



JESSIE RODRIGUEZ

STATE REPRESENTATIVE ★ 21ST ASSEMBLY DISTRICT

AB 284: Child Welfare and Juvenile Justice Worker Safety Bill
Testimony of State Representative Jessie Rodriguez
Assembly Committee on Criminal Justice and Public Safety
October 8, 2015

Good morning Chairman Kleefisch and committee members, thank you for holding this hearing today on AB 284.

Child welfare workers are responsible for conducting assessments of alleged child abuse and neglect and making a determination whether children are safe in their home environment. These assessments are very intrusive by their nature. In addition to facing angry clients, child welfare workers are often confronted with many challenges including families with alcohol and drug abuse issues, mental health problems, domestic violence and neighborhood violence.

Staff receive extensive training in techniques to deescalate challenging situations, and conduct home visits in pairs when it is known that a situation has a probability of becoming volatile. However, this is not always possible due to staff capacity, and the nature of child welfare work requires them to respond immediately to ensure the safety of the children.

Similarly, juvenile justice work is complex and the staff is required to intervene in challenging and hostile environments. A juvenile justice worker may have to be involved with removing that youth from the home.



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Law enforcement will tell you that one of the most dangerous calls to respond to is a domestic situation. The parties involved will set aside their differences and turn their anger toward the outsider. This is a frequent situation for child welfare and juvenile justice workers.

AB 284 would treat child welfare and juvenile justice workers similar to other occupations with public safety responsibilities, and add those employees to the category of public officials for which battery is a Class H felony.

If committee members have any questions, I would be happy to answer them at this time.



TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

Testimony on Assembly Bill 284

Assembly Committee on Criminal Justice and Public Safety

I want to thank Chairman Kleefisch and members of the committee for hearing Assembly Bill 284 (AB284) today. Currently, Wisconsin statutes provide more serious Class H felonies to battery of public officials and employees. By the request of the Department of Health Services, AB 284 would extend this special circumstances battery protection to child welfare and juvenile justice workers.

Child welfare workers conduct visits to homes alleged to have child abuse and neglect to determine whether a safe family environment exists for children involved. Child welfare workers are often met with resistance and hostility in the event intervention is necessary to protect child safety.

In many instances, child welfare workers are confronted with exacerbating circumstances involving alcohol and drug abuse, mental health and behavioral issues, domestic violence, and neighborhood violence, which all tend to involve hostile aggression towards child welfare workers (e.g. threats, pushes, hits, and weapons).

Depending on the jurisdiction, law enforcement officers are often contacted to assist with violent or potentially violent interventions. However, they may be unavailable to accompany workers, or they only become involved after an aggression has been committed.

Juvenile justice workers conduct home visits and interact with children and family members and are also subject to hostility and physical violence similar to child welfare workers. As child welfare workers and juvenile justice workers are professions delegated to promote public health and safety it is reasonable to include them in the special circumstances battery allowable under state law.

I want to thank Representative Rodriguez for her work on AB 284, and members of the committee for hearing the bill today.



201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972

Governor Scott Walker
Secretary Eloise Anderson

Secretary's Office

Date: September 8, 2015
To: Members of the Assembly Committee on Criminal Justice and Public Safety
From: Lee Johnson, Chief, Access Section, Division of Milwaukee Child Protective Services
Re: Department Position on AB 284 – In Support

Representative Kleefisch and Assembly Committee on Criminal Justice and Public Safety,

Thank you for the opportunity to testify on AB 284. My name is Lee Johnson and I am the Chief for the Access Section in the Division of Milwaukee Child Protective Services at the Wisconsin Department of Children and Families (DCF). In my position, I am responsible for overseeing the child welfare workers who respond to cases of alleged child maltreatment in Milwaukee County.

Child welfare workers are responsible for conducting assessments of alleged child abuse and neglect and making a determination whether children are safe or unsafe. The assessment includes interviews with all household members and home visits to gather information about the presenting situation/alleged maltreatment, child functioning, adult functioning, disciplinary practices, general parenting practices and family functioning. Collateral information is also obtained from relevant sources to help understand the child, family and presenting situation.

Child welfare intervention is a very intrusive process. Almost all of the involved families are involuntary clients, meaning they did not seek help from the child welfare system. This often makes for difficult encounters as child welfare workers are often met with resistance, denial, and hostility. Families are often angry because someone called in a referral on the family or the family knows someone that has been involved with the child welfare system, or the parents themselves may have had previous involvement in the child welfare system.

In addition to facing angry clients, child welfare workers often are challenged by a myriad of issues including families with alcohol and drug abuse issues, mental health issues, domestic violence, and neighborhood violence. Another factor contributing to the complexity of the worker's job is that some children have severe emotional/behavioral issues.

Child welfare workers often must make many attempts to contact families due to avoidance by some families. The worker persistence in attempting to meet with an avoidant family tends to make families more hostile.

Child welfare workers learn how to engage and establish rapport with families through extensive training in order to avoid and/or deescalate challenging encounters. Sometimes training is not enough and physical aggression toward child welfare workers occurs.

Child welfare workers have been threatened, pushed, and hit by clients. Sometimes families will call relatives or friends to their home where child welfare intervention is occurring, which often escalates the situation. Child welfare staff have also been in homes where gunfire has occurred.

To avoid volatile situations, child welfare workers conduct home visits in pairs when it is known at the outset that the situation may be volatile. However, this is not always possible due to staff capacity. Child welfare workers contact law enforcement for assistance in likely volatile situations but it may take time for a response depending on the jurisdiction or they may not show up at all unless a worker has actually been injured. The nature of child welfare work requires workers to respond immediately at times to ensure the safety of children.

Child welfare and juvenile justice workers have similar public safety responsibilities as law enforcement and probation/parole staff and warrant the same protection under the law to ensure their safety while keeping children safe in the community. AB 284 achieves this goal by making bodily harm to a child welfare and juvenile justice worker a Class H felony, similar to bodily harm to law enforcement officers, fire fighters, and probation, parole, and aftercare agents.

Thank you for the opportunity to testify on this legislation. The Department thanks Representative Rodriguez and Senator Tiffany for authoring this bill and thanks the Chair for holding a hearing. I am pleased to answer any of your questions.



TO: Assembly Committee on Criminal Justice and Public Safety
FROM: Amy Herbst, MSSW, APSW, Vice President, Child Well Being at Children's Hospital of Wisconsin
DATE: 10/8/15
RE: Support of AB284, Child Welfare Worker Safety Act

Good afternoon Chairman Kleefisch and members of the committee. Thank you for allowing me this opportunity to submit testimony today on AB284/SB204 which relates to the Child Welfare Worker Safety Act. My name is Amy Herbst and I am the Vice President of Child Well Being for Children's Hospital of Wisconsin.

Children's Hospital of Wisconsin serves children and families all across the state. We have inpatient hospitals in Milwaukee and the Fox Valley. We care for every part of a child's health, from critical care at one of our hospitals to routine checkups in our primary care clinics. Children's also provides specialty care, urgent care, emergency care, school health nurses, foster care and adoption services, family resource centers, child health advocacy, health education, child welfare services, family preservation and support, mental health services, pediatric medical research and the statewide poison hotline.

In my role as the Vice President of Child Well Being, I oversee over 500 staff who work in the homes of families in communities all across the state. We work with children and families who are at risk and in risk. We provide out-of-home care services, family preservation and support, child advocacy and protection services, mental health care and child welfare services.

Current law provides more severe penalties for battery committed under certain circumstances against certain government officials, employees and agents and special circumstances against law enforcement officers, fire fighters, and probation, parole, and aftercare agents. If a person intentionally causes bodily harm to one of these employees, the person is guilty of a serious felony and will face jail time. This bill extends the special circumstances to a person who is employed by, or under contract with, a court, a county department of human social services, a tribal child welfare agency, or the department of children and families.

Children's Hospital supports this bill because it expands this heightened protection to a class of workers in very similar dangerous public roles as those covered under the current law.

Every day we have hundreds of staff who are in families homes and in communities all across the state. These staff do their work in the inner city of Milwaukee all the way to very remote farms in northern Wisconsin. During my time as a child welfare worker and as the leader of many people on my team, I have seen numerous assaults on child welfare workers. And I unfortunately have my own personal experience being harmed while on the job. I was working on a case with a young mom who had a toddler. After much work to keep the child with the mother, we ended up having to remove the baby from the custody of the mother in order to secure the toddler's safety. I was aware that this situation called for extra security and requested such. However, during the court hearing the mother physically attacked me in the court room and was only stopped when a deputy was able to restrain her.

These incidents are all too common. Threats to the safety of child welfare workers are serious crimes and need to be treated as such. We need to protect and safeguard the safety and welfare of these workers. It is critical that we support this legislation.

Chairman Kleefisch and committee members, I thank you again for the opportunity to submit testimony. If you have any questions, comments or concerns please feel free to contact me via email at Amy.Herbst@cssw.org or via phone 414-231-4848.

