

**WORKFORCE SERVICES REVISIONS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Todd Weiler**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Workforce Services Code.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies the names of divisions within the Department of Workforce Services;
- ▶ creates the State Workforce Development Board and describes its membership and duties;
- ▶ makes the Department of Workforce Services' Code consistent with the federal Workforce Innovation and Opportunity Act;
- ▶ modifies background check provisions for certain child care providers; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**35A-1-104**, as last amended by Laws of Utah 2008, Chapter 382

**35A-1-202**, as last amended by Laws of Utah 2012, Chapter 212



- 28            **35A-1-206**, as last amended by Laws of Utah 2014, Chapters 371 and 387
- 29            **35A-1-207**, as last amended by Laws of Utah 2011, Chapter 188
- 30            **35A-2-101**, as last amended by Laws of Utah 2011, Chapter 188
- 31            **35A-2-102**, as last amended by Laws of Utah 2011, Chapter 188
- 32            **35A-2-201**, as last amended by Laws of Utah 2011, Chapter 188
- 33            **35A-3-102**, as last amended by Laws of Utah 2015, Chapter 221
- 34            **35A-3-103**, as last amended by Laws of Utah 2015, Chapter 221
- 35            **35A-3-310.5**, as last amended by Laws of Utah 2015, Chapter 221
- 36            **35A-4-312**, as last amended by Laws of Utah 2015, Chapter 143
- 37            **35A-5-102**, as last amended by Laws of Utah 2008, Chapter 382
- 38            **35A-5-202**, as last amended by Laws of Utah 2012, Chapter 347
- 39            **35A-11-203**, as enacted by Laws of Utah 2014, Chapter 127
- 40            **53B-12-101**, as last amended by Laws of Utah 2008, Chapter 382
- 41            **62A-1-111**, as last amended by Laws of Utah 2014, Chapter 213
- 42            **62A-4a-105**, as last amended by Laws of Utah 2014, Chapters 140 and 265
- 43            **62A-4a-709**, as last amended by Laws of Utah 2005, Chapter 81

44 REPEALS:

- 45            **35A-2-103**, as last amended by Laws of Utah 2011, Chapter 188
- 46            **35A-3-115**, as last amended by Laws of Utah 2015, Chapter 221
- 47            **35A-5-201**, as renumbered and amended by Laws of Utah 1997, Chapter 375



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

50            Section 1. Section **35A-1-104** is amended to read:

51            **35A-1-104. Department authority.**

52            Within all other authority or responsibility granted to it by law, the department may:

- 53            (1) adopt rules when authorized by this title, in accordance with the procedures of Title
- 54            63G, Chapter 3, Utah Administrative Rulemaking Act;
- 55            (2) purchase, as authorized or required by law, services that the department is
- 56            responsible to provide for legally eligible persons;
- 57            (3) conduct adjudicative proceedings in accordance with the procedures of Title 63G,
- 58            Chapter 4, Administrative Procedures Act;

- 59 (4) establish eligibility standards for its programs, not inconsistent with state or federal  
60 law or regulations;
- 61 (5) take necessary steps, including legal action, to recover money or the monetary value  
62 of services provided to a recipient who is not eligible;
- 63 (6) administer oaths, certify to official acts, issue subpoenas to compel witnesses and  
64 the production of books, accounts, documents, and other records necessary as evidence;
- 65 (7) acquire, manage, and dispose of any real or personal property needed or owned by  
66 the department, not inconsistent with state law;
- 67 (8) receive gifts, grants, devises, and donations or their proceeds, crediting the program  
68 designated by the donor, and using the gift, grant, devise, or donation for the purposes  
69 requested by the donor, as long as the request conforms to state and federal policy;
- 70 (9) accept and employ volunteer labor or services;
- 71 (10) reimburse volunteers for necessary expenses, when the department considers that  
72 reimbursement to be appropriate;
- 73 (11) carry out the responsibility assigned by the state workforce services plan  
74 developed by the [~~State Council on Workforce Services~~] State Workforce Development Board;
- 75 (12) provide training and educational opportunities for its staff;
- 76 (13) examine and audit the expenditures of any public funds provided to a local  
77 authority, agency, or organization that contracts with or receives funds from those authorities or  
78 agencies;
- 79 (14) accept and administer grants from the federal government and from other sources,  
80 public or private;
- 81 (15) employ and determine the compensation of clerical, legal, technical, investigative,  
82 and other employees necessary to carry out its policymaking, regulatory, and enforcement  
83 powers, rights, duties, and responsibilities under this title;
- 84 (16) establish and conduct free employment agencies, and bring together employers  
85 seeking employees and working people seeking employment, and make known the  
86 opportunities for employment in this state;
- 87 (17) collect, collate, and publish statistical and other information relating to employees,  
88 employers, employments, and places of employment, and other statistics as it considers proper;
- 89 (18) encourage the expansion and use of apprenticeship programs meeting state or

90 federal standards for apprenticeship programs;

91 (19) develop processes to ensure that the department responds to the full range of  
92 employee and employer clients; and

93 (20) carry out the responsibilities assigned to it by statute.

94 Section 2. Section **35A-1-202** is amended to read:

95 **35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,**  
96 **Child Care Advisory Committee, and economic service areas.**

97 (1) There is created within the department the following divisions:

98 (a) the [~~Employment~~] Workforce Development Division to administer the development  
99 and implementation of employment assistance programs [~~that are: (i) related to the operations~~  
100 ~~of the department; and (ii) consistent with federal and state law; (b) to administer those~~  
101 ~~services that are not delivered through the economic service areas: (i)];~~

102 (b) the Workforce [~~Development and Information~~] Research and Analysis Division;  
103 [~~and~~]

104 [(ii)] (c) the Unemployment Insurance Division to administer Chapter 4, Employment  
105 Security Act;

106 (d) the Eligibility Services Division to administer public assistance eligibility;

107 [(e)] (e) the Division of Adjudication to adjudicate claims or actions in accordance  
108 with this title; and

109 [(d)] (f) the Housing and Community Development Division, [~~which is~~] described in  
110 Sections [35A-8-201](#) and [35A-8-202](#).

111 (2) In addition to the divisions created under Subsection (1), within the department are  
112 the following:

113 (a) the Workforce Appeals Board created in Section [35A-1-205](#);

114 (b) the State [~~Council on Workforce Services~~] Workforce Development Board created  
115 in Section [35A-1-206](#);

116 (c) the Employment Advisory Council created in Section [35A-4-502](#);

117 (d) the Child Care Advisory Committee created in Section [35A-3-205](#); and

118 (e) the economic service areas created in accordance with Chapter 2, Economic Service  
119 Areas.

120 Section 3. Section **35A-1-206** is amended to read:

121           **35A-1-206. State Workforce Development Board -- Appointment -- Membership**  
122 **-- Terms of members -- Compensation.**

- 123           ~~[(1) There is created a State Council on Workforce Services that shall:]~~  
124           ~~[(a) perform the activities described in Subsection (8);]~~  
125           ~~[(b) advise on issues requested by the department and the Legislature; and]~~  
126           ~~[(c) make recommendations to the department regarding:]~~  
127           ~~[(i) the implementation of Chapter 2, Economic Service Areas, Chapter 3,~~  
128 ~~Employment Support Act, and Chapter 5, Training and Workforce Improvement Act; and]~~  
129           ~~[(ii) the coordination of apprenticeship training:]~~  
130           ~~[(2) (a) The council shall consist of the following voting members:]~~  
131           ~~[(i) a private sector representative from each economic service area as designated by~~  
132 ~~the economic service area director;]~~  
133           ~~[(ii) the superintendent of public instruction or the superintendent's designee;]~~  
134           ~~[(iii) the commissioner of higher education or the commissioner's designee; and]~~  
135           ~~[(iv) the following members appointed by the governor in consultation with the~~  
136 ~~executive director:]~~  
137           ~~[(A) four representatives of small employers as defined by rule by the department;]~~  
138           ~~[(B) four representatives of large employers as defined by rule by the department;]~~  
139           ~~[(C) four representatives of employees or employee organizations, including at least~~  
140 ~~one representative from nominees suggested by public employees organizations;]~~  
141           ~~[(D) two representatives of the clients served under this title including~~  
142 ~~community-based organizations;]~~  
143           ~~[(E) a representative of veterans in the state;]~~  
144           ~~[(F) the executive director of the Utah State Office of Rehabilitation; and]~~  
145           ~~[(G) the Applied Technology College president.]~~  
146           ~~[(b) The following shall serve as nonvoting ex officio members of the council:]~~  
147           ~~[(i) the executive director or the executive director's designee;]~~  
148           ~~[(ii) a legislator appointed by the governor from nominations of the speaker of the~~  
149 ~~House of Representatives and president of the Senate;]~~  
150           ~~[(iii) the executive director of the Department of Human Services;]~~  
151           ~~[(iv) the director of the Governor's Office of Economic Development or the director's~~

152 designee; and]

153 [~~(v) the executive director of the Department of Health.~~]

154 (1) There is created within the department the State Workforce Development Board in  
155 accordance with the provisions of the Workforce Innovation and Opportunity Act, 29 U.S.C.

156 Sec. 3101 et seq.

157 (2) The board shall consist of the following 37 members:

158 (a) the governor or the governor's designee;

159 (b) one member of the Senate, appointed by the president of the Senate;

160 (c) one representative of the House of Representatives, appointed by the speaker of the  
161 House of Representatives;

162 (d) the executive director or the executive director's designee;

163 (e) the executive director of the Department of Human Services or the executive  
164 director's designee;

165 (f) the executive director of the Utah State Office of Rehabilitation or the executive  
166 director's designee;

167 (g) the superintendent of the State Board of Education or the superintendent's designee;

168 (h) the executive director of the Governor's Office of Economic Development or the  
169 executive director's designee;

170 (i) the executive director of Veterans' and Military Affairs or the executive director's  
171 designee; and

172 (j) the following members appointed by the governor:

173 (i) 18 representatives of business in the state, selected among the following:

174 (A) owners of businesses, chief executive or operating officers of businesses, or other  
175 business executives or employers with policy making or hiring authority;

176 (B) representatives of businesses, including small businesses, that provide employment  
177 opportunities that include high-quality, work-relevant training and development in in-demand  
178 industry sectors or occupations in the state; and

179 (C) representatives of businesses appointed from among individuals nominated by state  
180 business organizations or business trade associations;

181 (ii) eight representatives of the workforce within the state, which:

182 (A) shall include at least two representatives of labor organizations who have been

183 nominated by state labor federations;

184 (B) shall include at least one representative from a registered apprentice program;

185 (C) may include one or more representatives from a community-based organization

186 that has demonstrated experience and expertise in addressing the employment, training, or

187 educational needs of individuals with barriers to employment; and

188 (D) may include one or more representatives from an organization that has

189 demonstrated experience and expertise in addressing the employment, training, or education

190 needs of eligible youth, including organizations that serve out of school youth; and

191 (iii) two elected officials that represent a city or a county.

192 (3) (a) The governor shall appoint [~~one nongovernmental member from the council as~~  
193 ~~the chair of the council~~] one of the appointed business representatives as chair of the board.

194 (b) The chair shall serve at the pleasure of the governor.

195 (4) (a) The governor shall ensure that members appointed to the board represent  
196 diverse geographic areas of the state, including urban, suburban, and rural areas.

197 [~~(a)~~] (b) A member appointed by the governor shall serve a term of four years and may  
198 be reappointed to one additional term.

199 [~~(b)~~] (c) A member shall continue to serve until the member's successor has been  
200 appointed and qualified.

201 [~~(c)~~] (d) Except as provided in Subsection (4)[~~(d)~~] (e), as terms of [~~council~~] board  
202 members expire, the governor shall appoint each new member or reappointed member to a  
203 four-year term.

204 [~~(d)~~] (e) Notwithstanding the requirements of Subsection (4)[~~(e)~~] (d), the governor  
205 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
206 terms of [~~council~~] board members are staggered so that approximately one half of the [~~council~~]  
207 board is appointed every two years.

208 [~~(e)~~] (f) When a vacancy occurs in the membership for any reason, the replacement  
209 shall be appointed for the unexpired term.

210 (g) The executive director shall terminate the term of any governor-appointed member  
211 of the board if the member leaves the position that qualified the member for the appointment.

212 (5) A majority of [~~the voting~~] members constitutes a quorum for the transaction of  
213 business.

214 (6) (a) A member of the board who is not a legislator may not receive compensation or  
215 benefits for the member's service, but may receive per diem and travel expenses as allowed in:

216 (i) Section [63A-3-106](#);

217 (ii) Section [63A-3-107](#); and

218 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
219 [63A-3-107](#).

220 (b) Compensation and expenses of a member who is a legislator are governed by  
221 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

222 (7) The department shall provide staff and administrative support to the [~~council~~] board  
223 at the direction of the executive director.

224 [~~(8) The council shall:~~]

225 [~~(a) develop a state workforce services plan in accordance with Section [35A-1-207](#);~~]

226 [~~(b) review economic service area plans to certify consistency with state policy  
227 guidelines;~~]

228 [~~(c) improve the understanding and visibility of state workforce services efforts  
229 through external and internal marketing strategies;~~]

230 [~~(d) include in the annual written report described in Section [35A-1-109](#), information  
231 and accomplishments related to the activities of the department;~~]

232 [~~(e) issue other studies, reports, or documents the council considers advisable that are  
233 not required under Subsection (8)(d);~~]

234 [~~(f) coordinate the planning and delivery of workforce development services with  
235 public education, higher education, vocational rehabilitation, and human services; and~~]

236 (8) The board has the duties, responsibilities, and powers described in 29 U.S.C. Sec.  
237 3111, including:

238 (a) identifying opportunities to align initiatives in education, training, workforce  
239 development, and economic development;

240 (b) developing and implementing the state workforce services plan described in  
241 Section [35A-1-207](#);

242 (c) utilizing strategic partners to ensure the needs of industry are met, including the  
243 development of expanded strategies for partnerships for in-demand occupations and  
244 understanding and adapting to economic changes;



245 (d) developing strategies for staff training;  
 246 (e) developing and improving employment centers; and  
 247 ~~[(g) perform]~~ (f) performing other responsibilities within the scope of workforce  
 248 services as requested by:

- 249 (i) the Legislature;
- 250 (ii) the governor; or
- 251 (iii) the executive director.

252 Section 4. Section **35A-1-207** is amended to read:

253 **35A-1-207. State workforce services plan -- Economic service area plans.**

254 ~~[(1)]~~ The State ~~[Council on Workforce Services]~~ Workforce Development Board shall  
 255 annually ~~[develop]~~ maintain and update a state workforce services plan that ~~[shall include]~~  
 256 includes:

257 (1) a four-year strategy, as described in 29 U.S.C. Sec. 3112, for the following core  
 258 programs:

- 259 (a) youth services;
- 260 (b) adult employment and training services;
- 261 (c) dislocated worker employment and training services;
- 262 (d) adult education and literacy activities;
- 263 (e) employment services; and
- 264 (f) vocational rehabilitation services;

265 (2) a strategy for aligning and coordinating the core programs;

266 (3) a strategy for coordinating the workforce needs of job seekers and employers in the  
 267 various regions of the state;

268 (4) planning to ensure that employment centers address the requirements of the special  
 269 employment needs population, including:

270 (a) individuals who have special employment needs based on factors such as race,  
 271 gender, age, disability, economic status, education, language skills, or work history; and

272 (b) an "individual with a barrier to employment" as that term is defined in 29 U.S.C.  
 273 Sec. 3102;

274 ~~[(a)]~~ (5) a mechanism for getting consumer and public feedback on department  
 275 programs [in each economic service area];

276           ~~[(b)]~~ (6) projected analysis of the workforce needs of employers and clients;  
277           ~~[(c) policy standards in programs and process when required by statute or considered~~  
278 ~~necessary by the council that ensure statewide program consistency among economic service~~  
279 ~~areas;]~~

280           ~~[(d)]~~ (7) state outcome-based standards for measuring program performance to ensure  
281 equitable service to all clients;

282           ~~[(e) state oversight systems to review economic service area compliance with state~~  
283 ~~policies;]~~

284           ~~[(f) elements of economic service area plans that relate to statewide initiatives and~~  
285 ~~programs;]~~

286           ~~[(g)]~~ (8) strategies to ensure program responsiveness, universal access, and unified case  
287 management;

288           ~~[(h)]~~ (9) strategies to eliminate unnecessary barriers to access services; and  
289           ~~[(i)]~~ (10) strategies to provide assistance to employees facing employment dislocation  
290 and their employers.

291           ~~[(2)(a) Economic service area directors shall annually develop an economic service~~  
292 ~~area plan to be followed in administering services.]~~

293           ~~[(b) The plan shall include:]~~

294           ~~[(i) a projected analysis of the economic service area workforce needs of employers~~  
295 ~~and clients;]~~

296           ~~[(ii) assurances that state policy standards will be incorporated into the economic~~  
297 ~~service area design;]~~

298           ~~[(iii) an economic service area budget outlining administration and customer support~~  
299 ~~and services expenditures;]~~

300           ~~[(iv) the location of employment centers and staff levels to deliver services;]~~

301           ~~[(v) the services to be provided including assessment and support services, job training~~  
302 ~~options, job placement, and employer outreach;]~~

303           ~~[(vi) identification of targeted occupations for which training will be approved;]~~

304           ~~[(vii) economic service area outcome-based performance standards that ensure~~  
305 ~~equitable services to all clients;]~~

306           ~~[(viii) economic service area oversight processes that include a process to evaluate~~

307 ~~program effectiveness and develop plans to improve programs;]~~

308 ~~[(ix) internal and external marketing strategies to improve the understanding and~~

309 ~~visibility of economic service area efforts;]~~

310 ~~[(x) coordination of apprenticeship training; and]~~

311 ~~[(xi) strategies to provide assistance to employees facing employment dislocation and~~

312 ~~their employers.]~~

313 Section 5. Section **35A-2-101** is amended to read:

314 **35A-2-101. Economic service areas -- Creation.**

315 (1) (a) The executive director shall establish economic service areas to furnish the  
316 services described in Section [35A-2-201](#).

317 (b) In establishing economic service areas, the executive director shall seek input  
318 from[;]

319 ~~[(i) state and local government agencies and departments;]~~

320 ~~[(ii) the groups representing public employees;]~~

321 ~~[(iii) employers, business, education, and other entities affected by the structure of the~~  
322 ~~economic service areas; and]~~

323 ~~[(iv) the general public]~~ the State Workforce Development Board.

324 (2) In establishing the economic service areas, the executive director [~~shall~~] may  
325 consider:

326 (a) areas comprised of multiple counties;

327 (b) the alignment of transportation and other infrastructure or services;

328 (c) the interdependence of the economy within a geographic area;

329 (d) the ability to develop regional marketing and economic development programs;

330 (e) the labor market areas;

331 (f) the population of the area, as established in the most recent estimate by the Utah  
332 Population Estimates Committee;

333 (g) the number of individuals in the previous year receiving:

334 (i) services under Chapter 3, Employment Support Act; and

335 (ii) benefits under Chapter 4, Employment Security Act; and

336 (h) other factors that relate to the management of the programs administered or that  
337 relate to the delivery of services provided under this title.

338 Section 6. Section **35A-2-102** is amended to read:

339 **35A-2-102. Directors of economic service areas -- Appointment.**

340 (1) ~~[The chief officer of each economic service area shall be a director, who serves as~~  
341 ~~the executive and administrative head of the economic service area]~~ The executive director  
342 shall appoint a director to oversee each economic service area.

343 (2) A director~~[(a) shall be appointed by the executive director, and (b)]~~ appointed  
344 under this section may be removed from that position at the will of the executive director.

345 (3) ~~[An economic service]~~ A director shall be experienced in administration and  
346 possess additional qualifications as determined by the executive director, and as provided by  
347 law.

348 (4) The director shall report on a regular basis to the ~~[State Council on Workforce~~  
349 ~~Services]~~ State Workforce Development Board on the delivery of services in the economic  
350 service area.

351 Section 7. Section **35A-2-201** is amended to read:

352 **35A-2-201. Services provided in economic service areas.**

353 ~~[(+)]~~ Economic service areas shall:

354 ~~[(a)]~~ (1) through their employment centers, be the primary provider of services and  
355 support under Chapter 3, Employment Support Act; and

356 ~~[(b) broker or contract]~~ (2) provide access to and assess eligibility for services or  
357 training under Chapter 5, Training and Workforce Improvement Act~~[, and].~~

358 ~~[(c) serve as economic service area clearinghouses of information concerning~~  
359 ~~workforce development and services and support available under this title.]~~

360 ~~[(2) (a) In providing, brokering, or contracting for the services or training described in~~  
361 ~~Subsection (1)(b), the economic service area director, in consultation with the executive~~  
362 ~~director, shall ensure that the economic service area provides, brokers, or contracts for services~~  
363 ~~and training that meet the needs of the special needs population in the economic service area.]~~

364 ~~[(b) For purposes of Subsection (2)(a), "special needs population" means individuals~~  
365 ~~who have special employment needs based on factors including race, gender, age, disability,~~  
366 ~~economic status, education, language skills, and work history.]~~

367 Section 8. Section **35A-3-102** is amended to read:

368 **35A-3-102. Definitions.**

369 As used in this chapter:

370 (1) "Adjudicative proceeding" has the same meaning as defined in Section [63G-4-103](#).

371 (2) "Administrative order" means an order issued by the department that addresses an  
372 overpayment of public assistance.

373 (3) "Applicant" means a person who requests assistance under this chapter.

374 (4) "Assignment of support" means the transfer to the state of a recipient's right to  
375 receive support from another person that accrues during the period the recipient receives public  
376 assistance, including a right to receive support on behalf of any family member for whom the  
377 recipient is applying for or receiving assistance.

378 (5) "Average monthly number of families" means the average number of families who  
379 received cash assistance on a monthly basis during the previous federal fiscal year.

380 (6) "Cash assistance" means the monthly dollar amount a recipient is eligible to receive  
381 under the Family Employment Program under Section [35A-3-302](#).

382 (7) "Child care services" means care of a child by a responsible person who is not the  
383 child's parent or legal guardian, for a portion of the day that is less than 24 hours in a qualified  
384 setting, as defined by rules made by the department in accordance with Title 63G, Chapter 3,  
385 Utah Administrative Rulemaking Act.

386 (8) (a) "Civic organization" means an organization that provides services to its  
387 community.

388 (b) "Civic organization" includes a community service club or organization, a  
389 charitable health care or service organization, a fraternal organization, a labor union, a minority  
390 or ethnic organization, a commercial or industrial organization, a commerce or business club, a  
391 private nonprofit organization, a private nonprofit corporation that provides funding to a  
392 community service organization, an organization that advocates or provides for the needs of  
393 persons with low incomes, a religious organization, and an organization that fosters strong  
394 neighborhoods and communities.

395 (9) "Core programs" means the following activities as described in 29 U.S.C. Sec.  
396 3102:

397 (a) youth services;

398 (b) adult employment and training services;

399 (c) dislocated worker employment and training services;

400 (d) adult education and literacy activities;

401 (e) employment services; and

402 (f) vocational rehabilitation services.

403 [~~(9)~~] (10) "Court order" means a judgment or order of a court of this state, another  
404 state, or the federal government that addresses an overpayment of public assistance.

405 [~~(10)~~] (11) "Date of enrollment" means the date on which the applicant was approved  
406 as eligible for cash assistance.

407 [~~(11)~~] (12) "Director" means the director of the division assigned by the department to  
408 administer a program.

409 [~~(12)~~] (13) "Diversion" or "diversion payment" means a one-time cash assistance  
410 payment under Section 35A-3-303 to a recipient who is eligible for cash assistance, but does  
411 not require extended cash assistance under Part 3, Family Employment Program.

412 [~~(13)~~] (14) "Education or training" means education or training in accordance with 29  
413 U.S.C. Sec. 3174 and includes:

414 (a) basic remedial education;

415 (b) adult education;

416 (c) high school education;

417 (d) education to obtain the equivalent of a high school diploma;

418 (e) education to learn English as a second language;

419 (f) applied technology training;

420 (g) employment or occupational skills training; [~~or~~]

421 (h) on-the-job training[-];

422 (i) incumbent worker training;

423 (j) programs that combine workplace training with related instruction, which may  
424 include cooperative education programs;

425 (k) training programs operated by the private sector;

426 (l) skills upgrading and retraining;

427 (m) entrepreneurial training; or

428 (n) customized training conducted with a commitment by an employer to employ an  
429 individual upon successful completion of the training.

430 [~~(14)~~] (15) "Full-time education or training" means training on a full-time basis as

431 defined by the educational institution attended by the parent recipient.

432 ~~[(15)]~~ (16) "General assistance" means financial assistance provided to a person under  
433 Part 4, General Assistance.

434 ~~[(16)]~~ (17) "Notice of agency action" means the notice required to commence an  
435 adjudicative proceeding as described in Section 63G-4-201.

436 ~~[(17)]~~ (18) "Obligor" means an individual:

437 (a) who is liable to the state under Section 35A-3-603 and applicable federal statutes  
438 and regulations; or

439 (b) against whom an administrative or judicial order determining overpayment has  
440 been obtained.

441 ~~[(18)]~~ (19) (a) "Overpayment" means money, public assistance, or another item of  
442 value provided under a state or federally funded benefit program to a person that is not entitled  
443 to receive it or is not entitled to receive it at the level provided.

444 (b) "Overpayment" includes money paid to a provider under this title in connection  
445 with public assistance or another publicly funded assistance program to the extent that the  
446 provider receives payment:

447 (i) for goods or services not provided; or

448 (ii) in excess of the amount to which the provider is entitled.

449 ~~[(19)]~~ (20) "Parent recipient" means a person who enters into an employment plan with  
450 the department to qualify for cash assistance under Part 3, Family Employment Program.

451 ~~[(20)]~~ (21) "Performance goals" means a target level of performance that will be  
452 compared to actual performance.

453 ~~[(21)]~~ (22) "Performance indicators" means actual performance information regarding  
454 a program or activity.

455 ~~[(22)]~~ (23) "Performance monitoring system" means a process to regularly collect and  
456 analyze performance information, including performance indicators and performance goals.

457 ~~[(23)]~~ (24) "Plan" or "state plan" means the state plan submitted to the Secretary of the  
458 United States Department of Health and Human Services to receive funding from the United  
459 States through the Temporary Assistance for Needy Families Block Grant in accordance with  
460 42 U.S.C. Sec. 602.

461 ~~[(24)]~~ (25) "Recipient" means a person who is qualified to receive, is receiving, or has

462 received assistance under this chapter.

463 ~~[(25)]~~ (26) "Single minor parent" means a person under 18 years of age who is not  
464 married and has a minor child in the person's care and custody.

465 ~~[(26)]~~ (27) "Transitional cash assistance" means assistance provided to a recipient to  
466 stabilize employment and reduce the future use of cash assistance provided under Part 3,  
467 Family Employment Program.

468 Section 9. Section **35A-3-103** is amended to read:

469 **35A-3-103. Department responsibilities.**

470 The department shall:

- 471 (1) administer public assistance programs assigned by the Legislature and the  
472 governor;
- 473 (2) determine eligibility for public assistance programs in accordance with the  
474 requirements of this chapter;
- 475 (3) cooperate with the federal government in the administration of public assistance  
476 programs;
- 477 (4) administer state employment services [~~in accordance with Section 35A-3-115~~];
- 478 (5) provide for the compilation of necessary or desirable information, statistics, and  
479 reports;
- 480 (6) perform other duties and functions required by law;
- 481 (7) monitor the application of eligibility policy;
- 482 (8) develop personnel training programs for effective and efficient operation of the  
483 programs administered by the department;
- 484 (9) provide refugee resettlement services in accordance with Section [~~35A-3-116~~]  
485 [35A-3-701](#);
- 486 (10) provide child care assistance for children in accordance with Part 2, Office of  
487 Child Care; and
- 488 (11) provide services that enable an applicant or recipient to qualify for affordable  
489 housing in cooperation with:
- 490 (a) the Utah Housing Corporation;
- 491 (b) the Housing and Community Development Division; and
- 492 (c) local housing authorities.



493 Section 10. Section **35A-3-310.5** is amended to read:

494 **35A-3-310.5. Child care providers -- Criminal background checks -- Payment of**  
495 **costs -- Prohibitions -- Department rules.**

496 (1) This section applies to a child care provider who:

497 (a) (i) is selected by a recipient of a child care assistance payment; or

498 (ii) is a recipient of a child care assistance payment;

499 (b) is not required to undergo a criminal background check with the Department of  
500 Health, Bureau of Child Care Licensing;

501 (c) is not a license exempt child care center or program; and

502 (d) is an eligible child care provider in accordance with department rules made in  
503 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

504 (2) (a) A child care provider identified under Subsection (1) shall submit to the  
505 department the name and other identifying information, including a set of fingerprints, of:

506 (i) existing, new, and proposed individuals who provide or may provide child care; and

507 (ii) individuals who are at least 18 years of age and reside in the premises where the  
508 child care is provided.

509 ~~[(b) The department may waive the fingerprint requirement under Subsection (2)(a) for~~  
510 ~~an individual who has:]~~

511 ~~[(i) resided in Utah for five years prior to the required submission; or]~~

512 ~~[(ii) (A) previously submitted a set of fingerprints under this section for a national~~  
513 ~~criminal history record check; and]~~

514 ~~[(B) resided in Utah continuously since submitting the fingerprints.]~~

515 ~~[(c)]~~ (b) The Criminal Investigation and Technical Services Division created within the  
516 Department of Public Safety under Section **53-10-103** shall:

517 (i) process and conduct background checks on all individuals as requested by the  
518 department; and

519 (ii) submit required fingerprints to the U.S. Federal Bureau of Investigation for a  
520 national criminal history background check of the individual.

521 ~~[(d) If the department waives the fingerprint requirement under Subsection (2)(b), the~~  
522 ~~Criminal Investigation and Technical Services Division may allow the department or its~~  
523 ~~representative access to the Criminal Investigation and Technical Services Division's database~~

524 ~~to determine whether the individual has been convicted of a crime.]~~

525           ~~[(c)]~~ (c) The child care provider shall pay the cost of the history background check  
526 provided under Subsection (2)~~[(c)]~~(b).

527           (3) (a) A child care provider identified under Subsection (1) shall submit to the  
528 department the name and other identifying information of an individual, age 12 through 17,  
529 who resides in the premises where the child care is provided.

530           (b) The department or its representative shall access juvenile court records to determine  
531 whether an individual described in Subsection (2) or (3)(a) has been adjudicated in juvenile  
532 court of committing an act which, if committed by an adult, would be a felony or misdemeanor  
533 if:

534           (i) the individual described in Subsection (2) is under the age of 28; or

535           (ii) the individual described in Subsection (2):

536           (A) is age 28 or older; and

537           (B) has been convicted of, has pleaded no contest to, or is currently subject to a plea in  
538 abeyance or diversion agreement for a felony or misdemeanor.

539           (4) Except as provided in Subsection (5), a child care provider under this section may  
540 not permit an individual described under Subsection (3)(b) to:

541           (a) provide subsidized child care; or

542           (b) reside at the premises where subsidized child care is provided.

543           (5) (a) The department may make rules in accordance with Title 63G, Chapter 3, Utah  
544 Administrative Rulemaking Act, to exempt the following from the restrictions of Subsection  
545 (4):

546           (i) a specific misdemeanor;

547           (ii) a specific act adjudicated in juvenile court, which if committed by an adult would  
548 be a misdemeanor; and

549           (iii) background checks of individuals other than the provider who are residing at the  
550 premises where subsidized child care is provided if that child care is provided in the child's  
551 home.

552           (b) In accordance with criteria established by department rules made in accordance  
553 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the executive director or the  
554 director's designee may consider and exempt individual cases, not otherwise exempt under

555 Subsection (5)(a), from the restrictions of Subsection (4).

556 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
557 department shall make rules to determine:

558 (a) whether a child care subsidy payment should be made prior to the completion of a  
559 background check, particularly in the case of a delay in making or completing the background  
560 check; and

561 (b) if, and how often, a child care provider shall resubmit the information required  
562 under Subsections (2) and (3).

563 Section 11. Section **35A-4-312** is amended to read:

564 **35A-4-312. Records.**

565 (1) (a) An employing unit shall keep true and accurate work records containing  
566 information the department may prescribe by rule.

567 (b) A record shall be open to inspection and subject to being copied by the division or  
568 its authorized representatives at a reasonable time and as often as necessary.

569 (c) An employing unit shall make a record available in the state for three years after the  
570 calendar year in which the services are rendered.

571 (2) The division may require from an employing unit a sworn or unsworn report with  
572 respect to a person employed by the employing unit that the division considers necessary for  
573 the effective administration of this chapter.

574 (3) Except as provided in this section or in Sections [35A-4-103](#) and [35A-4-106](#),  
575 information obtained under this chapter or obtained from an individual may not be published or  
576 open to public inspection in a manner revealing the employing unit's or individual's identity.

577 (4) (a) The information obtained by the division under this section may not be used in  
578 court or admitted into evidence in an action or proceeding, except:

579 (i) in an action or proceeding arising out of this chapter;

580 (ii) if the Labor Commission enters into a written agreement with the division under

581 Subsection (6)(b), in an action or proceeding by the Labor Commission to enforce:

582 (A) Title 34, Chapter 23, Employment of Minors;

583 (B) Title 34, Chapter 28, Payment of Wages;

584 (C) Title 34, Chapter 40, Utah Minimum Wage Act; or

585 (D) Title 34A, Utah Labor Code;

586 (iii) under the terms of a court order obtained under Subsection 63G-2-202(7) and  
587 Section 63G-2-207; or

588 (iv) under the terms of a written agreement between the Office of State Debt Collection  
589 and the division as provided in Subsection (5).

590 (b) The information obtained by the division under this section shall be disclosed to:

591 (i) a party to an unemployment insurance hearing before an administrative law judge of  
592 the department or a review by the Workforce Appeals Board to the extent necessary for the  
593 proper presentation of the party's case; or

594 (ii) an employer, upon request in writing for information concerning a claim for a  
595 benefit with respect to a former employee of the employer.

596 (5) The information obtained by the division under this section may be disclosed to:

597 (a) an employee of the department in the performance of the employee's duties in  
598 administering this chapter or other programs of the department;

599 (b) an employee of the Labor Commission for the purpose of carrying out the programs  
600 administered by the Labor Commission;

601 (c) an employee of the Department of Commerce for the purpose of carrying out the  
602 programs administered by the Department of Commerce;

603 (d) an employee of the governor's office or another state governmental agency  
604 administratively responsible for statewide economic development, to the extent necessary for  
605 economic development policy analysis and formulation;

606 (e) an employee of another governmental agency that is specifically identified and  
607 authorized by federal or state law to receive the information for the purposes stated in the law  
608 authorizing the employee of the agency to receive the information;

609 (f) an employee of a governmental agency or workers' compensation insurer to the  
610 extent the information will aid in:

611 (i) the detection or avoidance of duplicate, inconsistent, or fraudulent claims against:

612 (A) a workers' compensation program; or

613 (B) public assistance funds; or

614 (ii) the recovery of overpayments of workers' compensation or public assistance funds;

615 (g) an employee of a law enforcement agency to the extent the disclosure is necessary  
616 to avoid a significant risk to public safety or in aid of a felony criminal investigation;

617 (h) an employee of the State Tax Commission or the Internal Revenue Service for the  
618 purposes of:

619 (i) audit verification or simplification;

620 (ii) state or federal tax compliance;

621 (iii) verification of a code or classification of the:

622 (A) 1987 Standard Industrial Classification Manual of the federal Executive Office of  
623 the President, Office of Management and Budget; or

624 (B) 2002 North American Industry Classification System of the federal Executive  
625 Office of the President, Office of Management and Budget; and

626 (iv) statistics;

627 (i) an employee or contractor of the department or an educational institution, or other  
628 governmental entity engaged in workforce investment and development activities under the  
629 [~~Workforce Investment Act of 1998~~] Workforce Innovation and Opportunity Act, 29 U.S.C.  
630 Sec. 3101 et seq., for the purpose of:

631 (i) coordinating services with the department;

632 (ii) evaluating the effectiveness of those activities; and

633 (iii) measuring performance;

634 (j) an employee of the Governor's Office of Economic Development, for the purpose of  
635 periodically publishing in the Directory of Business and Industry, the name, address, telephone  
636 number, number of employees by range, code or classification of an employer, and type of  
637 ownership of Utah employers;

638 (k) the public for any purpose following a written waiver by all interested parties of  
639 their rights to nondisclosure;

640 (l) an individual whose wage data is submitted to the department by an employer, if no  
641 information other than the individual's wage data and the identity of the employer who  
642 submitted the information is provided to the individual;

643 (m) an employee of the Insurance Department for the purpose of administering Title  
644 31A, Chapter 40, Professional Employer Organization Licensing Act;

645 (n) an employee of the Office of State Debt Collection for the purpose of collecting  
646 state accounts receivable as provided in Section [63A-3-502](#);

647 (o) a creditor, under a court order, to collect on a judgment as provided in Section

648 35A-4-314; or

649 (p) an employee of the Wage and Hour Division of the United States Department of  
650 Labor for the purpose of carrying out the programs administered by the Wage and Hour  
651 Division as permitted under 20 C.F.R. 603.5(e), if the information is subject to the payment of  
652 costs described in 20 C.F.R. 603.8(d) and:

653 (i) is limited to:

654 (A) the name and identifying information of an employer found by the department to  
655 have misclassified one or more workers under Subsection 35A-4-204(3);

656 (B) the total number of misclassified workers for that employer; and

657 (C) the aggregate amount of misclassified wages for that employer;

658 (ii) an employer is given the opportunity to cure a misclassification of one or more  
659 workers, in a manner established by division rule in accordance with Title 63G, Chapter 3,  
660 Utah Administrative Rulemaking Act, before the information is disclosed as described in this  
661 Subsection (5)(p); and

662 (iii) an annual report regarding the benefit to the state from disclosure of information  
663 under this Subsection (5)(p) is provided to the department for inclusion in the department's  
664 annual report described in Section 35A-1-109.

665 (6) Disclosure of private information under Subsection (4)(a)(ii) or Subsection (5),  
666 with the exception of Subsections (5)(a), (g), and (o), may be made if:

667 (a) the division determines that the disclosure will not have a negative effect on:

668 (i) the willingness of employers to report wage and employment information; or

669 (ii) the willingness of individuals to file claims for unemployment benefits; and

670 (b) the agency enters into a written agreement with the division in accordance with  
671 rules made by the department.

672 (7) (a) The employees of a division of the department other than the Workforce  
673 [~~Development and Information~~] Research and Analysis Division and the Unemployment  
674 Insurance Division or an agency receiving private information from the division under this  
675 chapter are subject to the same requirements of privacy and confidentiality and to the same  
676 penalties for misuse or improper disclosure of the information as employees of the division.

677 (b) Use of private information obtained from the department by a person or for a  
678 purpose other than one authorized in Subsection (4) or (5) violates Subsection 76-8-1301(4).

679 Section 12. Section **35A-5-102** is amended to read:

680 **35A-5-102. Federal grants for retraining.**

681 (1) By following the procedures and requirements of Title 63J, Chapter 5, Federal  
682 Funds Procedures Act, the state, through the [~~Employment Development Division~~] department,  
683 may and is encouraged to apply for retraining, community assistance, or technology transfer  
684 funds available through:

- 685 (a) the United States Department of Defense;  
686 (b) United States Department of Labor; or  
687 (c) other appropriate federal offices or departments.

688 (2) In applying for federal funds, the state, through [~~its Employment Development~~  
689 ~~Division or other appropriate office~~] the department, may inform the federal government of  
690 state matching or enhancement funds if those funds are available under Section [67-1-12](#).

691 Section 13. Section **35A-5-202** is amended to read:

692 **35A-5-202. Contracts with providers.**

693 (1) In compliance with Title 63G, Chapter 6a, Utah Procurement Code, the department  
694 shall enter into a contract with one or more qualified providers to implement the [~~workforce~~  
695 ~~improvement plan created under~~] state workforce services plan described in Section  
696 [~~35A-5-201~~] [35A-1-207](#).

697 (2) A contract entered into under this section [~~shall be~~]:

- 698 (a) shall be performance based; and  
699 (b) may be structured so that the provider receives reimbursement based on:  
700 (i) job development;  
701 (ii) participant placement in jobs;  
702 (iii) wages and benefits provided; and  
703 (iv) participant retention in jobs over at least a 12-month period.

704 (3) If the department determines through the procurement process that there are no  
705 qualified providers to implement the [~~workforce improvement plan~~] state workforce services  
706 plan, the department may implement the plan.

707 Section 14. Section **35A-11-203** is amended to read:

708 **35A-11-203. Annual report.**

709 (1) The commission shall annually prepare and publish a report directed to the:

- 710 (a) governor;
- 711 (b) Education Interim Committee;
- 712 (c) Economic Development and Workforce Services Interim Committee;
- 713 (d) Executive Appropriations Committee;
- 714 (e) Legislative Management Committee;
- 715 (f) Business, Economic Development, and Labor Appropriations Subcommittee; and
- 716 (g) State [~~Council on Workforce Services~~] Workforce Development Board.

717 (2) The report described in Subsection (1) shall:

718 (a) describe how the commission fulfilled its statutory purposes and duties during the  
719 year; and

720 (b) contain recommendations on how the state should act to address issues relating to  
721 women in the economy.

722 Section 15. Section **53B-12-101** is amended to read:

723 **53B-12-101. Utah Higher Education Assistance Authority designated -- Powers.**

724 The board is the Utah Higher Education Assistance Authority and, in this capacity, may  
725 do the following:

726 (1) guarantee 100% of the principal of and interest on a loan to or for the benefit of a  
727 person attending or accepted to attend an eligible postsecondary educational institution to assist  
728 that person in meeting any educational expenses incurred in an academic year;

729 (2) take, hold, and administer real or personal property and money, including interest  
730 and income, either absolutely or in trust, for any purpose under this chapter;

731 (3) acquire property for the purposes indicated in Subsection (2) by purchase or lease  
732 and by the acceptance of gifts, grants, bequests, devises, or loans;

733 (4) enter into or contract with an eligible lending institution, or with a public or private  
734 postsecondary educational institution to provide for the administration by the institution of any  
735 loan or loan guarantee made by it, including application and repayment provisions;

736 (5) participate in federal programs guaranteeing, reinsuring, or otherwise supporting  
737 loans to eligible borrowers for postsecondary educational purposes and agree to, and comply  
738 with, the conditions and regulations applicable to those programs;

739 (6) adopt, amend, or repeal rules, in accordance with Title 63G, Chapter 3, Utah  
740 Administrative Rulemaking Act, to govern the activities authorized by this chapter;



741 (7) receive state appropriations for the fund established under Section 53B-12-104 to  
742 match deposits and to accept contributions received by it for this purpose;

743 (8) receive funds from the federal government to assist in implementing federally  
744 supported programs administered under this chapter;

745 (9) engage, appoint, or contract for the services of officers, agents, employees, and  
746 private consultants to render and perform professional and technical duties and provide  
747 assistance and advice in carrying out the purposes of this chapter, to describe their duties, and  
748 to fix the amount and source of their compensation; and

749 (10) receive employment information from the Workforce [~~Development and~~  
750 ~~Information~~] Research and Analysis Division in accordance with Section 35A-4-312 for the  
751 purpose of collecting defaulted student loans made under this chapter. The information  
752 obtained under this Subsection (10) shall be limited to the employer's name, address, and  
753 telephone number for borrowers who have defaulted on a student loan held by the Utah Higher  
754 Education Assistance Authority.

755 Section 16. Section 62A-1-111 is amended to read:

756 **62A-1-111. Department authority.**

757 The department may, in addition to all other authority and responsibility granted to it by  
758 law:

759 (1) adopt rules, not inconsistent with law, as the department may consider necessary or  
760 desirable for providing social services to the people of this state;

761 (2) establish and manage client trust accounts in the department's institutions and  
762 community programs, at the request of the client or the client's legal guardian or representative,  
763 or in accordance with federal law;

764 (3) purchase, as authorized or required by law, services that the department is  
765 responsible to provide for legally eligible persons;

766 (4) conduct adjudicative proceedings for clients and providers in accordance with the  
767 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

768 (5) establish eligibility standards for its programs, not inconsistent with state or federal  
769 law or regulations;

770 (6) take necessary steps, including legal action, to recover money or the monetary value  
771 of services provided to a recipient who was not eligible;

- 772 (7) set and collect fees for its services;
- 773 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,  
774 or limited by law;
- 775 (9) acquire, manage, and dispose of any real or personal property needed or owned by  
776 the department, not inconsistent with state law;
- 777 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or  
778 the proceeds thereof, may be credited to the program designated by the donor, and may be used  
779 for the purposes requested by the donor, as long as the request conforms to state and federal  
780 policy; all donated funds shall be considered private, nonlapsing funds and may be invested  
781 under guidelines established by the state treasurer;
- 782 (11) accept and employ volunteer labor or services; the department is authorized to  
783 reimburse volunteers for necessary expenses, when the department considers that  
784 reimbursement to be appropriate;
- 785 (12) carry out the responsibility assigned in the workforce services plan by the State  
786 [~~Council on Workforce Services~~] Workforce Development Board;
- 787 (13) carry out the responsibility assigned by Section 35A-8-602 with respect to  
788 coordination of services for the homeless;
- 789 (14) carry out the responsibility assigned by Section 62A-5a-105 with respect to  
790 coordination of services for students with a disability;
- 791 (15) provide training and educational opportunities for its staff;
- 792 (16) collect child support payments and any other money due to the department;
- 793 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents  
794 whose child lives out of the home in a department licensed or certified setting;
- 795 (18) establish policy and procedures, within appropriations authorized by the  
796 Legislature, in cases where the department is given custody of a minor by the juvenile court  
797 pursuant to Section 78A-6-117 or ordered to prepare an attainment plan for a minor found not  
798 competent to proceed pursuant to Section 78A-6-1301; any policy and procedures shall  
799 include:
  - 800 (a) designation of interagency teams for each juvenile court district in the state;
  - 801 (b) delineation of assessment criteria and procedures;
  - 802 (c) minimum requirements, and timeframes, for the development and implementation

803 of a collaborative service plan for each minor placed in department custody; and  
804 (d) provisions for submittal of the plan and periodic progress reports to the court;  
805 (19) carry out the responsibilities assigned to it by statute;  
806 (20) examine and audit the expenditures of any public funds provided to local  
807 substance abuse authorities, local mental health authorities, local area agencies on aging, and  
808 any person, agency, or organization that contracts with or receives funds from those authorities  
809 or agencies. Those local authorities, area agencies, and any person or entity that contracts with  
810 or receives funds from those authorities or area agencies, shall provide the department with any  
811 information the department considers necessary. The department is further authorized to issue  
812 directives resulting from any examination or audit to local authorities, area agencies, and  
813 persons or entities that contract with or receive funds from those authorities with regard to any  
814 public funds. If the department determines that it is necessary to withhold funds from a local  
815 mental health authority or local substance abuse authority based on failure to comply with state  
816 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of  
817 services. For purposes of this Subsection (20) "public funds" means the same as that term is  
818 defined in Section [62A-15-102](#);

819 (21) pursuant to Subsection [62A-2-106](#)(1)(d), accredit one or more agencies and  
820 persons to provide intercountry adoption services; and

821 (22) within appropriations authorized by the Legislature, promote and develop a  
822 system of care, as defined in Section [62A-1-104](#), within the department and with contractors  
823 that provide services to the department or any of the department's divisions.

824 Section 17. Section [62A-4a-105](#) is amended to read:

825 **[62A-4a-105. Division responsibilities.](#)**

826 (1) The division shall:

827 (a) administer services to minors and families, including:

828 (i) child welfare services;

829 (ii) domestic violence services; and

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

832 (b) provide the following services:

833 (i) financial and other assistance to an individual adopting a child with special needs

834 under Part 9, Adoption Assistance, not to exceed the amount the division would provide for the  
835 child as a legal ward of the state;

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

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

838 (B) family preservation services;

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

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

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

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

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

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

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

852 (x) services for minors who are victims of human trafficking or human smuggling as  
853 described in Sections 76-5-308 through 76-5-310 or who have engaged in prostitution or sexual  
854 solicitation as defined in Section 76-10-1302; and

855 (xi) training for staff and providers involved in the administration and delivery of  
856 services offered by the division in accordance with this chapter;

857 (c) establish standards for all:

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

859 (ii) facilities that provide substitute care for dependent, abused, neglected, and  
860 delinquent children placed in the custody of the division; and

861 (iii) direct or contract providers of domestic violence services described in Subsection  
862 (1)(b)(vi);

863 (d) have authority to:

864 (i) contract with a private, nonprofit organization to recruit and train foster care

- 865 families and child welfare volunteers in accordance with Section [62A-4a-107.5](#); and
- 866 (ii) approve facilities that meet the standards established under Subsection (1)(c) to
- 867 provide substitute care for dependent, abused, neglected, and delinquent children placed in the
- 868 custody of the division;
- 869 (e) cooperate with the federal government in the administration of child welfare and
- 870 domestic violence programs and other human service activities assigned by the department;
- 871 (f) in accordance with Subsection (2)(a), promote and enforce state and federal laws
- 872 enacted for the protection of abused, neglected, dependent, delinquent, ungovernable, and
- 873 runaway children, and status offenders, in accordance with the requirements of this chapter,
- 874 unless administration is expressly vested in another division or department of the state;
- 875 (g) cooperate with the ~~[Employment]~~ Workforce Development Division in the
- 876 Department of Workforce Services in meeting the social and economic needs of an individual
- 877 who is eligible for public assistance;
- 878 (h) compile relevant information, statistics, and reports on child and family service
- 879 matters in the state;
- 880 (i) prepare and submit to the department, the governor, and the Legislature reports of
- 881 the operation and administration of the division in accordance with the requirements of
- 882 Sections [62A-4a-117](#) and [62A-4a-118](#);
- 883 (j) provide social studies and reports for the juvenile court in accordance with Section
- 884 [78A-6-605](#);
- 885 (k) within appropriations from the Legislature, provide or contract for a variety of
- 886 domestic violence services and treatment methods;
- 887 (l) ensure regular, periodic publication, including electronic publication, regarding the
- 888 number of children in the custody of the division who:
- 889 (i) have a permanency goal of adoption; or
- 890 (ii) have a final plan of termination of parental rights, pursuant to Section [78A-6-314](#),
- 891 and promote adoption of those children;
- 892 (m) subject to Subsection (2)(b), refer an individual receiving services from the
- 893 division to the local substance abuse authority or other private or public resource for a
- 894 court-ordered drug screening test; and
- 895 (n) perform other duties and functions required by law.

896 (2) (a) In carrying out the requirements of Subsection (1)(f), the division shall:  
897 (i) cooperate with the juvenile courts, the Division of Juvenile Justice Services, and  
898 with all public and private licensed child welfare agencies and institutions, to develop and  
899 administer a broad range of services and support;  
900 (ii) take the initiative in all matters involving the protection of abused or neglected  
901 children, if adequate provisions have not been made or are not likely to be made; and  
902 (iii) make expenditures necessary for the care and protection of the children described  
903 in this Subsection (2)(a), within the division's budget.  
904 (b) When an individual is referred to a local substance abuse authority or other private  
905 or public resource for court-ordered drug screening under Subsection (1)(n), the court shall  
906 order the individual to pay all costs of the tests unless:  
907 (i) the cost of the drug screening is specifically funded or provided for by other federal  
908 or state programs;  
909 (ii) the individual is a participant in a drug court; or  
910 (iii) the court finds that the individual is impecunious.  
911 (3) Except to the extent provided by rule, the division is not responsible for  
912 investigating domestic violence in the presence of a child, as described in Section [76-5-109.1](#).  
913 (4) The division may not require a parent who has a child in the custody of the division  
914 to pay for some or all of the cost of any drug testing the parent is required to undergo.  
915 Section 18. Section **62A-4a-709** is amended to read:  
916 **62A-4a-709. Medical assistance identification.**  
917 (1) As used in this section:  
918 (a) "Adoption assistance" means financial support to adoptive parents provided under  
919 the Adoption Assistance and Child Welfare Act of 1980, Titles IV (e) and XIX of the Social  
920 Security Act.  
921 (b) "Adoption assistance agreement" means a written agreement between the division  
922 and adoptive parents or between any state and adoptive parents, providing for adoption  
923 assistance.  
924 (c) "Interstate compact" means an agreement executed by the division with any other  
925 state, under the authority granted in Section [62A-4a-907](#).  
926 (2) The [~~Employment~~] Workforce Development Division in the Department of

927 Workforce Services and the Division of Health Care Financing shall cooperate with the  
928 division and comply with interstate compacts.

929 (3) A child who is a resident of this state and is the subject of an interstate compact is  
930 entitled to receive medical assistance identification from the [~~Employment~~] Workforce  
931 Development Division in the Department of Workforce Services and the Division of Health  
932 Care Financing by filing a certified copy of his adoption assistance agreement with that office.  
933 The adoptive parents shall annually provide that office with evidence, verifying that the  
934 adoption assistance agreement is still effective.

935 (4) The [~~Employment~~] Workforce Development Division in the Department of  
936 Workforce Services shall consider the holder of medical assistance identification received  
937 under this section as it does any other holder of medical assistance identification received  
938 under an adoption assistance agreement executed by the division.

939 (5) The submission of any claim for payment or reimbursement under this section that  
940 is known to be false, misleading, or fraudulent is punishable as a third degree felony.

941 Section 19. **Repealer.**

942 This bill repeals:

943 Section **35A-2-103, Advisory groups -- Creation.**

944 Section **35A-3-115, Public employment offices -- Agreements with other authorities**  
945 **-- Federal system accepted -- Appropriation.**

946 Section **35A-5-201, Workforce improvement plan.**

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