

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE SOCIAL WORKER SECTION  
MARRIAGE AND FAMILY THERAPY, PROFESSIONAL COUNSELING,  
AND SOCIAL WORK EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
JENNIFER E. BERGER, C.S.W., :  
RESPONDENT. :  
 : ORDER 0000 877

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[Division of Enforcement Case # 07 SOC 073]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Jennifer E. Berger, C.S.W.  
711 W. 4<sup>th</sup> Street  
Neillsville, WI 54456

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Social Worker Section  
Wisconsin Marriage and Family Therapy, Professional  
Counseling, and Social Work Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
PO Box 8935  
Madison, WI 53708-8935

PROCEDURAL HISTORY

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

Accordingly, the Section adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Jennifer E. Berger, C.S.W., Respondent, date of birth July 28, 1973, was granted social worker training certificate number 649 by the Section on September 3, 2002, which certificate has expired. Respondent was certified by the Section as a social worker in the State of Wisconsin pursuant to certificate number 8643, which was first granted July 30, 2004.

2. Respondent's last address reported to the Department of Regulation and Licensing 711 W. 4<sup>th</sup> Street, Neillsville, WI 54456.

3. Respondent was employed by the Clark County Department of Social Services (CCDSS) in Neillsville, Wisconsin, beginning March 1999. From February 2004 through November 7, 2007 when her employment was terminated, Respondent worked as a social worker in Child Protective Services Assessment (CPS). The investigations which Respondent did conduct for CCDSS were all performed competently and there is no question about Respondent's ability to conduct CPS investigations.

4. The Division of Children and Family Services of the Wisconsin Department of Health and Family Services establishes the standards for county agency child protective service investigations, access and assessments. Those written standards are provided to county agencies, which must follow them. Those standards state that the purpose and scope of child protective services are:

Child Protective Services (CPS) is a specialized field of the Child Welfare System. CPS intervention is warranted whenever there is a report that a child may be unsafe, abused or neglected, or be at risk of abuse or neglect. The purpose of the CPS system is to identify and alter family conditions that make children unsafe or place them at risk for abuse or neglect.

The scope of Child Protective Services includes Access, Initial Assessment, and Ongoing Services. CPS is an integrated system of intervention that identifies conditions that make children unsafe or that put children at risk of abuse or neglect and then provides services to families to assure that children are safe and protected. CPS accomplishes this by receiving and responding to reports of abuse or neglect, conducting initial and family assessments, developing and implementing protective, safety and case plans, and providing services and case management until cases can be safely closed. The goal of the child protective services system is to support parents/caregivers in making necessary changes to assure that their children are safe and protected.

5. The standards say that "The primary responsibility of CPS during the initial assessment process is to identify children who are in need of protection or services and assure that unsafe children are protected by engaging parents/caregivers in implementing an in-home or out-of-home safety plan." When an allegation of possible abuse or neglect of a child was received by CCDSS, it was reviewed by a supervisor and then assigned to one of the three CPS workers.

a. If it met the criteria for neglect or abuse, it was made a CPS case and the supervisor assigned the case to a worker and directed that the initial assessment be conducted within a period of time that could range from immediately to the five day maximum allowed by the standards. The initial assessment must include an initial face to face contact with a member of the immediate family.

b. If it did not meet the criteria for neglect or abuse, it was made a child welfare case and the supervisor assigned the case to a worker and directed that the initial

assessment be conducted within a period of time up to the ten day maximum allowed by CCDSS policy.

6. During 2006 and 2007, Respondent was assigned an average of 7.5 cases each month. When Respondent was assigned a case, she was immediately notified by e-mail and by receiving the intake documents.

7. CCDSS had turnover in the director and supervisor positions. On August 20, 2007, a new supervisor of Long Term Support began employment and he was also assigned to supervise CPS. His review of the entire CPS unit's caseload indicated that 89 cases did not have the necessary work completed. The supervisor assumed the work had actually been done and that there had merely been a failure to document the work. On September 5, Respondent and her colleagues were told to have the cases updated by the end of the year.

8. On September 14, 2007, Respondent was notified that she was assigned a new CPS case of alleged sexual abuse.

a. Initial assessments of allegations of sexual abuse were usually directed to be done immediately. In this case, the supervisor directed that it be done within five days because there had been a similar complaint ten months earlier that had been assigned to Respondent to be done immediately and the supervisor assumed that Respondent had already conducted that assessment. In fact, Respondent had never done the initial assessment of the earlier complaint.

b. In early October, the supervisor learned that Respondent still had not conducted the initial assessment of either complaint. On October 4, Respondent told the supervisor that CCDSS did not have jurisdiction because the family was then in Marathon County.

c. The case was referred to the Marathon County Department of Social Services. The supervisor there reported to State authorities that no initial assessment had been done during the 20 days after the complaint had been received by CCDSS. State authorities also became aware that Respondent had not done an initial assessment during the 10 months the first case alleging sexual abuse had been assigned to Respondent.

9. The supervisor asked Respondent to look through her cases and to advise him of any others in which she had not conducted initial assessments. On October 19, she told him there were three more abuse cases in which she had not performed initial assessments. He reported them to the State and gave her one week to complete them. On October 24, Respondent told her supervisor there were no more cases in which she had failed to conduct initial assessments.

10. On November 1, a new complaint of alleged child abuse was received. There had been a prior complaint 10 months earlier that had been assigned to Respondent. The supervisor asked for the earlier case so he could determine the time before the initial assessment should be completed in the new case. Respondent then told her supervisor that was another case in which she had not done an initial assessment.

11. On November 5, the supervisor directed Respondent to separate all her cases into categories of no initial assessment done, some work still to do and completed. Respondent did this and disclosed that there were ten more cases in which no initial assessment had taken place.

12. At that point, CCDSS had been made aware that Respondent had failed to conduct any investigation in a total of 17 cases which had been assigned to her. Ten of the cases were CPS abuse or neglect cases and seven of the cases were child welfare cases. Respondent had performed no initial assessments on the cases which had been assigned to her on January 31, March 14, April 17, May 17, July 24, August 29 (4 cases), and September 29, 2006 and January 9, 12 and 22, February 26, August 2 and September 14, 2007.

13. When asked why she had not performed the investigations, Respondent said that she was "burned out." Respondent's youngest child had been born in May 2005 and she returned to work in September 2005. In August 2006, she told her supervisor how difficult it was to come to work and leave her child at home. She felt her supervisor was not responsive to her. Respondent said that no one at CCDSS knew what was going on and she just tried to get through the period on her own.

14. On November 7, 2007, CCDSS terminated Respondent's employment. Following her termination CCDSS reviewed all of Respondent's cases from May 5, 2005 through September 14, 2007 and found that Respondent had failed to meet the supervisory time limit within which to conduct an investigation in 18 additional cases, for a total of 35.

15. Respondent's license as social worker is not current and has been expired since February 28, 2009.

#### CONCLUSIONS OF LAW

1. The Social Worker Section of the Wisconsin Marriage and Family Therapy, Professional Counseling and Social Work Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 457.26(2) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set out above, has committed repeated acts of gross negligence in practice which is unprofessional conduct as defined by Wis. Admin. Code § MPSW 20.02(22), and is subject to discipline pursuant to Wis. Stat. § 457.26(2)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Jennifer E. Berger, C.S.W., Respondent, of her license (No.8643) to practice as a social worker in the state of Wisconsin and her right to renew that license is hereby ACCEPTED.

2. This Order is effective on the date it is signed.

Social Worker Section  
Wisconsin Marriage and Family Therapy,  
Professional Counseling and Social Work Examining Board

By: George Kampp  
A Member of the Section

6/1/11  
Date