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

Introduced and read first time: February 13, 1998

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1998

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; and generally relating to
12 child welfare staff qualifications.

13 BY adding to
14 Article 88A - Department of Human Resources
15 Section 3A
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

18 Preamble

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

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

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

5 WHEREAS, Nationally accepted standards of practice for child welfare require
6 the employment of trained social workers and other qualified human services
7 professionals; and

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

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

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

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

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

20 3A.

21 (A) BY DECEMBER 31, 1998, THE SECRETARY OF HUMAN RESOURCES SHALL
22 DEVELOP AND IMPLEMENT A COMPREHENSIVE PLAN FOR THE RECRUITMENT,
23 TRAINING, AND RETENTION OF QUALIFIED, CULTURALLY COMPETENT
24 CASEWORKERS AND CASEWORK SUPERVISORS.

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

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

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

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

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

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

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

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

5 (I) 12 FAMILIES FOR ANY WORKER FOR CHILD PROTECTIVE
6 SERVICE INVESTIGATIONS AND DISPOSITIONS; AND

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

9 (3) MAY RETAIN EXISTING PERMANENT EMPLOYEES WITHOUT THE
10 QUALIFICATIONS SPECIFIED IN ITEM (1) OF THIS SUBSECTION, PROVIDED THAT THE
11 SECRETARY FINDS THAT THE EMPLOYEES ARE SATISFACTORILY PERFORMING
12 THEIR DUTIES; AND

13 ~~(3)~~ (4) MAY NOT EMPLOY PROFESSIONAL CASEWORKERS OR
14 CASEWORKER SUPERVISORS ON A CONTRACTUAL BASIS EXCEPT AS MAY BE
15 REQUIRED TO MEET AN UNANTICIPATED NEED RESULTING FROM, WITH NO
16 CONTRACTUAL POSITION TO EXIST LONGER THAN 1 YEAR:

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

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

21 (C) THE SECRETARY:

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

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

27 (I) BE HIRED PROVISIONALLY;

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

29 (III) PASS A COMPETENCY TEST BEFORE BEING GRANTED
30 PERMANENT EMPLOYMENT STATUS;

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

34 (I) COMPLETE THE REQUIRED TRAINING PROGRAM; AND

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

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

8 (D) WHENEVER THE SECRETARY CONTRACTS WITH AN OUTSIDE ENTITY FOR
9 THE PROVISION OF CASEWORK SERVICES, THE SECRETARY SHALL REQUIRE THE
10 CONTRACTOR TO MEET ALL EMPLOYMENT QUALIFICATIONS, STAFFING RATIOS,
11 TRAINING CURRICULUM, PRESERVICE AND IN-SERVICE TRAINING REQUIREMENTS,
12 AND COMPETENCY TESTING REQUIRED UNDER THIS SECTION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1998.