"We got a tip that there might be a problem with some foster children. Let me call you on the cell phone with the details. We need to hurry, because we'll be working overtime as it is."

Jennifer got in her car. She decided to try to follow Daryl if she could so she wouldn't get lost. She spotted him on the road already, but through some skillful maneuvering she was able to get her car behind his. As they sat at the traffic light, she could see Daryl pick up his cell phone. Within seconds, her phone sounded.

"Hello."

"Hi. Okay, let me tell you what's going on," Daryl began. "This morning we got a call from Jason Halworth who's a 14-year-old ward of the state. His father is unknown and his mother's in drug rehab. I'm familiar with Jason's case. Basically, he's been in and out of trouble for the past several years. You know, drugs, your basic hooliganism, and all that. Nothing violent . . . yet. Anyway, he and his 10-year-old brother and 6-year-old sister are staying with Charles and Jane Caravan."

"Who are they?" asked Jennifer.

"They're a very nice couple who've served as foster parents for dozens of kids over the past several years," Daryl said. "They've got a good reputation and we've given them some of our toughest kids. I would include Jason as one of those."

"But you said he's the one who made the call."

"Yeah, he says that Charlie Caravan spanked his little brother."

"Oh, I see. And of course that's not allowed."

"Right. As you may have read in the SOPs, foster parents are strictly forbidden to physically strike any of the children. They've received training and, of course, they have to sign a statement that they understand the rules. Hold on, I'm going to pass this truck ahead of me. If we get separated, just turn left at the next intersection. It's about a mile ahead."

Daryl passed the slow moving truck and Jennifer followed soon after.

"Sorry," Daryl continued. "I can't drive and talk at the same time. Where was I?"

"You said that Mr. Caravan spanked the little boy."

"At least that's what Jason says. We're just going to do an initial investigation and get everyone's story. We'll then take it to the County Judge. We may have to do it tonight if it's serious enough. All right . . . turn left here."

After driving a bit longer, the two cars turned into a long unpaved driveway that led to what looked like an old farm house. They parked outside near the fence line. As they got out, Charles Caravan stepped out his front door and off his front porch.

"Hey, Daryl! What brings you guys out here?"

"It's just routine Charlie. We have an issue we need to make a report on."

"Haven't seen you for a while," Charles said, "and I don't believe I've had the pleasure of meeting the young lady."

"This is Jennifer Warren. She's new to the department. She's been tagging along with me to learn the ropes."

After exchanging pleasantries, Charles invited them both in the house. Even though the living room was dimly lit, Jennifer could see pictures of the "Caravan children" all around the room. Jane Caravan came out of the kitchen looking a bit flustered.

"Oh, Charlie, I didn't realize we had guests."

"Yep. Daryl's here from Child Welfare and this is Jennifer."

"Nice to meet you, Jennifer," Jane said, "Would either of you like some coffee or tea?"

"I think we both could use some water if you don't mind," Daryl said for them both.

"What can we do for you today?" Charles asked.

"We got a phone call this morning from Jason. He says that you spanked little Tommy. Is that true?"

Charles looked startled. "Uh, yeah . . . but I have to tell you it was an extraordinary situation."

Daryl remained silent. Charles continued. "I was in the kitchen and I noticed that Beth had climbed up in that old mimosa tree out there. That wood is soft and those branches break quite easily. I thought it was a bit dangerous for her so I was going to go outside and get her down. When I stepped out into the front yard, I saw little Tommy was standing just below her, throwing rocks at her. I thought if one connected, she'd get knocked plum out of the tree. I panicked. I ran like heck, screaming the whole way. He kept on throwin' those stones. When I got there, I put him on my knee and gave him a couple of whacks on his behind. I thought he was going to kill his sister. I guess he didn't know what he was doing, but I needed him to learn. I realized that it broke policy, but you know, at the time I wasn't thinking about that."

"I understand," Daryl said. "I'll need to get a statement from the kids as well."

"Sure, uh, Tommy and Beth are in the back there. I'll go find Jason."

"Thanks," Daryl said as he went to the back bedrooms. He motioned for Jennifer to follow. After talking with all three children, Daryl whispered to Jane that it was time to leave.

"Mrs. Caravan, once again, thank you for your hospitality," Daryl said. He led Jennifer back to their cars. The sun was just setting. Daryl waited until the Caravans and the Halworth children went back into the house.

Jennifer turned to Daryl and asked, "What are we going to do?"

"There's only one thing we can do. I'll make a call to the judge when we get back into town. I expect he'll need one of us back out here this evening to accompany the sheriff when the children are pulled out."

"You've got to be kidding!" Jennifer was flabbergasted. "Didn't you see those pictures on the wall and those notes from former foster kids everywhere? I can tell that the Caravans love those children, and I mean the Halworth kids, too."

"I agree. It's hard, but policy is very clear on this issue—no exceptions. The Halworths have to know what's going to happen. They've been part of the system for quite some time."

"But little Beth and Tommy—I think they're happy here. I can't say for Jason, but I believe the Caravans are really helping the younger kids. After all, they've been through so much."

"I'll talk it over with the judge, but my recommendation is that we take them out of the house immediately." Jason opened his car door. "I'll call you tonight if we need you. Otherwise, I'll see you tomorrow."

DISCUSSION QUESTIONS

1. Is corporal punishment ever necessary? Is it ethical? Even if it is ethical, are there better methods of discipline? Justify your answer.
2. Should Daryl make an exception in this case and not file a report? To what extent should a case worker have discretion to grant exceptions to the rules? Would it be ethical to overlook what happened, just this once?
3. If Daryl does file a report with the County Court, what should the judge do? Should the judge decide not to follow the policy in this case? Should he or she have that power? Why? Should judges strictly apply a statute, or should they do what they think is right? What if a statute or regulation is unclear? If the judge does strictly follow the regulation in this case, has "justice" been done?
4. Was it ethical for Daryl and Jennifer to talk on their cell phones while driving? Why or why not? What about using their personal vehicles for official business?

CASE 27: CHILDREN ABUSED IN STATE INSTITUTION

Readers of the *Capitol Observer* were shocked, one late January morning, to read the front page headlines, "Children Abused in State Institution." The story alleged that children with severe developmental and mental disabilities were being subjected to cruel conditions, including outright physical abuse by direct care workers, in the Hillmark Evaluation Center. The article quoted Jonathan Freeman, an ex-employee, who charged that children unable to take care of themselves were frequently left unattended, with some forced to sit or lie in soiled diapers for hours. Freeman further claimed that since attendants were afraid to discipline children for fear of getting into trouble, they had begun to rely on other residents to "punish" problem children. According to the story, direct care workers would encourage older residents to "tease" the younger residents, which was a euphemism for physical abuse.

Derrick Sheffield, Deputy Director of Health and Human Services, held a press conference that afternoon to discuss the allegations. Derrick read an opening statement:

> I've called this press conference today to discuss the allegations printed in the morning edition of the *Capitol Observer*. As many of you are aware, we have had trouble in the past with the Hillmark Evaluation Center, and it's scheduled to close at the end of the year, by court order. It is true that two attendants were found to be encouraging physical abuse among the residents, but both were terminated earlier this month . . . well before the story in the *Observer*. We have had great difficulty in

You know damn well she didn't have enough resources or she couldn't have been on the program in the first place. Well, she probably never had pennies from heaven like that in her whole life. You know. I told her to go spend it. That's what she would have had to do anyway. I told her that when you do a 'spend down' all you have to do is come up with whatever you spent it on. Well, I mean . . . *technically* . . . I should have put it in and she would have lost her benefits for two or three months. If I ever get dragged into court on it, I guess I'd have to admit I did it . . . probably even though it'd cost me my damn job. Because, you know, I know what policy is, but it would have cost more man-hours. You see, you do something like that, the man-hour costs are incredible. And we would have had to shut her off for a long period of time. When you do that, you bump up against social security and all that. . . on and on and on. Well, that's nuts. She would have spent the money anyway. Okay, I'll talk at you later. Just remember, I for one think you did the right thing too, so don't sweat it."

Patrick left the canteen for his flight back to get his wife and family ready for the move. He would have two more weeks before taking over. He realized that he had a lot to think about between now and then.

DISCUSSION QUESTIONS

1. Was it ethical for Henry to allow the woman to keep her gambling proceeds? Why or why not?
2. Should Henry have been advising his coworker to do the same thing? Why or why not?
3. Does Patrick have an ethical obligation to report what he heard to someone at the department? Even if he does *not* take the job? If Patrick does take the job, does he have an obligation to take some action with regard to Henry?
4. Should administrators have discretion in situations like the one above, or should they always follow the rules? What would a utilitarian ethicist say about following the rules and why? What would a Kantian ethicist say about the rules?

CASE 26: SPANKING THE FOSTER CHILD

Jennifer was new to her job as a Child Welfare Protection Specialist. As a trainee, she had been assigned to follow Daryl, a more senior Specialist on his rounds. As she sat reading standard operating procedures, her telephone rang. It was Daryl.

"C'mon. We just got an assignment," Daryl said. "Meet me downstairs and I'll give you directions. I thought we could take our own cars since it's so late in the day."

Jennifer turned off her computer, gathered her things, and ran downstairs. Daryl was already waiting in the lobby.

"Here's the address. It's a rural route so I drew you a map. It's about ten minutes west of town."

"I think I know where this is," Jenny responded. "What's this all about?"