

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5246

To examine and improve the child welfare workforce, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2010

Mr. KENNEDY introduced the following bill; which was referred to the  
Committee on Education and Labor

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## A BILL

To examine and improve the child welfare workforce, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Child Welfare Work-  
5       force Study Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1)(A) Research indicates that child welfare  
9       staff face a variety of obstacles that hinder their ef-  
10       fective work with children and families in the child

1 welfare system. These obstacles include barriers de-  
2 scribed in subparagraphs (B) through (D).

3 (B) High caseload and high workload levels pre-  
4 vent child welfare staff from working intensively  
5 with children and families and monitoring their  
6 progress carefully.

7 (C) Child welfare staff report an absence of suf-  
8 ficient access to supervision, mentoring, and profes-  
9 sional advancement. A lack of access to supervision,  
10 mentoring, and professional advancement contrib-  
11 utes to staff burnout and turnover.

12 (D) States report difficulty hiring and retaining  
13 quality child welfare staff. The average tenure of  
14 such a staff member is less than 2 years. In addition  
15 to the increased cost of hiring and training new  
16 child welfare staff, high turnover rates among such  
17 staff are associated with multiple placements of chil-  
18 dren in foster care, longer lengths of stays in foster  
19 care, lower rates of permanency, and failed efforts at  
20 family reunification. Lengthy periods of foster care  
21 increase costs for child welfare agencies, as main-  
22 taining children in foster care is more expensive  
23 than adoption, reunification, or other permanency  
24 options.

1           (2) Supervision, staff preparation and training,  
2           caseloads, workloads, data and accountability, work-  
3           ing conditions, cultural competence, and leadership  
4           are key components of an effective child welfare  
5           workforce.

6 **SEC. 3. DEFINITIONS.**

7           In this Act:

8           (1) CHILD WELFARE STAFF.—The term “child  
9           welfare staff” means—

10                   (A) employees of State, tribal, or local  
11                   child welfare agencies, who are working with  
12                   children and families that have contact with  
13                   such a child welfare agency, in order to promote  
14                   safety, permanence, and well-being for children  
15                   and families; and

16                   (B) employees of State-licensed or State-  
17                   approved nonprofit private agencies, who are  
18                   working with children and families that have  
19                   contact with a State, tribal, or local child wel-  
20                   fare agency in order to promote safety, perma-  
21                   nence, and well-being for children and families.

22           (2) RELATED PROFESSIONALS.—The term “re-  
23           lated professionals”, used with respect to child wel-  
24           fare staff, means individuals employed by public or  
25           nonprofit private agencies in child- and family-serv-

1 ing fields including education, health, mental health,  
 2 substance abuse prevention and treatment, juvenile  
 3 justice, law enforcement, and domestic violence, who  
 4 work with children and families that have contact  
 5 with a State, tribal, or local child welfare agency.

6 (3) SECRETARY.—The term “Secretary” means  
 7 the Secretary of Health and Human Services.

8 (4) STATE.—The term “State” has the mean-  
 9 ing provided in section 1101(a) of the Social Secu-  
 10 rity Act for purposes of part E of title IV of such  
 11 Act.

12 **SEC. 4. DATA COLLECTION AND RESEARCH TO INCREASE**  
 13 **ACCOUNTABILITY FOR OUTCOMES FOR CHIL-**  
 14 **DREN.**

15 (a) NATIONAL CHILD WELFARE STAFF STUDY.—

16 (1) STUDY AND REPORT.—The Secretary shall  
 17 enter into an agreement with the National Academy  
 18 of Sciences, under which the National Academy of  
 19 Sciences shall—

20 (A) conduct a national study of child wel-  
 21 fare staff, highlighting promising approaches,  
 22 to—

23 (i) examine and provide findings re-  
 24 lated to the demographic and other charac-  
 25 teristics of child welfare staff, including

1 compensation, academic degrees held, edu-  
2 cation and training received, and turnover;

3 (ii) examine and provide findings re-  
4 garding factors contributing to child wel-  
5 fare staff turnover and strategies that have  
6 been effective in reducing the turnover by  
7 type of child welfare services, including  
8 preventive, protective, foster care, inde-  
9 pendent living, adoption, and kinship care  
10 services;

11 (iii)(I) examine and provide findings  
12 regarding strengths and challenges present  
13 in the working relationship between child  
14 welfare staff, legal and court staff, and  
15 other related professionals; and

16 (II) make recommendations regarding  
17 how this working relationship may be im-  
18 proved;

19 (iv) examine and provide findings, and  
20 make recommendations, regarding appro-  
21 priate overall workloads and caseloads for  
22 all child welfare staff, including appro-  
23 priate workloads and caseloads for super-  
24 visors, analyzed by type of child welfare  
25 staff member supervised, including those

1 providing child welfare services, including  
2 preventive, protective, foster care, inde-  
3 pendent living, adoption, and kinship care  
4 services, and appropriate measurement of  
5 such overall workloads and caseloads;

6 (v)(I) examine and provide findings  
7 related to policy and practice regarding  
8 education level and training requirements  
9 for child welfare staff by type of work, in-  
10 cluding providing preventive, protective,  
11 foster care, adoption, and kinship care  
12 services; and

13 (II) make recommendations regarding  
14 appropriate education levels and training  
15 to ensure competent child welfare staff;  
16 and

17 (vi)(I) examine and provide findings  
18 related to the kinds of data available to or  
19 collected by State or local child welfare  
20 agencies with regard to child welfare staff;

21 (II) examine the methods and kinds of  
22 data on child welfare staff that States re-  
23 port to the Secretary through the data col-  
24 lection systems authorized under section  
25 103(c)(1)(C) of the Child Abuse Preven-

1 tion and Treatment Act and sections  
2 477(f) and 479 of the Social Security Act  
3 (42 U.S.C. 677(f) and 679);

4 (III) make recommendations on how  
5 States might collect data on child welfare  
6 staff, including data on the type of work  
7 staff are performing, and report the data  
8 to the Secretary, regularly and in a man-  
9 ner that enables the data to be linked to  
10 the outcomes achieved for individual chil-  
11 dren served by the State or local child wel-  
12 fare agency involved, which shall include—

13 (aa) a means of incorporating the  
14 data into the data collection system  
15 authorized under section 479 of the  
16 Social Security Act (42 U.S.C. 679);  
17 and

18 (bb) as appropriate, a means of  
19 linking the data to the information  
20 collected through the data collection  
21 systems authorized under section  
22 103(c)(1)(C) of the Child Abuse Pre-  
23 vention and Treatment Act and under  
24 section 477(f) of the Social Security  
25 Act (42 U.S.C. 677(f)); and

1 (IV) examine and provide findings re-  
2 garding the impact of data collection pro-  
3 cedures and requirements on child welfare  
4 staff, and make recommendations for col-  
5 lecting data on child welfare staff in such  
6 a way that the attention and time of child  
7 welfare staff are not diverted from pro-  
8 viding services to children and families in  
9 order to meet data collection requirements;  
10 and

11 (B) not later than 18 months after the date  
12 on which the Secretary and the National Acad-  
13 emy of Sciences enter into the agreement, sub-  
14 mit a report containing the results of the study,  
15 including the findings and recommendations de-  
16 scribed in subparagraph (A), to the Secretary.

17 (2) CONSULTATION WITH INDIAN TRIBES AND  
18 TRIBAL ORGANIZATIONS.—The agreement entered  
19 into by the Secretary and the National Academy of  
20 Sciences under paragraph (1) shall require that, in  
21 conducting the study described in that paragraph,  
22 the National Academy of Sciences shall consult with  
23 Indian tribes and tribal organizations (as defined in  
24 section 4 of the Indian Self-Determination and Edu-  
25 cation Assistance Act (25 U.S.C. 450b)) regarding

1 any aspects of the study that will address tribal-spe-  
2 cific or unique issues, concerns, or special cir-  
3 cumstances with respect to Indian children and their  
4 families.

5 (3) REPORT TO CONGRESS.—Not later than 3  
6 months after receiving the report submitted under  
7 paragraph (1)(B), the Secretary shall transmit the  
8 report to the appropriate committees of Congress,  
9 along with a description of how the Secretary plans  
10 to consult with State administrators, Indian tribes  
11 and tribal organizations, child welfare staff, and  
12 other appropriate stakeholders to issue the proposed  
13 regulations described in subsection (b)(1).

14 (4) AUTHORIZATION OF APPROPRIATIONS.—  
15 There is authorized to be appropriated to carry out  
16 paragraph (1) such sums as are necessary for fiscal  
17 years 2011 and 2012.

18 (b) COLLECTION AND REPORTING OF DATA ON  
19 CHILD WELFARE STAFF.—

20 (1) PROPOSED REGULATIONS.—The Secretary  
21 shall consult with State administrators, child welfare  
22 staff, and other appropriate stakeholders and, not  
23 later than 12 months after receiving the report de-  
24 scribed in subsection (a)(1)(B), shall issue proposed  
25 regulations, which shall—

1 (A) be based on the recommendations in  
2 the report; and

3 (B) require States to collect data on child  
4 welfare staff, and report the data to the Sec-  
5 retary, regularly and in a manner that enables  
6 the data to be linked to the outcomes achieved  
7 for individual children served by the State or  
8 local child welfare agency involved, which shall  
9 include—

10 (i) a means of incorporating the data  
11 into the data collection system authorized  
12 under section 479 of the Social Security  
13 Act (42 U.S.C. 679); and

14 (ii) as appropriate, a means of linking  
15 the data to the information collected  
16 through the data collection systems author-  
17 ized under section 103(c)(1)(C) of the  
18 Child Abuse Prevention and Treatment  
19 Act and under section 477(f) of the Social  
20 Security Act (42 U.S.C. 677(f)).

21 (2) FINAL REGULATIONS.—Not later than 2  
22 years after receiving the report described in sub-  
23 section (a)(1)(B), the Secretary shall issue final reg-

- 1       ulations that meet the requirements of subpara-
- 2       graphs (A) and (B) of paragraph (1).

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