

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
July 11, 2012 – 11:00 a.m. – Room 450 Capitol

Members Present:

Sen. Allen M. Christensen Senate Chair
Rep. Merlynn T. Newbold, House Chair
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

Members Absent:

Sen. Gene Davis

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 Newbold called the meeting to order at 11:22 a.m. Sen. Davis was excused from the meeting.

MOTION: Rep. Watkins moved to approve the minutes of the January 11, 2012, meeting. The motion passed unanimously.

2. Legislative Audit Follow-up

Mr. Andrews distributed a copy of the November 29, 2011, minutes and explained that in January 2011, the Office of the Legislative Auditor General released "A Performance Audit of the Division of Child and Family Services (DCFS)." The audit provided 19 recommendations to improve DCFS efficiency and effectiveness. Mr. Andrews reviewed the recommendations as well as the report the panel received November 29 from DCFS on how it was responding to each of the audit findings and recommendations.

Mr. Palmer DePaulis, Executive Director, Department of Human Services, distributed the July 9, 2012, update of "DCFS Performance Audit," a summary of DCFS's response to the legislative audit recommendations. (The panel previously received the June 19, 2012, update.) Mr. DePaulis emphasized his department's efforts to determine best practices for an in-home services model.

Mr. Brent Platt, Director, Division of Child and Family Services, discussed the July 9, 2012 update of "DCFS Performance Audit," providing details on the implementation of each of the audit recommendations. He reported that 12 of the 19 recommendations have been implemented, while the following seven have not:

- Select an in-home services model, train staff, and provide in-home services to families whose children are at risk of being removed from their home. (Estimated completion date: December 2012)
- Require all regions to implement the in-home services model and monitor regional use. (Estimated completion date: December 2012 and beyond)

- Reconsider the decision to not use guardianship subsidies allowed by the Fostering Connections Act of 2008. (Estimated completion date: July 2012)
- Conduct an in-depth review of staffing practices among regions (either DCFS or the Office of the Legislative Auditor General). (Estimated completion date: January 2013)
- Modify the way average caseloads are calculated and ensure new assumptions reflect actual caseworker experiences. (Estimated completion date: January 2013)
- Strengthen adoption subsidy policies to more specifically designate which special needs and circumstances should receive specific monthly adoption subsidy amounts. (Estimated completion date: September 2012)
- Equalize adoption assistance funding among the five DCFS regions according to performance metrics that support adoption program objectives. (Estimated completion date: September 2012)

Ms. Cosette Mills, Federal Revenue Manager, Division of Child and Family Services, helped explain how guardianship subsidies available under the federal Fostering Connections Act of 2008, and partially funded by the federal government, would work.

Mr. Platt and Mr. DePaulis answered questions from the panel. Mr. Platt said that new definitions of abuse and neglect were finalized in administrative rules May 12.

Rep. LaVar Christensen distributed and discussed H.B. 161, "Rights of Parents and Children," which he sponsored during the 2012 General Session. He discussed termination of parental rights and the importance of keeping children in their homes whenever possible. Rep. Christensen answered questions from the panel.

3. Guardian ad Litem—District Court Cases/Other Issues

Chair Newbold explained that during the 2012 General Session, the Legislature passed H.B. 357, "Guardian ad Litem Amendments" (sponsored by Rep. LaVar Christensen), which, beginning July 1, 2013, replaces appointment of a guardian ad litem from the Office of Guardian ad Litem in district court cases with appointment of private attorneys guardian ad litem.

Mr. Rick Smith, Director, Office of Guardian ad Litem, distributed "History of the Use of Attorneys for Children in Utah," which reviewed the creation of the Office of Guardian ad Litem (GAL). He said that as a result of H.B. 357, GAL caseloads should be significantly reduced. He said, however, that only 39 family law attorneys (of the 550-600 in the state) have expressed any interest in becoming a private guardian ad litem attorney. He said this may be due to low compensation, high stress, and the large amount of time required to fulfill the role. Mr. Smith said that his office is working to implement H.B. 357 in the best possible way but knows that the private GAL program will not be able to supply enough guardians ad litem.

Mr. Smith answered questions from the panel. He reported that although funding was not provided during the 2012 General Session of the Legislature for an additional guardian ad litem attorney for the Uintah Basin, his office has arranged for another guardian ad litem attorney to assist with those cases and reduce the caseload from 400 children per attorney to 200 children per attorney. He said studies indicate that guardians ad litem should have a maximum caseload of 100 children, or even fewer in some cases.

Rep. Christensen said that H.B. 357's projected \$400,000 in savings, which will remain with the GAL, could be used to fund the private guardian ad litem program.

4. Annual Report by the Office of Child Welfare Parental Defense

Mr. Salvador Petilos, Program Administrator, Office of Child Welfare Parental Defense, presented his office's annual report, "Office of Child Welfare Defense Annual Report." He said that the office is working with the Utah Bar to increase the amount of basic child welfare training available to attorneys.

5. Adjourn

MOTION: Sen. Christensen moved to adjourn the meeting. The motion passed unanimously.

Chair Newbold adjourned the meeting at 1:32 p.m.