

SENATE BILL REPORT

SB 6627

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 1996

Title: An act relating to reform of social and health services.

Brief Description: Reforming the department of social and health services.

Sponsors: Senators Hargrove, Long, Franklin, Prentice and Winsley.

Brief History:

Committee Activity: Human Services & Corrections: 1/18/96, 1/23/96, 2/1/96
[DPS-WM].

Ways & Means: 2/5/96.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6627 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Franklin, Vice Chair; Kohl, Long, Moyer, Prentice, Schow, Smith, Thibaudeau and Zarelli.

Staff: Richard Rodger (786-7461)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Susan Lucas (786-7711)

Background: The Department of Social and Health and Services (DSHS) currently has four classifications of social workers. The lower two classifications are training positions and include very few full time employees (FTEs). The social worker III position is the classification where the majority of cases are handled. The department has approximately 800 FTEs in this position. Those positions are almost evenly split between child protective services positions and child welfare services positions. The department also has approximately 120 FTEs in the social worker IV position, a supervisory classification. The social workers IV also handle caseloads.

Currently, many statutes refer to reports of abuse or neglect of children, adult dependent persons and developmentally disabled persons, as if those incidents have been confirmed. It is suggested the statutes should refer to "alleged" reports of abuse or neglect until the reported incidents are confirmed.

The current definition of abuse and neglect makes general references to the types of actions or injuries which are included within the scope of the definition. The DSHS practice and procedure manual provides more specificity to the scope of these terms.

Several states use an ombudsman to monitor their departments of social and health service. The ombudsman's duties include ensuring compliance with statutory requirements relating to children and families, responding to complaints, and conducting investigations. Washington has ombudsman positions for long-term care (including nursing homes), small businesses, and mobile home parks. The recommendations from the Governor's Child Protection Roundtable suggested the creation of an ombudsman for DSHS's Division of Children and Family Services.

In 1994, the Legislature established a statewide system of community public health and safety networks. The networks are designed to assist communities in developing long-term comprehensive plans to reduce the rates of harmful behaviors and acts occurring within the community. It is suggested the networks should conduct, and the Legislature should fund, regional strategic planning to determine if specified programs should be decategorized.

It is also suggested the entire structure and delivery system for family and children's services should be examined to determine whether it offers the most effective and efficient mechanism available.

Summary of Substitute Bill: New Social Worker Classification. There is created in the department the classification of social worker V containing no more than 40 positions. The positions are created to assist in the reduction of the caseloads, to provide training and mentoring for other caseworkers, and to provide hands-on training and assistance in high-risk, complex, or large cases.

The social worker V employees are assigned by the secretary to regions where the average child protective services' caseloads exceed the statewide average. They must carry no more than one-third the average number of cases for social workers in the region to which they are assigned. The social worker V employees are assigned to a region as a task force consisting of at least 10 employees. The assignment is time-limited and cannot exceed two years in any one region. Upon completion of the work in the region the task force members continue to remain in contact with the coworkers from the previous assignment for a period of 12 months in order to perform additional follow-up and mentoring.

The salary and fringe benefits of all social worker V positions are determined by the Washington Personnel Resources Board. Social worker V positions are exempt positions and are not included in the Washington management service.

The secretary must develop a plan for implementation for the social worker V employees. The implementation plan must be submitted to the Governor and the Legislature by September 1, 1996.

The Washington State Institute For Public Policy conducts or contracts for monitoring and tracking of the provisions relating to the creation of the new social worker classification to determine whether it results in a measurable reduction in caseloads, increased capacities and efficiencies of caseworkers, and improved resolution of cases. The institute reports its findings to the Governor and Legislature by December 1, 2003. The provisions relating to the social worker V classification expire June 30, 2004.

Abuse and Neglect Definitions. "Alleged" is inserted to modify "abuse or neglect" when those terms are used in reference to reports of, as opposed to findings of, abuse or neglect. Attorney fees and costs are awarded if access to records concerning a child, involved in a dependency or termination proceeding, is wrongfully denied.

Legislative Family and Children's Ombudsman. The legislative ombudsman committee is created consisting of three senators and three representatives. The term of membership of the committee is for two years. The committee has the following powers: (1) Submit a list of potential appointees to the Governor; (2) request investigations by the ombudsman; (3) examine records; (4) make recommendations to all branches of government; (5) request legislation; and (6) conduct hearings. The committee may not disseminate confidential information.

The office of the family and children's ombudsman is established within the Governor's Office. The purpose of the ombudsman is to monitor and ensure that DSHS, and state-licensed facilities, comply with statutory requirements relating to children and families. The ombudsman reports directly to the Governor. The ombudsman must be a person of recognized judgment, independence, objectivity, and integrity, and qualified by training and experience.

The ombudsman's specific duties include providing information relating to children and family services to the public; investigating cases involving DSHS or state-licensed agencies; monitoring practices and procedures; conducting periodic review of all state institutions and licensed facilities; reviewing investigative reports of children who die while receiving DSHS services; and recruiting and training volunteers to assist the ombudsman. The ombudsman reports annually to the Legislature and Governor.

The DSHS and child-placing agencies must give the ombudsman access to their records and provide progress reports concerning their processing of complaints. The ombudsman's investigations and records are confidential and may only be disclosed as necessary to perform his or her duties. The ombudsman is a mandated reporter of child abuse and neglect.

The family and children's ombudsman office commences operation not later than November 1, 1996.

Reviews and Studies. The community public health and safety networks must conduct a study and make recommendations on whether funding for specified programs should be made directly to a network. The report is due by January 1, 1997.

The networks are required to conduct the study, and make the recommendations, on a regional basis. No region may have less than 40,000 persons. Each network determines its regional membership not later than June 1, 1996. If any network does not determine its regional membership by the required date, the Family Policy Council must designate the region into which a network is placed.

The University of Washington's School of Public Affairs must conduct a comprehensive, objective examination of DSHS including its mission, planning and goals, benchmarks, coordination of services, and duplication of services. The review determines whether the current structure for the delivery of services provides the most effective and efficient

mechanism available. The review includes the examination of: (1) performance criteria of the department in conjunction with statutory mandates; (2) similar agencies in other states; (3) budget allocations and trends; (4) business case and strategic planning and implementation; (5) whether combining the delivery of services to families and children with other diverse functions of the department significantly improves or impedes the delivery of services; (6) possible revisions in the delivery of services to families and children in other state agencies which could be commonly administered; and (7) alternative governance structures for the department.

If review determines that the incumbent structure and delivery system are not amenable to significant improvement, the review must also identify and recommend the most effective and cost-efficient replacement. The results of the review must be presented to the Legislature and Governor not later than January 2, 1997.

A legislative task force is created to examine the issues of illegal drug use as it relates to child abuse and neglect.

Substitute Bill Compared to Original Bill: The original definition of "abuse and neglect" is restored. The defense for the use of parental discipline is clarified. Additional sections of the RCW are added to clarify reports of "alleged" abuse or neglect. Attorney fees and costs are awarded if access to records concerning a child, involved in a dependency or termination proceeding, is wrongfully denied.

The office of the family and children's ombudsman is established within the Governor's Office.

The study of DSHS includes an examination of the mission, planning and goals, bench marks, coordination, and duplication of service. The study is conducted by the UW's School of Public Affairs. Administrative expense for the study is limited to 8 percent.

A legislative task force is created to examine the issues of illegal drug use as it relates to child abuse and neglect.

Appropriation: \$500,000 to the Legislature for the Family and Children's Ombudsman; \$1,000,000 to the UW for the examination of the DSHS structure and delivery of services; and \$500,000 to the FPC for examination of decategorization of DSHS programs.

Fiscal Note: Available.

Effective Date: Various effective dates are provided. Please refer to the bill.

Testimony For (Human Services & Corrections): This bill takes a rational approach to the examination of the delivery of social services. The additional social worker classification will assist the department by creating a new promotional career step and reduce caseloads in the crisis areas. The legislative ombudsman is a good way to examine the day-to-day issues within the department.

Testimony Against (Human Services & Corrections): The creation of the social worker classification should be done through the Department of Personnel. The state should allow

collective bargaining on this issue and should not make the new positions exempt from civil service. The change made to the abuse definition, requiring multiple incidents of bruising, is a risky change.

Testified (Human Services & Corrections): Lyle Quasim, Secretary, DSHS; Rosie Oroskovich, DSHS/DCFS; Sharon Osborne, Children's Home Society (pro); Alec Stephens, Seattle Community Network; Lonnie Johns Brown, NASW (pro); Margaret Casey, WA. State Catholic Conference (pro); Mark Ezell, UW School of Social Work; Devone Smith, Federation of State Employees.

Testimony For (Ways & Means): This is an imaginative experiment in dealing with caseworker workload and mentoring. Caseworker 5's can examine the strengths which exist in various offices and can increase the knowledge about what is being done that works. Changes to the department's structure should be done after thorough analysis is completed. The caseworker 5's can be teamed with public health nurses to add an important dimension to the team.

Testimony Against (Ways & Means): None.

Testified (Ways & Means): Rosalie Lang, League of Women Voters; Laurie Lippold, Children's Home Society.