MINUTES OF THE HEALTH AND HUMAN SERVICES STANDING COMMITTEE ROOM 223, STATE CAPITOL BUILDING February 25, 2004

MEMBERS PRESENT: Rep. Mike Thompson, Chair

Rep. Steven R. Mascaro, Vice-Chair

Rep. Calvin G. Bird Rep. Judy Ann Buffmire Rep. D. Gregg Buxton Rep. Marda Dillree Rep. Patricia W. Jones Rep. Bradley G. Last Rep. David Litvack Rep. Rebecca Lockhart

STAFF PRESENT: Mark Andrews, Policy Analyst

Jerry Howe, Policy Analyst Sylvia Newton, House Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Thompson called the meeting to order at 4:50 p.m.

MOTION: Rep. Buxton moved to approve the minutes of the February 24, 2004 meeting. The motion passed unanimously with Rep. Last absent for the vote,

S.B. 90S4 Medical Neglect - Exclusion (Sen. D. Thomas)

Sen. Thomas introduced S.B. 90 and explained it to the committee.

Spoke in opposition to the bill: Richard Anderson, Division of Child and Family Services

Mark May, Attorney General's Office

Spoke in favor of the bill: Matt Throckmorton, former representative

Daren Jensen, parent

MOTION: Rep. Mascaro moved to delete in title and body 4th Sub. S.B. 90 and replace it with 6th Sub. S.B. 90.

Spoke in favor of the 6th Substitute bill: Kristin Brewer, Office of the Guardian Ad Litem

Mark May, Attorney General's Office

Richard Anderson, Division of Child and Family

Services

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SUBSTITUTE

MOTION: Rep. Lockhart moved to proceed to the next item on the agenda. The motion passed unanimously.

H.B. 257S1 Electro Shock Therapy Amendments (Rep. K. Bryson)

1st Sub. H.B. 257 was not considered.

H.B. 350 Consumer Access to Prescription Drug Pricing Data (Rep. D. Ure)

H.B. 350 was not considered.

S.B. 81 Child and Family Services - Plea in Abeyance (Sen. P. Hellewell)

S.B. 81 was not considered.

S.B. 155 County Mental Health Amendments (Sen. G. Davis)

S.B. 155 was not considered.

Rep. Thompson relinquished the chair to Rep. Mascaro.

H.B. 361 Adoption Agency Fees Task Force (Rep. S. Daniels)

Rep. Daniels introduced H.B. 361 and explained it to the committee.

Spoke in favor of the bill: Mark Duke, Utah Adoption Council

MOTION: Rep. Last moved to pass the bill out favorably. The motion passed unanimously with Rep. Jones, Rep. Lockhart, and Rep. Thompson absent for the vote.

H.B. 259S1 Special Needs Adoption - Preplacement Evaluations (Rep. A. Hardy)

Rep. Hardy introduced 1st Sub. H.B. 259 and explained it to the committee.

Spoke to the bill: Mark Duke, Utah Adoption Council

Spoke in favor of the bill: Kristin Brewer, Office of the Guardian Ad Litem

MOTION: Rep. Jones moved to pass the bill out favorably. The motion passed unanimously with Rep. Lockhart and Rep. Thompson absent for the vote.

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H.B. 276 Adoption Law Revisions (Rep. R. McGee)

MOTION: Rep. Litvack moved to delete in title and body H.B. 276 and replace it with 1st Sub. H.B. 276.

Rep. McGee introduced 1st Sub. H.B. 276 and explained it to the committee.

Spoke in favor of the bill: Robin Arnold-Williams, Executive Director, Department of Human Services

The motion to adopt the substitute bill passed unanimously with Rep. Lockhart and Rep. Thompson absent for the vote.

MOTION: Rep. Dillree moved to pass 1st Sub. H.B. 276 out favorably. The motion passed unanimously with Rep. Lockhart and Rep. Thompson absent for the vote.

Rep. Mascaro relinquished the chair to Rep. Dillree.

H.B. 303 Child Welfare Revisions (Rep. S. Mascaro)

MOTION: Rep. Mascaro moved to amend the bill as follows:

- 1. Page 2, Line 50 through Page 3, Line 75:
 - 50 (A) the division has reasonable cause to believe that the reported abuse was committed
 - by a person who **is not the child's parent and** does not:
 - [(i)] (I) live in the child's home; or
 - [(ii)] (II) otherwise have access to the child[; and] in the child's home; or
 - 54 (B) an unscheduled visit is not necessary to obtain evidence for the investigation; and
 - 55 [(g)] (vii) if appropriate and indicated in any case alleging physical injury, sexual
 - abuse, or failure to meet the child's medical needs, a medical examination. That examination
 - 57 shall be obtained no later than 24 hours after the child was placed in protective custody.
 - [(b) For purposes of Subsection (2)(a)(iii):
 - 59 <u>(i) even if the whereabouts of both parents are known, the division is not required to</u>
 - 60 <u>interview a second parent unless the division has reason to believe that the second</u> parent has

- 61 <u>substantial, relevant information distinct from the information provided by the first</u> parent; and
- 62 <u>(ii) all interviews with parents shall be conducted prior to the completion of the</u>
- 63 investigation.
- 64 (3) The division may rely on a written report of a prior interview rather than 65 conducting an additional interview, if:
- 66 (a) law enforcement has previously conducted a timely and thorough investigation 67 regarding the alleged abuse [or], neglect, or dependency and has produced a written report;
- 68 (b) that investigation included one or more of the interviews required by Subsection 69 (2); and
- 70 (c) the division finds that an additional interview is not in the best interest of the child.
- 71 (4) (a) The division's determination of whether a report is [[-substantiated-]] supported or
- 72 [[unsubstantiated]] unsupported may be based on the child's statements alone.
- 73 (b) Inability to identify or locate the perpetrator may not be used by the division as a basis for determining that a report is unsubstantiated, or for closing the case.
- 75 (c) The division may not determine a case to be [unsubstantiated] unsupported or

The motion to amend the bill passed unanimously with Rep. Last, Rep. Lockhart, and Rep. Thompson absent for the vote.

Rep. Mascaro introduced H.B. 303 as amended and explained it to the committee.

Spoke to the bill: Richard Anderson, Division of Child and Family Services

MOTION: Rep. Buffmire moved to pass the bill as amended out favorably. The motion passed unanimously with Rep. Last, Rep. Lockhart, and Rep. Thompson absent for the vote.

MOTION: Rep. Buffmire moved to adjourn. The motion passed unanimously with Rep. Last, Rep. Lockhart, and Rep. Thompson absent for the vote. The meeting was adjourned at 6:50 p.m.

Rep. Mike Thompson Committee Chair