

Representative Michael T. Morley proposes the following substitute bill:

AMENDMENTS TO CHILD WELFARE

LEGISLATIVE OVERSIGHT PANEL

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael T. Morley

This act amends the Human Services Code. The act modifies language in the Child Welfare Legislative Oversight Panel to conform terms with the Open and Public Meetings Act. The act directs the panel to consider the concerns of all parties to a case it discusses and makes technical changes.

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

AMENDS:

62A-4a-207, as last amended by Chapter 6, Laws of Utah 2002, Fifth Special Session

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

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

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

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

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

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

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

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



26 and the replacement shall fill the unexpired term.

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

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

32 (4) The panel shall:

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

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

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

45 (d) receive recommendations from, and make recommendations to the governor, the
46 Legislature, the attorney general, the division, the Office of the Guardian Ad Litem Director,
47 the juvenile court, and the public;

48 (e) (i) receive reports from the executive branch and the judicial branch on budgetary
49 issues impacting the child welfare system; and

50 (ii) recommend, as it considers advisable, budgetary proposals to the Health and
51 Human Services Joint Appropriations Subcommittee, the Executive Offices and Criminal
52 Justice Appropriations Subcommittee, and the Executive Appropriations Committee, which
53 recommendation should be made before December 1 of each year;

54 (f) study and recommend proposed changes to laws governing the child welfare
55 system;

56 (g) study actions the state can take to preserve, unify, and strengthen the child's family

57 ties whenever possible in the child's best interest, including recognizing the constitutional
58 rights and claims of parents whenever those family ties are severed or infringed;

59 ~~[(h) study and determine what measures may be appropriate in addressing the~~
60 ~~immunity or liability of government employees involved in child protective service~~
61 ~~investigations and removals, and report its findings to the Human Services Interim Committee~~
62 ~~on or before November 1, 2001;]~~

63 [(†)] (h) perform such other duties related to the oversight of the child welfare system
64 as the panel considers appropriate; and

65 [(†)] (i) annually report its findings and recommendations to the president of the
66 Senate, the speaker of the House of Representatives, the Health and Human Services Interim
67 Committee, and the Judiciary Interim Committee.

68 (5) (a) The panel has authority to review and discuss individual cases.

69 (b) When an individual case is discussed, the panel's meeting may be ~~[held in private]~~
70 closed pursuant to Title 52, Chapter 4, Open and Public Meetings.

71 (c) When discussing an individual case, the panel shall make reasonable efforts to
72 identify and consider the concerns of all parties to the case.

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

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

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

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

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

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

90 (b) legislative subpoena powers under Title 36, Chapter 14, Legislative Subpoena

91 Powers.

92 (9) Members of the panel shall receive salary and expenses in accordance with Section
93 36-2-2.

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

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