

House Bill 3134

Sponsored by Representative FLORES (at the request of Oregon Foster Parents Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes qualifications for child welfare caseworkers employed by Department of Human Services. Requires probationary period and continuing education for child welfare caseworkers. Imposes requirements and limitations on practice of child welfare caseworker. Establishes requirements relating to confidentiality and record keeping for child welfare caseworkers.

A BILL FOR AN ACT

1
2 Relating to child welfare caseworkers.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 5 of this 2007 Act, "child welfare caseworker" means**
5 **a person who is employed by the Department of Human Services to work directly with the**
6 **public on matters relating to the welfare of children.**

7 **SECTION 2. (1) A person may not be employed as a child welfare caseworker unless the**
8 **person is 18 years of age or older. A person who is under 21 years of age may not be em-**
9 **ployed as a child welfare caseworker unless a Department of Human Services manager has**
10 **approved employment of the person in writing.**

11 **(2) A person employed as a child welfare caseworker must satisfactorily complete a**
12 **180-day probation period.**

13 **(3) A child welfare caseworker shall annually complete a minimum of 20 hours of**
14 **casework training.**

15 **(4) The Department of Human Services shall ensure that any person employed by the**
16 **department as a child welfare caseworker:**

17 **(a) Exercises sound judgment;**

18 **(b) Has a demonstrated ability to manage the person's personal life while performing the**
19 **job;**

20 **(c) Learns, teaches and applies effective child-rearing and behavior intervention practices**
21 **focused on helping children to grow, to develop and to build positive personal relationships**
22 **and self-esteem;**

23 **(d) Has the ability to teach the use of positive, nonpunitive discipline and to teach ways**
24 **of helping children build positive personal relationships, self-control and self-esteem;**

25 **(e) Respects and supports a child's relationships with the child's birth family and other**
26 **significant persons in the child's life, and supports ongoing relationships as provided in a**
27 **child's case plan;**

28 **(f) Respects each child's spiritual beliefs, lifestyle, philosophies, national origin and cul-**
29 **tural identity, and provides opportunities for enhancement of the child's cultural heritage;**

30 **(g) Lives a lifestyle that is free of criminal activity, abusive behavior and misuse of al-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 cohol or drugs;

2 (h) Works in partnership with biological families, community partners and colleagues to
3 identify the needs and strengths of each child; and

4 (i) Uses all reasonable efforts to prevent any person from improperly influencing a child
5 with respect to allegations made in a case.

6 **SECTION 3.** (1) A child welfare caseworker may practice only within areas in which the
7 child welfare caseworker is competent.

8 (2) A child welfare caseworker shall inform a client of the extent and nature of services
9 available to the client and of the limits and obligations associated with the services.

10 (3) A child welfare caseworker shall uphold the ethical standards of the profession. A
11 child welfare caseworker shall resist institutional pressures or policies that conflict with the
12 standards of the profession.

13 (4) A child welfare caseworker may not practice, facilitate or collaborate with any form
14 of discrimination.

15 (5) A child welfare caseworker may not enter into a settlement agreement that precludes
16 reporting of misconduct by any other child welfare caseworker to the Department of Human
17 Services.

18 (6) A child welfare caseworker shall terminate a professional relationship with a client
19 if the child welfare caseworker determines that the client is not likely to benefit from con-
20 tinued services or the services are no longer needed. The child welfare caseworker shall
21 provide referrals as needed or upon the request of the client.

22 (7) A child welfare caseworker may not have a sexual or business relationship with a
23 client or former client.

24 (8) A child welfare caseworker shall avoid entering treatment relationships in which the
25 child welfare caseworker's professional judgment will be compromised by prior association
26 with, or knowledge of, a client.

27 (9) A child welfare caseworker who is interviewing children shall abide by guidelines for
28 interviews adopted by the Department of Justice.

29 **SECTION 4.** (1) A child welfare caseworker shall refer clients only to professionals who
30 are recognized members of the professionals' own disciplines and are competent to carry out
31 the services required.

32 (2) A child welfare caseworker shall take appropriate measures to discourage, prevent,
33 expose and correct unethical or incompetent behavior by colleagues.

34 **SECTION 5.** (1) A child welfare caseworker shall protect a client's right to confidentiality
35 as established by law.

36 (2) A child welfare caseworker may disclose confidential information to others only with
37 the informed consent of the client unless:

38 (a) The child welfare caseworker is required by law to disclose the information; or

39 (b) Failure to make the disclosure would result in clear and imminent danger to the cli-
40 ent or other persons.

41 (3) If a child welfare caseworker uses confidential information for professional education,
42 research, consultation or other professional purposes, the identity of the client shall be
43 concealed.

44 (4) A child welfare caseworker shall keep and maintain all records necessary to provide
45 proper diagnosis and treatment and to fulfill other professional responsibilities.

1 **(5) A child welfare caseworker shall protect the confidentiality of material stored or**
2 **transmitted through computers, electronic mail, facsimile machines, telephones, telephone**
3 **answering machines and all other electronic or computer technology.**

4 **(6) The Department of Human Services shall promptly discipline any child welfare**
5 **caseworker who falsifies any information relating to a client.**

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