

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
December 16, 2008 – 3:00 p.m. – Room C250 Capitol Building

Members Present:

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

Staff Present:

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

Members Absent:

Sen. Gene Davis
Rep. Paul Ray

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 3:20 p.m.

MOTION: Rep. Litvack moved to approve the minutes of the October 6, 2008 meeting. The motion passed unanimously.

2. *David C.* Exit Agreement

Mr. Andrews read two draft letters. The first letter was from the Panel chairs to Ms. Lisa-Michele Church, Executive Director of the Department of Human Services, reaffirming the continuing oversight role of the Child Welfare Panel following the expected dismissal of *David C.* The second letter was from Mr. John F. O'Toole, Director of the National Center for Youth Law (NCYL), to Governor Huntsman stating NCYL's intent to ask the federal court to dismiss the *David C.* case with prejudice.

Ms. Lisa-Michele Church, Executive Director, Department of Human Services, expressed appreciation to the Legislature for its efforts over the past few years to fund child welfare caseworkers and providers in order to keep those two parts of the child welfare system strong, and to be careful about adopting policy changes proposed in legislation. She said that she hopes these two aspects of oversight will continue — looking at the DCFS (Division of Child and Family Services) budget and resources, and looking at the bills that come up in terms of policy to protect children. She expressed confidence in the Legislature.

Ms. Church also expressed appreciation for the NCYL's role in the reforms that have been made to the child welfare system, for current and former DCFS directors Mr. Duane Betournay and Mr. Richard Anderson, and for state attorneys Mr. Barlow and Ms. Eisenman. She encouraged the Panel to include her on its future agendas to discuss child welfare outcomes for children.

Ms. Susan Eisenman, Office of the Attorney General, updated the Panel on the process that will be followed to complete the dismissal of *David C.*

Mr. Duane Betournay, Director, DCFS, acknowledged the hundreds of DCFS workers, administrators, supervisors, and support staff that have made this day possible.

3. Guardian ad Litem Audit

Ms. DeAnna Herring and Mr. Rick Coleman, Office of the Auditor General, reviewed in detail the Legislative Auditor General's recently released in-depth follow-up audit of the Office of the Guardian ad Litem (GAL). Ms. Herring expressed continued concern about the accuracy of GAL caseload data. Chair Mascaro suggested that the recommendations of the audit be discussed further by the Panel at a future meeting.

Sen. Eastman suggested that the caseload for GAL attorneys be reduced by the use of contract attorneys.

Mr. Coleman noted that increased collection of fees would provide a means to reduced GAL caseloads. He indicated that there is no evidence that GAL caseloads are out of line with caseloads in other states. He also indicated that he would like to see attention paid to the use of the GAL in district court cases.

Mr. Rick Smith, Director, Office of the Guardian ad Litem, explained how his office has responded to each recommendation of the audit report.

Mr. Keith Kelly, Chair, Guardian ad Litem Oversight Committee, referred to the committee's response to the audit included at the end of the audit report. He emphasized the need for requiring a judge to specify which issues a guardian ad litem should deal with in a district court case, continuing study of the collection of fees in district court cases, increasing the salaries of guardians ad litem, and increasing support staff.

4. Guardian ad Litem FY 10 Budget Request

Mr. Smith distributed the Office of the Guardian ad Litem annual report. He also distributed "Parity Fact Sheet" and "Staffing Fact Sheet," two documents which relate to the office's budget needs. He asked that GAL attorney salaries be increased so that they are on par with the salaries of other attorneys. He also identified the need for additional staff support so that GAL attorneys can spend more of their time doing lawyer work rather than secretarial work.

Mr. Kelly said that the Guardian ad Litem Oversight Committee has endorsed the Office of the Guardian ad Litem's budget proposal.

The Panel did not take any action on the budget proposal.

5. Family Support Centers

Ms. Katy Bonds, Director, Box Elder Family Support Center, distributed a pamphlet and addressed the importance of child abuse prevention. She explained that family support centers provide crisis nursery care, respite nursery care, and education about family life to help families overcome crises, and to help prevent child abuse.

Ms. Sharon Anderson, Executive Director, Family Connection Center, explained that family support centers function as a buffer between at-risk families and DCFS. In 2007, centers had to turn away over

1,400 people due to lack of funding. Ms. Anderson presented two funding alternatives to the Panel: (1) increase funding to each family support center by \$30,000 (\$450,000 statewide total); and (2) increase funding to each family support center by \$30,000 and fund two additional staff positions at each center (\$1,200,000 statewide total).

Mr. Betournay said that family support centers keep children out of foster care and that DCFS relies upon them routinely.

6. Review of Draft Legislation

Rep. Wayne A. Harper presented 2009 General Session draft legislation, "Guardian Ad Litem Amendments." He identified recommendations from the legislative audit of the Office of the Guardian ad Litem addressed by the two bills.

MOTION: Sen. Eastman moved to adopt 2009 General Session draft legislation, "Guardian Ad Litem Amendments," as a committee bill. The motion passed unanimously.

Rep. Harper presented 2009 General Session draft legislation, "Amendments to Child Welfare."

MOTION: Rep. Litvack moved to adopt 2009 General Session draft legislation, "Amendments to Child Welfare," as a committee bill. The motion passed unanimously.

7. Adjourn

MOTION: Rep. Litvack moved to adjourn the meeting. The motion passed unanimously.

Chair Mascaro adjourned the meeting at 5:15 p.m.