

LEGISLATIVE AUDITS OF CHILD WELFARE

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael E. Noel

This act modifies child welfare statutes. The act changes the frequency of the annual legislative audit of child welfare cases, eliminates the requirement that the audit address statutorily enumerated issues, and specifies who may initiate the audit. The act makes technical changes.

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

AMENDS:

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

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

Section 1. 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, 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]~~ Child and Family Services, Title 78, Chapter 3a, ~~[Parts 3 and 4]~~ Part 3, Abuse, Neglect, and Dependency Proceedings, and Part 4, Termination of Parental Rights Act, 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, beginning July 1, 2004, 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.

(b) An audit under Subsection (4)(a) shall be conducted at least once every three years, but may be conducted more frequently pursuant to Subsection (4)(d).

~~[(b)]~~ (c) With regard to the sample of referrals, removals, and cases, the Legislative Auditor General's report ~~[shall]~~ may 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~~] Child and Family Services, Title 78, Chapter 3a, [~~Parts 3 and 4~~] Part 3, Abuse, Neglect, and Dependency Proceedings, and Part 4, Termination of Parental Rights Act, 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[~~-~~]; and

(vi) findings regarding any other issues identified by the auditor or others under Subsection (4)(d).

(d) An audit under Subsection (4)(a) may be initiated by:

(i) the Audit Subcommittee of the Legislative Management Committee;

(ii) the Child Welfare Legislative Oversight Panel; or

(iii) the Legislative Auditor General, based on the results of the executive director's review under Subsection (2).