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

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST:

JAMES D. HUYCKE, CICSW,
RESPONDENT

FINAL DECISION AND ORDER
LS0202121SOC

The parties to this action for the purposes of § 227.53, Stats., are:

James D. Huycke, CICSW
2621 Eisenhower Drive
Racine, WI 53405

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. James D. Huycke, CICSW, Respondent, date of birth September 16, 1957, is certified by the Social Worker Section as an independent clinical social worker in the state of Wisconsin pursuant to certificate number 540, which was first granted August 18, 1993.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2621 Eisenhower Drive, Racine, WI 53405.
3. During the events of this matter, Respondent was employed as the Executive Director of S A F E (Shelter And Family Emergency) Haven, a shelter for runaway and homeless youth, in Racine, Wisconsin.

4. Ms. A was a graduate student at the UW-Milwaukee School of Social Work. As part of the requirements to obtain a master's degree in social work, Ms. A completed an internship at S A F E Haven. From approximately August 1994 to December 1995, Respondent supervised Ms. A's internship at that facility. During this period, Ms. A's internship responsibilities included the supervision of residents at S A F E Haven and responding to hot line calls.
5. While Ms. A was an intern at S A F E Haven, she also became employed there as a part time relief staff, beginning February 15, 1995. From the beginning of employment through January 20, 1997, Ms. A was also supervised by Respondent in that position. Ms. A's employment duties included, among other things, supervision of residents in placement, completing intakes, responding to hot line calls, updating files and compiling statistics.
6. While Ms. A was an intern, Ms. A appeared upset and Respondent asked her what was wrong. Ms. A began to cry and confided in Respondent about her spouse's abusive behavior. Respondent gave Ms. A a comforting hug.
7. After many of their subsequent supervisory meetings, Ms. A talked to Respondent about her personal life. Respondent asked Ms. A for weekly updates on her work, her spouse, family and friends. The time Respondent and Ms. A spent together each week got longer as they talked about Ms. A's problems. During their discussions, Respondent continued to give Ms. A hugs.
8. Over time, Respondent's relationship with Ms. A became increasingly more personal. In July 1995, Respondent and Ms. A engaged in sexual intercourse with one another for the first time. Respondent and Ms. A began having sexual contact with one another at S A F E Haven, during times when they were working there. They also had sexual contact at other locations. The sexual relationship continued into 1997.
9. Respondent helped Ms. A develop a safety plan for leaving her spouse. Respondent discussed divorce attorney options with Ms. A and also told her where she could get a divorce without needing a lawyer. On September 2, 1996, Ms. A left her spouse and moved into her own apartment. Ms. A and her spouse were divorced in December 1996.
10. At the time of these events, the National Association of Social Workers Code of Ethics stated:
- "Social workers who function as supervisors or educators should not engage in sexual activities or contact with supervisees, students, trainees, or other colleagues over whom they exercise professional authority."
11. Respondent volunteered to be psychologically evaluated by a clinical psychologist approved by the Division of Enforcement. The psychologist was provided with the Division's investigative file regarding this matter. The psychologist's report, dated February 17, 2001, concluded:
- o Respondent does not have any condition that warrants an Axis I diagnosis (Diagnostic and Statistical Manual of Mental Disorders, fourth edition) and treatment interventions.
 - o Respondent does not fit the picture of an impaired professional regarding alcohol and controlled substance use.
 - o Respondent does manifest difficulties recognizing essential interpersonal boundaries, and "must learn effective self-discipline and the courage to consult with wiser veteran professionals when he finds himself in a hazy arena."
12. On October 4, 2001, Respondent attended and completed "Advanced Ethics and Boundaries," a five credit continuing education workshop sponsored by the Wisconsin Chapter, National Association of Social Workers.

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, by engaging in the conduct as set out above, has committed unprofessional conduct as defined by § SFC 20.02(13), Wis. Adm. Code, and is subject to discipline pursuant to §457.26(2)(f), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Respondent, James D. Huycke, CICSW, is hereby REPRIMANDED for the above conduct.
2. Within 90 days of the date of this Order, Respondent shall provide proof sufficient to the Section, or its designee, of Respondent's satisfactory completion of a program in boundaries and ethics, which program shall

first be approved by the Section or its designee.

3. By completing the program noted in Finding of Fact 12 and providing proof of completion to the Division of Enforcement, Respondent has satisfied the requirements of the preceding paragraph.

4. Prior to agreeing to supervise any student or intern, Respondent shall provide the student's or intern's school or program with a copy of this Final Decision and Order. This condition shall continue until such time as Respondent provides proof sufficient to the Section that there is no reason to continue the condition.

5. Requests for approvals and notification of completion of educational programs shall be mailed, faxed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

Fax: (608) 266-2264

6. Violation of any term or condition of this Order may constitute grounds for revocation of Respondent's certification as an independent clinical social worker in Wisconsin. Should the Section determine that there is probable cause to believe that Respondent has violated the terms of this Order the Section may order that Respondent's certificate be summarily suspended pending investigation of and hearing on the alleged violation.

The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 12th day of February, 2002.

Douglas Knight

Chairperson

Social Worker Section