

Senator Allen M. Christensen proposes the following substitute bill:

DOMESTIC VIOLENCE SERVICES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Clark

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill amends provisions of the Utah Human Services Code relating to the investigation of domestic violence by the Division of Child and Family Services.

Highlighted Provisions:

This bill:

- ▶ provides that, except to the extent provided by rule made on or after May 10, 2011, the Division of Child and Family Services is not responsible for investigating domestic violence in the presence of a child; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-4a-105, as last amended by Laws of Utah 2008, Chapter 3

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



26 Section 1. Section **62A-4a-105** is amended to read:

27 **62A-4a-105. Division responsibilities.**

28 The division shall:

29 (1) administer services to minors and families, including child welfare services,
30 domestic violence services, and all other responsibilities that the Legislature or the executive
31 director may assign to the division;

32 (2) establish standards for all contract providers of out-of-home care for minors and
33 families;

34 (3) cooperate with the federal government in the administration of child welfare and
35 domestic violence programs and other human service activities assigned by the department;

36 (4) provide for the compilation of relevant information, statistics, and reports on child
37 and family service matters in the state;

38 (5) prepare and submit to the department, the governor, and the Legislature reports of
39 the operation and administration of the division in accordance with the requirements of
40 Sections 62A-4a-117 and 62A-4a-118;

41 (6) promote and enforce state and federal laws enacted for the protection of abused,
42 neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in
43 accordance with the requirements of this chapter, unless administration is expressly vested in
44 another division or department of the state. In carrying out the provisions of this Subsection
45 (6), the division shall cooperate with the juvenile courts, the Division of Juvenile Justice
46 Services, and with all public and private licensed child welfare agencies and institutions to
47 develop and administer a broad range of services and supports. The division shall take the
48 initiative in all matters involving the protection of abused or neglected children if adequate
49 provisions have not been made or are not likely to be made, and shall make expenditures
50 necessary for the care and protection of those children, within the division's budget. Except to
51 the extent provided by rule made by the division on or after May 10, 2011, the division is not
52 responsible for investigating domestic violence in the presence of a child as described in
53 Section 76-5-109.1;

54 (7) provide substitute care for dependent, abused, neglected, and delinquent children,
55 establish standards for substitute care facilities, and approve those facilities;

56 (8) provide adoption assistance to persons adopting children with special needs under

57 Part 9, Adoption Assistance, of this chapter. The financial support provided under this
58 Subsection (8) may not exceed the amounts the division would provide for the child as a legal
59 ward of the state;

60 (9) cooperate with the Employment Development Division in the Department of
61 Workforce Services in meeting social and economic needs of individuals eligible for public
62 assistance;

63 (10) conduct court-ordered home evaluations for the district and juvenile courts with
64 regard to child custody issues. The court shall order either or both parties to reimburse the
65 division for the cost of that evaluation, in accordance with the community rate for that service
66 or with the department's fee schedule rate;

67 (11) provide noncustodial and in-home preventive services, designed to prevent family
68 breakup, family preservation services, and reunification services to families whose children are
69 in substitute care in accordance with the requirements of this chapter and Title 78A, Chapter 6,
70 Juvenile Court Act of 1996;

71 (12) provide protective supervision of a family, upon court order, in an effort to
72 eliminate abuse or neglect of a child in that family;

73 (13) establish programs and provide services to minors who have been placed in the
74 custody of the division for reasons other than abuse or neglect, pursuant to Section
75 62A-4a-250;

76 (14) provide shelter care in accordance with the requirements of this chapter and Title
77 78A, Chapter 6, Juvenile Court Act of 1996;

78 (15) provide social studies and reports for the juvenile court in accordance with Section
79 78A-6-605;

80 (16) arrange for and provide training for staff and providers involved in the
81 administration and delivery of services offered by the division in accordance with this chapter;

82 (17) provide domestic violence services in accordance with the requirements of federal
83 law, and establish standards for all direct or contract providers of domestic violence services.
84 Within appropriations from the Legislature, the division shall provide or contract for a variety
85 of domestic violence services and treatment methods;

86 (18) ensure regular, periodic publication, including electronic publication, regarding
87 the number of children in the custody of the division who have a permanency goal of adoption,

88 or for whom a final plan of termination of parental rights has been approved, pursuant to
89 Section 78A-6-314, and promote adoption of those children;

90 (19) provide protective services to victims of domestic violence, as defined in Section
91 77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78A,
92 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings;

93 (20) refer an individual receiving services from the division to the local substance
94 abuse authority or other private or public resource for court-ordered drug screening test. The
95 court shall order the individual to pay all costs of the tests unless:

96 (a) the cost of the drug screening is specifically funded or provided for by other federal
97 or state programs;

98 (b) the individual is a participant in a drug court; or

99 (c) the court finds that the individual is impecunious;

100 (21) have authority to contract with a private, nonprofit organization to recruit and train
101 foster care families and child welfare volunteers in accordance with Section 62A-4a-107.5; and

102 (22) perform such other duties and functions as required by law.

FISCAL NOTE

H.B. 453 1st Sub. (Buff)

SHORT TITLE: Domestic Violence Services

SPONSOR: Clark, D.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will save the Division of Child and Family Services (DCFS) in the Department of Human Services \$1,043,300 ongoing from the General Fund resulting from less child protective services investigations being done beginning in FY 2012. Enactment of this bill will also save DCFS \$347,800 in federal matching funds. The savings has already been realized as part of the 2011 General Session budget process and implemented with the passage of Senate Bill 2, New Fiscal Year Supplemental Appropriations Act,

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund	\$0	(\$1,043,300)	(\$1,043,300)
Federal Funds	\$0	(\$347,800)	(\$347,800)
Total Expenditure	\$0	(\$1,391,100)	(\$1,391,100)
Net Impact, All Funds (Rev.-Exp.)	\$0	\$1,391,100	\$1,391,100
Net Impact, General/Education Funds	\$0	\$1,043,300	\$1,043,300

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.