1 **LEGISLATIVE AUDITS OF CHILD WELFARE**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Michael E. Noel**

5 **This act modifies child welfare statutes. This act makes the annual legislative audit of**

6 **child welfare cases optional rather than mandatory, eliminates the requirement that the**

7 **audit address statutorily enumerated issues, and specifies who may initiate an audit. This**

8 **act makes technical changes.**

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

10 AMENDS:

11 **62A-4a-118**, as last amended by Chapter 140, Laws of Utah 2000

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

13 Section 1. Section **62A-4a-118** is amended to read:

14 **62A-4a-118. Annual review of child welfare referrals and cases by executive**

15 **director -- Accountability to the Legislature -- Review by Legislative Auditor General.**

16 (1) The division shall use principles of quality management systems, including

17 statistical measures of processes of service, and the routine reporting of performance data to

18 employees.

19 (2) (a) In addition to development of quantifiable outcome measures and performance

20 measures in accordance with Section 62A-4a-117, the executive director, or his designee, shall

21 annually review a randomly selected sample of child welfare referrals to and cases handled by

22 the division. The purpose of that review shall be to assess whether the division is adequately

23 protecting children and providing appropriate services to families, in accordance with the

24 provisions of Title 62A, Chapter 4a, Child and Family Services, and Title 78, Chapter 3a, Part

25 3, Abuse, Neglect, and Dependency Proceedings, and Part 4, Termination of Parental Rights

26 Act. The review shall focus directly on the outcome of cases to children and families, and not

27 simply on procedural compliance with specified criteria.

28   (b) The executive director shall report, regarding his review of those cases, to the

29   Legislative Auditor General, the Child Welfare Legislative Oversight Panel, and the Health and

30   Human Services Interim Committee each year, on dates scheduled by the panel and committee.

31   (c) Information obtained as a result of the review shall be provided to caseworkers,

32   supervisors, and division personnel involved in the respective cases, for purposes of education,

33   training, and performance evaluation.

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

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

36   evaluation;

37   (b) findings regarding whether state statutes, division policy, and legislative policy

38   were followed in each sample case;

39   (c) findings regarding whether, in each sample case, referrals, removals, or cases were

40   appropriately handled by the division and its employees, and whether children were adequately

41   and appropriately protected and appropriate services provided to families, in accordance with

42   the provisions of Title 62A, Chapter 4a, [and] Child and Family Services, Title 78, Chapter 3a,

43   [Parts 3 and 4] Part 3, Abuse, Neglect, and Dependency Proceedings, and Part 4, Termination

44   of Parental Rights Act, and division policy;

45   (d) an assessment of the division's intake procedures and decisions, including an

46   assessment of the appropriateness of decisions not to accept referrals; and

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

48   (4) (a) In addition to the review conducted by the executive director, the Legislative

49   Auditor General [shall] may annually audit a sample of child welfare referrals to and cases

50   handled by the division[,] and report his findings to the Child Welfare Legislative Oversight

51   Panel and the Health and Human Services Interim Committee [each year,] on dates scheduled

52   by the panel and committee.

53   (b) With regard to the sample of referrals, removals, and cases, the Legislative Auditor

54   General's report [shall] may include:

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

56   followed by the division and its employees;

57   (ii) a determination regarding whether referrals, removals, and cases were appropriately

58   handled by the division and its employees, and whether children were adequately and

59 appropriately protected and appropriate services provided for families, in accordance with the

60 provisions of Title 62A, Chapter 4a, [and] Child and Family Services, Title 78, Chapter 3a,

61 [Parts 3 and 4] Part 3, Abuse, Neglect, and Dependency Proceedings, and Part 4, Termination

62 of Parental Rights Act, and division policy;

63   (iii) an assessment of the division's intake procedures and decisions, including an

64 assessment of the appropriateness of decisions not to accept referrals;

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

66   (v) a determination regarding whether the department's review process is effecting

67 beneficial change within the division and accomplishing the mission established by the

68 Legislature and the department for that review process.

69   (c) An audit under this Subsection (4) may be initiated by:

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

71   (ii) the Child Welfare Legislative Oversight Panel; or

72   (iii) the Legislative Auditor General, following a review of the executive director's

73 review under Subsection (2).

Legislative Review Note
        as of   1-30-03 8:26 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

                                        Office of Legislative Research and General Counsel

State Impact

While there is no budgetary fiscal impact, this legislation will allow the Auditor General's Office to redirect its staff to other auditing assignments.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst