

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
November 5, 2007 – 1:30 p.m. – Room W020 House Building

Members Present:

Sen. Dan R. Eastman, Senate Chair
Rep. Steven R. Mascaró, House Chair
Sen. Gene Davis
Rep. David Litvack
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

Rep. Mascaró called the meeting to order at 1:44 p.m.

MOTION: Sen. Davis moved to approve the minutes of the October 18, 2007 meeting. The motion passed unanimously. Sen. Eastman was absent for the vote.

2. Draft Legislation

"Child Abuse and Neglect Registry - Management and Licensing Information Systems Amendments"

2008 General Session draft legislation, "Child Abuse and Neglect Registry - Management and Licensing Information Systems Amendments," was distributed to the panel members.

Mr. Duane Betournay, Director, DCFS (Division of Child and Family Services), reviewed concerns that DCFS had with the proposed legislation and made recommendations to Sen. Davis, the sponsor of the bill.

Panel members expressed some concerns about the bill, but expressed their support if the draft is reworked with DCFS.

MOTION: Sen. Davis moved to adopt 2008 General Session draft legislation "Child Abuse and Neglect Registry - Management and Licensing Information Systems Amendments" as a committee bill on the condition that he will meet with DCFS and refine the bill so that he and the division are as close as possible to unanimity on the bill. The motion passed unanimously. Sen. Eastman was absent for the bill.

Sen. Eastman arrived and assumed chairing the meeting.

"Training of Division of Child and Family Services Caseworkers,"

Mr. Betournay stated that DCFS understands the importance of caseworker training and expressed the desire of DCFS to include all relevant information in their training curriculum without being redundant or burdensome. He expressed concern about the statute becoming too specific about training requirements.

Some panel members expressed concern about overtraining and micromanaging training.

Sen. Davis indicated that he will abandon 2008 General Session draft legislation "Training of Division of Child and Family Services Caseworkers" providing that DCFS develops a rule that incorporates the requirements of the bill in caseworker training. Mr. Betournay indicated that DCFS will prepare a rule incorporating the requirements into caseworker training. In response to a panel member's suggestion, Mr. Betournay indicated that the Division will acknowledge to the panel its understanding of what has been requested by the Panel in terms of a rule and how it will proceed.

"Waivers of Immunity - Exceptions"

Rep. Gregory H. Hughes, assisted by Mr. Thomas Vaughn, Associate General Counsel, explained that 2008 General Session draft legislation, "Waiver of Immunity - Exceptions," would provide exceptions to the immunity granted to government employees and certain persons, officials, and institutions who assist in a child protection matter. They explained when and why a person's immunity would not apply.

Ms. Lisa-Michelle Church, Executive Director, Department of Human Services, expressed concern that the bill would create undue fear in those working with a case, including community partners, that they might be held liable for information withheld.

Rep. Hughes emphasized there needs to be a clear standard for illegal conduct.

Rep. Litvack stated he would not be comfortable supporting the bill without further study.

MOTION: Rep. Ray moved to recommend 2008 General Session draft legislation, "Waivers of Immunity - Exceptions," to the Health and Human Services Interim Committee and adopt it as a committee bill. The motion passed with all members voting in favor except Rep. Litvack who voted in opposition.

"Child Welfare Amendments"

Rep. Wayne Harper explained that 2008 General Session draft legislation, "Child Welfare Amendments," was prepared in response to amendments made to background check and child placement provisions during the 2007 General Session as a result of the federal Adam Walsh Act.

Mr. Betournay stated that DCFS has worked closely with GAL (Office of the Guardian ad Litem) and others and agrees that the bill provides a good direction. He feels it is an opportunity for a good policy discussion on how much risk the state or DCFS is willing to take. He noted that there will be a fiscal note on the bill.

MOTION: Sen. Davis moved to adopt 2008 General Session draft legislation, "Child Welfare Amendments," as a committee bill and recommend it to the Health and Human Services Interim Committee. The motion passed unanimously. Rep. Mascaro was absent for the vote.

3. Guardian ad Litem

Mr. Keith Kelly, Chair, Judicial Council Guardian ad Litem Oversight Committee, distributed and reviewed "Guardian ad Litem Report to CWLOP." He reviewed the focuses and responsibilities of the committee and what they have accomplished. He also reviewed the committee's concerns, specifically regarding the ratio of cases per attorney.

Mr. Rick Smith, Director, GAL, reviewed the GAL's FY 09 budget request. He noted that the administrative office of the courts is conducting an extensive market analysis of GAL salaries.

MOTION: Sen. Davis moved that the Panel indicate to the Executive Offices and Criminal Justice Appropriations Subcommittee that it believes the GAL's FY 09 budget proposal is appropriate and that the Panel recommends that the appropriations subcommittee adopt the GAL's proposal.

Chair Eastman turned the chair over to Rep. Mascaro.

4. Kinship Care

Ms. Chris Brady and Ms. Jacci Graham, Children's Service Society of Utah, distributed "Kinship Issues in Utah" and explained the Grandfamilies program. They explained that children do better when placed with a relative than when placed in foster care. However, those relative caregivers need assistance to help them be successful in raising these emotionally, mentally, and sometimes physically wounded children. They reviewed the specific needs that kinship caregivers have, as well as some of the skills and education they need.

They also reviewed the Grandfamilies program funding needs. They explained that the program is not fully funded at this time and that some of the funding sources will soon be sunsetted.

MOTION: Sen. Davis moved that the Panel recommend that the Legislature give further consideration to issues related to the care of children by relatives, including health care, education, caregiver's rights, and increasing the availability of Department of Workforce Services specified relative grants. The motion passed unanimously. Sen. Eastman was absent for the vote.

Rep. Litvack was asked to give the Child Welfare Oversight Panel report to the Health and Human Services Interim Committee on November 14, 2007, and include the kinship discussion.

5. Follow-up on Requested Information

As follow-up to a request for information at the October meeting, Mr. Betournay distributed Division data broken down by minority status and by substance abuse status.

6. Adjourn

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

Chair Mascaro adjourned the meeting at 4:15 p.m.