation and misuse; avoiding conjecture; clearly labeling opinion; and communicating information in language that can be understood clearly by the recipient of the information.

Standard III.10

Evaluate how their personal experiences, attitudes, values, social context, individual differences, stresses, and specific training influence their activities and thinking, integrating this awareness into all attempts to be objective and unbiased in their research, service and other activities.

Guideline 6: The psychologist always informs clients about the limits of confidentiality generally and, in considering potential litigation, informs clients specifically about the limitations on confidentiality.

Standard I.24

Ensure, in the process of obtaining informed consent, that at least the following points are understood: . . . confidentiality protections and limitations . . .

Standard I.45

Share confidential information with others only with the informed consent of those involved . . .

Standard II.20

Make themselves aware of the knowledge and skills of other disciplines (e.g., law, medicine, business administration) and advise the use of such knowledge and skills, where relevant to the benefit of others.

Standard III.11

Take care to communicate as completely and objectively as possible, and to clearly differentiate facts, opinions, theories, hypotheses, and ideas, when communicating their knowledge, findings and views.

Standard IV.17

Familiarize themselves with the laws and regulations of the societies in which they work, especially those that are related to their activities as psychologists and abide by them. If those laws or regulations seriously conflict with the ethical principles contained herein, psychologists would do whatever they could to uphold the ethical principles. If upholding the ethical principles could result in serious personal consequences (e.g., jail or physical harm), decision for final action would be considered a matter of personal conscience.

Guideline 7: The psychologist has a responsibility, which may be undertaken in various ways, for helping to eliminate negative aspects of society, but in doing so must never place the welfare of individual clients at risk.

Standard III.18

Make clear whether they are acting as private citizens, as members of specific organizations or groups, or as representatives of the discipline of psychology, when making statements or when involved in public activities.

Principle IV: Responsibility to Society

In order to be responsible and accountable to society and to contribute constructively to its ongoing development, psychologists need to be willing to work in partnership with

others, be self-reflective, and be open to external suggestions and criticisms about the place of the discipline of psychology in society. They need to engage in even-tempered observation and interpretation of the effects of societal structures and policies, and their process of change, developing the ability of psychologists to increase the beneficial use of psychological knowledge and structures, and avoid their misuse. The discipline needs to be willing to set high standards for its members, to do what it can to assure that such standards are met, and to support its members in their attempts to maintain the standards.

Standard IV.25

Make themselves aware of the current social and political climate and of previous and possible future societal misuses of psychological knowledge, and exercise due discretion in communicating psychological information (e.g., research results, theoretical knowledge), in order to discourage any further misuse.

Standard IV.26

Exercise particular care when reporting the results of any work regarding vulnerable groups, ensuring that results are not likely to be misinterpreted or misused in the development of social policy, attitudes, and practices (e.g., encouraging manipulation of vulnerable persons against any specific population).