

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

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Paul Ray**

Senate Sponsor: Darin G. Peterson

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides that a local board of education may grant to the superintendent the authority to approve a child abuse or neglect prevention or treatment service or program which is intended for presentation in a public school;
- ▶ permits, under certain circumstances, the waiver or reduction of cash-matching and in-kind matching requirements in order for an entity to receive funds from the Children's Trust Account;
- ▶ amends provisions relating to the Child Abuse Advisory Council, including provisions regarding reimbursement of members for expenses and the number of members that constitute a quorum; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

30 62A-4a-306, as renumbered and amended by Laws of Utah 1994, Chapter 260

31 62A-4a-309, as last amended by Laws of Utah 2000, Chapter 321

32 62A-4a-311, as last amended by Laws of Utah 2003, Chapter 246

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

35 Section 1. Section 62A-4a-306 is amended to read:

36 **62A-4a-306. Programs and services -- Public hearing requirements -- Review by**  
37 **local board of education.**

38 (1) Before any child abuse or neglect prevention or treatment program or service may  
39 be purchased or contracted for, the board shall conduct a public hearing and the council shall  
40 conduct a public hearing, to receive public comment on the specific program or service.

41 [~~Additionally, before~~] (2) Before any child abuse or neglect prevention or treatment  
42 service or program which is intended for presentation in public schools may be purchased or  
43 contracted for, evidence shall be submitted to the division that the program or service has been  
44 approved by the local board of education [~~for~~] of each school district which [~~would~~] will be  
45 utilizing that program or service. The local board of education may grant the approval authority  
46 to the superintendent.

47 Section 2. Section 62A-4a-309 is amended to read:

48 **62A-4a-309. Children's Trust Account.**

49 (1) There shall be a restricted account within the General Fund to be known as the  
50 Children's Trust Account. This account is for crediting of contributions from private sources  
51 and from appropriate revenues received under Section 26-2-12.5 for child abuse and neglect  
52 prevention programs described in Section 62A-4a-305.

53 (2) Money shall be appropriated from the account to the division by the Legislature  
54 under the Utah Budgetary Procedures Act, and shall be drawn upon by the director under the  
55 direction of the board.

56 (3) [~~The~~] Except as provided in Subsection (4), the Children's Trust Account may be  
57 used only to implement prevention programs described in Section 62A-4a-305, and may only be

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

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

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

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

68 **62A-4a-311. Child Abuse Advisory Council -- Creation -- Membership --**  
69 **Expenses.**

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

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

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

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

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

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

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

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

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

88           (i) receive per diem and expenses incurred in the performance of the member's official  
89 duties at the rates established by the Division of Finance under Sections 63A-3-106 and  
90 63A-3-107; or

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

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

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

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

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

104           (5) The council shall:

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

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