

**FAMILY PRESERVATION SERVICES**

**AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Health and Human Services Interim Committee recommended this bill.

**General Description:**

This bill amends the Services to People With Disabilities chapter of the Utah Human Services Code to convert the pilot program for the provision of family preservation services into an ongoing program, subject to sunset review in 2014.

**Highlighted Provisions:**

This bill:

- ▶ converts the pilot program for the provision of family preservation services into an ongoing program;
- ▶ makes the program described in the preceding paragraph subject to sunset review in 2014; and
- ▶ removes the interim committee reporting requirements relating to the pilot program for the provision of family preservation services, in favor of the review provisions of the Legislative Oversight and Sunset Act.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **62A-5-103.2**, as last amended by Laws of Utah 2008, Chapter 382

31 **63I-1-262**, as last amended by Laws of Utah 2008, Chapter 136 and renumbered and  
32 amended by Laws of Utah 2008, Chapter 382



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

35 Section 1. Section **62A-5-103.2** is amended to read:

36 **62A-5-103.2. Family preservation services.**

37 (1) There is established a [~~pilot~~] program for the provision of family preservation  
38 services to a person with a disability and that person's family[~~, beginning on July 1, 2007, and~~  
39 ~~ending on July 1, 2009~~].

40 (2) The family preservation services described in Subsection (1) may include:

- 41 (a) family skill building classes;
- 42 (b) respite hours for class attendance; or
- 43 (c) professional intervention.

44 (3) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah  
45 Administrative Rulemaking Act, as necessary for the implementation and administration of this  
46 section.

47 (4) In accordance with Subsection (5), within funds appropriated by the Legislature for  
48 the [~~pilot~~] program described in this section, the division shall provide family preservation  
49 services to a person with a disability, and that person's family, if that person:

- 50 (a) is eligible to receive services from the division;
- 51 (b) has applied for, and is willing to receive, services from the division;
- 52 (c) is not receiving other ongoing services from the division;
- 53 (d) is not able to receive sufficient family preservation services from other sources;
- 54 (e) is determined by the division to be a person who would substantially benefit from  
55 the provision of family preservation services; and
- 56 (f) does not require the provision of other ongoing services from the division in order  
57 to substantially benefit from the provision of family preservation services.

58 (5) (a) The division shall provide family preservation services under this section

59 outside of the prioritization criteria established by the division for the receipt of other services  
60 from the division.

61 (b) The division shall establish criteria to determine the priority, between persons  
62 eligible for services under this section, for receiving services under this section.

63 (6) It is the intent of the Legislature that the services provided under the [pilot]  
64 program described in this section:

65 (a) shall be provided separately from the Medicaid program described in Title XIX of  
66 the Social Security Act;

67 (b) may not be supported with Medicaid funds;

68 (c) may not be provided as part of a Medicaid waiver;

69 (d) do not constitute an entitlement of any kind; and

70 (e) may be withdrawn from a person at any time.

71 [~~(7) The director of the division shall report to the Health and Human Services Interim  
72 Committee during the 2008 interim regarding:]~~

73 [~~(a) the operation and accomplishments of the pilot program described in this section;]~~

74 [~~(b) whether the Legislature should convert the pilot program to an ongoing program  
75 within the division; and]~~

76 [~~(c) recommendations for changes, if any, related to the pilot program.]~~

77 [~~(8) During the 2008 interim, the Health and Human Services Interim Committee  
78 shall:]~~

79 [~~(a) hear or review the report described in Subsection (7); and]~~

80 [~~(b) determine whether the pilot program described in this section should be converted  
81 into an ongoing program within the division.]~~

82 Section 2. Section **63I-1-262** is amended to read:

83 **63I-1-262. Repeal dates, Title 62A.**

84 (1) Section 62A-5-103.1, Program for provision of supported employment services, is  
85 repealed July 1, 2013.

86 (2) Section 62A-5-103.2, [~~Pilot program for family~~] Family preservation services, is  
87 repealed July 1, [~~2009~~] 2014.

**Legislative Review Note**  
**as of 11-20-08 9:03 AM**

**Office of Legislative Research and General Counsel**