

1 **ADOPTION RESPONSIBILITIES - STATE**

2 **OVERSIGHT**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Parley G. Hellewell**

7 **LONG TITLE**

8 **General Description:**

9 This bill amends adoption assistance provisions.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires the adoption assistance amount to equal the amounts the division would
13 provide for the child as a legal ward of the state;
- 14 ▶ expands the monthly subsidiary considerations to include the maximum foster care
15 payment or residential room and board payment that would be paid at the time the
16 subsidy amount is initiated or revised; and
- 17 ▶ makes technical changes.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides an effective date.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **62A-4a-105 (Effective 07/01/04)**, as last amended by Chapter 171, Laws of Utah 2003

25 **62A-4a-904**, as enacted by Chapter 115, Laws of Utah 2001

26 **62A-4a-906**, as enacted by Chapter 115, Laws of Utah 2001



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

29 Section 1. Section **62A-4a-105 (Effective 07/01/04)** is amended to read:

30 **62A-4a-105 (Effective 07/01/04). Division responsibilities.**

31 The division shall:

32 (1) administer services to children and families, including child welfare services,
33 domestic violence services, and all other responsibilities that the Legislature or the executive
34 director may assign to the division;

35 (2) establish standards for all contract providers of out-of-home care for children and
36 families;

37 (3) cooperate with the federal government in the administration of child welfare and
38 domestic violence programs and other human service activities assigned by the department;

39 (4) provide for the compilation of relevant information, statistics, and reports on child
40 and family service matters in the state;

41 (5) prepare and submit to the department, the governor, and the Legislature reports of
42 the operation and administration of the division in accordance with the requirements of
43 Sections 62A-4a-117 and 62A-4a-118;

44 (6) promote and enforce state and federal laws enacted for the protection of abused,
45 neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in
46 accordance with the requirements of this chapter, unless administration is expressly vested in
47 another division or department of the state. In carrying out the provisions of this Subsection
48 (6), the division shall cooperate with the juvenile courts, the Division of Juvenile Justice
49 Services, and with all public and private licensed child welfare agencies and institutions to
50 develop and administer a broad range of services and supports. The division shall take the
51 initiative in all matters involving the protection of abused or neglected children if adequate
52 provisions have not been made or are not likely to be made, and shall make expenditures
53 necessary for the care and protection of those children, within the division's budget;

54 (7) provide substitute care for dependent, abused, neglected, and delinquent children,
55 establish standards for substitute care facilities, and approve those facilities;

56 (8) provide adoption assistance to persons adopting children with special needs under
57 Part 9, Adoption Assistance, of this chapter. The financial support provided under this
58 Subsection (8) [~~may not exceed~~] shall be equal to the amounts the division would provide for

59 the child as a legal ward of the state;

60 (9) cooperate with the Division of Employment Development in the Department of
61 Workforce Services in meeting social and economic needs of individuals eligible for public
62 assistance;

63 (10) conduct court-ordered home evaluations for the district and juvenile courts with
64 regard to child custody issues. The court [~~shall~~] may order either or both parties to reimburse
65 the division for the cost of that evaluation, in accordance with the community rate for that
66 service or with the department's fee schedule rate;

67 (11) provide noncustodial and in-home preventive services, designed to prevent family
68 breakup, family preservation services, and reunification services to families whose children are
69 in substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a,
70 Juvenile Court Act of 1996;

71 (12) provide protective supervision of a family, upon court order, in an effort to
72 eliminate abuse or neglect of a child in that family;

73 (13) establish programs and provide services to minors who have been placed in the
74 custody of the division for reasons other than abuse or neglect, pursuant to Section
75 62A-4a-250;

76 (14) provide shelter care in accordance with the requirements of this chapter and Title
77 78, Chapter 3a, Juvenile Court Act of 1996;

78 (15) provide social studies and reports for the juvenile court in accordance with Section
79 78-3a-505;

80 (16) arrange for and provide training for staff and providers involved in the
81 administration and delivery of services offered by the division in accordance with this chapter;

82 (17) provide domestic violence services in accordance with the requirements of federal
83 law, and establish standards for all direct or contract providers of domestic violence services.
84 Within appropriations from the Legislature, the division shall provide or contract for a variety
85 of domestic violence services and treatment methods;

86 (18) ensure regular, periodic publication, including electronic publication, regarding
87 the number of children in the custody of the division who have a permanency goal of adoption,
88 or for whom a final plan of termination of parental rights has been approved, pursuant to
89 Section 78-3a-312, and promote adoption of those children;

90 (19) provide protective services to victims of domestic violence, as defined in Section
91 77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78,
92 Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings;

93 (20) refer an individual receiving services from the division to the local substance
94 abuse authority or other private or public resource for court-ordered drug screening test. The
95 court shall order the individual to pay all costs of the tests unless:

96 (a) the cost of the drug screening is specifically funded or provided for by other federal
97 or state programs;

98 (b) the individual is a participant in a drug court; or

99 (c) the court finds that the individual is impecunious;

100 (21) have authority to contract with a private, nonprofit organization to recruit and train
101 foster care families and child welfare volunteers in accordance with Section 62A-4a-107.5; and

102 (22) perform such other duties and functions as required by law.

103 Section 2. Section **62A-4a-904** is amended to read:

104 **62A-4a-904. Adoption assistance.**

105 (1) Pursuant to federal requirements of 42 U.S.C. Sec. 670 et seq., Social Security Act,
106 the Division of Child and Family Services:

107 (a) shall provide for:

108 (i) payment of nonrecurring adoption expenses for an eligible child who has a special
109 need; and

110 (ii) state medical assistance when required by federal law; and

111 (b) may provide for monthly subsidies for an eligible child who has a special need.

112 (2) Payment of nonrecurring adoption expenses may not exceed \$2,000 and shall be
113 limited to costs incurred prior to finalization of an adoption.

114 (3) The level of monthly subsidy under Subsection (1)(b) shall be based on:

115 (a) the child's present and long-term treatment and care needs; [~~and~~]

116 (b) the family's ability to meet the needs of the child[~~;~~]; and

117 (c) the maximum foster care payment that would be paid at the time the subsidy
118 amount is initiated or revised.

119 (4) (a) The level of monthly subsidy may increase or decrease when the child's level of
120 need or the family's ability to meet the child's need changes.

121 (b) Either the family or the division may initiate changes to the monthly subsidy.
122 (5) Financial support provided under Subsection (1)(b) may not exceed the maximum
123 foster care payment or residential room and board payment that would be paid at the time the
124 subsidy amount is initiated or revised.

125 Section 3. Section **62A-4a-906** is amended to read:

126 **62A-4a-906. Termination or modification of adoption assistance.**

127 (1) Adoption assistance may not be terminated or modified unless basis exists under
128 Section 62A-4a-904 and the division has given adoptive parents notice and opportunity for a
129 hearing as required in Title 63, Chapter 46b, Administrative Procedures Act.

130 (2) Adoption assistance shall be terminated if any of the following occur:

131 (a) the adoptive parents request termination;

132 (b) the child reaches 18 years of age, unless approval has been given by the division to
133 continue beyond the age of 18 due to mental or physical disability, but in no case shall
134 assistance continue after a child reaches 21 years of age;

135 (c) the child dies;

136 (d) the adoptive parents die;

137 (e) the adoptive parent's legal responsibility for the child ceases;

138 (f) the state determines that the child is no longer receiving support from the adoptive
139 parents;

140 (g) the child marries; or

141 (h) the child enters military service.

142 Section 4. **Effective date.**

143 This bill takes effect May 3, 2004, except that the amendments to Section 62A-4a-105
144 (Effective 07/01/04) take effect July 1, 2004.

Legislative Review Note
as of 1-8-04 9:02 AM

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

Office of Legislative Research and General Counsel

State Impact

Provisions of this legislation will require an estimated increased funding for the Division of Child and Family Services for increased adoption assistance of \$2,766,400, with \$1,344,100 General Funds. The Division will realize additional federal funds estimated at \$1,422,300, contingent upon expenditure of state funds.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$1,344,100	\$1,344,100	\$0	\$0
Federal Funds	\$1,422,300	\$1,422,300	\$1,422,300	\$1,422,300
TOTAL	\$2,766,400	\$2,766,400	\$1,422,300	\$1,422,300

Individual and Business Impact

Some adoptive parents of children from State custody will realize increased adoption subsidies.

Office of the Legislative Fiscal Analyst