

A hearing of the Discipline Committee of the New Brunswick Association of Social Workers was held on September 13, 2018 to hear and determine a Complaint against a Member alleging professional misconduct. Specifically, the Member is alleged to have failed to obtain consent from a minor's (13-year-old) legal guardian prior to providing social work services to this minor.

The facts of the matter resulted from a difficult custody case. Despite a court order giving full custody of the minor to the mother, the minor stayed with her paternal grand-parents for the following two years, under the supervision of two supervising governmental agencies.

The paternal grand-mother of the minor sought social work treatment for the minor. The minor was referred to the Member by one of the supervising agencies, acting with the knowledge of the other supervising agency. The Member incorrectly assumed that consent had been given by the proper legal guardian to provide treatment to the minor. However, the mother had never given consent nor was consent of the mother, the sole legal guardian, sought.

The Member was never informed by either supervising agency that the mother was the proper legal guardian.

During, the reunification process between the minor and her mother,

another social worker who was involved with the minor and had obtained consent from the mother learned that the Member had been treating the minor without the mother's consent.

The mother along with the other social worker each filed a Complaint against the Member.

Before the Discipline Committee, the Member voluntarily admitted professional misconduct and concurred that disciplinary sanction was appropriate.

Following a determination that the Member was guilty of professional misconduct, the Discipline Committee imposed the following discipline:

1. Written reprimand to be placed in the Member's file; and
2. Summary and publication of the proceeding without names for the education of the membership.