

Effective 5/10/2016

62A-4a-106 Services provided by division.

- (1) The division may provide, directly or through contract, services that include the following:
 - (a) adoptions;
 - (b) day care for children;
 - (c) out-of-home placements for minors;
 - (d) health-related services;
 - (e) homemaking services;
 - (f) home management services;
 - (g) protective services for minors;
 - (h) transportation services; and
 - (i) domestic violence services.
- (2) Services provided directly by the division or through contract shall be monitored by the division to insure compliance with applicable:
 - (a) state law; and
 - (b) standards and rules of the division.
- (3) When the division provides a service through a private contract, not including a foster parent placement, the division shall post the name of the service provider on the division's website.
- (4) Unless a parent or guardian of a child who is adopted from the custody of the division expressly requests otherwise, the division may not, solely on the basis that the parent or guardian contacts the division regarding services or requests services from the division:
 - (a) remove or facilitate the removal of a child from the child's home;
 - (b) file a petition for removal of a child from the child's home;
 - (c) file a petition for a child protective order;
 - (d) make a supported finding;
 - (e) seek a substantiated finding;
 - (f) file a petition alleging that a child is abused, neglected, dependent, or abandoned; or
 - (g) file a petition for termination of parental rights.
- (5)
 - (a) The division shall, to the extent that sufficient funds are available, use out-of-home funds to provide services to a child who is adopted from the custody of the division, without requiring that a parent terminate parental rights, or that a parent or legal guardian of the child transfer or surrender custodial rights, in order to receive the services.
 - (b) The division may not require, request, or recommend that a parent terminate parental rights, or that a parent or guardian transfer or surrender custodial rights, in order to receive services, using out-of-home funds, for a child who is adopted from the custody of the division.
- (6)
 - (a) As used in this Subsection (6), "vendor services" means services that a person provides under contract with the division.
 - (b) If a parent or guardian of a child who is adopted from the custody of the division requests vendor services from the division, the division shall refer the parent or guardian to a provider of vendor services, at the parent's or guardian's expense, if:
 - (i)
 - (A) the parent, guardian, or child is not eligible to receive the vendor services from the division; or
 - (B) the division does not have sufficient funds to provide the services to the parent, guardian, or child;

- (ii) the parent, guardian, or child does not have insurance or other funds available to receive the services without the referral; and
 - (iii) the parent or guardian desires the referral.
- (c) If the division awards, extends, or renews a contract with a vendor for vendor services, the division shall include in the contract a requirement that a vendor to whom the division makes a referral under Subsection (6)(b):
- (i) provide services to the parent, guardian, or child at a rate that does not exceed the rate that the vendor charges the division for the services; and
 - (ii) may not charge the parent, guardian, or child any fee that the vendor does not charge the division.

Amended by Chapter 219, 2016 General Session