

Senator Wayne A. Harper proposes the following substitute bill:

PARENTAL REPRESENTATION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Jon Hawkins

LONG TITLE

General Description:

This bill creates the Interdisciplinary Parental Representation Pilot Program.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Interdisciplinary Parental Representation Pilot Program within the Utah Indigent Defense Commission;
- ▶ creates reporting requirements;
- ▶ includes a sunset date; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ to Governor's Office -- Indigent Defense Commission -- Child Welfare Parental Defense Program, as an ongoing appropriation:
 - from General Fund, \$170,000.

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **63I-1-278**, as last amended by Laws of Utah 2020, Chapter 154

28 ENACTS:

29 **78B-22-805**, Utah Code Annotated 1953

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

32 Section 1. Section **63I-1-278** is amended to read:

33 **63I-1-278. Repeal dates, Title 78A and Title 78B.**

34 (1) Section **78B-3-421**, regarding medical malpractice arbitration agreements, is
35 repealed July 1, 2029.

36 (2) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
37 2026.

38 (3) Title 78B, Chapter 12, Part 4, Advisory Committee, which creates the Child
39 Support Guidelines Advisory Committee, is repealed July 1, 2026.

40 (4) Section **78B-22-805**, regarding the Interdisciplinary Parental Representation Pilot
41 Program, is repealed December 31, 2024.

42 Section 2. Section **78B-22-805** is enacted to read:

43 **78B-22-805. Interdisciplinary Parental Representation Pilot Program.**

44 (1) As used in this section:

45 (a) "Program" means the Interdisciplinary Parental Representation Pilot Program
46 created in this section.

47 (b) "Social worker" means an individual who is licensed as:

48 (i) a clinical social worker;

49 (ii) a certified social worker;

50 (iii) a marriage and family therapist; or

51 (iv) a clinical mental health counselor.

52 (2) (a) There is created within the commission the Interdisciplinary Parental
53 Representation Pilot Program.

54 (b) The purpose of the program is to enhance the legal representation of a parent in a
55 child welfare case by including a social worker as a member of the parent's interdisciplinary
56 legal team.

57 (3) (a) A county may submit a proposal to the commission for a grant to develop a
58 social worker position to provide services to parents involved in a child welfare case in the
59 county.

60 (b) A proposal described in Subsection (3)(a) shall include details regarding:

61 (i) how the county plans to use the grant award to fulfill the purpose described in
62 Subsection (2);

63 (ii) any plan to use funding sources in addition to a grant awarded under this section for
64 the proposal; and

65 (iii) other information the commission determines necessary to evaluate the proposal
66 for a grant award under this section.

67 (c) In evaluating a proposal for a grant award under this section, the commission shall
68 consider:

69 (i) the extent to which the proposal will fulfill the purpose described in Subsection (2);

70 (ii) the cost of the proposal;

71 (iii) the extent to which other funding sources identified in the proposal are likely to
72 benefit the proposal;

73 (iv) the sustainability of the proposal;

74 (v) the need for social worker engagement in child welfare cases in the county that
75 submitted the proposal; and

76 (vi) whether the proposal will support improvements in indigent defense services in
77 accordance with the commission core principles described in Section [78B-22-404](#).

78 (4) Before October 1, 2023, the commission shall provide a written report to the Health
79 and Human Services Interim Committee regarding the program that includes information on:

80 (a) the number of grants awarded under the program; and

81 (b) whether the program had any impact on child welfare case outcomes.

82 **Section 3. Appropriation.**

83 The following sums of money are appropriated for the fiscal year beginning July 1,
84 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
85 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
86 Act, the Legislature appropriates the following sums of money from the funds or accounts
87 indicated for the use and support of the government of the state of Utah.

88 ITEM 1

89 To Governor's Office -- Indigent Defense Commission

90 From General Fund

\$170,000

91 Schedule of Programs:

92 Child Welfare Parental Defense Program

\$170,000

93 The Legislature intends that:

94 (1) the appropriations under this item be used for the Interdisciplinary Parental

95 Representation Pilot Program; and

96 (2) under Section [63J-1-603](#), appropriations provided under this section not lapse at the

97 close of fiscal year 2023 and the use of any nonlapsing funds is limited to the purpose

98 described in Subsection (1) of this item.