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# **An Ethical Review of Social Work Intervention in Juvenile Judicial Correction**

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**Abstract:** The law provides a rigid framework to regulate the behavior of juveniles involved in crimes, while the participation of social work provides them with flexible services and humanistic care. The principles of social work such as acceptance, individualization, non-judgment, confidentiality, and professional ethics highlight its professional strengths. Social workers provide services to clients within the framework of ethical codes, but sometimes the ethical codes may be affected by real situations. This paper takes the case of the social work agency where I used to work as a research object to find out the ethical dilemmas in juvenile justice social work services and explore the alternative paths of ethical choices.

**Keywords:** Juvenile Justice Correction; Social Work Ethics; Privacy and Confidentiality; Minimal Harm

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## **1. Research Background**

Since the 1980s, the concept of juvenile justice has shifted from mandatory punishment to education and probation, which has continuously promoted the development of the judicial system. From 2010 to 2019, the Chinese government issued documents related to the social support system for inspection work of minors, mentioning the need to emphasize comprehensive cooperation between inspection authorities and social work agencies in all aspects of the construction of the social support system for juvenile inspection, workflow, and project operation<sup>[1]</sup>. Therefore, in the past 10 years, social work has become an indispensable social force in the field of juvenile justice.

Equipped with theoretical knowledge such as sociology and psychology and professional methods, social workers can accurately assess the needs of crime-involved youth in need of services, including the need of education, deviant cognition, behavior correction and vocational training. Actively mobilizing the positive factors of families and communities to help youth build a new social support network to facilitate their smooth return to society is significant. The principles of social work such as acceptance, individualization, non-judgment, confidentiality, and professional ethics highlight its professional strengths. Social workers provide services to clients within the framework of ethical codes, but sometimes the ethical codes may be affected by real situations.

## **2. Research Methodology**

To analyze and reflect on the ethical dilemmas that arise by combining case study methods, collecting information through literature review and interviews is necessary. The study object selected for this paper is cases in C Youth Social Work Office in Beijing. Its professional services are mainly focused on the prevention of juvenile delinquency and deviant behavior and the service needs presented during the litigation of juvenile criminal cases.

## **3. Analysis of the ethical dilemmas of social work intervention in juvenile judicial correction**

### **3.1 Conflict of privacy and confidentiality with information disclosure**

The principle of confidentiality is one of the ethical responsibilities of social workers toward the clients, which contains

two meanings: social workers cannot dig deeper into the private information of the clients except for the needs assessment and service effectiveness; social workers cannot easily disclose the information of clients to others. However, when social workers are questioned by public security authorities, it becomes an inescapable responsibility of social workers to provide important information that clients has withheld from others to facilitate the progress of justice.

Liu was taken away by a police car for injuring a senior schoolmate on a ramp after school. He showed a negative attitude toward the help of social workers. He told the social worker that he couldn't help fighting because those senior schoolmates were picking on him every day and threatened to give them money. He would fight back if they bully him again. What should the social worker do in this situation? If the social worker tells the relevant people about the case, she may lose his trust and stop telling the truth; if the social worker keeps the client confidential, it is not known whether the client's personal safety may be threatened or the client will make a bigger mistake.

### **3.2 The problem of value neutrality and value intervention**

Xu committed a theft on a bus and took the stolen cell phone as a credit for squandering. Since he was a minor, he was only given a six-month trial period to receive help and supervision from follow-up officers and social workers. It is said that the client has the habit of stealing for many years, from small stationery boxes to hundred dollar bills. His classmates are also very disgusted with him. For minors who have illegal records or criminal behavior, what they need is not only the correction of external behavior, but the change of their irrational perception.

Acceptance in social work values does not mean that social workers should accept the client's values in entirety, but a non-judgmental attitude. However, does non-judgmental mean that value input is completely abandoned? In the face of adolescents who hold values contrary to social values, besides changing their irrational beliefs, how can social workers guide them to the right track in their re-socialization? In practice, social workers often focus on their own value tendencies but are not bold enough to reveal their true thoughts, giving the clients an impression of insincerity.

### **3.3 The contradiction between the principle of self-determination and social worker's intervention**

In the process of services, social workers must first obtain the consent of the clients. There are two prerequisites for self-determination: the client is absolutely sober and has the ability to self-determine and consequences of self-determination are absolutely harmless to the client. Only if both conditions are met is self-determination permissible.

Zhang was used to a life of dissipation and his father took him to a new school, not wanting him to be affected by his experience of deviance. However, he felt that the management of the new school was stricter than previous school and wanted to receive some vocational training. However, since he was a minor, his father felt that it was too early for him to enter society.

Whether the client is sober and whether he has the ability to self-determine are relatively objective and observable, but whether consequences of self-determination are absolutely harmless to the client is controversial. In this case, if the social worker follows the principle of self-determination of the client, he or she should support the client's choice. But will the decision made by the client really allow him to develop well in the future? If the social worker believes that the caseworker is incapable of self-determination and intervenes professionally as necessary, is the social worker's intervention what the caseworker really wants?

## **4. Responses of juvenile justice social workers to ethical dilemmas**

The ethical choice of social work can be based on three theoretical propositions: euthanism, Kant's obligatory ethics, and virtue theory. Efficativism advocates maximizing the ratio of reward to input, which means that if behavior correction can be completed relatively quickly, without considering the irrational problems of the caseworker's perception. It is the most economical in terms of time and resource investment. Kant's obligatory ethics argues that the morality of behavior is determined by motives rather than outcomes and advocates the quality of the process. If social workers follow deontology,

the fundamental goal of their work is to create greater social value, achieve better service meaning, and complete services in strict accordance with the values of social work. Virtue theory, on the other hand, advocates that moral judgments are derived from core values and character traits, rather than from social work ethical codes and standards.<sup>[2]</sup> Services based on virtues such as integrity, kindness, and dedication can facilitate social workers to make more eclectic or even best-of-both-worlds choices.

## **4.1 Relativity of the principle of life protection and privacy and confidentiality**

Social workers can determine whether clients' possible behavior poses a threat to his own safety and that of others via clients who reveal their past and future plans. The social worker can remind Liu of the consequences of this behavior and encourage him to find a way to solve the problem instead of using ways that put himself at risk of being harmed. The principle of confidentiality is relative in nature. When the social worker knows the juvenile case owner's tendency to transgression, he/she needs to judge whether it is a crime in nature and how harmful it is. If it is only a minor offense, it is recommended to assist the caseworker to terminate such behavior and explore reasonable ways to resolve the current situation under the premise of prioritizing the protection of life and minimal harm; if criminal tendencies are involved and communication is unsuccessful, it is necessary to promptly communicate with relevant personnel to negotiate how to properly resolve the matter.

## **4.2 The principle of well-being and quality of life of clients**

Adolescents are at the beginning of their lives and should not let their early life experiences affect their future quality of life. In response to the problem of Zhang, the social worker should actively contact with his father to explain the situation, trying to let the client experience vocation training and observe whether his performance and willingness will change. It is difficult for many adolescents to understand what choices are good for them, and they will not be easily convinced. If the client feels that his choice is not as good as he thought it would be after the experience, he can be assisted in planning a new direction. If the client still has the willingness, the social worker can also help him to link up with social resources and help him find suitable jobs.

## **4.3 The principal of value neutrality and minimal harm**

Compared with other social work clients, youth correctional clients have special characteristics. Some of the clients had caused different degrees of harm to others and society. Therefore, they are often labeled as transgressors.<sup>[3]</sup> Under the influence of negative labels, many juvenile clients cannot be accepted by others and are unable to successfully return to their families and society. Social workers should actively help them improve their lives and try to avoid or reduce secondary harm and should fully balance the rights and interests of individuals, others and society when damage cannot be avoided.

## **5. Conclusion**

In social work practice, there may be multiple conflicts among the values, principles and standards of social work codes, so it is necessary to establish mechanisms to deal with social work ethical dilemmas.<sup>[4]</sup> In addition, it is more important to reshape the working framework of ethical choices and to cultivate and enhance the "virtues" of social workers so that the ethical codes guiding social workers will continue to mature.

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