

## **Report From Agency**

### **ADMINISTRATIVE RULES REPORT TO LEGISLATURE CLEARINGHOUSE RULE 06-081**

#### **Basis and Purpose of Proposed Rule**

Section 48.981 (8) (d) 2., 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, unborn child abuse protective services, and on recognizing and appropriately responding to domestic abuse. Section 48.981 (8) (d) 1., Stats., further requires the Department to promulgate rules to monitor compliance with training standards set forth under s. 48.981 (8) (d) 1., Stats.

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, unborn children, and families in child abuse and neglect cases.

#### **Response to the Legislative Council Rules Clearinghouse Recommendations**

The Department accepted the comments made by the Legislative Council Rules Clearinghouse and modified the proposed rule where suggested, except as follows:

Comment 1. b. concerning applying the in-service training requirements to employees who are employed before the effective date of the rule.

Response: The Department respectfully declines to include in the rule a provision that would require employees who are employed before the effective date of the proposed rule to now go back and makeup required continuing education (in-service hours) or to show proof of receipt of such training. The Department believes that the costs and disruptions far outweigh the usefulness of such an undertaking as evidenced in the comments received on the proposed rules.

#### **Final Regulatory Flexibility Analysis**

The proposed rule will not have a significant economic impact on small businesses.

#### **Changes to the Analysis or Fiscal Estimate**

##### **Analysis**

The analysis was revised grammatically; to acknowledge statutorily required training on unborn child abuse; and to replace the term “child placing agency” with the term “child welfare agency”. The Department also removed the definitions on pre-service, foundation, and in-service training as the terms are better defined in the proposed rule.

### Fiscal Estimate

The original fiscal estimate indicated the the proposed rule would not have a fiscal effect on local government (counties). The fiscal estimate has been changed to indicate that the fiscal effect of the rule on counties is indeterminate.

### **Public Hearing Summary**

The Department began accepting public comments on the proposed rule via the Wisconsin Administrative Rules Website on June 28, 2006. The Department held public hearings in four locations on August 1, 2006, by videoconference from a public hearing site in Madison to Green Bay, Rhinelander, and Eau Claire. The hearing record closed on August 8, 2006. Seven people attended the public hearings. Additional comments were received by the Department outside the public hearings. Sections of the rule were substantially redrafted in response to public comments.

### **List of Public Hearing Attendees and Commenters**

The following is a complete list of the persons who attended the public hearing or submitted comments on the proposed rule, the position taken by the commenter and whether or not the individual provided written or oral comments.

<b>Name and Address</b>		<b>Position Taken</b> (Support or Oppose)	<b>Action</b> (Oral or Written)
1.	Reggie Bicha Director of Human Services Pierce County 200 N. Wasson Lane River Falls, Wisconsin 54022	Opposed	Oral and written
2.	Tom Madsen Director, Langlade County 1225 Langlade Road Antigo, Wisconsin 54409	Opposed	Observer
3.	Kimberly Van Hoof 1225 Langlade Road Antigo, Wisconsin 54409	None provided	Observed Only
4.	Bill Orth Human Services Director, Sauk County P.O. Box 29 Baraboo, Wisconsin 53913	Opposed	Oral and Written
5.	Sarah Diedrick-Kasdorf Wisconsin Counties Association 22 E. Mifflin, Suite 900 Madison, Wisconsin 53703	Opposed	Written
6.	Sally Biddick	None provided	Observed Only
7.	Carol A. Wright	None provided	Oral and Written

	Director, Marquette County Dept. of Human Services 77 W. Park St. Montello, WI 53949		
8.	Wisconsin County Human Service Association Board of Directors	Opposed	Oral and Written
9.	Fred Naatz Grant County Dept. of Social Services	None provided	Written
10.	Sandie Roberts, Director , Columbia County DHHS	Support	Oral
11.	Reinhard Kafalk Social Work Supervisor Child and Family Services Dodge County	None provided	Written
12.	Jennifer Borup Western Regional Training Partnership Conference	None provided	Oral
13.	Fred Johnson Director, St. Croix County DHHS	None provided	Written

## Public Comments and Department Responses

The numbers following each comment corresponds to the number assigned to the individual listed in the “Public Hearing Attended and Commenters” section of this document.

<b>Rule Provision</b>	<b>Public Comment</b>	<b>Department Response</b>
General	<p>The training requirements contained in the proposed rule are an unfunded mandate on county and human social service agencies. No additional funding is provided to county agencies, or has been identified, to implement the proposed rule, making it unworkable.</p> <p style="text-align: center;"><b>1, 4, 5, 8, 9, 11, 13</b></p>	<p>Training requirements for child protective services caseworkers and supervisors are imposed by s. 48.981 (8) (1), Stats., and have been required since 1985. The Department, through its community aids program, provides funding to counties to be used for child welfare services. In 2005 and 2006, the Department provided an additional \$3 million annually in Title IV-E incentive funds, and encouraged county agencies to increase their training budgets because a training rule was being developed. In addition to the statutory mandate, a federal finding that the state was out of compliance during the Child and Family Services Review (CFSR) because it did not have a mandated training system for child protective services caseworkers and supervisors motivated the need for training standards. Continued non-compliance in this area could result in federal penalties being assessed against the Department which will affect the Title IV-E and Title IV-B funds received by Wisconsin. A significant amount of these funds are passed through to the counties in the form of community aids or incentive payments.</p>
General	<p>The potential cost and workload aspect of this proposed administrative rule have not been</p>	<p>Approximately half of Wisconsin counties require social workers to be certified. Their staff already meets the in-service training</p>

	adequately assessed. DHFS should be required to assess cost and workload effects of this rule within one year of implementation and develop a plan to address these affects. <b>4, 7</b>	requirement on an ongoing basis. In addition, approximately 90% of Wisconsin counties require their staff to participate in child welfare training during their employment . The training is often paid for by the county agency. The Department believes that most agencies are aware of the cost and workload effect of training because agencies are already bearing those costs.
General	Other types of training are or may soon be mandated, such as permanency plan review panel member training, and foster parent training. From a fiscal standpoint counties cannot pay for training for both staff and providers and other participants in the system. <b>7</b>	The Department is aware that county human and social services agencies are concerned with any requirement for additional training for various participants in the child welfare system. However, child protective services training is required by statute.
General	Rule needs clarity on several points: will all pre-service training be web-based; can foundation and in-service training be web-based or on a CD-ROM; how to credit individuals who have experience in other states as a worker or supervisor; what responsibility does the Wisconsin University System have to prepare undergraduate and graduate students for child welfare practice. <b>7</b>	<p>Pre-service training provided by the Training Partnerships is entirely web-based. Agencies may provide pre-service training in an alternative format if the Department approves the format in advance. The proposed rule has been revised to give discretionary authority to employing agencies to exempt caseworkers and supervisors from pre-service and foundation training, under specified conditions, including documented training or work experience, undergraduate or graduate degree from a council on social work accredited program if the program is approved by the Department.</p> <p>The Department will share the comment regarding the use of web-based training for foundation and</p>

		in-service training with the Training Partnerships.
General	For counties that utilize a generalist approach to providing services, the child protective services training requirements may result in staff needing to take additional training in CPS as well as other areas of social welfare, like long term care training. <b>9</b>	The Department acknowledges that if caseworkers have multiple areas of expertise, these requirements may add to the time they must spend in training.
43.03 (9)	The definition of foundation training should include a common vision and agenda. The values included in the definition should be represented by the family systems model and attachment research based outcomes. <b>9</b>	Comments received from county health and social service agency representatives during the development of ch. HFS 43, indicate that a variety of practice models are used by agencies. The proposed rule is not intended to impose a particular practice model.
43.04 (1) (a)	The requirement for pre-service training is too broad and undefined. A limit on the time a worker or supervisor will be required to spend on this training must be included. <b>1, 5, 7, 8, 11</b>	The Department has revised the definition to better state what the pre-service training curriculum may include. In addition, the Department revised the pre-service training requirement to require that pre-service training be completed within 40 hours after beginning the web-based curriculum. Under the revision, an employing agency who has received approval to deliver pre-service training in an alternative format may set the time within which an employee should complete the training.
43.04 (1) (b)	The requirement that a new caseworker complete pre-service training before being solely responsible for a family's case is unrealistic. When a caseworker is hired, the caseworker must be able to begin working their	Many new caseworkers are young and though well educated, may have minimal social work practice experience with children and families. Pre-service training ensures that all new workers receive basic necessary information to provide child protective services. The Department also believes pre-

	<p>caseload the day they are hired. I do not have the time nor does my staff have the time to go out with a new caseworker on their caseload. Nor do we have the time to have a caseworker sit in front of a computer doing the pre-service training, when we have phone calls coming in on those cases, contact standards to meet and situations to respond to in a timely fashion. <b>11</b></p>	<p>service training will relieve supervisors from some initial training of caseworkers.</p>
43.04(1)(b)	<p>Agencies may not have enough CPS workers to assign multiple staff to respond to a situation. Therefore requiring staff to be accompanied by an experienced caseworker or supervisor before pre-service training is completed may be difficult. It will put pressure on new staff and their supervisors to rush them through the training and will not take into account varying degrees of social work experience that a new employee may have. <b>12, 13</b></p>	<p>The Department revised the rules at s. HFS 43.04 (1) (c) to require that a caseworker who has not completed preservice training be under the direction of a supervisor or experienced caseworker. The caseworker does not have to be actually accompanied by a supervisor or experienced caseworker.</p>
43.04 (2)	<p>The rule allows an exception for pre-service training based on an accredited social work education program. How long would it take to receive the exception? Workers need to be able to start work within a day or two of being hired. <b>11</b></p>	<p>The Department intends that only a council on social work accredited program may be granted an exception. For purposes of clarification, the Department has revised and renumbered this provision as s. HFS 43.06 (1) (c). Under the revision, the employing agency may, under specified conditions, grant an exemption to a caseworker or supervisor who has received an undergraduate or</p>

		graduate degree social work program that is approved by the Department.
43.05 (1)	<p>The requirement for foundation training is too broad and undefined. A limit on the time a worker or supervisor will be required to spend on this training must be included. Foundation training hours should be limited to current CORE training hours.</p> <p><b>1, 4, 5, 7, 8</b></p>	<p>The Department has revised the definition to better state what may be included as foundation training curriculum. In addition, the Department renumbered the provision as s. HFS 43.04 (2) (a) and revised the foundation training requirement to require that foundation training be completed within 2 years after the caseworker's effective date of employment and can be no longer than 15 training days. Under the revision, an employing agency, under specified conditions, may exempt from foundation training, a caseworker or supervisor who has completed CORE training. This exemption may be found under s. HFS 43.06 (2) (b).</p>
43.04, 43.05	<p>The training contained in pre-service and foundation training may overlap with the curriculum of the juvenile court intake worker training, which is also mandated by law. No effort has been made by the Department to coordinate or combine the curriculum or content of these required training programs, and reduce the amount of time CPS caseworkers and supervisors will be out of the office training. <b>1, 5</b></p> <p>Until such time as the Division of Juvenile Corrections and the Department are joined and Chapters 48 and 938 are combined it would be</p>	<p>The Department has agreed to initiate and support a discussion about combining the two types of training. Such a discussion will require the participation of DHFS, Department of Corrections, the Juvenile Court Intake Workers Association, county human and social services agencies responsible for child welfare and juvenile justice, certain circuit courts and sheriff's offices. Such a discussion will take time because of the number of interested parties and the significant divergence of information provided by the Intake training and pre-service and foundation training. Currently Juvenile Intake training is heavily focused on legal requirements for taking a child into care or custody, and covers not only child welfare cases but also juvenile justice</p>



	<p>difficult to combine CPS training with juvenile court intake training. <b>7</b></p>	<p>cases. Pre-service and foundation training are focused on knowledge and basic skills in child welfare cases.</p> <p>The Department does not believe a discussion about combining the trainings should prevent the promulgation of HFS 43 which is required by s. 48.981(8)(d), Stats. Juvenile Intake training is mandated under s. 48.06(am), Stats., a separate statute. Neither statute indicates that coordinated training is required or anticipated. The Department has revised the proposed rules to allow an employing agency the discretion, under specified conditions, to exempt a caseworker or supervisor from the pre-service and foundation training requirements. This should relieve some of the time and other burdens on agencies.</p>
43.06 (1)	<p>The Training Partnerships do not offer sufficient advanced practice training for senior caseworkers. In addition, requiring supervisors to have 30 hours of in-service training every two years will exhaust Training Partnerships courses for long-term supervisors. These workers will have to go outside the Training Partnerships for training. Doing so will be more expensive, which will create another barrier to meeting the training requirements. Also, it is unclear what the definition of child welfare training is for in-service training. <b>11</b></p>	<p>The Department recognizes that training opportunities may need to be expanded. This comment has been shared with the Training Partnerships. The Note contained in s. HFS 43.03(11) provides examples of the type of training that will be identified as in-service training.</p>

