

DRUG TESTING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses drug testing for individuals receiving services from the Division of Child and Family Services.

Highlighted Provisions:

This bill:

- ▶ provides that the Division of Child and Family Services may only refer a parent or guardian for drug testing that is administered through a sample of blood, saliva, or urine; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-4a-105, as last amended by Laws of Utah 2020, Chapters 108 and 250

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

Section 1. Section **62A-4a-105** is amended to read:

62A-4a-105. Division responsibilities.



- 28 (1) The division shall:
- 29 (a) administer services to minors and families, including:
- 30 (i) child welfare services;
- 31 (ii) domestic violence services; and
- 32 (iii) all other responsibilities that the Legislature or the executive director may assign
- 33 to the division;
- 34 (b) provide the following services:
- 35 (i) financial and other assistance to an individual adopting a child with special needs
- 36 under Part 9, Adoption Assistance, not to exceed the amount the division would provide for the
- 37 child as a legal ward of the state;
- 38 (ii) non-custodial and in-home services, including:
- 39 (A) services designed to prevent family break-up; and
- 40 (B) family preservation services;
- 41 (iii) reunification services to families whose children are in substitute care in
- 42 accordance with the requirements of this chapter and Title 78A, Chapter 6, Juvenile Court Act;
- 43 (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse
- 44 or neglect of a child in that family;
- 45 (v) shelter care in accordance with the requirements of this chapter and Title 78A,
- 46 Chapter 6, Juvenile Court Act;
- 47 (vi) domestic violence services, in accordance with the requirements of federal law;
- 48 (vii) protective services to victims of domestic violence, as defined in Section [77-36-1](#),
- 49 and their children, in accordance with the provisions of this chapter and Title 78A, Chapter 6,
- 50 Part 3, Abuse, Neglect, and Dependency Proceedings;
- 51 (viii) substitute care for dependent, abused, and neglected children;
- 52 (ix) services for minors who are victims of human trafficking or human smuggling as
- 53 described in Sections [76-5-308](#) through [76-5-310](#) or who have engaged in prostitution or sexual
- 54 solicitation as defined in Sections [76-10-1302](#) and [76-10-1313](#); and
- 55 (x) training for staff and providers involved in the administration and delivery of
- 56 services offered by the division in accordance with this chapter;
- 57 (c) establish standards for all:
- 58 (i) contract providers of out-of-home care for minors and families;

59 (ii) facilities that provide substitute care for dependent, abused, and neglected children
60 placed in the custody of the division; and

61 (iii) direct or contract providers of domestic violence services described in Subsection
62 (1)(b)(vi);

63 (d) have authority to:

64 (i) contract with a private, nonprofit organization to recruit and train foster care
65 families and child welfare volunteers in accordance with Section [62A-4a-107.5](#); and

66 (ii) approve facilities that meet the standards established under Subsection (1)(c) to
67 provide substitute care for dependent, abused, and neglected children placed in the custody of
68 the division;

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

71 (f) if there is a privacy agreement with an Indian tribe to protect the confidentiality of
72 division records to the same extent that the division is required to protect division records,
73 cooperate with and share all appropriate information in the division's possession regarding an
74 Indian child, the Indian child's parent or guardian, or a proposed placement for the Indian child
75 with the Indian tribe that is affiliated with the Indian child;

76 (g) in accordance with Subsection (2)(a), promote and enforce state and federal laws
77 enacted for the protection of abused, neglected, and dependent children, in accordance with the
78 requirements of this chapter, unless administration is expressly vested in another division or
79 department of the state;

80 (h) cooperate with the Workforce Development Division within the Department of
81 Workforce Services in meeting the social and economic needs of an individual who is eligible
82 for public assistance;

83 (i) compile relevant information, statistics, and reports on child and family service
84 matters in the state;

85 (j) prepare and submit to the department, the governor, and the Legislature reports of
86 the operation and administration of the division in accordance with the requirements of
87 Sections [62A-4a-117](#) and [62A-4a-118](#);

88 (k) within appropriations from the Legislature, provide or contract for a variety of
89 domestic violence services and treatment methods;

90 (l) ensure regular, periodic publication, including electronic publication, regarding the
91 number of children in the custody of the division who:

92 (i) have a permanency goal of adoption; or

93 (ii) have a final plan of termination of parental rights, pursuant to Section 78A-6-314,
94 and promote adoption of those children;

95 (m) subject to [~~Subsection (2)(b);~~] Subsections (2)(b) and (5), refer an individual
96 receiving services from the division to the local substance abuse authority or other private or
97 public resource for a court-ordered drug screening test;

98 (n) report before November 30, 2020, and every third year thereafter, to the Social
99 Services Appropriations Subcommittee regarding:

100 (i) the daily reimbursement rate that is provided to licensed foster parents based on
101 level of care;

102 (ii) the amount of money spent on daily reimbursements for licensed foster parents in
103 the state during the previous fiscal year; and

104 (iii) any recommended changes to the division's budget to support the daily
105 reimbursement rates described in Subsection (1)(n)(i); and

106 (o) perform other duties and functions required by law.

107 (2) (a) In carrying out the requirements of Subsection (1)(g), the division shall:

108 (i) cooperate with the juvenile courts, the Division of Juvenile Justice Services, and
109 with all public and private licensed child welfare agencies and institutions to develop and
110 administer a broad range of services and support;

111 (ii) take the initiative in all matters involving the protection of abused or neglected
112 children, if adequate provisions have not been made or are not likely to be made; and

113 (iii) make expenditures necessary for the care and protection of the children described
114 in this Subsection (2)(a), within the division's budget.

115 (b) When an individual is referred to a local substance abuse authority or other private
116 or public resource for court-ordered drug screening under Subsection (1)(m), the court shall
117 order the individual to pay all costs of the tests unless:

118 (i) the cost of the drug screening is specifically funded or provided for by other federal
119 or state programs;

120 (ii) the individual is a participant in a drug court; or

121 (iii) the court finds that the individual is impecunious.

122 (3) Except to the extent provided by rule, the division is not responsible for
123 investigating domestic violence in the presence of a child, as described in Section 76-5-109.1.

124 (4) The division may not require a parent who has a child in the custody of the division
125 to pay for some or all of the cost of any drug testing the parent is required to undergo.

126 (5) The division may only refer a parent or guardian who is receiving services from the
127 division for drug testing by means of a test that is administered to detect the presence of drugs
128 from a sample of blood, saliva, or urine.