

**CHILD WELFARE SERVICES**

2005 GENERAL SESSION

STATE OF UTAH

**Sponsor: Parley G. Hellewell**

---

**LONG TITLE**

**General Description:**

This bill amends provisions of the Utah Human Services Code relating to family preservation services and funding.

**Highlighted Provisions:**

This bill:

- requires the Division of Child and Family Services, within the Department of Human Services to apply for, and make a substantial effort to obtain, a federal waiver for a child or family receiving family preservation services if:

- the family preservation services may be safely provided while the child remains in the physical custody of a parent or guardian of the child; and

- obtaining a federal waiver may make it possible for the family preservation services to be provided while the child remains in the physical custody of a parent or guardian of the child; and

- makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-4a-202**, as last amended by Chapter 100, Laws of Utah 2004



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

Section 1. Section **62A-4a-202** is amended to read:

**62A-4a-202. Preventive services -- Family preservation services.**

(1) (a) Within appropriations from the Legislature and monies obtained under Subsection (5), the division shall provide preventive, in-home services and family preservation services for families whose children are at immediate risk of being removed from the home and for families in crisis, if:

(i) the child's welfare is not immediately endangered; and

(ii) the division determines that it is possible and appropriate.

(b) In determining whether preventive or family preservation services are reasonable and appropriate, in keeping with the provisions of Subsection 62A-4a-201(1) the child's health, safety, and welfare shall be the paramount concern.

(c) The division shall consider whether ~~[those]~~ the services described in Subsection (1)(b):

(i) will be effective within a six-month period~~[-];~~ and ~~[whether they]~~

(ii) are likely to prevent ~~[reabuse]~~ abuse or continued neglect of the child.

(2) The division shall maintain a statewide inventory of early intervention, preventive, and family preservation services available through public and private agencies or individuals for use by caseworkers. The inventory shall include:

(a) the method of accessing each service;

(b) eligibility requirements for each service; ~~[and]~~

(c) the geographic areas and the number of families that can be served by each service~~[-];~~ and

(d) information regarding waiting lists for each service.

(3) As a part of its preventive services, the division shall provide family preservation services that:

(a) are short-term, intensive, crisis intervention programs~~[-];~~ and ~~[that]~~

(b) address:

~~[(a)]~~ (i) the safety of children;

~~[(b)]~~ (ii) the physical and emotional needs of parents and children, including evaluating

specific needs of the family, including depression, addiction, and mental illness;

~~[(e)]~~ (iii) the child's physical surroundings, including:

(A) cleaning and repairing physical housing~~[:];~~ and

(B) addressing needs for necessities such as food, heat, and electricity;

~~[(d)]~~ (iv) personal cleanliness~~[:];~~

(v) nutrition~~[-and];~~

(vi) provision of personal grooming supplies and clothing;

~~[(e)]~~ (vii) budgeting~~[:];~~

(viii) money management~~[-and];~~

(ix) employment; and

~~[(f)]~~ (x) parenting skills, including:

(A) nonviolent discipline~~[:];~~

(B) nurturing~~[-and];~~

(C) structure~~[:];~~ and

(D) teaching:

(I) responsibility~~[:];~~

(II) respect for others~~[:];~~

(III) cooperation~~[:];~~ and

(IV) moral values.

(4) (a) The division may use only specially trained caseworkers or private providers to provide the family preservation services described in Subsection (3).

(b) Family preservation caseworkers may:

(i) only be assigned a minimum number of families~~[-but the division shall require that they];~~

(ii) be available 24 hours each day for an intensive period of at least six weeks~~[:];~~ and ~~[that they]~~

(iii) respond to an assigned family within 24 hours.

(c) The division shall allow family preservation caseworkers to be creative and flexible in responding to the needs of each individual family.

(5) To provide, expand, and improve the delivery of in-home services to prevent the removal of children from their homes and promote the preservation of families, the division

shall make substantial effort to obtain funding, including:

(a) federal grants; and

~~[(b) federal waivers; and]~~

~~[(c)]~~ (b) private monies.

(6) The division shall apply for, and make a substantial effort to obtain, a federal waiver if:

(a) family preservation services are being provided to a child or the child's family;

(b) the family preservation services described in Subsection (6)(a) may be safely provided while the child remains in the physical custody of a parent or guardian of the child;  
and

(c) obtaining a federal waiver may make it possible for the family preservation services described in Subsection (6)(a) to be provided while the child remains in the physical custody of a parent or guardian of the child.

---

---

**Legislative Review Note**

**as of 1-28-05 7:47 AM**

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**

---

---

**Fiscal Note**  
**Bill Number SB0165**

---

---

**Child Welfare Services***09-Feb-05**9:07 AM*

---

---

**State Impact**

Currently, the Federal Government is not taking applications for a Title IVE waiver, neither for federal fiscal year 2005 nor 2006. If they open a "window" for such applications in the future, the Division would need one additional staff person to generate the application and to monitor the waiver if it's approved. If such a waiver is approved, there is some uncertainty as to whether the waiver would be capped. If it is capped, any growth in services now partially funded with federal Title IVE funds would have to be funded with State funds. The application and approval process would likely take a year or longer, meaning it would not impact our fiscal years 2006 nor 2007.

---

**Individual and Business Impact**

No fiscal impact.

---

**Office of the Legislative Fiscal Analyst**