

**MINUTES OF THE  
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**  
Monday, April 30, 2001 -- 9:00 a.m. -- Room 416 State Capitol

**Members Present:**

Rep. Matt Throckmorton, House Chair  
Sen. Dan R. Eastman, Senate Chair  
Sen. Gene Davis  
Rep. Jack Seitz  
Rep. Trisha Beck

**Staff Present:**

Mr. Mark D. Andrews,  
Research Analyst  
Mr. Paul W. Hess,  
Associate General Counsel  
Ms. Cassandra Bauman,  
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 and Approval of Minutes**

Chair Throckmorton called the meeting to order at 9:06 a.m.

**MOTION:** Rep. Beck moved to approve the minutes of the October 17, 2000 and November 14, 2000 meetings. The motion passed unanimously with Sen. Davis absent for the vote.

**2. Introduction of Committee Members and Staff**

The committee members introduced themselves and gave ideas of what they wished to accomplish with the panel for the 2001 Interim year. The staff introduced themselves.

**3. Panel Duties**

Mr. Mark Andrews, Office of Legislative Research and General Counsel, discussed the duties of the Child Welfare Legislative Oversight Panel as stated in H.B. 31, "Child Welfare Oversight Panel Amendments," 2001 General Session (T. Beck). He also reviewed an excerpt from H.B. 83, "Legislative Oversight Panel -- Responsibilities," 2001 General Session (W. Harper). Mr. Andrews then itemized the reports to be presented to the Panel for the 2001 Interim year.

Chair Throckmorton asked about statutory time frames for children in state custody that are not being met. Mr. Adam Trupp, Juvenile Court, explained that there will be a report by October of 2002 to present to the Panel. Chair Throckmorton asked that Mr. Trupp present an overview in August 2001 on cases where time frames are not met.

Chair Throckmorton asked about budgetary issues. Mr. Andrews read in statute "that the panel shall receive reports from the Executive and Judicial branches on budgetary issues

concerning the child welfare system.” Sen. Eastman stated that the Panel should start taking a more active role in determining the budgetary issues.

Ms. Robin Arnold-Williams, Executive Director, Department of Human Services, stated that the department could provide a basic background on the budget. She stated that the department makes its budget request to the Governor for the 2003 fiscal year around mid-September. Chair Throckmorton asked Ms. Williams to be ready to present an overview on the Department of Human Service’s budget at the next meeting.

#### **4. Role of the Guardian ad Litem**

Ms. Kristin Brewer, Director, Office of Guardian ad Litem, gave a history on the role of the guardians ad litem in various cases. She gave an overview of how the Office of the Guardian ad Litem was created and its duties in child welfare cases. There are approximately 30 attorneys in the office, some of whom are part time. Case loads range between 80 to over 300 per attorney. She stated that the child is not a party in a criminal case and that the guardian ad litem is only authorized to stand in the child’s place and therefore does not have party status.

Ms. Brewer discussed *State v. Harrison* (No. 990773, Filed April 13, 2001, 2001 UT 33) and explained that the guardian ad litem in that case was allowed to sit at counsel table with the prosecutor, to question a witness, and to make objections in a criminal trial and the defendant appealed his conviction on that basis. In this case the conviction was reversed by the Utah Supreme Court, as error, and the case was remanded for a new trial.

Ms. Brewer explained that the Office of the Guardian ad Litem, through the Criminal Appeals Division of the Attorney General’s Office, has asked for a motion to reconsider footnote 10 in the Harrison case, which states that the same limited role of the guardian ad litem would apply in all district court cases; this causes confusion when evaluating the role of the guardian ad litem in representing children in custody cases where there are allegations of abuse and neglect.

Ms. Brewer stated that children in custody cases do not have anyone in the court to represent them other than the guardian ad litem. She said that if footnote 10 is allowed to stand after the motion to reconsider, it would be her intention that the office withdraw from all custody matters.

#### **5. Performance Milestone Plan**

Mr. David Carlson, Chief of Child Protection Division, Attorney General’s Office, reported on the recent appeal to the Tenth Circuit Court of Appeals of the decision by the District Court to retain continued oversight of DCFS through the Performance Milestone Plan. Mr.

Carlson reported that continued oversight was affirmed. The ruling of the Tenth Circuit will now be appealed to the U.S. Supreme Court.

Mr. Carlson also said that it is important to raise the competency of child welfare workers, but that this cannot be done if there is a high rate of turnover among workers.

Mr. Richard Anderson, Acting Director, Division of Child and Family Services (DCFS), emphasized that based on the available data, Utah's child welfare system looks good when compared to those of other states. He said that notwithstanding the findings reported last year by the legislative auditor, the auditor reported that Utah ranks fifth in the nation in terms of meeting adoption time frames.

Mr. Anderson reviewed and commented upon the elements of the Performance Milestone Plan:

- 1) Practice Model Skills - (see handout, "Utah DCFS Practice Model Principles");
- 2) System Improvements - to maintain fiscal support;
- 3) Sufficient Management and Administrative Structure - to inform staff quickly
- 4) Six Improvement Areas:
  - a) Meet time frames for child protective services
  - b) Keep children in their vicinity for services
  - c) Follow-up on children's needs (physical and mental health care)
  - d) Regular visits for children
  - e) Removal of children to kinship placements; and
  - f) Maintain placement disruption fund - to avoid placement disruption;
- 5) Accountability Structures - internal and external accountability systems;
- 6) Trend Data Analysis - to look to the future to outcomes of trends;
- 7) Case Process Reviews - to examine performance in key practices; conform to policies;
- 8) Qualitative Reviews; and
- 9) Quality Improvement Committees - bring together parties to look at the improvements/retention studies and come up with a plan.

Mr. Anderson indicated that qualitative reviews are being conducted on the practice model even though the Division is still in the process of training on the model and has not yet implemented it. He reported that the performance of most regions is on an upward trend. The ratings for child and family status are almost to the passing point, but the aspect of qualitative reviews with which regions are having the most difficulty is related to systems improvement. It will be at least three years until all regions have been able to pass two consecutive qualitative reviews.

Mr. Anderson stated that a major problem within the system has to do with training. He said that DCFS employees are funded as full caseload carrying FTEs (full-time equivalent employees). Mentoring positions are not funded. He said that the Division is considering whether to request funding for training positions. He thinks this would reduce worker burnout.

The Panel discussed the liability of child welfare workers. Representative Beck requested that caseworkers be allowed to speak to the Panel when this issue is discussed.

#### **6. Division of Child and Family Services Director**

Ms. Arnold-Williams handed out the job announcement for the position of Division Director for the Department of Human Service and discussed what the position entails. She stated that the position is an appointment and requires a majority vote from the Board of Child and Family Services.

#### **7. Fatality Review Boards; DCFS Staffing**

Ms. Arnold-Williams handed out copies of the "Fatality Review Policy." She went over the statistics for child fatalities and explained that these statistics included accidental deaths as well as abuse or neglect related deaths.

Ms. Arnold-Williams explained to the committee the department's process of investigating complaints that may result in death. Sen. Eastman asked what the policy is on anonymous callers. Mr. Anderson explained that the office tries to track down anonymous complaints, but sometimes circumstances arise and the complaint cannot be resolved and there is no way to follow up.

#### **8. Potential Study Items**

Chair Throckmorton reviewed the two mandated study issues from the legislature (H.B. 31 and H.B. 83) and proposed that each committee member choose an additional item to be studied during the interim. Panel members identified the following additional items for study: Item #241 from the Master Study Resolution dealing with the provision of mental health services for foster and adopted children, Item #77 dealing with the impact of laws on volunteers and others who become subject to lawsuit for failure to immediately notify law enforcement of suspected child abuse, the role of the guardian ad litem, and determining what would be necessary to lighten DCFS caseloads, increase employee retention, improve quality. The committee discussed inviting legislators who sent a recent letter to the governor with complaints about the child welfare system to present their concerns to the Panel.

**9. Other Business**

The next meeting will be scheduled for Tuesday, May 22, 2001 at 9:00 a.m. in room 416. Other meetings are scheduled for June 21, 2001 at 1:00 p.m. and July 19, 2001 at 9:00 a.m.

**10. Adjourn**

**MOTION:** Rep. Beck moved to adjourn the meeting at 11:59 a.m. The motion passed unanimously.

