

**Representative Paul Ray** proposes the following substitute bill:

**UTAH CHILD ABUSE PREVENTION BOARD**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Paul Ray**

David Litvack

Steven R. Mascaró

---

**LONG TITLE**

**General Description:**

This bill creates the Utah Child Abuse Prevention Board and transfers oversight of the Children's Trust Account from the Child Abuse Advisory Council and the Board of Child and Family Services to the Utah Child Abuse Prevention Board created by this bill.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ changes the name of the Children's Trust Account to the Children's Trust Fund;
- ▶ describes how funds in the Children's Trust Fund may be used;
- ▶ creates, within the Department of Health, the Utah Child Abuse Prevention Board and lists the duties and powers of the board;
- ▶ grants the board the authority to administer the Children's Trust Fund;
- ▶ establishes membership of the board;
- ▶ provides for the organization of the board, including:
  - the appointment of a chair; and
  - the creation of committees;
- ▶ provides that members of the board serve without pay, but are entitled to a per diem



- 26 and reimbursement for expenses;
- 27       ▶ creates the position of executive director of the Children's Trust Fund and
- 28 establishes the executive director's duties;
- 29       ▶ provides for staff support of the board;
- 30       ▶ eliminates the responsibility of the Child Abuse Advisory Council and the Board of
- 31 Child and Family Services to oversee the Children's Trust Account or Children's
- 32 Trust Fund; and
- 33       ▶ makes technical changes.

**34 Monies Appropriated in this Bill:**

35       None

**36 Other Special Clauses:**

37       None

**38 Utah Code Sections Affected:**

39 AMENDS:

40       **26-2-12.5**, as last amended by Chapter 202, Laws of Utah 1995

41       **62A-4a-311**, as last amended by Chapter 246, Laws of Utah 2003

42 ENACTS:

43       **26-7a-101**, Utah Code Annotated 1953

44       **26-7a-102**, Utah Code Annotated 1953

45       **26-7a-105**, Utah Code Annotated 1953

46       **26-7a-106**, Utah Code Annotated 1953

47       **26-7a-107**, Utah Code Annotated 1953

48       **26-7a-108**, Utah Code Annotated 1953

49       **26-7a-109**, Utah Code Annotated 1953

50 RENUMBERS AND AMENDS:

51       **26-7a-103**, (Renumbered from 62A-4a-309, as last amended by Chapter 321, Laws of  
52 Utah 2000)

53       **26-7a-104**, (Renumbered from 62A-4a-310, as renumbered and amended by Chapter  
54 260, Laws of Utah 1994)



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

57 Section 1. Section **26-2-12.5** is amended to read:

58 **26-2-12.5. Certified copies of birth certificates -- Fees credited to Children's**  
59 **Trust Fund.**

60 (1) In addition to the fees provided for in Section 26-1-6, the department and local  
61 registrars authorized to issue certified copies shall charge an additional \$3 fee for each certified  
62 copy of a birth certificate, including certified copies of supplementary and amended birth  
63 certificates, under Sections 26-2-8 through 26-2-11. This additional fee may be charged only  
64 for the first copy requested at any one time.

65 (2) The fee shall be transmitted monthly to the state treasurer and credited to the  
66 Children's Trust [~~Account~~] Fund established in Section [~~62A-4a-309~~] 26-7a-103.

67 Section 2. Section **26-7a-101** is enacted to read:

68 **CHAPTER 7a. CHILDREN'S TRUST FUND**

69 **26-7a-101. Title.**

70 This chapter is known as the "Children's Trust Fund."

71 Section 3. Section **26-7a-102** is enacted to read:

72 **26-7a-102. Definitions.**

73 As used in this chapter:

74 (1) "Board" means the Utah Child Abuse Prevention Board created in Section  
75 26-7a-106.

76 (2) "Child abuse and neglect" means the same as the term "child abuse or neglect"  
77 defined in Section 62A-4a-402.

78 (3) "Executive director" means the executive director of the Children's Trust Fund  
79 described in Section 26-7a-109.

80 (4) "Trust fund" means the Children's Trust Fund created under Section 26-7a-103.

81 Section 4. Section **26-7a-103**, which is renumbered from Section 62A-4a-309 is  
82 renumbered and amended to read:

83 [~~62A-4a-309~~]. **26-7a-103. Children's Trust Fund.**

84 (1) There shall be a restricted account within the General Fund [~~to~~] that shall be known  
85 as the Children's Trust [~~Account~~] Fund. [~~This account is for crediting of~~]

86 (2) The trust fund shall receive:

87 (a) allocations and contributions from government and private sources; [~~and from~~]

88 appropriate]

89 (b) revenues received under Section 26-2-12.5 for child abuse and neglect prevention  
 90 programs described in Section ~~[62A-4a-305]~~ 26-7a-105; and

91 (c) interest earned on the trust fund.

92 ~~[(2)]~~ (3) Money shall be:

93 (a) appropriated from the ~~[account]~~ trust fund to the ~~[division]~~ board by the Legislature  
 94 under ~~[the Utah] Title 63, Chapter 38, Budgetary Procedures Act[;]; and ~~shall be]~~~~

95 (b) drawn upon by the executive director of the trust fund under the direction of the  
 96 board.

97 ~~[(3)]~~ (4) (a) ~~[The Children's Trust Account]~~ Except as provided in Subsection (4)(b),  
 98 the trust fund may only be used ~~[only]~~ to implement prevention programs described in Section  
 99 ~~[62A-4a-305, and may only be allocated to entities that provide a one-to-one match,~~  
 100 comprising a match from the community of at least 50% in cash and up to 50% in in-kind  
 101 donations, which is 25% of the total funding received from the Children's Trust Account. The  
 102 entity that receives the statewide evaluation contract is excepted from the cash-match  
 103 provisions of this Subsection ~~(3)]~~ 26-7a-105.

104 (b) Notwithstanding Subsection (4)(a):

105 (i) at least 10% of the funds received by the trust fund during the fiscal year shall be  
 106 maintained as a trust investment; and

107 (ii) not more than 10% of the funds received by the trust fund during the fiscal year  
 108 may be used for the board's administrative expenses.

109 (5) All funds received under Subsection (2) shall be:

110 (a) accounted for and expended in compliance with the requirements of federal and  
 111 state law; and

112 (b) available to the board to fulfill the duties of the board.

113 Section 5. Section **26-7a-104**, which is renumbered from Section 62A-4a-310 is  
 114 renumbered and amended to read:

115 ~~**[62A-4a-310].**~~ **26-7a-104. Funds -- Transfers and gifts.**

116 On behalf of the ~~[Children's Trust Account, the department, through the division;]~~ trust  
 117 fund, the board may accept transfers, grants, gifts, bequests, or any money made available from  
 118 any source to implement this ~~[part]~~ chapter.

119 Section 6. Section **26-7a-105** is enacted to read:  
120 **26-7a-105. Prevention programs.**  
121 Programs contracted under this chapter:  
122 (1) shall be designed to provide child abuse and neglect prevention; and  
123 (2) may include community-based programs that:  
124 (a) relate to:  
125 (i) prenatal care;  
126 (ii) perinatal bonding;  
127 (iii) child growth and development;  
128 (iv) basic child care;  
129 (v) care of children with special needs;  
130 (vi) coping with family stress;  
131 (vii) crisis care;  
132 (viii) aid to parents;  
133 (ix) child abuse education;  
134 (x) support groups for:  
135 (A) abusive or potentially abusive parents; and  
136 (B) children of a parent described in Subsection (2)(a)(x)(A);  
137 (xi) early identification of families where the potential for child abuse and neglect  
138 exists;  
139 (xii) positive youth development;  
140 (xiii) mentoring;  
141 (xiv) academic enhancement;  
142 (xv) tutoring;  
143 (xvi) literacy; or  
144 (xvii) parent education;  
145 (b) include a component designed to prevent the occurrence or recurrence of, or reduce  
146 the risk of:  
147 (i) child abuse;  
148 (ii) child neglect;  
149 (iii) sexual molestation;

- 150           (iv) sexual exploitation;
- 151           (v) medical neglect; or
- 152           (vi) educational neglect;
- 153           (c) the board may consider potentially effective in reducing the incidence of family
- 154 problems leading to child abuse or neglect; or
- 155           (d) are designed to establish and assist community resources that prevent child abuse
- 156 and neglect.

157           Section 7. Section **26-7a-106** is enacted to read:

158           **26-7a-106. Utah Child Abuse Prevention Board -- Creation and membership --**

159 **Appointments -- Terms -- Removal -- Nominating committee -- Executive committee --**

160 **Subcommittees.**

161           (1) There is created within the Department of Health the Utah Child Abuse Prevention

162 Board.

163           (2) Subject to Subsection (3), the board is composed of 11 voting members as follows:

164           (a) subject to Subsection (4):

165           (i) the executive director of the Department of Workforce Services;

166           (ii) the director of the Division of Community and Family Health Services within the

167 Department of Health;

168           (iii) the director of the Division of Substance Abuse and Mental Health within the

169 Department of Human Services;

170           (iv) the director of the Division of Child and Family Services within the Department of

171 Human Services; and

172           (v) the state superintendent of the Office of Education;

173           (b) one member:

174           (i) nominated by the chair of the Board of Child and Family Services within the

175 Department of Human Services; and

176           (ii) appointed by the Board of Child and Family Services within the Department of

177 Human Services;

178           (c) one member:

179           (i) nominated by the chair of the Child Abuse Advisory Council within the Department

180 of Human Services; and

181 (ii) appointed by the Child Abuse Advisory Council within the Department of Human  
182 Services; and

183 (d) as provided in Subsection (5), four members, nominated by the nominating  
184 committee, and appointed by the governor, representing each of the following:

185 (i) one member representing private hospitals specializing in the care of children;

186 (ii) two members representing nonprofit organizations that have a primary purpose of  
187 preventing child abuse and neglect; and

188 (iii) one:

189 (A) family practice physician;

190 (B) pediatrician;

191 (C) physician specializing in obstetrics and gynecology; or

192 (D) psychiatrist.

193 (3) (a) Subject to Subsection (5), if any of the positions or entities described in  
194 Subsections (2)(a) through (c) cease to exist, the position shall be filled by a person:

195 (i) representing a position or entity similar to the position or entity that has ceased to  
196 exist;

197 (ii) nominated by the nominating committee described in Subsection (5); and

198 (iii) appointed by the governor.

199 (b) Subject to Subsection (3)(c), a member appointed by the governor shall serve a  
200 three-year term.

201 (c) Notwithstanding Subsection (3)(b), the executive committee of the board, described  
202 in Subsection (6), may adjust the length of the terms of the initial members to ensure that  
203 approximately 1/3 of the members appointed by the governor are appointed each year.

204 (d) Members appointed by the governor may be removed:

205 (i) by the governor for cause; or

206 (ii) for an ethical violation, under the bylaws established in Subsection  
207 26-7a-108(1)(a)(i)(C).

208 (e) Members appointed by the governor may not serve more than five consecutive  
209 terms.

210 (f) If a vacancy occurs in a position appointed by the governor, the governor shall  
211 appoint a person to fill the vacancy for the unexpired term of the member being replaced.

212 (4) A person described under Subsection (2)(a) may designate another person to serve  
213 as a member of the board in that person's place.

214 (5) (a) The nominating committee of the board is created as follows:

215 (i) subject to Subsection (5)(a)(ii), the nominating committee shall consist of five  
216 members of the board appointed by the board;

217 (ii) the members of the initial nominating committee shall be appointed by the Board  
218 of Child and Family Services within the Department of Human Services; and

219 (iii) after all initial members of the board are appointed, the initial nominating  
220 committee described in Subsection (5)(a)(ii) is dissolved and replaced by the nominating  
221 committee described in Subsection (5)(a)(i).

222 (b) The nominating committee described in Subsection (5)(a) shall nominate for  
223 appointment by the governor to the board, the members described in Subsections (2)(d) and  
224 (3)(a).

225 (c) In nominating members of the board, the nominating committee shall take into  
226 account the community's geographic, professional, cultural, and socio-economic diversity.

227 (d) (i) The governor must appoint or reject the nomination of a person nominated by  
228 the nominating committee described in this Subsection (5) within 60 days of the day on which  
229 the governor is notified, in writing, of the nomination.

230 (ii) If the governor does not appoint or reject a nominee within the time described in  
231 Subsection (5)(d)(i), the nominee shall be considered appointed by the governor.

232 (6) The board shall establish an executive committee consisting of as many of the  
233 board's members as the board considers appropriate.

234 (7) The board may establish subcommittees to assist the board in accomplishing the  
235 duties described in Section 26-7a-108.

236 Section 8. Section **26-7a-107** is enacted to read:

237 **26-7a-107. Action of the Utah Child Abuse Prevention Board -- Appointment of**  
238 **chair -- Meetings -- Members serve without compensation -- Reimbursement for**  
239 **expenses.**

240 (1) (a) A majority of the members of the board constitute a quorum.

241 (b) The action of a majority of a quorum constitutes the action of the board.

242 (2) The board shall appoint one of its members as chair.



243 (3) (a) The chair shall call and hold meetings of the board at least bimonthly.  
 244 (b) One or more additional meetings may be called upon request of a majority of the  
 245 board's members.

246 (4) (a) A member of the board who is not a government employee shall receive no  
 247 compensation or benefits for the member's services, but may:  
 248 (i) receive per diem and expenses incurred in the performance of the member's official  
 249 duties at the rates established by the Division of Finance under Sections 63A-3-106 and  
 250 63A-3-107; or

251 (ii) decline to receive per diem and expenses for the member's service.  
 252 (b) A member of the board who is a state government officer or employee and who  
 253 does not receive salary, per diem, and expenses from the member's agency for the member's  
 254 service may:

255 (i) receive per diem and expenses incurred in the performance of the member's official  
 256 duties at the rates established by the Division of Finance under Sections 63A-3-106 and  
 257 63A-3-107; or  
 258 (ii) decline to receive per diem and expenses for the member's service.

259 Section 9. Section **26-7a-108** is enacted to read:

260 **26-7a-108. Powers and duties of the Utah Child Abuse Prevention Board --**  
 261 **Services provided by the Department of Health.**

262 (1) The board shall:  
 263 (a) adopt bylaws that include:  
 264 (i) an ethics policy that provides for:  
 265 (A) disclosure by board members of conflicts of interest;  
 266 (B) recusal of a board member from participating in an action of the board when the  
 267 member has a conflict of interest;  
 268 (C) removal of a board member for an ethical violation; and  
 269 (D) ethical standards approved by the board; and  
 270 (ii) a requirement for each member to sign a "commitment to serve" that contains the  
 271 duties and expectations of board members;  
 272 (b) make rules, pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking  
 273 Act, relating to the expenditure of funds contained in the trust fund;

- 274 (c) annually prepare and publish a report to the Health and Human Services Interim  
275 Committee of the Legislature:
- 276 (i) on or before November 1;
  - 277 (ii) describing how the board fulfilled its duties during the year; and
  - 278 (iii) making recommendations on how the state should act to address issues relating to  
279 the prevention of child abuse and neglect;
- 280 (d) facilitate the exchange of information between persons concerned with issues  
281 relating to the prevention of child abuse or neglect;
- 282 (e) advise the Legislature, the governor, state agencies, and the public regarding issues  
283 relating to:
- 284 (i) the trust fund; or
  - 285 (ii) the prevention of child abuse and neglect; and
  - 286 (f) administer the trust fund.
- 287 (2) The board may:
- 288 (a) advocate for the prevention of child abuse and neglect;
  - 289 (b) coordinate with private nonprofit entities to raise funds for deposit in the trust fund;
  - 290 (c) consistent with Subsection (3), contract with, or issue grants to, any person to  
291 establish a community-based education or service program designed to reduce the occurrence  
292 of child abuse and neglect;
  - 293 (d) engage in fundraising efforts; and
  - 294 (e) apply for grants.
- 295 (3) A contract or grant described in Subsection (2)(c):
- 296 (a) shall contain a provision permitting the board, or the board's designee to:
  - 297 (i) evaluate the program that the contract or grant relates to; and
  - 298 (ii) terminate the contract or grant if the board determines that the purpose of the  
299 contract or grant is not being accomplished;
  - 300 (b) pursuant to the requirements of law, shall be financed from:
  - 301 (i) the trust fund; or
  - 302 (ii) other funds received pursuant to this section;
  - 303 (c) may be awarded to:
  - 304 (i) existing programs; or

305 (ii) demonstration projects; and  
306 (d) may be considered for continuation or renewal if the program is successful in  
307 accomplishing the goals of the program.

308 (4) The Department of Health shall provide fiscal management services to the board,  
309 including payroll and accounting services.

310 Section 10. Section **26-7a-109** is enacted to read:

311 **26-7a-109. Utah Child Abuse Prevention Board -- Executive director and staff.**

312 (1) (a) Subject to Subsection (1)(b), and within appropriations from the Legislature, the  
313 board may hire an executive director and other staff that the board considers necessary and  
314 appropriate.

315 (b) The board may not hire an executive director until the person selected by the board  
316 is confirmed by the governor.

317 (2) The executive director shall:

318 (a) be responsible to the board;

319 (b) under the direction of the board, administer the duties of the board; and

320 (c) manage the staff support for the board.

321 (3) The executive director may hire staff to provide administrative support to the  
322 executive director and the board within the funds:

323 (a) appropriated to the board by the Legislature for that purpose; or

324 (b) made available for that purpose under Subsection 26-7a-103(4)(b)(ii).

325 Section 11. Section **62A-4a-311** is amended to read:

326 **62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership --**  
327 **Expenses.**

328 (1) (a) There is established the Child Abuse Advisory Council composed of no more  
329 than 25 members who are appointed by the board.

330 (b) Except as required by Subsection (1)(c), as terms of current council members  
331 expire, the board shall appoint each new member or reappointed member to a four-year term.

332 (c) Notwithstanding the requirements of Subsection (1)(b), the board shall, at the time  
333 of appointment or reappointment, adjust the length of terms to ensure that the terms of council  
334 members are staggered so that approximately half of the council is appointed every two years.

335 (d) The council shall have geographic, economic, gender, cultural, and philosophical

336 diversity.

337 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
338 appointed for the unexpired term.

339 (2) The council shall elect a chairperson from its membership at least biannually.

340 (3) (a) Members shall receive no compensation or benefits for their services, but may  
341 receive per diem and expenses incurred in the performance of the member's official duties at  
342 the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

343 (b) Members may decline to receive per diem and expenses for their service.

344 (4) (a) The council shall hold a public meeting quarterly.

345 (b) Within budgetary constraints, meetings of the council may also be held on the call  
346 of:

347 (i) the chair~~[-]~~; or ~~[of]~~

348 (ii) a majority of the members.

349 (c) Thirteen members of the council shall constitute a quorum at any meeting ~~[and the]~~.

350 (d) The action of the majority of the members present at a meeting shall be the action  
351 of the council.

352 (5) The council shall advise the board on matters relating to child abuse and neglect.  
353 ~~[The council shall also recommend to the board how funds contained in the Children's Trust~~  
354 ~~Account shall be allocated.]~~