

111TH CONGRESS  
2D SESSION

# S. 3328

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

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IN THE SENATE OF THE UNITED STATES

MAY 6, 2010

Mrs. LINCOLN (for herself and Ms. LANDRIEU) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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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. DATA COLLECTION AND RESEARCH TO INCREASE**  
7                           **ACCOUNTABILITY FOR OUTCOMES FOR CHIL-**  
8                           **DREN.**

9           (a) NATIONAL CHILD WELFARE STAFF STUDY.—

10           (1) STUDY AND REPORT.—The Secretary shall  
11           enter into an agreement with the National Academy  
12           of Sciences, under which the National Academy of  
13           Sciences shall—

14                   (A) conduct a national study of child wel-  
15                   fare staff, highlighting promising approaches,  
16                   to—

17                           (i) examine and provide findings re-  
18                           lated to the demographic and other charac-  
19                           teristics of child welfare staff, including  
20                           compensation, academic degrees held, edu-  
21                           cation and training received, and turnover;

22                           (ii) examine and provide findings re-  
23                           garding factors contributing to child wel-  
24                           fare staff turnover and strategies that have  
25                           been effective in reducing the turnover by

1 type of child welfare services, including  
2 preventive, protective, foster care, inde-  
3 pendent living, adoption, and kinship care  
4 services;

5 (iii)(I) examine and provide findings  
6 regarding strengths and challenges present  
7 in the working relationship between child  
8 welfare staff, legal and court staff, and  
9 other related professionals; and

10 (II) make recommendations regarding  
11 how this working relationship may be im-  
12 proved;

13 (iv) examine and provide findings, and  
14 make recommendations, regarding appro-  
15 priate overall workloads and caseloads for  
16 all child welfare staff, including appro-  
17 priate workloads and caseloads for super-  
18 visors, analyzed by type of child welfare  
19 staff member supervised, including those  
20 providing child welfare services, including  
21 preventive, protective, foster care, inde-  
22 pendent living, adoption, and kinship care  
23 services, and appropriate measurement of  
24 such overall workloads and caseloads;

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

8 (II) make recommendations regarding  
9 appropriate education levels and training  
10 to ensure competent child welfare staff;  
11 and

12 (vi)(I) examine and provide findings  
13 related to the kinds of data available to or  
14 collected by State or local child welfare  
15 agencies with regard to child welfare staff;

16 (II) examine the methods and kinds of  
17 data on child welfare staff that States re-  
18 port to the Secretary through the data col-  
19 lection systems authorized under section  
20 103(e)(1)(C) of the Child Abuse Preven-  
21 tion and Treatment Act, section 477(f) of  
22 the Social Security Act (42 U.S.C. 677(f)),  
23 and section 479 of such Act (42 U.S.C.  
24 679);

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

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

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

23 (IV) examine and provide findings re-  
24 garding the impact of data collection pro-  
25 cedures and requirements on child welfare

1 staff, and make recommendations for col-  
2 lecting data on child welfare staff in such  
3 a way that the attention and time of child  
4 welfare staff are not diverted from pro-  
5 viding services to children and families in  
6 order to meet data collection requirements;  
7 and

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

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

1       cumstances with respect to Indian children and their  
2       families.

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

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

16              (b) COLLECTION AND REPORTING OF DATA ON  
17      CHILD WELFARE STAFF.—

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

24                      (A) be based on the recommendations in  
25                      the report; and

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

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

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

19 (2) FINAL REGULATIONS.—Not later than 2  
20 years after receiving the report described in sub-  
21 section (a)(1)(B), the Secretary shall issue final reg-  
22 ulations that meet the requirements of subpara-  
23 graphs (A) and (B) of paragraph (1).

24 (c) DEFINITIONS.—In this Act:

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

3           (A) employees of State, tribal, or local  
4 child welfare agencies, who are working with  
5 children and families that have contact with  
6 such a child welfare agency, in order to promote  
7 safety, permanence, and well-being for children  
8 and families; and

9           (B) employees of State-licensed or State-  
10 approved nonprofit private agencies, who are  
11 working with children and families that have  
12 contact with a State, tribal, or local child wel-  
13 fare agency in order to promote safety, perma-  
14 nence, and well-being for children and families.

15           (2) RELATED PROFESSIONALS.—The term “re-  
16 lated professionals”, used with respect to child wel-  
17 fare staff, means individuals employed by public or  
18 nonprofit private agencies in child- and family-serv-  
19 ing fields including education, health, mental health,  
20 substance abuse prevention and treatment, juvenile  
21 justice, law enforcement, and domestic violence, who  
22 work with children and families that have contact  
23 with a State, tribal, or local child welfare agency.

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

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