

**SYSTEM OF CARE DEVELOPMENT**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca P. Edwards**

Senate Sponsor: Allen M. Christensen

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions relating to a system of care within the Department of Human Services.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of "system of care";
- ▶ enumerates department authority to develop a system of care; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**62A-1-104**, as last amended by Laws of Utah 2014, Chapter 213

**62A-1-111**, as last amended by Laws of Utah 2016, Chapter 296

---

---

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

Section 1. Section **62A-1-104** is amended to read:

**62A-1-104. Definitions.**



28 (1) As used in this title:

29 (a) "Concurrence of the board" means agreement by a majority of the members of a  
30 board.

31 (b) "Department" means the Department of Human Services established in Section  
32 62A-1-102.

33 (c) "Executive director" means the executive director of the department, appointed  
34 [~~pursuant to~~] under Section 62A-1-108.

35 (d) "System of care" means a broad, flexible array of services and supports [~~for minors~~  
36 ~~with or at risk for complex emotional and behavioral needs~~] that:

37 [~~(i) is community based;~~]

38 [~~(ii) integrates service planning, service coordination, and management across state and~~  
39 ~~local entities;~~]

40 [~~(iii) includes individualized, person-centered planning;~~]

41 [~~(iv) builds meaningful partnerships with families and children; and~~]

42 [~~(v) provides supportive management and policy infrastructure that is organized into a~~  
43 ~~coordinated network.~~]

44 (i) serves a child with or who is at risk for complex emotional and behavioral needs;

45 (ii) is community based;

46 (iii) is informed about trauma;

47 (iv) builds meaningful partnerships with families and children;

48 (v) integrates service planning, service coordination, and management across state and  
49 local entities;

50 (vi) includes individualized case planning;

51 (vii) provides management and policy infrastructure that supports a coordinated  
52 network of interdepartmental service providers, contractors, and service providers who are  
53 outside of the department; and

54 (viii) is guided by the type and variety of services needed by a child with or who is at  
55 risk for complex emotional and behavioral needs and by the child's family.

56 (2) The definitions provided in Subsection (1) are to be applied in addition to  
57 definitions contained throughout this title [~~which~~] that are applicable to [~~specific~~] specified  
58 chapters or parts.

59 Section 2. Section **62A-1-111** is amended to read:

60 **62A-1-111. Department authority.**

61 The department may, in addition to all other authority and responsibility granted to [it]  
62 the department by law:

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

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

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

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

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

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

76 (7) set and collect fees for its services;

77 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,  
78 or limited by law;

79 (9) acquire, manage, and dispose of any real or personal property needed or owned by  
80 the department, not inconsistent with state law;

81 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or  
82 the proceeds thereof, may be credited to the program designated by the donor, and may be used  
83 for the purposes requested by the donor, as long as the request conforms to state and federal  
84 policy; all donated funds shall be considered private, nonlapsing funds and may be invested  
85 under guidelines established by the state treasurer;

86 (11) accept and employ volunteer labor or services; the department is authorized to  
87 reimburse volunteers for necessary expenses, when the department considers that  
88 reimbursement to be appropriate;

89 (12) carry out the responsibility assigned in the workforce services plan by the State

90 Workforce Development Board;

91 (13) carry out the responsibility assigned by Section 35A-8-602 with respect to  
92 coordination of services for the homeless;

93 (14) carry out the responsibility assigned by Section 62A-5a-105 with respect to  
94 coordination of services for students with a disability;

95 (15) provide training and educational opportunities for its staff;

96 (16) collect child support payments and any other money due to the department;

97 (17) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents  
98 whose child lives out of the home in a department licensed or certified setting;

99 (18) establish policy and procedures, within appropriations authorized by the  
100 Legislature, in cases where the department is given custody of a minor by the juvenile court  
101 [~~pursuant to~~] under Section 78A-6-117 or ordered to prepare an attainment plan for a minor  
102 found not competent to proceed [~~pursuant to~~] under Section 78A-6-1301; any policy and  
103 procedures shall include:

104 (a) designation of interagency teams for each juvenile court district in the state;

105 (b) delineation of assessment criteria and procedures;

106 (c) minimum requirements, and timeframes, for the development and implementation  
107 of a collaborative service plan for each minor placed in department custody; and

108 (d) provisions for submittal of the plan and periodic progress reports to the court;

109 (19) carry out the responsibilities assigned to it by statute;

110 (20) examine and audit the expenditures of any public funds provided to local  
111 substance abuse authorities, local mental health authorities, local area agencies on aging, and  
112 any person, agency, or organization that contracts with or receives funds from those authorities  
113 or agencies. Those local authorities, area agencies, and any person or entity that contracts with  
114 or receives funds from those authorities or area agencies, shall provide the department with any  
115 information the department considers necessary. The department is further authorized to issue  
116 directives resulting from any examination or audit to local authorities, area agencies, and  
117 persons or entities that contract with or receive funds from those authorities with regard to any  
118 public funds. If the department determines that it is necessary to withhold funds from a local  
119 mental health authority or local substance abuse authority based on failure to comply with state  
120 or federal law, policy, or contract provisions, it may take steps necessary to ensure continuity of

121 services. For purposes of this Subsection (20) "public funds" means the same as that term is  
 122 defined in Section [62A-15-102](#);

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

125 (22) within appropriations authorized by the Legislature, promote and develop a  
 126 system of care ~~that~~ ~~is~~ ~~provided~~ ~~by~~ ~~the~~ ~~department~~ ~~and~~ ~~with~~ ~~contractors~~  
 126a ~~that provide services to the department or any of the department's divisions.]:~~  
 127 ~~that provide services to the department or any of the department's divisions.]:~~

128 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

129 (b) that encompasses the department, department contractors, and the divisions,  
 130 offices, or institutions within the department, to:

131 (i) navigate services, funding resources, and relationships to the benefit of the children  
 132 and families whom the department serves;

133 (ii) centralize department operations, including procurement and contracting;

134 (iii) develop policies that govern business operations and that facilitate a system of care  
 135 approach to service delivery;

136 (iv) allocate resources that may be used for the children and families served by the  
 137 department or the divisions, offices, or institutions within the department ~~that~~ ~~is~~ ~~provided~~ ~~by~~ ~~the~~ ~~department~~ ~~and~~ ~~with~~ ~~contractors~~ ~~that provide services to the department or any of the department's divisions.];~~ **subject to the**  
 137a **restrictions in Section [63J-1-206](#) ~~that~~ ~~is~~ ~~provided~~ ~~by~~ ~~the~~ ~~department~~ ~~and~~ ~~with~~ ~~contractors~~ ~~that provide services to the department or any of the department's divisions.];~~ ;**

138 (v) create performance-based measures for the provision of services; and

139 (vi) centralize other business operations, including data matching and sharing among  
 140 the department's divisions, offices, and institutions.

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