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By: **Delegates McIntosh, Pitkin, Hecht, Marriott, Kopp, B. Hughes, and Heller**

Introduced and read first time: February 13, 1998

Assigned to: Appropriations

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A BILL ENTITLED

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; prohibiting the Secretary from hiring contractual child  
8 welfare caseworkers and supervisors except under certain circumstances and for  
9 a certain time period; requiring the Secretary to include certain requirements in  
10 contracts for the provision of child welfare services; and generally relating to  
11 child welfare staff qualifications.

12 BY adding to  
13 Article 88A - Department of Human Resources  
14 Section 3A  
15 Annotated Code of Maryland  
16 (1995 Replacement Volume and 1997 Supplement)

17 **Preamble**

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

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

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

26 WHEREAS, Nationally accepted standards of practice for child welfare require  
27 the employment of trained social workers and other qualified human services  
28 professionals; and

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

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

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

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

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

13 3A.

14 (A) BY DECEMBER 31, 1998, THE SECRETARY OF HUMAN RESOURCES SHALL  
15 DEVELOP AND IMPLEMENT A COMPREHENSIVE PLAN FOR THE RECRUITMENT,  
16 TRAINING, AND RETENTION OF QUALIFIED, CULTURALLY COMPETENT  
17 CASEWORKERS AND CASEWORK SUPERVISORS.

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

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

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

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

25 (III) PROFESSIONAL COUNSELORS LICENSED IN ACCORDANCE  
26 WITH TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE;

27 (IV) NURSES LICENSED IN ACCORDANCE WITH TITLE 8 OF THE  
28 HEALTH OCCUPATIONS ARTICLE; AND

29 (V) SCHOOL PSYCHOLOGISTS CERTIFIED IN ACCORDANCE WITH  
30 REGULATIONS ADOPTED UNDER TITLE 6, SUBTITLE 7 OF THE EDUCATION ARTICLE;

31 (2) SHALL EMPLOY A SUFFICIENT NUMBER OF QUALIFIED WORKERS TO  
32 MAINTAIN CASELOAD RATIOS NOT TO EXCEED:

33 (I) 12 FAMILIES FOR ANY WORKER FOR CHILD PROTECTIVE  
34 SERVICE INVESTIGATIONS AND DISPOSITIONS; AND

1 (II) 20 CHILDREN FOR ANY WORKER FOR FOSTER CARE, KINSHIP  
2 CARE, OR PREADOPTON CASES; AND

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

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

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

11 (C) THE SECRETARY:

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

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

17 (I) BE HIRED PROVISIONALLY;

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

19 (III) PASS A COMPETENCY TEST BEFORE BEING GRANTED  
20 PERMANENT EMPLOYMENT STATUS;

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

24 (I) COMPLETE THE REQUIRED TRAINING PROGRAM; AND

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

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

32 (D) WHENEVER THE SECRETARY CONTRACTS WITH AN OUTSIDE ENTITY FOR  
33 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 this Act shall take effect  
2 October 1, 1998.