

Representative Paul Ray proposes the following substitute bill:

UTAH CHILD ABUSE PREVENTION BOARD

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Paul Ray

David Litvack

Steven R. Mascaró

LONG TITLE

General Description:

This bill creates the Utah Child Abuse Prevention Board and transfers oversight of the Children's Trust Account from the Child Abuse Advisory Council and the Board of Child and Family Services to the Utah Child Abuse Prevention Board created by this bill.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ changes the name of the Children's Trust Account to the Children's Trust Fund;
- ▶ describes how funds in the Children's Trust Fund may be used;
- ▶ creates, within the Department of Health, the Utah Child Abuse Prevention Board and lists the duties and powers of the board;
- ▶ grants the board the authority to administer the Children's Trust Fund;
- ▶ establishes membership of the board;
- ▶ provides for the organization of the board, including:
 - the appointment of a chair; and
 - the creation of committees;
- ▶ provides that members of the board serve without pay, but are entitled to a per diem



26 and reimbursement for expenses;

27 ▶ creates the position of executive director of the Children's Trust Fund and

28 establishes the executive director's duties;

29 ▶ provides for staff support of the board;

30 ▶ eliminates the responsibility of the Child Abuse Advisory Council and the Board of

31 Child and Family Services to oversee the Children's Trust Account or Children's

32 Trust Fund; and

33 ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **26-2-12.5**, as last amended by Chapter 202, Laws of Utah 1995

41 **62A-4a-311**, as last amended by Chapter 246, Laws of Utah 2003

42 ENACTS:

43 **26-7a-101**, Utah Code Annotated 1953

44 **26-7a-102**, Utah Code Annotated 1953

45 **26-7a-105**, Utah Code Annotated 1953

46 **26-7a-106**, Utah Code Annotated 1953

47 **26-7a-107**, Utah Code Annotated 1953

48 **26-7a-108**, Utah Code Annotated 1953

49 **26-7a-109**, Utah Code Annotated 1953

50 RENUMBERS AND AMENDS:

51 **26-7a-103**, (Renumbered from 62A-4a-309, as last amended by Chapter 321, Laws of
52 Utah 2000)

53 **26-7a-104**, (Renumbered from 62A-4a-310, as renumbered and amended by Chapter
54 260, Laws of Utah 1994)



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

57 Section 1. Section **26-2-12.5** is amended to read:

58 **26-2-12.5. Certified copies of birth certificates -- Fees credited to Children's**
59 **Trust Fund.**

60 (1) In addition to the fees provided for in Section 26-1-6, the department and local
61 registrars authorized to issue certified copies shall charge an additional \$3 fee for each certified
62 copy of a birth certificate, including certified copies of supplementary and amended birth
63 certificates, under Sections 26-2-8 through 26-2-11. This additional fee may be charged only
64 for the first copy requested at any one time.

65 (2) The fee shall be transmitted monthly to the state treasurer and credited to the
66 Children's Trust [~~Account~~] Fund established in Section [~~62A-4a-309~~] 62A-99-103.

67 Section 2. Section **62A-4a-311** is amended to read:

68 **62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership --**
69 **Expenses.**

70 (1) (a) There is established the Child Abuse Advisory Council composed of no more
71 than 25 members who are appointed by the board.

72 (b) Except as required by Subsection (1)(c), as terms of current council members
73 expire, the board shall appoint each new member or reappointed member to a four-year term.

74 (c) Notwithstanding the requirements of Subsection (1)(b), the board shall, at the time
75 of appointment or reappointment, adjust the length of terms to ensure that the terms of council
76 members are staggered so that approximately half of the council is appointed every two years.

77 (d) The council shall have geographic, economic, gender, cultural, and philosophical
78 diversity.

79 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
80 appointed for the unexpired term.

81 (2) The council shall elect a chairperson from its membership at least biannually.

82 (3) (a) Members shall receive no compensation or benefits for their services, but may
83 receive per diem and expenses incurred in the performance of the member's official duties at
84 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

85 (b) Members may decline to receive per diem and expenses for their service.

86 (4) (a) The council shall hold a public meeting quarterly.

87 (b) Within budgetary constraints, meetings of the council may also be held on the call

88 of;

89 (i) the chair~~[-];~~ or ~~[of]~~

90 (ii) a majority of the members.

91 (c) Thirteen members of the council shall constitute a quorum at any meeting ~~[and the]~~.

92 (d) The action of the majority of the members present at a meeting shall be the action
93 of the council.

94 (5) The council shall advise the board on matters relating to child abuse and neglect.

95 ~~[The council shall also recommend to the board how funds contained in the Children's Trust~~

96 ~~Account shall be allocated.]~~

97 Section 3. Section **26-7a-101** is enacted to read:

98 **CHAPTER 7a. CHILDREN'S TRUST FUND**

99 **26-7a-101. Title.**

100 This chapter is known as the "Children's Trust Fund."

101 Section 4. Section **26-7a-102** is enacted to read:

102 **26-7a-102. Definitions.**

103 As used in this chapter:

104 (1) "Board" means the Utah Child Abuse Prevention Board created in Section
105 26-7a-106.

106 (2) "Child abuse and neglect" means the same as the term "child abuse or neglect"
107 defined in Section 62A-4a-402.

108 (3) "Executive director" means the executive director of the Children's Trust Fund
109 described in Section 26-7a-109.

110 (4) "Trust fund" means the Children's Trust Fund created under Section 26-7a-103.

111 Section 5. Section **26-7a-103**, which is renumbered from Section 62A-4a-309 is
112 renumbered and amended to read:

113 ~~[62A-4a-309].~~ **26-7a-103. Children's Trust Fund.**

114 (1) There shall be a restricted account within the General Fund ~~[to]~~ that shall be known
115 as the Children's Trust ~~[Account]~~ Fund. ~~[This account is for crediting of]~~

116 (2) The trust fund shall receive:

117 (a) allocations and contributions from government and private sources; ~~[and from~~
118 ~~appropriate]~~

119 (b) revenues received under Section 26-2-12.5 for child abuse and neglect prevention
120 programs described in Section ~~[62A-4a-305]~~ 26-7a-105; and

121 (c) interest earned on the trust fund.

122 ~~[(2)]~~ (3) Money shall be:

123 (a) appropriated from the [account] trust fund to the [division] board by the Legislature
124 under [the Utah] Title 63, Chapter 38, Budgetary Procedures Act[;]; and [shall be]

125 (b) drawn upon by the executive director of the trust fund under the direction of the
126 board.

127 ~~[(3)]~~ (4) (a) [The Children's Trust Account] Except as provided in Subsection (4)(b),
128 the trust fund may only be used [only] to implement prevention programs described in Section
129 [62A-4a-305, and may only be allocated to entities that provide a one-to-one match,
130 comprising a match from the community of at least 50% in cash and up to 50% in in-kind
131 donations, which is 25% of the total funding received from the Children's Trust Account. The
132 entity that receives the statewide evaluation contract is excepted from the cash-match
133 provisions of this Subsection (3)] 26-7a-105.

134 (b) Notwithstanding Subsection (4)(a):

135 (i) at least 10% of the funds received by the trust fund during the fiscal year shall be
136 maintained as a trust investment; and

137 (ii) not more than 10% of the funds received by the trust fund during the fiscal year
138 may be used for the board's administrative expenses.

139 (5) All funds received under Subsection (2) shall be:

140 (a) accounted for and expended in compliance with the requirements of federal and
141 state law; and

142 (b) available to the board to fulfill the duties of the board.

143 Section 6. Section **26-7a-104**, which is renumbered from Section 62A-4a-310 is
144 renumbered and amended to read:

145 ~~[62A-4a-310].~~ **26-7a-104. Funds -- Transfers and gifts.**

146 On behalf of the ~~[Children's Trust Account, the department, through the division,]~~ trust
147 fund, the board may accept transfers, grants, gifts, bequests, or any money made available from
148 any source to implement this ~~[part]~~ chapter.

149 Section 7. Section **26-7a-105** is enacted to read:

150 **26-7a-105. Prevention programs.**
151 Programs contracted under this chapter:
152 (1) shall be designed to provide child abuse and neglect prevention; and
153 (2) may include community-based programs that:
154 (a) relate to:
155 (i) prenatal care;
156 (ii) perinatal bonding;
157 (iii) child growth and development;
158 (iv) basic child care;
159 (v) care of children with special needs;
160 (vi) coping with family stress;
161 (vii) crisis care;
162 (viii) aid to parents;
163 (ix) child abuse education;
164 (x) support groups for:
165 (A) abusive or potentially abusive parents; and
166 (B) children of a parent described in Subsection (2)(a)(x)(A);
167 (xi) early identification of families where the potential for child abuse and neglect
168 exists;
169 (xii) positive youth development;
170 (xiii) mentoring;
171 (xiv) academic enhancement;
172 (xv) tutoring;
173 (xvi) literacy; or
174 (xvii) parent education;
175 (b) include a component designed to prevent the occurrence or recurrence of, or reduce
176 the risk of:
177 (i) child abuse;
178 (ii) child neglect;
179 (iii) sexual molestation;
180 (iv) sexual exploitation;

- 181 (v) medical neglect; or
- 182 (vi) educational neglect;
- 183 (c) the board may consider potentially effective in reducing the incidence of family
- 184 problems leading to child abuse or neglect; or
- 185 (d) are designed to establish and assist community resources that prevent child abuse
- 186 and neglect.

187 Section 8. Section **26-7a-106** is enacted to read:

188 **26-7a-106. Utah Child Abuse Prevention Board -- Creation and membership --**
189 **Appointments -- Terms -- Removal -- Nominating committee -- Executive committee --**
190 **Subcommittees.**

191 (1) There is created within the Department of Health the Utah Child Abuse Prevention
192 Board.

193 (2) Subject to Subsection (3), the board is composed of 11 voting members as follows:

194 (a) subject to Subsection (4):

195 (i) the executive director of the Department of Workforce Services;

196 (ii) the director of the Division of Community and Family Health Services within the
197 Department of Health;

198 (iii) the director of the Division of Substance Abuse and Mental Health within the
199 Department of Human Services;

200 (iv) the director of the Division of Child and Family Services within the Department of
201 Human Services; and

202 (v) the state superintendent of the Office of Education;

203 (b) one member:

204 (i) nominated by the chair of the Board of Child and Family Services within the
205 Department of Human Services; and

206 (ii) appointed by the Board of Child and Family Services within the Department of
207 Human Services;

208 (c) one member:

209 (i) nominated by the chair of the Child Abuse Advisory Council within the Department
210 of Human Services; and

211 (ii) appointed by the Child Abuse Advisory Council within the Department of Human

212 Services; and

213 (d) as provided in Subsection (5), four members, nominated by the nominating
214 committee, and appointed by the governor, representing each of the following:

215 (i) one member representing private hospitals specializing in the care of children;

216 (ii) two members representing nonprofit organizations that have a primary purpose of
217 preventing child abuse and neglect; and

218 (iii) one:

219 (A) family practice physician;

220 (B) pediatrician;

221 (C) physician specializing in obstetrics and gynecology; or

222 (D) psychiatrist.

223 (3) (a) Subject to Subsection (5), if any of the positions or entities described in
224 Subsections (2)(a) through (c) cease to exist, the position shall be filled by a person:

225 (i) representing a position or entity similar to the position or entity that has ceased to
226 exist;

227 (ii) nominated by the nominating committee described in Subsection (5); and

228 (iii) appointed by the governor.

229 (b) Subject to Subsection (3)(c), a member appointed by the governor shall serve a
230 three-year term.

231 (c) Notwithstanding Subsection (3)(b), the executive committee of the board, described
232 in Subsection (6), may adjust the length of the terms of the initial members to ensure that
233 approximately 1/3 of the members appointed by the governor are appointed each year.

234 (d) Members appointed by the governor may be removed:

235 (i) by the governor for cause; or

236 (ii) for an ethical violation, under the bylaws established in Subsection
237 26-7a-108(1)(a)(i)(C).

238 (e) Members appointed by the governor may not serve more than five consecutive
239 terms.

240 (f) If a vacancy occurs in a position appointed by the governor, the governor shall
241 appoint a person to fill the vacancy for the unexpired term of the member being replaced.

242 (4) A person described under Subsection (2)(a) may designate another person to serve

243 as a member of the board in that person's place.

244 (5) (a) The nominating committee of the board is created as follows:

245 (i) subject to Subsection (5)(a)(ii), the nominating committee shall consist of five
246 members of the board appointed by the board;

247 (ii) the members of the initial nominating committee shall be appointed by the Board
248 of Child and Family Services within the Department of Human Services; and

249 (iii) after all initial members of the board are appointed, the initial nominating
250 committee described in Subsection (5)(a)(ii) is dissolved and replaced by the nominating
251 committee described in Subsection (5)(a)(i).

252 (b) The nominating committee described in Subsection (5)(a) shall nominate for
253 appointment by the governor to the board, the members described in Subsections (2)(d) and
254 (3)(a).

255 (c) In nominating members of the board, the nominating committee shall take into
256 account the community's geographic, professional, cultural, and socio-economic diversity.

257 (d) (i) The governor must appoint or reject the nomination of a person nominated by
258 the nominating committee described in this Subsection (5) within 60 days of the day on which
259 the governor is notified, in writing, of the nomination.

260 (ii) If the governor does not appoint or reject a nominee within the time described in
261 Subsection (5)(d)(i), the nominee shall be considered appointed by the governor.

262 (6) The board shall establish an executive committee consisting of as many of the
263 board's members as the board considers appropriate.

264 (7) The board may establish subcommittees to assist the board in accomplishing the
265 duties described in Section 26-7a-108.

266 Section 9. Section **26-7a-107** is enacted to read:

267 **26-7a-107. Action of the Utah Child Abuse Prevention Board -- Appointment of**
268 **chair -- Meetings -- Members serve without compensation -- Reimbursement for**
269 **expenses.**

270 (1) (a) A majority of the members of the board constitute a quorum.

271 (b) The action of a majority of a quorum constitutes the action of the board.

272 (2) The board shall appoint one of its members as chair.

273 (3) (a) The chair shall call and hold meetings of the board at least bimonthly.

274 (b) One or more additional meetings may be called upon request of a majority of the
275 board's members.

276 (4) (a) A member of the board who is not a government employee shall receive no
277 compensation or benefits for the member's services, but may:

278 (i) receive per diem, and expenses incurred in the performance of the member's official
279 duties at the rates established by the Division of Finance under Sections 63A-3-106 and
280 63A-3-107; or

281 (ii) decline to receive per diem and expenses for the member's service.

282 (b) A member of the board who is a state government officer or employee and who
283 does not receive salary, per diem, and expenses from the member's agency for the member's
284 service may:

285 (i) receive per diem and expenses incurred in the performance of the member's official
286 duties at the rates established by the Division of Finance under Sections 63A-3-106 and
287 63A-3-107; or

288 (ii) decline to receive per diem and expenses for the member's service.

289 Section 10. Section **26-7a-108** is enacted to read:

290 **26-7a-108. Powers and duties of the Utah Child Abuse Prevention Board --**
291 **Services provided by the Department of Health.**

292 (1) The board shall:

293 (a) adopt bylaws that include:

294 (i) an ethics policy that provides for:

295 (A) disclosure by board members of conflicts of interest;

296 (B) recusal of a board member from participating in an action of the board when the
297 member has a conflict of interest;

298 (C) removal of a board member for an ethical violation; and

299 (D) ethical standards approved by the board; and

300 (ii) a requirement for each member to sign a "commitment to serve" that contains the
301 duties and expectations of board members;

302 (b) make rules, pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking
303 Act, relating to the expenditure of funds contained in the trust fund;

304 (c) annually prepare and publish a report to the Health and Human Services Interim

305 Committee of the Legislature:

306 (i) on or before November 1;

307 (ii) describing how the board fulfilled its duties during the year; and

308 (iii) making recommendations on how the state should act to address issues relating to

309 the prevention of child abuse and neglect;

310 (d) facilitate the exchange of information between persons concerned with issues

311 relating to the prevention of child abuse or neglect;

312 (e) advise the Legislature, the governor, state agencies, and the public regarding issues

313 relating to:

314 (i) the trust fund; or

315 (ii) the prevention of child abuse and neglect; and

316 (f) administer the trust fund.

317 (2) The board may:

318 (a) advocate for the prevention of child abuse and neglect;

319 (b) coordinate with private nonprofit entities to raise funds for deposit in the trust fund;

320 (c) consistent with Subsection (3), contract with, or issue grants to, any person to

321 establish a community-based education or service program designed to reduce the occurrence
322 of child abuse and neglect;

323 (d) engage in fundraising efforts; and

324 (e) apply for grants.

325 (3) A contract or grant described in Subsection (2)(c):

326 (a) shall contain a provision permitting the board, or the board's designee to:

327 (i) evaluate the program that the contract or grant relates to; and

328 (ii) terminate the contract or grant if the board determines that the purpose of the

329 contract or grant is not being accomplished;

330 (b) pursuant to the requirements of law, shall be financed from:

331 (i) the trust fund; or

332 (ii) other funds received pursuant to this section;

333 (c) may be awarded to:

334 (i) existing programs; or

335 (ii) demonstration projects; and

336 (d) may be considered for continuation or renewal if the program is successful in
337 accomplishing the goals of the program.

338 (4) The Department of Health shall provide fiscal management services to the board,
339 including payroll and accounting services.

340 Section 11. Section **26-7a-109** is enacted to read:

341 **26-7a-109. Utah Child Abuse Prevention Board -- Executive director and staff.**

342 (1) (a) Subject to Subsection (1)(b), and within appropriations from the Legislature, the
343 board may hire an executive director and other staff that the board considers necessary and
344 appropriate.

345 (b) The board may not hire an executive director until the person selected by the board
346 is confirmed by the governor.

347 (2) The executive director shall:

348 (a) be responsible to the board;

349 (b) under the direction of the board, administer the duties of the board; and

350 (c) manage the staff support for the board.

351 (3) The executive director may hire staff to provide administrative support to the
352 executive director and the board within the funds:

353 (a) appropriated to the board by the Legislature for that purpose; or

354 (b) made available for that purpose under Subsection 26-7a-103(4)(b)(ii).