

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF SOCIAL WORK EXAMINERS**

In the Matter of:

Karen A. Forman
License No. LMSW-4931,
Respondent.

Case Nos. 2007-0001 and 2007-0021

**ORDER ON REMAND FROM THE SOUTH
CAROLINA ADMINISTRATIVE LAW
COURT
(Public)**

This matter came before the Board of Social Work Examiners (Board) for hearing on September 19, 2011 as a result of the July 12, 2011, Order of the South Carolina Administrative Law Court (ALC), the Honorable John D. McLeod, presiding (Docket Number 10-ALJ-11-0591-AP). The hearing was held pursuant to S.C. Code Ann. § 1-23-10, *et seq.* (1976, as amended) and provisions of the Administrative Procedures Act (APA). Georgia L. Lewis, Assistant Agency Counsel, represented the State. The Respondent appeared and was represented by Thomas F. McDow IV, Esquire, and Erin K. Urquhart, Esquire. The ALC's ruling upheld the Board's previous Order, save its finding that the Respondent violated S.C. Code Ann. § 63-3-820(D), and remanded the case for a hearing to determine "whether or not the exclusion of this finding of fact affects the imposed sanctions and if so, reduce according."

The Respondent was charged with violation of S.C. Code Ann. §§ 40-63-110(B)(9); 63-3-820(D); and S.C. Code Regs. 110-20(3), (7), and (8) (1976, as amended).

FINDINGS OF FACT

Based upon the preponderance of the evidence on the whole record in its previous hearing, the Board found the facts of the case to be as follows:

1. The Respondent is duly licensed, and was so licensed at all times relevant to the issues in this matter. The Respondent's current licensure is as a LISW-CP; during the period in question, her licensure was as a LMSW.

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2. The Respondent is self-employed as a Licensed Master Social Worker (LMSW), and was appointed by the Ninth Judicial Circuit's Family Court to be a paid Guardian *Ad Litem* (GAL) in the case of K (Mother) v. K (Father) to protect the interests of the minor child.

3. As GAL, the Respondent made recommendations to the court about custody and/or visitation concerning the minor child without interviewing the Mother and other involved parties; the minor child was six (6) years of age at the time.

4. The Respondent did not investigate or investigate fully police reports and all other relevant documentation and allegations necessary for a determination in the matter, and did not provide a detailed report supporting her conclusions regarding visitation.

5. By Order of the ALC, it was held the Respondent did not violate S.C. Code Ann. § 63-3-820(D).

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6. Self-employed as a LMSW, the First Judicial Circuit's Family Court appointed the Respondent as a paid GAL in the case of E (Father) v. E (Mother) to protect the interests of minor children, then ages four (4) and seven (7).

7. As GAL, the Respondent made recommendations to the court in her affidavit without interviewing the Father's alcohol treatment provider, without interviewing the children, and without interviewing all parties.

8. The Respondent failed to investigate or investigate fully all relevant documentation, and failed to support her conclusions with a detailed report.

9. By Order of the ALC, it was held the Respondent did not violate S.C. Code Ann. § 63-3-820(D).

10. In a matter unrelated to her position as a GAL, the Respondent was sued and entered into a settlement agreement. The firm representing the Father in the matter in question was a partner of the attorney initially representing the Respondent in the unrelated civil matter, and the Respondent did not disclose this potential conflict of interest to the parties or Court, even after the Father's attorney moved to have the Respondent relieved; she contested the motion and did not withdraw as GAL.

11. The Board found that the removed violation, S.C. Code Ann. § 63-3-820(D), played little, if any, role in its decision for the sanctions imposed. Of far greater import to the Board were the commissions and omissions found in paragraphs two (2)a and three (3), listed below, of its original Order.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this case, the Board finds and concludes as a matter of law that:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§ 40-1-110 or 40-63-110, has the authority to impose sanctions as provided in § 40-1-120, including suspension, restriction, or revocation of a license and may impose a fine of not more than five thousand dollars for each violation.

2. The Respondent violated S.C. Code Ann. § 40-63-110(B)(9) in that she violated the principles of professional ethics or standards of conduct adopted by the Board and promulgated in regulations, as evidenced by her violation of the following:

- a. S.C. Code Regs. 110-20(8) in that she committed fraud and represented she performed services she did not perform, as evidenced by the following:
 - i. Her failure to obtain and review relevant documents, including, but not limited to: school documents, healthcare and mental healthcare documents, treatment documents, and consent forms from the parties regarding release of information;
 - ii. Her failure to meet with and observe the child(ren) in question on at least one (1) occasion, or even to speak with them by telephone;
 - iii. Her visitation of only one (1) of at least four (4) homes;
 - iv. Her failure to interview each parent, to interview step-parent(s), to interview grandparent(s), to interview school officials, and others with relevant knowledge;
 - v. Her failure to obtain criminal histories of each party;
 - vi. Her failure to consider the wishes of the child(ren);
 - vii. Representing herself as a licensed Social Worker while acting as a GAL, but failing to conduct herself in a professional, ethical, or competent manner.
- b. The State failed to prove by a preponderance of the evidence that the Respondent violated S.C. Code Regs. 110-20(3) and the National Association of Social Workers (NASW) Code of Ethics Standard 1.
- c. The State failed to prove by a preponderance of the evidence that the Respondent violated S.C. Code Regs. 110-20(7).

3. Under S.C. Code Ann. § 63-3-830(A)(2) (1976, as amended), a GAL's responsibilities and duties include the following:

- a. Obtaining and reviewing relevant documents;
- b. Meeting with, and observing, the child(ren) on at least one (1) occasion;

- c. Visiting in the home setting(s), if deemed appropriate;
- d. Interviewing the parents, caregivers, school officials, law enforcement officers, and others with knowledge relevant to the case;
- e. Obtaining the criminal history, if any, of each party, when determined necessary; and
- f. Consider the child's or children's wishes, if appropriate.

4. The sanction imposed is consistent with the purpose of these proceedings and has been made after weighing the public interest and the need for the continuing services of qualified social workers against the countervailing concern that society be protected from professional misconduct and ineptitude; further, that they were made based upon the Respondent's violations of S.C. Code Ann. § 40-63-110(B)(9) and S.C. Code Regs. 110-20(8), and S.C. Code Ann. § 63-3-830(A)(2).

5. The sanctions imposed are designed not to punish the social worker, but to protect the life, health, and welfare of the people at large.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

- 1. The Respondent may not work as a Guardian *ad Litem* (GAL).
- 2. The Respondent is prohibited from all independent practice. She may engage only in supervised practice, within a recognized, organized setting such as social, medical, and governmental agencies. She shall submit to the Board semi-annual, written reports from her supervisor(s) for a period of two (2) years from the date of this Final Order.
- 3. This Final Order is based on the Respondent's violation of S.C. Code Ann. § 40-63-110(B)(9); S.C. Code Regs. 110-20(8), and S.C. Code Ann. § 63-3-830(A)(2).
- 4. This Final Order shall take effect immediately.

AND IT IS SO ORDERED.

BOARD OF SOCIAL WORK EXAMINERS

Lynn Melton, LMSW

Lynn Melton, LMSW
President of the Board

9/19, 2012