

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 956

BY CAYLER

AN ACT

1 RELATING TO SOCIAL WORKERS; AMENDING SECTION 16-1649, IDAHO CODE, TO ESTAB-
2 LISH A PROVISION REGARDING ABANDONMENT INVESTIGATIONS; AMENDING CHAP-
3 TER 32, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3206A,
4 IDAHO CODE, TO REQUIRE TRAINING; AMENDING SECTION 54-3210, IDAHO CODE,
5 TO ESTABLISH PROVISIONS REGARDING THE CODE OF PROFESSIONAL CONDUCT AND
6 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-3217, IDAHO CODE,
7 TO PROVIDE FOR PENALTIES; AMENDING CHAPTER 32, TITLE 54, IDAHO CODE, BY
8 THE ADDITION OF A NEW SECTION 54-3218, IDAHO CODE, TO PROVIDE FOR DU-
9 TIES AND LIMITATIONS OF SOCIAL WORKERS; AMENDING SECTION 56-1004, IDAHO
10 CODE, TO ESTABLISH A PROVISION REGARDING DOCUMENTATION OF THE ESSENTIAL
11 FUNCTIONS AND PSYCHOLOGICAL DEMANDS OF SOCIAL WORKERS; AMENDING CHAP-
12 TER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-1004B,
13 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PSYCHOLOGICAL SUITABIL-
14 ITY EVALUATIONS FOR SOCIAL WORKERS EMPLOYED BY THE DEPARTMENT OF HEALTH
15 AND WELFARE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
16 DATE.
17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Section 16-1649, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 16-1649. NOTIFICATION OF RIGHTS. (1) When the department, in accor-
22 dance with this chapter, commences an investigation after having received
23 information that a child may be abused, neglected, or abandoned and in the
24 course of such investigation contacts, directly and in person, the parents,
25 guardians, or any persons having legal custody of the child, then the de-
26 partment shall notify such parents, guardians, or persons that they have the
27 right to:

28 (a) Refuse to answer questions;

29 (b) Obtain an attorney at their own expense, consult with such attor-
30 ney, and have such attorney present during an investigation; provided,
31 however, that the department is not authorized to appoint or obtain an
32 attorney for such parents, guardians, or persons;

33 (c) Refuse entry to their home or other real property; and

34 (d) Refuse the questioning of any minor children in their home or on
35 their property, unless there is an order issued by a court of competent
36 jurisdiction authorizing a particular entry or particular questioning
37 or examination.

38 (2) The notification required by subsection (1) of this section shall
39 be made in writing at the time of or within seventy-two (72) hours after the
40 department makes the first contact directly and in person with the parents,
41 guardians, or other persons having legal custody of the child.

1 (3) A parent, guardian, or other person having legal custody of the
2 child may expressly assert the rights provided in this section.

3 (4) The notification required by subsection (1) of this section shall
4 be made in writing on a form prescribed by the department. Such notification
5 shall state that if the safety of the child cannot be determined, the depart-
6 ment may request assistance from a law enforcement agency or seek a court or-
7 der.

8 (5) (a) When the department commences an investigation after having re-
9 ceived information that a child may be abandoned, the department shall
10 make reasonable efforts to inquire as to why the parent or guardian
11 abandoned the child and where the parent or guardian was during the time
12 of the alleged abandonment.

13 (b) The department or its authorized agents, including social workers,
14 shall not explicitly or impliedly inform a parent or guardian who has
15 abandoned or allegedly abandoned a child that there will be no penalties
16 under the law or other adverse outcomes as a result of abandonment dur-
17 ing the course of such investigation.

18 ~~(5)~~ (6) Failure by the department to provide the notification re-
19 quired by this section in a specific investigation shall not affect the
20 department's ability to conduct such investigation or to carry out the de-
21 partment's duties as provided in this chapter.

22 SECTION 2. That Chapter 32, Title 54, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 54-3206A, Idaho Code, and to read as follows:

25 54-3206A. REQUIRED TRAINING. (1) All social workers licensed under
26 the provisions of this chapter shall:

27 (a) Be trained in autism, the autism spectrum, and introversion. Such
28 social workers shall:

29 (i) Complete one (1) autism and one (1) introversion training
30 within thirty (30) days of employment as a social worker; and

31 (ii) Biannually enroll in and complete one (1) autism and one (1)
32 introversion training thereafter;

33 (b) Annually enroll in and successfully complete the digital course
34 "foundations of autism" online through the autism society website or
35 an equivalent course. The equivalent course shall include training on
36 what autism is and the basic concepts and characteristics of autism, in-
37 cluding sensory processing, communication, emotional regulation, and
38 social interactions in individuals with autism. Upon completion of the
39 course the board or the providers of the course shall issue a certifi-
40 cate of completion. The board shall create a form that requires a social
41 worker to sign to acknowledge an understanding of the course and what
42 autism is and to acknowledge that an individual shall not be removed
43 from the custody of a parent, guardian, or custodian based solely on the
44 individual being autistic; and

45 (c) Annually review "introverts vs. extroverts: understanding the
46 spectrum" online through the positive psychology website or an equiv-
47 alent guide. The equivalent guide shall include training on what in-
48 troversion is, the basic concepts and characteristics of introversion,
49 the spectrum of introversion, including ambiverts, and training on the

1 traits, characteristics, behaviors, communication styles, emotional
 2 regulation, and social interactions of introverts. Upon completion,
 3 the board or the providers shall issue a certificate of completion. The
 4 board shall create a form that requires a social worker to sign to ac-
 5 knowledge an understanding of what introversion is and to acknowledge
 6 that an individual shall not be removed from the custody of a parent,
 7 guardian, or custodian based solely on the individual being an intro-
 8 vert.

9 (2) The director of the Idaho department of health and welfare shall at-
 10 tend the annual child welfare league of America conference.

11 (3) Nothing in this section shall limit the board's powers and duties
 12 pursuant to section 54-3204, Idaho Code.

13 SECTION 3. That Section 54-3210, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 54-3210. CODE OF PROFESSIONAL CONDUCT. (1) The board shall prepare and
 16 adopt a code of professional conduct and may revise and amend such code from
 17 time to time. Preparation, revision, amendment, and distribution of said
 18 code of professional conduct shall be pursuant to the provisions of this sec-
 19 tion, and chapters 26 and 52, title 67, Idaho Code.

20 (2) It shall be a violation of the code of professional conduct if a so-
 21 cial worker:

22 (a) Instructs a judge how to rule in a particular case;

23 (b) Speaks negatively to or about parents, guardians, minors, or anyone
 24 else involved in any child protection case;

25 (c) Tells a minor child that the child will not be returning home;

26 (d) Lacks competency in Idaho Code and rules involving child protec-
 27 tion; or

28 (e) Makes false or misleading statements to parents or guardians about
 29 the parent's or guardian's legal rights or responsibilities.

30 SECTION 4. That Section 54-3217, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 54-3217. VIOLATIONS OF ACT A MISDEMEANOR PENALTIES AND REMEDIES. (1)
 33 Any person who shall engage in the profession of social work as herein de-
 34 defined without a license as provided for by this ~~act~~ chapter, or the rules
 35 or regulations of the board herein provided for, shall be guilty of a misde-
 36 meanor.

37 (2) A violation of section 54-3218(1), Idaho Code, by a licensed social
 38 worker may result in:

39 (a) A finding of a violation of the rules of professional conduct
 40 adopted by the board;

41 (b) The board suspending, refusing to renew, or revoking any license
 42 issued pursuant to this chapter;

43 (c) Loss of employment; or

44 (d) Other disciplinary action.

45 (3) Any parent or guardian aggrieved by a violation of section 54-3218,
 46 Idaho Code, by a licensed social worker shall have a cause of action against
 47 the person alleged to have committed the violation.

1 SECTION 5. That Chapter 32, Title 54, Idaho Code, be, and the same is
 2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 3 ignated as Section 54-3218, Idaho Code, and to read as follows:

4 54-3218. DUTIES AND LIMITATIONS. (1) Any person licensed pursuant to
 5 this chapter shall include only factual findings supported by clear and con-
 6 vincing evidence in any official or unofficial report, to a court or tri-
 7 bunal, or by any other method in which the person is performing in the per-
 8 son's official capacity as a social worker pursuant to chapter 16, title 16,
 9 Idaho Code.

10 (2) A report from a social worker shall follow all rules adopted by the
 11 board, the Idaho department of health and welfare, and Idaho Code.

12 (3) If a licensed social worker does not abide by the decisions of such
 13 social worker's supervisors, or makes a decision notwithstanding the deci-
 14 sion by such supervisors in child protection cases, such social worker shall
 15 immediately be subject to termination, unless the decision by the supervisor
 16 violates a law, rule, or legal right.

17 (4) Nothing in this chapter shall be construed as limiting the duties of
 18 the department of health and welfare and its authorized agents as described
 19 in chapter 16, title 16, Idaho Code.

20 SECTION 6. That Section 56-1004, Idaho Code, be, and the same is hereby
 21 amended to read as follows:

22 56-1004. DIRECTOR -- ADDITIONAL POWERS AND DUTIES. (1) The director
 23 shall exercise the following powers and duties in addition to all other pow-
 24 ers and duties inherent in the position:

25 (a) Prescribe such rules as may be necessary for the administration of
 26 the department, the conduct and duties of the employees, the orderly and
 27 efficient management of department business, and the custody, use and
 28 preservation of department records, papers, books and property belong-
 29 ing to the state;

30 (b) Maintain written documentation of the essential functions and psy-
 31 chological demands of social workers employed by the department;

32 ~~(b)~~ (c) Employ such personnel as may be deemed necessary, prescribe
 33 their duties and fix their compensation within the limits provided by
 34 the state personnel system law;

35 ~~(e)~~ (d) Administer oaths for all purposes required in the discharge of
 36 his duties;

37 ~~(d)~~ (e) Prescribe the qualifications of all personnel of the depart-
 38 ment on a nonpartisan merit basis, in accordance with the Idaho person-
 39 nel system law, provided however, that the administrators in charge of
 40 any division of the department, and the administrators in charge of the
 41 state hospital north, state hospital south, state hospital west, and
 42 southwest Idaho treatment center shall serve at the pleasure of the di-
 43 rector;

44 ~~(e)~~ (f) Create such units, sections and subdivisions as are or may be
 45 necessary for the proper and efficient functioning of the department.

46 (2) The department is empowered to acquire, by purchase, lease or ex-
 47 change, any property which in the judgment of the department is needful for
 48 the operation of the facilities and programs for which it is responsible and

1 to dispose of, by sale, lease or exchange, any property which in the judgment
2 of the department is not needful for the operation of the same.

3 SECTION 7. That Chapter 10, Title 56, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 56-1004B, Idaho Code, and to read as follows:

6 56-1004B. SOCIAL WORKERS -- PSYCHOLOGICAL SUITABILITY EVALUA-
7 TION. (1) The department shall require a psychological suitability evalu-
8 ation for social workers licensed pursuant to chapter 32, title 54, Idaho
9 Code, after the department has extended a conditional offer of employment.

10 (2) The psychological suitability evaluation shall be limited to as-
11 sessing an applicant's capacity to meet the documented job-related demands
12 for social workers. The evaluation shall assess only job-related psycho-
13 logical traits and functional capacities, which may include emotional reg-
14 ulation, interpersonal effectiveness, stress tolerance, profession bound-
15 aries, and ethical reliability.

16 (3) The evaluation shall not:

17 (a) Be used to exclude an applicant solely on the basis of a mental
18 health diagnosis or history of treatment;

19 (b) Include inquiries unrelated to the essential duties of social work;

20 (c) Require disclosure of irrelevant medical or personal information;
21 or

22 (d) Be used to predict speculative future impairment.

23 (4) The psychological evaluator shall be independent of the hiring au-
24 thority and shall not have a current treating relationship with the appli-
25 cant. The psychological suitability evaluation shall be conducted by:

26 (a) A licensed psychologist; or

27 (b) A licensed psychiatrist.

28 (5) The evaluator shall provide the department with a written report
29 that shall only include:

30 (a) A written opinion limited to one (1) of the following determina-
31 tions:

32 (i) The social worker is psychologically suitable or recommended
33 for the position; or

34 (ii) The social worker is not psychologically suitable or not
35 recommended for the position at the time of evaluation; and

36 (b) An explanation of background and job-related factors supporting
37 the determination.

38 (6) Diagnostic labels, raw test data, and detailed clinical findings
39 shall not be disclosed to the department. Records relating to psychological
40 evaluations shall be maintained as confidential medical records and shall be
41 kept separate from personnel files. Access to such records shall be limited
42 to department personnel with a legitimate business need for the information.

43 (7) For the purposes of this section, "psychological suitability eval-
44 uation" means a standardized professional assessment conducted to determine
45 whether an applicant demonstrates the psychological characteristics and
46 functional capacity necessary to perform the essential duties of a social
47 worker.

1 SECTION 8. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2026.