



Managing a human service agency, particularly a child welfare department, is challenging enough when it's fully staffed. In today's economy, with budget cuts, high staff turnover, and other forced reductions, the agency's resourcefulness and mettle are really put to the test.

Staff cuts may be a result of souring economic conditions, legislative or executive branch decisions, or a response to reprioritizing of governmental efforts. Call it what you will—retooling, rightsizing, reorganizing, re-engineering, or downsizing. Whatever term you choose, today's restructuring may result in understaffing.

Secondary trauma and staff turnover are well-known concerns in child welfare and human services. So, too, is the desire on the part of administrators and managers to ensure that their staffs are focusing on top priority cases and goals. What administrators and managers try so artfully to do is to understand and utilize the capabilities of their agency's resources, both human and material. Workload planning means matching people with the agency's target goals. This is, of course, not a one-time event. It is a continual process. It involves determining the staff's availability and skills and projecting the number of hours each person has available to work. People and their skill sets must be sufficient to handle projected cases and tasks of the relevant time period.

There has been great interest in articulating the incidence and causes of staff turnover in child welfare (Dickinson & Perry, 2002; Strolin-Goltzman et al., 2008). One recent article notes that "child welfare workforce turnover rates are estimated to be between 23 percent and 60 percent annually across private and public child welfare agencies" (Strolin-Goltzman, Kollar, & Trinkle, 2010, p. 47).

From a professional human service

perspective, chronic understaffing can have a negative effect on client safety. Yet, from a legal point of view, having insufficient people and resources may not be a valid excuse. Legally, clients are entitled to an acceptable standard of care, and the failure to provide that care may be like playing a scary game of Russian roulette, both for the client and the department. As one judge wrote, "Understaffing is not a defense to a violation of administrative law administrative law" (*Salameda v. Immigration and Naturalization Service, 1995, p.*

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452). Lawsuits involving understaffing of jails, prisons, hospitals and nursing homes are common. In another area of law, regarding whether a defendant's constitutional right to a speedy trial was violated, the U.S. Court of Appeals for the Fourth Circuit has classified reasons for delay as "improper," "neutral," or "valid." Improper reasons for delay weigh heavily against the government, neutral reasons weigh slightly against the government, and valid reasons weigh in favor of the government. An example of a neutral reason is an understaffed prosecutor's office (*United States v. Grimmond, 1998*). While plaintiffs may successfully demonstrate that understaffing existed at the time of their injury, courts may still insist that it is the plaintiff's burden to show that the condition of understaffing was a factor in affecting a worker's inability to perform essential duties and thereby produced a substantial risk of harm.

In summary, being understaffed is not a legal excuse for unprofessional behavior. Administrators, managers, supervisors and front-line workers should constantly pay attention to the ratio of staff to clients. If understaffing is a chronic problem, employees have a

right and responsibility to report their concerns to management; nonetheless, that action may not relieve them of potential legal liability.

Just as global strains are continuously being placed on our natural resources and are affecting our quality of life, scarce resources and being short-staffed seem to be facts of child welfare life. Ironically, the short-term cost savings of downsizing child welfare staff may be offset by the enhanced likelihood of adverse court decisions or settlements, often resulting in the pay-

ment of millions of dollars that supposedly were unavailable to fully staff the department in the first place.

Endnotes

- Dickinson, N., & Perry, R. (2002). Factors influencing the retention of specially educated public child welfare workers. In K. Briar-Lawson & J. Levy-Zlotnik (Eds.), *Evaluation research in child welfare: Improving outcomes through university-public agency partnerships* (pp. 89–103). Binghamton, NY: Haworth Press.
- Strolin-Goltzman, J., Kollar, S., & Trinkle, J. (2010). Listening to the voices of children in foster care: Youths speak out about child welfare workforce turnover and selection. *Social Work, 55*(1), 47–53.
- Strolin-Goltzman, J. S., McCarthy, M., Smith, B., Lawson, H., Bronstein, L., & Caringi, J. (2008). A comparison study of intention to leave among public child welfare systems with high and low turnover rates. *Child Welfare, 87*, 125–143.
- Salameda v. Immigration and Naturalization Service, 70 F.3d 447 (1995).*
- United States v. Grimmond, 137 F.#d 823 (4th Cir. 1998)* [2]

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