

MEMORANDUM

To: Judiciary Interim Committee

From: Rep. LaVar Christensen
Rep. V. Lowry Snow

Date: November 14, 2012

Re: Findings and Recommendations pursuant to H.B. 161, Rights of Parents and Children (GS 2012)

(1) During the 2012 General Session, the Legislature passed H.B. 161, Rights of Parents and Children, sponsored by Rep. LaVar Christensen.

(2) The legislation required the Judiciary Interim Committee to study the 2011 legislative audit of the Division of Child and Family Services and make findings on the status and need for action by the division.

(3) The Judiciary Interim Committee heard and discussed the audit during its June and August meetings. A subcommittee was appointed to continue the study of the audit and the division's compliance.

(4) In response to a request for more information and data, the division has indicated that the requested information will not be sufficiently available until December.

(5) The Judiciary Interim Committee makes the following requests for information and data to be reported in writing no later than January 15, 2013 to the Judiciary Standing Committee, the Health and Human Services Standing Committee, and the Appropriations Committee for the division during the 2013 Legislative Session:

(a) the number of in-home and foster care placements for May through December 2012;

(b) the number of in-home and foster care placements for the same eight months (May through December) for the previous three years;

- (c) copies of all written policies, administrative rules, training and changes in "best practices" put in place reflecting the change in the law as of May 8, 2012;
- (d) an estimate of budget savings realized through implementation of Subsection 62A-4a-201(7) and an explanation of how those savings were calculated and applied;
- (e) all pending foster care and potential termination of parental rights cases and the extent to which the cases have been fully re-evaluated or appropriately amended to ensure that the "least restrictive means" is being employed consistent with the provisions of H.B. 161;
- (f) if the division has implemented extended time periods in which in-home services are utilized before a finding of unfitness and the termination of parental rights is pursued, emphasizing that terminating parental rights is the last resort and only utilized when strictly necessary;
- (g) whether the reallocation of budget resources to decrease foster care and termination of parental rights through increased in-home services, heightened emphasis on rehabilitation of alleged unfit parents and greater family reunification emphasis with the use of extensive family support has been accomplished; and
- (h) within 2013 budget considerations, whether the right to a jury trial and the need for parental rights defense counsel should be included.