

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
November 22, 1999 -- 1:00 p.m. -- Room 416 State Capitol

Members Present:

Sen. Lyle W. Hillyard, Senate Chair
Rep. Nora B. Stephens, House Chair
Sen. Gene Davis
Rep. Trisha Beck
Rep. Matt Throckmorton

Staff Present:

Mr. Mark D. Andrews,
Research Analyst
Mr. R. Chet Loftis
Associate General Counsel
Ms. Tracey Fredman
Legislative Secretary

Note: A list of others present and a copy of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

1. Call to Order — Chair Hillyard called the meeting to order at 1:05 p.m.

2. Discussion of Parent and Foster Parent Concerns — Mr. Richard Shipley, Chair of Trustees, Utah Foster Care Foundation, distributed "Update, A Special Report to the Governor and Legislature of the State of Utah," dated November, 1999, together with an information packet of related materials. He also introduced Mr. Dallis Pierson, President, Utah Foster Care Foundation, and Ms. Susan McNulty, Director, Utah Foster Care Foundation. He explained that the foundation began on a trial basis in September in the areas of recruitment and training of foster caregivers in the state. Mr. Pierson discussed the transition of responsibilities from the Department of Child and Family Services (DCFS) to the Utah Foster Care Foundation.

Mr. Shipley said that during the last fiscal year nearly 50% of foster caregivers within the state were not relicensed. He added that finding a solution to the retention problem will be the key to increasing recruitment of new foster caregivers. Mr. Shipley identified several problems including financial assistance for foster families and rapid turnover of caseworkers.

Sen. Hillyard asked Mr. Pierson and Ms. McNulty to submit proposed changes in legislation, if any, to the panel.

Sen. Hillyard explained that written accounts identifying concerns and suggestions for change have been received by the panel, but statute prohibits the panel from making recommendations on the disposition of individual cases. Rep. Stephens suggested the panel consider if there were ways the panel could strengthen the child welfare system to improve what's happening so that outcomes are better. As to individual cases, she raised two issues. The first, what went wrong and why? And the second, is this a systemic problem that needs addressing or an individual case that went awry?

Rep. Eli Anderson introduced two constituents who desired to address the committee and were willing to waive their privacy concerning their case. Dr. Nancy Benham and Mr. Roy Benham introduced themselves as former foster parents and gave testimony regarding their

experiences with the Department of Child and Family Services. Other public comments were given by Ms. Susan Arave, foster parent, and another couple who wished to remain anonymous due to their pending case.

Mr. Ken Patterson, Director, DCFS, and Caren Frost, Director of Strategic Improvements, DCFS, distributed a memo dated November 22, 1999 containing preliminary results from the DCFS 1999 Foster Parent Survey. Mr. Patterson said the survey is a tool which helps DCFS understand how foster parents feel about the support they receive from the Division. Feedback indicates an increase from 78% to 83% of foster parents who feel valued by DCFS.

Rep. Stephens asked that DCFS work with staff to respond next April to the summary of complaints compiled by staff from foster families.

3. Review of Legislation to Implement Pilot Program for Differentiated Response to Reports of Abuse or Neglect – Mr. Chet Loftis distributed "Draft 8: Pilot Program for Differentiated Responses to Child Abuse and Neglect Reports." Rep. Throckmorton explained the bill and the committee discussed it. The panel did not vote to recommend the legislation.

4. Follow-up on Adoption Legislation — Rep. Stephens discussed "Draft 006: Notice to Potential Adoptive Parents" and summarized the bill.

There was a discussion as to whether information about the children should be made available to potential adoptive parents through a pamphlet provided by DCFS, or through Internet access.

Rep. Stephens introduced the first draft of "Privatization of Adoption of Children in State Custody." and explained it.

5. Mentoring Report — Mr. Ken Patterson, Director, Division of Child and Family Services, distributed a report from Mr. Richard Anderson, Deputy Director, Division of Child and Family Services, dated November 19, 1999. He briefly summarized the report.

6. Potential Child Welfare Legislation for 2000 General Session — not discussed.

7. Other Business

- **Response of Health and Human Services Interim Committee to Annual Panel Report** — Rep. Stephens distributed Recommendations of the Child Welfare Legislative Oversight Panel to the Health and Human Services Interim Committee and the Legislature, dated November 17, 1999. She said that when she presented the bill entitled "Notice to Potential Adoptive Parents" to the Health and Human Services Committee, it was supported in concept.

Rep. Stephens also said she presented the bill on audit requirements and it was accepted as a committee bill.

- **Update on Judge Campbell's Order** — Mr. Ken Patterson explained that a status conference was held with Judge Campbell early in October, 1999. At that conference, Judge Campbell indicated that she was pleased with the Milestone Plan and the implementation of the plan prior to the court order that it be done. Mr. Patterson said that Judge Campbell clarified that Mr. Vincent of the Child Welfare Policy Practice Group, would remain the court ordered monitor of the plan.

- **Update on *Utah Children v. Utah State Board of Child and Family Services*** — Mr. Dave Carlson, Attorney General's Office, explained the nature of the complaint to be against a policy enacted by DCFS which eliminates from the pool of potential adoptive parents those couples living together outside of marriage, including any couple living inside a common law marriage, people living together as homosexual partners, or people who are living in polygamous marriages. He said the challenge from Utah Children stems from the statute that gives parties the rights to challenge rulemaking procedures, saying that the rule is in violation of the Utah Constitution. Mr. Carlson added that Utah Children claims the policy violates Utah Statute saying that the Utah adoption statute doesn't place those kinds of limitations on potential adoptive placements.

- **Update on Administrative Rules Review Committee Actions** — Mr. Andrews referred to minutes of the November 2, 1999 meeting of the Administrative Rules Review Committee, specifically Item 3 wherein Ms. Kay Hatch, Secretary, Panguitch Elementary School, spoke regarding concerns with an incident at the school last spring in which DCFS caseworkers interviewed three sisters regarding alleged abuse by a young man, without notifying the parents. Mr. Andrews said that because of the confidentiality of the situation, DCFS was limited in what information they could provide to the committee. He explained that the testimony given raised concerns among members of the committee and indicated that they would be hearing additional testimony from DCFS and the State Office of Education later this week. Mr. Andrews said the issue was in determining when it is permissible in practice and policy to interview children outside the presence of their parents.

8. Adjourn — The meeting was adjourned at 3:55 p.m.

