

1                                   **CHILD WELFARE SERVICES AMENDMENTS**

2                                   2016 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Kay J. Christofferson**

5                                   Senate Sponsor: \_\_\_\_\_

---

---

7   **LONG TITLE**

8   **General Description:**

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

11 **Highlighted Provisions:**

12           This bill:

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

22 **Money Appropriated in this Bill:**

23           None

24 **Other Special Clauses:**

25           None

26 **Utah Code Sections Affected:**

27 AMENDS:



28 **62A-4a-106**, as last amended by Laws of Utah 2012, Chapter 290

29 **62A-4a-903**, as last amended by Laws of Utah 2009, Chapter 75



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

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

33 **62A-4a-106. Services provided by division.**

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

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

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

- 47 (a) state law; and
- 48 (b) standards and rules of the division.

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

52 (4) The division may not, solely on the basis that a parent or guardian of a child  
53 contacts the division regarding services or requests services from the division:

- 54 (a) remove or facilitate the removal of a child from the child's home;
- 55 (b) file a petition for removal of a child from the child's home;
- 56 (c) file a petition for a child protective order;
- 57 (d) make a supported finding;
- 58 (e) seek a substantiated finding;

59 (f) file a petition alleging that a child is abused, neglected, dependent, or abandoned; or

60 (g) file a petition for termination of parental rights.

61 (5) (a) The division shall, to the extent that sufficient funds are available, use out-of-  
62 home funds to provide services to a child, without requiring that a parent terminate parental  
63 rights or that a parent or legal guardian of the child transfer or surrender custodial rights in  
64 order to receive the services.

65 (b) The division may not require, request, or recommend that a parent terminate  
66 parental rights, or that a parent or guardian transfer or surrender custodial rights, in order to  
67 receive out-of-home funds.

68 (6) (a) As used in this Subsection (6), "vendor services" means services that a person  
69 provides under contract with the division.

70 (b) If a parent or guardian of a child requests vendor services from the division, the  
71 division shall refer the parent or guardian to a provider of vendor services, at the parent's or  
72 guardian's expense, if:

73 (i) (A) the parent, guardian, or child is not eligible to receive the vendor services from  
74 the division; or

75 (B) the division does not have sufficient funds to provide the services to the parent,  
76 guardian, or child;

77 (ii) the parent, guardian, or child does not have insurance or other funds available to  
78 receive the services without the referral; and

79 (iii) the parent or guardian desires the referral.

80 (c) If the division awards, extends, or renews a contract with a vendor for vendor  
81 services, the division shall include in the contract a requirement that a vendor to whom the  
82 division makes a referral under Subsection (6)(b):

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

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

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

88 **62A-4a-903. Eligibility.**

89 (1) The Division of Child and Family Services shall establish, by rule, eligibility

90 criteria for the receipt of adoption assistance and supplemental adoption assistance.

91 (2) Eligibility determination shall be based upon:

92 (a) the needs of the child;

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

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

95 (3) The division may not require, request, or recommend that a parent terminate  
96 parental rights, or that a parent or guardian transfer or surrender custodial rights, in order to  
97 receive adoption assistance or supplemental adoption assistance.

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**