

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Children, Families, and Elder Affairs Committee

BILL: SB 380

INTRODUCER: Senator Wise

SUBJECT: Certification of Child Welfare Personnel

DATE: February 4, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Walsh	CF	<b>Pre-meeting</b>
2.	_____	_____	GO	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill amends legislative intent by eliminating the training of child welfare personnel by the Department of Children and Family Services (DCF or department) and replacing it with a child welfare certification issued by a professional credentialing entity. The bill creates definitions for the terms "child welfare certification" and "professional credentialing entity," and requires persons who provide child welfare services to be certified by a professional credentialing entity that is approved by the department. The bill also provides requirements for a credentialing entity to secure DCF approval and removes requirements relating to the establishment of the current training program, including training academies. The use of the Child Welfare Training Trust Fund is amended and rulemaking authority of the department is removed. The bill substantially amends s. 402.40 of the Florida Statutes.

**II. Present Situation:**

**Statewide Training**

Currently, the department is required to establish, maintain, and oversee a comprehensive system of child welfare training, and all persons providing child welfare services are required to successfully complete the training program pertinent to their areas of responsibility.<sup>1</sup> The department is also authorized to create certification programs for its employees and service providers to ensure that only qualified employees and service providers provide client services.<sup>2</sup> Core competencies have been established collaboratively by the department with the stakeholder

<sup>1</sup> See s. 402.40, F.S.

<sup>2</sup> See s. 402.731, F.S.

community and according to the department, community-based care (CBC) agencies and sheriffs' offices can supplement or augment the minimum curriculum standards to meet their local needs.

The department has the authority to develop rules<sup>3</sup> that include qualifications for certification, including training and testing requirements, continuing education requirements for ongoing certification, and decertification procedures to be used to determine when an individual no longer meets the qualifications for certification and to implement the decertification of an employee or agent.<sup>4</sup>

The department is also required to establish child welfare training academies to perform one or more of the following: to offer one or more of the developed training curricula; to administer the certification process; to develop, validate, and periodically evaluate additional training curricula determined to be necessary, including advanced training that is specific to a region or contractor, or that meets a particular training need; or to offer any additional training curricula.<sup>5</sup> The department is required to competitively solicit all training academy contracts.<sup>6</sup>

Department rule defines "certification" as the process whereby an individual must demonstrate the knowledge, skills, abilities and priorities necessary to competently discharge the duties of a Florida child protection professional, as evidenced by the successful completion of all applicable classroom instruction, field training, testing, and job-performance requirements of his or her position classification.<sup>7</sup> Typically, each individual in a position requiring certification must be certified within one year of the date of hire, or within one year of having successfully completed a post-test or a waiver test, whichever is earlier. Certification is a condition of employment in those positions requiring certification. Absent special circumstances, certification is valid for a period of no longer than three years.<sup>8</sup>

Each type of child protection certification has a different training, testing and certification requirement, all of which are established by the department. Currently, there are 11 types of certification designations for child protection professionals:

- Child Protective Investigator;
- Child Protective Investigations Supervisor;
- Child Protective Investigations Specialist;
- Child Protection Case Manager;

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<sup>3</sup> See ss. 402.40 and 402.731, F.S. On October 14, 2010, a training and certification rule was adopted to carry out the provisions of ss. 402.40 and 402.731, F.S., and codify policy which has been in existence for the past ten years. The rule applies uniform, minimum, initial and on-going training and certification standards to all DCF, community based care and sheriff's office employees working in child welfare. See 65C-33, FAC.

<sup>4</sup> See s. 402.731, F.S.

<sup>5</sup> See s. 402.40, F.S.

<sup>6</sup> *Id.* The department currently has contracts with the University of South Florida and Florida International University, not only to train and certify child welfare trainers, but also to track and document the certification and recertification of all child welfare staff, and to coordinate all registration for, and participation in, the pre-service training and testing of all newly-hired child welfare staff.

<sup>7</sup> See Chapter 65C-33.001(3), F.A.C.

<sup>8</sup> See Chapter 65C-33.002(7), F.A.C.

- Child Protection Case Management Supervisor;
- Child Protection Case Management Specialist;
- Child Protection Licensing Counselor;
- Child Protection Licensing Supervisor;
- Child Protection Licensing Specialist;
- Child Protection Specialized Services Professional; and
- Child Welfare Trainer.<sup>9</sup>

According to the department, during calendar year 2010, DCF initially certified 938 and recertified 1,239 child welfare professionals in the investigative, case management, and licensing specialties. Since there are currently approximately 1,475 child protective investigators (employed either through DCF or sheriff's offices) and 2,200 case managers statewide, more than half of the state's child welfare professionals (2,177 or 59%) who are required to be certified are currently certified. The remaining individuals are in the process of achieving certification, because they are staff who are newly hired or who have not yet met minimum certification requirements.<sup>10</sup>

In addition, there are currently 344 child welfare professionals who have met certification requirements to be a Child Welfare Trainer. These staff are employed by community-based care agencies, sheriff's offices, or the department; however, child welfare training may be only one of their job duties. Certified child welfare trainers teach the department-approved standard pre-service curriculum, and the content must be delivered in its entirety to all newly-hired child protective investigative and case management staff statewide.<sup>11</sup> The intent of this model is to ensure that all necessary statutory, policy, procedural and best practice information is conveyed to child welfare personnel by qualified child welfare trainers and that minimum competency requirements are consistent statewide.<sup>12</sup>

The department reports<sup>13</sup> that CBCs and sheriff's offices are allowed to contract for or otherwise arrange for additional training or certifications from local or state providers. Funding is provided to regions, circuits, community-based care agencies and sheriffs offices to deliver the department training curriculum to child welfare staff either internally or through contract; however those entities may add to the content to meet any local training need.

### **Child Welfare Certificate Offered by Schools of Social Work at State Universities**

Schools of social work in many of the state's universities offer a child welfare certificate. The department has developed partnerships with these entities in order to coordinate education and training requirements for those students earning social work degrees who want to work in child welfare. For example, the School of Social Work at Florida State University will allow students who successfully pass the pre-service DCF exam to waive the university required certificate

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<sup>9</sup> See Chapter 65C-33.002(4), F.A.C.

<sup>10</sup> Department of Children and Family Services. Department of Children and Families Staff Analysis and Economic Impact, SB 380, January 25, 2011.

<sup>11</sup> See s.402.40, F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Department of Children and Family Services. Department of Children and Families Staff Analysis and Economic Impact, SB 380, January 25, 2011.

exam. Also current employees of the department and the CBCs may be eligible to exempt the university internship requirement.<sup>14</sup>

### **Federal Requirements for Child Welfare Training**

Federal regulations require states to prepare a five-year comprehensive Child and Family Services Plan (CFSP),<sup>15</sup> which lays the groundwork for a system of coordinated, integrated, and culturally relevant family-focused services in state child welfare agencies. The Annual Progress and Services Report (APSR) provides yearly updates on the progress made toward accomplishing the goals and objectives in the CFSP. Completion of the APSR satisfies federal regulations by providing updates on a state's annual progress for the previous fiscal year and planned activities for the upcoming fiscal year.<sup>16,17</sup>

A state's CFSP must include a staff development and training plan in support of the goals and objectives in the CFSP which addresses both of the title IV-B programs covered by the plan.<sup>18</sup> Training must be an on-going activity and must include content from various disciplines and knowledge bases relevant to child and family services policies, programs and practices.

Training activities in this plan must also be included in the department's Title IV-E training program.<sup>19</sup> These elements are required to receive federal funding. According to the department, failure to obtain approval prior to implementation of any changes to the training requirements could jeopardize those resources.<sup>20</sup>

### **Child Welfare Training Trust Fund**

The Child Welfare Training Trust Fund was created to fund child welfare training, including securing consultants to develop the training system. The trust fund receives one dollar from certain noncriminal traffic infractions,<sup>21</sup> receives monies from an additional fee on birth certificates and dissolution of marriage filings,<sup>22</sup> and may receive funds from any other public or private source.<sup>23</sup>

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<sup>14</sup> Florida State University, College of Social Work, Child Welfare Certificate Program. Available at: [http://csw.fsu.edu/index.php?clickLink=child\\_REQ](http://csw.fsu.edu/index.php?clickLink=child_REQ). (Last visited February 3, 2011).

<sup>15</sup> See 45 CFR 1357.15 and 1357.16.

<sup>16</sup> U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. Available at: [http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/pi/2008/pi0803.htm#overview](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2008/pi0803.htm#overview). (Last visited: February 2, 2011).

<sup>17</sup> In order to receive funds for FFY 2011, for Child Welfare Services (title IV-B), Child Abuse Prevention and Treatment Act (CAPTA), Chafee Foster Care Independence Program (CFCIP) and Education and Training Vouchers (ETV) programs, the APSR had to be submitted to the Children's Bureau by June 30, 2010.

<sup>18</sup> See 45 CFR. § 1357.15(t).

<sup>19</sup> See 45 CFR 1356.60(b)(2)..

<sup>20</sup> Department of Children and Family Services. Department of Children and Families Staff Analysis and Economic Impact, SB 380, January 25, 2011.

<sup>21</sup> See ss. 318.14(19)(b) and 318.18, F.S.

<sup>22</sup> See ss. 382.0255 and 28.101, F.S.

<sup>23</sup> See s. 402.40, F.S.

## The Florida Certification Board

The Florida Certification Board (FCB or Board) provides a number of certifications, including those for substance abuse counselors, prevention specialists, criminal justice professionals, mental health professionals, and behavioral health technicians in Florida. The Board does not offer or provide child welfare training.<sup>24</sup>

While the current training and certification program administered by the department meets the entry-level training and testing needs of CBC providers, the FCB's CBC partners indicated a desire to explore the development of an additional level of certification that is specific to child welfare case managers.<sup>25</sup> In response, the board added the Child Welfare Case Manager (CWCM) to its professional certification programs. The CWCM certification is a voluntary designation of professional competency.<sup>26</sup> The FCB reports that 193 individuals have an active CWCM certification, and almost all of those individuals are employed by CBCs.

### III. Effect of Proposed Changes:

Provisions in the bill eliminate the department's child welfare training program and replace it with a certification from a professional credentialing entity that is to be approved by the department. While the bill substantially amends s. 402.40, F.S., relating to DCF child welfare training, it does not amend s. 402.731, F.S., relating to the authority provided to the department to create certification programs for child welfare employees and service providers. This would appear to create some contradictions relating to the certification of child welfare employees:

- The Board does not offer child welfare training, or child protective investigator training, so it is unclear how individuals working in the field of child welfare and employed by the department, the CBCs and their subcontractors, and the sheriff's offices would receive the training necessary to apply for the board's certification.
- The department reports that the Florida Certification Board is the only "professional credentialing entity" as defined in the bill, and since there are no provisions in the bill for accepting all of the qualifications of individuals currently employed by the department, the CBCs, or the sheriff's offices in lieu of the Board's current qualification requirements, it is unclear what the consequences would be in a number of situations. For example:
  - The board requires a minimum of a bachelor's degree in order to meet the requirements for certification.<sup>27</sup> This could subject those individuals with no

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<sup>24</sup> The Florida Certification Board, Available at: <http://www.flcertificationboard.org/>. (Last visited February 2, 2011).

<sup>25</sup> *Id.* The FCB was approached in 2006 by Community Based Care of Seminole, Inc. and Big Bend Community Based Care, Inc. to explore the possibility of creating a Child Welfare Case Manager (CWCM) credential in the state of Florida.

<sup>26</sup> *Id.* In order to receive the CWCM, the Board reviews the application portfolio submitted by an applicant, administers the written exam when required, and issues the certification. The department sanctioned training is accepted by the FCB. There is a one time \$150 certification fee, a \$75 exam fee, and a \$125 renewal fee due annually in October. Certified individuals must complete 20 CEUs annually in order to be recertified.

<sup>27</sup> The board requires a minimum of a bachelor's degree from an accredited college or university in a related or unrelated field. Related fields are social work, psychology, sociology, human services, counseling, child development, education,

degree that are currently employed to termination from employment and would prevent non-degreed individuals from being hired in the future.

- The board does not offer the variety of certifications that are currently offered by the department, including for child protective investigators. It is unclear how those individuals would obtain the certifications required for employment in their practice areas.
- Eliminating the department training program would appear to have some impact on these partnerships with schools of social work at universities.

The bill also removes the department's rulemaking authority relating to child welfare training and broadens the use of the Child Welfare Training Trust Fund.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The Florida Certification Board charges the individual applicant for the CWCM certification a certification fee, an exam fee if an exam is required, and an annual renewal fee.

The bill does not make any provisions for child welfare staff currently certified through the department to retain that certification. This means all child welfare staff who are required to be certified will have to obtain certification in the first year in order to continue to be employed. The bill does not specify who will assume the cost associated with the certification and renewal certification provided through the newly defined

professional credentialing entity, but it would appear to be either the individual seeking certification or his or her respective employing agency.

C. Government Sector Impact:

While the provisions of the bill will create a fiscal impact on government, the exact amount is unknown. The department has reported the following:<sup>28</sup>

- Given that the existing third-party credentialing entity does not provide for the certification of child protective investigations staff, it is not known what the initial and ongoing certification costs will be for approximately 1,064 FTEs for Child Protective Investigators and 177 FTEs for Child Protective Investigator Supervisors employed by the department. Using the board fee schedule as an estimate to project Child Protective Investigator certification costs, first-year costs will be approximately:

DCF Child Protective Investigator (CPI)/CPI Supervisor Cost Calculation

**First-Year Cost**

$$1,241 \times 225 = \$279,225.00$$

$$1,241 \times .25 \times \$225 = \$ 69,806.25$$

**TOTAL: \$349,031.25**

Since the bill imposes both initial and ongoing certification costs, given the approximate 25% annual turnover rate of child welfare staff statewide, subsequent estimated recurring annual costs to the private sector would be approximately:

**Recurring Annual Cost**

$$1,241 \times .75 \times \$100 = \$106,800.00$$

$$1,241 \times .25 \times \$225 = \$ 69,806.25$$

**TOTAL: \$176,606.25**

- The proposed changes would reduce department costs in terms of the annual contracts for the development and maintenance of the pre-service curriculum as well as for the Training Academy; this reduction would be approximately \$1.3 million dollars per year, including 10-12 University of South Florida and Florida International University staff. Additional department training and certification costs may be necessary pending or absent an approved professional credentialing entity. However, since the board doesn't provide training and with the elimination of a single, statewide pre-service curriculum as proposed by the bill,

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<sup>28</sup> Department of Children and Families Staff Analysis and Economic Impact, SB 380, January 25, 2011.

this savings would likely be offset by the need for other entities to develop or purchase new pre-service curricula and all accompanying materials, thereby resulting in additional costs to be borne by employing case management agencies. At this time this cost cannot be determined.

- Currently the department provides a number of certifications not provided by any third-party entity. It is not known what the costs would be to develop a third-party credential for those child welfare specializations.
- The department has raised the issue of liability that might have to be assumed by a third-party credentialing entity, community based care agency, or sheriff's office as a result of the decentralization of minimum training standards. It is unknown if third-party credentialing entities will be subject to lawsuits due to malpractice of child welfare professionals certified by those entities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.