

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
Monday, July 18, 2005 – 2:00 p.m. – Room W020 House Building

Members Present:

Sen. Dan R. Eastman, Senate Chair
Rep. Steven R. Mascaro, House Chair
Sen. Gene Davis
Rep. David Litvak
Rep. Paul Ray

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Wendy L. Bangerter, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Mascaro called the meeting to order at 1:10 p.m. He recognized the panel members. He expressed appreciation for the sacrifice that Rep. Ray recently made by resigning from the Clinton City Council so that he could focus more fully on his legislative duties.

MOTION: Rep. Litvak moved to approve the minutes of the November 9, 2004 meeting. The motion passed unanimously.

2. Update on Federal Court Oversight

Mr. Alain C. Balmanno, Assistant Utah Attorney General, Office of the Attorney General, briefed the Panel on recent developments in the federal court's oversight of Utah's child welfare system. He also distributed to the Panel copies of the state's June 2005 status report. The stipulation to amend the Performance Milestone Plan, the Defendants' December 2004 Status Report, and the Plaintiff's December 2004 Status Report were mailed previously to the panel. The next status conference with the court is scheduled for January 19, 2006.

Mr. Balmanno indicated that he has accepted an employment offer to work in a private law firm and will no longer be representing the state in *David C.* Ms. Joni Jones has been appointed as his replacement on the case.

3. DCFS Director's Annual Report

Ms. Patty Van Wagoner, Deputy Director, DCFS (Division of Child and Family Services), gave the "DCFS Director's Annual Report—Statutory Requirements" and "Utah's Division of Child and Family Services Fiscal Year 2004 Annual Report." She reviewed progress that has been made and what challenges are yet to be met and overcome. She reported Utah's status compared to other states.

Mr. Jack Green, DCFS, reviewed Medicaid funding concerns.

4. Guardian ad Litem Audit

Mr. Darin Underwood, Auditor Supervisor, Office of the Legislative Auditor General, gave a presentation that reviewed the "Performance Audit of the Office of the Guardian ad Litem." Background materials

previously furnished to the Panel included: "A Performance Audit of the Office of the Guardian ad Litem" and excerpts from minutes of Committee meetings in which the audit of the Office of the Guardian ad Litem was discussed. Mr. Underwood reviewed the audit recommendations.

Mr. Rick Coleman, Deputy Auditor General, Legislative Auditor General's Office, and Mr. Mark May, Division Chief, Child Protection Division, Office of the Attorney General, responded to questions from the Panel.

Mr. Myron March, Deputy State Court Administrator, Administrative Office of the Courts, expressed support for the creation of an oversight board and the other recommendations made in the audit.

Ms. Kristin Brewer, Director, GAL (Office of the Guardian ad Litem), responded to the audit and expressed support for its recommendations.

The Panel discussed the audit.

MOTION: Sen. Davis moved that in November the GAL and the courts make recommendations to the Panel for budget recommendations, which could be made by the Panel to the appropriations committees and included as part of the Panel's annual report to the Health and Human Services Interim Committee. The motion passed unanimously, with Sen. Eastman absent for the vote.

5. Interim Study Schedule

The panel discussed the potential study items for the 2005 Interim. Background materials previously distributed to the Panel included: "2005 Session Wrap-Up," Letter from the Health and Human Services Interim Committee, "Potential Interim Study Topics," and "Authority and Duties of the Child Welfare Legislative Oversight Panel."

The next meeting was scheduled for Monday, August 22, 2005 at 1:00 p.m.

6. Other Items

No other items were discussed.

7. Adjourn

MOTION: Rep. Ray moved to adjourn the meeting. The motion passed unanimously, with Sen. Eastman absent for the vote.

Chair Mascaro adjourned the meeting at 3:25 p.m.