

28 **62A-4a-118. Annual review of child welfare referrals and cases by executive**
29 **director -- Accountability to the Legislature -- Review by legislative auditor general.**

30 (1) The division shall use principles of quality management systems, including
31 statistical measures of processes of service, and the routine reporting of performance data to
32 employees.

33 (2) (a) In addition to development of quantifiable outcome measures and performance
34 measures in accordance with Section [62A-4a-117](#), the executive director, or his designee, shall
35 annually review a randomly selected sample of child welfare referrals to and cases handled by
36 the division. The purpose of that review shall be to assess whether the division is adequately
37 protecting children and providing appropriate services to families, in accordance with the
38 provisions of Title 62A, Chapter 4a, Child and Family Services, and Title 78A, Chapter 6, Part
39 3, Abuse, Neglect, and Dependency Proceedings, and Part 5, Termination of Parental Rights
40 Act. The review shall focus directly on the outcome of cases to children and families, and not
41 simply on procedural compliance with specified criteria.

42 (b) The executive director shall report, regarding his review of those cases, to the
43 legislative auditor general and the Child Welfare Legislative Oversight Panel.

44 (c) Information obtained as a result of the review shall be provided to caseworkers,
45 supervisors, and division personnel involved in the respective cases, for purposes of education,
46 training, and performance evaluation.

47 (3) The executive director's review and report to the Legislature shall include:

48 (a) the criteria used by the executive director, or his designee, in making the
49 evaluation;

50 (b) findings regarding whether state statutes, division policy, and legislative policy
51 were followed in each sample case;

52 (c) findings regarding whether, in each sample case, referrals, removals, or cases were
53 appropriately handled by the division and its employees, and whether children were adequately
54 and appropriately protected and appropriate services provided to families, in accordance with
55 the provisions of Title 62A, Chapter 4a, Child and Family Services, Title 78A, Chapter 6, Part
56 3, Abuse, Neglect, and Dependency Proceedings, and Part 5, Termination of Parental Rights
57 Act, and division policy;

58 (d) an assessment of the division's intake procedures and decisions, including an

59 assessment of the appropriateness of decisions not to accept referrals; and

60 (e) an assessment of the appropriateness of the division's assignment of priority.

61 (4) (a) In addition to the [~~review conducted by the executive director, beginning July 1,~~
62 ~~2004, the legislative auditor general shall audit~~] executive director's review under Subsection
63 (2), the legislative auditor general shall audit, subject to the prioritization of the Legislative
64 Audit Subcommittee, a sample of child welfare referrals to and cases handled by the division
65 and report [his] the findings to the Child Welfare Legislative Oversight Panel.

66 [~~(b) An audit under Subsection (4)(a) shall be conducted at least once every three~~
67 ~~years, but may be conducted more frequently pursuant to Subsection (4)(d).]~~

68 (b) An audit under Subsection (4)(a) may be initiated by:

69 (i) the Audit Subcommittee of the Legislative Management Committee;

70 (ii) the Child Welfare Legislative Oversight Panel; or

71 (iii) the legislative auditor general, based on the results of the executive director's
72 review under Subsection (2).

73 (c) With regard to the sample of referrals, removals, and cases, the Legislative Auditor
74 General's report may include:

75 (i) findings regarding whether state statutes, division policy, and legislative policy were
76 followed by the division and its employees;

77 (ii) a determination regarding whether referrals, removals, and cases were appropriately
78 handled by the division and its employees, and whether children were adequately and
79 appropriately protected and appropriate services provided for families, in accordance with the
80 provisions of Title 62A, Chapter 4a, Child and Family Services, Title 78A, Chapter 6, Part 3,
81 Abuse, Neglect, and Dependency Proceedings, and Part 5, Termination of Parental Rights Act,
82 and division policy;

83 (iii) an assessment of the division's intake procedures and decisions, including an
84 assessment of the appropriateness of decisions not to accept referrals;

85 (iv) an assessment of the appropriateness of the division's assignment of priority;

86 (v) a determination regarding whether the department's review process is effecting
87 beneficial change within the division and accomplishing the mission established by the
88 Legislature and the department for that review process; and

89 (vi) findings regarding any other issues identified by the auditor or others under this

90 Subsection (4)~~(d)~~.
91 ~~[(d) An audit under Subsection (4)(a) may be initiated by:]~~
92 ~~[(i) the Audit Subcommittee of the Legislative Management Committee;]~~
93 ~~[(ii) the Child Welfare Legislative Oversight Panel; or]~~
94 ~~[(iii) the Legislative Auditor General, based on the results of the executive director's~~
95 ~~review under Subsection (2).]~~

Legislative Review Note
Office of Legislative Research and General Counsel