

**LEGISLATIVE AUDITS OF CHILD WELFARE SYSTEM**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Nora B. Stephens**

AN ACT RELATING TO THE CHILD WELFARE REFORM ACT; AMENDING PROVISIONS RELATING TO INTERNAL AND LEGISLATIVE AUDITS OF THE CHILD WELFARE SYSTEM AND THE DIVISION OF CHILD AND FAMILY SERVICES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**62A-4a-118**, as last amended by Chapter 13, Laws of Utah 1998

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **62A-4a-118** is amended to read:

**62A-4a-118. Annual review of child welfare referrals and cases by executive director -- Accountability to the Legislature -- Review by Legislative Auditor General.**

(1) [~~As of July 1, 1994, the~~] The division shall use principles of quality management systems, including statistical measures of processes of service, and the routine reporting of performance data to employees.

(2) (a) In addition to development of quantifiable outcome measures and performance measures in accordance with Section 62A-4a-117, the executive director, or his designee, shall annually review a randomly selected [~~statistically significant~~] sample of [~~foster care and child protective service~~] child welfare referrals to and cases handled by the division. 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 [~~before October 1, 1995, and~~] each [~~subsequent~~] 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; [~~and~~]

(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) (a) In addition to the review conducted by the executive director, the Legislative Auditor General shall audit a [~~subsample of the cases reviewed by the executive director~~] 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 [~~before December 31, 1995, and~~] each [~~subsequent~~] 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.