

SB0054S01 compared with SB0054

~~{deleted text}~~ shows text that was in SB0054 but was deleted in SB0054S01.

inserted text shows text that was not in SB0054 but was inserted into SB0054S01.

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~~{INTERDISCIPLINARY}~~ Senator Wayne A. Harper proposes the following substitute bill:

CHILD WELFARE PARENTAL REPRESENTATION~~{~~

~~PILOT PROGRAM}~~ AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to ~~{the Interdisciplinary Parental Representation Pilot Program}~~ parental representation in child welfare cases.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to the ~~{qualifications required for an individual providing services, under}~~ Child Welfare Parental Representation Fund;
- ▶ amends provisions related to the Interdisciplinary Parental Representation Pilot Program ~~{, to a parent involved in a child welfare case}~~; and

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- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-22-804, as last amended by Laws of Utah 2021, Chapter 228

78B-22-805, as enacted by Laws of Utah 2022, Chapter 188

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

Section 1. Section 78B-22-804 is amended to read:

78B-22-804. Child Welfare Parental Representation Fund -- Contracts for coverage by the fund.

(1) There is created an expendable special revenue fund known as the "Child Welfare Parental Representation Fund."

(2) Subject to availability, the office may make distributions from the fund for the following purposes:

(a) to pay for indigent defense resources for contracted parental representation attorneys;

(b) for administrative costs of the program; and

(c) for reasonable expenses directly related to the functioning of the program, including training and travel expenses.

(3) The fund consists of:

(a) federal funds received by the state as partial reimbursement for amounts expended by the Utah Indigent Defense Commission to pay for parental representation;

[(a)] (b) appropriations made to the fund by the Legislature;

[(b)] (c) interest and earnings from the investment of fund money;

[(c)] (d) proceeds deposited by contributing counties under this section; and

[(d)] (e) private contributions to the fund.

(4) The state treasurer shall invest the money in the fund by following the procedures

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and requirements of Title 51, Chapter 7, State Money Management Act.

(5) (a) If the office anticipates a deficit in the fund during a fiscal year:

- (i) the commission may request an appropriation from the Legislature; and
- (ii) the Legislature may fund the anticipated deficit through appropriation.

(b) If the anticipated deficit is not funded by the Legislature under Subsection (5)(a), the office may request an interim assessment from contributing counties as described in Subsection (6) to fund the anticipated deficit.

(6) (a) A county legislative body and the office may annually enter into a contract for the office to provide indigent defense services for a parent in a child welfare case in the county out of the fund.

(b) A contract described in Subsection (6)(a) shall:

(i) require the contributing county described in Subsection (6)(a) to pay into the fund an amount defined by a formula established by the commission; and

(ii) provide for revocation of the contract for the contributing county's failure to pay the assessment described in Subsection (5) on the due date established by the commission.

(7) After the first year of operation of the fund, a contributing county that enters into a contract under Subsection (6) to initiate or reestablish participation in the fund is required to make an equity payment in the amount determined by the commission, in addition to the assessment described in Subsection (5).

(8) A contributing county that withdraws from participation in the fund, or whose participation in the fund is revoked as described in Subsection (6) for failure to pay the contributing county's assessment when due, shall forfeit any right to any previously paid assessment by the contributing county or coverage from the fund.

Section ~~11~~2. Section **78B-22-805** is amended to read:

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

(1) As used in this section:

(a) "Parental representation liaison" means an individual who has a bachelor's or graduate degree in social work, sociology, psychology, human services, or a closely related field.

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

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~~[(b) "Social worker" means an individual who is licensed as:]~~

~~[(i) a clinical social worker;]~~

~~[(ii) a certified social worker;]~~

~~[(iii) a marriage and family therapist; or]~~

~~[(iv) a clinical mental health counselor.]~~

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

(b) The purpose of the program is to enhance the legal representation of a parent in a child welfare case by including a ~~[social worker]~~ parental representation liaison as a member of the parent's interdisciplinary legal team.

(3) (a) A county may submit a proposal to the commission for a grant to develop a ~~[social worker]~~ parental representation liaison position to provide services to parents involved in a child welfare case in the county.

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

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

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

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

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

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

(ii) the cost of the proposal;

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

(iv) the sustainability of the proposal;

(v) the need for ~~[social worker]~~ parental representation liaison engagement in child welfare cases in the county that submitted the proposal; and

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

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

- (a) the number of grants awarded under the program; and
- (b) whether the program had any impact on child welfare case outcomes.