

Kinship Child Placement Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor:

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 offer a one-time payment 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-2-101, as last amended by Laws of Utah 2024, Chapters 240, 267, 307, and 438

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-2-101** is amended to read:

26B-2-101 . Definitions.

As used in this part:

- 31 (1) "Adoption services" means the same as that term is defined in Section 80-2-801.
- 32 (2) "Adult day care" means nonresidential care and supervision:
- 33 (a) for three or more adults for at least four but less than 24 hours a day; and
- 34 (b) that meets the needs of functionally impaired adults through a comprehensive
- 35 program that provides a variety of health, social, recreational, and related support
- 36 services in a protective setting.
- 37 (3) "Applicant" means a person that applies for an initial license or a license renewal under
- 38 this part.
- 39 (4)(a) "Associated with the licensee" means that an individual is:
- 40 (i) affiliated with a licensee as an owner, director, member of the governing body,
- 41 employee, agent, provider of care, department contractor, or volunteer; or
- 42 (ii) applying to become affiliated with a licensee in a capacity described in
- 43 Subsection (4)(a)(i).
- 44 (b) "Associated with the licensee" does not include:
- 45 (i) service on the following bodies, unless that service includes direct access to a
- 46 child or a vulnerable adult:
- 47 (A) a local mental health authority described in Section 17-43-301;
- 48 (B) a local substance abuse authority described in Section 17-43-201; or
- 49 (C) a board of an organization operating under a contract to provide mental health
- 50 or substance use programs, or services for the local mental health authority or
- 51 substance abuse authority; or
- 52 (ii) a guest or visitor whose access to a child or a vulnerable adult is directly
- 53 supervised at all times.
- 54 (5)(a) "Boarding school" means a private school that:
- 55 (i) uses a regionally accredited education program;
- 56 (ii) provides a residence to the school's students:
- 57 (A) for the purpose of enabling the school's students to attend classes at the
- 58 school; and
- 59 (B) as an ancillary service to educating the students at the school;
- 60 (iii) has the primary purpose of providing the school's students with an education, as
- 61 defined in Subsection (5)(b)(i); and
- 62 (iv)(A) does not provide the treatment or services described in Subsection (40)(a);
- 63 or
- 64 (B) provides the treatment or services described in Subsection (40)(a) on a limited

- 65 basis, as described in Subsection (5)(b)(ii).
- 66 (b)(i) For purposes of Subsection (5)(a)(iii), "education" means a course of study for
67 one or more grades from kindergarten through grade 12.
- 68 (ii) For purposes of Subsection (5)(a)(iv)(B), a private school provides the treatment
69 or services described in Subsection (40)(a) on a limited basis if:
- 70 (A) the treatment or services described in Subsection (40)(a) are provided only as
71 an incidental service to a student; and
- 72 (B) the school does not:
- 73 (I) specifically solicit a student for the purpose of providing the treatment or
74 services described in Subsection (40)(a); or
- 75 (II) have a primary purpose of providing the treatment or services described in
76 Subsection (40)(a).
- 77 (c) "Boarding school" does not include a therapeutic school.
- 78 (6) "Certification" means a less restrictive level of licensure issued by the department.
- 79 (7) "Child" means an individual under 18 years old.
- 80 (8) "Child placing" means receiving, accepting, or providing custody or care for any child,
81 temporarily or permanently, for the purpose of:
- 82 (a) finding a person to adopt the child;
- 83 (b) placing the child in a home for adoption; or
- 84 (c) foster home placement.
- 85 (9) "Child-placing agency" means a person that engages in child placing.
- 86 (10) "Client" means an individual who receives or has received services from a licensee.
- 87 (11)(a) "Congregate care program" means any of the following that provide services to a
88 child:
- 89 (i) an outdoor youth program;
- 90 (ii) a residential support program;
- 91 (iii) a residential treatment program; or
- 92 (iv) a therapeutic school.
- 93 (b) "Congregate care program" does not include a human services program that:
- 94 (i) is licensed to serve adults; and
- 95 (ii) is approved by the office to service a child for a limited time.
- 96 (12) "Day treatment" means specialized treatment that is provided to:
- 97 (a) a client less than 24 hours a day; and
- 98 (b) four or more persons who:

- 99 (i) are unrelated to the owner or provider; and
100 (ii) have emotional, psychological, developmental, physical, or behavioral
101 dysfunctions, impairments, or chemical dependencies.
- 102 (13) "Department contractor" means an individual who:
103 (a) provides services under a contract with the department; and
104 (b) due to the contract with the department, has or will likely have direct access to a
105 child or vulnerable adult.
- 106 (14) "Direct access" means that an individual has, or likely will have:
107 (a) contact with or access to a child or vulnerable adult that provides the individual with
108 an opportunity for personal communication or touch; or
109 (b) an opportunity to view medical, financial, or other confidential personal identifying
110 information of the child, the child's parents or legal guardians, or the vulnerable adult.
- 111 (15) "Directly supervised" means that an individual is being supervised under the
112 uninterrupted visual and auditory surveillance of another individual who has a current
113 background check approval issued by the office.
- 114 (16) "Director" means the director of the office.
- 115 (17) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 116 (18) "Domestic violence treatment program" means a nonresidential program designed to
117 provide psychological treatment and educational services to perpetrators and victims of
118 domestic violence.
- 119 (19) "Elder adult" means a person 65 years old or older.
- 120 (20) "Emergency safety intervention" means a tactic used to protect staff or a client from
121 being physically injured, utilized by an appropriately trained direct care staff and only
122 performed in accordance with a nationally or regionally recognized curriculum in the
123 least restrictive manner to restore staff or client safety.
- 124 (21) "Foster home" means a residence that is licensed or certified by the office for the
125 full-time substitute care of a child.
- 126 (22) "Health benefit plan" means the same as that term is defined in Section 31A-22-634.
- 127 (23) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 128 (24) "Health insurer" means the same as that term is defined in Section 31A-22-615.5.
- 129 (25)(a) "Human services program" means:
130 (i) a foster home or kinship caregiver home;
131 (ii) a therapeutic school;
132 (iii) a youth program;

- 133 (iv) an outdoor youth program;
134 (v) a residential treatment program;
135 (vi) a residential support program;
136 (vii) a resource family home;
137 (viii) a recovery residence; or
138 (ix) a facility or program that provides:
139 (A) adult day care;
140 (B) day treatment;
141 (C) outpatient treatment;
142 (D) domestic violence treatment;
143 (E) child-placing services;
144 (F) social detoxification; or
145 (G) any other human services that are required by contract with the department to
146 be licensed with the department.
- 147 (b) "Human services program" does not include:
148 (i) a boarding school;
149 (ii) a residential, vocational and life skills program, as defined in Section 13-53-102;
150 or
151 (iii) a short-term relief care provider.
- 152 (26) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
153 (27) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
154 (28) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
155 (29) "Intermediate secure treatment" means 24-hour specialized residential treatment or
156 care for an individual who:
157 (a) cannot live independently or in a less restrictive environment; and
158 (b) requires, without the individual's consent or control, the use of locked doors to care
159 for the individual.
- 160 (30) "Licensee" means an individual or a human services program licensed by the office.
161 (31) "Local government" means a city, town, or county.
162 (32) "Minor" means child.
163 (33) "Office" means the Office of Licensing within the department.
164 (34) "Outdoor youth program" means a program that provides:
165 (a) services to a child that has:
166 (i) a chemical dependency; or

(ii) a dysfunction or impairment that is emotional, psychological, developmental, physical, or behavioral;

(b) a 24-hour outdoor group living environment; and

(c)(i) regular therapy, including group, individual, or supportive family therapy; or

(ii) informal therapy or similar services, including wilderness therapy, adventure therapy, or outdoor behavioral healthcare.

(35) "Outpatient treatment" means individual, family, or group therapy or counseling designed to improve and enhance social or psychological functioning for those whose physical and emotional status allows them to continue functioning in their usual living environment.

(36) "Practice group" or "group practice" means two or more health care providers legally organized as a partnership, professional corporation, or similar association, for which:

(a) substantially all of the services of the health care providers who are members of the group are provided through the group and are billed in the name of the group and amounts received are treated as receipts of the group; and

(b) the overhead expenses of and the income from the practice are distributed in accordance with methods previously determined by members of the group.

(37) "Private-placement child" means a child whose parent or guardian enters into a contract with a congregate care program for the child to receive services.

(38)(a) "Recovery residence" means a home, residence, or facility that meets at least two of the following requirements:

(i) provides a supervised living environment for individuals recovering from a substance use disorder;

(ii) provides a living environment in which more than half of the individuals in the residence are recovering from a substance use disorder;

(iii) provides or arranges for residents to receive services related to the resident's recovery from a substance use disorder, either on or off site;

(iv) is held out as a living environment in which individuals recovering from substance abuse disorders live together to encourage continued sobriety; or

(v)(A) receives public funding; or

(B) is run as a business venture, either for-profit or not-for-profit.

(b) "Recovery residence" does not mean:

(i) a residential treatment program;

(ii) residential support program; or

(iii) a home, residence, or facility, in which:

(A) residents, by a majority vote of the residents, establish, implement, and enforce policies governing the living environment, including the manner in which applications for residence are approved and the manner in which residents are expelled;

(B) residents equitably share rent and housing-related expenses; and

(C) a landlord, owner, or operator does not receive compensation, other than fair market rental income, for establishing, implementing, or enforcing policies governing the living environment.

(39) "Regular business hours" means:

(a) the hours during which services of any kind are provided to a client; or

(b) the hours during which a client is present at the facility of a licensee.

(40)(a) "Residential support program" means a program that arranges for or provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

(b) "Residential support program" includes a program that provides a supervised living environment for individuals with dysfunctions or impairments that are:

(i) emotional;

(ii) psychological;

(iii) developmental; or

(iv) behavioral.

(c) Treatment is not a necessary component of a residential support program.

(d) "Residential support program" does not include:

(i) a recovery residence; or

(ii) a program that provides residential services that are performed:

(A) exclusively under contract with the department and provided to individuals through the Division of Services for People with Disabilities; or

(B) in a facility that serves fewer than four individuals.

(41)(a) "Residential treatment" means a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.

- 235 (b) "Residential treatment" does not include a:
- 236 (i) boarding school;
- 237 (ii) foster home; or
- 238 (iii) recovery residence.
- 239 (42) "Residential treatment program" means a program or facility that provides:
- 240 (a) residential treatment; or
- 241 (b) intermediate secure treatment.
- 242 (43) "Seclusion" means the involuntary confinement of an individual in a room or an area:
- 243 (a) away from the individual's peers; and
- 244 (b) in a manner that physically prevents the individual from leaving the room or area.
- 245 (44) "Short-term relief care provider" means an individual who:
- 246 (a) provides short-term and temporary relief care to a foster parent:
- 247 (i) for less than six consecutive nights; and
- 248 (ii) in the short-term relief care provider's home;
- 249 (b) is an immediate family member or relative, as those terms are defined in Section
- 250 80-3-102, of the foster parent;
- 251 (c) is direct access qualified, as that term is defined in Section 26B-2-120;
- 252 (d) has been approved to provide short-term relief care by the department;
- 253 (e) is not reimbursed by the department for the temporary relief care provided; and
- 254 (f) is not an immediate family member or relative, as those terms are defined in Section
- 255 80-3-102, of the foster child.
- 256 (45) "Social detoxification" means short-term residential services for persons who are
- 257 experiencing or have recently experienced drug or alcohol intoxication, that are provided
- 258 outside of a health care facility licensed under Part 2, Health Care Facility Licensing and
- 259 Inspection, and that include:
- 260 (a) room and board for persons who are unrelated to the owner or manager of the facility;
- 261 (b) specialized rehabilitation to acquire sobriety; and
- 262 (c) aftercare services.
- 263 (46) "Substance abuse disorder" or "substance use disorder" mean the same as "substance
- 264 use disorder" is defined in Section 26B-5-501.
- 265 (47) "Substance abuse treatment program" or "substance use disorder treatment program"
- 266 means a program:
- 267 (a) designed to provide:
- 268 (i) specialized drug or alcohol treatment;

- 269 (ii) rehabilitation; or
270 (iii) habilitation services; and
271 (b) that provides the treatment or services described in Subsection (47)(a) to persons
272 with:
273 (i) a diagnosed substance use disorder; or
274 (ii) chemical dependency disorder.
- 275 (48) "Therapeutic school" means a residential group living facility:
276 (a) for four or more individuals that are not related to:
277 (i) the owner of the facility; or
278 (ii) the primary service provider of the facility;
279 (b) that serves students who have a history of failing to function:
280 (i) at home;
281 (ii) in a public school; or
282 (iii) in a nonresidential private school; and
283 (c) that offers:
284 (i) room and board; and
285 (ii) an academic education integrated with:
286 (A) specialized structure and supervision; or
287 (B) services or treatment related to:
288 (I) a disability;
289 (II) emotional development;
290 (III) behavioral development;
291 (IV) familial development; or
292 (V) social development.
- 293 (49) "Unrelated persons" means persons other than parents, legal guardians, grandparents,
294 brothers, sisters, uncles, or aunts.
- 295 (50) "Vulnerable adult" means an elder adult or an adult who has a temporary or permanent
296 mental or physical impairment that substantially affects the person's ability to:
297 (a) provide personal protection;
298 (b) provide necessities such as food, shelter, clothing, or mental or other health care;
299 (c) obtain services necessary for health, safety, or welfare;
300 (d) carry out the activities of daily living;
301 (e) manage the adult's own resources; or
302 (f) comprehend the nature and consequences of remaining in a situation of abuse,

neglect, or exploitation.

(51)(a) "Youth program" means a program designed to provide behavioral, substance use, or mental health services to minors that:

- (i) serves adjudicated or nonadjudicated youth;
- (ii) charges a fee for the program's services;
- (iii) may provide host homes or other arrangements for overnight accommodation of the youth;
- (iv) may provide all or part of the program's services in the outdoors;
- (v) may limit or censor access to parents or guardians; and
- (vi) prohibits or restricts a minor's ability to leave the program at any time of the minor's own free will.

(b) "Youth program" does not include recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

(52)(a) "Youth transportation company" means any person that transports a child for payment to or from a congregate care program in Utah.

(b) "Youth transportation company" does not include:

- (i) a relative of the child;
- (ii) a state agency; or
- (iii) a congregate care program's employee who transports the child from the congregate care program that employs the employee and returns the child to the same congregate care program.

Section 2. 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.

~~[(e)]~~ (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) The division shall offer an initial kinship caregiver a one-time payment to assist with providing care and supervision to the child.

(b) The amount of the one-time initial kinship caregiver payment shall be included as part of the division's foster care rate table.

Section 3. 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 Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
 - (vi) domestic violence services, in accordance with the requirements of federal law;
 - (vii) protective services to victims of domestic violence and the victims' children, in accordance with this chapter, Chapter 2a, Removal and Protective Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
 - (viii) substitute care for dependent, abused, and neglected children;
 - (ix) services for minors who are victims of human trafficking or human smuggling, as described in Sections 76-5-308 through 76-5-310.1, or who have engaged in prostitution or sexual solicitation, as defined in Sections 76-10-1302 and 76-10-1313; and
 - (x) training for staff and providers involved in the administration and delivery of services offered by the division in accordance with this chapter and Chapter 2a, Removal and Protective Custody of a Child;
- (c) establish standards for all:
- (i) contract providers of out-of-home care for minors and families;
 - (ii) facilities that provide substitute care for dependent, abused, or neglected children placed in the custody of the division; and
 - (iii) direct or contract providers of domestic violence services described in Subsection (2)(b)(vi);
- (d) have authority to:
- (i) contract with a private, nonprofit organization to recruit and train foster care families and child welfare volunteers in accordance with Section 80-2-405;
 - (ii) approve facilities that meet the standards established under Subsection (2)(c) to provide substitute care for dependent, abused, or neglected children placed in the custody of the division; and
 - (iii) approve an individual to provide short-term relief care to a foster parent if the individual:
 - (A) provides the relief care for less than six consecutive nights;
 - (B) provides the relief care in the short-term relief care provider's home;
 - (C) is direct access qualified, as that term is defined in Section 26B-2-120; and
 - (D) is an immediate family member or relative, as those terms are defined in

- 405 Section 80-3-102, of the foster parent;
- 406 (e) cooperate with the federal government in the administration of child welfare and
- 407 domestic violence programs and other human service activities assigned by the
- 408 department;
- 409 (f) in accordance with Subsection (5)(a), promote and enforce state and federal laws
- 410 enacted for the protection of abused, neglected, or dependent children, in accordance
- 411 with this chapter and Chapter 2a, Removal and Protective Custody of a Child, unless
- 412 administration is expressly vested in another division or department of the state;
- 413 (g) cooperate with the Workforce Development Division within the Department of
- 414 Workforce Services in meeting the social and economic needs of an individual who is
- 415 eligible for public assistance;
- 416 (h) compile relevant information, statistics, and reports on child and family service
- 417 matters in the state;
- 418 (i) prepare and submit to the department, the governor, and the Legislature reports of the
- 419 operation and administration of the division in accordance with the requirements of
- 420 Sections 80-2-1102 and 80-2-1103;
- 421 (j) within appropriations from the Legislature, provide or contract for a variety of
- 422 domestic violence services and treatment methods;
- 423 (k) enter into contracts for programs designed to reduce the occurrence or recurrence of
- 424 abuse and neglect in accordance with Section 80-2-503;
- 425 (l) seek reimbursement of funds the division expends on behalf of a child in the
- 426 protective custody, temporary custody, or custody of the division, from the child's
- 427 parent or guardian in accordance with an order for child support under Section
- 428 78A-6-356;
- 429 (m) ensure regular, periodic publication, including electronic publication, regarding the
- 430 number of children in the custody of the division who:
- 431 (i) have a permanency goal of adoption; or
- 432 (ii) have a final plan of termination of parental rights, under Section 80-3-409, and
- 433 promote adoption of the children;
- 434 (n) subject to Subsections (5) and (7), refer an individual receiving services from the
- 435 division to the local substance abuse authority or other private or public resource for
- 436 a court-ordered drug screening test;
- 437 (o) report before November 30, 2020, and every third year thereafter, to the Social
- 438 Services Appropriations Subcommittee regarding:

- 439 (i) the daily reimbursement rate that is provided to licensed foster parents based on
440 level of care;
- 441 (ii) the amount of money spent on daily reimbursements for licensed foster parents
442 and initial kinship caregiver payments during the previous fiscal year; and
- 443 (iii) any recommended changes to the division's budget to support the daily
444 reimbursement rates or the initial kinship caregiver payments described in
445 Subsection (2)(o)(i);
- 446 (p) when a division child welfare caseworker identifies a safety concern with the foster
447 home, cooperate with the Office of Licensing and make a recommendation to the
448 Office of Licensing concerning whether the foster home's license should be placed on
449 conditions, suspended, or revoked; and
- 450 (q) perform other duties and functions required by law.
- 451 (3)(a) The division may provide, directly or through contract, services that include the
452 following:
- 453 (i) adoptions;
- 454 (ii) day-care services;
- 455 (iii) out-of-home placements for minors;
- 456 (iv) health-related services;
- 457 (v) homemaking services;
- 458 (vi) home management services;
- 459 (vii) protective services for minors;
- 460 (viii) transportation services; or
- 461 (ix) domestic violence services.
- 462 (b) The division shall monitor services provided directly by the division or through
463 contract to ensure compliance with applicable law and rules made in accordance with
464 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 465 (c)(i) Except as provided in Subsection (3)(c)(ii), if the division provides a service
466 through a private contract, the division shall post the name of the service provider
467 on the division's website.
- 468 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.
- 469 (4)(a) The division may:
- 470 (i) receive gifts, grants, devises, and donations;
- 471 (ii) encourage merchants and service providers to:
- 472 (A) donate goods or services; or

- 473 (B) provide goods or services at a nominal price or below cost;
474 (iii) distribute goods to applicants or consumers of division services free or for a
475 nominal charge and tax free; and
476 (iv) appeal to the public for funds to meet needs of applicants or consumers of
477 division services that are not otherwise provided by law, including Sub-for-Santa
478 programs, recreational programs for minors, and requests for household
479 appliances and home repairs.
- 480 (b) If requested by the donor and subject to state and federal law, the division shall use a
481 gift, grant, devise, donation, or proceeds from the gift, grant, devise, or donation for
482 the purpose requested by the donor.
- 483 (5)(a) In carrying out the requirements of Subsection (2)(f), the division shall:
484 (i) cooperate with the juvenile courts, the Division of Juvenile Justice and Youth
485 Services, and with all public and private licensed child welfare agencies and
486 institutions to develop and administer a broad range of services and support;
487 (ii) take the initiative in all matters involving the protection of abused or neglected
488 children, if adequate provisions have not been made or are not likely to be made;
489 and
490 (iii) make expenditures necessary for the care and protection of the children described
491 in Subsection (5)(a)(ii), within the division's budget.
- 492 (b) If an individual is referred to a local substance abuse authority or other private or
493 public resource for court-ordered drug screening under Subsection (2)(n), the court
494 shall order the individual to pay all costs of the tests unless:
495 (i) the cost of the drug screening is specifically funded or provided for by other
496 federal or state programs;
497 (ii) the individual is a participant in a drug court; or
498 (iii) the court finds that the individual is an indigent individual.
- 499 (6) Except to the extent provided by rules made in accordance with Title 63G, Chapter 3,
500 Utah Administrative Rulemaking Act, the division is not required to investigate
501 domestic violence in the presence of a child, as described in Section 76-5-114.
- 502 (7)(a) Except as provided in Subsection (7)(b), the division may not:
503 (i) require a parent who has a child in the custody of the division to pay for some or
504 all of the cost of any drug testing the parent is required to undergo; or
505 (ii) refer an individual who is receiving services from the division for drug testing by
506 means of a hair, fingernail, or saliva test that is administered to detect the presence

507 of drugs.

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

510 (i) the individual consents to drug testing by means of a saliva test; or

511 (ii) the court, based on a finding that a saliva test is necessary in the circumstances,
512 orders the individual to complete drug testing by means of a saliva test.

513 Section 4. **Effective Date.**

514 This bill takes effect on May 7, 2025.