

HB 1734: The Child Welfare Reform Bill

What's in it? What are the costs?

The latest version of HB 1734, the Child Welfare Reform bill has passed the Senate Committee in a different form than passed in the House. The bill will go to conference before a final version will be sent back through the House and Senate. The Oklahoma Public Employees Association is concerned that this major reform legislation is being proposed without funding to reduce staff turnover, lower caseload, and provide services to families at risk.

Bill Summary

Section 1. NEW LAW

Requires the legislature to review Title 10 (The Children's Code) to ensure that the sole criterion for removal of a child from his or her home is an imminent safety threat.

This could have a fiscal impact on DHS. Additional staff may be needed for investigations depending on the changes to the statute.

Section 2. AMENDATORY

A child may be taken into protective custody:

- By law enforcement after a safety analysis by the Department of Human Services determines that the child's safety is imminently threatened.
- By an order of district court issued upon the application of the district attorney's office that states facts to demonstrate that there is an imminent threat to the safety of the child.

Provides for DHS to request a court-supervised and agency-monitored in-home placement when DHS determines there is not an imminent safety threat to the child.

This section removes the "standing orders" that allow law enforcement to remove a children from their homes in the metropolitan areas. Under the proposed law, a DHS representative must be present for a safety analysis before a child can be removed.

OPEA's has three questions:

- 1. Does DHS have the staff required to conduct immediate assessments in the home?*
- 2. When the home is marginal, does DHS have the staff to monitor the home and be certain that improvements are made?*
- 3. Does DHS have access to adequate services to help families that are on the margins and keep children in their homes?*

Section 3. NEW LAW

Requires DHS to contract with the district attorney's office in each county to represent the agency in deprived proceedings.

Section 4. AMENDATORY

Establishes a statewide centralized hotline for the reporting of child abuse and neglect.

DHS estimates that additional FTE, renovation of the space, curriculum development, and training would cost \$3 million in state funds.

Requires DHS to enter into an agreement with the accredited child advocacy center in a district attorney's district to automatically provide information on all priority one and priority two referrals within 12 hours of receiving the referral.

Section 5. NEW LAW

Requires the DHS Commission promulgate rules which clarify priority one and priority two definitions, criteria for investigations versus assessments, and modify response times and daily contact rule.

Section 6. AMENDATORY

Requires DHS to implement a plan to phase out use of shelters and in the alternative use kinship and emergency foster homes. This section also requires that DHS report the daily average shelter population to the governor and legislature monthly.

While the length of stay and number of children in shelters should be reduced, the shelters are a critical safety net for the child welfare system. Increasing the payment for foster care may reduce the need for shelter stays. However, it is improbable that shelters can be totally phased out.

Requires that oversight of DHS shelters be moved from the DHS Office of Child Care Facilities Licensing to the Oklahoma Commission on Children and Youth.

Section 7. NEW LAW

Requires that DHS shall focus on creating a safety culture by adopting one safety assessment protocol and providing comprehensive training on its use and making better use of the risk assessment protocol.

Section 8. NEW LAW

Requires DHS to conduct an annual area-level services needs assessment, using evidence-based practices, to determine the needs of families and children in each area. Requires DHS to allocate services based on this assessment.

Section 9. NEW LAW

Requires DHS to develop a recruitment plan for foster care based on the number of children in foster care and foster family turnover which meets the performance standard of two available beds per child.

Section 10. NEW LAW

Requires DHS to develop an agency-wide process for conducting background checks. In addition, the agency shall maintain limits on the number of children for which a person is authorized to care.

Section 11. AMENDATORY

Requires DHS to establish a passport program for maintaining educational, behavioral health and medical health records of children in custody.

The passport program in Texas was established with a \$4 million grant award. However, this was only for medical and did not include educational records. The passport program would require several state agencies to cooperate in creating a system, with FTEs need in each agency.

Section 12. NEW LAW

States legislative intent that both the daily reimbursement rate and clothing allowance for foster families will increase.

A 50 percent increase in the foster care rate divided evenly over three years would cost, \$8.6 million the first year, \$15.7 million the second year, and \$24 million the third year, according to the Hornby/Zeller audit. In addition, the adoption subsidy increase would total \$3.4 million over two years and clothing vouchers would cost \$1.5 million.

Section 13. AMENDATORY

Requires DHS to visit each foster child a minimum of one time per month.

Section 14. NEW LAW

Mandates that Oklahoma City and Tulsa county offices be reorganized, with the requirement that county director and field liaison positions be replaced with programmatic directors for each program within the Human Services Centers.

Section 15. NEW LAW

Requires DHS to transfer the SWIFT Adoption program workers to the Field Operations Division and integrate them into the local offices.

Section 16. NEW LAW

Requires area offices to assume responsibility for functions which cross county lines.

Section 17. NEW LAW

Requires DHS administrators to address personnel performance problems within 15 working days.

OPEA is concerned that this would interfere with the current progressive discipline and grievance process that is already established in all state agencies. Personnel have been trained and are familiar with this process.

Section 18. NEW LAW

Requires that the Continuous Quality Improvement Unit within the Children and Family Services Division of DHS review its procedures to ensure a focus on quality casework and assessments.

Section 19. AMENDATORY

Establishes a system of certification for the shelters.

Section 20. NEW LAW

Requires DHS to standardize its curriculum for the training of workers on:

1. A safety assessment protocol and a risk assessment protocol.
2. Core DHS areas.
3. Job-specific areas.

Section 21. NEW LAW

States legislative intent that DHS employees will be provided a consistent salary increases based on performance.

According to the Office of Personnel Management, the compensation for a Child Welfare Specialist II, which is full performance, is 12.63 percent below market. A 12.63 percent increase for Child Welfare Specialists would cost \$7.4 million. This only brings child welfare workers to market. With the challenges of the job and the expertise needed, child welfare workers should be paid above market.

In the agency's FY2010 budget request, DHS also requested an additional 116 FTE for child welfare to decrease caseload and provide workers with more time to work with families. This would cost approximately \$4.4 million.

Section 22. NEW LAW

Requires DHS to experiment with recruiting staff with different demographic characteristics to determine which groups are more likely to remain with the agency.

Section 23. NEW LAW

Establishes the Children's Services Oversight Committee with members appointed by the Speaker of the House, the President Pro Tempore of the Senate, and the Governor.

The committee shall provide oversight of the implementation of recommendations of the DHS audit. The committee shall report its finding by December 1, 2011.

Section 24. AMENDATORY

Raises the percentage that DHS receives for administrative expenses from the Child Abuse Multidisciplinary Account from 0.5 percent to 2.5 percent.

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