

FOSTER CHILDREN AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Johnny Anderson

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill enacts provisions related to normalizing the life of a child in state custody.

Highlighted Provisions:

This bill:

▶ defines terms;

▶ requires the ~~H~~→ **[division] Division of Child and Family Services (the division)** ←~~H~~ to

make efforts to normalize the life of a child in the division's

custody and to empower a caregiver to approve or disapprove a child's participation

in activities based on the caregiver's own assessment using a reasonable and prudent

parent standard, without prior approval of the division;

▶ requires the division to verify that private agencies providing out-of-home

placement ~~H~~→ **under contract with the division** ←~~H~~ promote and protect the ability of a child to

participate in age-appropriate

activities; and

▶ provides that a caregiver is not liable for harm caused to a child in an out-of-home

placement, if the child participates in an activity approved by the caregiver,

provided that the caregiver has acted in accordance with a reasonable and prudent

parent standard.

Money Appropriated in this Bill:

None

Other Special Clauses:

~~S~~→ **[None] This bill provides an immediate effective date.** ←~~S~~



H.B. 346

59 standard, without prior approval of the division.

60 (3) The division shall allow a caregiver to make important decisions, similar to the
 61 decisions that a parent is entitled to make, regarding the child's participation in activities.

62 Section 3. Section **62A-4a-212** is enacted to read:

63 **62A-4a-212. Requirements for decision making -- Rulemaking authority.**

64 (1) (a) A caregiver shall use a reasonable and prudent parent standard in determining
 65 whether to permit a child to participate in an activity.

66 (b) A caregiver shall consider:

67 (i) the child's age, maturity, and developmental level to maintain the overall health and
 68 safety of the child;

69 (ii) potential risk factors and the appropriateness of the activity;

70 (iii) the best interest of the child based on the caregiver's knowledge of the child;

71 (iv) the importance of encouraging the child's emotional and developmental growth;

72 (v) the importance of providing the child with the most family-like living experience
 73 possible; and

74 (vi) the behavioral history of the child and the child's ability to safely participate in the
 75 proposed activity.

76 (c) The division shall verify that private agencies providing out-of-home placement

76a **Ĥ→ under contract with the division ←Ĥ :**

77 (i) promote and protect the ability of a child to participate in age-appropriate activities;
 78 and

79 (ii) implement policies consistent with this section.

80 (d) (i) A caregiver is not liable for harm caused to a child in an out-of-home placement
 81 if the child participates in an activity approved by the caregiver, when the caregiver has acted
 82 in accordance with a reasonable and prudent parent standard.

83 (ii) This section does not remove or limit any existing liability protection afforded by
 84 statute.

85 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 86 division shall adopt rules establishing the procedures for verifying that private agencies

86a **Ĥ→ providing out-of-home placement under contract with the division ←Ĥ** comply
 87 with and promote this part.

87a **Ŝ→ Section 4. Effective Date.**

87b **If approved by two-thirds of all the members elected to each house, this bill takes effect upon**

87c **approval by the governor, or the day following the constitutional time limit of Utah**

87d **Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,**

87e **the date of veto override. ←Ŝ**