

CHILD WELFARE SERVICES AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends provisions of the Utah Human Services Code in relation to child welfare services.

Highlighted Provisions:

This bill:

- ▶ prohibits the Division of Child and Family Services (the division) from taking certain actions in response to a request for services;
- ▶ prohibits the division from requiring, requesting, or recommending that a parent or guardian give up certain rights in order to obtain certain services;
- ▶ permits the use of out-of-home funds, under certain circumstances, for a child who is not removed from the child's home;
- ▶ permits the use of adoption assistance funds, under certain circumstances, to provide post-adoption services;
- ▶ requires the division to refer an individual to a service provider, under certain circumstances, at the same rate that the service provider charges the division; and
- ▶ establishes a contract requirement for the division's service providers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30 **62A-4a-106**, as last amended by Laws of Utah 2012, Chapter 290

31 **62A-4a-903**, as last amended by Laws of Utah 2009, Chapter 75

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

34 Section 1. Section **62A-4a-106** is amended to read:

35 **62A-4a-106. Services provided by division.**

36 (1) The division may provide, directly or through contract, services that include the
37 following:

- 38 (a) adoptions;
- 39 (b) day care for children;
- 40 (c) out-of-home placements for minors;
- 41 (d) health-related services;
- 42 (e) homemaking services;
- 43 (f) home management services;
- 44 (g) protective services for minors;
- 45 (h) transportation services; and
- 46 (i) domestic violence services.

47 (2) Services provided directly by the division or through contract shall be monitored by
48 the division to insure compliance with applicable:

- 49 (a) state law; and
- 50 (b) standards and rules of the division.

51 (3) When the division provides a service through a private contract, not including a
52 foster parent placement, the division shall post the name of the service provider on the
53 division's website.

54 (4) Unless a parent or guardian of a child who is adopted from the custody of the
55 division expressly requests otherwise, the division may not, solely on the basis that the parent
56 or guardian contacts the division regarding services or requests services from the division:

- 57 (a) remove or facilitate the removal of a child from the child's home;

- 58 (b) file a petition for removal of a child from the child's home;
- 59 (c) file a petition for a child protective order;
- 60 (d) make a supported finding;
- 61 (e) seek a substantiated finding;
- 62 (f) file a petition alleging that a child is abused, neglected, dependent, or abandoned; or
- 63 (g) file a petition for termination of parental rights.
- 64 (5) (a) The division shall, to the extent that sufficient funds are available, use out-of-
- 65 home funds to provide services to a child who is adopted from the custody of the division,
- 66 without requiring that a parent terminate parental rights, or that a parent or legal guardian of the
- 67 child transfer or surrender custodial rights, in order to receive the services.
- 68 (b) The division may not require, request, or recommend that a parent terminate
- 69 parental rights, or that a parent or guardian transfer or surrender custodial rights, in order to
- 70 receive services, using out-of-home funds, for a child who is adopted from the custody of the
- 71 division.
- 72 (6) (a) As used in this Subsection (6), "vendor services" means services that a person
- 73 provides under contract with the division.
- 74 (b) If a parent or guardian of a child who is adopted from the custody of the division
- 75 requests vendor services from the division, the division shall refer the parent or guardian to a
- 76 provider of vendor services, at the parent's or guardian's expense, if:
- 77 (i) (A) the parent, guardian, or child is not eligible to receive the vendor services from
- 78 the division; or
- 79 (B) the division does not have sufficient funds to provide the services to the parent,
- 80 guardian, or child;
- 81 (ii) the parent, guardian, or child does not have insurance or other funds available to
- 82 receive the services without the referral; and
- 83 (iii) the parent or guardian desires the referral.
- 84 (c) If the division awards, extends, or renews a contract with a vendor for vendor
- 85 services, the division shall include in the contract a requirement that a vendor to whom the

86 division makes a referral under Subsection (6)(b):

87 (i) provide services to the parent, guardian, or child at a rate that does not exceed the
88 rate that the vendor charges the division for the services; and

89 (ii) may not charge the parent, guardian, or child any fee that the vendor does not
90 charge the division.

91 Section 2. Section **62A-4a-903** is amended to read:

92 **62A-4a-903. Eligibility.**

93 (1) The Division of Child and Family Services shall establish, by rule, eligibility
94 criteria for the receipt of adoption assistance and supplemental adoption assistance.

95 (2) Eligibility determination shall be based upon:

96 (a) the needs of the child;

97 (b) the resources available to the child; and

98 (c) the federal requirements of Section 473, Social Security Act.

99 (3) The division:

100 (a) may, to the extent funds are available, use state funds appropriated for adoption
101 assistance to provide post-adoption services to a child who is adopted from the custody of the
102 division; and

103 (b) unless a parent or guardian of a child who is adopted from the custody of the
104 division expressly requests otherwise, may not require, request, or recommend that a parent
105 terminate parental rights, or that a parent or guardian transfer or surrender custodial rights, in
106 order to receive post-adoption services for the child, regardless of whether funds for the
107 post-adoption services come from funds appropriated for adoption assistance or post-adoption
108 services.