

Part 1 General Provisions

63A-11-101 Title.

This chapter is known as the "Child Welfare Parental Defense Program."

Amended by Chapter 265, 2011 General Session

63A-11-102 Definitions.

For purposes of this chapter:

- (1) "Child welfare case" means a proceeding under Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings or Part 5, Termination of Parental Rights Act.
- (2) "Contracted parental defense attorney" means a parental defense attorney who is under contract with the department to provide parental defense in child welfare cases.
- (3) "Fund" means the Child Welfare Parental Defense Fund established in Section 63A-11-203.
- (4) "Parental defense attorney" means an attorney, law firm, or group of attorneys who:
 - (a) are authorized to practice law in Utah; and
 - (b) provide legal representation under contract with the department, or a county in the state, to a parent who is a party in a child welfare case.
- (5) "Program" means the Child Welfare Parental Defense Program created in Section 63A-11-103.

Amended by Chapter 265, 2011 General Session

63A-11-103 Creation of program.

There is created within the department, the Child Welfare Parental Defense Program.

Amended by Chapter 265, 2011 General Session

63A-11-104 Program -- Duties -- Contracting.

- (1) The department shall:
 - (a) except as provided under Subsection (2), administer and enforce this chapter;
 - (b) manage the operation and budget of the program; and
 - (c) if the department operates the program as an internal service fund agency in accordance with Section 63A-1-109.5, submit to the Rate Committee established in Section 63A-1-114:
 - (i) the proposed rate and fee schedule as required by Section 63A-1-114; and
 - (ii) other information or analysis requested by the Rate Committee.
- (2) The department may contract with:
 - (a) a qualified person to perform the program duties assigned by this chapter; and
 - (b) an attorney authorized to practice law in the state, as an independent contractor, to serve as a parental defense attorney as provided under Section 63A-11-201.

Amended by Chapter 265, 2011 General Session

63A-11-105 Program -- Duties, functions, and responsibilities.

The department shall:

- (1) provide assistance and advice to parental defense attorneys;
- (2) develop and provide educational and training programs for parental defense attorneys; and

- (3) provide information and advice to assist parental defense attorneys to comply with their professional, contractual, and ethical duties.

Amended by Chapter 265, 2011 General Session

63A-11-106 Annual report -- Budget.

- (1) On or before the 1st day of October each year, the executive director shall report to the governor and the Child Welfare Legislative Oversight Panel of the Legislature regarding the preceding fiscal year on the operations, activities, and goals of the program.
- (2) The executive director shall prepare a budget of:
 - (a) the administrative expenses for the program; and
 - (b) the amount estimated to fund needed contracts and other costs.

Amended by Chapter 265, 2011 General Session

63A-11-107 Records access.

- (1)
 - (a) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, and except as provided in Subsection (1)(b), all records of a contracted parental defense attorney are protected and may not be released or made public upon subpoena, search warrant, discovery proceedings, or otherwise.
 - (b) All records of a contracted parental defense attorney are subject to legislative subpoena, under Title 36, Chapter 14, Legislative Subpoena Powers.
- (2) Records released in accordance with Subsection (1)(b) shall be maintained as confidential by the Legislature. The professional legislative staff may, however, include summary data and nonidentifying information in its audits and reports to the Legislature.

Amended by Chapter 382, 2008 General Session