

**PILOT PROGRAM FOR DIFFERENTIATED  
RESPONSES TO CHILD ABUSE AND  
NEGLECT REPORTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Matt Throckmorton**

AN ACT RELATING TO CHILD AND FAMILY SERVICES; ESTABLISHING A PILOT PROGRAM FOR DIFFERENTIATED RESPONSES TO CHILD ABUSE AND NEGLECT REPORTS; AUTHORIZING THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES TO SELECT REGIONS FOR PARTICIPATION IN THE PILOT PROGRAM; PROVIDING A SUNSET DATE; ESTABLISHING CRITERIA FOR DETERMINING WHEN A FAMILY ASSESSMENT SHOULD OCCUR IN RESPONSE TO A REPORT OF CHILD ABUSE OR NEGLECT; ESTABLISHING THE COMPONENTS OF FAMILY ASSESSMENTS; ESTABLISHING CRITERIA FOR WHEN A FAMILY ASSESSMENT IS DISCONTINUED IN FAVOR OF AN INVESTIGATION; LIMITING THE FAMILY ASSESSMENT INFORMATION THAT MAY BE INCLUDED ON THE DIVISION'S INFORMATION SYSTEM; REQUIRING THAT AN INDEPENDENT ENTITY EVALUATE THE PILOT PROGRAM; AND IMPOSING REPORTING AND OTHER RELATED DUTIES ON THE DIVISION OF CHILD AND FAMILY SERVICES.

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

AMENDS:

**63-55-262**, as last amended by Chapters 15 and 134, Laws of Utah 1997

ENACTS:

**62A-4a-202.7**, Utah Code Annotated 1953

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

Section 1. Section **62A-4a-202.7** is enacted to read:

**62A-4a-202.7. Pilot program for differentiated responses to child abuse and neglect reports.**

(1) (a) Before July 1, 2000, the executive director shall select no less than one and no more

than three regions within the division to establish a pilot program that complies with the provisions of this section.

(b) After July 1, 2001, the executive director may add one region, in addition to those selected under Subsection (1)(a), to the pilot program every four months.

(2) This section shall be repealed in accordance with Section 63-55-262.

(3) (a) This section applies only to:

(i) those regions that have been selected under Subsection (1) to participate in this pilot program; and

(ii) the response of the division to reports of child abuse or neglect in the participating regions.

(b) Except as provided in Subsection (3)(a), nothing in this section may be construed as:

(i) superceding or otherwise altering the provisions of this chapter or Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings; or

(ii) as restricting the ability of the division to provide services, remove the child, or otherwise proceed in accordance with this chapter and Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency Hearings.

(4) Within each region selected, the division shall establish a process that classifies reports of child abuse and neglect into one of the following three categories:

(a) accepted for an investigation;

(b) accepted for a family assessment; and

(c) not accepted.

(5) The division may only initiate contact with a family member in connection with a report if the report has been officially accepted by the division for investigation or family assessment in accordance with this section.

(6) (a) Except as provided in Subsection (7), a report shall be accepted for an investigation if:

(i) required by Section 62A-4a-409; or

(ii) three prior reports involving the same family have been accepted by the division for either

an investigation or a family assessment.

(b) Except as provided in Subsection (6)(c), the division shall conduct an investigation of a report accepted pursuant to Subsection (6)(a) in accordance with Section 62A-4a-409.

(c) The division may refer a case for a family assessment if at any time during the investigation, the division determines that:

(i) the case is limited to a form of abuse or neglect listed in Subsection (7); or

(ii) (A) the harm to the child is minor; and

(B) the family indicates a willingness to participate in a family assessment.

(d) The division shall conduct an investigation anytime that it receives a report accepted for investigation under this Subsection (6), even if:

(i) the report also includes allegations that would qualify for a family assessment under Subsection (7); or

(ii) a second report is received before the investigation has occurred that would qualify for a family assessment under Subsection (7).

(7) A report shall be accepted for a family assessment if there is a reasonable basis to suspect that:

(a) the child is ungovernable; or

(b) one or more of the following has occurred:

(i) neglect involving a verbal child who is six years of age or older that is not serious or chronic;

(ii) lack of proper supervision of a child;

(iii) domestic violence outside of a child's presence;

(iv) the receipt of three unaccepted reports involving the same family;

(v) a parent and child conflict indicating a significant breakdown in the parent-child relationship and the need for direct intervention to prevent a foreseeable risk of violence or abuse;

or

(vi) educational neglect.

(8) The purpose of a family assessment is to:

(a) ensure that the child is safe;

(b) seek the cooperation of the family in learning about and participating in state and community services; and

(c) determine with the family whether the family could benefit from division or community services in view of the specific strengths, challenges, available resources, and needs of the family.

(9) (a) The division shall visit the child's home within three working days to begin a family assessment for a report accepted pursuant to Subsection (7).

(b) In accordance with Subsection (8), the division shall seek the cooperation of the family in participating in a family assessment.

(c) If the family declines to participate in a family assessment at the initial point of contact, the division shall, by virtue of the fact that a report was accepted pursuant to Subsection (7):

(i) complete the family assessment components provided in Subsection (10); and

(ii) initiate an investigation if there is evidence of abuse or neglect for which an investigation is required under Subsection (6).

(10) A family assessment shall consist of the following components:

(a) an analysis of the circumstances resulting in the report;

(b) a risk assessment designed to ensure the child's safety;

(c) a thorough review of the division's records of prior involvement with the family; and

(d) speaking face-to-face with the child, which may be conducted outside of the presence of others if the division believes that it is necessary and appropriate under the circumstances.

(11) (a) A family assessment may include additional information from the family as may be needed and that the family is willing to provide to better understand the family's strengths, challenges, available resources, and needs.

(b) In requesting information under Subsection (11)(a), the division shall explain to the family how it intends to use the information it collects.

(c) In performing a family assessment, the division shall inform the family orally or in writing before the division contacts persons who are not immediate family members.

(12) (a) The division shall initiate an investigation if it determines during the course of a

family assessment that an investigation is required under Subsection (6).

(b) A family assessment may be discontinued if after completing the family assessment components the division determines that:

(i) the circumstances do not warrant further involvement; or

(ii) the family requests the discontinuation of the assessment.

(13) The division may perform a family assessment for a family that requests one, even if a report has not been accepted for a family assessment.

(14) A family assessment shall be completed within 30 days of the initial contact with the family.

(15) (a) With respect to information acquired from a family assessment, the division may only record the family assessment components described in Subsection (10) onto the management information system described in Subsection 62A-4a-116(2).

(b) Nothing in Subsection (15)(a) may be construed as limiting the information that may be recorded onto the management information system as a result of:

(i) a report of child abuse or neglect;

(ii) an investigation;

(iii) division services provided to the family; or

(iv) any other division involvement with the family apart from the family assessment.

(16) All references to a report accepted for a family assessment shall be deleted from the management information system after five years unless:

(a) the executive director determines that there is good cause for keeping the report on the management information system based on standards established by rule; or

(b) a subsequent report involving the same alleged initiator has occurred within that five-year period.

(17) In connection with this pilot program, the division shall:

(a) standardize the key elements of the program;

(b) adequately train division employees to:

(i) process and classify incoming reports;

- (ii) perform family assessments; and
- (iii) conduct investigations;
- (c) work within the FACT initiative to identify community partnerships to facilitate delivery of services based on family assessments;
- (d) establish quality assurance panels to review no less than twice each month the appropriateness of classifying reports as unaccepted;
- (e) consider the feasibility and, if appropriate, implementation of a system that:
  - (i) directs incoming reports of child abuse and neglect to a central location; and
  - (ii) sends reports from the central location to the appropriate regional offices for a determination of whether, applying the provisions of this section, a particular report should be accepted for investigation, accepted for a family assessment, or not accepted;
- (f) contract before July 1, 2001, with an independent entity pursuant to Title 63, Chapter 56, Utah Procurement Code, to evaluate the outcomes of the pilot program with respect to:
  - (i) the safety of children;
  - (ii) the needs and perspectives of families;
  - (iii) the recurrence of child abuse and neglect;
  - (iv) the perspectives of child welfare and community partners;
  - (v) the perspectives of division employees; and
  - (vi) other areas identified by the division;
- (g) send a copy of any written report by the independent evaluator to the Child Welfare Legislative Oversight Panel within 30 days of receipt; and
- (h) send a written report to the Child Welfare Legislative Oversight Panel 30 days before a region is added to the pilot program pursuant to Subsection (1)(b), identifying:
  - (i) the overall status of the pilot program; and
  - (ii) the reasons supporting the executive director's decision to expand the pilot program to the region selected.

Section 2. Section **63-55-262** is amended to read:

**63-55-262. Repeal dates, Title 62A.**

(1) Title 62A, Chapter 3, Part 4, Reverse Mortgage Services, is repealed July 1, 1998.

(2) Section 62A-4a-202.7, Pilot Program for Differentiated Responses to Child Abuse and Neglect Reports, is repealed July 1, 2005.