

Effective 7/1/2016

62A-4a-105 Division responsibilities.

- (1) The division shall:
 - (a) administer services to minors and families, including:
 - (i) child welfare services;
 - (ii) domestic violence services; and
 - (iii) all other responsibilities that the Legislature or the executive director may assign to the division;
 - (b) provide the following services:
 - (i) financial and other assistance to an individual adopting a child with special needs under Part 9, Adoption Assistance, not to exceed the amount the division would provide for the child as a legal ward of the state;
 - (ii) non-custodial and in-home services, including:
 - (A) services designed to prevent family break-up; and
 - (B) family preservation services;
 - (iii) reunification services to families whose children are in substitute care in accordance with the requirements of this chapter and Title 78A, Chapter 6, Juvenile Court Act;
 - (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse or neglect of a child in that family;
 - (v) shelter care in accordance with the requirements of this chapter and Title 78A, Chapter 6, Juvenile Court Act;
 - (vi) domestic violence services, in accordance with the requirements of federal law;
 - (vii) protective services to victims of domestic violence, as defined in Section 77-36-1, and their children, in accordance with the provisions of this chapter and Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings;
 - (viii) substitute care for dependent, abused, neglected, and delinquent children;
 - (ix) programs and services for minors who have been placed in the custody of the division for reasons other than abuse or neglect, under Section 62A-4a-250;
 - (x) services for minors who are victims of human trafficking or human smuggling as described in Sections 76-5-308 through 76-5-310 or who have engaged in prostitution or sexual solicitation as defined in Section 76-10-1302; and
 - (xi) training for staff and providers involved in the administration and delivery of services offered by the division in accordance with this chapter;
 - (c) establish standards for all:
 - (i) contract providers of out-of-home care for minors and families;
 - (ii) facilities that provide substitute care for dependent, abused, neglected, and delinquent children placed in the custody of the division; and
 - (iii) direct or contract providers of domestic violence services described in Subsection (1)(b)(vi);
 - (d) have authority to:
 - (i) contract with a private, nonprofit organization to recruit and train foster care families and child welfare volunteers in accordance with Section 62A-4a-107.5; and
 - (ii) approve facilities that meet the standards established under Subsection (1)(c) to provide substitute care for dependent, abused, neglected, and delinquent children placed in the custody of the division;
 - (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;
 - (f) in accordance with Subsection (2)(a), promote and enforce state and federal laws enacted for the protection of abused, neglected, dependent, delinquent, ungovernable, and runaway

- children, and status offenders, in accordance with the requirements of this chapter, unless administration is expressly vested in another division or department of the state;
- (g) cooperate with the Workforce Development Division in the Department of Workforce Services in meeting the social and economic needs of an individual who is eligible for public assistance;
 - (h) compile relevant information, statistics, and reports on child and family service matters in the state;
 - (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 62A-4a-117 and 62A-4a-118;
 - (j) provide social studies and reports for the juvenile court in accordance with Section 78A-6-605;
 - (k) within appropriations from the Legislature, provide or contract for a variety of domestic violence services and treatment methods;
 - (l) ensure regular, periodic publication, including electronic publication, regarding the number of children in the custody of the division who:
 - (i) have a permanency goal of adoption; or
 - (ii) have a final plan of termination of parental rights, pursuant to Section 78A-6-314, and promote adoption of those children;
 - (m) subject to Subsection (2)(b), 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; and
 - (n) perform other duties and functions required by law.
- (2)
- (a) In carrying out the requirements of Subsection (1)(f), the division shall:
 - (i) cooperate with the juvenile courts, the Division of Juvenile Justice Services, and with all public and private licensed child welfare agencies and institutions, to develop and administer a broad range of services and support;
 - (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
 - (iii) make expenditures necessary for the care and protection of the children described in this Subsection (2)(a), within the division's budget.
 - (b) When an individual is referred to a local substance abuse authority or other private or public resource for court-ordered drug screening under Subsection (1)(n), the court shall order the individual to pay all costs of the tests unless:
 - (i) the cost of the drug screening is specifically funded or provided for by other federal or state programs;
 - (ii) the individual is a participant in a drug court; or
 - (iii) the court finds that the individual is impecunious.
- (3) Except to the extent provided by rule, the division is not responsible for investigating domestic violence in the presence of a child, as described in Section 76-5-109.1.
- (4) The division may not 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.

Amended by Chapter 296, 2016 General Session