

HOUSE BILL 1202

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2004 Regular Session
4r2051
CF 4r2718

By: **Delegates Jones, Branch, Brown, Cane, Frush, Harrison, Haynes,
Hubbard, Kaiser, Kelley, Madaleno, Marriott, McIntosh, Montgomery,
Nathan-Pulliam, Niemann, Oaks, Owings, Proctor, Rosenberg, Ross,
and F. Turner**

Introduced and read first time: February 13, 2004
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Child Welfare Workforce Initiative of 2004**

3 FOR the purpose of requiring the Secretary of Human Resources and the Secretary of
4 Budget and Management to develop certain caseload ratios using certain
5 criteria; requiring the Secretary of Human Resources and the Secretary of
6 Budget and Management to submit a report on a plan for implementation of
7 reduced caseload ratios on or before a certain date; requiring the Secretary of
8 Human Resources to employ a certain number of caseworkers and casework
9 supervisors on or before a certain date; requiring the Governor to include certain
10 funding in the State budget for certain fiscal years to increase the number of
11 caseworkers and casework supervisors; repealing certain obsolete provisions;
12 and generally relating to the Child Welfare Workforce Initiative.

13 BY repealing and reenacting, with amendments,
14 Article 88A - Department of Human Resources
15 Section 3A
16 Annotated Code of Maryland
17 (2003 Replacement Volume)

18 Preamble

19 WHEREAS, The caseload reduction goals of the Child Welfare Workforce
20 Initiative of 1998 have not been achieved; and

21 WHEREAS, Higher child welfare caseloads experienced in the past 6 years place
22 children in serious jeopardy; and

23 WHEREAS, Failure to reduce caseloads erodes the quality of case management,
24 leads to inappropriate placements, and compromises children's well-being; and

1 WHEREAS, Rising caseloads have been a major barrier to permanent
2 placement for children in out-of-home care, leading to a serious drop in the number
3 of children adopted in fiscal year 2003; and

4 WHEREAS, The General Assembly finds that excessive child welfare caseloads
5 constitute an emergency; now, therefore,

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

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

9 3A.

10 [(a) By December 31, 1998, the Secretary of Human Resources shall develop
11 and implement a comprehensive plan for the recruitment, training, and retention of
12 caseworkers and casework supervisors who meet the requirements of this section.

13 (b)] (A) On or after January 1, 1999, the Secretary:

14 (1) Shall hire as caseworkers only human services professionals, such as
15 the following:

16 (i) Social workers licensed in accordance with Title 19 of the
17 Health Occupations Article;

18 (ii) Psychologists licensed in accordance with Title 18 of the Health
19 Occupations Article;

20 (iii) Professional counselors certified in accordance with Title 17 of
21 the Health Occupations Article;

22 (iv) Nurses licensed in accordance with Title 8 of the Health
23 Occupations Article;

24 (v) School psychologists certified in accordance with regulations
25 adopted under Title 6, Subtitle 7 of the Education Article; and

26 (vi) Human service workers who must have a degree in an
27 appropriate behavioral science, who have completed the mandatory preservice
28 training and competency test, and who are supervised by licensed social workers; and

29 (2) May retain existing permanent employees without the qualifications
30 specified in item (1) of this subsection, provided that the Secretary finds that the
31 employees are satisfactorily performing their duties.

32 [(c)] (B) The Secretary:

33 [(1) By December 31, 1998, shall develop and implement a preservice
34 training curriculum and competency test for newly employed caseworkers;

1 (2)] (1) Shall require that on or after January 1, 1999, all new casework
2 staff:

3 (i) Be hired provisionally;

4 (ii) Complete a 40-hour preservice training program; and

5 (iii) Pass a competency test before being granted permanent
6 employment status; AND

7 [(3) Shall develop and implement a mandatory in-service training
8 program and competency testing program for caseworkers employed on or before
9 December 31, 1998, through which caseworkers:

10 (i) Complete the required training program; and

11 (ii) Pass a competency test before December 31, 1999, in order to
12 continue their employment; and

13 (4)] (2) By January 1, 1999, shall develop and implement a set of
14 mandatory standards for continuing education for all caseworkers and casework
15 supervisory staff, mandating that employees who fail to obtain the required
16 continuing education credits shall be subject to disciplinary action including
17 demotion, suspension, and dismissal.

18 [(d)] (C) (1) The Secretary may not hire professional caseworkers or
19 casework supervisors on a contractual basis after June 30, 1999, and may not employ
20 professional caseworkers or casework supervisors on a contractual basis after June
21 30, 2000, except as may be required to meet an unanticipated need resulting from:

22 (i) A significant and unexpected increase in reports of child abuse
23 and neglect; or

24 (ii) A significant and unexpected increase in the foster care or
25 kinship caseload, or both.

26 (2) No professional caseworker or casework supervisor contractual
27 position may exist longer than 1 year.

28 [(e)] (D) Whenever the Secretary contracts with an outside entity for the
29 provision of casework services, the Secretary shall require the contractor to meet all
30 employment qualifications, training curriculum, preservice and in-service training
31 requirements, and competency testing required under this section.

32 (E) THE SECRETARY AND THE SECRETARY OF BUDGET AND MANAGEMENT:

33 (1) SHALL DEVELOP APPROPRIATE CASELOAD RATIOS USING THE
34 RATIOS RECOMMENDED BY THE CHILD WELFARE LEAGUE OF AMERICA; AND

1 (2) ON OR BEFORE NOVEMBER 1, 2004, SHALL, SUBJECT TO § 2-1246 OF
2 THE STATE GOVERNMENT ARTICLE, SUBMIT A REPORT ON A PLAN FOR
3 IMPLEMENTATION OF REDUCED CASELOAD RATIOS TO:

4 (I) THE GOVERNOR;

5 (II) THE SENATE BUDGET AND TAXATION COMMITTEE;

6 (III) THE SENATE FINANCE COMMITTEE; AND

7 (IV) THE HOUSE APPROPRIATIONS COMMITTEE.

8 (F) THE SECRETARY:

9 (1) SHALL EMPLOY A NUMBER OF CASEWORKERS AND CASEWORK
10 SUPERVISORS SUFFICIENT TO MAINTAIN THE CASELOAD RATIOS DEVELOPED
11 UNDER SUBSECTION (E) OF THIS SECTION;

12 (2) ON OR BEFORE DECEMBER 1, 2005, SHALL FILL ALL APPROPRIATED
13 CASEWORKER AND CASEWORK SUPERVISOR POSITIONS, INCLUDING PREEXISTING
14 POSITIONS AND POSITIONS ADDED IN ACCORDANCE WITH SUBSECTION (G)(1) OF
15 THIS SECTION; AND

16 (3) ON OR BEFORE DECEMBER 1, 2006, SHALL FILL ALL APPROPRIATED
17 CASEWORKER AND CASEWORK SUPERVISOR POSITIONS, INCLUDING PREEXISTING
18 POSITIONS AND POSITIONS ADDED IN ACCORDANCE WITH SUBSECTION (G)(2) OF
19 THIS SECTION.

20 (G) (1) FOR FISCAL YEAR 2006, THE GOVERNOR SHALL INCLUDE FUNDING IN
21 THE STATE BUDGET TO INCREASE THE NUMBER OF CASEWORKERS AND CASEWORK
22 SUPERVISORS BY AT LEAST 200.

23 (2) FOR FISCAL YEAR 2007, THE GOVERNOR SHALL INCLUDE FUNDING IN
24 THE STATE BUDGET TO INCREASE THE NUMBER OF CASEWORKERS AND CASEWORK
25 SUPERVISORS TO ACHIEVE REDUCED CASELOAD RATIOS ESTABLISHED IN THE
26 REPORT SET FORTH IN SUBSECTION (E)(2) OF THIS SECTION.

27 (3) FOR EACH FISCAL YEAR AFTER FISCAL YEAR 2007, THE GOVERNOR
28 SHALL INCLUDE SUFFICIENT FUNDING IN THE STATE BUDGET TO MAINTAIN
29 CASELOAD RATIOS ESTABLISHED IN SUBSECTION (E)(1) OF THIS SECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 June 1, 2004.