

1                                   **CHILD WELFARE OVERSIGHT PANEL**

2   **AMENDMENTS**

3   2001 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Trisha S. Beck**

6   **This act modifies the Human Services Code to amend the duties of the Child Welfare**  
7   **Legislative Oversight Panel and make technical changes. The act requires the executive**  
8   **branch and judicial branch to report to the panel regarding their compliance with statutory**  
9   **time limits for the permanency process for foster care children. The act authorizes the panel**  
10 **to receive reports from the executive branch and judicial branch concerning budget issues,**  
11 **and to make recommendations to legislative appropriations committees.**

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

13 AMENDS:

14                   **62A-4a-207**, as last amended by Chapter 13, Laws of Utah 1998

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

16                   Section 1. Section **62A-4a-207** is amended to read:

17                   **62A-4a-207. Legislative Oversight Panel -- Responsibilities.**

18                   (1) (a) There is created the Child Welfare Legislative Oversight Panel composed of the  
19 following members:

20                   (i) two members of the Senate, one from the majority party and one from the minority  
21 party, appointed by the president of the Senate; and

22                   (ii) three members of the House of Representatives, two from the majority party and one  
23 from the minority party, appointed by the speaker of the House of Representatives.

24                   (b) Members of the panel shall serve for two-year terms, or until their successors are  
25 appointed.

26                   (c) A vacancy exists whenever a member ceases to be a member of the Legislature, or  
27 when a member resigns from the panel. Vacancies shall be filled by the appointing authority, and



28 the replacement shall fill the unexpired term.

29 (2) The president of the Senate shall designate one of the senators appointed to the panel  
30 under Subsection (1) as the Senate chair of the panel. The speaker of the House of Representatives  
31 shall designate one of the representatives appointed to the panel under Subsection (1) as the House  
32 chair of the panel.

33 (3) The panel shall follow the interim committee rules established by the Legislature.

34 (4) The panel shall:

35 (a) examine and observe the process and execution of laws governing the child welfare  
36 system by the executive branch and the judicial branch;

37 (b) upon request, receive testimony from the public, the juvenile court, and from all state  
38 agencies involved with the child welfare system including, but not limited to, the division, other  
39 offices and agencies within the department, the attorney general's office, the Office of the Guardian  
40 Ad Litem Director, and school districts;

41 (c) receive reports from the Consumer Hearing Panel, described in Subsection  
42 62A-4a-102(3), and consider and review the actions, reports, and recommendations of that panel;

43 (d) before October 1, 2002, and before October 1 of each year thereafter receive reports  
44 from the division, the attorney general, and the judicial branch identifying the cases not in  
45 compliance with the time limits established in Section 78-3a-308, regarding pretrial and  
46 adjudication hearings, Section 78-3a-311, regarding dispositional hearings and reunification  
47 services, and Section 78-3a-312, regarding permanency hearings and petitions for termination, and  
48 the reasons for the noncompliance;

49 [~~(d)~~] (e) receive recommendations from, and make recommendations to the governor, the  
50 Legislature, the attorney general, the division, the Office of the Guardian Ad Litem Director, the  
51 juvenile court, and the public;

52 (f) (i) receive reports from the executive branch and the judicial branch on budgetary  
53 issues impacting the child welfare system; and

54 (ii) recommend, as it considers advisable, budgetary proposals to the Health and Human  
55 Services Joint Appropriations Subcommittee § THE EXECUTIVE OFFICE AND CRIMINAL JUSTICE  
56a APPROPRIATIONS SUBCOMMITTEE, § and the Executive Appropriations Committee, which  
56 recommendation should be made before December 1 of each year;

57 [~~(e)~~] (g) study and recommend proposed changes to laws governing the child welfare  
58 system; **§ (h) STUDY ACTIONS THE STATE CAN TAKE TO PRESERVE, UNIFY, AND STRENGTHEN**  
58a **THE CHILD'S FAMILY TIES WHENEVER POSSIBLE IN THE CHILD'S BEST INTEREST, INCLUDING**  
58b **RECOGNIZING THE CONSTITUTIONAL RIGHTS AND CLAIMS OF PARENTS WHENEVER THOSE**  
58c **FAMILY TIES ARE SEVERED OR INFRINGED. §**

59           ~~[(f)]~~ § ~~[(h)]~~ (i) § perform such other duties related to the oversight of the child welfare  
59a system as

60 the panel considers appropriate; and

61           ~~[(g)]~~ § ~~[(i)]~~ (j) § annually report its findings and recommendations to the president of the  
61a Senate,

62 the speaker of the House of Representatives, the Health and Human Services Interim Committee,  
63 and the Judiciary Interim Committee.

64           (5) The panel has authority to review and discuss individual cases. When an individual  
65 case is discussed, the panel's meeting may be held in private.

66           (6) (a) The panel has authority to make recommendations to the Legislature, the governor,  
67 the Board of Juvenile Court Judges, the division, and any other statutorily created entity related  
68 to the policies and procedures of the child welfare system. The panel does not have authority to  
69 make recommendations to the court, the division, or any other public or private entity regarding  
70 the disposition of any individual case.

71           (b) The panel may hold public hearings, as it considers advisable, in various locations  
72 within the state in order to afford all interested persons an opportunity to appear and present their  
73 views regarding the child welfare system in this state.

74           (7) (a) All records of the panel regarding individual cases shall be classified private, and  
75 may be disclosed only in accordance with federal law and the provisions of Title 63, Chapter 2,  
76 Government Records Access and Management Act.

77           (b) The panel shall have access to all of the division's records, including those regarding  
78 individual cases. In accordance with Title 63, Chapter 2, Government Records Access  
79 Management Act, all documents and information received by the panel shall maintain the same  
80 classification that was designated by the division.

81           (8) In order to accomplish its oversight functions, the panel has:

82           (a) all powers granted to legislative interim committees in Section 36-12-11; and

83           (b) legislative subpoena powers under Title 36, Chapter 14, Legislative Subpoena Powers.

84           (9) Members of the panel shall receive salary and expenses in accordance with Section  
85 36-2-2.

86           (10) (a) The Office of Legislative Research and General Counsel shall provide staff  
87 support to the panel.

88           (b) The panel is authorized to employ additional professional assistance and other staff  
89 members as it considers necessary and appropriate.

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**Legislative Review Note**  
**as of 11-20-00 1:26 PM**

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.