

**MINUTES OF THE  
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**  
December 17, 2010 – 9:00 a.m. – Room 250 State Capitol

**Members Present:**

Sen. Allen M. Christensen Senate Chair  
Rep. Merlynn G. Newbold, House Chair  
Sen. Gene Davis  
Rep. Trisha S. Beck  
Rep. Lorie D. Fowlke

**Staff Present:**

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

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Newbold called the meeting to order at 9:08 a.m.

**MOTION:** Sen. Christensen moved to approve the minutes of the August 24, 2010 meeting. The motion passed unanimously. Sen. Davis and Rep. Beck were absent for the vote.

**2. Review of Child Welfare Legislation Requested for the 2011 General Session**

Mr. Vaughn discussed requests for 2011 child welfare legislation by Sen. McAdams, Rep. Harper, and Chair Newbold.

**3. Integrating Feedback**

Mr. Palmer DePaulis, Director, Department of Human Services, distributed and discussed "Integrating Feedback," a chart outlining generally how various reports about Utah's child welfare system could be reviewed and acted upon by government entities, including the Division of Child and Family Services (DCFS) and the Child Welfare Legislative Oversight Panel.

**4. Report by the Office of Services Review**

Mr. Brad McGarry, Manager, Office of Services Review, Department of Human Services, distributed "Fiscal Year 2010 - A System Review of the Division of Child and Family Services." The review includes the results of two annual studies conducted by the Office—the Case Process Review (CPR) and the Qualitative Case Review (QCR).

Mr. McGarry highlighted the results of the Case Process Review, noting that although the CPR statistics are above standard, they are trending down. He indicated that three statistics were in "marked decline" and that the Division would have to develop plans for improving them. He also indicated that the "Unable to Locate [the subject of an abuse or neglect referral]" process will have to be looked at for improvement.

Ms. Kristen Lambert, Office of Services Review, reviewed the results of the Qualitative Case Review. She noted that both review domains—Child and Family Status, and System Performance—scored above standard, but that indicators within the domains are trending down. She noted that at the region level, some regions did not meet standards for one of the domains and that one region had four "marked

declines" on "core indicators." She also said that the Office just completed the next QCR for Salt Lake Region and that the region failed to meet the standard for System Performance. Ms. Lambert indicated that the drop in performance may be attributable to changes in caseload, availability of services, morale, and budget.

Ms. Cheryl Dalley, Fatality Review Coordinator, Office of Services Review, Department of Human Services, reported on the causes of death of children in FY 2010 who had received DCFS services, or whose families had received DCFS services, within 12 months of the child's death. She said that the Department's Fatality Review Committee makes recommendations to DCFS and that DCFS has been extremely responsive to the Committee's recommendations.

Mr. Brent Platte, Director, Division of Child and Family Services, Department of Human Services, said that caseloads have been going up as a result of the Department of Human Services hiring freeze and increasing numbers of children in foster care. He said that the hiring freeze has been partially lifted and that in August and September the Division started filling vacant positions. He said that the Division has filled about 60 of 103 positions.

Chair Newbold pointed out that the Legislature adopted intent language during the 2011 General Session approving an increase in DCFS caseloads of one case per caseworker. Mr. Platte said that the caseload has gone up two cases per caseworker.

Rep. Fowlke said that it doesn't matter how many caseworkers DCFS has if the caseworkers don't have services to offer families. Mr. Platte said that DCFS is gathering data to show how many DCFS providers are in each county and how much they are being paid.

## **5. Report by the Division of Child and Family Services**

Mr. Platte presented information that will be included in DCFS' annual report, to be released by the end of December. He identified several areas of concern:

- **Stability of Foster Care Placements**—The national standard for foster care placements is no more than two placements per child. The Utah rate is about three placements per child. This issue is being studied by each of the five regions within DCFS.
- **Financing of Services**—DCFS is studying whether services previously paid for with bundled Medicaid payments can now be provided to children before they are removed from their homes.
- **Centralized Intake**—DCFS is creating a centralized process for receiving and evaluating referrals of potential child abuse or neglect. DCFS believes the process will improve consistency of referral response across the state.

Mr. Platte discussed foster care payments and said that foster care families get paid pennies on what they should. He also said that placement stability is on the agenda for the next state leadership meeting.

Ms. Navina Forsythe, Director, Information Systems Evaluation and Research, DCFS, said that increasing stability of foster care placements comes down to providing more services to support foster parents.

## **6. Report by the Administrative Office of the Courts**

Ms. Katie Gregory, Assistant Juvenile Court Administrator, Administrative Office of the Courts, distributed an updated version of page 9 of "Child Welfare Statutory Time Requirements Report - Fiscal Year 2010." The report was mailed to the Panel before the meeting. Ms. Gregory reviewed reasons for why deadlines were missed.

## **7. Report by the Office of the Attorney General**

Ms. Julie V. Lund, Division Chief, Child Protection Division, Office of the Attorney General, discussed the Office's "Annual Report on Compliance with Statutory Court Time Limits." The report was mailed to the Panel before the meeting. Ms. Lund said that despite unfilled staff positions, the numbers in the report have remained high. She identified reasons for delays in predeprivation hearings and answered questions of the Panel.

Ms. Lund and Ms. Gregory agreed that the reporting on compliance with statutory time limits could be handled by one report from the Administrative Office of the Courts rather than by separate reports from the Courts and the Office of the Attorney General.

**MOTION:** Rep. Fowlke moved to recommend elimination of the Attorney General's report. The motion passed unanimously.

## **8. Report by the Office of the Guardian ad Litem**

Ms. Tani Downing, Chair, Guardian ad Litem Oversight Committee, presented a brief overview of the Office of the Guardian ad Litem and the seven individuals who serve on the Judicial Council's Guardian ad Litem Oversight Committee.

Mr. Rick Smith, Director, Office of the Guardian ad Litem (GAL), reviewed "Utah Office of Guardian ad Litem and CASA - Annual Report 2010." The report was mailed to the Panel before the meeting. Mr. Smith identified three critical funding needs: a) achieving attorney salary parity; b) funding additional attorney support staff; and 3) reducing attorney caseloads. He indicated that salary parity would cost \$1.2 million, providing adequate support staff would cost about \$800,000, and reducing caseloads to the national standard would cost about \$4.6 million. He said the Office expects to have its new web-based case management system (VOICE), developed in response to a 2008 recommendation by the Office of the Legislative Auditor General, in place by the end of fiscal year 2010-11.

**MOTION:** Sen. Davis moved that the Panel go on record that it has looked at the financial issues identified by Mr. Smith in the Office of the Guardian ad Litem's annual report, and that it urges the Executive Offices and Criminal Justice Appropriations Subcommittee to consider those issues and to continue to work and strive to bring about the efficiencies the Office needs to represent children, to expedite completion of the VOICE case management system, and to consider attorney salary parity. The motion passed unanimously.

### **9. Child Fatality Reviews (closed portion of the meeting)**

**MOTION:** Chair Christensen moved to close the meeting to the public for the purpose of reviewing 2010 child fatality review reports. The motion was made pursuant to Utah Code Subsection 52-4-205(2)(b) and the chair signed the affidavit required by Utah Code Section 52-4-206(6)(a). The motion passed unanimously.

**MOTION:** Chair Christensen moved to reopen the meeting. The motion passed unanimously. Rep. Fowlke was absent for the vote.

Mr. Vaughn indicated that the agenda for the meeting referenced an incorrect section of the Utah Code as the basis for closing the meeting to review child fatality reports, but that Utah law does not require including the code section upon which closing a meeting will be closed in the agenda. The reason need only be indicated at the time the motion to close the meeting is made. After clarifying this, he asked the Panel to retake the motion to close the meeting.

**MOTION:** Chair Christensen moved to close the meeting to the public for the purpose of reviewing 2010 child fatality review reports. The motion was made pursuant to Utah Code Subsection 52-4-205(2)(b) and the chair noted that the affidavit required by Utah Code Section 52-4-206(6)(a) was signed. The motion passed unanimously with Rep. Fowlke absent for the vote.

Chair Christensen clarified that the intent of the Panel was to hold the closed portion of the meeting at the same location as the open portion of the meeting.

The Panel met in closed session.

### **10. Motion to reopen the meeting to the public**

**MOTION:** Chair Christensen moved to reopen the meeting. The motion passed unanimously. Rep. Fowlke was absent for the vote.

### **11. Adjourn**

**MOTION:** Sen. Davis moved to adjourn the meeting. The motion passed unanimously with Rep. Fowlke absent for the vote.

Chair Newbold adjourned the meeting at 12:54 p.m.