

110TH CONGRESS
2D SESSION

S. 2944

To amend the Child Abuse Prevention and Treatment Act to examine and improve the child welfare workforce, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2008

Mr. REID (for Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Child Abuse Prevention and Treatment Act 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 Improvement 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 a need for greater
8 access to supervision, mentoring, and professional
9 advancement. A lack of access to supervision, men-
10 toring, and professional advancement contributes to
11 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 increasing the 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) Federal funding under part E of title IV of
2 the Social Security Act for training of child welfare
3 staff is limited. The related Federal funding proce-
4 dures are linked to an outdated income eligibility re-
5 quirement and administered in a way that fails to
6 recognize the scope or types of staff who are work-
7 ing with children in the child welfare system.

8 **SEC. 3. DEFINITIONS.**

9 Section 111 of the Child Abuse Prevention and
10 Treatment Act (42 U.S.C. 5106g) is amended—

11 (1) by redesignating paragraphs (3) through
12 (6) as paragraphs (5) through (8), respectively; and

13 (2) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) the term ‘child welfare staff’ means—

16 “(A) employees of State and local child
17 welfare agencies, who are working with children
18 and families that have contact with such a child
19 welfare agency, in order to promote safety, per-
20 manence, and well-being for children and fami-
21 lies; and

22 “(B) employees of State-licensed or State-
23 approved nonprofit private agencies, who are
24 working with children and families that have
25 contact with a State or local child welfare agen-

1 cy in order to promote safety, permanence, and
 2 well-being for children and families;

3 “(4) the term ‘related professionals’, used with
 4 respect to child welfare staff, means—

5 “(A) legal staff, working with children and
 6 families that have contact with a State or local
 7 child welfare agency, including judges, attor-
 8 neys, guardians ad litem, and court appointed
 9 special advocates; and

10 “(B) individuals employed by public or
 11 nonprofit private agencies in child- and family-
 12 serving fields including education, health, men-
 13 tal health, substance abuse prevention and
 14 treatment, juvenile justice, and domestic vio-
 15 lence services, who work with children and fam-
 16 ilies that have contact with a State or local
 17 child welfare agency;”.

18 **SEC. 4. DATA COLLECTION AND RESEARCH TO INCREASE**
 19 **ACCOUNTABILITY FOR OUTCOMES FOR CHIL-**
 20 **DREN.**

21 The Child Abuse Prevention and Treatment Act is
 22 amended by inserting after section 104 (42 U.S.C. 5105)
 23 the following:

1 **“SEC. 104A. DATA COLLECTION AND RESEARCH TO IN-**
2 **CREASE ACCOUNTABILITY FOR OUTCOMES**
3 **FOR CHILDREN.**

4 “(a) NATIONAL CHILD WELFARE STAFF STUDY.—

5 “(1) STUDY AND REPORT.—The Secretary shall
6 enter into an agreement with the National Academy
7 of Sciences, under which the National Academy of
8 Sciences shall—

9 “(A) conduct a national study of child wel-
10 fare staff to—

11 “(i) examine and provide findings re-
12 lated to the demographic and other charac-
13 teristics of child welfare staff, including
14 salaries, academic degrees held, training
15 received, and turnover;

16 “(ii) examine and provide findings re-
17 garding factors contributing to child wel-
18 fare staff turnover and strategies that have
19 been effective in reducing the turnover;

20 “(iii)(I) examine and provide findings
21 regarding strengths and challenges present
22 in the working relationship between child
23 welfare staff and related professionals; and

24 “(II) make recommendations regard-
25 ing how this working relationship may be
26 improved;

1 “(iv) examine and provide findings,
2 and make recommendations, regarding ap-
3 propriate overall workloads and caseloads
4 for all child welfare staff, including appro-
5 priate workloads and caseloads for super-
6 visors, analyzed by type of child welfare
7 staff member supervised, and appropriate
8 measurement of such overall workloads
9 and caseloads;

10 “(v)(I) examine and provide findings
11 related to policy and practice regarding
12 education level and training requirements
13 for child welfare staff; and

14 “(II) make recommendations regard-
15 ing appropriate education levels and train-
16 ing to ensure competent child welfare staff;
17 and

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

22 “(II) examine the methods and kinds
23 of data on child welfare staff that States
24 report to the Secretary through the data
25 collection systems authorized under section

1 103(c)(1)(C), section 477(f) of the Social
2 Security Act (42 U.S.C. 677(f)), and sec-
3 tion 479 of that Act (42 U.S.C. 679);

4 “(III) make recommendations on how
5 States might collect data on child welfare
6 staff, and report the data to the Secretary,
7 regularly and in a manner that enables the
8 data to be linked to the outcomes achieved
9 for individual children served by the State
10 or local child welfare agency involved,
11 which shall include—

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

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

24 “(IV) examine and provide findings
25 regarding the impact of data collection

1 procedures and requirements on child wel-
2 fare staff, and make recommendations for
3 collecting data on child welfare staff in
4 such a way that the attention and time of
5 child welfare staff are not diverted from
6 providing services to children and families
7 in order to meet data collection require-
8 ments; and

9 “(B) not later than 18 months after the
10 date on which the Secretary and the National
11 Academy of Sciences enter into the agreement,
12 submit a report containing the results of the
13 study, including the findings and recommenda-
14 tions described in subparagraph (A), to the Sec-
15 retary.

16 “(2) REPORT TO CONGRESS.—Not later than 3
17 months after receiving the report submitted under
18 paragraph (1)(B), the Secretary shall transmit the
19 report to the appropriate committees of Congress,
20 along with a description of how the Secretary plans
21 to consult with State administrators, child welfare
22 staff, and other appropriate stakeholders to issue the
23 proposed regulations described in subsection (b)(1).

24 “(3) AUTHORIZATION OF APPROPRIATIONS.—

25 There is authorized to be appropriated to carry out

1 paragraph (1), \$5,000,000 for fiscal years 2009
2 through 2013.

3 “(b) COLLECTION AND REPORTING OF DATA ON
4 CHILD WELFARE STAFF.—

5 “(1) PROPOSED REGULATIONS.—The Secretary
6 shall consult with State administrators, child welfare
7 staff, and other appropriate stakeholders and, not
8 later than 12 months after receiving the report de-
9 scribed in subsection (a)(1)(B), shall issue proposed
10 regulations, which shall—

11 “(A) be based on the recommendations of
12 the report; and

13 “(B) require States to collect data on child
14 welfare staff, and report the data to the Sec-
15 retary, regularly and in a manner that enables
16 the data to be linked to the outcomes achieved
17 for individual children served by the State or
18 local child welfare agency involved, which shall
19 include—

20 “(i) a means of incorporating the data
21 into the data collection system authorized
22 under section 479 of the Social Security
23 Act (42 U.S.C. 679); and

24 “(ii) as appropriate, a means of link-
25 ing the data to the information collected

1 through the data collection systems author-
 2 ized under section 103(c)(1)(C) and under
 3 section 477(f) of the Social Security Act
 4 (42 U.S.C. 677(f)).

5 “(2) FINAL REGULATIONS.—Not later than 2
 6 years after receiving the report described in sub-
 7 section (a)(1)(B), the Secretary shall issue final reg-
 8 ulations that meet the requirements of subpara-
 9 graphs (A) and (B) of paragraph (1).”.

10 **SEC. 5. REMOVAL OF BARRIERS TO PROVIDING TRAINING**
 11 **FOR CHILD WELFARE STAFF AND RELATED**
 12 **PROFESSIONALS UNDER PARTS B AND E OF**
 13 **TITLE IV OF THE SOCIAL SECURITY ACT.**

14 (a) REMOVAL OF CERTAIN FUNDING RESTRIC-
 15 TIONS.—

16 (1) IN GENERAL.—Section 474 of the Social
 17 Security Act (42 U.S.C. 672) is amended by adding
 18 at the end the following new subsection:

19 “(g) TRAINING EXPENDITURES TO DEVELOP AND
 20 IMPROVE THE CHILD WELFARE WORKFORCE.—

21 “(1) DE-LINKING OF AFDC ELIGIBILITY CRI-
 22 TERIA.—The Secretary shall treat as necessary for
 23 the proper and efficient administration of the State
 24 plan all expenditures by a State for training activi-
 25 ties described in subparagraph (A) or (B) of sub-

1 section (a)(3) without regard to whether individuals
2 participating in such activities include individuals
3 providing services or treatment to foster or adoptive
4 children other than those on behalf of whom foster
5 care maintenance payments or adoption assistance
6 payments may be made under this part.

7 “(2) TRAINING RELATED TO SERVICES FOR
8 CHILDREN AND FAMILIES THAT HAVE CONTACT
9 WITH THE STATE AGENCY OR THE LOCAL AGENCY
10 ADMINISTERING A STATE PLAN.—The Secretary
11 shall treat as necessary for the proper and efficient
12 administration of the State plan all expenditures by
13 the State for training activities described in subpara-
14 graph (A) or (B) of subsection (a)(3) without regard
15 to whether such training covers services, programs,
16 and activities carried out under the State plan ap-
17 proved under this part or the State plans approved
18 under part B.

19 “(3) REMOVAL OF PROHIBITION ON FUNDING
20 STATE SHARE FROM PRIVATE SOURCES FOR EX-
21 PENDITURES FOR TRAINING PARTNERSHIPS WITH
22 PRIVATE NONPROFIT EDUCATIONAL INSTITU-
23 TIONS.—With respect to expenditures by a State for
24 short- and long-term training at educational institu-
25 tions through grants to such institutions or by direct

1 financial assistance to students enrolled in such in-
 2 stitutions for which Federal payments are provided
 3 under subparagraph (A) or (B) of subsection (a)(3)
 4 funds from private nonprofit educational institutions
 5 may be considered as the State's share in claiming
 6 Federal reimbursement for such expenditures with-
 7 out regard to any requirement that the funds—

8 “(A) be transferred to the State or local
 9 agency and under its administrative control;

10 “(B) be donated without any restriction
 11 which would require their use for the training
 12 of a particular individual or at particular facili-
 13 ties or institutions; or

14 “(C) do not revert to the private source's
 15 facility or use.”.

16 (2) CONFORMING AMENDMENTS.—Section
 17 474(a)(3) of the Social Security Act (42 U.S.C.
 18 674(a)(3)) is amended—

19 (A) in the matter preceding subparagraph
 20 (A), by inserting “subsection (g) and” before
 21 “section 472(i)”;

22 (B) in subparagraph (A), by striking “per-
 23 centum” and inserting “percent”; and

24 (C) in subparagraph (B), by striking “re-
 25 ceiving assistance under this part”.

1 (b) DEFINITION OF CHILD WELFARE STAFF AND
 2 RELATED PROFESSIONALS.—Section 474(a)(3) of the So-
 3 cial Security Act (42 U.S.C. 674(a)(3)) is amended—

4 (1) in subparagraph (A)—

5 (A) by striking “personnel” and inserting
 6 “child welfare staff (as such term is defined in
 7 section 111 of the Child Abuse Prevention and
 8 Treatment Act (42 U.S.C. 5106g))”; and

9 (B) by inserting “or by State-licensed or
 10 State-approved nonprofit private agencies,”
 11 after “political subdivision,”; and

12 (2) in subparagraph (B) (as amended by sub-
 13 section (a)(2)(C))—

14 (A) by inserting “(i)” after “(B)”;

15 (B) by striking “current or prospective fos-
 16 ter or adoptive parents and the members of the
 17 staff of State-licensed or State-approved child
 18 care institutions providing care to foster and
 19 adopted children, in ways that increase the abil-
 20 ity of such current or prospective parents, staff
 21 members, and institutions” and inserting “child
 22 welfare staff (as so defined), current or pro-
 23 spective foster or adoptive parents, and the
 24 members of the staff of State-licensed or State-
 25 approved child care institutions providing care

to foster and adopted children, in ways that increase the ability of such staff, current or prospective parents, and institutions”;

(C) by adding “and” after “contract,”; and

(D) by adding at the end the following new subclause:

“(ii) 75 percent of so much of such expenditures as are for the short-term training of related professionals (as such term is defined in section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g)) to the extent that such training pertains to the way in which those related professionals work with children and families that have contact with the State agency or the local agency administering the plan in the political subdivision,”.

(c) STATE PLAN REQUIREMENT FOR ANNUAL EVALUATION AND ASSESSMENT OF TRAINING AND STAFF DEVELOPMENT ACTIVITIES UNDER PARTS B AND E.—Section 471(a)(7) of the Social Security Act (42 U.S.C. 671(a)(7)) is amended—

(1) by striking “will monitor” and inserting “will—

“(A) monitor”;

(2) by adding “and” after the semicolon; and

1 (3) by adding the following new subparagraph:

2 “(B) with respect to training activities for
3 which Federal payments are provided under
4 subparagraph (A) or (B) of 474(a)(3), establish
5 and maintain a plan for evaluation of such ac-
6 tivities, and of the child welfare services staff
7 development and training conducted by the
8 State in accordance with section 422(b)(4)(B),
9 that includes at least an annual assessment of
10 the nature of the such activities and such staff
11 development and training, the types of staff
12 trained and developed, and the intended and ac-
13 tual impact of the training and staff develop-
14 ment activities on participating staff, and on
15 children and families;”.

16 (d) EFFECTIVE DATE.—

17 (1) IN GENERAL.—The amendments made by
18 this section shall take effect on the 1st day of the
19 1st calendar quarter that begins on or after the date
20 of the enactment of this Act, without regard to
21 whether regulations to implement the amendment
22 are promulgated by such date.

23 (2) DELAY PERMITTED IF STATE LEGISLATION
24 REQUIRED.—In the case of a State plan approved
25 under section 471 of the Social Security Act which

1 requires State legislation (other than legislation ap-
2 propriating funds) in order for the plan to meet the
3 additional requirements imposed by the amendment
4 made by subsection (a) of this section, the State
5 plan shall not be regarded as failing to comply with
6 the additional requirements solely on the basis of the
7 failure of the plan to meet the additional require-
8 ments before the first day of the first calendar quar-
9 ter beginning after the close of the first regular ses-
10 sion of the State legislature that begins after the
11 date of the enactment of this Act. For purposes of
12 the previous sentence, in the case of a State that has
13 a 2-year legislative session, each year of such session
14 shall be deemed to be a separate regular session of
15 the State legislature.

○