

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
Thursday, October 23, 2014 – 1:00 p.m. – Room 250 State Capitol

Members Present:

Sen. Allen M. Christensen, Senate Chair
Rep. Johnny Anderson, House Chair
Rep. Tim M. Cosgrove
Rep. Ronda Rudd Menlove

Members Absent:

Sen. Gene Davis

Staff Present:

Mr. Mark Andrews, Policy Analyst
Mr. Gregg A. Girvan, Policy Analyst
Ms. Lee Killian, Associate General Counsel
Ms. Lori Rammell, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Anderson called the meeting to order at 1:13 p.m. Sen. Davis was excused.

MOTION: Rep. Menlove moved to approve the minutes of the June 24, 2014, meeting. The motion passed unanimously.

2. Expedited Placements With Kin and Others

Ms. Charri Brummer, Deputy Director, Division of Child and Family Services, Department of Human Services, reported on kinship placement figures for the state and said the division has implemented kinship teams, including kinship resource family consultants, background screening coordinators, and others. Together, she said, they help families expedite the kinship placement process. She said the division is also exploring ways to allow for expedited placement of children in its protective custody with friends of the child who are not previously licensed as foster parents. She stated that statute does not currently allow placement with an adopted sibling's adoptive parents either, unless those adoptive parents are licensed. She also discussed placement of children with cohabiting, unmarried adults (e.g., grandparents) who have a relationship with the child.

MOTION: Rep. Menlove moved that the panel open a committee bill file to address 1) allowing emergency placement with friends or neighbors, and 2) allowing emergency placement with adoptive parents of siblings. The vote in favor was unanimous.

3. Youth in Foster Care

Ms. Jennifer Larson, Adolescent Services Program Administrator, Division of Child and Family Services, reported on implementation of the foster youth normalcy law. She said that recent federal legislation concerning normalcy for children in foster care, which contains language very similar to Utah's law. She said that acquisition of driver licenses by foster care youth continues to be an issue, due primarily to the liability that foster parents must accept. She said that foster parents can rescind a child's license if the child's placement changes. The division, she said, is discussing this issue with the state's Division of Risk Management within the Department of Administrative Services. She said that information is being compiled regarding past claims, potential coverage providers, and the possibility of indemnifying foster parents by reclassifying them as employees. She said that a recently passed federal law requires youth to have essential documentation, perhaps including a driver license, before exiting foster care.

Ms. Larson went on to discuss child involvement in foster care placement decisions, visitation arrangements, and other case decisions. She said that a foster youth's team should include representatives from various state agencies who will assist the youth in transitioning out of foster care.

Ms. Larson reported on DCFS's sibling visitation plan. To improve sibling visitation, she noted that a youth could be notified when the placement of a sibling placed with another family is changed. She said that current DCFS guidelines encourage weekly visitation of siblings, but with large families involved, weekly visitation can be difficult to arrange. She suggested that technology could be better used to help siblings stay connected.

She discussed the availability of affordable housing for youth who exit foster care, saying that new facilities are currently under construction.

Finally, Ms. Larson reported on DCFS's efforts to focus on treatment rather than compliance for trauma-focused care.

4. Disclosure of DCFS Investigations by Non-DCFS Professionals

Chair Anderson introduced the issue of determining how much information about a DCFS investigation a child care provider may disclose to a parent whose child is the subject of an investigation conducted by DCFS at the provider's facility.

Ms. Killian distributed a copy of Utah Code Section 62A-4a-409 and summarized current statute. She said that though few guidelines exist, the statute does say that prior to the removal of a child from his or her home, law enforcement needs to obtain a parent's consent before interviewing the child. The exception, she said, is when the parent or step-parent is the alleged offender.

Ms. Sarah Houser, Child Protective Services Program Administrator, Division of Child and Family Services, said DCFS staff identify themselves to day care providers when children are interviewed at their facilities, being careful to maintain confidentiality and to notify parents within 24 hours. She indicated that a child care provider may, but would not be obligated to, notify a parent that DCFS interviewed a child at the provider's facility.

Mr. Dave Carlson, Assistant Attorney General, said that DCFS would only be allowed to speak to a child care provider in general terms due to confidentiality rules, but that the child care provider would be welcome to talk to the parent about the visit. He said he is not aware of any stipulation that either the police or DCFS has that prevents a child care provider from sharing information with anyone else.

Ms. Theresa Whiting, Bureau of Child Development Director, Utah Department of Health, said that her office does not investigate a child care licensing violation until any DCFS investigation of the provider has been completed, so that the bureau does not compromise DCFS's investigation.

Rep. Anderson suggested that a document outlining the rights of child care providers and providing guidance, including guidance in dealing with parents of children who have been interviewed by DCFS or law enforcement, could be created by the Office of the Attorney General and distributed to child care providers.

Mr. Carlson said the attorney general's office does not usually give legal advice to private citizens. He recommended the direction be included in policy or statute instead. He added that public schools likely see

DCFS and law enforcement enough that they would not need such guidance.

Ms. Houser suggested that DCFS could add language to its own practice guidelines, in cooperation with the attorney general's office, that would ensure that DCFS workers know how to proceed and what to tell a day care provider when the worker arrives to interview a child. She indicated that the information could be given to the oversight panel at a future meeting before the next General Session of the Legislature.

5. HomeWorks Update

Ms. Brummer distributed "HomeWorks" and reported on the HomeWorks in-home services program. She said that while keeping a child in the home is the least disruptive and traumatic decision, DCFS must provide the right services to the family to ensure the child is safe and healthy. She said some of the most prevalent family needs concern substance abuse, domestic violence, family functioning, and lack of basic necessities like food and shelter.

Ms. Cossette Mills, Federal Revenue Manager, Division of Child and Family Services, gave some history of the HomeWorks program, describing the rollout of the program and training being provided to caseworkers. She described the programs being used to teach parents and the challenge of trying to provide sufficient services in rural areas. She discussed the division's partnership with the University of Utah to evaluate the short- and long-term success of the program in the affected homes. Ms. Mills said the question is whether there will be a reduction in the number of children entering or staying in foster care due to the HomeWorks program. She said measurable outcomes will take a year, and the one-year anniversary of the program will occur in the coming months.

6. Adjourn

MOTION: Sen. Christensen moved to adjourn the meeting. The motion passed unanimously.

Chair Anderson adjourned the meeting at 2:42 p.m.