

FILED

14 January 2016

STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY
EXAMINERS



JOHN HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board Marriage and Family Therapy
Examiners

By: Shirley P. Dickstein
Deputy Attorney General
(973) 648-7093

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
THE STATE BOARD OF
MARRIAGE AND FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE LICENSE OF : Administrative Action
: :
GERALDINE M. KERR, LMFT : CONSENT ORDER
License No. 37F100119000 : :
: :
TO PRACTICE MARRIAGE AND FAMILY : :
THERAPY IN THE STATE OF : :
NEW JERSEY : :

This matter was opened before the New Jersey Board of Marriage and Family Therapy Examiners (the "Board) upon allegations that Respondent produced a report which markedly deviated from accepted standards of practice and which was biased and misinformed. Respondent concluded in her report that T.R. sexually abused a minor and recommended that he receive "intensive sex-offender specific treatment in an inpatient setting."

By way of background, Respondent was contacted by a Warren County Family Court Judge and asked to conduct a psychosexual evaluation of fifteen-year old T.R., whom the Judge had found guilty of Sex Assault, Second Degree, perpetrated against his six-year-old female cousin. Respondent concluded that T.R.'s "unresolved anger and power issues played significant roles in his inappropriate, power-based sexual abuse of a minor" and recommended that T.R. be placed in an inpatient setting with intense sex-offender specific treatment.

S.M., the grandmother of T.R., filed a complaint with the Board alleging, in relevant part that (1) Respondent was biased and did not take into account police reports, victim statements, school records and prior treatment records, which included psychological reports referencing sex offender assessments and collateral interviews and (2) Respondent improperly used the diagnostic test MMPI-A, given T.R.'s academic limitations.

In response to the complaint, Respondent stated that she has a long history of evaluating sex offenders and that she reviews discovery materials in advance of meeting with an alleged offender. She stated that she reviewed all police reports, victim statements, hospital reports and affidavits in advance of the meeting, although she did not review IEPs, other evaluations and DYFS records regarding placements of other

children with S.M. She asserts that the results of the MMPI-A test she administered did not form the basis of her evaluation.

In her report, Respondent failed to discuss the purpose and implications of the MMPI-A test, mention that she reviewed or considered T.R.'s school records and documented academic limitations, nor refer to or discuss lab results and prior psychological reports, which were in direct contrast to her recommendations for T.R. Respondent also failed to administer additional inventories considered standard in performing psychosexual evaluations. In addition, Respondent assumed that T.R. sexually abused his cousin, in violation of the standards of the Association for the Treatment of Sexual Abusers, the professional organization that is responsible for sex offender evaluation protocol.

Having reviewed the entire record, it appears to the Board that Respondent's evaluation and report failed to meet the standard for a competent, unbiased evaluation and presented conclusions without proper foundation, discussion or consideration constituting professional misconduct, in violation of N.J.S.A. 45:1-21(e). The parties desiring to resolve this matter without further proceedings, and the Board finding this Consent Order to be adequately protective of the public interest, and other good cause appearing;

IT IS ON THIS 14 DAY OF January, 2014,
HEREBY ORDERED AND AGREED THAT:

1. Respondent is reprimanded for failing to perform a competent psychosexual evaluation of T.R., in violation of N.J.S.A. 45:1-21(e).

2. Respondent shall permanently cease and desist performing sexual offender treatment evaluations in the State of New Jersey. Respondent shall not hereafter apply to the Board to restore her ability to perform such services.

3. Upon the filing of this Consent Order, Respondent shall cease and desist providing any service related to the practice of sexual offender evaluation in this State, including but not limited to the supervision, mentoring or coaching of any person performing sexual offender evaluations.

4. Upon the Board's receipt of any information which the Board in its sole discretion deems reliable that Respondent has failed to comply with any of the terms of this Order, Respondent hereby consents to the entry of an order of automatic suspension of her license to practice as a marriage and family therapist in this State. Respondent may, within five (5) days' notice of such action, request a hearing to contest the entry of such an order. At any such hearing, the sole issue shall be whether any of the information relied upon by the Board was materially false.

5. A civil penalty in the amount of one thousand and eight hundred dollars (\$1800) is imposed upon Respondent for the above described violation to be stayed in its entirety and imposed only if Respondent violates any term of this Consent Order. In the event that Respondent is required to pay the civil penalty, payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Milagros Collazo, Executive Director, State of Board of Marriage and Family Therapy Examiners, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than 15 days after the Board notifies Respondent that she has violated this Consent Order.

STATE BOARD OF MARRIAGE AND FAMILY THERAPY
EXAMINERS

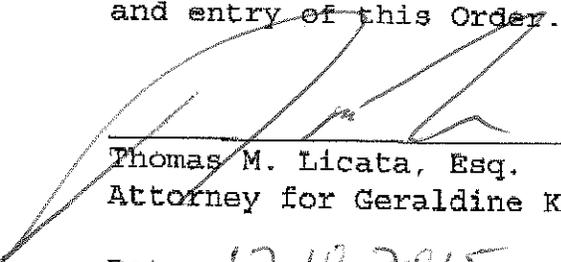
By Lorraine M. Barry, Esq., LMFT
Lorraine M. Barry, Esq., LMFT
Board Secretary

I have read and understand the provisions of this order and agree to be bound by them.

Geraldine Kerr
Geraldine Kerr, Respondent

Date: 12/8/15

I consent to the form
and entry of this Order.



Thomas M. Licata, Esq.
Attorney for Geraldine Kerr

Date: 12.10.2015