

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1825

H.P. 1358

House of Representatives, December 17, 2021

**An Act To Establish Limits on the Number of Hours Worked by
and Workloads of Child Protective Services Caseworkers in the
Department of Health and Human Services**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 15, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MADIGAN of Waterville.
Cosponsored by Representatives: CRAVEN of Lewiston, McDONALD of Stonington,
MEYER of Eliot, Senators: CLAXTON of Androscoggin, LIBBY of Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §4004, sub-§4** is enacted to read:

3 **4. Staffing.** The department shall ensure that a caseworker does not exceed the
4 maximum workload and work and driving hours established pursuant to this subsection.

5 A. The department may not require a caseworker to work more than:

6 (1) Sixty hours over 7 consecutive days; or

7 (2) Seventy hours over 8 consecutive days.

8 B. The department may require a caseworker to work for up to 14 hours following 10
9 consecutive hours of not working, but the department may not require a caseworker to
10 drive for more than 11 hours during that shift.

11 C. The department shall require a caseworker to maintain a driving log for the time the
12 caseworker is working.

13 D. The department shall establish a maximum workload for a caseworker by
14 considering factors that influence the amount of time a caseworker can adequately
15 focus on each case, including, but not limited to, whether a family has multiple
16 children, the level of interaction needed with parents and family members, the child's
17 placement, the number and geographic spread of rural cases and driving requirements.

18 **Sec. 2. 22 MRSA §4004, sub-§5** is enacted to read:

19 **5. Reporting.** The department shall report on caseworker workloads and work hours
20 in accordance with this subsection.

21 A. Whenever the maximum workload established by the department pursuant to
22 subsection 4, paragraph D is exceeded by a caseworker, the department shall report to
23 the joint standing committee of the Legislature having jurisdiction over health and
24 human services matters and the ombudsman under section 4087-A.

25 B. No later than October 1, 2022, the department shall submit an initial report with its
26 findings and recommendations on staffing, case load and workload in the department's
27 Office of Child and Family Services in relation to the maximum workload established
28 pursuant to subsection 4, paragraph D and shall submit subsequent annual reports by
29 January 31st of each year beginning in 2023 to the joint standing committee of the
30 Legislature having jurisdiction over health and human services matters. Information
31 reported pursuant to this paragraph must include staffing, case load and workload
32 levels at both the county and the district office levels.

33 **Sec. 3. Resolve 2019, c. 34** is repealed.

34 SUMMARY

35 This bill requires that the Department of Health and Human Services ensure that a
36 caseworker in the department's Office of Child and Family Services does not work or drive
37 more than a maximum number of hours in a certain period. It repeals Resolve 2019, chapter
38 34, which required the department to develop a standard case load recommendation with
39 the Public Consulting Group and instead requires that the department establish a maximum
40 workload for caseworkers by considering a variety of factors to ensure that caseworkers

1 can adequately focus on each case. The bill requires the department to report to the joint
2 standing committee of the Legislature having jurisdiction over health and human services
3 matters and the child welfare ombudsman whenever a caseworker's workload exceeds the
4 maximum workload. Resolve 2019, chapter 34 directed the department to report annually
5 until 2030 on its standard case load recommendations; this bill instead requires the
6 department to report annually to the joint standing committee of the Legislature having
7 jurisdiction over health and human services matters on the staffing, case load and workload
8 assignments of caseworkers by county and district office.