

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

4 2000 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Matt Throckmorton**

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

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

22 AMENDS:

23 **63-55-262**, as last amended by Chapters 15 and 134, Laws of Utah 1997

24 ENACTS:

25 **62A-4a-202.7**, Utah Code Annotated 1953

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

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

28 62A-4a-202.7. Pilot program for differentiated responses to child abuse and neglect
29 reports.

30 (1) (a) Before July 1, 2000, the executive director shall select no less than one and no more
31 than three regions within the division to establish a pilot program that complies with the provisions
32 of this section.

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

35 (2) This section shall be repealed in accordance with Section 63-55-262.

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

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

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

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

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

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

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

49 (a) accepted for an investigation;

50 (b) accepted for a family assessment; and

51 (c) not accepted.

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

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

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

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

59 either an investigation provided that it occurred within the previous ten years, or a family
60 assessment provided that it occurred within the previous five years.

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

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

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

66 (ii) (A) the division has no previous involvement with the family;

67 (B) the harm to the child is minor; and

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

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

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

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

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

77 (a) the child is ungovernable; or

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

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

81 (ii) lack of proper supervision of a child;

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

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

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

86 or

87 (vi) educational neglect.

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

89 (a) ensure that the child is safe;

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

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

94 (9) (a) The division shall visit the child's home within 72 hours to begin a family
95 assessment for a report accepted pursuant to Subsection (7).

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

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

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

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

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

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

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

107 (c) speaking face-to-face with the child, which may be conducted outside of the presence
108 of others if the division believes that it is necessary and appropriate under the circumstances,
109 provided that the division inform the child's parent or legal guardian orally or in writing of the
110 interview within 12 hours unless disclosures made by the child during the interview require an
111 investigation under Subsection (6); and

112 (d) a thorough review of all division records of prior interaction between the division and
113 the family.

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

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

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

121 (12) (a) The division shall initiate an investigation if it determines during the course of a
122 family assessment that an investigation is required under Subsection (6).

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

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

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

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

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

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

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

136 (a) a report of child abuse or neglect;

137 (b) an investigation;

138 (c) division services provided to the family; or

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

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

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

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

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

147 (a) standardize the key elements of the program;

148 (b) adequately train division employees to:

149 (i) process and classify incoming reports;

150 (ii) perform family assessments; and

151 (iii) conduct investigations;

152 (c) establish quality assurance panels to regularly review the appropriateness of classifying
153 reports as unaccepted;

154 (d) consider the feasibility and, if appropriate, implementation of a system that:

155 (i) directs incoming reports of child abuse and neglect to a central location; and

156 (ii) sends reports from the central location to the appropriate regional offices for a
157 determination of whether, applying the provisions of this section, a particular report should be
158 accepted for investigation, accepted for a family assessment, or not accepted;

159 (e) contract before July 1, 2001, with an independent entity pursuant to Title 63, Chapter
160 56, Utah Procurement Code, to evaluate the outcomes of the pilot program with respect to:

161 (i) the safety of children;

162 (ii) the needs and perspectives of families;

163 (iii) the recurrence of child abuse and neglect;

164 (iv) the perspectives of child welfare and community partners;

165 (v) the perspectives of division employees; and

166 (vi) other areas identified by the division;

167 (f) send a copy of any written report by the independent evaluator to the Child Welfare
168 Legislative Oversight Panel within 30 days of receipt; and

169 (g) send a written report to the Child Welfare Legislative Oversight Panel 30 days before
170 a region is added to the pilot program pursuant to Subsection (1)(b), identifying:

171 (i) the overall status of the pilot program; and

172 (ii) the reasons supporting the executive director's decision to expand the pilot program
173 to the region selected.

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

175 **63-55-262. Repeal dates, Title 62A.**

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

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

Legislative Review Note

as of 1-25-00 7:09 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel