

UTAH STATE LEGISLATURE

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NOTICE OF MEETING

CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL

The committee chairs have scheduled the following meeting:

DATE: Wednesday, November 13, 2002
TIME: 2:00 p.m.
PLACE: Room 416 State Capitol

An agenda follows this notice. If committee members would like to be excused from the meeting, they may call Mark Andrews or Alicia Laughlin at 538-1032.

COMMITTEE MEMBERS

Sen. Dan R. Eastman, Senate Chair
Rep. Matt Throckmorton, House Chair

Sen. Gene Davis

Rep. Trisha S. Beck

Rep. Jack A. Seitz

STAFF

Mark D. Andrews
Research Analyst

Stacey M. Snyder
Associate General Counsel

Alicia M. Laughlin
Legislative Secretary

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call Linda Johnson at 801-538-1285, giving her at least 3 working days notice.

Prepared November 6, 2002

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AGENDA

CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL

UTAH LEGISLATURE

Wednesday, November 13, 2002 • 2:00 p.m. • Room 416 State Capitol

Approximate
Time Frame

- 2:00** **1. Committee Business**
- Call to order
 - Approval of the minutes of the September 19, 2002 meeting
- 2:05** **2. Performance Milestone Plan**
- The Panel will review the state's memorandum to the U.S. District Court in response to the motion made recently by the National Center for Youth Law.*
- 2:20** **3. Response to Child Abuse and Neglect Referrals**
- The Panel will consider whether response times for child abuse referrals should be modified.*
- 2:45** **4. Access to Child Welfare Proceedings**
- The Panel will continue it's study of who may attend child welfare proceedings in juvenile court.*
- 3:15** **5. Next Year's Annual Report by the Legislative Auditor General**
- In September the Panel reviewed the Auditor General's annual report which focused on DCFS caseworker workload in response to a request by the Panel last year. The Auditor General has submitted a letter to the Panel soliciting guidance from the committee for next year's audit and suggesting potential study topics. The Panel will review the Auditor's recommendations and review potential changes to Section 62-4a-118(4):*
- "(a) ...the Legislative Auditor General shall audit a sample of child welfare referrals to and cases handled by the division, and report his findings to the Child Welfare Legislative Oversight Panel and the Health and Human Services Interim Committee each year, on dates scheduled by the panel and committee.
 - (b) With regard to the sample of referrals, removals, and cases, the Legislative Auditor General's report shall include:
 - (i) findings regarding whether state statutes, division policy, and legislative policy were followed by the division and its employees;
 - (ii) a determination regarding whether referrals, removals, and cases were appropriately handled by the division and its employees, and whether children were adequately and appropriately protected and appropriate services provided for families, in accordance with the provisions of Title 62A, Chapter 4a, and Title 78, Chapter 3a, Parts 3 and 4, and division policy;
 - (iii) an assessment of the division's intake procedures and decisions, including an assessment of the appropriateness of decisions not to accept referrals;
 - (iv) an assessment of the appropriateness of the division's assignment of priority; and
 - (v) a determination regarding whether the department's review process is effecting beneficial change within the division and accomplishing the mission established by the Legislature and the department for that review process."

3:35 6. Office of Services Review Annual Report

The Panel will review the annual report by the Department of Human Services on the performance of the Division of Child and Family Services required by Section 62A-4a-118, UCA:

- "...the executive director [of the Department of Human Services], or his designee, shall annually review a randomly selected sample of child welfare referrals to and cases handled by the division [of Child and Family Services]. The purpose of that review shall be to assess whether the division is adequately protecting children and providing appropriate services to families, in accordance with the provisions of Title 62A, Chapter 4a, Child and Family Services, and Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings, and Part 4, Termination of Parental Rights Act. The review shall focus directly on the outcome of cases to children and families, and not simply on procedural compliance with specified criteria.
- (b) The executive director shall report, regarding his review of those cases, to the Legislative Auditor General, the Child Welfare Legislative Oversight Panel, and the Health and Human Services Interim Committee each year, on dates scheduled by the panel and committee.
 - (c) Information obtained as a result of the review shall be provided to caseworkers, supervisors, and division personnel involved in the respective cases, for purposes of education, training, and performance evaluation.
- (3) The executive director's review and report to the Legislature shall include:
- (a) the criteria used by the executive director, or his designee, in making the evaluation;
 - (b) findings regarding whether state statutes, division policy, and legislative policy were followed in each sample case;
 - (c) findings regarding whether, in each sample case, referrals, removals, or cases were appropriately handled by the division and its employees, and whether children were adequately and appropriately protected and appropriate services provided to families, in accordance with the provisions of Title 62A, Chapter 4a, and Title 78, Chapter 3a, Parts 3 and 4, and division policy;
 - (d) an assessment of the division's intake procedures and decisions, including an assessment of the appropriateness of decisions not to accept referrals; and
 - (e) an assessment of the appropriateness of the division's assignment of priority."

4:10 7. Holding Therapy

At its September 19 meeting the Panel considered and recommended the draft legislation "Prohibition of Coercive Restraint Therapy." The Panel will receive additional testimony about holding therapy.

4:45 8. Other Business

4:50 9. Adjourn