

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
Thursday, July 10, 2008 – 8:30 a.m. – Room C250 State Capitol

Members Present:

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

Members Absent:

Sen. Dan R. Eastman, Senate Chair

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 Mascaró called the meeting to order at 8:45 a.m.

MOTION: Rep. Ray moved to approve the minutes of November 5, 2007. The motion passed unanimously. Rep. Litvack was absent for the vote.

2. Division of Child and Family Services Reports

Ms. Lisa-Michele Church, Executive Director, Department of Human Services, expressed appreciation for the support of the Legislature and urged that it continue to maintain staffing levels and laws where they need to be so that caseloads can also be maintained at the current levels. She invited legislators to contact her if they have any ideas for child welfare legislation. She discussed the Child and Family Cabinet Council and said that it will be addressing children's health, learning, and mental health issues this year. She invited panel members to attend child welfare hearings at the juvenile court in West Jordan on either October 9 or 16.

Mr. Brad McGarry, Director, Office of Services and Review, Department of Human Services, explained, generally, the results of the case process review and qualitative case reviews and said that he would be able to provide a full report in a couple of months. He explained the role of the Child Welfare Policy and Practice Group in conducting the reviews. He reported the number of fatality reviews conducted over the past three years.

Ms. Church recommended that the Legislature evaluate child welfare measures that are proposed in the future in terms of their impacts on outcomes to children.

Ms. Susan Eisenman, Assistant Attorney General, Attorney General's Office, reported that the *David C.* case was dismissed without prejudice in December 2007. She said that the Child Welfare Policy and Practice Group is starting its review of the state's child welfare system and noted that if no filing is made by December 31, 2008 asserting a material violation of the terms

of the exit agreement, the case will be dismissed with prejudice. She noted that the state has agreed to operate its child welfare system as is through 2010.

Chair Mascaro noted the communication sent by the panel chairs last year indicating that even though *David C.* has been terminated, the Panel should continue. He said that the Panel does not have a sunset date.

Mr. Duane Betournay, Director, Division of Child and Family Services (DCFS), noted that the Division has completed the federal Child and Family Services Review Program Improvement Plan. He distributed the Division's 2007 Annual Report and discussed various aspects of it in detail. In response to questions, he indicated he would provide the Panel with the following:

- child welfare measures, by race, for every point in the child welfare system;
- information on the Hispanic community's involvement in child welfare;
- data on informal placements and the best practice in the U.S.; and
- total Medicaid spending and a breakdown of "contracts and purchased services" (see page 26 of the Annual Report).

3. Follow-up on Recommendations by the Oversight Panel and Other 2008 Legislation and Appropriations

Mr. Tom Vaughn, Associate General Counsel, reviewed each bill recommended by the Panel for the 2008 General Session, what it provided, and its current status. He also reported on the Panel's recommended increase in funding for the Office of the Guardian ad Litem. Senator Davis indicated that he will work on follow-up legislation for the Panel to review that will address due process for individuals whose names are included on the DCFS management and licensing information system.

4. Utah Foster Care Foundation

Ms. Kelly Peterson, Chief Executive Officer, Utah Foster Care Foundation, distributed and reviewed a report on the current situation of Utah's foster care program. She reviewed program strategies and outcomes. She noted the need for more good foster families and the challenge of training both foster families and kinship families. She indicated that foster parenting is becoming cost prohibitive in urban areas of the state among dual income families who need to pay for child care. She distributed "Strengthening Families" and "Hitting the M.A.R.C."

Ms. Kelsey Lewis, Utah Foster Care Foundation, addressed the costs of caring for children in foster care and noted that Utah is below the target for meeting those costs. She reviewed issues that make it difficult to go through the process of becoming a foster parent and also the high costs of providing for a child in foster care.

Representative Litvack asked that DCFS look at reimbursing foster parents based on their expenses and that the Panel follow up on this issue at its next meeting. He also asked that the Panel follow up on how to improve unnecessary delays in the process of becoming a foster parent.

Rep. Mascaro turned the chair over to Rep. Ray.

5. Other Business

Sen. Davis identified two issues he would like the Panel to review this year: national trends in the medication of children in the custody of a state, and substance abuses in child welfare. He also said that he thought it would be good to have a Panel meeting at a juvenile court, perhaps even on a date other than the ones mentioned earlier by Ms. Church.

6. Adjourn

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

Rep. Ray adjourned the meeting at 10:20 a.m.