

1 **LEGISLATIVE AUDITS OF CHILD WELFARE**
2 **SYSTEM**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Nora B. Stephens**

6 AN ACT RELATING TO THE CHILD WELFARE REFORM ACT; AMENDING PROVISIONS
7 RELATING TO INTERNAL AND LEGISLATIVE AUDITS OF THE CHILD WELFARE
8 SYSTEM AND THE DIVISION OF CHILD AND FAMILY SERVICES.

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

10 AMENDS:

11 **62A-4a-118**, as last amended by Chapter 13, Laws of Utah 1998

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

13 Section 1. Section **62A-4a-118** is amended to read:

14 **62A-4a-118. Annual review of child welfare referrals and cases by executive director**
15 **-- Accountability to the Legislature -- Review by Legislative Auditor General.**

16 (1) [~~As of July 1, 1994, the~~] The division shall use principles of quality management
17 systems, including statistical measures of processes of service, and the routine reporting of
18 performance data to employees.

19 (2) (a) In addition to development of quantifiable outcome measures and performance
20 measures in accordance with Section 62A-4a-117, the executive director, or his designee, shall
21 annually review a randomly selected [~~statistically significant~~] sample of [~~foster care and child~~
22 ~~protective service~~] child welfare referrals to and cases handled by the division. The purpose of that
23 review shall be to assess whether the division is adequately protecting children and providing
24 appropriate services to families, in accordance with the provisions of Title 62A, Chapter 4a, Child
25 and Family Services, and Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency
26 Proceedings, and Part 4, Termination of Parental Rights Act. The review shall focus directly on
27 the outcome of cases to children and families, and not simply on procedural compliance with

28 specified criteria.

29 (b) The executive director shall report, regarding his review of those cases, to the
30 Legislative Auditor General, the Child Welfare Legislative Oversight Panel, and the Health and
31 Human Services Interim Committee [~~before October 1, 1995, and~~] each [subsequent] year, on
32 dates scheduled by the panel and committee.

33 (c) Information obtained as a result of the review shall be provided to caseworkers,
34 supervisors, and division personnel involved in the respective cases, for purposes of education,
35 training, and performance evaluation.

36 (3) The executive director's review and report to the Legislature shall include:

37 (a) the criteria used by the executive director, or his designee, in making the evaluation;
38 [and]

39 (b) findings regarding whether state statutes, division policy, and legislative policy were
40 followed in each sample case[-];

41 (c) findings regarding whether, in each sample case, referrals or cases were appropriately
42 handled by the division and its employees, and whether children were adequately and appropriately
43 protected and appropriate services provided to families, in accordance with the provisions of Title
44 62A, Chapter 4a, and Title 78, Chapter 3a, Parts 3 and 4, and division policy;

45 (d) an assessment of the division's intake procedures and decisions, including an
46 assessment of the appropriateness of decisions not to accept referrals; and

47 (e) an assessment of the appropriateness of the division's assignment of priority.

48 (4) (a) In addition to the review conducted by the executive director, the Legislative
49 Auditor General shall audit a [~~subsample of the cases reviewed by the executive director~~] sample
50 of child welfare referrals to and cases handled by the division, and report his findings to the Child
51 Welfare Legislative Oversight Panel and the Health and Human Services Interim Committee
52 [~~before December 31, 1995, and~~] each [subsequent] year, on dates scheduled by the panel and
53 committee.

54 (b) With regard to the sample of referrals and cases, the Legislative Auditor General's
55 report shall include:

56 (i) findings regarding whether state statutes, division policy, and legislative policy were
57 followed by the division and its employees;

58 (ii) a determination regarding whether referrals and cases were appropriately handled by

59 the division and its employees, and whether children were adequately and appropriately protected
60 and appropriate services provided for families, in accordance with the provisions of Title 62A,
61 Chapter 4a, and Title 78, Chapter 3a, Parts 3 and 4, and division policy;

62 (iii) an assessment of the division's intake procedures and decisions, including an
63 assessment of the appropriateness of decisions not to accept referrals;

64 (iv) an assessment of the appropriateness of the division's assignment of priority; and

65 (v) a determination regarding whether the department's review process is effecting
66 beneficial change within the division and accomplishing the mission established by the Legislature
67 and the department for that review process.

Legislative Review Note

as of 11-19-99 11:02 AM

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

Office of Legislative Research and General Counsel

Committee Note

The Health and Human Services Interim Committee recommended this bill.