

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

The Wisconsin Department of Health and Family Services proposes to create ch. HFS 43, relating to the standards for training child protective services caseworkers and supervisors involved in the access, investigation/initial assessment, and ongoing services delivered to children, unborn 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) 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.

Related statute or rule: Sections 48.06 (1) and (2) (c), 48.981 (8) (a), Stats., and s. HFS 54.03 (2) (c) and (3).

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, investigation/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 training on recognizing and responding to domestic violence. In addition, proposed ch. HFS 43 creates a monitoring process that allows the Department to review 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 effect 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 a 16 hour initial orientation program for new social services caseworkers and social services supervisors prior to their assuming assigned duties, and 14 hours of training related to their current position within the first year of employment. In subsequent years, caseworkers and supervisors must annually receive at least 14 hours of training relating to their current positions. 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 newly employed, and contracted caseworkers with orientation training within one month of hire and 24 hours of training in the first year of employment . Topics to be covered in the training are specified. In addition, in subsequent years the agency must provide 12 hours of training per year to each. The rule identifies the topics to be covered and acceptable training formats, and requires 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 percent. 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) 1., 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) Stats., and to promote statewide consistency, the Department proposes rule

requirements for pre-service, foundation, and in-service training for those individuals required to be trained under s. 48.981 (8) (d) 1., Stats.

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 applies 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 with a 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 currently under contract with the Department to provide child protective services. There are no child welfare agencies under contract with a county department to perform child protective services.

In the event that child welfare agencies meeting the definition of small businesses under s. 227.114 (1), Stats., contract with either the Department or a county department, the child welfare 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 the training requirements in s. 48.891 (8) (d) 1., Stats., not the proposed rules. The only cost to the agency is for staff time to participate in training. Agencies are not required to develop or conduct training under the proposed rules or s. 48.981 8 (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 may 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 welfare 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 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

- 43.01 Authority and purpose
- 43.02 Applicability
- 43.03 Definitions
- 43.04 Child protective services caseworker training
- 43.05 Child protective services supervisor training
- 43.06 Training exemptions; caseworkers and supervisors
- 43.07 Monitoring of compliance with the child protective service training requirements
- 43.08 Agency initiated training

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, unborn 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.

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" or "caseworker" means an employee of an agency whose primary job function is the provision of child protective services, including access, investigation/initial assessment, and ongoing child protective services.

(5) "Child protective services supervisor" "or 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.

(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 approved by the Department or offered by an accredited college or university.

(e) A self-study course approved by an accredited college or university school of social work or a local or national professional social work organization.

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

(8m) "Employing 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 that employs a child protective services caseworker or supervisor.

(9) "Foundation training" means curriculum content approved by the department that provides essential skills and applications training. Foundation training may include information on subjects such as professionalism; the legal aspects of child welfare; case assessment and planning, including safety; effects of abuse and neglect on child development; separation, placement and unification.

(10) "Investigation/Initial assessment" means the process by which information about a family is gathered and analyzed in response to an indication that a child or unborn child may be in need of protection or services under ss. 48.13 or 48.133, Stats.

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

Note: In-service training may include information on subjects such as: adolescent drug and alcohol abuse in addictive families, effective case presentation and courtroom testimony, independent living, mental health issues in child welfare practice, or termination of parental rights training.

(12) "Pre-service training" means a curriculum approved by the department that provides beginning knowledge and awareness of areas essential to child welfare practice. This includes, but is not limited to, knowledge of the scope and philosophical base of child welfare services and the basic process and functions of providing those services.

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

43.04 Child protective services caseworker training. (1) PRE-SERVICE TRAINING REQUIREMENTS. (a) Except as specified in s. 43.06 (1), each individual who is employed as a child protective services caseworker shall complete pre-service training. The web-based portion of the pre-service training shall not exceed 40 hours. The guided activities within the curriculum are not part of the web-based portion of pre-service training. If the caseworker receives pre-service training in a format that is approved by the department under par. (d), the caseworker may complete the curriculum in the time specified by his or her employing agency.

(b) The employing agency shall enter the date on which each caseworker completes pre-service training, or the date on which the employing agency exempts the caseworker from pre-service training under s. HFS 43.06 (1) in the training section of the statewide automated child welfare system within 5 working days after the training is completed or the exemption is granted.

(c) A child protective services caseworker who has completed pre-service training required under par.(a) may provide child protective services and be entered into the statewide automated child welfare information system as a primary caseworker. A child protective services caseworker who has not completed the training required under par.(a) may only provide child protective services under the direction of a child protective services supervisor or experienced child protective services worker, and only be entered in the statewide automated child welfare information system as a secondary caseworker.

(d) An agency may deliver pre-service training through a format, other than through the web-based delivery method if the agency receives prior approval from the department. An agency may request approval from the department to offer pre-service training in an alternative format by submitting a written proposal to the department that includes 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 and how training meets requirement of department training.
3. The maximum number of participants that will be accommodated using the alternative format.
4. The time within which the caseworker must begin and complete pre-service training.

(2) FOUNDATION TRAINING REQUIREMENTS. (a) Except as specified in s. HFS 43.06 (2), within 2 years after the effective date of employment, each individual who is employed as a child protective services caseworker shall complete foundation training. Foundation training shall not exceed 15 training days. A training day consists of 6 hours of training.

(b) The employing agency shall enter, in the training section of the statewide automated child welfare system, the date on which each caseworker completes foundation training, or the date on which the employing agency exempts the caseworker from foundation training under s. HFS 43.06 (2) within 30 working days after training is completed, or within 5 working days after the exemption is granted.

(3) **INSERVICE TRAINING REQUIREMENTS.** (a) Each child protective services caseworker shall complete at least 30 hours of in-service training in each 2 year period that begins on the nearest future reporting deadline for certified or licensed social workers under ch. MPSW 8 that occurs after the caseworker has completed 2 years of employment as a child protective services caseworker. The 2 year period for a child protective services caseworker who is employed longer than 2 years as of the effective date of this section[revisor inserts date], shall begin on the nearest future reporting deadline for certified or licensed social workers under ch. MPSW 8 that occurs on or after the effective date of this section [revisor inserts date].

(b) The employing agency shall enter, in the training section of the statewide automated child welfare system, the date the caseworker completes in-service training within 30 working days after the caseworker completes in-service training.

(c) A caseworker may not receive in-service training before receiving the pre-service training required under par. (a), unless the caseworker received an exemption from pre-service training from the employing agency under s. HFS 43.06 (1).

43.05 Child protective services supervisor training. (1) **PRE-SERVICE TRAINING REQUIREMENTS.** Unless granted an exemption under s. HFS 43.06 (1), each individual who is employed as a child protective services supervisor shall complete pre-service training under s. HFS 43.04 (1) (a) before providing direct supervision to a child protective services caseworker.

(b) Unless the child protective services supervisor has already been entered in the statewide automated child welfare system under s. HFS 43.04 (1) (b), the employing agency shall enter the date on which the supervisor completes pre-service training or the date on which the employing agency exempts the supervisor from pre-service training under s. HFS 43.06 (1) within 5 working days after the training is completed or the exemption is granted.

(2) **FOUNDATION TRAINING REQUIREMENTS.** (a) Unless granted an exemption under s. 43.06 (2), each individual who is employed as a child protective services supervisor shall complete foundation training under s. 43.04 (2) (a), within 12 months after the effective date of the individual's employment as a child protective services supervisor.

(b) Unless the child protective services supervisor has already been entered in the statewide automated child welfare system under s. 43.04 (1) (b), the employing agency shall enter the date on which the supervisor completes foundation training or the date on which the employing agency exempts the supervisor from foundation training under s. HFS 43.06 (1) within 5 working days after the training is completed or the exemption is granted.

(3) **INSERVICE TRAINING REQUIREMENTS.** Each child protective services supervisor shall complete at least 30 hours of in-service training in each 2 year period that begins on the nearest future reporting deadline for certified or licensed social workers under ch. MPSW 8 that occurs after the supervisor has completed 2 years of employment as a child protective services supervisor. The 2 year period, for a child protective services supervisor who is employed as a child protective service supervisor longer than 2 years as of the effective date [revisor inserts date], shall begin on the nearest future reporting deadline for certified or licensed social workers under ch. MPSW 8 that occurs on or after the effective date of this section[revisor inserts date].

43.06 Training exemptions; child protective services caseworkers and supervisors. (1)

PRE-SERVICE TRAINING. At the discretion of the employing agency, the employing agency may exempt a child protective services caseworker or supervisor from pre-service training for any one of the following reasons:

(a) The caseworker or supervisor received pre-service training through employment at another agency as a child protective services caseworker or supervisor and the caseworker or supervisor provides the employing agency with documentation of that training or the employing agency can verify, from the statewide automated child welfare information system, or from other documentation, that the caseworker or supervisor received pre-service training, or an exemption from pre-service training. If the employing agency verifies pre-service training other than through the statewide automated child welfare information system, the employing agency shall ensure that documentation, including the criteria used to make the determination, to support its determination to exempt the caseworker or supervisor under this paragraph from pre-service training is maintained and readily available to the department.

(b) The caseworker or supervisor began employment as a child protective services caseworker before the effective date of this section [revisor inserts date] and the caseworker or supervisor provides the employing agency with documentation of training, work experience, or any combination thereof, that is equivalent to pre-service training. The employing agency shall determine whether the training, work experience, or a combination of training and work experience, is equivalent to pre-service training and ensure that documentation, including the criteria used to make the determination, to support its determination to exempt the caseworker or supervisor under this paragraph is maintained and readily available to the department.

(c) The caseworker or supervisor 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 that is approved by the department as having curriculum content that is equivalent to pre-service training. The employing agency shall determine whether the caseworker's or supervisor's undergraduate or graduate degree is from a council on social work education-accredited program and ensure that documentation to support its determination to exempt the caseworker or supervisor under this paragraph is maintained and readily available to the department.

Note: A council on social work education-accredited program can request department approval of its program by submitting a request to the department. For more information on how to request department approval of a program contact the department at 608-266-3036.

(2) FOUNDATION TRAINING. At the discretion of the employing agency, a caseworker or supervisor may be exempt from foundation training for any one of following reasons:

(a) The caseworker or supervisor began employment as a child protective services caseworker before the effective date of this section ... [revisor inserts date] and provides the employing agency with documentation of training, work experience, or any combination thereof, that is equivalent to foundation training. The employing agency shall determine whether the training, work experience, or a combination of training and work experience, is equivalent to foundation training and ensure that documentation, including the criteria used to make the determination, to support its determination to exempt the caseworker or supervisor under this paragraph is maintained and readily available to the department.

(b) The caseworker or supervisor has completed caseworker core training or supervisor core training and the caseworker or supervisor provides the employing agency with documentation of having completed that training. The employing agency shall determine whether the caseworker or supervisor has completed caseworker core training or supervisor core training and ensure that documentation, including the criteria used to make the determination, to support its determination to exempt the caseworker or supervisor under this paragraph is maintained and readily available to the department.

(3) **INSERVICE TRAINING.** A caseworker or supervisor may not be exempt from in-service training.

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

The employing agency shall enter the effective date of employment of each child protective services caseworker and supervisor in the training section of the statewide automated child welfare system within 5 working days after the caseworker or supervisor's effective date of employment. If the individual is an existing employee on the effective date of this chapter[revisor inserts date], the employing agency shall enter the individual's effective date of employment with the agency within 30 working days after the effective date of this chapter[revisor inserts date].

43.08 Agency initiated training. Nothing in this chapter prevents an employing agency from requiring a child protective services caseworker or supervisor to complete training that is in addition to the training required under this chapter.

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: November 29, 2007

Kevin Hayden
Secretary

SEAL: