

HOUSE BILL 1133

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O4

1998 Regular Session
(8lr1655)

ENROLLED BILL
-- Appropriations/Finance --

Introduced by **Delegates McIntosh, Pitkin, Hecht, Marriott, Kopp, B. Hughes,
and Heller**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Child Welfare Workforce Initiative of 1998**

3 FOR the purpose of requiring the Secretary of Human Resources to hire only persons
4 with certain qualifications for certain child welfare staff positions; ~~requiring the~~
5 ~~Secretary to hire sufficient staff to meet certain standards;~~ requiring the
6 Secretary to develop, implement, and administer certain training curricula and
7 competency tests; authorizing the Secretary to retain certain employees under
8 certain circumstances; prohibiting the Secretary from hiring contractual child
9 welfare caseworkers and supervisors except under certain circumstances and for
10 a certain time period; requiring the Secretary to include certain requirements in
11 contracts for the provision of child welfare services; requiring the Secretary of
12 Human Resources and the Secretary of Budget and Management to develop a
13 plan to hire sufficient staff to meet certain standards; requiring a certain report;
14 and generally relating to child welfare staff qualifications.

15 BY adding to

1 Article 88A - Department of Human Resources
2 Section 3A
3 Annotated Code of Maryland
4 (1995 Replacement Volume and 1997 Supplement)

5 Preamble

6 WHEREAS, Ninety thousand children and their families are served by the child
7 welfare system annually, and the number of children in foster care and kinship care
8 has increased since Fiscal Year 1996, and the number of child welfare staff positions
9 has been decreased by more than 7% during the same period; and

10 WHEREAS, The average length of stay for children in foster care has increased
11 by more than 65% over the last decade; and

12 WHEREAS, Child welfare workers make decisions which profoundly affect the
13 lives and futures of thousands of Maryland's children and their families; and

14 WHEREAS, Nationally accepted standards of practice for child welfare require
15 the employment of trained social workers and other qualified human services
16 professionals; and

17 WHEREAS, The Child Welfare League of America conducted a comprehensive
18 review of Maryland's child welfare system in January 1997 and recommended that
19 the Social Services Administration should phase out contractual direct service worker
20 positions, improve training, and reduce caseload ratios; and

21 WHEREAS, A significant number of the caseworkers in Maryland's child
22 welfare system do not meet these standards; and

23 WHEREAS, One out of six child welfare staff members is employed on a
24 contractual basis, without benefits, contributing to an unacceptably high rate of
25 turnover; now, therefore,

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article 88A - Department of Human Resources**

29 3A.

30 (A) BY DECEMBER 31, 1998, THE SECRETARY OF HUMAN RESOURCES SHALL
31 DEVELOP AND IMPLEMENT A COMPREHENSIVE PLAN FOR THE RECRUITMENT,
32 TRAINING, AND RETENTION OF ~~QUALIFIED, CULTURALLY COMPETENT~~
33 CASEWORKERS AND CASEWORK SUPERVISORS WHO MEET THE REQUIREMENTS OF
34 THIS SECTION.

35 (B) ON OR AFTER JANUARY 1, 1999, THE SECRETARY:

1 (1) SHALL HIRE AS CASEWORKERS ONLY HUMAN SERVICES
2 PROFESSIONALS, SUCH AS THE FOLLOWING:

3 (I) SOCIAL WORKERS LICENSED IN ACCORDANCE WITH TITLE 19
4 OF THE HEALTH OCCUPATIONS ARTICLE;

5 (II) PSYCHOLOGISTS LICENSED IN ACCORDANCE WITH TITLE 18 OF
6 THE HEALTH OCCUPATIONS ARTICLE;

7 (III) PROFESSIONAL COUNSELORS ~~LICENSED~~ CERTIFIED IN
8 ACCORDANCE WITH TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE;

9 (IV) NURSES LICENSED IN ACCORDANCE WITH TITLE 8 OF THE
10 HEALTH OCCUPATIONS ARTICLE; ~~AND~~

11 (V) SCHOOL PSYCHOLOGISTS CERTIFIED IN ACCORDANCE WITH
12 REGULATIONS ADOPTED UNDER TITLE 6, SUBTITLE 7 OF THE EDUCATION ARTICLE;
13 AND

14 (VI) HUMAN SERVICE WORKERS WHO MUST HAVE A DEGREE IN AN
15 APPROPRIATE BEHAVIORAL SCIENCE, WHO HAVE COMPLETED THE MANDATORY
16 PRESERVICE TRAINING AND COMPETENCY TEST, AND WHO ARE SUPERVISED BY
17 LICENSED SOCIAL WORKERS; AND

18 (2) ~~SHALL EMPLOY A SUFFICIENT NUMBER OF QUALIFIED WORKERS TO~~
19 ~~MAINTAIN CASELOAD RATIOS NOT TO EXCEED:~~

20 (I) ~~12 FAMILIES FOR ANY WORKER FOR CHILD PROTECTIVE~~
21 ~~SERVICE INVESTIGATIONS AND DISPOSITIONS; AND~~

22 (II) ~~20 CHILDREN FOR ANY WORKER FOR FOSTER CARE, KINSHIP~~
23 ~~CARE, OR PREADOPTON CASES; AND~~

24 (3) (2) MAY RETAIN EXISTING PERMANENT EMPLOYEES WITHOUT
25 THE QUALIFICATIONS SPECIFIED IN ITEM (1) OF THIS SUBSECTION, PROVIDED THAT
26 THE SECRETARY FINDS THAT THE EMPLOYEES ARE SATISFACTORILY PERFORMING
27 THEIR DUTIES; AND

28 (3) (4) ~~MAY NOT EMPLOY PROFESSIONAL CASEWORKERS OR~~
29 ~~CASEWORKER SUPERVISORS ON A CONTRACTUAL BASIS EXCEPT AS MAY BE~~
30 ~~REQUIRED TO MEET AN UNANTICIPATED NEED RESULTING FROM, WITH NO~~
31 ~~CONTRACTUAL POSITION TO EXIST LONGER THAN 1 YEAR;~~

32 (I) ~~A SIGNIFICANT AND UNEXPECTED INCREASE IN REPORTS OF~~
33 ~~CHILD ABUSE AND NEGLECT; OR~~

34 (II) ~~A SIGNIFICANT AND UNEXPECTED INCREASE IN THE FOSTER~~
35 ~~CARE OR KINSHIP CASELOAD, OR BOTH.~~

36 (C) THE SECRETARY:

1 (1) BY DECEMBER 31, 1998, SHALL DEVELOP AND IMPLEMENT A
 2 PRESERVICE TRAINING CURRICULUM AND COMPETENCY TEST FOR NEWLY
 3 EMPLOYED CASEWORKERS;

4 (2) SHALL REQUIRE THAT ON OR AFTER JANUARY 1, 1999, ALL NEW
 5 CASEWORK STAFF:

6 (I) BE HIRED PROVISIONALLY;

7 (II) COMPLETE A 40-HOUR PRESERVICE TRAINING PROGRAM; AND

8 (III) PASS A COMPETENCY TEST BEFORE BEING GRANTED
 9 PERMANENT EMPLOYMENT STATUS;

10 (3) SHALL DEVELOP AND IMPLEMENT A MANDATORY IN-SERVICE
 11 TRAINING PROGRAM AND COMPETENCY TESTING PROGRAM FOR CASEWORKERS
 12 EMPLOYED ON OR BEFORE DECEMBER 31, 1998, THROUGH WHICH CASEWORKERS:

13 (I) COMPLETE THE REQUIRED TRAINING PROGRAM; AND

14 (II) PASS A COMPETENCY TEST BEFORE ~~TO~~ DECEMBER 31, 1999, IN
 15 ORDER TO CONTINUE THEIR EMPLOYMENT; AND

16 (4) BY JANUARY 1, 1999, SHALL DEVELOP AND IMPLEMENT A SET OF
 17 MANDATORY STANDARDS FOR CONTINUING EDUCATION FOR ALL CASEWORKERS
 18 AND CASEWORK SUPERVISORY STAFF, MANDATING THAT EMPLOYEES WHO FAIL TO
 19 OBTAIN THE REQUIRED CONTINUING EDUCATION CREDITS SHALL BE SUBJECT TO
 20 DISCIPLINARY ACTION INCLUDING DEMOTION, SUSPENSION, AND DISMISSAL.

21 ~~(D)~~ (1) THE SECRETARY MAY NOT HIRE PROFESSIONAL CASEWORKERS OR
 22 CASEWORK SUPERVISORS ON A CONTRACTUAL BASIS AFTER JUNE 30, 1999, AND MAY
 23 NOT EMPLOY PROFESSIONAL CASEWORKERS OR CASEWORK SUPERVISORS ON A
 24 CONTRACTUAL BASIS AFTER JUNE 30, 2000, EXCEPT AS MAY BE REQUIRED TO MEET
 25 AN UNANTICIPATED NEED RESULTING FROM:

26 (I) A SIGNIFICANT AND UNEXPECTED INCREASE IN REPORTS OF
 27 CHILD ABUSE AND NEGLECT; OR

28 (II) A SIGNIFICANT AND UNEXPECTED INCREASE IN THE FOSTER
 29 CARE OR KINSHIP CASELOAD, OR BOTH.

30 (2) NO PROFESSIONAL CASEWORKER OR CASEWORK SUPERVISOR
 31 CONTRACTUAL POSITION MAY EXIST LONGER THAN 1 YEAR.

32 ~~(D)~~ (E) WHENEVER THE SECRETARY CONTRACTS WITH AN OUTSIDE ENTITY
 33 FOR THE PROVISION OF CASEWORK SERVICES, THE SECRETARY SHALL REQUIRE THE
 34 CONTRACTOR TO MEET ALL EMPLOYMENT QUALIFICATIONS, ~~STAFFING RATIOS,~~
 35 TRAINING CURRICULUM, PRESERVICE AND IN-SERVICE TRAINING REQUIREMENTS,
 36 AND COMPETENCY TESTING REQUIRED UNDER THIS SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
2 General Assembly that the Secretary of Human Resources employ a sufficient number
3 of qualified caseworkers and casework supervisors to maintain caseload ratios that
4 meet the requirements of this section. The Secretary of Human Resources and the
5 Secretary of Budget and Management shall develop appropriate caseload ratios using
6 the ratios recommended by the Child Welfare League of America, in its January 1997
7 report entitled, A Report of the Maryland Child Welfare System, as a basis for
8 establishing relevant caseloads in the 24 jurisdictions. The Secretary of Human
9 Resources and the Secretary of Budget and Management shall report no later than
10 November 1, 1998, subject to § 2-1312 of the State Government Article, to the Senate
11 Budget and Taxation Committee, the Senate Finance Committee, and the House
12 Appropriations Committee, on proposed caseload ratios for Child Protective Services,
13 Family Preservation, Foster Care, Kinship Care, and Preadoption Cases.

14 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Human
15 Resources and the Secretary of Budget and Management shall review the salaries of
16 caseworkers and casework supervisors in Child Protective Services, Family
17 Preservation, Foster Care, Kinship Care, and Preadoption Services, and shall
18 recommend by October 1, 1998, salaries at levels that will be adequate to recruit and
19 retain caseworkers and casework supervisors. The plan shall include a phase-in of
20 appropriate salary adjustments.

21 SECTION 4. AND BE IT FURTHER ENACTED, That, through June 30, 2000,
22 notwithstanding the provisions of § 13-302 of the State Personnel and Pensions
23 Article, the Secretary of Human Resources may transfer a caseworker or a casework
24 supervisor who works as a contractual employee to a budgeted position if the
25 contractual employee meets the minimum qualifications for the budgeted position, has
26 performed satisfactorily as a contractual employee, and the transfer is approved by the
27 Secretary of Budget and Management. Contractual conversions shall be phased in in
28 accordance with a plan developed by the Secretary of Human Resources and the
29 Secretary of Budget and Management consistent with recommendations of the
30 Department of Budget and Management's December 1997 report, entitled Long-Term
31 Contractual Employment and Recommended Policy Options.

32 ~~SECTION 2.~~ SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect ~~October 1,~~ July 1, 1998.