

Clearinghouse Rule 06-081

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**PROPOSED ORDER OF
DEPARTMENT OF HEALTH AND FAMILY SERVICES
TO ADOPT RULES**

The Wisconsin Department of Health and Family Services proposes to create HFS 43, relating to the standards for training required for staff and supervisors involved in the access, initial assessment, and ongoing services delivered to children and families in child abuse and neglect cases.

SUMMARY OF PROPOSED RULE

Statute interpreted: Section 48.981(8)(d), Stats.

Statutory authority: Sections 48.981(8)(d), Stats., and s. 227.11(2), Stats.

Explanation of agency authority:

Section 48.981(8)(d), Stats., requires the Department to make training programs available to child protective services caseworkers and supervisors to complete training in child abuse and neglect protective services. Section 48.981(8)(d), Stats., further requires the Department to promulgate rules to monitor compliance with training standards set forth in s. 48.981(8)(d), Stats..

Related statute or rule: Sections 48.06(1) and 48.981(8)(d), Stats.

Plain language analysis:

The Department proposes to create ch. HFS 43 to address training requirements for child protective caseworkers and supervisors involved in the access, initial assessment, and ongoing services delivered to children and families in child abuse and neglect cases.

The Department proposes to establish statewide minimum standards for pre-service training, foundation training, ongoing training, and supervisory training of child protective services staff. This training will include recognizing and responding to domestic violence. In addition proposed ch. HFS 43 creates a monitoring process that allows the Department to review and approve training plans submitted by affected agencies and monitor compliance by individual staff. The proposed rule will apply to the Department's Bureau of Milwaukee Child Welfare (BMCW), county human or social service departments that provide child protective services, and private child welfare agencies licensed under s. 48.60, Stats., and ch. HFS 54 which contract with the Department or county human or social services departments to provide child protective services.

The proposed creation of ch. HFS 43 will not have an affect on the Memorandum of Understanding between the Department and the Department of Corrections that allows the intake training required

under s. 48.06 (1), Stats., for intake caseworkers to be provided by the Department of Corrections and the Wisconsin Juvenile Court Intake Association under Ch. DOC 399.

Summary of, and comparison with, existing or proposed federal regulations:

The Department knows of no comparable federal regulations.

Comparison with rules in adjacent states:

Minnesota – Comparable rules for Minnesota are found at Minnesota Rules, s. 9560.0234, which requires all child protection caseworkers to complete at least 15 credit hours of social work training relevant to child protection services each year. In addition, Minnesota Statutes, s. 626.5591, Stats., mandates that the Commissioner of the Minnesota Department of Human Services develop a competency-based program of foundational and advanced training for child protection caseworkers. The foundation training must be provided to all child protection caseworkers, and must be completed within six months after their employment as child protection caseworkers.

Michigan – Comparable rules for Michigan are found at Michigan Administrative Code, R.400.12209, which mandates an initial orientation program that is not less than 16 hours in length for new social services caseworkers and social services supervisors prior to their assuming assigned duties and that they receive 14 hours of training relative to their current position within the first year of employment. In subsequent years, caseworkers and supervisors must receive not less than 14 hours of training relating to their current positions annually. The rule also specifies topics which must be included in the orientation and first year training.

In addition, Michigan's Child Welfare Institute is an eight-week, skill-based training program for new private and state child welfare staff. The program has classroom training interspersed with on-the-job training. Participation in the eight-week institute is mandatory for all newly hired child welfare staff and supervisors. State staff may not be assigned a caseload until after they have completed the entire eight weeks of training. Private agency staff may schedule attendance in the classroom training session within the first eight weeks on the job and must complete the training within six months after being hired. Experienced caseworkers who are transferring or assuming new duties are required to attend a Child Welfare Institute Program Specific Transfer Training.

Iowa – Comparable rules for Iowa can be found at Iowa Administrative Code, 441 – 108.6(238) which requires that an agency provide new caseworkers with orientation training within one month of hire and 24 hours of training in the first year of employment for all employed and contracted casework staff. Topics to be covered in the training are specified. In addition, in subsequent years the agency must provide 12 hours of training per year, and the rule identifies specific topics which must be covered. The rule identifies acceptable training formats and documentation of the training provided.

Illinois – Comparable rules for Illinois can be found at Illinois Rules, section 412.40. The rule requires that all direct service child welfare staff and supervisors in Illinois hold a license to practice. This license requires, among other criteria, that the direct child welfare services employee pass the Child Welfare Employee License examination with a score of at least 70 per cent. Training must include information on making casework decisions on risk and safety, coordination of services, and child welfare laws and regulation. This is considered foundation training for child welfare staff. Staff are required to participate in on-going in-service training if they are in a child protective services or child welfare services position or supervise those positions.

Summary of factual data and analytical methodologies:

The proposed rule was developed by the Department in collaboration with the Ad Hoc Committee on Initial and Ongoing Staff Development (Ad Hoc Committee) and the Wisconsin Child Welfare Training Council. The parties collaborated on procedures, delivery, and curriculum content for pre-service, foundation, ongoing (in-service), and supervisor training for child protective services caseworkers in Wisconsin.

The membership of the Ad Hoc Committee included staff from the five Child Welfare Training Partnerships, the Division of Children and Family Services (DCFS), county department staff from each of the five Department of Health and Family Services (DHFS) regions, and staff from the University of Wisconsin's graduate and undergraduate Social Work programs at the Madison, Milwaukee, Green Bay, and River Falls campuses.

The membership of the Wisconsin Child Welfare Training Council includes representatives from: the five University of Wisconsin Child Welfare Training Partnerships, county human and social services departments, tribes, and the Department of Health and Family Services, including the Bureau of Milwaukee Child Welfare. Each Child Welfare Training Partnership, in collaboration with the counties and tribes located in their respective regions and the Department, develops and implements training programs that are responsive to local training needs as well as to state and federal policy changes.

In developing training standards and content for pre-service training, the Department and the Ad Hoc Committee considered curriculum currently in use in Wisconsin and relied on the extensive expertise of the participants as a primary resource. For foundation training, the Division and Ad Hoc Committee reviewed the child welfare training curriculum and standards developed by the national Institute for Human Services for competency-based training in prevention of child abuse and neglect and child welfare and worked with the National Resource Center for Child Protective Services on the content of the training.

The Ad Hoc Committee actively solicited and considered comments on the proposed training standards and subject areas from other participants in the child welfare system in Wisconsin.

The Department also reviewed its child welfare licensing databases to determine the number of licensed child welfare agencies in the state.

Criteria were adopted by the Department and approved by the Wisconsin Small Business Regulatory Review Board to determine whether the Department's proposed rules have a significant economic impact on a substantial number of small businesses. Pursuant to the Department's criteria, a proposed rule will have a significant economic impact on a substantial number of small businesses if at least 10% of the businesses affected by the proposed rules are small businesses and if operating expenditures, including annualized capital expenditures, increase by more than the prior year's consumer price index or reduces revenues by more than the prior year's consumer price index. For the purposes of this rulemaking, 2005 is the index year. The consumer price index is compiled by the U.S. Department of Labor, Bureau of Labor Statistics and for 2005 is 3.4 percent.

Section 227.114 (1) (a), Stats., defines "small business" as a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employees 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000.

Analysis and supporting documents used to determine effect on small business:

Section 48.981(8) (d) 2., Stats., requires the Department to make training programs available for child protective services caseworkers and supervisors to complete training in child abuse and neglect protective services, unborn child abuse protective services, and on recognizing and appropriately responding to domestic abuse. Section 48.981 (8) (d) 2., Stats., further requires that the Department promulgate rules to monitor compliance with the training requirement. To implement the requirements under s. 48.981 (8) (d) 2., Stats., and to promote statewide consistency, the Department proposes rule requirements for pre-service, foundation, and in-service training for those individuals required under s. 48.981 (8) (d) 1., Stats.

Pre-service training is a web-based curriculum developed by the Training Partnerships that may be delivered by an alternative method. Pre-service training is required for child protective services caseworkers and, in certain circumstances, supervisors who begin employment after the effective date of the proposed rule. Foundation training is a curriculum approved by the Department and identified as essential skills and applications training for child protective services caseworkers and supervisors. It is required to be completed within two years after employment as a child protective services caseworker. In-service training consists of continuing education in child welfare and is taken after the completion of pre-service training. This training requirement is ongoing during the term of employment of child protective services caseworkers and supervisors.

Except in Milwaukee County, child protective services is the legislated responsibility of county human services or social services departments (county department). In Milwaukee County, child protective services is the responsibility of the Department. The proposed rule will apply to child protective services staff of the Department and county human services or social services departments and to child welfare agencies that contract with the Department or county department to provide child protective services. Child placing agencies that are not under contract with the Department or a county department do not provide child protective services. Currently, there are 56 licensed child welfare agencies in Wisconsin. To date, the proposed rules will affect only the 2 agencies that are under currently under contract with the Department to provide child protective services. There are no child placing agencies under contract with a county department to perform child protective services.

In the event that child placing agencies meeting the definition of small businesses under s. 227.114 (1), Stats., contract with either the Department or a county department, the child placing agency will incur training costs for staff who perform child protective services. The costs incurred are a result of the agencies' and staff responsibilities to comply with s. 48.891 (8) (d) 1., Stats., not the proposed rules. The only cost to the agency for staff time to participate in training. Agencies are not required to develop or conduct training under the proposed rules or s. 48.981 (d) 1., Stats.; however, under the proposed rule, agencies have that option as it is related to pre-service training; otherwise pre-service training is available as web-based training. If an agency decides to conduct its own pre-service training, the costs will extend beyond opportunity costs to possibly include facility rental, trainer fees, and training materials.

Effect on small business:

Pursuant to the forgoing analysis, the proposed rule will affect any licensed child placing agency that is under contract with the Department or a county department, including those that are small businesses, to provide child protective services. However, the proposed rule will not have a significant economic impact on any of those businesses. In addition, the Department does not believe that the proposed rules will increase costs implicitly imposed under s. 48.981(8) (d) 1., Stats.

Agency contact person:

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Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the agency contact person listed above until the date given in the upcoming notice of public hearing. The deadline for submitting comments and the notice of public hearing will be posted on the Wisconsin Administrative Rules Website at <http://adminrules.wisconsin.gov> when the hearing is scheduled.

TEXT OF PROPOSED RULE

SECTION 1. HFS 43 is created to read:

CHAPTER HFS 43

**TRAINING FOR CHILD PROTECTIVE SERVICES
CASEWORKERS AND SUPERVISORS**

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| 43.01 | Authority and purpose |
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| 43.11 | Monitoring of compliance with the child protective service training requirements |

43.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.981 (8) (d) 1. and 2., Stats., to establish standards for pre-service, foundation, and in-service training for child protective services caseworkers and supervisors who provide child protective services to children and families in child abuse and neglect cases.

43.02 Applicability. This chapter applies to the department; county departments under ss. 46.215, 46.22, and 46.23, Stats.; child welfare agencies licensed under s. 48.60, Stats., and under contract with the department or a county department to provide child protective services; and staff of

those agencies who are child protective services caseworkers and child protective services supervisors hired to perform child protective services job functions on or after [Revisor to insert date].

43.03 Definitions. In this chapter:

(1) "Access" means the function of the agency to gather information leading to a determination of the need for child protective services intervention.

(2) "Agency" means the department, a county department under s. 46.215, 46.22, or 46.23, Stats., or a child welfare agency licensed under s. 48.60, Stats., and under contract with the department or a county department to provide child protective services.

(3) "Child protective services" means specialized casework services provided to children and their families where there is abuse or neglect, or threatened abuse or neglect, or emotional damage to the child.

(4) "Child protective services caseworker" means an employee of an agency whose primary job function is the provision of child protective services, including access, initial assessment, and ongoing child protective services.

(5) "Child protective services supervisor" means a person who directly supervises a child protective services caseworker.

(6) "Child welfare agency" means a person licensed by the department under s. 48.60, Stats., and ch. HFS 54.

Note: A 'child welfare agency' is also known as a 'child placing agency'.

(7) "Continuing education" means training hours that can be met through attending one or more of the following:

- (a) Formal presentations at seminars, workshops, programs, or institutes.
- (b) A university, college, or vocational technical adult education course.
- (c) Educational telecommunications network.
- (d) Interactive internet learning courses offered by an accredited university.
- (e) Self-study courses approved by accredited college or university schools of social work or local or national professional social work organizations.

Note: Further information on continuing education for licensed or certified social workers may be found at Wisconsin Administrative Rule, MPSW 8, Continuing Education.

(8) "Department" means the Wisconsin department of health and family services.

(9) "Foundation training" means the curriculum content approved by the department to provide essential skills and applications training for child protective services caseworkers and supervisors.

(10) "Initial assessment" means the process by which information about a family is gathered and analyzed in response to an indication that a child may be in need of protection or services under s. 48.13, Stats.

(11) "In-service training" means continuing education in child welfare approved by the department .

(12) "Pre-service training" means the curriculum content approved by the department that is completed by a child protective services caseworker before the caseworker is assigned primary responsibility for a case in the statewide automated child welfare information system.

(13) "Statewide automated child welfare information system" means Wisconsin's computerized system under s. 46.03 (7g), Stats., that is designed to document and manage casework associated with public child welfare responsibilities.

43.04 Child protective services caseworker pre-service training. (1) TRAINING REQUIRED. (a) Each individual who begins employment as a child protective services caseworker on or after [Revision to insert the effective date] shall complete pre-service training. Agencies may require training in addition to this requirement.

(b) A caseworker who has completed pre-service training required under par. (a) may be entered in the statewide automated child welfare information system as a primary caseworker. A caseworker who has not completed the pre-service training required under par. (a) may only be entered in the statewide automated child welfare information system as a secondary caseworker, and may only provide child protective service if accompanied by a supervisor, or a caseworker who has completed pre-service training.

(2) EXCEPTION TO REQUIREMENT. (a) The department may approve exceptions to the requirement for some specific pre-service training curriculum content for child protective services caseworkers who received a bachelor's degree in social work or a master's level social work degree from a council on social work education-accredited program if that program has met the requirements for pre-service training established under this chapter. This exception shall be made only for an accredited program and shall not be made for an individual child protective services caseworker in that program.

(b) Prior to approval by the department for an exception to the pre-service training requirement, the accredited program shall submit a plan, to the department which clearly demonstrates how the pre-service training requirements are met through the curriculum of that accredited program. This information should be incorporated into the plan required by s. HFS 43.10

43.05 Child protective services caseworker foundation training. (1) TRAINING REQUIRED. Within 2 years after an individual's effective date of employment by an agency as a child protective services caseworker, the agency shall ensure that documentation is available that demonstrates the caseworker has completed all of the foundation training required for the caseworker's employment as a child protective services caseworker.

(2) EXCEPTION TO REQUIREMENT. (a) The department may approve exceptions to the requirement for some specific foundation training curriculum content for child protective services caseworkers who received a bachelor's degree in social work or a master's level social work degree from a council on social work education-accredited program if that program has met the requirements for foundation training established under this chapter. This exception shall be made only for an accredited program and shall not be made for an individual child protective services caseworker in that program.

(b) Prior to approval by the department for an exception to the foundation training requirement, the accredited program shall submit a plan to the department that clearly demonstrates how the foundation training requirements are met through the curriculum of that accredited program.

43.06 Child protective services caseworker in-service training. Each child protective services caseworker shall complete at least 30 hours of in-service training in child welfare in each 2 year period beginning after the caseworker's effective date of employment as a child protective services caseworker. A caseworker may not receive in-service training before receiving the pre-service training required under s. HFS 43.04. This training shall be consistent with and coordinated with current social worker certification or licensing requirements under Chapter MPSW 3, whether or not the child protective services caseworker is a licensed social worker.

43.07 Child protective services supervisor pre-service and foundation training. (1) Any individual beginning employment as a child protective services supervisor on or after [Revisor insert effective date] who has not completed the caseworker pre-service training requirement under s. HFS 43.04 (1) shall meet that requirement before the individual may perform child protective services supervisory functions.

(2) Any individual employed as a child protective services supervisor on or after [Revisor insert effective date] who has not previously been a child protective services caseworker shall complete the foundation training under s. HFS 43.05 (1) or the equivalent of that training, as determined by the department by policy, within the 12 month period beginning on the effective date of his or her employment as a child protective services supervisor. The agency shall ensure that documentation is available that demonstrates that the supervisor has completed all of the foundation training required under this subsection for his or her employment as a child protective services supervisor.

43.08 Child protective services supervisor in-service training. Each child protective services supervisor shall complete at least 30 hours of in-service training in child welfare practice or supervision in each 2 year period beginning after the effective date of the supervisor's employment as a child protective services supervisor.

43.09 Delivery of child protective services pre-service training. Agencies may deliver the content of the established pre-service training curriculum either through the department-approved web-based version or through a workshop format. Any agency opting to deliver pre-service training in a manner other than the department-approved web-based training shall employ a version of the pre-service training that is equivalent to the department-approved version and shall submit that version of the training to the department for approval under s. HFS 43.10. Approval of the alternative method of delivery must be obtained from the department prior to delivery of training.

43.10 Review and approval of pre-service training delivery proposals. To obtain approval for delivering all or part of the pre-service training content in a method other than the web-based

method, agencies shall submit a proposal to the department that explains how the agency will deliver the pre-service training curriculum to its child protective services caseworkers and supervisors. Each proposal shall include all of the following:

- (1) The name, phone number, and electronic mail address for a contact person in the agency who is responsible for the delivery of child protective services pre-service training.
- (2) A description of the format chosen to deliver the pre-service training curriculum.
- (3) A description of procedures the agency will use to show compliance with the requirements of this chapter.
- (4) The maximum number of participants that will be accommodated in each training session if the agency elects to deliver the pre-service training in a format other than the department-approved web-based version.

43.11 Monitoring of compliance with the child protective service training requirements.

(1) DATES OF EMPLOYMENT. The employing agency shall enter each child protective services caseworker's and supervisor's effective date of employment in the identified training section of the statewide automated child welfare system within 5 working days after the person's effective date of employment.

(2) DATES OF TRAINING. The employing agency shall enter the date on which each caseworker and supervisor completes pre-service training in the identified training section of the statewide automated child welfare system within 5 working days after the training is completed.

SECTION 2. EFFECTIVE DATE: This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22 (2), Stats.

Wisconsin Department of Health and Family Services

Dated:

Helene Nelson
Secretary

SEAL: