

**CONSOLIDATION OF CHILD WELFARE
REPORTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Gregory H. Hughes

This act modifies the Human Services Code. This act modifies and consolidates reports pertaining to the state's child welfare system.

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

AMENDS:

62A-4a-107, as last amended by Chapter 101, Laws of Utah 1999

62A-4a-117, as last amended by Chapter 274, Laws of Utah 1998

62A-4a-118, as last amended by Chapter 140, Laws of Utah 2000

62A-4a-202, as last amended by Chapter 274, Laws of Utah 1998

62A-4a-202.7, as last amended by Chapter 283, Laws of Utah 2002

78-3a-911, as last amended by Chapter 168, Laws of Utah 2002

78-3g-102, as last amended by Chapter 1, Laws of Utah 2000

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

Section 1. Section **62A-4a-107** is amended to read:

62A-4a-107. Mandatory education and training of caseworkers -- Development of curriculum.

(1) There is created within the division a full-time position of Child Welfare Training Coordinator, who shall be appointed by and serve at the pleasure of the director. The employee in that position shall not be responsible for direct casework services or the supervision of those services, but shall:

(a) develop child welfare curriculum that is current and effective, consistent with the division's mission and purpose for child welfare;

(b) recruit, select, and supervise child welfare trainers;

(c) develop a statewide training program, including a budget and identification of sources of funding to support that training;

- (d) evaluate the efficacy of training in improving job performance;
- (e) assist child protective services and foster care workers in developing and fulfilling their individual training plans;
- (f) monitor staff compliance with division training requirements and individual training plans; and
- (g) expand the collaboration between the division and schools of social work within institutions of higher education in developing child welfare services curriculum, and in providing and evaluating training[; ~~and~~].

~~[(h) report annually to the board and the Legislature on training activities, compliance with the training plan, and achievement of individual training goals.]~~

(2) (a) The director shall, with the assistance of the child welfare training coordinator, establish a core curriculum for child welfare services that is substantially equivalent to the Child Welfare League of America's Core Training for Child Welfare Caseworkers Curriculum.

(b) Any child welfare worker who is employed by the division for the first time after July 1, 1999, shall, before assuming significant independent casework responsibilities, successfully complete:

- (i) the core curriculum; and
- (ii) except as provided in Subsection (2)(c), on-the-job training that consists of observing and accompanying at least two capable and experienced child welfare workers as they perform work-related functions:

(A) for three months if the worker has less than six months of on-the-job experience as a child welfare worker; or

(B) for two months if the worker has six months or more but less than 24 months of on-the-job experience as a child welfare worker.

(c) A child welfare worker with at least 24 months of on-the-job experience is not required to receive on-the-job training under Subsection (2)(b)(ii).

~~[(3) The division shall provide an annual report to the Legislative Child Welfare Oversight Panel before November 1 on the implementation and status of on-the-job training for~~

~~child welfare workers required under Subsection (2).]~~

Section 2. Section **62A-4a-117** is amended to read:

62A-4a-117. Performance monitoring system.

(1) As used in this section:

(a) "Performance goals" means a target level of performance or an expected level of performance against which actual performance is compared.

(b) "Performance indicators" means actual performance information regarding a program or activity.

(c) "Performance monitoring system" means a process to regularly collect and analyze performance information including performance indicators and performance goals.

(2) On or before May 1, 1996, the director, in cooperation with the board, shall develop a performance monitoring system of each area in the child welfare system, including foster care and other substitute care, child protective services, and adoption.

(3) On or before June 1, 1996, the director shall submit a description of that monitoring system to the Child Welfare Legislative Oversight Panel for review.

(4) The division shall fully implement a performance monitoring system on or before October 1, 1996.

(5) [~~On or before December 31, 1997, and each year thereafter, the director shall submit, to the Legislative Fiscal Analyst and the director of the Office of Legislative Research and General Counsel;~~] Before January 1 each year the director shall submit a written report describing the difference between actual performance and performance goals for the prior fiscal year[:~~(6) The Legislative Fiscal Analyst shall convey the information contained in that report to the Health and Human Services Appropriation Subcommittee during the general session immediately following submission of the report. The subcommittee may consider that information in its deliberations regarding the budget for the division. The director of the Office of Legislative Research and General Counsel shall convey the information in that report~~] to the Child Welfare Legislative Oversight Panel [~~and to~~], the Joint Health and Human Services Appropriations Subcommittee, and the Utah Tomorrow Strategic Planning Committee. The

report shall include:

(a) a summary of the division's efforts during the prior fiscal year to implement the Performance Milestone Plan;

(b) a summary of how performance must be improved to achieve full implementation of the Performance Milestone Plan;

(c) data on the extent to which new and experienced division employees have received training pursuant to statute and division policy;

(d) an analysis of the use and efficacy of family preservation services, both before and after removal of children from their homes; and

(e) a description of the extent to which the pilot program under Section 62A-4a-202.7 has been expanded during the prior fiscal year and an explanation of how the performance of regions that have previously implemented the program has been affected by the program, including data showing the number of referrals to the division:

(i) accepted for an investigation;

(ii) accepted for a family assessment; or

(iii) not accepted.

Section 3. Section **62A-4a-118** is amended to read:

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

(1) The division shall use principles of quality management systems, including statistical measures of processes of service, and the routine reporting of performance data to employees.

(2) (a) In addition to development of quantifiable outcome measures and performance measures in accordance with Section 62A-4a-117, the executive director, or his designee, shall annually review a randomly selected sample of child welfare referrals to and cases handled by the division. The purpose of that review shall be to assess whether the division is adequately protecting children and providing appropriate services to families, in accordance 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 Part 4, Termination of Parental Rights Act.

The review shall focus directly on the outcome of cases to children and families, and not simply on procedural compliance with specified criteria.

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

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

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

(a) the criteria used by the executive director, or his designee, in making the evaluation;

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

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

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

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

(4) (a) In addition to the review conducted by the executive director, the Legislative Auditor General shall audit a sample of child welfare referrals to and cases handled by the division, and report his findings to the Child Welfare Legislative Oversight Panel [~~and the Health and Human Services Interim Committee each year, on dates scheduled by the panel and committee~~] each year.

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

(i) findings regarding whether state statutes, division policy, and legislative policy were

followed by the division and its employees;

(ii) a determination regarding whether referrals, removals, and cases were appropriately handled by the division and its employees, and whether children were adequately and appropriately protected and appropriate services provided for families, in accordance with the provisions of Title 62A, Chapter 4a, and Title 78, Chapter 3a, Parts 3 and 4, and division policy;

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

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

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

Section 4. Section **62A-4a-202** is amended to read:

62A-4a-202. Preventive services -- Family preservation services.

(1) (a) Within appropriations from the Legislature, the division shall provide preventive, in-home services and family preservation services for families whose children are at immediate risk of being removed from the home and for families in crisis, if the child's welfare is not immediately endangered and the division determines that it is possible and appropriate.

(b) In determining whether preventive or family preservation services are reasonable and appropriate, in keeping with the provisions of Subsection 62A-4a-201(1) the child's health, safety, and welfare shall be the paramount concern. The division shall consider whether those services will be effective within a six-month period, and whether they are likely to prevent reabuse or continued neglect of the child.

(2) [~~(a) On or before December 1, 1994, the~~] The division shall [~~complete~~] maintain a statewide inventory of early intervention, preventive, and family preservation services [~~that are~~] available through public and private agencies or individuals for use by caseworkers. The inventory shall [~~also~~] include:

[(~~i~~)] (a) the method of accessing each service;

[(~~ii~~)] (b) eligibility requirements for each service; and

~~[(iii)] (c) the geographic areas and the number of families that can be served by each service, and information regarding waiting lists for each service.~~

~~[(b) The information shall be stored, updated annually, and made available in a usable form as a resource directory for all caseworkers.]~~

~~[(c) The division shall provide a copy of the inventory to the Office of Legislative Research and General Counsel on or before December 1, 1994, and each subsequent year thereafter.]~~

(3) As a part of its preventive services, the division shall provide family preservation services that are short-term, intensive, crisis intervention programs, and that address:

- (a) the safety of children;
- (b) the physical and emotional needs of parents and children; the division shall also evaluate specific needs of the family, including depression, addiction, and mental illness;
- (c) the child's physical surroundings, including cleaning and repairing physical housing, and addressing needs for necessities such as food, heat, and electricity;
- (d) personal cleanliness, nutrition, and provision of personal grooming supplies and clothing;
- (e) budgeting, money management, and employment; and
- (f) parenting skills, including nonviolent discipline, nurturing, and structure, and teaching responsibility, respect for others, cooperation, and moral values.

(4) (a) The division may use only specially trained caseworkers or private providers to provide the family preservation services described in Subsection (3).

(b) Family preservation caseworkers may only be assigned a minimum number of families, but the division shall require that they be available 24 hours for an intensive period of at least six weeks, and that they respond to an assigned family within 24 hours.

(c) The division shall allow family preservation caseworkers to be creative and flexible in responding to the needs of each individual family.

Section 5. Section **62A-4a-202.7** is amended to read:

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

reports.

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

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

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

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

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

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

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

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

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

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

(a) accepted for an investigation;

(b) accepted for a family assessment; and

(c) not accepted.

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

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

- (i) required by Section 62A-4a-409; or
 - (ii) three prior reports involving the same family have been accepted by the division for either an investigation or a family assessment.
- (b) Except as provided in Subsection (6)(c), the division shall conduct an investigation of a report accepted pursuant to Subsection (6)(a) in accordance with Section 62A-4a-409.
- (c) The division may refer a case for a family assessment if at any time during the investigation, the division determines that:
- (i) the case is limited to a form of abuse or neglect listed in Subsection (7); or
 - (ii) (A) the harm to the child is minor; and
 - (B) the family indicates a willingness to participate in a family assessment.
- (d) The division shall conduct an investigation anytime that it receives a report accepted for investigation under this Subsection (6), even if:
- (i) the report also includes allegations that would qualify for a family assessment under Subsection (7); or
 - (ii) a second report is received before the investigation has occurred that would qualify for a family assessment under Subsection (7).
- (7) A report shall be accepted for a family assessment if there is a reasonable basis to suspect that:
- (a) the child is ungovernable; or
 - (b) one or more of the following has occurred:
 - (i) neglect involving a verbal child who is six years of age or older that is not serious or chronic;
 - (ii) lack of proper supervision of a child;
 - (iii) domestic violence outside of a child's presence;
 - (iv) the receipt of three unaccepted reports involving the same family;
 - (v) a parent and child conflict indicating a significant breakdown in the parent-child relationship and the need for direct intervention to prevent a foreseeable risk of violence or abuse; or

(vi) educational neglect.

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

(a) ensure that the child is safe;

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

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

(9) (a) The division shall visit the child's home within three working days to begin a family assessment for a report accepted pursuant to Subsection (7).

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

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

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

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

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

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

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

(c) a thorough review of the division's records of prior involvement with the family; and

(d) speaking face-to-face with the child, which may be conducted outside of the presence of others if the division believes that it is necessary and appropriate under the circumstances.

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

(b) In requesting information under Subsection (11)(a), the division shall explain to the

family how it intends to use the information it collects.

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

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

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

- (i) the circumstances do not warrant further involvement; or
- (ii) the family requests the discontinuation of the assessment.

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

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

(15) (a) With respect to information acquired from a family assessment, the division may only record the family assessment components described in Subsection (10) onto the Management Information System described in Section 62A-4a-116.

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

- (i) a report of child abuse or neglect;
- (ii) an investigation;
- (iii) division services provided to the family; or
- (iv) any other division involvement with the family apart from the family assessment.

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

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

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

- (17) In connection with this pilot program, the division shall:
- (a) standardize the key elements of the program;
 - (b) adequately train division employees to:
 - (i) process and classify incoming reports;
 - (ii) perform family assessments; and
 - (iii) conduct investigations;
 - (c) work within the FACT initiative to identify community partnerships to facilitate delivery of services based on family assessments;
 - (d) establish quality assurance panels to review no less than twice each month the appropriateness of classifying reports as unaccepted;
 - (e) consider the feasibility and, if appropriate, implementation of a system that:
 - (i) directs incoming reports of child abuse and neglect to a central location; and
 - (ii) sends reports from the central location to the appropriate regional offices for a determination of whether, applying the provisions of this section, a particular report should be accepted for investigation, accepted for a family assessment, or not accepted;
 - (f) contract before July 1, 2001, with an independent entity pursuant to Title 63, Chapter 56, Utah Procurement Code, to evaluate the outcomes of the pilot program with respect to:
 - (i) the safety of children;
 - (ii) the needs and perspectives of families;
 - (iii) the recurrence of child abuse and neglect;
 - (iv) the perspectives of child welfare and community partners;
 - (v) the perspectives of division employees; and
 - (vi) other areas identified by the division; and
 - (g) send a copy of any written report by the independent evaluator to the Child Welfare Legislative Oversight Panel within 30 days of receipt[~~;~~ and].
- ~~[(h) send a written report to the Child Welfare Legislative Oversight Panel 30 days before a region is added to the pilot program pursuant to Subsection (1)(b), identifying:]~~
- ~~[(i) the overall status of the pilot program; and]~~

~~[(ii) the reasons supporting the executive director's decision to expand the pilot program to the region selected.]~~

Section 6. Section **78-3a-911** is amended to read:

78-3a-911. Office of Guardian Ad Litem Director -- Appointment of director -- Duties of director -- Contracts in second, third, and fourth districts.

(1) There is hereby created the Office of Guardian Ad Litem Director under the direct supervision of the Judicial Council in accordance with Subsection 78-3-21(13).

(2) (a) The Judicial Council shall appoint one person to serve full time as the guardian ad litem director for the state. The guardian ad litem director shall serve at the pleasure of the Judicial Council.

(b) The director shall be an attorney licensed to practice law in this state and selected on the basis of:

(i) professional ability;

(ii) experience in abuse, neglect, and dependency proceedings;

(iii) familiarity with the role, purpose, and function of guardians ad litem in both juvenile and district courts; and

(iv) ability to develop training curricula and reliable methods for data collection and evaluation.

(c) The director shall be trained in the United States Department of Justice National Court Appointed Special Advocate program prior to or immediately after his appointment.

(3) The guardian ad litem director shall:

(a) establish policy and procedure for the management of a statewide guardian ad litem program;

(b) manage the guardian ad litem program to assure that minors receive qualified guardian ad litem services in abuse, neglect, and dependency proceedings in accordance with state and federal law and policy;

(c) develop standards for contracts of employment and contracts with independent contractors, and employ or contract with attorneys licensed to practice law in this state, to act as

attorney guardians ad litem in accordance with Section 78-3a-912;

(d) develop and provide training programs for attorney guardians ad litem and volunteers in accordance with the United States Department of Justice National Court Appointed Special Advocates Association standards;

(e) update and develop the guardian ad litem manual, combining elements of the National Court Appointed Special Advocates Association manual with specific information about the law and policy of this state;

(f) develop and provide a library of materials for the continuing education of attorney guardians ad litem and volunteers;

(g) educate court personnel regarding the role and function of guardians ad litem;

(h) develop needs assessment strategies, perform needs assessment surveys, and ensure that guardian ad litem training programs correspond with actual and perceived needs for training;

(i) design and implement evaluation tools based on specific objectives targeted in the needs assessments described in Subsection (3)(h);

(j) prepare and submit an annual report to the Judicial Council and the [~~Health and Human Services Interim Committee~~] Child Welfare Legislative Oversight Panel regarding the development, policy, and management of the statewide guardian ad litem program, and the training and evaluation of attorney guardians ad litem and volunteers;

(k) hire, train, and supervise investigators; and

(l) administer the program of private guardians ad litem established by Section 78-7-45.

(4) A contract of employment or independent contract described under Subsection (3)(c) shall provide that attorney guardians ad litem in the second, third, and fourth judicial districts devote their full time and attention to the role of attorney guardian ad litem, having no clients other than the children whose interest they represent within the guardian ad litem program.

Section 7. 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 each juvenile court 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 Child Welfare Legislative [Health and Human Services and] Oversight Panel, the Judiciary Interim [Committees] Committee, 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.