

**MINUTES OF THE  
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**  
Thursday, November 13, 2002 – 2:00 p.m. – Room 416 State Capitol

**Members Present:**

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

**Members Excused:**

Rep. Jack Seitz

**Staff Present:**

Mr. Mark D. Andrews, Research Analyst  
Ms. Stacey M. Snyder, Associate General Counsel  
Ms. Alicia M. Laughlin, Legislative Secretary

**Note:** A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Alicia Laughlin, at 538-1032.

**1. Call to Order and Approval of Minutes**

Chair Eastman called the meeting to order at 2:10 p.m.

**MOTION:** Rep. Throckmorton moved to approve the minutes of the September 19, 2002 meeting. The motion passed unanimously, with Sen. Davis and Rep. Seitz absent for the vote.

**2. Performance Milestone Plan**

Mr. Richard Anderson, Director, Division of Child and Family Services (DCFS), gave an overview on the state's response to the recent motion made by the National Center for Youth Law regarding the Performance Milestone Plan.

**3. Response to Child Abuse and Neglect Referrals**

Mr. Anderson, DCFS, discussed extending the 72-hour deadline for Priority 3 referrals of abuse or neglect. He suggested that the Panel continue to study the issue and look into making various changes in practice.

Rep. Throckmorton suggested that a letter be sent to the Board of Child and Family Services encouraging them to develop a policy for Priority 3 referrals that would be more responsive to what DCFS is trying to accomplish with the practice model. Chair Eastman directed staff to draft the letter.

**4. Access to Child Welfare Proceedings**

Rep. Throckmorton discussed the issue of who may attend child welfare proceedings in juvenile court and reviewed the options discussed by the working group. He proposed that the Panel support increased access to child welfare proceedings.

Ms. Alicia Davis, Assistant Juvenile Court Administrator, Administrative Office of the Courts, indicated that the Board of Juvenile Court Judges has expressed an interest in providing greater openness to the courts and that the Court Improvement Project Steering Committee has suggested draft language they would support if action were taken by the Legislature, although at this time they recommend additional study of the issue. She said that the Judicial Council has not taken a position on the matter.

Sen. Davis suggested putting the issue on the next agenda item for the Interim meeting in April of 2003.

Rep. Beck indicated that she would like to hear testimony from those that have gone through the court system. She recommended proceeding with caution.

#### **5. Next Year's Annual Report by the Legislative Auditor General**

Mr. Wayne Kidd, Legislative Auditor, Office of the Legislative Auditor General, reviewed the letter mailed previously to Panel members and identified three possible audit topics the Panel could study next year.

Mr. Andrews reviewed options for draft language that would modify the auditor's annual reporting requirement. He identified several possible approaches and recommended that this issue be identified as a study item.

Mr. Anderson, DCFS, suggested that rather than auditing issues each year, the Legislative Auditor could audit the system and processes used by the Office of Services Review (OSR) in order to validate the information provided by OSR. He noted that audits are costly to the Division because they require the Division to divert resources to the audit. He said that the state should be prepared to respond with resources to the outcomes of the audits and cited the workload study as a case in point.

Mr. Rick Coleman, Audit Manager, Office of the Legislative Auditor General, indicated that statute requires an audit annually and the Auditor has questioned whether annual audits are necessary. He suggested that the Panel look into whether they are necessary.

The Panel moved to the next agenda item.

#### **6. Office of Services Review Annual Report**

Mr. Craig Monson, Director, Office of Services Review, Department of Human Services, distributed and presented "System Review of DCFS" and reviewed the findings of the annual report of the Office of Services Review. He identified various ways the Department could improve the process.

#### **7. Holding Therapy**

Sen. Parley Hellewell indicated five legislators have met, including himself and Rep. Thompson, and have agreed to a bill to be presented during the session dealing with "holding therapy." Rep. Thompson indicated that there are still details to be worked out, but the group has come to an understanding in principle.

Rep. Throckmorton indicated that draft legislation "Prohibition of Coercive Restraint Therapy" will be held and worked upon at a later date.

#### **8. Other Items / Adjourn**

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**MOTION:** Rep. Throckmorton moved to adjourn the meeting. The motion passed unanimously.

Chair Throckmorton adjourned the meeting at 3:55 p.m.