

FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS

August 12, 2015
J. Michael Walker

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law - 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Social Work Examiners

By: Jodi C. Krugman
Deputy Attorney General
(973) 648-7093

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE LICENSE OF :
: **MIRIAM SCHWARTZ, LCSW** :
: License No. 44SC04615700 :
: TO PRACTICE CLINICAL SOCIAL WORK :
: IN THE STATE OF NEW JERSEY :
:

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Social Work Examiners (the "Board") upon receipt of a complaint from Mr. W., the father of minor child M.W., alleging that respondent Miriam Schwartz engaged in professional misconduct. Specifically, Mr. W. alleged that respondent made false statements in a custody/parenting time evaluation ("evaluation"), which is an analysis performed by an LCSW to provide comprehensive, objective and impartial information for the purpose of assisting a court in the decision as to custody/parenting time arrangements that would best provide for the needs of a minor child. Mr. W. also alleged that respondent failed to consider information and evidence he attempted to provide to her for the evaluation.

Respondent, through her counsel, George Karousatos, Esq., submitted a response to the complaint, including a copy of the custody and parenting time evaluation. Respondent asserts that Mr. W did not identify the specific false statements which respondent is alleged to have made. The Board has reviewed the report, and has a number of concerns. On its face, the report does not identify the party on whose behalf the evaluation was submitted, nor does it specifically list all of the individuals that respondent personally evaluated. Based upon paragraph headings in the report, which include the names C.S., M.W. and complainant Mr. W., the Board found that the report suggested that respondent personally interviewed Mr. W., at least on a limited basis. Although in much of the report respondent prefaces comments with "according to [C.S.]", in varying parts of the report she offers opinions of Mr. W and his behavior, when in fact she admitted to the Board that she did not speak with or interview him for purposes of the report.

Having reviewed the entire record, the Board finds that respondent failed to identify the party on whose behalf the evaluation was prepared and did not specifically list all the individuals whom she personally evaluated, in violation of N.J.A.C. 13:44G-13.7(a), offered opinions regarding Mr. W., whom she did not personally evaluate, and made statements pertaining to Mr. W. without explaining the limited basis of the information provided, in violation of N.J.A.C. 13:44G-13.7(b). This conduct provides a basis for discipline pursuant to N.J.S.A. 45:1-21(h).

The parties desiring to resolve this matter without recourse to formal proceedings, and the Board finding that entry of this Order adequately protects the public health, safety, and welfare, and for good cause shown:

IT IS ON THIS 12th DAY OF August, 2015

HEREBY ORDERED AND AGREED THAT:

1. Respondent is reprimanded for the conduct set forth herein.
2. Respondent shall cease and desist performing custody/parenting time evaluations unless she fully complies with the requirements set forth in the regulations at N.J.A.C. 13:44G, Subchapter 13, which govern evaluations performed by licensed clinical social workers.
3. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$750 for the conduct described herein. Payment of the civil penalties shall be submitted by bank check, or money order made payable to the State of New Jersey, or arrangements shall be made for wire transfer or payment by credit card. Any other form of payment will be rejected by the Board and returned to respondent. Payment shall be sent to J. Michael Walker, Executive Director, Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, P.O. Box 45033, Newark, New Jersey 07101, within ninety (90) days of the entry of this Order.

NEW JERSEY BOARD OF SOCIAL WORK EXAMINERS

By: Dawn Apgar
Dawn Apgar, Ph.D., LSW, ACSW
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Miriam Schwartz, LCSW

7/22/15
Date

Consent is given as to form and entry of this Order.



George Karousatos, Esq.
Attorney for Miriam Schwartz., LCSW

7/24/15
Date