

1 **CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**

2 **REPORTING AMENDMENTS**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Allen M. Christensen**

6 House Sponsor: Gage Froerer

7

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions of the Child and Family Services chapter of the Utah
11 Human Services Code relating to reports submitted to the Child Welfare Legislative
12 Oversight Panel.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ provides that the report to the Child Welfare Legislative Oversight Panel on cases
16 not in compliance with statutory time limits is required only from the judicial
17 branch and not the Division of Child and Family Services and the attorney general;

18 ▶ adds compliance with the time limits relating to shelter hearings to the report
19 described in the preceding paragraph; and

20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **62A-4a-207**, as last amended by Laws of Utah 2010, Chapter 323

28

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

30 Section 1. Section **62A-4a-207** is amended to read:

31 **62A-4a-207. Legislative Oversight Panel -- Responsibilities.**

32 (1) (a) There is created the Child Welfare Legislative Oversight Panel composed of the
33 following members:

34 (i) two members of the Senate, one from the majority party and one from the minority
35 party, appointed by the president of the Senate; and

36 (ii) three members of the House of Representatives, two from the majority party and
37 one from the minority party, appointed by the speaker of the House of Representatives.

38 (b) Members of the panel shall serve for two-year terms, or until their successors are
39 appointed.

40 (c) A vacancy exists whenever a member ceases to be a member of the Legislature, or
41 when a member resigns from the panel. Vacancies shall be filled by the appointing authority,
42 and the replacement shall fill the unexpired term.

43 (2) The president of the Senate shall designate one of the senators appointed to the
44 panel under Subsection (1) as the Senate chair of the panel. The speaker of the House of
45 Representatives shall designate one of the representatives appointed to the panel under
46 Subsection (1) as the House chair of the panel.

47 (3) The panel shall follow the interim committee rules established by the Legislature.

48 (4) The panel shall:

49 (a) examine and observe the process and execution of laws governing the child welfare
50 system by the executive branch and the judicial branch;

51 (b) upon request, receive testimony from the public, the juvenile court, and from all
52 state agencies involved with the child welfare system, including the division, other offices and
53 agencies within the department, the attorney general's office, the Office of Guardian Ad Litem,
54 and school districts;

55 (c) before October 1 of each year, receive ~~[reports from the division, the attorney~~
56 ~~general, and] a report from~~ the judicial branch identifying the cases not in compliance with the
57 time limits established in the following sections, and the reasons for noncompliance:

58 (i) Subsection 78A-6-306(1)(a), regarding shelter hearings;
59 (ii) Section 78A-6-309, regarding pretrial and adjudication hearings[;];
60 (iii) Section 78A-6-312, regarding dispositional hearings and reunification services[;];
61 and
62 (iv) Section 78A-6-314, regarding permanency hearings and petitions for termination[;
63 ~~and the reasons for the noncompliance];~~
64 (d) receive recommendations from, and make recommendations to the governor, the
65 Legislature, the attorney general, the division, the Office of Guardian Ad Litem, the juvenile
66 court, and the public;
67 (e) (i) receive reports from the executive branch and the judicial branch on budgetary
68 issues impacting the child welfare system; and
69 (ii) recommend, as the panel considers advisable, budgetary proposals to the Health
70 and Human Services Appropriations Subcommittee and the Executive Offices and Criminal
71 Justice Appropriations Subcommittee, which recommendation should be made before
72 December 1 of each year;
73 (f) study and recommend proposed changes to laws governing the child welfare
74 system;
75 (g) study actions the state can take to preserve, unify, and strengthen the child's family
76 ties whenever possible in the child's best interest, including recognizing the constitutional
77 rights and claims of parents whenever those family ties are severed or infringed;
78 (h) perform such other duties related to the oversight of the child welfare system as the
79 panel considers appropriate; and
80 (i) annually report the panel's findings and recommendations to the president of the
81 Senate, the speaker of the House of Representatives, the Health and Human Services Interim
82 Committee, and the Judiciary Interim Committee.
83 (5) (a) The panel has authority to review and discuss individual cases.
84 (b) When an individual case is discussed, the panel's meeting may be closed pursuant
85 to Title 52, Chapter 4, Open and Public Meetings Act.

86 (c) When discussing an individual case, the panel shall make reasonable efforts to
87 identify and consider the concerns of all parties to the case.

88 (6) (a) The panel has authority to make recommendations to the Legislature, the
89 governor, the Board of Juvenile Court Judges, the division, and any other statutorily created
90 entity related to the policies and procedures of the child welfare system. The panel does not
91 have authority to make recommendations to the court, the division, or any other public or
92 private entity regarding the disposition of any individual case.

93 (b) The panel may hold public hearings, as it considers advisable, in various locations
94 within the state in order to afford all interested persons an opportunity to appear and present
95 their views regarding the child welfare system in this state.

96 (7) (a) All records of the panel regarding individual cases shall be classified private,
97 and may be disclosed only in accordance with federal law and the provisions of Title 63G,
98 Chapter 2, Government Records Access and Management Act.

99 (b) The panel shall have access to all of the division's records, including those
100 regarding individual cases. In accordance with Title 63G, Chapter 2, Government Records
101 Access and Management Act, all documents and information received by the panel shall
102 maintain the same classification that was designated by the division.

103 (8) In order to accomplish its oversight functions, the panel has:

104 (a) all powers granted to legislative interim committees in Section 36-12-11; and

105 (b) legislative subpoena powers under Title 36, Chapter 14, Legislative Subpoena
106 Powers.

107 (9) Members of the panel shall receive salary and expenses in accordance with Section
108 36-2-2.

109 (10) (a) The Office of Legislative Research and General Counsel shall provide staff
110 support to the panel.

111 (b) The panel is authorized to employ additional professional assistance and other staff
112 members as it considers necessary and appropriate.