

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE**
25 House Building, Utah State Capitol Complex
February 21, 2014

Members Present: Rep. Paul Ray, Chair
Rep. LaVar Christensen, Vice Chair
Rep. Stewart Barlow
Rep. Rebecca Chavez-Houck
Rep. Tim M. Cosgrove
Rep. Brian M. Greene
Rep. Michael S. Kennedy
Rep. Ronda Rudd Menlove
Rep. Edward H. Redd

Staff Present: Mr. Joseph Wade, Policy Analyst
Ms. Linda Black, House Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes

Chair Ray called the meeting to order at 8:10 a.m.

MOTION: Rep. Menlove moved to approve the minutes of February 19, 2014. The motion passed unanimously with Rep. Cosgrove absent for the vote.

H.B. 318 Rights of Parents and Children Amendments (Rep. L. Christensen)

Rep. Christensen explained the bill to the committee.

MOTION: Rep. Christensen moved to amend the bill as follows:

1. *Page 3, Lines 63 through 66:*

63 (d) shall give, or instruct the jury to give, full and careful consideration to all of the
64 evidence presented with regard to the constitutional rights and claims of the parent [~~and, if~~
a
65 parent is found,].

(9) (a) Unless the court finds that due process requires otherwise, in a jury trial pursuant to this section:

(i) a child may not be required or compelled to attend or testify unless the court finds that:

(A) the child desires an opportunity to be present or to testify and communicates the child's desire to the guardian ad litem;

(B) the child is sufficiently mature to articulate the child's wishes in relation to the jury trial; and

(C) it would not be detrimental to the child or impractical to have the child be present or to testify; and

(ii) the court shall take judicial notice of any adjudicated facts from an earlier hearing, including any testimony from the child or any admissible recording of a child's statement or testimony.

(b) The court shall instruct the jury as to the noticed fact described in Subsection (9)(a)(ii) in accordance with Rule 201 of the Utah Rule of Evidence.

66 ~~{(9)}~~ (10) If the jury, or the court in cases where the parent does not request a jury trial, finds

SUBSTITUTE MOTION Rep. Menlove moved to further amend the bill as follows:

1. *Page 3, Lines 62 through 66:*

62 ~~and shall give]; and~~

63 (d) shall give, or instruct the jury to give, full and careful consideration to all of the

64 evidence presented with regard to the constitutional rights and claims of the parent [and, if
65 a

65 parent is found,].

(9) (a) Unless the court finds that due process requires otherwise, in a jury trial pursuant to this section:

(i) a child may not be present in the courtroom and may not testify unless the court finds that:

(A) the child desires an opportunity to be present or to testify;

(B) the child's guardian ad litem approves of the child's presence or ability to testify;

(C) the child is sufficiently mature to articulate the child's wishes in relation to the jury trial; and

(D) it would not be detrimental to the child or impractical to have the child be present or to testify; and

(ii) the court shall take judicial notice of any adjudicated facts from an earlier hearing, including any testimony from the child or any recording of a child's statement or testimony.

(b) The court shall instruct the jury to accept a noticed fact described in Subsection

(9)(a)(ii) as conclusive, in accordance with Rule 201 of the Utah Rule of Evidence.

66 ~~{9}~~ **(10)** If the jury, or the court in cases where the parent does not request
a jury trial, finds

The substitute motion failed with Rep. Barlow, Rep. Christensen, Rep. Greene, Rep. Kennedy, and Chair Ray voting in opposition.

The original motion to amend passed with Rep. Chavez-Houck, Rep. Cosgrove, Rep. Menlove, and Rep. Redd voting in opposition.

Spoke in favor of the bill: Sen. Howard Stephenson
 Ms. Jackie de Gaston
 Mr. Dan Deuell, National Parents Organization of Utah

Spoke against the bill: Dr. Natalie Malovich
 Ms. Liz Knight, director, Office of the Guardian ad Litem

MOTION: Rep. Greene moved to pass the bill out favorably as amended. The motion passed with Rep. Chavez-Houck, Rep. Cosgrove, Rep. Menlove, and Rep. Redd voting in opposition.

H.B. 346 Foster Children Amendments (Rep. Johnny Anderson)

Rep. J. Anderson explained the bill to the committee.

MOTION: Rep. Cosgrove moved to amend the bill as follows:

1. Page 1, Lines 10 through 19:

- 10 Highlighted Provisions:
11 This bill:
12 ▶ defines terms;
13 ▶ requires the ~~{division}~~ **Division of Child and Family Services (the**
 division) to make efforts to normalize the life of a child in the division's
14 custody and to empower a caregiver to approve or disapprove a child's participation
15 in activities based on the caregiver's own assessment using a reasonable and prudent
16 parent standard, without prior approval of the division;
17 ▶ requires the division to verify that private agencies providing out-of-home

18 placement under contract with the division promote and protect the ability of a child
to participate in age-appropriate
19 activities; and

2. *Page 3, Lines 75 through 79:*

75 proposed activity.

76 (c) The division shall verify that private agencies providing out-of-home placement
under contract with the division :

77 (i) promote and protect the ability of a child to participate in age-appropriate
activities;

78 and

79 (ii) implement policies consistent with this section.

3. *Page 3, Lines 84 through 87:*

84 statute.

85 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
the

86 division shall adopt rules establishing the procedures for verifying that private agencies
providing out-of-home placement under contract with the division comply

87 with and promote this part.

The motion passed unanimously with Rep. Christensen, Rep. Greene, and Rep. Kennedy absent for the vote.

Spoke in favor of the bill: Ms. Jennifer LaBon, Administrator of Adolescent Services,
Division of Child and Family Services
Ms. Sandra Navarro, State Youth Council
Ms. Breana Powers

MOTION: Rep. Menlove moved to pass the bill out favorably. The motion passed unanimously with Rep. Christensen and Rep. Greene absent for the vote.

MOTION: Rep. Barlow moved to place H.B. 346 on the Consent Calendar. The motion passed unanimously with Rep. Christensen and Rep. Greene absent for the vote.

S.B. 14 Long-term Care Partnership (Sen. T. Weiler)

Sen. Weiler explained the bill to the committee.

Spoke for the bill: Mr. Danny Harris, American Association of Retired Persons

MOTION: Rep. Redd moved to pass the bill out favorably. The motion passed unanimously with Rep. Christensen absent for the vote.

S.B. 138 Controlled Substances Act Amendments (Sen. E. Vickers)

Sen. Vickers explained the bill to the committee.

MOTION: Rep. Barlow moved to pass the bill out favorably. The motion passed unanimously with Rep. Christensen, Rep. Menlove, and Rep. Redd absent for the vote.

MOTION: Rep. Barlow moved to place S.B. 138 on the Consent Calendar. The motion passed unanimously with Rep. Christensen, Rep. Menlove and Rep. Redd absent for the vote.

S.B. 132 Human Services Amendments (Sen. W. Harper)

Sen. Harper explained the bill to the committee.

Spoke to the bill: Ms. Liz Knight, director, Office of the Guardian ad Litem.

MOTION: Rep. Cosgrove moved to pass the bill out favorably. The motion passed with Rep. Christensen, Rep. Menlove, and Rep. Redd absent for the vote.

S.B. 168 Charity Care Amendments (Sen. A. Christensen)

Sen. A. Christensen explained the bill to the committee.

MOTION: Rep. Barlow moved to pass the bill out favorably. The motion passed unanimously with Rep. Christensen and Rep. Menlove absent for the vote.

MOTION: Rep. Greene moved to adjourn the meeting. The motion passed unanimously with Rep. Christensen and Rep. Menlove absent for the vote.

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Chair Ray adjourned the meeting at 9:55 a.m.

Paul Ray, Chair