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**MEMORANDUM**

**TO:** Child Welfare Legislative Oversight Panel  
**FROM:** Mark D. Andrews, Policy Analyst  
**DATE:** May 12, 2003  
**SUBJECT:** Introduction to the Child Welfare System

Below is a list of the main “players” in Utah’s child welfare system. There are other players not mentioned here—grandparents and extended family, parent advocates, child advocates, and the media—but these are the primary entities with institutionalized roles.

**Utah' Child Welfare System:  
Overview of Institutional Stakeholders**

*(Footnotes Refer to Explanatory Notes Following the Table)*

	BRANCH OF GOVERNMENT			PUBLIC
	LEGISLATIVE	EXECUTIVE	JUDICIAL	
FEDERAL	Congress <sup>1</sup>	U.S. Department of Health and Human Services <sup>2</sup>	U.S. District Court <sup>3</sup> • Court Monitor <sup>4</sup>	
STATE	Utah Legislature <sup>5</sup> Child Welfare Legislative Oversight Panel <sup>6</sup> Legislative Auditor General <sup>7</sup>	Utah Department of Health and Human Services <sup>8</sup> • Division of Child and Family Services <sup>9</sup> • Office of Services Review <sup>10</sup> • Office of the Child Protection Ombudsman <sup>11</sup> • Child Fatality Review Committee <sup>12</sup> • Board of Child and Family Services <sup>13</sup> • Child Abuse Advisory Council <sup>14</sup> Attorney General <sup>15</sup> Foster Care Citizen Review Boards <sup>16</sup> Governor <sup>17</sup>	Juvenile Courts <sup>18</sup> Guardians ad Litem <sup>19</sup>	Children <sup>20</sup> Parents <sup>21</sup> • Defense Counsel <sup>22</sup> Utah Foster Care Foundation <sup>23</sup> Foster Parents <sup>24</sup> Adoptive Parents <sup>25</sup> Service Providers <sup>26</sup>

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EXPLANATORY NOTES:  
INSTITUTIONAL STAKEHOLDERS

1. CONGRESS establishes child welfare policy through federal legislation and funding.
2. THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES receives reports on the performance of Utah's child welfare system and, beginning in 2003, conducts periodic reviews of the system and issues performance improvement plans that must be complied with in order to avert the loss of federal funds.
3. THE U.S. DISTRICT COURT retains oversight of Utah's child welfare system as a result of the *David C. v. Leavitt* settlement agreement entered into by the state in 1994.
4. THE COURT MONITOR visits Utah regularly and participates with the Office of Services Review in case reviews. The monitor is responsible for much of the Court's oversight activities.
5. THE UTAH LEGISLATURE oversees the development of the policies and budgets of the various entities comprising the child welfare system through its standing, interim, and appropriations committees. The Legislature must also approve any legal stipulation, consent decree, or settlement agreement entered into by the state in excess of \$1,000,000.
6. THE CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL is charged with overseeing the child welfare system and making recommendations to all branches of state government as necessary.
7. THE LEGISLATIVE AUDITOR GENERAL audits individual child welfare cases at least once every three years and makes recommendations to the Legislature. The auditor may conduct other audits when requested.
8. THE UTAH DEPARTMENT OF HUMAN SERVICES oversees and makes policy and budget recommendations on behalf of the child welfare entities within its organization.
9. THE DIVISION OF CHILD AND FAMILY SERVICES investigates allegations of abuse and neglect, develops service plans, provides services to children and parents, and makes recommendations to the court. The Division measures and reports on its own performance.
10. THE OFFICE OF SERVICES REVIEW is an office within the Department of Human Services that performs periodic, systematic, in-depth evaluations of how well the child welfare system protects and helps children and complies with state policy.
11. THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN receives and investigates complaints concerning the Division of Child and Family Services and makes recommendations to the division.
12. THE UTAH DEPARTMENT OF HUMAN SERVICES CHILD FATALITY REVIEW COMMITTEE reviews the death of any child involved with the Division of Child and Family Services during the past year. The Committee reviews compliance with policy and makes recommendations to the division.
13. THE BOARD OF CHILD AND FAMILY SERVICES is an independent board of citizens charged with enacting administrative rules for the Division of Child and Family Services congruent with legislative policy.
14. THE CHILD ABUSE ADVISORY COUNCIL is appointed by the Board of Child and Family Services. The Council advises the Board and recommends how abuse prevention funds should be allocated.

15. THE ATTORNEY GENERAL'S OFFICE represents the Division of Child and Family Services and ensures that the child welfare laws are enforced.
16. FOSTER CARE CITIZEN REVIEW BOARDS are comprised of hundreds of volunteers who do detailed periodic reviews of each child welfare case and make recommendations to the court, the Division of Child and Family Services, and others.
17. THE GOVERNOR recommends budgets for and oversees the administration of executive branch agencies within the child welfare system. The Governor must also approve any legal stipulation, consent decree, or settlement agreement in excess of \$100,000.
18. JUVENILE COURTS determine whether abuse or neglect has occurred and oversee the process through which parents must go in order to be reunified with their children where appropriate. Where reunification is not possible, the court may terminate parental rights. The court measures and reports on its own compliance with hearing deadlines designed to expedite the process.
19. GUARDIANS AD LITEM are attorneys appointed by the court to represent the best interests of the child.
20. CHILDREN who have been abused or neglected are the focus of the system. State and federal statutes specify that their safety and welfare are paramount.
21. PARENTS are often assisted prior to or after removal of a child in order to prevent removal, preserve families, and reunify parents and children where appropriate. Sometimes parental rights are terminated.
22. DEFENSE COUNSEL represents parents in the various court hearings and is court-appointed in situations of indigency.
23. THE UTAH FOSTER CARE FOUNDATION is a private nonprofit entity created to recruit and train foster parents.
24. FOSTER PARENTS (and group homes) provide a temporary home for children removed from the custody of their parents.
25. ADOPTIVE PARENTS are sought for children in cases where the Juvenile Court has terminated parents' rights due to abuse or neglect or the parents have voluntarily relinquished the rights to their children.
26. SERVICE PROVIDERS assist children and families in abuse or neglect situations and are often integral to the completion of plans to preserve or reunify families.