

1 **RECRUITMENT AND TRAINING OF FOSTER**
2 **FAMILIES**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Nathan C. Tanner**

6 AN ACT RELATING TO HUMAN SERVICES; AUTHORIZING THE DEPARTMENT OF
7 HUMAN SERVICES TO CONTRACT WITH A PRIVATE, NONPROFIT ORGANIZATION
8 TO RECRUIT AND TRAIN FOSTER CARE PARENTS AND CHILD WELFARE
9 VOLUNTEERS; AND EXTENDING IMMUNITY TO PRIVATE ENTITIES THAT REFER
10 PROSPECTIVE FOSTER CARE PARENTS AND CHILD WELFARE VOLUNTEERS TO
11 THE ORGANIZATION.

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

13 AMENDS:

14 **62A-4a-105**, as last amended by Chapters 47, 329 and 365, Laws of Utah 1997

15 ENACTS:

16 **62A-4a-107.5**, Utah Code Annotated 1953

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

18 Section 1. Section **62A-4a-105** is amended to read:

19 **62A-4a-105. Division responsibilities.**

20 The division shall:

21 (1) administer services to children and families, including child welfare services, youth
22 services, domestic violence services, and all other responsibilities that the Legislature or the
23 executive director may assign to the division;

24 (2) establish standards for all contract providers of out-of-home care for children and
25 families;

26 (3) cooperate with the federal government in the administration of child welfare, youth
27 services, and domestic violence programs and other human service activities assigned by the

1 department;

2 (4) provide for the compilation of relevant information, statistics, and reports on child and
3 family service matters in the state;

4 (5) prepare and submit to the department, the governor, and the Legislature reports of the
5 operation and administration of the division in accordance with the requirements of Sections
6 62A-4a-117 and 62A-4a-118;

7 (6) promote and enforce state and federal laws enacted for the protection of abused,
8 neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in
9 accordance with the requirements of this chapter, unless administration is expressly vested in
10 another division or department of the state. In carrying out the provisions of this subsection, the
11 division shall cooperate with the juvenile courts, the Division of Youth Corrections, and with all
12 public and private licensed child welfare agencies and institutions to develop and administer a
13 broad range of services and supports. The division shall take the initiative in all matters involving
14 the protection of abused or neglected children if adequate provisions have not been made or are
15 not likely to be made, and shall make expenditures necessary for the care and protection of those
16 children, within the division's budget;

17 (7) provide substitute care for dependent, abused, neglected, and delinquent children,
18 establish standards for substitute care facilities, and approve those facilities;

19 (8) provide financial support to persons adopting physically handicapped, mentally
20 handicapped, older, or other hard-to-place children who, immediately prior to adoption, were legal
21 wards of the state. The financial support provided under this subsection may not exceed the
22 amounts the division would provide for the child as a legal ward of the state;

23 (9) cooperate with the Division of Employment Development in the Department of
24 Workforce Services in meeting social and economic needs of individuals eligible for public
25 assistance;

26 (10) conduct court-ordered home evaluations for the district and juvenile courts with
27 regard to child custody issues. The court shall order either or both parties to reimburse the division
28 for the cost of that evaluation, in accordance with the community rate for that service or with the
29 department's fee schedule rate;

30 (11) provide noncustodial and in-home preventive services, designed to prevent family
31 breakup, family preservation services, and reunification services to families whose children are

1 in substitute care in accordance with the requirements of this chapter and Title 78, Chapter 3a,
2 Juvenile Courts;

3 (12) provide protective supervision of a family, upon court order, in an effort to eliminate
4 abuse or neglect of a child in that family;

5 (13) establish programs pursuant to Section 62A-4a-250, and provide services to runaway
6 and ungovernable children and their families;

7 (14) provide shelter care in accordance with the requirements of this chapter and Title 78,
8 Chapter 3a, Juvenile Courts;

9 (15) provide social studies and reports for the juvenile court in accordance with Section
10 78-3a-505;

11 (16) arrange for and provide training for staff and providers involved in the administration
12 and delivery of services offered by the division in accordance with this chapter;

13 (17) provide domestic violence services in accordance with the requirements of federal
14 law, and establish standards for all direct or contract providers of domestic violence services.

15 Within appropriations from the Legislature, the division shall provide or contract for a variety of
16 domestic violence services and treatment methods;

17 (18) ensure regular, periodic publication regarding the number of children in the custody
18 of the division who have a permanency goal of adoption, or for whom a final plan of termination
19 of parental rights has been approved, pursuant to Section 78-3a-312, and promote adoption of
20 those children; [and]

21 (19) have authority to contract with a private, nonprofit organization to recruit and train
22 foster care families and child welfare volunteers in accordance with Section 62A-4a-107.5; and

23 [(19)] (20) perform such other duties and functions as required by law.

24 Section 2. Section **62A-4a-107.5** is enacted to read:

25 **62A-4a-107.5. Private recruitment and training of foster care parents and child**
26 **welfare volunteers--Extension of immunity to referring entities.**

27 (1) The division may contract with one or more private, nonprofit organizations to recruit
28 and train foster care parents and child welfare volunteers on a statewide or regional basis.

29 (2) An organization that contracts with the division pursuant to Subsection (1) shall agree
30 to:

31 (a) increase the number of licensed and trained foster care parents in the geographic area

- 1 covered by:
- 2 (i) developing a strategic plan;
- 3 (ii) assessing the needs, perceptions, and qualities of potential foster care parents;
- 4 (iii) assessing the needs, perceptions, and qualities of children in state custody;
- 5 (iv) identifying potential foster care parents through public and private resources;
- 6 (v) screening foster care parent applicants;
- 7 (vi) providing preservice, ongoing, and customized training to foster care parents;
- 8 (vii) developing a competency-based training curriculum with input from public and
- 9 private resources and approved by the division;
- 10 (viii) focusing training exercises on skill development; and
- 11 (ix) supporting foster care parents by **§ SUPPLYING STAFF SUPPORT** § identifying common
- 11a issues, encouraging peer
- 12 support, and connecting available resources;
- 13 (b) increase the number of child welfare volunteers in the geographical area covered by:
- 14 (i) developing a strategic plan;
- 15 (ii) seeking the participation of established volunteer organizations;
- 16 (iii) designing and offering initial orientation sessions to child welfare volunteers;
- 17 (iv) informing volunteers of options for service as specified by the division; and
- 18 (v) facilitating the placement and certification of child welfare volunteers;
- 19 (c) coordinate efforts, where appropriate, with the division;
- 20 (d) seek private contributions in furtherance of the organization's activities under this
- 21 Subsection (2);
- 22 (e) perform other related services and activities as may be required by the division; and
- 23 (f) establish a system for evaluating performance and obtaining feedback on the activities
- 24 performed pursuant to this Subsection (2).
- 25 (3) Notwithstanding Subsection (2), the department shall retain ultimate authority over and
- 26 responsibility for screening, investigation, licensing, and placement decisions with respect to any
- 27 person recruited or trained by an organization.
- 28 (4) A referring entity **§ OR A REFERRING INDIVIDUAL** § that voluntarily and without
- 28a remuneration assists the organization
- 29 to identify and recruit foster care parents or child welfare volunteers is not liable in any civil action
- 30 for any act or omission of:
- 31 (a) the referring entity or **§ [any person with the authority to act on behalf of the private]**
- 31a **THE REFERRING INDIVIDUAL** §

1 § [entity] § , which is performed in good faith and in furtherance of the entity's assistance to the
2 organization; or

3 (b) any person directly or indirectly referred to the organization by the entity as a foster
4 care parent or child welfare volunteer, if the § [entity] REFERRING INDIVIDUAL § was without actual
4a knowledge of any
5 substantiated fact that would have disqualified the person from such a position at the time the
6 referral was made.

7 (5) As used in this section § :

7a (a) § "referring entity" means:

8 § [(a)] (b) § an incorporated or unincorporated organization or association whether formally
9 incorporated or otherwise established and operating for religious, charitable, or educational
10 purposes which does not distribute any of its income or assets to its members, directors, officers,
11 or other participants;

12 § [(b)] (c) § any organization which is described in Section 501(c)(3) of the Internal Revenue
12a Code
13 of 1986 and is exempt from tax under Section 501 of the Internal Revenue Code; or

14 § [(c)] (d) § any not-for-profit organization which is formed and conducted for public benefit and
15 operated primarily for charitable, civic, educational, religious, benevolent, welfare, or health
16 purposes § ; AND

16a (e) "REFERRING INDIVIDUAL" MEANS AN INDIVIDUAL:

16b (i) WITH THE AUTHORITY TO ACT ON BEHALF OF A REFERRING ENTITY IN MAKING A
16c REFERRAL; AND

16d (ii) WHO MAY OR MAY NOT BE COMPENSATED BY THE REFERRING ENTITY § .

Legislative Review Note
as of 2-6-98 11:59 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel