

**IMMUNITY FOR FOSTER CARE REFERRAL**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: John E. Swallow**

AN ACT RELATING TO HUMAN SERVICES; EXTENDING IMMUNITY TO ORGANIZATIONS THAT CONTRACT WITH THE STATE TO RECRUIT AND TRAIN FOSTER CARE PARENTS AND VOLUNTEERS ON MATTERS FOR WHICH THE STATE RETAINS ULTIMATE AUTHORITY AND RESPONSIBILITY.

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

AMENDS:

**62A-4a-107.5**, as enacted by Chapter 370, Laws of Utah 1998

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

Section 1. Section **62A-4a-107.5** is amended to read:

**62A-4a-107.5. Private recruitment and training of foster care parents and child welfare volunteers -- Extension of immunity.**

(1) The division may contract with one or more private, nonprofit organizations to recruit and train foster care parents and child welfare volunteers on a statewide or regional basis.

(2) An organization that contracts with the division pursuant to Subsection (1) shall agree to:

(a) increase the number of licensed and trained foster care parents in the geographic area covered by:

- (i) developing a strategic plan;
- (ii) assessing the needs, perceptions, and qualities of potential foster care parents;
- (iii) assessing the needs, perceptions, and qualities of children in state custody;
- (iv) identifying potential foster care parents through public and private resources;
- (v) screening foster care parent applicants;
- (vi) providing preservice, ongoing, and customized training to foster care parents;
- (vii) developing a competency-based training curriculum with input from public and private resources and approved by the division;

(viii) focusing training exercises on skill development; and  
(ix) supporting foster care parents by supplying staff support, identifying common issues, encouraging peer support, and connecting available resources;

(b) increase the number of child welfare volunteers in the geographical area covered by:

- (i) developing a strategic plan;
  - (ii) seeking the participation of established volunteer organizations;
  - (iii) designing and offering initial orientation sessions to child welfare volunteers;
  - (iv) informing volunteers of options for service as specified by the division; and
  - (v) facilitating the placement and certification of child welfare volunteers;
- (c) coordinate efforts, where appropriate, with the division;

(d) seek private contributions in furtherance of the organization's activities under this Subsection (2);

(e) perform other related services and activities as may be required by the division; and

(f) establish a system for evaluating performance and obtaining feedback on the activities performed pursuant to this Subsection (2).

(3) Notwithstanding Subsection (2), the department shall retain ultimate authority over and responsibility for:

(a) initial and ongoing training content, material, curriculum, and techniques, and certification standards used by an organization; and

(b) screening, investigation, licensing, certification, referral, and placement decisions with respect to any person recruited or trained by an organization.

(4) (a) An organization under contract with the department and its directors, trustees, officers, employees, and agents, whether compensated or not, may not be held civilly liable for any act or omission on a matter for which the department retains ultimate authority and responsibility under Subsection (3).

(b) Nothing in Subsection (4)(a) may be construed as altering the child abuse and neglect reporting requirements of Section 62A-4a-403, regardless of whether the facts that give rise to such a report occur before or after a screening, investigation, licensing, or placement decision of the

department.

~~[(4)]~~ (5) A referring entity or a referring individual that voluntarily and without remuneration assists the organization to identify and recruit foster care parents or child welfare volunteers is not liable in any civil action for any act or omission of:

(a) the referring entity or the referring individual, which is performed in good faith and in furtherance of the entity's assistance to the organization; or

(b) any person directly or indirectly referred to the organization by the entity as a foster care parent or child welfare volunteer, if the referring individual was without actual knowledge of any substantiated fact that would have disqualified the person from such a position at the time the referral was made.

~~[(5)]~~ (6) As used in this section:

(a) "referring entity" means:

(i) an incorporated or unincorporated organization or association whether formally incorporated or otherwise established and operating for religious, charitable, or educational purposes which does not distribute any of its income or assets to its members, directors, officers, or other participants;

(ii) any organization which is described in Section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from tax under Section 501 of the Internal Revenue Code; or

(iii) any not-for-profit organization which is formed and conducted for public benefit and operated primarily for charitable, civic, educational, religious, benevolent, welfare, or health purposes; and

(b) "referring individual" means an individual:

(i) with the authority to act on behalf of a referring entity in making a referral; and

(ii) who may or may not be compensated by the referring entity.