

1 **CHILD ABUSE AND NEGLECT PREVENTION**
2 **AND TREATMENT AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul Ray**

6 **Senate Sponsor: Darin G. Peterson**

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Utah Human Services Code relating to prevention
11 and treatment of child abuse and neglect.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ ~~H→ [provides that before child abuse or neglect prevention or treatment programs~~
15 ~~intended to be presented in public schools may be purchased or contracted for under~~
16 ~~Title 62A, Chapter 4a, Part 3, Child Abuse and Neglect Prevention and Treatment,~~
17 ~~evidence shall be submitted to the division that the program or service has been~~
18 ~~approved by the school district's superintendent or the superintendent's designee] provides that a~~
18a local board of education may grant to the superintendent the authority to approve a child
18b abuse or neglect prevention or treatment service or program which is intended for
18c presentation in a public school ←H ;

19 ▶ permits, under certain circumstances, the waiver or reduction of cash-matching and
20 in-kind matching requirements in order for an entity to receive funds from the
21 Children's Trust Account;

22 ▶ amends provisions relating to the Child Abuse Advisory Council, including
23 provisions regarding reimbursement of members for expenses and the number of
24 members that constitute a quorum; and

25 ▶ makes technical changes.

26 **Monies Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **62A-4a-306**, as renumbered and amended by Laws of Utah 1994, Chapter 26033 **62A-4a-309**, as last amended by Laws of Utah 2000, Chapter 32134 **62A-4a-311**, as last amended by Laws of Utah 2003, Chapter 24635

36 *Be it enacted by the Legislature of the state of Utah:*37 Section 1. Section **62A-4a-306** is amended to read:38 **62A-4a-306. Programs and services -- Public hearing requirements -- Review by**
39 **local board of education.**40 (1) Before any child abuse or neglect prevention or treatment program or service may
41 be purchased or contracted for, the board shall conduct a public hearing and the council shall
42 conduct a public hearing, to receive public comment on the specific program or service.43 [~~Additionally, before~~] (2) Before any child abuse or neglect prevention or treatment
44 service or program which is intended for presentation in public schools may be purchased or
45 contracted for, evidence shall be submitted to the division that the program or service has been
46 approved by the ~~H→~~ [F] **local board of education** [for] [f] [~~superintendent, or the~~
46a ~~superintendent's designee,~~] ~~←H~~47 of each school district which [would] will be utilizing that program or service. ~~H→~~ The local board
47a of education may grant the approval authority to the superintendent. ~~←H~~48 Section 2. Section **62A-4a-309** is amended to read:49 **62A-4a-309. Children's Trust Account.**50 (1) There shall be a restricted account within the General Fund to be known as the
51 Children's Trust Account. This account is for crediting of contributions from private sources
52 and from appropriate revenues received under Section 26-2-12.5 for child abuse and neglect
53 prevention programs described in Section 62A-4a-305.54 (2) Money shall be appropriated from the account to the division by the Legislature
55 under the Utah Budgetary Procedures Act, and shall be drawn upon by the director under the
56 direction of the board.57 (3) [~~The~~] Except as provided in Subsection (4), the Children's Trust Account may be
58 used only to implement prevention programs described in Section 62A-4a-305, and may only

59 be allocated to entities that provide a one-to-one match, comprising a match from the
60 community of at least 50% in cash and up to 50% in in-kind donations, which is 25% of the
61 total funding received from the Children's Trust Account.

62 (4) (a) The entity that receives the statewide evaluation contract is excepted from the
63 cash-match provisions of [this] Subsection (3).

64 (b) Upon recommendation of the executive director and the council, the board may
65 reduce or waive the match requirements described in Subsection (3) for an entity, if the board
66 determines that imposing the requirements would prohibit or limit the provision of services
67 needed in a particular geographic area.

68 Section 3. Section **62A-4a-311** is amended to read:

69 **62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership --**
70 **Expenses.**

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

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

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

78 (d) The council shall have geographic, economic, gender, cultural, and philosophical
79 diversity.

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

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

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

86 ~~[(b) Members may decline to receive per diem and expenses for their service.]~~

87 (3) (a) A member of the council who is not a government employee shall receive no
88 compensation or benefits for the member's services, but may:

89 (i) receive per diem and expenses incurred in the performance of the member's official

90 duties at the rates established by the Division of Finance under Sections 63A-3-106 and
91 63A-3-107; or

92 (ii) decline to receive per diem and expenses for the member's service.

93 (b) A member of the council who is a state government officer or employee and who
94 does not receive salary, per diem, or expenses from the member's agency for the member's
95 service may:

96 (i) receive per diem and expenses incurred in the performance of the member's official
97 duties from the commission at the rates established by the Division of Finance under Sections
98 63A-3-106 and 63A-3-107; or

99 (ii) decline to receive per diem and expenses for the member's service.

100 (4) The council shall hold a public meeting quarterly. Within budgetary constraints,
101 meetings may also be held on the call of the chair, or of a majority of the members. [~~Thirteen~~
102 ~~members shall~~] A majority of the members currently appointed to the council constitute a
103 quorum at any meeting and the action of the majority of the members present shall be the
104 action of the council.

105 (5) The council shall:

106 (a) advise the board on matters relating to child abuse and neglect[~~The council shall~~
107 ~~also~~]; and

108 (b) recommend to the board how funds contained in the Children's Trust Account
109 [~~shall~~] should be allocated.

Legislative Review Note
as of 1-31-08 1:06 PM

Office of Legislative Research and General Counsel

H.B. 374 - Child Abuse and Neglect Prevention and Treatment Amendments

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
