

STATEWIDE IMPLEMENTATION OF FOSTER  
CARE CITIZEN REVIEW BOARDS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Nora B. Stephens

AN ACT RELATING TO ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS REGARDING CHILDREN IN THE CUSTODY OF THE DIVISION OF CHILD AND FAMILY SERVICES; IMPLEMENTING FOSTER CARE CITIZEN REVIEW BOARDS STATEWIDE WITHIN APPROPRIATIONS FROM THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**78-3a-313**, as last amended by Chapters 133 and 329, Laws of Utah 1997

**78-3g-102**, as last amended by Chapter 133, Laws of Utah 1997

**78-3g-103**, as repealed and reenacted by Chapter 133, Laws of Utah 1997

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

Section 1. Section **78-3a-313** is amended to read:

**78-3a-313. Periodic review hearings -- Foster care citizen review boards.**

(1) Pursuant to federal law, periodic review hearings shall be held no less frequently than once every six months, either by the court or ~~or[, in districts and areas where they are established,]~~ by a foster care citizen review board, in accordance with the provisions of Chapter 3g. In districts or areas where foster care citizen review boards have not been established, either the court or the Division of Child and Family Services shall conduct the review. In districts where they are established, foster care citizen review boards shall be considered to be the panels described in 42 U.S.C. Sections 675(5) and (6), which are required to conduct periodic reviews unless court reviews are conducted.

(2) (a) Within 30 days after completion of a review, a foster care citizen review board shall submit a copy of its dispositional report to the court to be made a part of the court's legal file, and provide copies to all parties to an action. In districts or areas where the Division of Child and

Family Services conducts a review, it shall provide copies of its report to the court and to all parties within 30 days after completion of its review.

(b) In accordance with Section 78-3g-103, dispositional reports of foster care citizen review boards shall be received and reviewed by the court in the same manner as the court receives and reviews the reports described in Section 78-3a-505. Foster care citizen review board dispositional reports may be received as evidence, and may be considered by the court along with other evidence. The court may require any person who participated in the dispositional report to appear as a witness if the person is reasonably available.

Section 2. Section **78-3g-102** is amended to read:

**78-3g-102. Foster Care Citizen Review Board Steering Committee -- Membership -- Chair -- Compensation -- Duties.**

(1) There is created within state government the Foster Care Citizen Review Board Steering Committee composed of the following members:

- (a) a member of the Board of Child and Family Services, within the Department of Human Services, appointed by the chair of that board;
- (b) the director of the division, or his designee;
- (c) a juvenile court judge, appointed by the presiding officer of the Judicial Council;
- (d) a juvenile court administrator, appointed by the administrator of the courts;
- (e) a representative of the Utah Foster Parents Association, appointed by the president of that organization;
- (f) a representative of a statewide advocacy organization for children, appointed by the chair of the committee;
- (g) a representative of an agency or organization that provides services to children who have been adjudicated to be under the jurisdiction of the juvenile court, appointed by the chair of the committee;
- (h) the guardian ad litem director, appointed pursuant to Section 78-3a-911, or the director's designee;
- (i) the director or chief of the child protection unit within the Office of the Attorney General,

or his designee;

(j) one person from each region who is a member of a board, appointed by the chair of the committee; and

(k) a private citizen, appointed by the chair of the committee.

(2) The persons described in Subsection (1) shall annually elect a chair of the committee from among themselves.

(3) A majority of the members of the committee constitutes a quorum. The action of the majority of a quorum represents the action of the committee.

(4) (a) Members of the committee who are not government employees shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their official duties from the board at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(c) Local government members who do not receive salary, per diem, or expenses from the entity that they represent for their service may receive per diem and expenses incurred in the performance of their official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(d) Members of the committee may decline to receive per diem and expenses for their services.

(5) The committee shall:

(a) within appropriations from the Legislature, appoint members of boards in [~~the First, Second, Third, Fourth, Fifth, and Seventh~~] each juvenile court [~~Districts~~] district;

(b) supervise the recruitment, training, and retention of board members;

(c) supervise and evaluate the boards;

(d) establish and approve policies for the boards; and

(e) submit a report detailing the results of the boards to the Legislative Human Services and Judiciary Interim Committees and the Board of Juvenile Court Judges, on or before December 31 of each year.

(6) (a) The Department of Human Services shall provide fiscal management services, including payroll and accounting services, to the committee.

(b) Within appropriations from the Legislature, the committee may hire professional and clerical staff as it considers necessary and appropriate.

(7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the committee may make rules necessary for:

- (a) recruitment, appointment, and training of board members;
- (b) supervision and evaluation of boards; and
- (c) establishment of policy for boards.

(8) The committee may receive gifts, grants, devises, and donations. If the donor designates a specific purpose or use for the gift, grant, devise, or donation, it shall be used solely for that purpose. Undesignated gifts, grants, devises, and donations shall be used for foster care citizen review boards in accordance with the requirements and provisions of this chapter.

Section 3. Section **78-3g-103** is amended to read:

**78-3g-103. Foster care citizen review boards -- Membership -- Responsibilities -- Periodic reviews.**

(1) [~~Foster~~] Within appropriations from the Legislature, foster care citizen review boards shall be established in [the First, Second, Third, and Fourth] each juvenile court [Districts] district in the state, to act as the panels described in 42 U.S.C. Sections 675(5) and (6), which are required to conduct periodic reviews unless court reviews are conducted. [At least one review board shall be established in the Fifth Juvenile Court District and at least one review board shall be established in the Seventh Juvenile Court District.]

(2) (a) The committee shall appoint seven members to each board. Five of those members shall be parents.

(b) Five members of a board constitute a quorum, and an action of a majority of the quorum

constitutes the action of the board.

(c) A board member may not be an employee of the division or the juvenile court.

(d) Board members shall be representative of the ethnic, cultural, religious, socio-economic, and professional diversity found in the community.

(e) A board may elect its own chair, vice chair, and other officers as it considers appropriate.

(f) The division may designate a representative to provide technical advice to the board regarding division policy and procedure.

(3) With regard to each child in its custody, the division shall provide the appropriate boards with access to all records maintained by the division.

(4) (a) In districts or areas where foster care citizen review boards have been established, periodic reviews either by the court or by a foster care citizen review board, shall be conducted with regard to each child in the division's custody no less frequently than once every six months, in accordance with Section 78-3a-313 and 42 U.S.C. Sections 675(5) and (6). In cases where the court has conducted a six month review hearing, a foster care citizen review board shall also conduct a review within 12 months from the date of the child's removal from his home.

(b) Periodic reviews conducted by foster care citizen review boards shall be open to the participation of the child's parents, in accordance with 42 U.S.C. Section 675(6).

(c) Boards may review additional abuse, neglect, or dependency cases or plans at the request of the court.

(5) Each board shall prepare a dispositional report regarding the child's case and plan. The periodic review and the dispositional report shall be consistent with the provisions of Title 62A, Chapter 4a, Child and Family Services, and Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings, and shall include at least the following considerations:

(a) the extent to which the plan's objectives have been implemented or accomplished by the parent, the child, and the division;

(b) whether revisions to the plan are needed, and if so, how the plan should be revised;

(c) the extent to which the division has provided the services and interventions described in the plan, and whether those services and interventions are assisting, or will assist, the parent and

child to achieve the plan's objectives within the statutory time limitations;

(d) the extent to which the parent and child have willingly and actively participated in the interventions described in the plan;

(e) the continuing necessity for and appropriateness of the child's placement;

(f) the extent of progress that has been made toward alleviating or mitigating the causes necessitating the child's removal or continued placement;

(g) a recommended permanency plan for the child and, if one has been established, an opinion regarding the appropriateness of that permanency plan; and

(h) a determination regarding whether the statutory time limitations described in Title 78, Chapter 3a, Part 3, have been met, specifically, whether the 12 month limitation on reunification services required by Section 78-3a-311 has been complied with. The board shall also render an opinion regarding when it estimates that the child will achieve permanency.

(6) (a) Each board shall submit its dispositional report to the court, the division, and to all parties to an action within 30 days after a case is reviewed by the board.

(b) The board's dispositional report shall be filed with the court, and shall be made a part of the court's legal file. The dispositional report shall be received and reviewed by the court in the same manner as the court receives and reviews the reports described in Section 78-3a-505. Foster care citizen review board dispositional reports may be received as evidence, and may be considered by the court along with other evidence. The court may require any person who participated in the dispositional report to appear as a witness if the person is reasonably available.

(7) Members of boards may not receive financial compensation or benefits for their services. Members may not receive per diem or expenses for their service, except that:

(a) members may be reimbursed for mileage on days that they are involved in training, at rates established by the Division of Finance; and

(b) members may be provided with a meal on days that they serve on a board.

(8) Boards are authorized to receive funds from public and private grants and donations in accordance with the requirements described in Subsection 78-3g-102(8).

(9) In districts or areas where foster care citizen review boards have not been established,

either the court or the Division of Child and Family Services shall conduct the reviews in accordance with the provisions of Subsections (4)(a) and (b), and Section 78-3a-313.

**Section 4. Effective date.**

This act takes effect on July 1, 1998.