

DIVISION OF CHILD AND FAMILY SERVICES

AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: Paul Ray

LONG TITLE

General Description:

This bill amends Title 62A, Chapter 4a, Child and Family Services by making technical changes and clarifications.

Highlighted Provisions:

This bill:

- ▶ makes clarifications and 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 2011, Chapter 186

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

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

62A-4a-105. Division responsibilities.

(1) The division shall:

~~[(+)]~~ (a) administer services to minors and families, including:

(i) child welfare services~~[-]~~;

(ii) domestic violence services~~[-]~~; and

30 (iii) all other responsibilities that the Legislature or the executive director may assign
31 to the division;

32 (b) provide the following services:

33 (i) financial and other assistance to an individual adopting a child with special needs
34 under Part 9, Adoption Assistance, not to exceed the amount the division would provide for the
35 child as a legal ward of the state;

36 (ii) non-custodial and in-home preventative services, including:

37 (A) services designed to prevent family break-up; and

38 (B) family preservation services;

39 (iii) reunification services to families whose children are in substitute care in
40 accordance with the requirements of this chapter and Title 78A, Chapter 6, Juvenile Court Act
41 of 1996;

42 (iv) protective supervision of a family, upon court order, in an effort to eliminate abuse
43 or neglect of a child in that family;

44 (v) shelter care in accordance with the requirements of this chapter and Title 78A,
45 Chapter 6, Juvenile Court Act of 1996;

46 (vi) domestic violence services, in accordance with the requirements of federal law;

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

50 (viii) substitute care for dependent, abused, neglected, and delinquent children;

51 (ix) programs and services for minors who have been placed in the custody of the
52 division for reasons other than abuse or neglect, under Section 62A-4a-250; and

53 (x) training for staff and providers involved in the administration and delivery of
54 services offered by the division in accordance with this chapter;

55 ~~(c)~~ (c) establish standards for all;

56 (i) contract providers of out-of-home care for minors and families;

57 (ii) facilities that provide substitute care for dependent, abused, neglected, and

58 delinquent children placed in the custody of the division; and
59 (iii) direct or contract providers of domestic violence services described in Subsection
60 (1)(b)(vi);
61 (d) have authority to:
62 (i) contract with a private, nonprofit organization to recruit and train foster care
63 families and child welfare volunteers in accordance with Section 62A-4a-107.5; and
64 (ii) approve facilities that meet the standards established under Subsection (1)(c) to
65 provide substitute care for dependent, abused, neglected, and delinquent children placed in the
66 custody of the division;
67 ~~[(3)]~~ (e) cooperate with the federal government in the administration of child welfare
68 and domestic violence programs and other human service activities assigned by the department;
69 ~~[(4) provide for the compilation of]~~
70 (f) in accordance with Subsection (2)(a), promote and enforce state and federal laws
71 enacted for the protection of abused, neglected, dependent, delinquent, ungovernable, and
72 runaway children, and status offenders, in accordance with the requirements of this chapter,
73 unless administration is expressly vested in another division or department of the state;
74 (g) cooperate with the Employment Development Division in the Department of
75 Workforce Services in meeting the social and economic needs of an individual who is eligible
76 for public assistance;
77 (h) compile relevant information, statistics, and reports on child and family service
78 matters in the state;
79 ~~[(5)]~~ (i) prepare and submit to the department, the governor, and the Legislature reports
80 of the operation and administration of the division in accordance with the requirements of
81 Sections 62A-4a-117 and 62A-4a-118;
82 ~~[(6) promote and enforce state and federal laws enacted for the protection of abused,~~
83 ~~neglected, dependent, delinquent, ungovernable, and runaway children, and status offenders, in~~
84 ~~accordance with the requirements of this chapter, unless administration is expressly vested in~~
85 ~~another division or department of the state. In carrying out the provisions of this Subsection~~

86 ~~(6), the division shall cooperate with the juvenile courts, the Division of Juvenile Justice~~
87 ~~Services, and with all public and private licensed child welfare agencies and institutions to~~
88 ~~develop and administer a broad range of services and supports. The division shall take the~~
89 ~~initiative in all matters involving the protection of abused or neglected children if adequate~~
90 ~~provisions have not been made or are not likely to be made, and shall make expenditures~~
91 ~~necessary for the care and protection of those children, within the division's budget. Except to~~
92 ~~the extent provided by rule made by the division on or after May 10, 2011, the division is not~~
93 ~~responsible for investigating domestic violence in the presence of a child as described in~~
94 ~~Section 76-5-109.1;]~~

95 ~~[(7) provide substitute care for dependent, abused, neglected, and delinquent children,~~
96 ~~establish standards for substitute care facilities, and approve those facilities;]~~

97 ~~[(8) provide adoption assistance to persons adopting children with special needs under~~
98 ~~Part 9, Adoption Assistance, of this chapter. The financial support provided under this~~
99 ~~Subsection (8) may not exceed the amounts the division would provide for the child as a legal~~
100 ~~ward of the state;]~~

101 ~~[(9) cooperate with the Employment Development Division in the Department of~~
102 ~~Workforce Services in meeting social and economic needs of individuals eligible for public~~
103 ~~assistance;]~~

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

108 ~~[(11) provide noncustodial and in-home preventive services, designed to prevent~~
109 ~~family breakup, family preservation services, and reunification services to families whose~~
110 ~~children are in substitute care in accordance with the requirements of this chapter and Title~~
111 ~~78A, Chapter 6, Juvenile Court Act of 1996;]~~

112 ~~[(12) provide protective supervision of a family, upon court order, in an effort to~~
113 ~~eliminate abuse or neglect of a child in that family;]~~

114 ~~[(13) establish programs and provide services to minors who have been placed in the~~
115 ~~custody of the division for reasons other than abuse or neglect, pursuant to Section~~
116 ~~62A-4a-250;]~~

117 ~~[(14) provide shelter care in accordance with the requirements of this chapter and Title~~
118 ~~78A, Chapter 6, Juvenile Court Act of 1996;]~~

119 ~~[(15) provide social studies and reports for the juvenile court in accordance with~~
120 ~~Section 78A-6-605;]~~

121 ~~[(16) arrange for and provide training for staff and providers involved in the~~
122 ~~administration and delivery of services offered by the division in accordance with this chapter;]~~

123 ~~[(17) provide domestic violence services in accordance with the requirements of~~
124 ~~federal law, and establish standards for all direct or contract providers of domestic violence~~
125 ~~services. Within appropriations from the Legislature, the division shall provide or contract for~~
126 ~~a variety of domestic violence services and treatment methods;]~~

127 (j) provide social studies and reports for the juvenile court in accordance with Section
128 78A-6-605;

129 (k) within appropriations from the Legislature, provide or contract for a variety of
130 domestic violence services and treatment methods;

131 (l) subject to Subsection (2)(b), conduct court-ordered home evaluations for the district
132 and juvenile courts with regard to child custody issues;

133 ~~[(18)]~~ (m) ensure regular, periodic publication, including electronic publication,
134 regarding the number of children in the custody of the division who;

135 (i) have a permanency goal of adoption~~[-or for whom];~~ or

136 (ii) have a final plan of termination of parental rights ~~[has been approved]~~, pursuant to
137 Section 78A-6-314, and promote adoption of those children;

138 ~~[(19) provide protective services to victims of domestic violence, as defined in Section~~
139 ~~77-36-1, and their children, in accordance with the provisions of this chapter and of Title 78A,~~
140 ~~Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings;]~~

141 ~~[(20)]~~ (n) subject to Subsection (2)(c), refer an individual receiving services from the

142 division to the local substance abuse authority or other private or public resource for a
143 court-ordered drug screening test~~[- The court shall order the individual to pay all costs of the~~
144 ~~tests unless:]; and~~

145 ~~[(a) the cost of the drug screening is specifically funded or provided for by other~~
146 ~~federal or state programs;]~~

147 ~~[(b) the individual is a participant in a drug court; or]~~

148 ~~[(c) the court finds that the individual is impecunious;]~~

149 ~~[(21) have authority to contract with a private, nonprofit organization to recruit and~~
150 ~~train foster care families and child welfare volunteers in accordance with Section~~
151 ~~62A-4a-107.5; and]~~

152 ~~[(22) (o) perform [such] other duties and functions [as] required by law.~~

153 (2) (a) In carrying out the requirements of Subsection (1)(f), the division shall:

154 (i) cooperate with the juvenile courts, the Division of Juvenile Justice Services, and
155 with all public and private licensed child welfare agencies and institutions, to develop and
156 administer a broad range of services and support;

157 (ii) take the initiative in all matters involving the protection of abused or neglected
158 children, if adequate provisions have not been made or are not likely to be made; and

159 (iii) make expenditures necessary for the care and protection of the children described
160 in this Subsection (2)(a), within the division's budget.

161 (b) When the division conducts a court-ordered home evaluation for a district or
162 juvenile court under Subsection (1)(l), the court shall order either or both parties to reimburse
163 the division for the cost of the evaluation, in accordance with:

164 (i) the community rate for that service; or

165 (ii) the department's fee schedule rate.

166 (c) When an individual is referred to a local substance abuse authority or other private
167 or public resource for court-ordered drug screening under Subsection (1)(n), the court shall
168 order the individual to pay all costs of the tests unless:

169 (i) the cost of the drug screening is specifically funded or provided for by other federal

170 or state programs;
171 (ii) the individual is a participant in a drug court; or
172 (iii) the court finds that the individual is impecunious.
173 (3) Except to the extent provided by rule, the division is not responsible for
174 investigating domestic violence in the presence of a child, as described in Section 76-5-109.1.