

Part 3

Child Abuse and Neglect Prevention and Treatment

62A-4a-301 Legislative finding.

The Legislature finds that there is a need to assist private and public agencies in identifying and establishing community-based education, service, and treatment programs to prevent the occurrence and recurrence of abuse and neglect.

It is the purpose of this part to provide a means to increase prevention and treatment programs designed to reduce the occurrence or recurrence of child abuse and neglect.

Amended by Chapter 299, 2008 General Session

62A-4a-302 Definitions.

As used in this part, "council" means the Child Welfare Improvement Council established under Section 62A-4a-311.

Amended by Chapter 231, 2016 General Session

62A-4a-303 Director's responsibility.

The director shall:

- (1) contract with public or private nonprofit organizations, agencies, schools, or with qualified individuals to establish voluntary community-based educational and service programs designed to reduce the occurrence or recurrence of abuse and neglect;
- (2) facilitate the exchange of information between and among groups concerned with families and children;
- (3) consult with appropriate state agencies, commissions, and boards to help determine the probable effectiveness, fiscal soundness, and need for proposed education and service programs for the prevention and treatment of abuse and neglect;
- (4) develop policies to determine whether programs will be discontinued or will receive continuous funding;
- (5) establish flexible fees and fee schedules based on the recipient's ability to pay for part or all of the costs of service received; and
- (6) adopt rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to carry out the purposes of this part.

Amended by Chapter 75, 2009 General Session

62A-4a-304 Contracts for services.

- (1)
 - (a) Contracts for services to prevent child abuse and neglect shall be awarded on the basis of probability of success, based in part on sound research data.
 - (b) Each contract entered into by the director under Section 62A-4a-303 shall contain a provision for the evaluation of services provided under the contract.
- (2) Contract funds awarded for the treatment of victims of abuse and neglect are not a collateral source as described in Section 63M-7-502.

Amended by Chapter 299, 2008 General Session

Amended by Chapter 382, 2008 General Session

62A-4a-305 Prevention and treatment programs.

Programs contracted under this part shall be designed to provide voluntary primary abuse and neglect prevention, and voluntary or court-ordered treatment services, including, without limiting the generality of the foregoing, the following community-based programs:

- (1) those relating to prenatal care, perinatal bonding, child growth and development, basic child care, care of children with special needs, and coping with family stress;
- (2) those relating to crisis care, aid to parents, abuse counseling, support groups for abusive or potentially abusive parents and their children, and early identification of families where the potential for abuse and neglect exists;
- (3) those clearly designed to prevent the occurrence or recurrence of abuse, neglect, sexual abuse, sexual exploitation, medical or educational neglect, and such other programs as the division and council may from time to time consider potentially effective in reducing the incidence of family problems leading to abuse or neglect; and
- (4) those designed to establish and assist community resources that prevent abuse and neglect.

Amended by Chapter 75, 2009 General Session

62A-4a-306 Programs and services -- Public hearing requirements -- Review by local board of education.

- (1) Before any abuse or neglect prevention or treatment program or service may be purchased or contracted for, the division shall conduct a public hearing and the council shall conduct a public hearing, to receive public comment on the specific program or service.
- (2) Before any abuse or neglect prevention or treatment program or service which is intended for presentation in public schools may be purchased or contracted for, evidence shall be submitted to the division that the program or service has been approved by the local board of education of each school district which will be utilizing that program or service. The local board of education may grant the approval authority to the superintendent.

Amended by Chapter 75, 2009 General Session

62A-4a-307 Factors considered in award of contracts.

In awarding contracts under this part, consideration shall be given to factors such as need, diversity of geographic locations, coordination with or enhancement of existing services, and the extensive use of volunteers.

Renumbered and Amended by Chapter 260, 1994 General Session

62A-4a-308 Portion of funding provided by contractor.

The director may require that 25% of the funding for individual programs contracted by the director under this part be provided by the contractor operating the program. Contributions of materials, supplies, or physical facilities may be considered as all or part of the funding provided by the contractor.

Renumbered and Amended by Chapter 260, 1994 General Session

62A-4a-309 Children's Account.

- (1) There is created a restricted account within the General Fund known as the "Children's Account." The restricted account is for crediting of contributions from private sources and from appropriate revenues received under Section 26-2-12.5 for abuse and neglect prevention programs described in Section 62A-4a-305.
- (2) Money shall be appropriated from the account to the division by the Legislature under the Utah Budgetary Procedures Act, and shall be drawn upon by the director in consultation with the executive director of the department.
- (3) Except as provided in Subsection (4), the Children's Account may be used only to implement prevention programs described in Section 62A-4a-305, and may only be allocated to an entity that provides a one-to-one match, comprising a match from the community of at least 50% in cash and up to 50% in in-kind donations, which is 25% of the total funding received from the Children's Account.
- (4)
 - (a) The entity that receives the statewide evaluation contract is excepted from the cash-match provisions of Subsection (3).
 - (b) Upon recommendation of the executive director and the council, the division may reduce or waive the match requirements described in Subsection (3) for an entity, if the division determines that imposing the requirements would prohibit or limit the provision of services needed in a particular geographic area.

Amended by Chapter 278, 2010 General Session

62A-4a-310 Funds -- Transfers and gifts.

On behalf of the Children's Account, the department, through the division, may accept transfers, grants, gifts, bequests, or any money made available from any source to implement this part.

Amended by Chapter 278, 2010 General Session

62A-4a-311 Child Welfare Improvement Council -- Creation -- Membership -- Expenses.

- (1)
 - (a) There is established the Child Welfare Improvement Council composed of no more than 25 members who are appointed by the division.
 - (b) Except as required by Subsection (1)(c), as terms of current council members expire, the division shall appoint each new member or reappointed member to a four-year term.
 - (c) Notwithstanding the requirements of Subsection (1)(b), the division shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
 - (d) The council shall have geographic, economic, gender, cultural, and philosophical diversity.
 - (e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (2) The council shall elect a chairperson from its membership at least biannually.
- (3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (4)

- (a) The council shall hold a public meeting quarterly.
 - (b) Within budgetary constraints, meetings may also be held on the call of the chair, or of a majority of the members.
 - (c) A majority of the members currently appointed to the council constitute a quorum at any meeting and the action of the majority of the members present shall be the action of the council.
- (5) The council shall:
- (a) advise the division on matters relating to abuse and neglect;
 - (b) recommend to the division how funds contained in the Children's Account should be allocated; and
 - (c) provide community and professional input on the performance of the division.

Amended by Chapter 231, 2016 General Session