

**MINUTES OF THE  
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**  
December 17, 2012 – 9:00 a.m. – Room 450 Capitol

**Members Present:**

Sen. Allen M. Christensen Senate Chair  
Rep. Merlynn T. Newbold, House Chair  
Sen. Gene Davis  
Rep. Johnny Anderson  
Rep. Christine F. Watkins

**Staff Present:**

Mr. Mark D. Andrews, Policy Analyst  
Ms. RuthAnne Frost, Associate General Counsel  
Ms. Lori Rammell, 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](http://www.le.utah.gov).

**1. Committee Business**

Chair Christensen called the meeting to order at 9:18 a.m.

**MOTION:** Rep. Newbold moved to approve the minutes of the July 11, 2012, meeting. The motion passed unanimously.

**2. General Session Preview**

Ms. Frost stated that thus far she has no draft legislation for the 2013 Annual General Session regarding child welfare issues.

**5. Court Ordered Services**

Ms. Lisa-Michele Church, Juvenile Court Administrator, Administrative Office of the Courts, reported on how juvenile court judges determine what services are ordered for a child or family. She stated that judges do no investigation of their own, rather they take the case as it is presented to them by the Division of Child and Family Services (DCFS), the Guardian ad Litem, the parents' attorneys, and, in some cases, the foster parents, the therapist, and the child involved, to make the best possible determination. She stated that she believes there are more in-home services available now through the 4E Waiver, and judges are being encouraged to look for ways to keep children in the children's homes by developing a family plan.

Ms. Church and Mr. Brent Platt, Director, Division of Child and Family Services, answered questions from the panel. They explained the steps for child welfare investigations:

- 1) the division receives a complaint from a teacher, law enforcement agency, or other source (about 37,000 referrals come in per year, of which approximately 18,000 are investigated by a social worker);
- 2) a social worker trained in child protection investigations contacts the child's parents and, in many cases, visits the child's home (about 6,000 per year);
- 3) if enough evidence is discovered to warrant a court petition, the case is referred to the juvenile court (about 4,700 per year), though some are referred to other agencies that can better assist the family;
- 4) in some cases (fewer than 2,800) the children are removed from the home.

Mr. Platt described one of the very few instances when a child would be removed immediately from the home and said that, even in one of these rare cases, within 72 hours a judge would hear the case and make a determination.

Ms. Kim Groscoast, member of the public, expressed her disappointment in the child protective system and the rate of adoption of children taken from their homes. She mentioned her own case and said she believes that the problems she has had are representative of cases across the state.

Rep. Anderson requested clarification from Ms. Church regarding the funding of services and whether judges are allocated a budget for assigning services. She stated that the judges are not generally aware of the costs of the available services, but rather rely on the professionals involved to suggest a feasible plan for each family based on what is best for each child and what will be most effective.

#### **4. Legislative Audit Follow-up**

Mr. Platt reported on the progress of DCFS regarding the audit report from 2011. He stated that the division has completed 17 of the 19 recommendations contained in the audit. He distributed "DCFS Performance Audit (Report 2011-02)" and discussed the items completed since the last report to the panel:

- 1) Chapter 2, #2, "DCFS require all regions to implement the model and monitor regional use" He described the model the division is developing and the means of funding those services, including hiring former foster parents to help families develop meal plans or offer other low-level assistance. He stated that the question the division asks in every case is, "What can we do to keep children in their homes?" He said DCFS does not make decisions arbitrarily, and every finding can be appealed to an administrative law judge or juvenile court judge.
- 2) Chapter 3, #6 "DCFS reconsider its decision to not use guardianship subsidies allowed by Fostering Connections Act of 2008." Regarding this audit item, he described a federal guardianship subsidy available to relatives who take a child into their home. He said this saves the state money by requiring less case worker involvement and fewer services. He admitted that only certain situations qualify, including older children, but that it should help hundreds of children every year. He answered questions from the panel regarding medical expenses for these children (who qualify for Medicaid), and how much the subsidy amounts to each month (as much as several hundred dollars).
- 3) Chapter 6, #1, "DCFS strengthen adoption subsidy policies to more specifically designate which special needs and circumstances should receive specific monthly adoption subsidy amounts." Mr. Platt said it is the division's goal to help adoptive families without providing extensive financial support of the child.

Mr. Platt addressed one additional item on the list, Chapter 6, #4, "DCFS equalize adoption assistance funding among its five regions according to performance metrics that support its adoption program objectives" but said that the two final items from the audit should be completed by January, 2013. These items concern staffing practices among regions and the calculation of caseloads to ensure new assumptions reflect actual caseworker experiences.

Mr. Platt took questions from the panel regarding a peer parenting program the division is currently implementing and whether there are additional preventative programs available. He said they contract

with or have access to many agencies, including the family support centers, childrens' justice center counseling services, and domestic violence shelters. Rep. Watkins described her positive experiences with local peer parenting programs and the justice center services.

### **3. Child Welfare Outcomes and Compliance with Statutory Requirements**

Mr. Andrews introduced the findings represented in the document distributed to the panel, "Qualitative Case Review and Case Process Review."

Mr. Brad McGarry, Office of Services Review, Department of Human Services, described the means of compiling the Case Process Review. He stated that only one area contained findings that were below expectations, and that involved unscheduled home visits by DCFS workers. He also stated that in-home services could benefit from more involvement by fathers and the children themselves in developing a plan. Regarding foster care, he said it is important to not only gather information, but also make sure it is provided to the foster parents. He stated that older children's annual mental health reviews are not being completed on time, nor are the physical health evaluations for younger children.

Ms. Kristin Lambert, Office of Services Review, Department of Human Services, discussed the Qualitative Case Review. She discussed the history of developing these reports and the reflection of budget and personnel changes on the current report. She said that, regarding the child status side of the review, only one indicator was below the standard, and on the system performance side, two indicators were slightly below standard. She said that trends are up, and all the news from the last six months has been positive. She said budget cuts had required a hiring freeze by DCFS, and as a result, scores had been down, but with more workers, trends are going back up.

Mr. Platt discussed the reviews, explaining DCFS's struggles in the past and the implementation of changes by the division to improve scores. He said that, at the conclusion of these two reviews, region directors meet with the Office of Services Review workers to discuss the findings and determine areas for improvement. He answered questions from the panel, including the subject of fluctuating case worker ratios.

### **6. Budget Issues**

Mr. Craig Bunnell, Office of Guardian ad Litem, stated that the office is making three building block requests:

- 1) salary parity for attorneys, at 34% or \$800,000. He identified this as the most critical need for the office at this time. He stated that this issue creates a 20-25% turnover rate as most attorneys take higher paying positions within state government. This turnover is hard on the child clients the GALs represent;
- 2) an additional attorney for the Eighth District, where a single GAL currently handles 400 cases; and
- 3) salary for the CASA volunteer coordinator, as the number of CASA volunteer advocates has gone from 300 to over 1000, and a CASA volunteer coordinator is needed to train the influx of volunteers.

Mr. Bunnell answered questions from the panel. Regarding GAL participation in district court, to end in July 2013, he explained that his office is trying to find private attorneys for those cases. However, he said, the office still has 1500 of those cases out of 1800, as there are simply not enough private attorneys

willing to do private GAL work on the district cases. He said eliminating these district court cases will bring the case load of the average GAL down from 200 to 160-180.

Ms. Vanessa Summerfeld, Utah Family Rights, expressed concern about some of the guardians who, she stated, are staying on the case when DCFS is no longer involved. She stated that it is the guardian's responsibility to remove himself or herself from the case, and doing so would reduce the case load on these GALs. Mr. Bunell responded that this is a legitimate concern, as there are very rare cases, most involving private GALs, where GALs stay involved because they feel strongly there is a reason they need to stay on. Once there are no more allegations in the juvenile court, the GAL is excused. In district court cases, the guardian may want to stay on, in essence to act as a referee for the child. The private GALs are paid only if the parents are ordered by the court to pay them, so often the work is pro bono. He said their reason for staying on would be "a big heart."

Ms. Katie Gregory, Assistant Juvenile Court Administrator, Administrative Office of the Courts, stated that Mr. Rick Schwermer was presenting in another meeting, but that he would be happy to discuss the budget with any panel members who have questions or concerns.

Mr. Platt presented two issues, a building block request for domestic violence shelters and HB 357 eliminating guardians for district court. He is confident, based on conversations with judges, that the DCFS case workers will end up screening more custody battles for district court cases that are not assigned to volunteer attorneys. Mr. Platt expressed concern for the division's resources, in that case.

**MOTION:** Sen. Davis moved that the panel recommend the issue of the lack of private attorneys and its effect on Division of Child and Family Services case workers be added to the master study list of the Judiciary Interim Committee. The motion passed unanimously.

Mr. Bunnell stated that his office has asked the district courts to assess and identify those cases where the DCFS has been ordered to do Child Protective Services investigations, then track that number, from now to July 1, then again after HB 357 takes effect.

**MOTION:** Sen. Davis requested that the panel write a letter recommending that the Guardian ad Litem Office budget requests be granted.

Sen. Newbold asked that the issues be divided.

**MOTION:** Sen. Davis moved that the Guardian ad Litem Office salary parity request receive a committee recommendation. The motion failed, with Rep. Newbold, Rep. Anderson, and Rep. Watkins voting in opposition.

**MOTION:** Sen. Davis moved that the Guardian ad Litem Office request for an additional GAL be given a committee recommendation. The motion passed unanimously.

**MOTION:** Sen. Davis moved that the Guardian ad Litem Office request for funding to retain the CASA Volunteer Coordinator receive a committee recommendation. The motion failed with Rep. Newbold and Rep. Anderson voting in opposition.

## **7. Annual Reports**

As the panel had no questions regarding the annual reports, none of the reports was presented in the meeting.

Sen. Christensen suggested that these required reports be reviewed and, if determined to be unnecessary, eliminated by statute, so effort will not go into reports that are not being presented. Sen. Davis suggested that the panel meet more often and review more of the required reports.

## **8. Fatality Reviews**

### **Open to the public:**

Ms. Cheryl Dalley, Department of Human Services Fatality Review Coordinator, presented "Fatality Review Executive Summary: FY 2012," a summary of reports for individuals who had an open case for child welfare services within one year of death. She stated that none of the deaths they reviewed were connected to DCFS. Rep. Anderson requested clarification of some aspects of the report.

**MOTION:** Sen. Davis moved to close the meeting to the public pursuant to Utah Code Ann. Subsection 52-4-205(2)(b) for the purpose of reviewing child fatality review reports. The motion passed unanimously.

### **Closed portion of the meeting.**

**MOTION:** Sen. Davis moved to re-open the meeting to the public. The motion passed unanimously.

### **Open to the public:**

Mr. Palmer DePaulis, Executive Director, Department of Human Services, testified that he sees a favorable pattern in the fatality cases of response and followup. He stated that his office takes very seriously the responsibility to review each of these cases.

Rep. Anderson stated that 18 child fatalities at the hands of people who are supposed to be caring for these children is far too many, and he understands the vigilance by DCFS. He said it is important to balance people's rights with the best welfare of children.

## **9. Adjourn**

Chair Christensen thanked Rep. Newbold and Rep. Watkins for their service on the panel.

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

Chair Christensen adjourned the meeting at 12:24 p.m.