

Cheryl K. Acton proposes the following substitute bill:

Kinship Child Placement Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses kinship caregivers for children in the custody of the Division of Child and Family Services.

Highlighted Provisions:

This bill:

- defines terms;
- when a child in the custody of the Division of Child and Family Services (division) is placed with the child's relative, requires the division to make available certain payments to the relative to help support the child prior to the relative becoming a licensed or certified kinship caregiver;
- requires the division to report information regarding payments provided to kinship caregivers to the Social Services Appropriations Subcommittee; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-2-130, as renumbered and amended by Laws of Utah 2023, Chapter 305

80-2-301, as last amended by Laws of Utah 2024, Chapters 240, 307

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26B-2-130** is amended to read:

26B-2-130 . Foster care by a child's relative -- Maintenance payments.

(1) As used in this section:

(a) "Custody" means the same as that term is defined in Section 80-2-102.

(b) "Division" means the Division of Child and Family Services.

(c) "Initial kinship caregiver" means a kinship caregiver who is not a licensed foster care provider and who is the first kinship placement for a child in the temporary custody or custody of the division.

(d) "Kinship caregiver" means an individual who is responsible for the care and supervision of the child when the child is in the temporary custody or custody of the division and who:

(i) is a relative of the child; or

(ii) is not related to the child by birth or marriage, but who has an emotionally significant relationship with the child such that the individual's relationship with the child takes on the characteristics of a family relationship.

~~[(b)]~~ (e) "Relative" means the same as that term is defined in Section 80-3-102.

~~[(c)]~~ (f) "Temporary custody" means the same as that term is defined in Section 80-2-102.

(2)(a) In accordance with state and federal law, the division shall provide for licensure of a child's relative for foster or substitute care, when the child is in the temporary custody or custody of the ~~[Division of Child and Family Services]~~ division.

(b) If it is determined that, under federal law, allowance is made for an approval process requiring less than full foster parent licensure proceedings for a child's relative, the division shall establish an approval process to accomplish that purpose.

(3)(a) At the time that a child or children are placed with an initial kinship caregiver, the division shall offer to the initial kinship caregiver, and the initial kinship caregiver may accept or decline, a payment to assist with providing care and supervision to the child or children.

(b) If an initial kinship caregiver accepts the payment described in Subsection (3)(a), the payment shall be:

(i) up to \$1,000 per child placed with the initial kinship caregiver, but in no event more than \$3,000; and

(ii) subject to all applicable state and federal laws and eligibility requirements.

(c) Subject to Subsection (3)(e), if a child or children remain with an initial kinship caregiver three months after the child or children were placed with the initial kinship caregiver, the division shall offer to the initial kinship caregiver, and the initial kinship caregiver may accept or decline, a payment to assist with providing ongoing

care and supervision to the child or children.

(d) If an initial kinship caregiver accepts the payment described in Subsection (3)(c), the payment shall be:

(i) up to \$1,000 per child ~~that~~ for whom a payment under

Subsection (3)(a) was not provided and who ~~that~~ remains placed with the initial

kinship caregiver after

three consecutive months; and

(ii) subject to all applicable state and federal laws and eligibility requirements.

(e) The division may not offer the payment described in Subsection (3)(c) to an initial kinship caregiver who became a licensed foster care provider within three months after the child or children were placed with the initial kinship caregiver.

Section 2. Section **80-2-301** is amended to read:

80-2-301 . Division responsibilities.

(1) The division is the child, youth, and family services authority of the state.

(2) The division shall:

(a) administer services to minors and families, including:

(i) child welfare services;

(ii) domestic violence services; and

(iii) all other responsibilities that the Legislature or the executive director of the department may assign to the division;

(b) provide the following services:

(i) financial and other assistance to an individual adopting a child with special needs under Sections 80-2-806 through 80-2-809, not to exceed the amount the division would provide for the child as a legal ward of the state;

(ii) non-custodial and in-home services in accordance with Section 80-2-306, including:

(A) services designed to prevent family break-up; and

(B) family preservation services;

(iii) reunification services to families whose children are in substitute care in accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;

(iv) protective supervision of a family, upon court order, in an effort to eliminate abuse or neglect of a child in that family;

(v) shelter care in accordance with this chapter, Chapter 2a, Removal and Protective

- 95 Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 96 (vi) domestic violence services, in accordance with the requirements of federal law;
- 97 (vii) protective services to victims of domestic violence and the victims' children, in
- 98 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a
- 99 Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 100 (viii) substitute care for dependent, abused, and neglected children;
- 101 (ix) services for minors who are victims of human trafficking or human smuggling,
- 102 as described in Sections 76-5-308 through 76-5-310.1, or who have engaged in
- 103 prostitution or sexual solicitation, as defined in Sections 76-10-1302 and
- 104 76-10-1313; and
- 105 (x) training for staff and providers involved in the administration and delivery of
- 106 services offered by the division in accordance with this chapter and Chapter 2a,
- 107 Removal and Protective Custody of a Child;
- 108 (c) establish standards for all:
- 109 (i) contract providers of out-of-home care for minors and families;
- 110 (ii) facilities that provide substitute care for dependent, abused, or neglected children
- 111 placed in the custody of the division; and
- 112 (iii) direct or contract providers of domestic violence services described in
- 113 Subsection (2)(b)(vi);
- 114 (d) have authority to:
- 115 (i) contract with a private, nonprofit organization to recruit and train foster care
- 116 families and child welfare volunteers in accordance with Section 80-2-405;
- 117 (ii) approve facilities that meet the standards established under Subsection (2)(c) to
- 118 provide substitute care for dependent, abused, or neglected children placed in the
- 119 custody of the division; and
- 120 (iii) approve an individual to provide short-term relief care to a foster parent if the
- 121 individual:
- 122 (A) provides the relief care for less than six consecutive nights;
- 123 (B) provides the relief care in the short-term relief care provider's home;
- 124 (C) is direct access qualified, as that term is defined in Section 26B-2-120; and
- 125 (D) is an immediate family member or relative, as those terms are defined in
- 126 Section 80-3-102, of the foster parent;
- 127 (e) cooperate with the federal government in the administration of child welfare and
- 128 domestic violence programs and other human service activities assigned by the

- department;
- (f) in accordance with Subsection (5)(a), promote and enforce state and federal laws enacted for the protection of abused, neglected, or dependent children, in accordance with this chapter and Chapter 2a, Removal and Protective Custody of a Child, unless administration is expressly vested in another division or department of the state;
 - (g) cooperate with the Workforce Development Division within the Department of Workforce Services in meeting the social and economic needs of an individual who is eligible for public assistance;
 - (h) compile relevant information, statistics, and reports on child and family service matters in the state;
 - (i) prepare and submit to the department, the governor, and the Legislature reports of the operation and administration of the division in accordance with the requirements of Sections 80-2-1102 and 80-2-1103;
 - (j) within appropriations from the Legislature, provide or contract for a variety of domestic violence services and treatment methods;
 - (k) enter into contracts for programs designed to reduce the occurrence or recurrence of abuse and neglect in accordance with Section 80-2-503;
 - (l) seek reimbursement of funds the division expends on behalf of a child in the protective custody, temporary custody, or custody of the division, from the child's parent or guardian in accordance with an order for child support under Section 78A-6-356;
 - (m) ensure regular, periodic publication, including electronic publication, regarding the number of children in the custody of the division who:
 - (i) have a permanency goal of adoption; or
 - (ii) have a final plan of termination of parental rights, under Section 80-3-409, and promote adoption of the children;
 - (n) subject to Subsections (5) and (7), refer an individual receiving services from the division to the local substance abuse authority or other private or public resource for a court-ordered drug screening test;
 - (o) report before November 30, 2020, and every third year thereafter, to the Social Services Appropriations Subcommittee regarding:
 - (i) the daily reimbursement rate that is provided to licensed foster parents based on level of care;
 - (ii) the amount of money spent on daily reimbursements for licensed foster parents

- 163 and initial kinship caregiver payments during the previous fiscal year; and
- 164 (iii) any recommended changes to the division's budget to support the daily
- 165 reimbursement rates described in Subsection (2)(o)(i) or the initial kinship
- 166 caregiver payments;
- 167 (p) when a division child welfare caseworker identifies a safety concern with the foster
- 168 home, cooperate with the Office of Licensing and make a recommendation to the
- 169 Office of Licensing concerning whether the foster home's license should be placed on
- 170 conditions, suspended, or revoked; and
- 171 (q) perform other duties and functions required by law.
- 172 (3)(a) The division may provide, directly or through contract, services that include the
- 173 following:
- 174 (i) adoptions;
- 175 (ii) day-care services;
- 176 (iii) out-of-home placements for minors;
- 177 (iv) health-related services;
- 178 (v) homemaking services;
- 179 (vi) home management services;
- 180 (vii) protective services for minors;
- 181 (viii) transportation services; or
- 182 (ix) domestic violence services.
- 183 (b) The division shall monitor services provided directly by the division or through
- 184 contract to ensure compliance with applicable law and rules made in accordance with
- 185 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 186 (c)(i) Except as provided in Subsection (3)(c)(ii), if the division provides a service
- 187 through a private contract, the division shall post the name of the service provider
- 188 on the division's website.
- 189 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.
- 190 (4)(a) The division may:
- 191 (i) receive gifts, grants, devises, and donations;
- 192 (ii) encourage merchants and service providers to:
- 193 (A) donate goods or services; or
- 194 (B) provide goods or services at a nominal price or below cost;
- 195 (iii) distribute goods to applicants or consumers of division services free or for a
- 196 nominal charge and tax free; and

(iv) appeal to the public for funds to meet needs of applicants or consumers of division services that are not otherwise provided by law, including Sub-for-Santa programs, recreational programs for minors, and requests for household appliances and home repairs.

(b) If requested by the donor and subject to state and federal law, the division shall use a gift, grant, devise, donation, or proceeds from the gift, grant, devise, or donation for the purpose requested by the donor.

(5)(a) In carrying out the requirements of Subsection (2)(f), the division shall:

(i) cooperate with the juvenile courts, the Division of Juvenile Justice and Youth Services, and with all public and private licensed child welfare agencies and institutions to develop and administer a broad range of services and support;

(ii) take the initiative in all matters involving the protection of abused or neglected children, if adequate provisions have not been made or are not likely to be made; and

(iii) make expenditures necessary for the care and protection of the children described in Subsection (5)(a)(ii), within the division's budget.

(b) If an individual is referred to a local substance abuse authority or other private or public resource for court-ordered drug screening under Subsection (2)(n), the court shall order the individual to pay all costs of the tests unless:

(i) the cost of the drug screening is specifically funded or provided for by other federal or state programs;

(ii) the individual is a participant in a drug court; or

(iii) the court finds that the individual is an indigent individual.

(6) Except to the extent provided by rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division is not required to investigate domestic violence in the presence of a child, as described in Section 76-5-114.

(7)(a) Except as provided in Subsection (7)(b), the division may not:

(i) require a parent who has a child in the custody of the division to pay for some or all of the cost of any drug testing the parent is required to undergo; or

(ii) refer an individual who is receiving services from the division for drug testing by means of a hair, fingernail, or saliva test that is administered to detect the presence of drugs.

(b) Notwithstanding Subsection (7)(a)(ii), the division may refer an individual who is receiving services from the division for drug testing by means of a saliva test if:

231 (i) the individual consents to drug testing by means of a saliva test; or
232 (ii) the court, based on a finding that a saliva test is necessary in the circumstances,
233 orders the individual to complete drug testing by means of a saliva test.

234 Section 3. **Effective Date.**

235 This bill takes effect on May 7, 2025.