

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE SOCIAL WORKER SECTION  
EXAMINING BOARD OF SOCIAL WORKERS,  
MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST

JUDITH M. HODEL, CICSW,  
RESPONDENT.

Case No.: LS9906152SOC

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FINAL DECISION AND ORDER  
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The parties to this action for the purposes of Wis. Stats. §227.53 are:

*Judith M. Hodel, CICSW  
620 N. Michigan Street  
De Pere, WI 54115*

*Social Worker Section  
Examining Board of Social Workers,  
Marriage and Family Therapists and Professional Counselors  
P.O. Box 8935  
Madison, WI 53708-8935*

*Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Social Worker Section. The Section has reviewed this Stipulation and considers it acceptable.

Accordingly, the Section in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Judith M. Hodel, Respondent, date of birth June 6, 1945, is certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin pursuant to certificate number 1554, which was first granted October 27, 1993.
2. Respondent's last address reported to the Department of Regulation and Licensing is 620 N. Michigan Street, De Pere, WI 54115.
3. Respondent received a master of science degree in social work (MSSW) from St. Louis University in St. Louis, MO in 1974.

4. During 1993 and 1994, Respondent was a psychotherapist at Our Lady of Charity Family Programs in Green Bay, Wisconsin. From June 1993 to October 1994, Respondent provided Ms. A with psychotherapy regarding individual and family issues. From July 1993 to October 1994, Respondent provided Mr. B, Ms. A's fiancée, with psychotherapy regarding individual and family issues. Respondent saw Ms. A and Mr. B separately and jointly.

5. During that time, Ms. A and Mr. B resided together, with their child, who was born in October of 1993, and Ms. A's two children from a prior relationship. Mr. B had a child from a prior marriage, who resided primarily with his ex-wife.

6. On November 12, 1993, Mr. B called a Foster Home Coordinator (FHC) at Brown County Human Services and told the FHC that Ms. A and he were interested in becoming licensed temporary foster care providers.

7. On November 18, 1993, Ms. A and Mr. B met with the FHC for the initial interview in the application process. During the interview, Ms. A and Mr. B told the FHC of the ongoing therapy with Respondent. They also told the FHC that they would sign releases to allow Respondent to discuss them with the FHC.

8. On November 19, 1993, the FHC sent Respondent a letter, which Respondent received November 23. The letter stated:

"I have received an inquiry for foster home licensing from [Mr. B] and [Ms. A]. During my initial interview, they indicated that you were counseling with them on family issues. They agreed to sign a release authorizing you to share information with me and they were to provide you with that form.

As you are aware, foster parenting does place additional responsibilities and stresses on families. I would request your professional opinion as to the appropriateness of [Mr. B] and [Ms. A] taking on additional roles of foster parents at this time. From what I understand, their relationship is only about one year in duration and they are still working out the issues of blending families. I also understand they have only lived in their current residence a few months and have a new daughter who is less than a month old. [Mr. B] also indicated he is still involved in legal wrangling with his ex-wife. All of these issues could be stressors for some people.

[Ms. A] and [Mr. B] seem like genuine, caring people, who truly want to open their hearts and home to another child. However, I would not want their family to be negatively impacted through a foster care experience. As their counselor, I am hopeful that you can provide some guidance to me regarding whether at the current time foster parenting would be a recommended activity for them.

If you have any questions, please contact me at [number deleted]. I look forward to receiving your professional recommendation."

9. The FHC also mailed Ms. A and Mr. B a release to sign, authorizing Respondent to talk to the FHC about them. After consideration, Ms. A and Mr. B decided to postpone their application for foster care, and did not sign a release of information. They did not tell the FHC or Respondent about that decision.

10. On December 1, 1993, Respondent and the FHC had a telephone conversation regarding the November 19 letter. The FHC's notes of that conversation state:

"They have enough issues between them right now - relationship shaky at best.

[Mr. B] has not made commitment to stay. Won't even promise to stay a year - pregnancy was only thing that kept him this long.

Working with them for six months - know they have financial problems, may be looking at that aspect, [Ms. A] would like to stay home.

[Mr. B] in custody/visitation hassle with former wife - verbal blowouts common, still very unsettled issue with daughter [name deleted].

Would not recommend they become foster parents at this time, have lots of their own issues at this time, not a stable situation.

Both are fine people and maybe sometime down the road they would have potential. [Respondent] will inform [Mr. B] and [Ms. A] of her statements in sessions later this week."

11. At a session on December 3, 1993, Respondent told Ms. A about her conversation with the FHC and asked Ms. A for the release signed by Ms. A, which authorized Respondent to discuss Ms. A and Mr. B with the FHC. Ms. A told Respondent that they had never signed the release.

12. According to Ms. A and Mr. B, a short time later they decided to go forward with the application to become temporary foster care providers. They say that they contacted the FHC and were told they would not be approved at that time based, at least in part, on Respondent's statements. Neither the FHC nor Brown County

Human Services has any record of that contact.

13. From February 4, 1994 through April 1, 1994, Respondent also provided treatment to one of Ms. A's children, who was then six years old. Mr. B has no legal rights regarding this child.

14. During a therapy session with Respondent, Ms. A's daughter spoke about an adult male friend of the family who participated in activities with her. The child did not indicate that there was anything inappropriate in the relationship with the family friend, but there were aspects about the child's presentation while discussing him that led Respondent to wonder if something inappropriate was occurring.

15. Respondent's concern about the family friend did not rise to the level of reasonable cause to suspect abuse, which would require a report to appropriate authorities under

§48.981, Stats. Respondent did discuss her concern with Ms. A. Ms. A advised the family friend of Respondent's concern and the family friend participated in Respondent's last session with Ms. A's daughter on April 4, 1994.

16. Mr. B and his ex-wife were involved in custody issues concerning their daughter and in December, 1993, an attorney was appointed as guardian ad litem (GAL) in that matter.

17. Mr. B's ex-wife had concerns about her daughter having contact with the same family friend when the daughter had visitation at the residence of Mr. B and Ms. A. Mr. B's ex-wife raised her concerns with the GAL.

18. On December 23, 1993, Mr. B signed a release which allowed Respondent to discuss with the GAL her therapeutic contacts with Mr. B.

19. Pursuant to the release, Respondent talked to the GAL about Mr. B. In the course of their discussions, the GAL raised with Respondent the GAL's concerns regarding the family friend of Mr. B and Ms. A. Respondent advised the GAL that she had raised questions regarding the friend's associations with one of Ms. A's children and that Respondent's recommendations had not been followed up on by Ms. A and Mr. B.

20. The release signed by Mr. B did not provide legal authority to Respondent to discuss with the GAL information relating to Respondent's sessions with Ms. A's daughter.

21. In 1995, Our Lady of Charity Family Programs in Green Bay consolidated with Family Service Association of Brown County. In August of 1995, the above occurrences were brought to the attention of the management of Family Service Association. As a result:

- a. Respondent was required to review and refamiliarize herself with their confidentiality policies and discuss with the executive director the specific policies which related to these events.
- b. A memo was sent to all of their therapists reminding them that they must have a signed consent to release of information in their possession before releasing information about a client.
- c. Staff was reeducated regarding the confidentiality policies at department meetings.

#### CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has jurisdiction over this matter pursuant to §457.26(2), Stats.

2. The Social Worker Section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors has authority to enter into this stipulated resolution of this matter pursuant to §227.44(5), Stats.

3. Respondent's December 1, 1993 conduct, in disclosing information about Ms. A and Ms. B to the Foster Home Coordinator without a valid consent to release of information, is a violation of Wis. Adm. Code § SFC 20.02(10) and subjects Respondent to discipline pursuant to §457.26(2)(h), Stats.

4. Respondent's 1994 conduct, in disclosing information from sessions with Ms. A's daughter to the guardian ad litem without a valid consent to release of information, is a violation of Wis. Adm. Code § SFC 20.02(10) and subjects Respondent to discipline pursuant to §457.26(2)(h), Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED: that Respondent, Judith M. Hodel, is hereby REPRIMANDED for that conduct.

Dated at Madison, Wisconsin this 15th day of June, 1999.

Cornelia Gordon-Hempe

Chairperson

Social Worker Section