

**CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL
REPORTING AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Gage Froerer

LONG TITLE

General Description:

This bill amends provisions of the Child and Family Services chapter of the Utah Human Services Code relating to reports submitted to the Child Welfare Legislative Oversight Panel.

Highlighted Provisions:

This bill:

- ▶ provides that the report to the Child Welfare Legislative Oversight Panel on cases not in compliance with statutory time limits is required only from the judicial branch and not the Division of Child and Family Services and the attorney general;
- ▶ adds compliance with the time limits relating to shelter hearings to the report described in the preceding paragraph; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-4a-207, as last amended by Laws of Utah 2010, Chapter 323



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

Section 1. Section **62A-4a-207** is amended to read:

62A-4a-207. Legislative Oversight Panel -- Responsibilities.

(1) (a) There is created the Child Welfare Legislative Oversight Panel composed of the following members:

(i) two members of the Senate, one from the majority party and one from the minority party, appointed by the president of the Senate; and

(ii) three members of the House of Representatives, two from the majority party and one from the minority party, appointed by the speaker of the House of Representatives.

(b) Members of the panel shall serve for two-year terms, or until their successors are appointed.

(c) A vacancy exists whenever a member ceases to be a member of the Legislature, or when a member resigns from the panel. Vacancies shall be filled by the appointing authority, and the replacement shall fill the unexpired term.

(2) The president of the Senate shall designate one of the senators appointed to the panel under Subsection (1) as the Senate chair of the panel. The speaker of the House of Representatives shall designate one of the representatives appointed to the panel under Subsection (1) as the House chair of the panel.

(3) The panel shall follow the interim committee rules established by the Legislature.

(4) The panel shall:

(a) examine and observe the process and execution of laws governing the child welfare system by the executive branch and the judicial branch;

(b) upon request, receive testimony from the public, the juvenile court, and from all state agencies involved with the child welfare system, including the division, other offices and agencies within the department, the attorney general's office, the Office of Guardian Ad Litem, and school districts;

(c) before October 1 of each year, receive ~~[reports from the division, the attorney general, and]~~ a report from the judicial branch identifying the cases not in compliance with the time limits established in the following sections, and the reasons for noncompliance:

(i) Subsection 78A-6-306(1) ~~§~~ → (a) ← ~~§~~ , regarding shelter hearings;

- 59 (ii) Section 78A-6-309, regarding pretrial and adjudication hearings[-];
- 60 (iii) Section 78A-6-312, regarding dispositional hearings and reunification services[-];
- 61 and
- 62 (iv) Section 78A-6-314, regarding permanency hearings and petitions for termination[-
- 63 ~~and the reasons for the noncompliance];~~
- 64 (d) receive recommendations from, and make recommendations to the governor, the
- 65 Legislature, the attorney general, the division, the Office of Guardian Ad Litem, the juvenile
- 66 court, and the public;
- 67 (e) (i) receive reports from the executive branch and the judicial branch on budgetary
- 68 issues impacting the child welfare system; and
- 69 (ii) recommend, as the panel considers advisable, budgetary proposals to the Health
- 70 and Human Services Appropriations Subcommittee and the Executive Offices and Criminal
- 71 Justice Appropriations Subcommittee, which recommendation should be made before
- 72 December 1 of each year;
- 73 (f) study and recommend proposed changes to laws governing the child welfare
- 74 system;
- 75 (g) study actions the state can take to preserve, unify, and strengthen the child's family
- 76 ties whenever possible in the child's best interest, including recognizing the constitutional
- 77 rights and claims of parents whenever those family ties are severed or infringed;
- 78 (h) perform such other duties related to the oversight of the child welfare system as the
- 79 panel considers appropriate; and
- 80 (i) annually report the panel's findings and recommendations to the president of the
- 81 Senate, the speaker of the House of Representatives, the Health and Human Services Interim
- 82 Committee, and the Judiciary Interim Committee.
- 83 (5) (a) The panel has authority to review and discuss individual cases.
- 84 (b) When an individual case is discussed, the panel's meeting may be closed pursuant
- 85 to Title 52, Chapter 4, Open and Public Meetings Act.
- 86 (c) When discussing an individual case, the panel shall make reasonable efforts to
- 87 identify and consider the concerns of all parties to the case.
- 88 (6) (a) The panel has authority to make recommendations to the Legislature, the
- 89 governor, the Board of Juvenile Court Judges, the division, and any other statutorily created

90 entity related to the policies and procedures of the child welfare system. The panel does not
91 have authority to make recommendations to the court, the division, or any other public or
92 private entity regarding the disposition of any individual case.

93 (b) The panel may hold public hearings, as it considers advisable, in various locations
94 within the state in order to afford all interested persons an opportunity to appear and present
95 their views regarding the child welfare system in this state.

96 (7) (a) All records of the panel regarding individual cases shall be classified private,
97 and may be disclosed only in accordance with federal law and the provisions of Title 63G,
98 Chapter 2, Government Records Access and Management Act.

99 (b) The panel shall have access to all of the division's records, including those
100 regarding individual cases. In accordance with Title 63G, Chapter 2, Government Records
101 Access and Management Act, all documents and information received by the panel shall
102 maintain the same classification that was designated by the division.

103 (8) In order to accomplish its oversight functions, the panel has:

104 (a) all powers granted to legislative interim committees in Section 36-12-11; and

105 (b) legislative subpoena powers under Title 36, Chapter 14, Legislative Subpoena
106 Powers.

107 (9) Members of the panel shall receive salary and expenses in accordance with Section
108 36-2-2.

109 (10) (a) The Office of Legislative Research and General Counsel shall provide staff
110 support to the panel.

111 (b) The panel is authorized to employ additional professional assistance and other staff
112 members as it considers necessary and appropriate.

Legislative Review Note
as of 1-17-11 7:12 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 93

SHORT TITLE: Child Welfare Legislative Oversight Panel Reporting Amendments

SPONSOR: Christensen, A.

2011 GENERAL SESSION, STATE OF UTAH

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

Enactment of this bill likely will not materially impact the state budget.

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

Enactment of this bill likely will not result in direct, measurable costs and/or benefits 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.