

FOSTER CARE CITIZEN REVIEW BOARD

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Dan R. Eastman

LONG TITLE

General Description:

This bill amends the duties of a foster care citizen review board and the court for reviewing cases involving children in the custody of the Division of Child and Family Services.

Highlighted Provisions:

This bill:

- ▶ requires that the six month reviews of a case involving a child in the custody of the Division of Child and Family Services be conducted until the court terminates the state's custody of the child;
- ▶ requires that in cases where a court conducted a six month review hearing, a foster care citizen review board must conduct a review of the case within 18 months of the date that the child was removed from the child's home;
- ▶ removes the requirement that a court provide notice to the Foster Care Citizen Review Board Steering Committee of a determination or finding made by the court;
- ▶ provides that the Foster Care Citizen Review Board Steering Committee shall have access to certain court records and shall forward relevant information from those records to the appropriate foster care citizen review board; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **78-3g-103**, as last amended by Chapter 208, Laws of Utah 2000



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

34 Section 1. Section **78-3g-103** is amended to read:

35 **78-3g-103. Foster care citizen review boards -- Membership -- Responsibilities --**

36 **Periodic reviews.**

37 (1) Within appropriations from the Legislature, foster care citizen review boards shall
38 be established in each Juvenile Court district in the state, to act as the panels described in 42
39 U.S.C. Sections 675(5) and (6), [~~which~~] that are required to conduct periodic reviews unless
40 court reviews are conducted.

41 (2) (a) The committee shall appoint seven members to each board.

42 (b) Five [~~of those~~] members of each board shall be parents.

43 [~~(b)~~] (c) Five members of a board constitute a quorum, and an action [~~of~~] by a majority
44 of [~~the~~] a quorum constitutes the action of the board.

45 [~~(c)~~] (d) A board member may not be an employee of the division or the juvenile court.

46 [~~(d)~~] (e) Board members shall be representative of the ethnic, cultural, religious,
47 socio-economic, and professional diversity found in the community.

48 [~~(e)~~] (f) A board may elect [~~its own~~] officers, including:

49 (i) a chair[-];

50 (ii) a vice chair[-]; and

51 (iii) other officers as it considers appropriate.

52 [~~(f)~~] (g) The division may designate a representative to provide technical advice to the
53 board regarding division policy and procedure.

54 (3) With regard to each child in its custody, the division shall:

55 (a) provide the appropriate [~~boards~~] board with access to all records maintained by the
56 division[-]; and [~~shall~~]

57 (b) ensure that each appropriate board is provided with the entire case file regarding
58 each of its pertinent cases.

59 (4) (a) In districts or areas where foster care citizen review boards ~~[have been]~~ are
60 established, a periodic ~~[reviews either by the court or by a foster care citizen review board,]~~
61 review shall be conducted by the court or a board with regard to each child in the division's
62 custody;

63 (i) no less frequently than once every six months, in accordance with:

64 (A) Section 78-3a-313; and

65 (B) 42 U.S.C. Sections 675(5) and (6)[-]; and

66 (ii) until the court terminates the state's custody of the child.

67 (b) In cases where the court has conducted a six month review hearing, a ~~[foster care~~
68 ~~citizen review]~~ board shall also conduct a review within ~~[+2]~~ 18 months from the date of the
69 child's removal from ~~[his]~~ the child's home.

70 ~~[(b)]~~ (c) In accordance with federal law and with Subsection 78-3a-314(1), a periodic
71 ~~[reviews]~~ review conducted by ~~[foster care citizen review boards]~~ a board shall be open to the
72 participation of the child's:

73 (i) natural parents[-];

74 (ii) foster parents[-];

75 (iii) preadoptive parents[-]; and

76 (iv) any relative providing care for the child.

77 (d) Notice of the periodic review described in this Subsection (4) shall be provided to
78 ~~[those persons]~~ each person described in Subsection (4)(c) pursuant to Subsection
79 78-3a-314(1).

80 ~~[(e)]~~ (e) At each periodic review, ~~[foster care citizen review boards]~~ the board shall:

81 (i) provide opportunities for separate interviews with parents and foster parents in each
82 case; and

83 (ii) conduct an individual interview with each affected child who is old enough to
84 participate in an interview, unless the child affirmatively chooses not to participate. ~~[At]~~

85 (f) A child who is interviewed under Subsection (4)(e)(ii) may, at the child's request,
86 ~~[he may]~~ be accompanied by a support person of ~~[his]~~ the child's choice, ~~[so long as]~~ provided
87 that the support person is not an alleged perpetrator.

88 ~~[(d)]~~ (g) Boards may review additional abuse, neglect, or dependency cases or plans at
89 the request of the court.

90 (5) ~~[Each]~~ Following the periodic review described in Subsection (4), the board shall
91 prepare a dispositional report regarding the child's case and plan. The periodic review and the
92 dispositional report shall:

93 (a) be consistent with ~~[the provisions of]~~:

94 (i) Title 62A, Chapter 4a, Child and Family Services~~[-]~~; and

95 (ii) Title 78, Chapter 3a, Part 3, Abuse, Neglect, and Dependency Proceedings~~[-]~~; and

96 ~~[shall]~~

97 (b) include at least the following considerations:

98 ~~[(a)]~~ (i) the extent to which the plan's objectives ~~[have been]~~ are implemented or
99 accomplished by the:

100 (A) parent~~[-, the]~~;

101 (B) child~~[-]~~; and ~~[the]~~

102 (C) division;

103 ~~[(b)]~~ (ii) (A) whether revisions to the plan are needed~~[-]~~; and ~~[if so,]~~

104 (B) if revisions are needed, how the plan should be revised;

105 ~~[(c)]~~ (iii) the extent to which the division has provided the services and interventions
106 described in the plan~~[-, and]~~;

107 (iv) whether ~~[those]~~ the services and interventions described in Subsection (5)(b)(iii)
108 are assisting, or will assist, the parent and child to achieve the plan's objectives within the
109 statutory time limitations;

110 ~~[(d)]~~ (v) the extent to which the parent and child have willingly and actively
111 participated in the interventions described in the plan;

112 ~~[(e)]~~ (vi) the continuing necessity for and appropriateness of the child's placement;

113 ~~[(f)]~~ (vii) the extent of progress ~~[that has been]~~ made toward alleviating or mitigating
114 the causes necessitating the child's removal or continued placement;

115 ~~[(g)]~~ (viii) the primary permanency goal ~~[and]~~ for the child;

116 (ix) the concurrent permanency goal for the child ~~[and,]~~;

117 (x) if a final permanency plan has been established, an opinion regarding the
118 appropriateness of that permanency plan; ~~[and]~~

119 ~~[(h)]~~ (xi) a determination regarding whether the statutory time limitations described in
120 Title 78, Chapter 3a, Part 3, ~~[have been]~~ are met, ~~[specifically,]~~ including whether the 12

121 month limitation on reunification services required by Section 78-3a-311 ~~[has been]~~ is
122 complied with~~[-The board shall also render an];~~ and

123 (xii) the board's opinion regarding when it estimates that the child will achieve
124 permanency.

125 (6) (a) ~~[Each]~~ Within 30 days after a case is reviewed by the board, the board shall
126 submit ~~[its]~~ the dispositional report described in Subsection (5) to:

127 (i) the court[;];

128 (ii) the division[;]; and [to]

129 (iii) all parties to an action [within 30 days after a case is reviewed by the board].

130 (b) The ~~[board's]~~ dispositional report shall be filed with the court, and shall be made a
131 part of the court's legal file.

132 (c) The dispositional report described in Subsection (5):

133 (i) shall be received and reviewed by the court in the same manner as the court receives
134 and reviews the reports described in Section 78-3a-505[-The report by a board;];

135 (ii) if determined to be an ex parte communication with a judge, shall be considered a
136 communication authorized by law[-Foster care citizen review board dispositional reports]; and

137 (iii) may be:

138 (A) received as evidence[;]; and [may be]

139 (B) considered by the court along with other evidence.

140 (d) The court may require any person who participated in the dispositional report
141 described in Subsection (5) to appear as a witness if the person is reasonably available.

142 ~~[(e) Whenever a court makes a determination or finding it shall provide for notice to~~
143 ~~the committee regarding that determination or finding. The committee shall provide that~~
144 ~~information to the applicable board.]~~

145 (e) (i) For cases subject to review by a board pursuant to this section, the committee
146 shall have access to the following court records:

147 (A) findings;

148 (B) orders;

149 (C) other determinations; and

150 (D) records regarding the time and purpose of hearings.

151 (ii) The committee shall provide to the appropriate board the information obtained

152 under Subsection (6)(e)(i) that is relevant to a review conducted by the board.

153 (7) (a) [~~Members of boards~~] Except as provided in Subsection (7)(b), a member of a
154 board may not receive;

155 (i) financial compensation or benefits for [~~their~~] the member's services[~~Members may~~
156 ~~not receive~~]; or

157 (ii) per diem or expenses for [~~their~~] the member's service[~~except that: (a) members~~].

158 (b) Notwithstanding Subsection (7)(a), a member may be;

159 (i) reimbursed for mileage on days that [~~they are~~] the member is involved in training, at
160 rates established by the Division of Finance; and

161 [~~(b) members may be~~]

162 (ii) provided with a meal on days that [~~they serve~~] the member serves on a board.

163 (8) [~~Boards are~~] A board is authorized to receive funds from public and private grants
164 and donations in accordance with the requirements described in Subsection 78-3g-102(8).

165 (9) [~~In districts or areas where foster care citizen review boards have not been~~] In a
166 district or area where a board has not been established, either the court or the Division of Child

167 and Family Services shall conduct the reviews in accordance with the provisions of

168 [~~Subsections (4)(a) and (b);~~] Subsection (4) and Section 78-3a-313.

Legislative Review Note

as of 11-27-04 2:29 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note

as of 12-08-04 10:35 AM

The Health and Human Services Interim Committee recommended this bill.

Legislative Committee Note

as of 12-08-04 10:35 AM

The Child Welfare Legislative Oversight Panel recommended this bill.

Fiscal Note
Bill Number SB0017

Foster Care Citizen Review Board

12-Jan-05

2:40 PM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst