



Ontario College of  
Social Workers and  
Social Service Workers

Ordre des travailleurs  
sociaux et des techniciens  
en travail social de l'Ontario

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On March 5, 2021 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below.

## **ONTARIO COLLEGE OF SOCIAL WORKERS AND SOCIAL SERVICE WORKERS**

**IN THE MATTER OF** Sections 26 and 28 of the *Social Work and Social Service Work Act, 1998*, S.O. 1998, Chapter 31;

**AND IN THE MATTER OF** a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act, 1998*;

**AND IN THE MATTER OF** allegations respecting the professional conduct of Kelly Anne Savage, a former member of the said College in the Social Work class;

### **NOTICE OF HEARING**

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "**Act**") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, Kelly Anne Savage, which allegations were referred to the Discipline Committee pursuant to section 24(5)(a) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the "**Professional Misconduct Regulation**"), Schedule "A" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule "B" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**")<sup>1</sup>.

**I. The following are particulars of the said allegations:**

1. At all relevant times, you were registered as a social worker with the Ontario College of Social Workers and Social Service Workers (the "**College**") and were working as a social worker in private practice.
2. The social work services you provided included "clinical" and "forensic" services. You describe your "forensic" services as dealing with the overlap of social work and the law. Your forensic services dealt with issues including but not limited to child custody and access, parenting plans, reunification, cooperative parenting, parental alienation, consultation, and court-involved cases.

**ALLEGATIONS WITH RESPECT TO E.R. AND HER SON A.**

3. In or about early 2018, Ms. E.R.'s ex-spouse, Mr. G.D. sought your services for their son, A. E.R. and G.D. had an initial meeting with you to discuss your services.
4. At the outset of your meeting with E.R. and G.D., and without having met A., you indicated that you would support equal custody for A. and suggested that the topic of equal custody was not up for discussion. You stated that G.D. would likely receive more time with A. because you supported equal parenting. You expressed this view without meeting or having performed an adequate assessment and/or

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<sup>1</sup> By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

without obtaining sufficient evidence about A. and his needs, and of E.R. and G.D. and their parenting.

5. Although E.R. filled out a consent form for A. to receive services, E.R. subsequently changed her mind and informed you by email that she did not consent to you providing services to A.
6. The court order governing E.R. and G.D.'s custody of A. stated that all health care decisions for A. had to be made jointly. Although you were provided with a copy of this order and were aware that E.R. did not consent to you treating A., you subsequently proceeded to see him on one or more occasions.
7. Without first ensuring you had sufficient knowledge of the case or meeting A., and after meeting E.R. only once (in the joint meeting with G.D.), you expressed the view that E.R. was a bad parent for not supporting shared parenting.
8. You made comments that were unprofessional, inappropriate, were made without first obtaining sufficient information, and/or were the product of an inadequate assessment, including but not limited to the following:
  - (a) Stating that E.R. was opposed to equal custody because it would reduce the amount of spousal support she would receive;
  - (b) Stating that E.R. was opposed to A. obtaining therapy after he expressed suicidal thoughts when, in reality, E.R. had communicated with G.D. about reaching an agreement about a different counsellor for A.;
  - (c) Authoring letters for use in family law proceedings that:
    - (i) inaccurately stated that E.R. was refusing to allow A. to participate in therapy after he disclosed suicidal thoughts, and stating that refusals of this nature are often indicators of abuse;
    - (ii) accused E.R. of emotional abuse;
    - (iii) expressed your "professional opinion" that E.R. be ordered to take a parenting course, to participate in co-parenting, and to obtain individual therapy.

You made these comments and recommendations despite only having seen E.R. once, during the joint session with G.D.

9. On one or more occasions, you refused to read or respond to communications from E.R.'s legal counsel, and continued to contact E.R. directly.

#### **ALLEGATIONS WITH RESPECT TO S.M.**

10. J.M. retained you to provide counselling for his children in or about 2017. When you contacted his ex-wife (who was the children's mother), S.M., you stated that your office had received a request for a parenting assessment of J.M. and that her input was needed. It was not until you spoke with S.M. over the phone that you disclosed that your involvement was at J.M.'s request.
11. You informed S.M. that she was required to pay for 50% of your services, despite the fact that she did not arrange the sessions or think them to be necessary, and despite the existence of a Separation Agreement governing the payment of expenses for the children.
12. J.M. and S.M. had joint custody, meaning that both parents had to consent to health care decisions for their children.
13. S.M. informed you that she did not consent to you providing services to her children. Your communications with S.M. then became unprofessional, aggressive, and/or intimidating, including but not limited to, by:
  - (a) Stating that if S.M. did not bring the children to meet you and there was an empty appointment slot, she would be billed;
  - (b) Stating that if S.M. did not allow J.M. to have the children, you would bill her for any missed appointments;
  - (c) Stating that you would see the children when they were in their father's custody, despite S.M.'s indication that she did not consent to you providing services to the children;
  - (d) Stating that S.M.'s refusal to cooperate would reflect poorly on her in court;
  - (e) Stating that S.M. was not putting the best interests of her children first; and/or

- (f) Stating that S.M. was denying J.M. time with his children to which he was entitled, which you characterized as “deeply disturbing” and as a “refusal to co-parent”;
- 14. You drew the conclusions in paragraphs 13(d)-(f) above about S.M.’s parenting and motivations without sufficient information and/or without conducting an adequate assessment, given that you had not met S.M. or the children.
- 15. You concluded that J.M. should have an “equal opportunity to parent the children”, even though you had never met the children to assess their needs.
- 16. When S.M.’s lawyer informed you that S.M. felt harassed by you and would not be responding to future communications, you continued to email S.M. directly.
- 17. Your conduct damaged the relationship between J.M. and S.M. As a result, J.M. saw even less of his children.

**ALLEGATIONS WITH RESPECT TO M.B.**

- 18. You were retained by M.B. to provide services to her children between in or about December 2018 and March 2019.
- 19. You informed M.B. that you would try to get her ex-husband G.M. on board with you providing services to the couple’s children, without notifying him that the reason M.B. was seeking your services was to address parental alienation.
- 20. On one or more occasions, you informed M.B. of information her daughter had disclosed to you by sending M.B. a text message or in an individual conversation, instead of providing a summary of the information to both M.B. and G.M.
- 21. The contract you had M.B. sign contained misleading, inappropriate and/or unenforceable provisions, including:
  - (a) Inaccurately stating that your forensic services were not overseen by the College, that your services were not being provided under your RSW number, and that the College was not involved in any way; and

- (b) A statement that if M.B. or anyone on her behalf filed a complaint against you with the College, your supervisor, or any other governing body, you would pursue legal action against M.B.
- 22. You violated professional boundaries in your communications with M.B. by:
  - (a) Providing personal details about your marriage and/or your ex-husband when these self-disclosures were not clinically indicated;
  - (b) Engaging in conversation that was overly friendly, casual, and/or included swearing; and/or
  - (c) Sending M.B. text messages about topics that were personal and/or unrelated to the services you were providing.
- 23. You initiated several text message conversations with M.B. In total, you exchanged approximately 393 text messages with her.
- 24. You subsequently informed M.B. that she owed you \$9,000 for these text messages, at a flat rate of \$25 per text. You had not previously informed M.B. that you charged \$25 per text message, nor was it disclosed in your contract. In addition, this fee was excessive and/or inappropriate.
- 25. A revised invoice you later issued to M.B. indicated that you had reviewed the 393 text messages and that 100 were billable, for a total of \$2,500.
- 26. When M.B. indicated she would not be paying you for the text messages, you threatened to send the file to a collection agency and/or take legal action.

**ALLEGATIONS WITH RESPECT TO A.C.**

- 27. A.C. and her ex-husband C.V. were looking for a family reunification specialist to monitor their daughter H.'s reunification with C.V.
- 28. After C.V. indicated he intended to use your services for H., A.C. spoke with you and you provided her with a contract to review. The

contract you provided to A.C. contained misleading, inappropriate and/or unenforceable provisions, including:

- (a) Inaccurately stating that your forensic services were not overseen by the College, that your services were not being provided under your RSW number, and that the College was not involved in any way; and
- (b) A statement that if A.C. or anyone on her behalf filed a complaint against you with the College, your supervisor, or any other governing body, you would pursue legal action against A.C.

29. After your initial discussion with A.C., she informed you that she intended to retain one of three other well-known practitioners in the area to provide services to H.

30. Notwithstanding A.C.'s request that you not do so, you contacted C.V. to arrange for him to pay for A.C.'s share of your services.

31. After A.C. informed you that she did not consent to you providing services to H., your communications with A.C. became aggressive, intimidating, harassing, and/or unprofessional, including by:

- (a) informing A.C. that if she did not respond, you would "proceed with C.V.";
- (b) informing A.C. that it would look poorly on her in court if she did not participate in reunification services;
- (c) repeatedly asking A.C. for information about who she had retained, and stating that it was "concerning" that A.C. was not answering your inquiries about this;
- (d) taking the position that even though A.C. had not signed the consent form, that she had verbally consented to you providing services;
- (e) stating that it appeared A.C. did not have H.'s best interests at heart;
- (f) dismissing the other professionals that A.C. was considering by stating that there was no such thing as a "specialist in

reunification”, and that you believed those professionals were either not currently working or not accepting new clients;

- (g) stating that it appeared A.C. had no intention of facilitating a relationship between C.V., H., and A.C.’s unborn child;
  - (h) stating that A.C. had no legal right to withhold C.V.’s access to H.; and/or
  - (i) stating that A.C. was engaging in “child abuse” and/or that by not retaining your services she was engaging in “child abuse”, and that you were required by law to report to a Children’s Aid Society if you believed child abuse was occurring.
32. You reached these conclusions without sufficient information and/or without conducting an adequate assessment, given that you had never had a session with A.C. and had never met H.
33. During a previous conversation, A.C. had informed you that H. had witnessed violence in the home and was refusing to speak with her father. A.C. also informed you that H.’s anxiety around speaking with her father was so severe that it had caused physical symptoms. As a result, A.C. told you that H.’s doctor had advised that she should receive counselling before having to speak with her father.
34. On or around H.’s birthday, you emailed A.C. on more than one occasion stating that you were willing to supervise a visit between C.V. and H. so C.V. could see H. on her birthday. You suggested this supervised visit without taking steps to confirm whether H. had been psychologically prepared in accordance with the doctor’s recommendations.
35. When A.C. did not respond to your emails about a supervised visit, you sent her aggressive, intimidating, harassing, unprofessional communications, and/or expressed opinions or conclusions without sufficient information and/or without conducting an adequate assessment, including by:
- (a) Suggesting that A.C. had admitted that C.V. did not have a criminal record, had never been arrested, and had never been the subject of a CAS finding, when in reality A.C. had not discussed these subjects with you;

- (b) Referencing a previous CAS finding against A.C.;
  - (c) Stating that although A.C. had “claimed” that C.V. had been emotionally abusive, you had not seen any evidence to support this. In reality A.C. had never raised the issue of emotional abuse but had raised the issue of physical abuse;
  - (d) Accusing A.C. of placing H. in harm’s way;
  - (e) Stating that a physician’s or therapist’s recommendation did not give A.C. the legal right to withhold H. from her father;
  - (f) Accusing A.C. of using H. as a bargaining tool, which you stated was “extremely disturbing”; and/or
  - (g) Stating that by withholding H. from C.V., A.C. was subjecting H. to emotional abuse and that you would be filing a report with the Children’s Aid Society.
36. In one or more of your communications, you accused A.C. of lying to C.V. about miscarrying her unborn baby.
37. Although you claimed to have concerns that A.C. was engaging in child abuse and on two occasions informed A.C. that you were required to make a report to the CAS, you did not make a report to the CAS forthwith as required by the *Child, Youth and Family Services Act*.
38. When A.C. asked you to correspond only with her lawyer in the future, you informed A.C. that she would have to pay for your services if she wished you to do so.

**ALLEGATIONS WITH RESPECT TO USE OF TITLES AND REPRESENTATIONS ABOUT QUALIFICATIONS AND EXPERIENCE**

39. In or about 2019, on one or more of your website, advertisements for your services, and your email signature, you used one or more titles, acronyms, or designations that were false or misleading about your credentials. In particular:
- (a) You used the acronym “FSW” and/or described yourself as a forensic social worker, when there is no such category of registration with the College and no such professional designation in Canada;

- (b) You used the acronym “LCSW” and/or described yourself as a licensed clinical social worker, when there is no such category of registration with the College and when your LCSW license in Virginia expired in 2015.
- 40. In or about 2018-2019, on one or more of your website, advertisements for your services, and letters you authored in the E.R. matter, you provided a false or misleading description of your experience. In particular:
  - (a) You stated that you had over 30 years of clinical experience when in reality you were first licensed as a social worker in 2001; and/or
  - (b) You stated that you had been in practice for 25 years when in reality you were first licensed as a social worker in 2001.

**II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the *Act*:**

- a. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.2)** by failing to observe, clarify, and inquire about information presented to you by clients.
- b. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.4)** by failing to demonstrate acceptance of each client’s uniqueness.
- c. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.5)** by failing to be aware of your values, attitudes, and needs and how these impact on your professional relationship with clients.
- d. In that you violated **section 2.2 of the Professional Misconduct Regulation and Principle I of the Handbook (as commented on in Interpretation 1.6)** by failing to distinguish your needs from those of your client to ensure that, within professional relationships, clients’ needs and interests remain paramount.

- e. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.1)** with respect to clients J.S. and R.S. by failing to be aware of the extent and parameters of your competence and your professional scope of practice and to limit your practice accordingly; failing to inform the client of the option to be referred to another professional when the client's need fall outside your usual area of practice; failing, if the client wishes to continue the professional relationship, to ensure that (1) the services you provide are competently provided by seeking additional supervision, consultation, and/or education, and (2) that the services are not beyond your professional scope of practice; and/or failing to be guided by the client's interests in making recommendations for particular services, referrals to other professionals, or a continuation of the professional relationship.
- f. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.1.4)** by failing to ensure that any professional recommendations or opinions you provide are appropriately substantiated by evidence and supported by a credible body of professional social work knowledge.
- g. In that you violated **Sections 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2)** by failing to ensure that clients are protected from the abuse of your power during and after the provision of professional services and/or by failing to establish and maintain clear and appropriate boundaries in professional relationships.
- h. In that you violated **Sections 2.2 and 2.6 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.3)** by using information obtained in the course of a professional relationship and/or using your professional position of authority to coerce, improperly influence, harass, abuse, or exploit a client/former client.
- i. In that you violated **Sections 2.2 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.7)** by misrepresenting professional qualifications, education, experience or affiliation.

- j. In that you violated **Sections 2.2 and 2.36 of the Professional Misconduct Regulation and Principle II of the Handbook (as commented on in Interpretation 2.2.8)** by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional, and/or by failing to avoid conduct in the practice of social work that could reasonably be perceived as reflecting negatively on the profession of social work.
- k. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.1)** by failing to provide clients with accurate and complete information regarding the extent, nature, and limitations of any services available to them.
- l. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.2)** by failing to deliver client services and/or respond to client queries, concerns, and/or complaints in a timely and/or reasonable manner.
- m. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle III of the Handbook (as commented on in Interpretation 3.6)** by failing to inform clients of foreseeable risks as well as rights, opportunities, and obligations associated with the provision of professional services.
- n. In that you violated **Section 2.2 and 2.21 of the Professional Misconduct Regulation, and Principle IV of the Handbook (as commented on in Interpretation 4.1.2)** by making a statement in the record or in reports based on the record; making a record; or issuing or signing a certificate, report, or other document in the course of practising the profession that you knew or ought reasonably to know was false, misleading, inaccurate, or otherwise improper;
- o. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle VI of the Handbook (as commented on in Interpretation 6.1)** by charging or accepting a fee that is not fully disclosed.
- p. In that you violated **Section 2.2 and 2.23 of the Professional Misconduct Regulation and Principle VI of the Handbook (as**

**commented on in Interpretation 6.1.1)** by failing to explain in advance or at the commencement of a service the basis of all charges for the service, for late cancellations, and for missed appointments; failing to give a reasonable estimate of projected fees and disbursements; and/or failing to point out any uncertainties involved so that clients may make informed decisions with regard to using your services.

- q. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle VI of the Handbook (as commented on in Interpretation 6.1.3)** by failing to ensure that fee schedules clearly describe billing procedures, reasonable penalties for missed and cancelled appointments or late payment of fees, the use of collection agencies or legal proceedings to collect unpaid fees and third party fee payments.
- r. In that you violated **Section 2.2 and 2.25 of the Professional Misconduct Regulation and Principle VI of the Handbook (as commented on in Interpretation 6.1.5)** by charging fees which are excessive in relation to the service performed.
- s. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle VII of the Handbook (as commented on in Interpretation 7.1.1)** by advertising your services through public statements, announcements, advertising media and promotional activities in a manner that is false or misleading, or that contains factual information that is not verifiable.
- t. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle VII of the Handbook (as commented on in Interpretation 7.3)** by failing to describe your education, training, experience, areas of competence, professional affiliations, and/or services in an honest and accurate manner.
- u. In that you violated **Section 2.2 of the Professional Misconduct Regulation and Principle VII of the Handbook (as commented on in Interpretation 7.4)** by soliciting prospective clients in a way that is misleading, that disadvantages fellow members or that discredits the profession of social work.
- v. In that you violated **Section 2.3 of the Professional Misconduct Regulation** by doing anything to a client in the course of practising

the profession in a situation in which consent is required by law, without such a consent.

- w. In that you violated **Section 2.5 of the Professional Misconduct Regulation** by abusing a client verbally, psychologically, or emotionally.
- x. In that you violated **Section 2.12 of the Professional Misconduct Regulation** by breaching a term of an agreement with a client relating to the fees for professional services or professional services for the client.
- y. In that you violated **Section 2.15 of the Professional Misconduct Regulation** by inappropriately using a term, title or designation in respect of your practice.
- z. In that you violated **Section 2.28 of the Professional Misconduct Regulation** by contravening the Act or regulations or by-laws.
- aa. In that you violated **Section 2.29 of the Professional Misconduct Regulation** by contravening a federal, provincial or territorial law or a municipal by-law whose purpose is to protect public health or where the contravention is relevant to your suitability to practise.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY

PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.

Dated at Toronto, the \_\_\_\_\_ 10th \_\_\_\_\_ day of March 2021.

By: \_\_\_\_\_

Registrar and CEO

Ontario College of Social Workers and Social Service Workers