

Representative Matt Throckmorton proposes to substitute the following bill:

1 **PILOT PROGRAM FOR DIFFERENTIATED**
2 **RESPONSES TO CHILD ABUSE AND**
3 **NEGLECT REPORTS**

4 2000 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Matt Throckmorton**

7 AN ACT RELATING TO CHILD AND FAMILY SERVICES; ESTABLISHING A PILOT
8 PROGRAM FOR DIFFERENTIATED RESPONSES TO CHILD ABUSE AND NEGLECT
9 REPORTS; AUTHORIZING THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
10 HUMAN SERVICES TO SELECT REGIONS FOR PARTICIPATION IN THE PILOT
11 PROGRAM; PROVIDING A SUNSET DATE; ESTABLISHING CRITERIA FOR
12 DETERMINING WHEN A FAMILY ASSESSMENT SHOULD OCCUR IN RESPONSE TO A
13 REPORT OF CHILD ABUSE OR NEGLECT; ESTABLISHING MANDATORY AND
14 OPTIONAL COMPONENTS FOR FAMILY ASSESSMENTS; ESTABLISHING CRITERIA
15 FOR WHEN A FAMILY ASSESSMENT IS DISCONTINUED IN FAVOR OF AN
16 INVESTIGATION; LIMITING THE FAMILY ASSESSMENT INFORMATION THAT MAY
17 BE INCLUDED ONTO THE DIVISION'S INFORMATION SYSTEM; REQUIRING THAT AN
18 INDEPENDENT ENTITY EVALUATE THE PILOT PROGRAM; AND IMPOSING
19 REPORTING AND OTHER RELATED DUTIES ON THE DIVISION OF CHILD AND
20 FAMILY SERVICES.

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

22 AMENDS:

23 **63-55-262**, as last amended by Chapters 15 and 134, Laws of Utah 1997

24 ENACTS:

25 **62A-4a-202.7**, Utah Code Annotated 1953

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

27 Section 1. Section **62A-4a-202.7** is enacted to read:

28 **62A-4a-202.7. Pilot program for differentiated responses to child abuse and neglect**
29 **reports.**

30 (1) (a) Before July 1, 2000, the executive director shall select no less than one and no more
31 than three regions within the division to establish a pilot program that complies with the provisions
32 of this section.

33 (b) After July 1, 2001, the executive director may add one region, in addition to those
34 selected under Subsection (1)(a), to the pilot program every four months.

35 (2) This section shall be repealed in accordance with Section 63-55-262.

36 (3) (a) This section applies only to:

37 (i) those regions that have been selected under Subsection (1) to participate in this pilot
38 program; and

39 (ii) the response of the division to reports of child abuse or neglect in the participating
40 regions.

41 (b) Except as provided in Subsection (3)(a), nothing in this section may be construed as:

42 (i) superceding or otherwise altering the provisions of this chapter or Title 78, Chapter 3a,
43 Part 3, Abuse, Neglect, and Dependency Proceedings; or

44 (ii) as restricting the ability of the division to provide services, remove the child, or
45 otherwise proceed in accordance with this chapter and Title 78, Chapter 3a, Part 3, Abuse, Neglect,
46 and Dependency Hearings.

47 (4) Within each region selected, the division shall establish a process that classifies reports
48 of child abuse and neglect into one of the following three categories:

49 (a) accepted for an investigation;

50 (b) accepted for a family assessment; and

51 (c) not accepted.

52 (5) The division may only initiate contact with a family member in connection with a
53 report if the report has been officially accepted by the division for investigation or family
54 assessment in accordance with this section.

55 (6) (a) Except as provided in Subsection (7), a report shall be accepted for an investigation
56 if:

57 (i) required by Section 62A-4a-409; or
58 (ii) three prior reports involving the same family have been accepted by the division for
59 either an investigation, provided that it occurred within the previous three years, or a family
60 assessment, provided that it occurred within the previous year.

61 (b) Except as provided in Subsection (6)(c), the division shall conduct an investigation of
62 a report accepted pursuant to Subsection (6)(a) in accordance with Section 62A-4a-409.

63 (c) The division may refer a case for a family assessment if at any time during the
64 investigation, the division determines that:

65 (i) the case is limited to a form of abuse or neglect listed in Subsection (7); or

66 (ii) (A) the harm to the child is minor; and

67 (B) the family indicates a willingness to participate in a family assessment.

68 (d) The division shall conduct an investigation anytime that it receives a report accepted
69 for investigation under this Subsection (6), even if:

70 (i) the report also includes allegations that would qualify for a family assessment under
71 Subsection (7); or

72 (ii) a second report is received before the investigation has occurred that would qualify for
73 a family assessment under Subsection (7).

74 (7) A report shall be accepted for a family assessment if there is a reasonable basis to
75 suspect that:

76 (a) the child is ungovernable; or

77 (b) one or more of the following has occurred:

78 (i) mild forms of alleged abuse or neglect that do not pose a threat of imminent harm to
79 the child;

80 (ii) lack of proper supervision of a child;

81 (iii) domestic violence outside of a child's presence;

82 (iv) the receipt of three unaccepted reports involving the same family;

83 (v) a parent and child conflict indicating a significant breakdown in the parent-child
84 relationship and the need for direct intervention to prevent a foreseeable risk of violence or abuse;

85 or

86 (vi) educational neglect.

87 (8) The purpose of a family assessment is to:

88 (a) ensure that the child is safe;

89 (b) seek the cooperation of the family in learning about and participating in state and
90 community services; and

91 (c) determine with the family whether the family could benefit from division or community
92 services in view of the specific strengths, challenges, available resources, and needs of the family.

93 (9) (a) The division shall visit the child's home within 72 hours to begin a family
94 assessment for a report accepted pursuant to Subsection (7).

95 (b) In accordance with Subsection (8), the division shall seek the cooperation of the family
96 in participating in a family assessment.

97 (c) If the family declines to participate in a family assessment at the initial point of contact,
98 the division shall, by virtue of the fact that a report was accepted pursuant to Subsection (7):

99 (i) complete the mandatory family assessment components provided in Subsection (10);
100 and

101 (ii) initiate an investigation if there is evidence of abuse or neglect for which an
102 investigation is required under Subsection (6).

103 (10) A family assessment shall consist of the following mandatory components:

104 (a) an analysis of the circumstances resulting in the report;

105 (b) a risk assessment designed to ensure the child's safety; and

106 (c) speaking face-to-face with the child, which may be conducted outside of the presence
107 of others if the division believes that it is necessary and appropriate under the circumstances,
108 provided that the division inform the child's parent or legal guardian of the division's desire to
109 speak with the child.

110 (11) (a) A family assessment may include additional information from the family as may
111 be needed and that the family is willing to provide to better understand the family's strengths,
112 challenges, available resources, and needs.

113 (b) In requesting information under Subsection (11)(a), the division shall explain to the
114 family how it intends to use the information it collects.

115 (c) In performing a family assessment, the division shall inform the family orally or in
116 writing before the division contacts persons who are not immediate family members.

117 (12) (a) The division shall initiate an investigation if it determines during the course of a
118 family assessment that an investigation is required under Subsection (6).

119 (b) A family assessment may be discontinued if after completing the mandatory family
120 assessment components the division determines that:

121 (i) the circumstances do not warrant further involvement; or

122 (ii) the family requests the discontinuation of the assessment.

123 (13) The division may perform a family assessment for a family that requests one, even
124 if a report has not been accepted for a family assessment.

125 (14) A family assessment shall be completed within 30 days of the initial contact with the
126 family.

127 (15) (a) With respect to information acquired from a family assessment, the division may
128 only record the mandatory family assessment components onto the management information
129 system described in Subsection 62A-4a-116(2).

130 (b) Nothing in Subsection (15)(a) may be construed as limiting the information that may
131 be recorded onto the management information system as a result of:

132 (i) a report of child abuse or neglect;

133 (ii) an investigation;

134 (iii) division services provided to the family; or

135 (iv) any other division involvement with the family apart from the family assessment.

136 (16) All references to a report accepted for a family assessment shall be deleted from the
137 management information system after five years unless:

138 (a) the executive director determines that there is good cause for keeping the report on the
139 management information system based on standards established by rule; or

140 (b) a subsequent report involving the same alleged initiator has occurred within that
141 five-year period.

142 (17) In connection with this pilot program, the division shall:

143 (a) standardize the key elements of the program;

144 (b) adequately train division employees to:

145 (i) process and classify incoming reports;

146 (ii) perform family assessments; and

147 (iii) conduct investigations;

148 (c) establish quality assurance panels to regularly review the appropriateness of classifying
149 reports as unaccepted;

150 (d) consider the feasibility and, if appropriate, implementation of a system that:
151 (i) directs incoming reports of child abuse and neglect to a central location; and
152 (ii) sends reports from the central location to the appropriate regional offices for a
153 determination of whether, applying the provisions of this section, a particular report should be
154 accepted for investigation, accepted for a family assessment, or not accepted;

155 (e) contract before July 1, 2001, with an independent entity pursuant to Title 63, Chapter
156 56, Utah Procurement Code, to evaluate the outcomes of the pilot program with respect to:

157 (i) the safety of children;

158 (ii) the needs and perspectives of families;

159 (iii) the recurrence of child abuse and neglect;

160 (iv) the perspectives of child welfare and community partners;

161 (v) the perspectives of division employees; and

162 (vi) other areas identified by the division;

163 (f) send a copy of any written report by the independent evaluator to the Child Welfare
164 Legislative Oversight Panel within 30 days of receipt; and

165 (g) send a written report to the Child Welfare Legislative Oversight Panel 30 days before
166 a region is added to the pilot program pursuant to Subsection (1)(b), identifying:

167 (i) the overall status of the pilot program; and

168 (ii) the reasons supporting the executive director's decision to expand the pilot program
169 to the region selected.

170 Section 2. Section **63-55-262** is amended to read:

171 **63-55-262. Repeal dates, Title 62A.**

172 (1) Title 62A, Chapter 3, Part 4, Reverse Mortgage Services, is repealed July 1, 1998.

173 (2) Section 62A-4a-202.7, Pilot Program for Differentiated Responses to Child Abuse and
174 Neglect Reports, is repealed July 1, 2005.