

HB0431S02 compared with HB0431

~~{Omitted text}~~ shows text that was in HB0431 but was omitted in HB0431S02

inserted text shows text that was not in HB0431 but was inserted into HB0431S02

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1

Kinship Child Placement Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor:

2

3 LONG TITLE

4 General Description:

5 This bill addresses kinship caregivers for children in the custody of the Division of Child
6 and Family Services.

7 Highlighted Provisions:

8 This bill:

- 9 ▶ defines terms;
- 10 ▶ when a child in the custody of the Division of Child and Family Services (division) is placed
with the child's relative, requires the division to ~~{offer a one-time payment}~~ make available certain
payments to the relative to help support the child prior to the relative becoming a licensed or certified
kinship caregiver;
- 14 ▶ requires the division to report information regarding payments provided to kinship caregivers to
the Social Services Appropriations Subcommittee; and
- 16 ▶ makes technical and conforming changes.

17 Money Appropriated in this Bill:

18 None

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19 **Other Special Clauses:**

20 None

22 AMENDS:

23 ~~{26B-2-101, as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438, as last~~
23 ~~amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438}~~

23 **26B-2-130** , as renumbered and amended by Laws of Utah 2023, Chapter 305 , as renumbered and
amended by Laws of Utah 2023, Chapter 305

24 **80-2-301** , as last amended by Laws of Utah 2024, Chapters 240, 307 , as last amended by Laws of
Utah 2024, Chapters 240, 307

25

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

28 ~~{Section 1. Section **26B-2-101** is amended to read: }~~

29 **26B-2-101. Definitions.**

As used in this part:

31 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.

32 (2) "Adult day care" means nonresidential care and supervision:

33 (a) for three or more adults for at least four but less than 24 hours a day; and

34 (b) that meets the needs of functionally impaired adults through a comprehensive program that provides
a variety of health, social, recreational, and related support services in a protective setting.

37 (3) "Applicant" means a person that applies for an initial license or a license renewal under this part.

39 (4)

(a) "Associated with the licensee" means that an individual is:

40 (i) affiliated with a licensee as an owner, director, member of the governing body, employee, agent,
provider of care, department contractor, or volunteer; or

42 (ii) applying to become affiliated with a licensee in a capacity described in Subsection (4)(a)(i).

44 (b) "Associated with the licensee" does not include:

45 (i) service on the following bodies, unless that service includes direct access to a child or a vulnerable
adult:

47 (A) a local mental health authority described in Section 17-43-301;

48 (B) a local substance abuse authority described in Section 17-43-201; or

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- (C) a board of an organization operating under a contract to provide mental health or substance use programs, or services for the local mental health authority or substance abuse authority; or
- 52 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly supervised at all times.
- 54 (5)
- (a) "Boarding school" means a private school that:
- 55 (i) uses a regionally accredited education program;
- 56 (ii) provides a residence to the school's students:
- 57 (A) for the purpose of enabling the school's students to attend classes at the school; and
- 59 (B) as an ancillary service to educating the students at the school;
- 60 (iii) has the primary purpose of providing the school's students with an education, as defined in Subsection (5)(b)(i); and
- 62 (iv)
- (A) does not provide the treatment or services described in Subsection (40)(a); or
- 64 (B) provides the treatment or services described in Subsection (40)(a) on a limited basis, as described in Subsection (5)(b)(ii).
- 66 (b)
- (i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for one or more grades from kindergarten through grade 12.
- 68 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment or services described in Subsection (40)(a) on a limited basis if:
- 70 (A) the treatment or services described in Subsection (40)(a) are provided only as an incidental service to a student; and
- 72 (B) the school does not:
- 73 (I) specifically solicit a student for the purpose of providing the treatment or services described in Subsection (40)(a); or
- 75 (II) have a primary purpose of providing the treatment or services described in Subsection (40)(a).
- 77 (c) "Boarding school" does not include a therapeutic school.
- 78 (6) "Certification" means a less restrictive level of licensure issued by the department.
- 79 (7) "Child" means an individual under 18 years old.
- 80 (8) "Child placing" means receiving, accepting, or providing custody or care for any child, temporarily or permanently, for the purpose of:

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- 82 (a) finding a person to adopt the child;
- 83 (b) placing the child in a home for adoption; or
- 84 (c) foster home placement.
- 85 (9) "Child-placing agency" means a person that engages in child placing.
- 86 (10) "Client" means an individual who receives or has received services from a licensee.
- 87 (11)
- (a) "Congregate care program" means any of the following that provide services to a child:
- 89 (i) an outdoor youth program;
- 90 (ii) a residential support program;
- 91 (iii) a residential treatment program; or
- 92 (iv) a therapeutic school.
- 93 (b) "Congregate care program" does not include a human services program that:
- 94 (i) is licensed to serve adults; and
- 95 (ii) is approved by the office to service a child for a limited time.
- 96 (12) "Day treatment" means specialized treatment that is provided to:
- 97 (a) a client less than 24 hours a day; and
- 98 (b) four or more persons who:
- 99 (i) are unrelated to the owner or provider; and
- 100 (ii) have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments,
or chemical dependencies.
- 102 (13) "Department contractor" means an individual who:
- 103 (a) provides services under a contract with the department; and
- 104 (b) due to the contract with the department, has or will likely have direct access to a child or vulnerable
adult.
- 106 (14) "Direct access" means that an individual has, or likely will have:
- 107 (a) contact with or access to a child or vulnerable adult that provides the individual with an opportunity
for personal communication or touch; or
- 109 (b) an opportunity to view medical, financial, or other confidential personal identifying information of
the child, the child's parents or legal guardians, or the vulnerable adult.
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- (15) "Directly supervised" means that an individual is being supervised under the uninterrupted visual and auditory surveillance of another individual who has a current background check approval issued by the office.
- 114 (16) "Director" means the director of the office.
- 115 (17) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 116 (18) "Domestic violence treatment program" means a nonresidential program designed to provide psychological treatment and educational services to perpetrators and victims of domestic violence.
- 119 (19) "Elder adult" means a person 65 years old or older.
- 120 (20) "Emergency safety intervention" means a tactic used to protect staff or a client from being physically injured, utilized by an appropriately trained direct care staff and only performed in accordance with a nationally or regionally recognized curriculum in the least restrictive manner to restore staff or client safety.
- 124 (21) "Foster home" means a residence that is licensed or certified by the office for the full-time substitute care of a child.
- 126 (22) "Health benefit plan" means the same as that term is defined in Section 31A-22-634.
- 127 (23) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 128 (24) "Health insurer" means the same as that term is defined in Section 31A-22-615.5.
- 129 (25)
- (a) "Human services program" means:
- 130 (i) a foster home or kinship caregiver home;
- 131 (ii) a therapeutic school;
- 132 (iii) a youth program;
- 133 (iv) an outdoor youth program;
- 134 (v) a residential treatment program;
- 135 (vi) a residential support program;
- 136 (vii) a resource family home;
- 137 (viii) a recovery residence; or
- 138 (ix) a facility or program that provides:
- 139 (A) adult day care;
- 140 (B) day treatment;
- 141 (C) outpatient treatment;

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- 142 (D) domestic violence treatment;
- 143 (E) child-placing services;
- 144 (F) social detoxification; or
- 145 (G) any other human services that are required by contract with the department to be licensed with the department.
- 147 (b) "Human services program" does not include:
- 148 (i) a boarding school;
- 149 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102; or
- 151 (iii) a short-term relief care provider.
- 152 (26) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 153 (27) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 154 (28) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 155 (29) "Intermediate secure treatment" means 24-hour specialized residential treatment or care for an individual who:
- 157 (a) cannot live independently or in a less restrictive environment; and
- 158 (b) requires, without the individual's consent or control, the use of locked doors to care for the individual.
- 160 (30) "Licensee" means an individual or a human services program licensed by the office.
- 161 (31) "Local government" means a city, town, or county.
- 162 (32) "Minor" means child.
- 163 (33) "Office" means the Office of Licensing within the department.
- 164 (34) "Outdoor youth program" means a program that provides:
- 165 (a) services to a child that has:
- 166 (i) a chemical dependency; or
- 167 (ii) a dysfunction or impairment that is emotional, psychological, developmental, physical, or behavioral;
- 169 (b) a 24-hour outdoor group living environment; and
- 170 (c)
- 171 (i) regular therapy, including group, individual, or supportive family therapy; or
- (ii) informal therapy or similar services, including wilderness therapy, adventure therapy, or outdoor behavioral healthcare.

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- 173 (35) "Outpatient treatment" means individual, family, or group therapy or counseling designed to
improve and enhance social or psychological functioning for those whose physical and emotional
status allows them to continue functioning in their usual living environment.
- 177 (36) "Practice group" or "group practice" means two or more health care providers legally organized as
a partnership, professional corporation, or similar association, for which:
- 179 (a) substantially all of the services of the health care providers who are members of the group are
provided through the group and are billed in the name of the group and amounts received are treated
as receipts of the group; and
- 182 (b) the overhead expenses of and the income from the practice are distributed in accordance with
methods previously determined by members of the group.
- 184 (37) "Private-placement child" means a child whose parent or guardian enters into a contract with a
congregate care program for the child to receive services.
- 186 (38)
- (a) "Recovery residence" means a home, residence, or facility that meets at least two of the following
requirements:
- 188 (i) provides a supervised living environment for individuals recovering from a substance use
disorder;
- 190 (ii) provides a living environment in which more than half of the individuals in the residence are
recovering from a substance use disorder;
- 192 (iii) provides or arranges for residents to receive services related to the resident's recovery from a
substance use disorder, either on or off site;
- 194 (iv) is held out as a living environment in which individuals recovering from substance abuse
disorders live together to encourage continued sobriety; or
- 196 (v)
- (A) receives public funding; or
- 197 (B) is run as a business venture, either for-profit or not-for-profit.
- 198 (b) "Recovery residence" does not mean:
- 199 (i) a residential treatment program;
- 200 (ii) residential support program; or
- 201 (iii) a home, residence, or facility, in which:
- 202

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- (A) residents, by a majority vote of the residents, establish, implement, and enforce policies governing the living environment, including the manner in which applications for residence are approved and the manner in which residents are expelled;
- 206 (B) residents equitably share rent and housing-related expenses; and
- 207 (C) a landlord, owner, or operator does not receive compensation, other than fair market rental income, for establishing, implementing, or enforcing policies governing the living environment.
- 210 (39) "Regular business hours" means:
- 211 (a) the hours during which services of any kind are provided to a client; or
- 212 (b) the hours during which a client is present at the facility of a licensee.
- 213 (40)
- (a) "Residential support program" means a program that arranges for or provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.
- 217 (b) "Residential support program" includes a program that provides a supervised living environment for individuals with dysfunctions or impairments that are:
- 219 (i) emotional;
- 220 (ii) psychological;
- 221 (iii) developmental; or
- 222 (iv) behavioral.
- 223 (c) Treatment is not a necessary component of a residential support program.
- 224 (d) "Residential support program" does not include:
- 225 (i) a recovery residence; or
- 226 (ii) a program that provides residential services that are performed:
- 227 (A) exclusively under contract with the department and provided to individuals through the Division of Services for People with Disabilities; or
- 229 (B) in a facility that serves fewer than four individuals.
- 230 (41)
- (a) "Residential treatment" means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with

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emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

235 (b) "Residential treatment" does not include a:

236 (i) boarding school;

237 (ii) foster home; or

238 (iii) recovery residence.

239 (42) "Residential treatment program" means a program or facility that provides:

240 (a) residential treatment; or

241 (b) intermediate secure treatment.

242 (43) "Seclusion" means the involuntary confinement of an individual in a room or an area:

243 (a) away from the individual's peers; and

244 (b) in a manner that physically prevents the individual from leaving the room or area.

245 (44) "Short-term relief care provider" means an individual who:

246 (a) provides short-term and temporary relief care to a foster parent:

247 (i) for less than six consecutive nights; and

248 (ii) in the short-term relief care provider's home;

249 (b) is an immediate family member or relative, as those terms are defined in Section 80-3-102, of the foster parent;

251 (c) is direct access qualified, as that term is defined in Section 26B-2-120;

252 (d) has been approved to provide short-term relief care by the department;

253 (e) is not reimbursed by the department for the temporary relief care provided; and

254 (f) is not an immediate family member or relative, as those terms are defined in Section 80-3-102, of the foster child.

256 (45) "Social detoxification" means short-term residential services for persons who are experiencing or have recently experienced drug or alcohol intoxication, that are provided outside of a health care facility licensed under Part 2, Health Care Facility Licensing and Inspection, and that include:

260 (a) room and board for persons who are unrelated to the owner or manager of the facility;

261 (b) specialized rehabilitation to acquire sobriety; and

262 (c) aftercare services.

263 (46) "Substance abuse disorder" or "substance use disorder" mean the same as "substance use disorder" is defined in Section 26B-5-501.

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- 265 (47) "Substance abuse treatment program" or "substance use disorder treatment program" means a
program:
- 267 (a) designed to provide:
- 268 (i) specialized drug or alcohol treatment;
- 269 (ii) rehabilitation; or
- 270 (iii) habilitation services; and
- 271 (b) that provides the treatment or services described in Subsection (47)(a) to persons with:
- 273 (i) a diagnosed substance use disorder; or
- 274 (ii) chemical dependency disorder.
- 275 (48) "Therapeutic school" means a residential group living facility:
- 276 (a) for four or more individuals that are not related to:
- 277 (i) the owner of the facility; or
- 278 (ii) the primary service provider of the facility;
- 279 (b) that serves students who have a history of failing to function:
- 280 (i) at home;
- 281 (ii) in a public school; or
- 282 (iii) in a nonresidential private school; and
- 283 (c) that offers:
- 284 (i) room and board; and
- 285 (ii) an academic education integrated with:
- 286 (A) specialized structure and supervision; or
- 287 (B) services or treatment related to:
- 288 (I) a disability;
- 289 (II) emotional development;
- 290 (III) behavioral development;
- 291 (IV) familial development; or
- 292 (V) social development.
- 293 (49) "Unrelated persons" means persons other than parents, legal guardians, grandparents, brothers,
sisters, uncles, or aunts.
- 295 (50) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent mental or
physical impairment that substantially affects the person's ability to:

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- 297 (a) provide personal protection;
- 298 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
- 299 (c) obtain services necessary for health, safety, or welfare;
- 300 (d) carry out the activities of daily living;
- 301 (e) manage the adult's own resources; or
- 302 (f) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or
exploitation.
- 304 (51)
- (a) "Youth program" means a program designed to provide behavioral, substance use, or mental health
services to minors that:
- 306 (i) serves adjudicated or nonadjudicated youth;
- 307 (ii) charges a fee for the program's services;
- 308 (iii) may provide host homes or other arrangements for overnight accommodation of the youth;
- 310 (iv) may provide all or part of the program's services in the outdoors;
- 311 (v) may limit or censor access to parents or guardians; and
- 312 (vi) prohibits or restricts a minor's ability to leave the program at any time of the minor's own free
will.
- 314 (b) "Youth program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and
other such organizations.
- 316 (52)
- (a) "Youth transportation company" means any person that transports a child for payment to or from a
congregate care program in Utah.
- 318 (b) "Youth transportation company" does not include:
- 319 (i) a relative of the child;
- 320 (ii) a state agency; or
- 321 (iii) a congregate care program's employee who transports the child from the congregate care program
that employs the employee and returns the child to the same congregate care program.
- 27 Section 1. Section **26B-2-130** is amended to read:
- 28 **26B-2-130. Foster care by a child's relative -- Maintenance payments.**
- 326 (1) As used in this section:
- 327 (a) "Custody" means the same as that term is defined in Section 80-2-102.

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- 328 (b) "Division" means the Division of Child and Family Services.
- 329 (c) "Initial kinship caregiver" means a kinship caregiver who is not a licensed foster care provider and
who is the first kinship placement for a child in the temporary custody or custody of the division.
- 332 (d) "Kinship caregiver" means an individual who is responsible for the care and supervision of the child
when the child is in the temporary custody or custody of the division and who:
- 335 (i) is a relative of the child; or
- 336 (ii) is not related to the child by birth or marriage, but who has an emotionally significant relationship
with the child such that the individual's relationship with the child takes on the characteristics of a
family relationship.
- 339 ~~[(b)]~~ (e) "Relative" means the same as that term is defined in Section 80-3-102.
- 340 ~~[(e)]~~ (f) "Temporary custody" means the same as that term is defined in Section 80-2-102.
- 341 (2)
- (a) In accordance with state and federal law, the division shall provide for licensure of a child's relative
for foster or substitute care, when the child is in the temporary custody or custody of the ~~[Division~~
~~of Child and Family Services]~~ division.
- 344 (b) If it is determined that, under federal law, allowance is made for an approval process requiring less
than full foster parent licensure proceedings for a child's relative, the division shall establish an
approval process to accomplish that purpose.
- 347 (3)
- (a) ~~{The}~~ At the time that a child or children are placed with an initial kinship caregiver, the ~~division~~
shall offer {an-} to the initial kinship caregiver, and the ~~initial kinship caregiver~~ may accept or
decline, a {one-time} payment to assist with providing care and supervision to the child~~or children.~~
- 349 ~~{(b) {The amount of the one-time initial kinship caregiver payment shall be included as part of the~~
~~division's foster care rate table.}}~~
- 54 (b) If an initial kinship caregiver accepts the payment described in Subsection (3)(a), the payment shall
be:
- 56 (i) up to \$1,000 per child placed with the initial kinship caregiver, but in no event more than \$3,000;
and
- 58 (ii) subject to all applicable state and federal laws and eligibility requirements.
- 59 (c) Subject to Subsection (3)(e), if a child or children remain with an initial kinship caregiver three
months after the child or children were placed with the initial kinship caregiver, the division shall

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offer to the initial kinship caregiver, and the initial kinship caregiver may accept or decline, a payment to assist with providing ongoing care and supervision to the child or children.

64 (d) If an initial kinship caregiver accepts the payment described in Subsection (3)(c), the payment shall be:

66 (i) up to \$1,000 per child that remains placed with the initial kinship caregiver after three consecutive months; and

68 (ii) subject to all applicable state and federal laws and eligibility requirements.

69 (e) The division may not offer the payment described in Subsection (3)(c) to an initial kinship caregiver who became a licensed foster care provider within three months after the child or children were placed with the initial kinship caregiver.

72 Section 2. Section **80-2-301** is amended to read:

73 **80-2-301. Division responsibilities.**

353 (1) The division is the child, youth, and family services authority of the state.

354 (2) The division shall:

355 (a) administer services to minors and families, including:

356 (i) child welfare services;

357 (ii) domestic violence services; and

358 (iii) all other responsibilities that the Legislature or the executive director of the department may assign to the division;

360 (b) provide the following services:

361 (i) financial and other assistance to an individual adopting a child with special needs under Sections 80-2-806 through 80-2-809, not to exceed the amount the division would provide for the child as a legal ward of the state;

364 (ii) non-custodial and in-home services in accordance with Section 80-2-306, including:

366 (A) services designed to prevent family break-up; and

367 (B) family preservation services;

368 (iii) reunification services to families whose children are in substitute care in accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;

371 (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse or neglect of a child in that family;

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- 373 (v) shelter care in accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child,
and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 375 (vi) domestic violence services, in accordance with the requirements of federal law;
- 376 (vii) protective services to victims of domestic violence and the victims' children, in accordance
with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Chapter 3, Abuse,
Neglect, and Dependency Proceedings;
- 379 (viii) substitute care for dependent, abused, and neglected children;
- 380 (ix) services for minors who are victims of human trafficking or human smuggling, as described in
Sections 76-5-308 through 76-5-310.1, or who have engaged in prostitution or sexual solicitation, as
defined in Sections 76-10-1302 and 76-10-1313; and
- 384 (x) training for staff and providers involved in the administration and delivery of services offered by
the division in accordance with this chapter and Chapter 2a, Removal and Protective Custody of a
Child;
- 387 (c) establish standards for all:
- 388 (i) contract providers of out-of-home care for minors and families;
- 389 (ii) facilities that provide substitute care for dependent, abused, or neglected children placed in the
custody of the division; and
- 391 (iii) direct or contract providers of domestic violence services described in Subsection (2)(b)(vi);
- 393 (d) have authority to:
- 394 (i) contract with a private, nonprofit organization to recruit and train foster care families and child
welfare volunteers in accordance with Section 80-2-405;
- 396 (ii) approve facilities that meet the standards established under Subsection (2)(c) to provide substitute
care for dependent, abused, or neglected children placed in the custody of the division; and
- 399 (iii) approve an individual to provide short-term relief care to a foster parent if the individual:
- 401 (A) provides the relief care for less than six consecutive nights;
- 402 (B) provides the relief care in the short-term relief care provider's home;
- 403 (C) is direct access qualified, as that term is defined in Section 26B-2-120; and
- 404 (D) is an immediate family member or relative, as those terms are defined in Section 80-3-102, of the
foster parent;
- 406 (e) cooperate with the federal government in the administration of child welfare and domestic violence
programs and other human service activities assigned by the department;

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- 409 (f) in accordance with Subsection (5)(a), promote and enforce state and federal laws enacted for the
protection of abused, neglected, or dependent children, in accordance with this chapter and Chapter
2a, Removal and Protective Custody of a Child, unless administration is expressly vested in another
division or department of the state;
- 413 (g) cooperate with the Workforce Development Division within the Department of Workforce Services
in meeting the social and economic needs of an individual who is eligible for public assistance;
- 416 (h) compile relevant information, statistics, and reports on child and family service matters in the state;
- 418 (i) prepare and submit to the department, the governor, and the Legislature reports of the operation
and administration of the division in accordance with the requirements of Sections 80-2-1102 and
80-2-1103;
- 421 (j) within appropriations from the Legislature, provide or contract for a variety of domestic violence
services and treatment methods;
- 423 (k) enter into contracts for programs designed to reduce the occurrence or recurrence of abuse and
neglect in accordance with Section 80-2-503;
- 425 (l) seek reimbursement of funds the division expends on behalf of a child in the protective custody,
temporary custody, or custody of the division, from the child's parent or guardian in accordance with
an order for child support under Section 78A-6-356;
- 429 (m) ensure regular, periodic publication, including electronic publication, regarding the number of
children in the custody of the division who:
- 431 (i) have a permanency goal of adoption; or
- 432 (ii) have a final plan of termination of parental rights, under Section 80-3-409, and promote adoption of
the children;
- 434 (n) subject to Subsections (5) and (7), refer an individual receiving services from the division to the
local substance abuse authority or other private or public resource for a court-ordered drug screening
test;
- 437 (o) report before November 30, 2020, and every third year thereafter, to the Social Services
Appropriations Subcommittee regarding:
- 439 (i) the daily reimbursement rate that is provided to licensed foster parents based on level of care;
- 441 (ii) the amount of money spent on daily reimbursements for licensed foster parents and initial kinship
caregiver payments during the previous fiscal year; and

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- (iii) any recommended changes to the division's budget to support the daily reimbursement rates ~~{or the initial kinship caregiver payments}~~ described in Subsection (2)(o)(i) or the initial kinship caregiver payments;
- 446 (p) when a division child welfare caseworker identifies a safety concern with the foster home, cooperate with the Office of Licensing and make a recommendation to the Office of Licensing concerning whether the foster home's license should be placed on conditions, suspended, or revoked; and
- 450 (q) perform other duties and functions required by law.
- 451 (3)
- (a) The division may provide, directly or through contract, services that include the following:
- 453 (i) adoptions;
- 454 (ii) day-care services;
- 455 (iii) out-of-home placements for minors;
- 456 (iv) health-related services;
- 457 (v) homemaking services;
- 458 (vi) home management services;
- 459 (vii) protective services for minors;
- 460 (viii) transportation services; or
- 461 (ix) domestic violence services.
- 462 (b) The division shall monitor services provided directly by the division or through contract to ensure compliance with applicable law and rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 465 (c)
- (i) Except as provided in Subsection (3)(c)(ii), if the division provides a service through a private contract, the division shall post the name of the service provider on the division's website.
- 468 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.
- 469 (4)
- (a) The division may:
- 470 (i) receive gifts, grants, devises, and donations;
- 471 (ii) encourage merchants and service providers to:
- 472 (A) donate goods or services; or
- 473 (B) provide goods or services at a nominal price or below cost;

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- 474 (iii) distribute goods to applicants or consumers of division services free or for a nominal charge
and tax free; and
- 476 (iv) appeal to the public for funds to meet needs of applicants or consumers of division services that
are not otherwise provided by law, including Sub-for-Santa programs, recreational programs for
minors, and requests for household appliances and home repairs.
- 480 (b) If requested by the donor and subject to state and federal law, the division shall use a gift, grant,
devise, donation, or proceeds from the gift, grant, devise, or donation for the purpose requested by
the donor.
- 483 (5)
- (a) In carrying out the requirements of Subsection (2)(f), the division shall:
- 484 (i) cooperate with the juvenile courts, the Division of Juvenile Justice and Youth Services, and with
all public and private licensed child welfare agencies and institutions to develop and administer
a broad range of services and support;
- 487 (ii) take the initiative in all matters involving the protection of abused or neglected children, if
adequate provisions have not been made or are not likely to be made; and
- 490 (iii) make expenditures necessary for the care and protection of the children described in Subsection
(5)(a)(ii), within the division's budget.
- 492 (b) If an individual is referred to a local substance abuse authority or other private or public resource for
court-ordered drug screening under Subsection (2)(n), the court shall order the individual to pay all
costs of the tests unless:
- 495 (i) the cost of the drug screening is specifically funded or provided for by other federal or state
programs;
- 497 (ii) the individual is a participant in a drug court; or
- 498 (iii) the court finds that the individual is an indigent individual.
- 499 (6) Except to the extent provided by rules made in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act, the division is not required to investigate domestic violence in the
presence of a child, as described in Section 76-5-114.
- 502 (7)
- (a) Except as provided in Subsection (7)(b), the division may not:
- 503 (i) require a parent who has a child in the custody of the division to pay for some or all of the cost
of any drug testing the parent is required to undergo; or

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- 505 (ii) refer an individual who is receiving services from the division for drug testing by means of a
hair, fingernail, or saliva test that is administered to detect the presence of drugs.
- 508 (b) Notwithstanding Subsection (7)(a)(ii), the division may refer an individual who is receiving services
from the division for drug testing by means of a saliva test if:
- 510 (i) the individual consents to drug testing by means of a saliva test; or
- 511 (ii) the court, based on a finding that a saliva test is necessary in the circumstances, orders the
individual to complete drug testing by means of a saliva test.

234 Section 3. **Effective date.**

This bill takes effect on May 7, 2025.

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