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AMENDMENTS
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BY: Senator Lam

(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 820

(First Reading File Bill)

On page 8, in line 28, after “2022” insert “. It shall remain effective for a period of 5 years and, at the end of September 30, 2027, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect”.

SB820_LAM_FAV.pdf

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CLARENCE K. LAM, M.D., M.P.H.
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Education, Health, and Environmental Affairs
Committee
Chair, Environment Subcommittee

Executive Nominations Committee

Joint Committee on Ending Homelessness

Senate Chair

Joint Audit and Evaluation Committee

Joint Committee on Fair Practices and
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Support SB 820:
Child Abuse and Neglect - Investigations - Timeliness**

Background:

- The Maryland Department of Human Services (DHS) along with Local Departments of Social Service (LDSS) have had documented issues regarding timeliness of child abuse and neglect investigation reporting.
- The LDSS or local law enforcement must attempt to see the child and decide on the safety of the child within 24 hours after receiving a report of suspected physical or sexual abuse, and within five days after receiving a report of suspected child neglect or mental injury.
- To the extent possible, a child abuse or neglect investigation must be completed within 10 days after receiving the initial notice of suspected abuse or neglect.
- An investigation that is not completed within 30 days must be completed within 60 days of the initial receipt of the first notice of suspected abuse or neglect.

The Issue:

- The Joint Audit and Evaluation Committee (JAEC) has received repeated audit findings over the last five years which has compelled the need for legislation to better understand the issues regarding timeliness of investigation reporting.
- In the June 2019 report, JAEC found that there were numerous LDSS deficiencies related to critical social service administration policies, including child and adult protective services.
- In the [June 2021 report](#), JAEC found that the SSA monitoring processes were not effective for both ensuring timeliness of child abuse and neglect investigations and for required assessments.

What SB 820 Does:

- SB 820 creates an additional layer of oversight and protection for Maryland's most vulnerable children by strengthening reporting requirements for the LDSS.

- SB 820 will require the LDSS that fails to conduct a child abuse or neglect investigation or complete a certain report within the specific statutory time frames to report the delay and the reason for the delay to the supervisor within the local department.
- SB 820 will require the local department to maintain a record of the delay and the reason for the delay in the child's case file that is maintained by the local department.
- SB 820 will require the local department supervisor to review and sign the report.
- SB 820 will require that on or before December 1, 2022, and each subsequent December 1st, the department shall report the Maryland General Assembly on the progress of the local department in complying with the time frames for conducting investigations and completing reports of child abuse and neglect.

What SB 820 Accomplishes:

- SB 820 will highlight inefficiencies within DHS and the LDSS that can be addressed in future legislation and used as leverage for additional funding, resources, and policy solutions.
- SB 820 will ensure that supervisors within LDSS will be made aware of and have greater insight into investigations that fail to meet statutory deadlines.
- SB 820 will mean investigations that are not completed in due time will be escalated to supervisors who can intervene much earlier in the process as they are able.

Amendment:

- In consultation with the Department of Human Services a sponsor amendment has been introduced to "sunset" the bill in 5 years.
- The purpose of the amendment is to affirm that the intent of the bill is not meant to mandate the reporting requirements indefinitely, but rather to give the General Assembly more data to inform their policy proposals in future sessions.

2022 LCPCM SB 820 Senate Side.pdf

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Position: FWA



Committee: Senate Judicial Proceedings Committee

Bill Number: Senate Bill 820

Title: Child Abuse and Neglect - Investigations - Timeliness

Hearing Date: March 10, 2022

Position: Support

The Licensed Clinical Professional Counselors of Maryland (LCPCM) supports *Senate Bill 820 – Child Abuse and Neglect - Investigations - Timeliness*.

LCPCM agrees it is important to ensure that child abuse and neglect cases are investigated timely. As behavioral health providers we have seen firsthand the long-term harm that can result from abuse or neglect. In order to ensure timely investigations, we believe it is important that all properly trained providers are able to assist. Currently, only physicians, psychologists, and social workers are able to complete mental health assessments during a child abuse investigation. There are currently shortages across the behavioral health field so we believe the list of providers should be updated to include licensed clinical professional counselors (LCPCs). LCPCs have mental health assessment and diagnosis as part of their training and scope of practice. Adding them to the list of providers in the child abuse statute would help ensure children experiencing abuse and neglect have access to timely mental health assessments.

The amendment we are requesting is:

On Page 2, Line 28 strike “or” and in Line 30 strike “and” substitute “**OR**”

On Page 2 after Line 30, insert:

“(IV) A CLINICAL PROFESSIONAL COUNSELOR, LICENSED UNDER TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE; AND”

We ask for a favorable report. If we can provide any further information, please contact Scott Tiffin at stiffin@policypartners.net.

NASW SB 820 Senate Side.pdf

Uploaded by: Scott Tiffin

Position: FWA

SB 820 - Child Abuse and Neglect - Investigations – Timeliness Support with Amendment

HB1248 Child Abuse and Neglect – Investigations – Timeliness is intended to more closely monitor the Department and improve timeliness of case closing - as signified by timely data entry into the child welfare electronic system - by requiring caseworkers to complete an additional report reviewed and approved by the supervisor.

Child protective services caseworkers are first responders with tremendous responsibility. Equipped with an iPad and a phone, and armed only with a report that a child was maltreated, these committed child welfare professionals meet with families in their homes and in their communities to keep children safe. No surprise, families are typically complicated and messy; oftentimes a report is simply a symptom of serious dysfunction and a desperate plea for help.

Meteorologists with all their fancy instruments and technology, can't always predict the weather, yet child protective services caseworkers are charged with the weighty responsibility of predicting risk to our state's most vulnerable children. The work is complex and the myriad of mandates are challenging. Constant exposure to the trauma of others takes its toll.

We polled some of our child welfare members about the chronically late data entries to close investigations. The number one reason was a sufficient number of *filled* casework and supervisor positions. With vacancy rates as high as 35%, one administrator admitted that the front-end intervention and safety work takes precedence over the back-end case closing documentation and CJAMS data entry. For caseworkers, assuring the child's safety resonates as the substance of the work and the overwhelming priority. Persuading these diligent and dedicated staff concerned with the protection of our most vulnerable children that complying with the requirement all cases be closed on CJAMS within 60 days – a timeframe with no connection to child safety - is of equal import has proven to be no easy feat.

There are also other bona fide reasons for delayed case closures in CJAMS, including an assessment that the family is not quite ready – an important appointment a few days away, the start of the school year or an upcoming vacation, a significant change in the family, a community incident, and so on. Sometimes the reason is as simple as the supervisor being ill for a few days, which delays the approval necessary to timely closing. Caseworkers, too, have unexpected family or personal emergencies, illnesses, and vacations. Finally, the challenges posed by glitches in the state's child welfare electronic system can mean entering notes and other information multiple times.

What we also learned is that like in other human services, the pandemic has taken its toll. The result has been mass staff departures like those seen in other human service agencies. Currently there are large local departments with a significant casework and supervisor vacancy rate.

We were pleased to learn that DHS proactively began issuing frequent reports of tardy closings to local departments and discussing explanations. DHS has the capacity to produce an electronic report and the LDSS doesn't, meaning that HB1248 would require local departments to maintain hand counts. Moreover, requiring that caseworkers drowning in a sea of documentation and mandates complete yet another report as a solution is counterintuitive.

Rather than putting the onus for collecting data about timely case closings on the local departments, we suggest an amendment that will shift the responsibility to the Department of Human Services for collecting and sharing data at defined intervals. Given that DHS has the capacity to produce that report and has already implemented a tracking system, that strategy simply makes sense. DHS can also provide a report

with a compilation of explanations from local departments. We agree with DHS's amendment to allow the bill to sunset.

Finally, the only way we are ever going to be able to fully address the needs of children in our child welfare system. Is with a significant increased investment in staffing. Below is a suggested amendment to follow up on 2021 budget language that sought to require DHS to complete a workload study.

We suggest the following amendments to the bill:

On Page 8 strike beginning with "A" in Line 12 through "Report" in Line 21

On Page 8 in Line 12 after "(1)" insert "THE DEPARTMENT OF HUMAN SERVICES WILL PREPARE AND ISSUE A QUARTERLY REPORT OF INVESTIGATIONS OR REPORTS THAT ARE NOT COMPLETED WITHIN THE TIME FRAME REQUIRED BY THIS SECTION AND INCLUDE IN THE REPORT EXPLANATIONS FOR THE DELAYS COMPILED BY THE DEPARTMENT OF HUMAN RESOURCES WITH INPUT FROM THE LOCAL DEPARTMENTS"

Rational: Much of the information requested by this bill may already be a part of routine reports that are generated at DHS. We believe it makes more sense to put the obligation for updating the General Assembly on the Department instead of requiring caseworkers to do even more paperwork.

On Page 8, after Line 26 insert:

"SECTION 2 AND BE IT FURTHER ENACTED, That on or before December 1, 2023, the Department shall

(1) Assess the following studies and methodologies related to analyzing workloads in the child welfare system:

(A) Time Use and Costing System developed by researchers at Chapin Hall at the University of Chicago

(B) The 2021 Child Welfare Caseload and Workload Analysis complemented by Maine's Department of Health and Human Services

(C) The Colorado Child Welfare County Workload Study completed by the Colorado Department of Human Services

(D) The Statewide Workload Study prepared for the State of Alaska's Department of Health and Social Services Office of Children's Services

(E) The Workload Report to the 79th Legislative Assembly prepared by the Oregon Department of Human Services

(2) Report to the Joint Audit & Evaluation Committee, the Senate Budget and Taxation Committee and the House Appropriations a plan to complete a child welfare workload assessment in Maryland based on the assessments that have been done in other states and other best practices.

SECTION 3 AND BE IT FURTHER ENACTED, That on or before December 1, 2024, the Department shall:

(1) Complete the child welfare workload assessment developed under Section 2; and

(2) Report to Joint Audit & Evaluation Committee, the Senate Budget and Taxation Committee and the House Appropriations:

(A) The outcome of the workload assessment;

(B) A plan to address understaffing in the state's child welfare system

(C) Estimates of the cost to address the understaffing in the state's child welfare system;
and

(D) The benefits to children and families in the state of a properly staffed child welfare system”

On Page 8, Line 27 strike “2” and insert “4”

Rational: The 2021 budget included a requirement that DHS complete a workload study based on the recommendations of the Child Welfare League of America (CWLA). DHS reported back to the committee that they were unable to complete the workload study because CWLA hadn't yet published workload study standards. This is correct by CWLA recommends that state's look at "existing examples of states and local agencies that have implemented strategies to reduce caseloads and manage workloads." Several states have completed high-quality workload studies but Maryland has not. We strongly believe that Maryland should use the examples from other states to develop and complete a child welfare workload study.

Additionally, we would like to make the following workforce suggestions:

1. We need to declare a staffing emergency and bring together a cadre of people who can think ‘outside the box’ and develop a plan to recruit and hire the best trained and educated caseworkers. Although studies show that social workers – licensed BSW and preferably, MSW – are the best prepared to do the work, only two local departments have all MSW workforce.
2. Given the vulnerability of the population and challenges inherent in the work, we ought to want the most highly trained and educated workforce. Standards are hard to maintain, easy to lower, and nearly impossible to raise. We do not recommend repeating the legislators’ mandate at the end of the state’s hiring freeze to hire anybody or that staff will be hired for the local departments.
3. We need to contract with a recruitment specialist to quickly develop a sophisticated recruitment campaign emphasizing use of social media. Looking like a stodgy government bureaucracy isn’t appealing to potential candidates.
4. A hire-on bonus has to be considered. DHS is competing with programs paying as much as \$10,000. A retention bonus can encourage retention by rewarding longevity.
5. The capacity of the Human Resources offices in local departments to respond to the staffing crisis has to be assessed and remedied when additional expertise and/or staff are necessary to process applications and hire quickly.
6. While at one time, local departments could recruit staff and certify their eligibility for the classification, they now are forced to rely solely on lists. Finding some efficiencies to bring qualified staff on quickly is critical, especially for candidates who may be interviewing several places and eager to accept the first offer.
7. Long-term, we need to consider options for tuition assistance opportunities for MSW and BSW students interested in specializing in child welfare, for example by greatly expanding the IV-E child welfare training program.
8. Also more long-term, to encourage the advanced social work licensure required to become a supervisor, like the boost in salary for an MSW who becomes licensed, another step should be developed for those who earn their advanced clinical licensure, the LCSW-C.

Submitted by:

Judith M. Schagrin, LCSW-C
Chairperson, Legislative Committee

¹ <https://www.cwla.org/our-work/practice-excellence-center/workforce-2/caseload-workload/>