

THE MATTER OF THE *HEALTH PROFESSIONS ACT*, R.S.A. 2000, c.H-7;

AND IN THE MATTER OF A HEARING INTO THE CONDUCT OF MARIANNE KRANENDONK, A MEMBER OF THE ALBERTA COLLEGE OF SOCIAL WORKERS;

AND IN THE MATTER OF A PROFESSIONAL CONDUCT HEARING REGARDING THE CONDUCT OF MARIANNE KRANENDONK UNDERTAKEN VIRTUALLY;

AND INTO THE MATTER OF A COMPLAINT INTO THE CONDUCT OF MARIANNE KRANENDONK PURSUANT TO A COMPLAINT BY CAMERON ESCH, ALBERTA CHILD SERVICES AND TONI MORKIN INTO YOUR CONDUCT AND TO S. 77(a) OF THE *HEALTH PROFESSIONS ACT*

DECISION OF THE HEARING TRIBUNAL

I. INTRODUCTION

1. A hearing was held virtually on March 6, 2024 concerning allegations of unprofessional conduct against Marianne Kranendonk (the “**Member**”), a regulated member of the Alberta College of Social Workers (“**ACSW**”). The hearing occurred by consent via a virtual WebEx platform through the Edmonton office of Parlee McLaws.
2. This decision sets out the findings, reasons and penalty orders of the Hearing Tribunal concerning the hearing.

II. THE HEARING GENERALLY

3. The March 6, 2024 hearing was held pursuant to the *Health Professions Act*, R.S.A. 2000, c.H-7 as amended (the “**Act**”).
4. The members of the Hearing Tribunal were:

Stanley Haroun – Chair – RSW
Vince Paniak – Public Member
Barbara Artzen – RSW
Patricia Hull – Public Member

Blair E. Maxston, K.C. acted as independent legal counsel for the Hearing Tribunal.

Also present at the hearing were Karen Smith, K.C. (legal counsel for the ACSW Complaints Director) and Bruce Llewellyn (ACSW Complaints Director), the Member and the Member's legal counsel, Robert Sawers.

5. The hearing was a public hearing pursuant to s. 78 of the Act.
6. The allegations were set out in an Amended Notice of Hearing dated May 17, 2022 (the "**Notice of Hearing**"). The allegations in the Notice of Hearing are as follows:

Professional Boundaries

1. That you had ongoing communication with a youth identified as "I", notwithstanding that you were no longer responsible for his case management.
2. That you continued inappropriate communications with the youth, notwithstanding that you had no employment responsibilities related to the youth.
3. That notwithstanding that you did not have any employment responsibilities with respect to this youth, you continued a personal relationship with this youth.
4. That you refused to allow the natural assignment of this youth to another case worker and continued to assert that you were a "natural support" to the youth.
5. That you maintained ongoing, regular communication with the youth on the basis of your personal cell phone.
6. That you maintained ongoing communication with the youth on Facebook Messenger.
7. That you subsequently, in March of 2020, contacted the youth and took steps to criticize him for his conduct regarding the employment sanctions you were facing.

Sexual Misconduct

8. That on September 23rd, 2019, you answered a virtual FaceTime call from the youth when you were no longer his case worker while you were wearing a sports bra.
9. That you engaged in mutually sexual communications with the youth.
10. That you sent a sexually explicit photo of yourself in workout attire to the youth.

Supervision and Reporting

11. That notwithstanding the accelerating sexual nature of the communications, and/or threats from the youth, you failed to seek the appropriate consultation with a supervisor or management.
12. That you took steps to advise your supervisor and/or management within Child and Family Services only when the youth threatened and/or attempted to extort money with respect to the nature of the communications between the two of you.

(collectively, the “Allegations”)

7. The Complaints Director and the Member acknowledged the proper regulated member and public member composition of the Hearing Tribunal. No conflicts of interest or apprehension of bias were disclosed by the Hearing Tribunal Members and neither party raised any issues regarding the jurisdiction of the Hearing Tribunal. The Hearing was open to the public pursuant to section 78(1) of the Act and neither party made an application to hold the hearing or a portion of the Hearing in private. Neither party had any preliminary applications.
8. The following documents were entered as Exhibits at the Hearing with the consent of both parties:
 - Exhibit 1: Notice of Hearing.
 - Exhibit 2: Notice to Attend.
 - Exhibit 3: Statutory Declaration of Service.
 - Exhibit 4: Admission of Unprofessional Conduct (the “**Admission**”).
 - Exhibit 5: Consent Order (the “**Consent Order**”).
 - Exhibit 6: Letter of Complaint from Carmen Esch dated September 4, 2020.
 - Exhibit 7: Letter of Complaint from Toni Morkin dated November 30, 2020.
9. Since the hearing proceeded as a consent hearing, the Hearing Tribunal heard from no witnesses at the hearing.

III. THE HEARING AND THE CONSENT ORDER

10. The Consent Order contained agreed upon “Agreed Statement of Facts”, “Agreed Findings”, “Acknowledgment of Responsibility” and “No Right to Appeal” sections.
11. The Consent Order also contained a “Orders as to Sanctions” section (the “Sanctions Orders”).

A. Agreed Statement of Facts

12. The facts in this matter are not in dispute and are described in the Agreed Statement of Facts as follows:

- “1. Ms. Marianne Kranendonk ("Ms. Kranendonk") has been a Registered Social Worker with the Alberta College of Social Workers ("ACSW") since March 8, 2002.
2. At all material times, Ms. Kranendonk was employed by Child and Family Services.
3. Originally Ms. Kranendonk was a Permanent Planning Case Worker in the South Calgary Office. Ultimately, in and around November of 2008, Ms. Kranendonk moved to the High River Office.
4. At the time of the move to the High River Office, Ms. Kranendonk asked to bring with her a file relating to a youth, I. The youth had requested to stay with Ms. Kranendonk as well.
5. Ultimately, Ms. Kranendonk was transferred to a Youth Case Worker position in Airdrie Office and again requested the youth's file be moved with her to the Airdrie Office as she was now a Case Worker. The file was not transferred to Ms. Kranendonk and stayed in the Calgary South Office.
6. Notwithstanding the denial of permission to maintain management over the youth client I, Ms. Kranendonk continued to act in that role unofficially with I.
7. Notwithstanding that there was no official responsibility for the youth, Ms. Kranendonk continued on-going communication with the youth through:
 - Text
 - Phone
 - Videoconferencing
 - Facebook messaging
8. Subsequent to being refused permission to maintain case management of the youth, Ms. Kranendonk continued to advocate that she was "a natural support" to the youth.
9. Ms. Kranendonk continued to visit the youth, including, at times, in which he was remanded to EYOC.
10. Ongoing communications by Ms. Kranendonk continued both via text, phone, Facebook messenger and in person visits.
11. On or about September 21, 2019, Ms. Kranendonk answered a virtual facetime call from the youth while she was wearing a sports bra.

12. Ms. Kranendonk had previously sent a photo of herself in workout attire to the youth.
13. During the period of August 2019 through to September of 2019, conversations between Ms. Kranendonk and the youth became more intimate. There was an exchange of details and comments and the youth made increasing sexually explicit comments to Ms. Kranendonk.
14. Ultimately, the youth attempted to extort the Ms. Kranendonk and asked for money not to share the screenshots and photos he had of Ms. Kranendonk.
15. During the time of the accelerating sexual nature of the communications and threats from the youth, Ms. Kranendonk did not seek appropriate consultation with a supervisor or management of CFS until September 23, 2019.
16. Ultimately, Ms. Kranendonk advised management within CFS when the youth threatened and attempted to extort money with respect to the nature of the communications.
17. In March of 2020, after which Ms. Kranendonk was suspended from work by her employer, Ms. Kranendonk was contacted by the youth and criticized him for conduct regarding the employment sanctions that she was facing.
18. Ultimately, Ms. Kranendonk was suspended from her employment with her employment terminating on November 30, 2020."

B. Acknowledgment of Responsibility and Unprofessional Conduct

13. It was acknowledged by the Member and the ACSW Complaints Director that the Member's conduct as described in the Agreed Statement of Facts relating to allegations 1, 4, 6, 7, 8, 10, 11 and 12 constitutes unprofessional conduct.
14. It should be noted that, at the hearing, legal counsel for both parties agreed that the reference to contravention of F.7(a)(b) in the Admission should be removed. The Hearing Tribunal accepted that change.

C. No Right to Appeal

15. The ACSW and the Member agreed that there shall be no appeal from the Consent Order notwithstanding s. 87 of the Act.

D. The Joint Penalty Proposal

16. The Sanctions Orders advanced by both parties set out the following penalty orders:
1. A Reprimand shall be issued against the Member.
 2. The Member shall be suspended from the practice of social work for a three (3) year period commencing from December 2020.
 3. Once the Member returns to the practice of social work, the Member shall be subject to supervision for a period of two (2) years from when she resumes practice. The costs of this supervision will be the responsibility of the Member. The supervisor shall be approved by the ACSW and shall be inside or outside the context of the Member's employer but must be undertaken by a social worker. The ACSW Complaints Director shall be entitled to receive appropriate reporting from the supervisor.
 4. Over the span of the three-year suspension, , the Member shall undertake six consultations with a senior RSW practitioner approved by the ACSW Complaints Director (there is an approved list that can be provided to the Member). The cost of these consultations shall be the responsibility of the Member. There shall be reporting from the RSW consultant to the ACSW as required.
 5. Within a year following the date of this Order, the Member shall undertake an additional 15 hours of continuing education with respect to professional boundaries approved by the Complaints Director. This conditional continuing education must be successfully completed and is at the cost of the Member. Proof of successful completion must be provided by the Member to the ACSW Complaints Director.
 6. The Member shall pay costs in the sum of ONE THOUSAND DOLLARS (\$1000.00) within one (1) year of the date of this Order.
 7. The Complaints Director shall maintain the discretion to continue to suspend or subsequently suspend the Member's permit to practice pending a Hearing should the Complaints Director come to the conclusion in his sole discretion that the Member has breached this Order.
 8. There shall be publication of this Consent Order on a "with names" basis on the ACSW website.

IV. LIABILITY MATTERS

A. Submissions from the Complaints Director

17. Ms. Smith's submissions regarding the liability phase of the Hearing on behalf of her client can be summarized as follows:
- The Member and the Complaints Director engaged in without prejudice dialogue in the

Spring of 2022 regarding settlement of these matters which in turn resulted in the consent hearing documents.

- In the Admission, the Member has admitted unprofessional conduct regarding charges 1, 4, 6, 7, 8, 10, 11 and 12.
- Section 70 of the Act gives the Hearing Tribunal the ability to accept the Admission.
- In order to accept the Admission, the Hearing Tribunal needs two things: the facts must be proven and the facts must fall within the definition of unprofessional conduct in section 1(1)(pp) of the HPA. In this hearing, the definitions in section 1(1)(pp)(i)(ii) and (xii) apply.

B. Submissions from the Member

18. Mr. Sawyer's submissions regarding the liability phase of the Hearing on behalf of his client can be summarized as follows:
- Mr. Sawyer reviewed the invitation process and settlement negotiations.
 - The Member takes responsibilities for her actions as set out in the admissions.

C. The Hearing Tribunal's Decision

19. After caucusing in private, the Hearing Tribunal advised the parties that it was accepting the admissions and was making findings of unprofessional conduct regarding charges 1, 4, 6, 7, 8, 10, 11 and 12. The Chair of the Hearing Tribunal invited the parties to make submissions regarding penalty.

V. PENALTY ORDER MATTERS

A. Submissions from the Complaints Director

20. Ms. Smith's submissions regarding the penalty phase of the Hearing on behalf of her client can be summarized as follows:
- The statutory authority for the Hearing Tribunal to make penalty orders is set out in section 82 of the HPA.
 - The objectives of sentencing are: protection of the public, deterrence to the Member and deterrence to the profession, rehabilitation of the Member, fairness and protecting the integrity of the profession.
 - Ms. Smith reviewed the *Jaswal* factors generally.
 - The Member's conduct was at the more serious end of the spectrum in terms of

nature and gravity. This was an aggravating factor.

- The Member was not a new member of the profession. This was an aggravating factor.
- There were no prior complaints or findings of unprofessional conduct regarding the Member. This is a mitigating factor.
- The fact that a youth was involved was an aggravating factor.
- The Member's unprofessional conduct occurred a number of times as there were a series of inappropriate actions. This was an aggravating factor.
- The Member has accepted responsibility for her actions and that is a mitigating factor.
- In terms of other factors, the Member has been suspended from work for three years.
- An interim suspension of the Member's practice permit was put in place in December of 2020 and has continued since that time.
- Ms. Smith reviewed the *R. v. Anthony-Cooke* Supreme Court of Canada case regarding deference to joint submissions regarding penalties. Ms. Smith also reviewed the public interest test which establishes that a decision-maker should not depart from a joint penalty proposal unless it brings the administration of justice into disrepute or is otherwise contrary to the public interest.
- The joint penalty proposal from the parties meets the public interest test, satisfies the objectives of sentencing and is consistent with the *Jaswal* criteria.

B. Submissions from the Member

21. Mr. Sawers' submissions regarding the penalty phase of the Hearing on behalf of his client can be summarized as follows:

- The Member joins the Complaints Director in recommending the joint penalty proposal.
- The Member has taken responsibility for her conduct and has grown from her actions. The proposed sanctions are fit and are an appropriate outcome.
- The Member has paid a high price for her actions. This matter has been hanging over her head for three years, the Member resigned from her employment and the Member has not been a registered social worker for some period of time.
- The jointly proposed penalties are not a rubber stamp. They are consistent with protection of the public and rehabilitation and accountability by the Member.

C. Hearing Tribunal Comments

22. After caucusing privately, the Hearing Tribunal asked the parties whether the consultation set out in proposed order #4 had in fact been completed by the Member. The Hearing Tribunal was advised that the Member had not completed those consultations and both parties suggested changes to order #4 to address those matters. During the hearing, both lawyers submitted and the Hearing Tribunal agreed that the Member must complete the consultations within 18 months of the date of the Hearing Tribunal's written decision. With the consent of both parties, the Hearing Tribunal requested that both lawyers provide agreed on changes to order #4 for insertion into the Hearing Tribunal's decision. After the conclusion of the hearing, the Hearing Tribunal received emails from Ms. Smith regarding the wording for order #4 but Mr. Sawers did not respond. Accordingly, the Hearing Tribunal independently made changes to order #4.
23. Additionally and the purposes of this written decision, the Hearing Tribunal acknowledged the representations from the parties that the Member's practice permit was suspended for a period of three years from December of 2020 to December of 2023 and is not currently in force. Therefore, the Hearing Tribunal concluded that the suspension described in proposed order #2 had been completed.
24. The Hearing Tribunal then advised the parties that it was accepting the penalty orders as presented except with respect to order #2 since the Hearing Tribunal was of the view that it could not technically retroactively approve a suspension that occurred in the past.

VI. REASONS FOR DECISION: THE ADMITTED ALLEGATIONS

25. The ACSW is a self-governing professional body established under the Act and is responsible for regulation of the Social Work profession in the public interest. This includes ensuring that all ACSW regulated members practice their profession in a manner that protects the public from unsafe, incompetent or unethical acts.
26. The Hearing Tribunal sees protection of the public as the primary consideration in this matter.
27. After carefully considering all of the information and evidence presented during the Hearing, the Hearing Tribunal accepts the admissions of unprofessional conduct by the Member.
28. The factual basis for the admitted Allegations of unprofessional conduct was proven as the result of uncontradicted evidence presented to the Hearing Tribunal. Bearing in mind the Admission of Unprofessional Conduct signed by the Member, the Hearing Tribunal also concluded that the proven actions of the Member constituted unprofessional conduct as they were a clear breach of the Member's broader ethical obligations as a professional and harmed the integrity of the profession of Social Work.
29. Regardless of the Member's lawyer's submission that there is no evidence of harm to the youth, lack of information does not equate to no harm having occurred.

30. A youth in the care of the Director is, by definition, vulnerable, and relies on adults to support, direct, and role model socially appropriate behaviour and decision-making. The Member was in a position of trust with this youth, and therefore had more power than he did. Any negative or positive interaction between the Member and the youth would be amplified and more impactful because of the youth's perception of the power difference.
31. When the file for the youth transferred to another caseworker, the Member's continued involvement with him could have undermined the new caseworker's ability to engage with him: specifically, his ability to connect with and trust a new caseworker; his ability to engage in planning for his future success (including placement and relationships with others); and his trust in professionals in general.
32. The Member should have recognized that her interactions with the youth could have had sexual meaning for him, and when she sent him pictures of herself (regardless of how she was dressed) that this could encourage these thoughts. Her failure to respond to escalating sexual tones may have reinforced his unhealthy thoughts and behaviours.
33. When the Member persisted in her involvement with the youth and went to the extraordinary measure of redefining herself as a natural support, she may have been meeting her own needs. The Member has not demonstrated this insight.
34. When the Member contacted the youth about her employment status, she projected her responsibilities onto him and deflected blame.
35. The Member put her employer in a position of possible liability by engaging in this inappropriate conduct. There is potential damage to the reputation of Children's Services, as well as potential legal consequences.
36. In summary, the Member's conduct significantly negatively impacted the profession, the integrity of the profession and the public interest. It represented a serious departure from the expected moral and ethical obligations of a member of a healthcare profession, particularly in terms of treatment of a youth.
37. Based on all of the evidence, the Hearing Tribunal finds the admitted Allegations factually proven and that the Allegations clearly constitute unprofessional conduct.

VII. REASONS FOR DECISION: SANCTIONS

38. After considering submissions from the parties, the Hearing Tribunal confirmed that it was accepting the Sanction Orders for the reasons described below.
39. The Hearing Tribunal acknowledged the efforts of the parties in preparing the Consent Order and the Sanction Orders. The Hearing Tribunal is also aware of the well-established legal principles indicating that deference should be shown to joint submissions on penalties as they promote certainty for both the member and the regulatory body, reduce the time and cost associated with contested hearings and are the result of careful negotiation.

40. Although the Hearing Tribunal retains ultimate discretion in terms of making penalty orders, it is aware of the legal principles which establish that a decision-maker (such as this Hearing Tribunal) should not depart from a joint submission on sanction unless the joint submission is unfit, unreasonable or contrary to the public interest.
41. The Hearing Tribunal found that the public interest test for accepting the Sanction Orders was met.
42. The proposed penalty orders must and do convey to the Member, the profession and the public that this conduct will not be tolerated by the ACSW having regard to its public protection mandate.
43. Ultimately, the Hearing Tribunal concluded that the proposed sanctions are reasonable and appropriate and reflect the serious nature of the Member's conduct, the rehabilitation of the Member and her acceptance of responsibility for those actions.
44. In summary, the Hearing Tribunal makes the following orders (and accepts the previous suspension) in accordance with s. 82 of the Act:
 1. A Reprimand shall be issued against the Member.
 2. The Hearing Tribunal acknowledged the prior suspension of the Member's practice permit for a three (3) year period commencing from December 2020 and ending in December of 2023 and adopts it as a suspension order for the purposes of s.82(1) of the Act.
 3. Once the Member returns to the practice of social work, the Member shall be subject to supervision for a period of two (2) years from when she resumes practice. The costs of this supervision will be the responsibility of the Member. The supervisor shall be approved by the ACSW and shall be inside or outside the context of the Member's employer but must be undertaken by a social worker. The ACSW Complaints Director shall be entitled to receive appropriate reporting from the supervisor.
 4. Within 18 months of the date of this decision, the Member shall undertake six consultations with a senior RSW practitioner approved by the ACSW Complaints Director (there is an approved list that can be provided to the Member). The cost of these consultations shall be the responsibility of the Member. There shall be reporting from the RSW consultant to the ACSW as required.
 5. The Member shall pay costs in the sum of ONE THOUSAND DOLLARS (\$1000.00) within one (1) year of the date of this decision.
 6. The Complaints Director shall maintain the discretion to continue to suspend or subsequently suspend the Member's permit to practice pending a Hearing should the Complaints Director come to the conclusion in his sole discretion that the Member has breached this decision.
 7. There shall be publication of this Consent Order on a "with names" basis on the ACSW website.

Dated this 30th day of April 2024

A handwritten signature in black ink, consisting of the letters 'H' and 'H' followed by a stylized flourish, all enclosed within a large, loopy oval shape.

Stanley Haroun, MSW, RSW
Chair on behalf of the Hearing Tribunal