

EDUCATING YOUTH IN STATE CARE

2021



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# EDUCATING YOUTH IN STATE CARE

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Agencies working together  
to provide the best education  
for children in State care

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# PURPOSE

## This guide is designed to:

- Give you useful information about how to provide services to youth in State care.
- Help you as school administrators, child protection officials, juvenile justice officials, court officials, caregivers, and other community partners work together on behalf of the youth.
- Explain the process when agency services intersect.
- Give you resources and contact information for the key players in each agency.
- Bring clarity to the roles that each agency and individual plays in educating youth in state care.
- You can maximize opportunities for youth and their chances for success.

## How to use this guide

Keep this on the corner of your desk. When you have questions about interacting with other agencies or how to help your youth in care, let this guide be your guide. This guide is also available electronically on the Educating Youth in State Care website, which has other resources such as an interactive State map with contact information. [dhs.utah.gov/education](https://dhs.utah.gov/education)

## Who put this together and why?

This guide was created through an ongoing collaborative effort between the Utah State Board of Education and multiple divisions of the Utah Department of Human Services in order to improve outcomes for children in the State’s care. The effort grew out of a joint recognition that only through collaboration can practice and policy evolve to better support education stability and achievement as priorities in the lives of children in care.

Coordinated efforts between agencies can make a difference and ensure educational success in the lives of both children in foster care and youth involved in juvenile justice services. This guide can help you see how your role interconnects with others and will provide you necessary resources when interacting with them.

The Utah State Coordinating Council for the Education of Youth In Custody (UCCYIC) is an advisory panel appointed by the Utah State Board of Education (USB E). The focus of the panel is to plan, coordinate, and recommend budget, policy, and program guidelines for the education and treatment of students in the custody of the Division of Juvenile Justice Services and the Division of Child and Family Services.

The UCCYIC includes representatives from the Division of Child and Family Services, Division of Juvenile Justice Services, Division of Services for People with Disabilities, Division of Substance Abuse & Mental Health, High-Fidelity Wraparound, Utah State Board of Education, Juvenile Courts & Probation, public school district superintendents, and Tribal leaders. This multi-agency advisory council ensures coordinated efforts amongst the various agencies.

## Who are the people responsible for a child in State care?

Children’s needs are met by an interdisciplinary team. The exact team make-up is different depending on the reason the youth is in care but the following usually play a role:

- Division of Child and Family Services (DCFS)
- Division of Juvenile Justice Services (JJS)
- Caregivers
- Utah Juvenile Court
- Local Education Agencies (LEAs, i.e., public school districts or public charter schools), Youth in Custody Programs, Special Education

## What is a placement?

As is often the case when dealing with multiple agencies and organizations, common terms may have multiple meanings. Such is the case with “placement”. Below is an explanation of it’s usage for education, special education, and child welfare.

### YIC Education

In YIC education, “Placement” generally refers to the physical location where a student will be educated and/or the education delivery method for that student. YIC education placements may include regular classes, special classes, special schools, and home/hospital instruction.

### Special Education

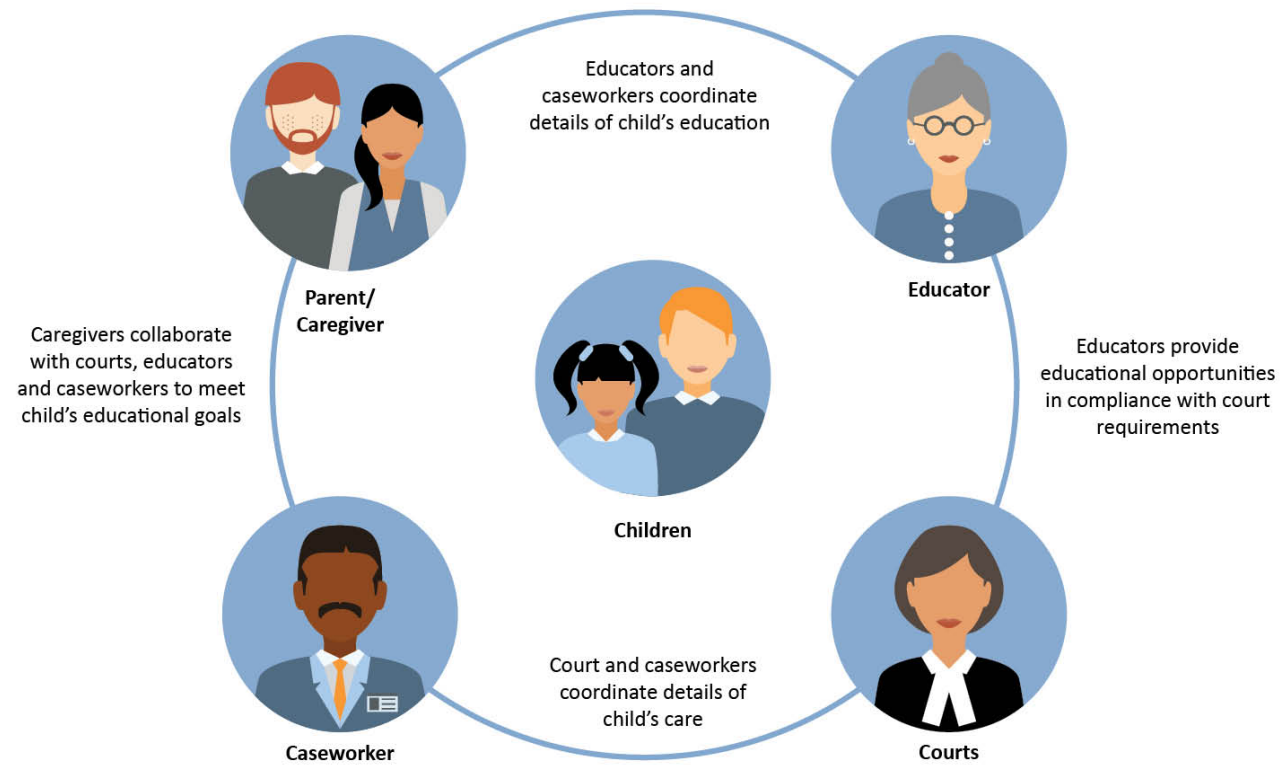
In special education, “Placement” does not necessarily refer to the physical building or location where a student is educated, but instead refers to the continuum of education services available to the student, the level and amount of special education supports and services a student receives, and the amount of time a student is accessing the general education curriculum and peers without disabilities.

### Child Welfare

In child welfare, “Placement” refers to a child’s living arrangement while in out-of-home care, which is selected to meet the child’s needs and may include placement with birth families, kinship care, foster care, or group or congregate care.

## Circle of Care

Educators, parents/families, caseworkers, caregivers and courts work as a team to coordinate care for children in state custody. Each plays an important role in the educational success of the child.



utah department of human services

## EDUCATION SERVICES

In the State of Utah, the Utah State Board of Education (USBE) is directly responsible for the education of all individuals who are younger than 21 and receiving services from the department of human services or an equivalent agency of a native American tribe. The USBE, where feasible, contracts with local school districts and other appropriate agencies to provide education, administration, and support services for youth in care.

This structure provides the benefit of Statewide oversight and accountability for education services for some of the most at-risk student populations in our country. It also has the added benefit of being able to take advantage of numerous comprehensive services provided by local school districts.

Youth in Care (YIC) students encounter numerous barriers to school success. They often face disrupted and fragmented education caused by frequent moves, changes in placement, and delays when transferring schools. Students in care face numerous educational and emotional challenges that impact academic achievement including lower academic achievements, learning difficulties, school credit deficiencies, absenteeism, increased risk for dropping out, behavioral and emotional struggles, and limited social support. System involvement is also correlated with reduced post-secondary achievements, higher rates of poverty, homelessness, unplanned and unwanted pregnancy, higher rates of unemployment, substance abuse, sexual exploitation, increased likelihood of adult incarceration, lifetime reliance on public services.

For these reasons, YIC education programs have been developed to help schools work closely with Human Services programs, child and family teams, and community resources to address the unique educational needs of these students and their families to increase their opportunity for success.

# YOUTH IN CARE EDUCATION SERVICES

## Who are Youth in Care?

Youth in Care students include anyone who is younger than 21 years old and receiving certain services from the Department of Human Services or an equivalent agency of a Native American Tribe. This includes any student who is currently in the custody of the Division of Child and Family Services (DCFS), Division of Juvenile Justice (JJS), or who are being held in a juvenile detention facility. Students who are not in the State’s custody, but who are receiving services from the Department of Human Services may also qualify as YIC students.

YIC students may also include any student who is over the age of 21, but who is still eligible for special education services and qualifies under the definition of youth in care.

YIC programs serve students from Kindergarten through 12th grade. Additional post-secondary services may also be available for qualified students in secure facilities.

The YIC acronym is used to simultaneously refer to Youth in Custody and Youth in Care. While historically the reference to Youth in Custody was more accurate, recent State juvenile justice reform efforts have placed a priority on maintaining parental custody and at home placements. The term Youth in Care will be used in this guide to represent both those students in State’s custody and those receiving other services from the State.

## Do all LEAs receive YIC funds to provide additional services for children in care?

No. LEAs, including public school districts and public charter schools, must apply for YIC funding through an annual grant process. Funds are distributed to LEAs based upon the following criteria:

- The number of youth in custody served by the LEA
- the type of program required for the youth
- the setting for providing services, and
- the length of the program

## What are the educational placement options for children in care who attend school districts with YIC programs?

YIC placement options are LEA dependent, however the continuum of YIC services is nearly identical to the continuum of alternative placements for special ed.

1. **Regular classes** — Students are enrolled in a traditional or alternative school and attend classes with non-YIC students. This includes primarily students in foster care, but may also include students receiving low-risk JJS services.
2. **Special classes** — Students are enrolled in a traditional or alternative school and attend at least some classes with only other YIC students.
3. **Special schools** — Students attend a school not available via open-enrollment. School only includes YIC students.
4. **Home/Hospital instruction** — May include any YIC student when another placement option is not available or appropriate.

## Where are the YIC programs located?

YIC programs are available in 26 of the 41 Utah school districts. These 26 districts represent the most populous areas and serve all JJS residential programs in the State.

*See Appendix C for a list of YIC programs, contact names, numbers, and locations.*

## Are children placed with a relative eligible to participate in YIC programs?

It depends on the type of placement. If DCFS has custody of a child placed in a preliminary placement or in the home of a kinship caregiver who is a licensed foster parent, the children are eligible for Youth in Custody education services.

A child placed with a kinship caregiver who has legal guardianship of the child is not eligible for participation in YIC programs.

If the school is unsure whether the child is a “youth in care,” it should contact the DCFS/JJS caseworker. If the child is initially eligible to participate in YIC programs, the caseworker should keep educational staff informed of changes in the custody status of the child.

## What is Check & Connect?

Check & Connect is a comprehensive intervention designed to enhance school engagement for students in kindergarten through 12th grade. The Program focuses on relationship building, problem solving, capacity building, and persistence. In Utah, children in foster care are eligible for Check & Connect Mentor services if the district has a funded Check & Connect program.

Check & Connect mentors regularly check on student educational progress, provide timely interventions to enhance student competencies, and work to increase engagement with families. Mentors should be considered a part of the Child and Family team and should be invited to meetings. Caseworkers should also share critical information related to the student's educational needs, strengths, and behaviors with the Check & Connect mentors.

## ENROLLMENT

### Can a student remain in their home school after removal from their home or after changing foster placement?

A child in foster care should always remain in their school of origin, unless it is determined that it is not in his or her best interest to do so (ESEA section 1111(g)(1)(E)). This remains true regardless of education delivery method, including remote or electronic learning.

A Child and Family Team, including representation from the school of origin, should complete a best interest determination to decide whether or not it is necessary to remove the child from their school of origin.

Best interest determinations should be completed each time a child's placement changes. Every effort should be made to reduce the number of times a child's education placement changes and to maintain a child's enrollment at their school of origin.

Best interest determinations should not include any consideration of transportation costs.

### How is a youth enrolled in a new school?

When a child in State custody must transfer to a different school, the caseworker contacts the YIC program in the receiving LEA and fills out necessary forms, including the Youth in Care Student Information Form and fee waivers. If the receiving LEA does not have a YIC program, the caseworker contacts the new school directly to determine enrollment requirements.

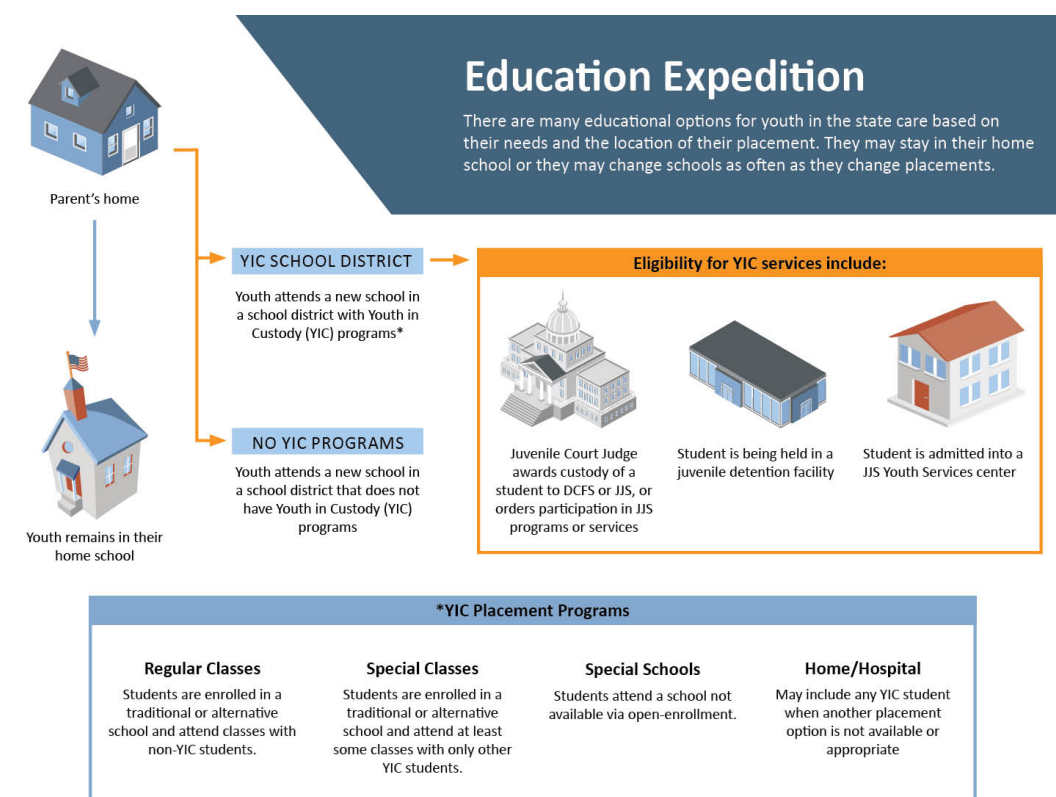
- **LEAs with YIC programs:** The caseworker is required to contact the district's YIC coordinator. The caseworker must complete the required intake forms for the YIC program.
- **LEAs without YIC programs:** The caseworker must contact the individual school and complete required enrollment forms and coordinate with school personnel to refer the child to the appropriate school principal or staff member for assessment of educational needs.

- **For children with an IEP:** In the case of a child with a disability with a current IEP who transfers from one LEA to another within the same school year and enrolls in a new school, the LEA, in consultation with the student's parent/guardian must provide a free appropriate public education (FAPE) to the student, including services comparable to those described in the previously held IEP, until such time as the LEA adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with the IDEA and the USBE Special Education Rules. In the case of a child with a disability with a current IEP who transfers from one LEA to another within the summer and enrolls in a new school in the summer, the LEA must have an IEP in effect for the child at the beginning of the school year (USBE Special Education Rules III.B.--C.).

A youth in custody program shall admit youth in custody to classes within five school days following arrival at a new residential placement ([R277-709-3\(13\)](#)).

A program receiving a youth in custody student is responsible for obtaining the student's evaluation records, and, in cases where the records are not current, for conducting the evaluation, which may include a special education eligibility evaluation, as quickly as possible so that unnecessary delay in developing a student's education program is avoided ([R277-709-3\(3\)](#)).

Following a student's release from custody or transfer to a new program, the sending program shall bring all available school records up to date and forward them to the receiving program ([R277-709-3\(14\)](#)).





## What records are needed to enroll a child in school?

While enrollment requirements may vary slightly from LEA to LEA, the following items are necessary to enroll a child in school (“enrollment verification data” as defined in R277-419-2):

- The student must be accompanied by a parent or guardian (proof required)
- A completed and signed copy of the YIC/DHS Intake Form (only for districts with a YIC program)
- Student birth certificate
- Student immunization record
- Proof of residency

Additionally, it is beneficial to provide the following items at registration:

- Name and location of the most recent school attended
- All pertinent educational records, including transcripts
- Psychological profiles completed by past schools
- Special education records, including:
  - Eligibility Determination and Evaluation Summary Report
  - Individual Education Program (IEP)
  - Behavior Intervention Plan (BIP)
  - Consent for Initial Placement

## What happens if a child does not have some of the records necessary for enrolling in school?

**Students in Foster Care:** Under the Every Student Succeeds Act (ESSA) foster care provisions, when a foster youth does not remain in the school of origin, the student must immediately be enrolled in a new school, regardless of whether or not the youth can produce the records typically required for enrollment. Any questions regarding denied enrollment due to lack of records should be directed to the State foster care education point of contact at the USBE.

**Students with IEPs:** The new LEA in which the student enrolls must take reasonable steps to promptly obtain the student’s records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the student, from the previous LEA in which the student was enrolled. The previous LEA in which the student was enrolled must take reasonable steps to promptly respond to the request from the new LEA. Experiencing difficulty in obtaining the IEP from the previous LEA does not relieve the LEA where the student is currently enrolled of its obligation to have a current IEP in place for an eligible student (USBE Special Education Rules III.C.3.--4.).

## What happens when a child cannot be immediately enrolled in school?

If an LEA determines a child is a threat of harm to themselves or others, the LEA may temporarily provide educational services in the form of at least 120 minutes of face to face instruction at the child’s place of residence during an expected period of absence, if physically excused from school attendance for an extended period of time, due to such reasons as suspension, pending court investigation or action, or an LEA determination that home instruction is necessary ([R277-419-5](#)).

## What happens when a child cannot be immediately admitted to classes?

An LEA shall admit a YIC student to classes within five school days following arrival at a new residential placement. If a program cannot complete an evaluation and plan for college and plan for college and career readiness or IEP development within five school days, the program shall enroll the student temporarily based upon the best information available.

Education programming and class placement will be determined by the LEA based on student need, the continuum of services available within the LEA, and IEP requirements.

## Are children who are awaiting foster care placement eligible for services under the McKinney-Vento Act?

Yes. Children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services. This includes children in short-term, shelter facilities or homes. Children who are already in foster care, on the other hand, are not considered homeless.

Under McKinney Vento, LEAs must comply with the following provisions:

1. Homeless students may not be segregated in a school or in a separate program within a school, based on the child’s status as homeless.
2. The State and its LEAs must adopt policies and practices to ensure transportation is provided, at the request of the parent or guardian (or in the case of the unaccompanied child, the liaison) to and from the school of origin.
3. An educational agency must immediately enroll a homeless child in the school in which enrollment is sought, even if the child is unable to produce the records normally required for enrollment.
4. School placement decisions must be made on the basis of the best interest of the child including keeping the child in their school of origin.
5. Every educational agency must designate a local liaison for homeless children.

# WHO'S WHO

## Who decides where the youth goes to school?

Youth placed in residential programs such as treatment centers, secure care facilities, etc. will be enrolled in the YIC education program which serves the area where the custody program is located.

Youth in foster care should remain in their school of origin, unless it is determined by the Child and Family Team, including representation from the school of origin, that it is in the child's best interest to enroll in a new school.

Caseworkers should work with the Child and Family Team, as well as the school, to determine where the student will go to school and ensure the child is receiving adequate educational services.

According to Utah State Statute [53G-6-402 \(12\)](#), a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services.

## Who may participate in school meetings or discussions pertaining to a child in care?

Both the caseworker and the out-of-home caregiver should be invited to parent/teacher conferences, IEP meetings, special education meetings, disciplinary hearings, etc. and should attend these types of school functions to ensure they are appropriately informed on the educational needs of the child.

If a meeting with both the caseworker and caregiver cannot be arranged, educators should prioritize meeting with the out-of-home caregiver, since they are responsible for ensuring the child's attendance and helping with their schoolwork. Educators should not assume the out-of-home caregiver will pass information to the caseworker and should facilitate ways for the caseworker to be informed about any educational needs or decisions made.

If no court orders prohibit the parent/guardian from attending and if there are no safety concerns, they should be included in any meetings or discussions that pertain to the child's academic progress.

## Who has access to a child's educational records while they are in State custody?

The Family Educational Rights Privacy Act (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Generally, schools must have written permission from the parent or eligible student (i.e., students who have reached the age of 18) in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest;
- Other schools to which a student is transferring;
- Specified officials for audit or evaluation purposes;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

### DCFS/JJS Representative

As the legal custodian and/or guardian of the child, DCFS/JJS has the right to educational records and information regarding the child while the child is in State custody.

### Out-of-Home Caregiver

As the daily caregiver of the child and a designee of DCFS/JJS, the out-of-home caregiver may be granted access to the child's educational records while the child is in their home. The out-of-home caregiver is responsible for ensuring the child's school attendance and helping with their schoolwork.

If there is a question regarding the out-of-home caregiver's right to access the educational records of a child in their care, the school should contact the caseworker to coordinate a release of the record to the out-of-home caregiver.

### Parent/Guardian

If a child is in the care of the State of Utah, the parent/guardian should be treated as a non-custodial parent. Under Family Educational Rights and Privacy (FERPA), a non-custodial parent/guardian has a right to review the educational record unless a school is presented with a court order that precludes the parent from accessing the student's records and States that parental rights have terminated.

If the parent/guardian requests the school provide them with the educational record, the school must comply with FERPA requirements. The school should coordinate with the caseworker prior to providing the records in order to determine whether a court order exists that prohibits the parent/guardian from access to the school record. If a court order exists, the caseworker should provide a copy of the court order to the school.

## What is the school’s responsibility when a DCFS or JJS worker calls for information about the student?

When a JJS case manager or a DCFS caseworker contacts the school for information, the school should request that the person seeking information provide verification of their identity prior to providing them with any information. Each caseworker has a State-issued identification they can provide upon request.

When the identification of a caseworker has been verified, the school should provide the information requested in a timely manner. The school should treat DCFS/JJS agents as they would any other custodial parent.

## Who should the LEA contact if a problem arises concerning the student’s behavior or attendance?

Both the out-of-home caregiver and the caseworker need to be informed if there are concerns that arise regarding the child’s behavior or attendance and DCFS will follow up with the parent if appropriate.

For concerns that require a meeting with school administration, both the caseworker and out-of-home caregiver should be informed of the meeting and be invited to attend.

It is essential that the school communicate with both the caseworker and the out-of-home caregiver so both are aware of the concerns.

If an emergency situation arises during school hours and the school needs an immediate response, the school should first attempt to contact the out-of-home caregiver. As soon as possible after the emergency situation has been remedied, both the school and the out-of-home caregiver should contact the caseworker and inform them of the nature of the situation and emergency.

Any educational concerns should be discussed during a DCFS Child and Family Team meeting so team members may assist in making an assessment of the child’s needs and any critical decisions to remedy behavior and attendance problems.

Educational staff may also contact the caseworker and request assistance in convening a DCFS Child and Family Team meeting at any time. The caseworker will coordinate with team members and make any necessary arrangements for the DCFS Child and Family Team meeting.

## Who should the school contact in a medical emergency?

The school should first contact the out-of-home caregiver. As soon as possible, the caseworker should also be contacted.

# OTHER

## What is the school’s obligation to keep a child’s custody status confidential?

Education staff have an obligation to keep a student’s status confidential.

DCFS and JJS have strict guidelines that must be followed in order to protect the confidentiality of the children and families served. The requirements for custody confidentiality fall under the Government Records and Access Management Act (GRAMA). DCFS and JJS are restricted from sharing any information, including names and photos, which would allow others to identify the child and family as clients.

As a partner agency that serves children in the care of DCFS or JJS educational staff have an obligation to keep a student’s status as a “youth in custody” confidential to the extent possible and should implement procedures that allow them to do so. The information should only be shared with staff members who have a legitimate educational interest in knowing that information on a “need to know” basis. For example, students should not be referred to as a “foster child” or “in State custody,” especially around other school staff or students.

If a YIC staff member or a caseworker needs to meet with a child, special care should be taken to be discreet on how it is presented publicly.

## How should a school handle absences due to custody-related activities?

If a child is absent due to a custody related activity, the absence should be treated as any other excused absence (e.g. court hearings).

## What services are available for children in care who are behind in their school credits?

Each YIC education program is required by the USBE to provide high-quality credit recovery options to all YIC students. Check with YIC education program director to determine which options are available.

## What postsecondary educational services are available to assist a child in care?

Postsecondary educational services are available for children who have been in foster care, and in some cases, children who have been adopted from foster care after the age of 13. There are specific criteria in order to qualify for funding. More information is available at the Youth Services website [dcfs.utah.gov/services/youth-services/](https://dcfs.utah.gov/services/youth-services/).

If you want more information regarding the program, how much funding may be available, or the criteria to qualify, please contact the relevant agency:

- After-care Funds- Local DCFS office, Transition to Adult Living (TAL) coordinators for the region.
- Educational Training Vouchers (ETV) – Utah Department of Workforce Services (DWS).
- Federal Pell Grants – Post-Secondary Educational agency (college, university, etc.)
- Scholarships for Foster Care Children – Several universities around Utah have made scholarships available for Children who are in foster care or emancipated from foster care. Contact the college or university for more details.
- Vocational Rehabilitation (VR)—provides transition services to eligible students (ages 14–24) with disabilities as they transition from high school to adulthood and employment.
- Workforce Initiative Act (WIA) funds – Utah Department of Workforce Services.

Students with disabilities ages 14 and older should have a statement of school to post-school transition services in their Individualized Education Program (IEP). The IEP must include appropriate measurable postsecondary goals based on age-appropriate transition assessments related to training or education, employment, and, where appropriate, independent living skills and the transition services (including courses of study) needed to assist the student in reaching those goals. The IEP team is required to invite the student to the IEP meeting whenever transition planning is discussed; if the student cannot attend, the team must make sure the student’s interests and desires are considered.

Under the Individuals with Disabilities Education Act (IDEA) and Utah law, a student with a disability may continue to receive special education services through age 21 as long as that student has not yet earned a regular high school diploma. If a student with a disability turns 22 any time after July 1, an LEA must continue to provide a free appropriate public education (FAPE) until the end of that school year.

## Can children in State care participate in extracurricular activities?

Yes! Children in custody can and should participate in extracurricular activities.

- **Obtain approval:** Requests for the child to participate in extracurricular activities should be directed to the caseworker and the Child and Family Team.
- **Students with disabilities:** In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the nonacademic

services (e.g., athletics, transportation, recreational activities, special interest groups or clubs, etc.), LEAs must ensure that each student with a disability participates with nondisabled students in the extracurricular services and activities to the maximum extent appropriate to the needs of that student. The LEA must ensure that each student with a disability has the supplementary aids and services determined by the student’s IEP team to be appropriate and necessary for the student to participate in nonacademic settings (USBE Special Education Rules III.U.--V.).

- **Fees:** Under R277-407-11, a student is eligible for fee waiver if an LEA receives verification that the student is in foster care through the Division of Child and Family Services or the student is in State custody.

If you have questions about a specific fee school-based fee, visit [schools.utah.gov/schoolfees](https://schools.utah.gov/schoolfees) or contact the USBE School Fees Project Lead at 801-538-7718

If the activity is not a school-related activity, the DCFS Child and Family Team will discuss the situation and come up with a plan for how to cover the fee.

## Are children in State care eligible for free lunch?

Yes. Fees for school lunch should be waived for children in State care.

## Is there an educational program that serves Native American children in care?

The Title VI: American Indian Education Program is a formula grant application funded through the Elementary Secondary Education Act (ESEA) to those school districts who have a high concentration of American Indian/Alaskan Native students in their school districts.

Title VII programs are provided for Indian children in the public school system, including children in the custody of the State. The specifics of Title VII programs vary, each school district determines how they want to administer and provide Title VII programs. Anyone interested in accessing Title VII programs should contact the school district and inquire if the district provides Title VII programs and how they can be accessed.

# EDUCATION SERVICES FOR STUDENTS WITH DISABILITIES

## What is the process for determining whether a student qualifies for disability-related supports in school?

	Individualized Education Program (IEP)	504 Plan
<b>Basic Description</b>	A plan that outlines the special education services a child with a disability will receive at school.	A plan for how the school will provide supports and remove barriers for a child with a disability.
<b>What It Does</b>	Provides individualized special education and related services to meet a child's unique needs.	Provides services and changes to the learning environment to enable students to learn alongside their peers.
<b>What Law Applies?</b>	The Individuals with Disabilities Education Act (IDEA) is a federal special education law for children with disabilities.	Section 504 of the Rehabilitation Act of 1973 is a federal civil rights law that prevents discrimination against people with disabilities.
<b>Who Is Eligible?</b>	To qualify for an IEP, a child must have one or more of the 13 disabilities outlined in the IDEA. The disability must affect the child's educational performance (e.g., academic, behavioral, and/or functional) and/or ability to learn and benefit from the general education curriculum. The child must need specialized instruction to make progress in school.	To qualify for a 504 plan, a child must have a disability that substantially limits a major life activity (including, but not limited to: learning, reading, concentrating, thinking, communicating, etc.).  Section 504 has a broader definition of disability than IDEA. That is why a child who does not qualify for an IEP may still be able to receive a 504 plan.

	Individualized Education Program (IEP)	504 Plan
<b>Who Creates It?</b>	An IEP is created by an IEP team that must include: <ul style="list-style-type: none"> <li>• The child's parent/guardian</li> <li>• At least one of the child's general education teachers</li> <li>• At least one special education teacher</li> <li>• School psychologist or other specialist who can interpret evaluation results</li> <li>• A district/charter representative with authority over special education services</li> <li>• At the invitation of the school/parent</li> </ul>	A 504 plan is created by a team of people who are familiar with the child and who understand the evaluation data and special services options.
<b>What's In It?</b>	The IEP is a written document that sets learning goals and describes the services the school will provide.	There is no standard 504 plan. Unlike an IEP, a 504 plan does not have to be a written document, although most schools do create a written plan that includes specific accommodations (changes to the child's learning environment), supports, or services for the child.
<b>Consent</b>	A parent/guardian must consent in writing for the school to evaluate the student. They must also consent in writing before the school can provide the services in an IEP.	A parent/guardian's consent is required for the school district to evaluate a child.
<b>How Often Is It Reviewed/Revised?</b>	The IEP team must review the IEP at least once a year. The child must be reevaluated every three years to determine whether services are still needed.	A 504 plan is generally reviewed each year and a reevaluation is conducted every three years or when needed.
<b>Funding/Costs</b>	Students receive these services at no charge. States receive federal and State funding to provide IDEA services.	Students receive these services at no charge. States do not receive federal funding for students with 504 plans. IDEA funds cannot be used to serve students with 504 plans.

STUDENTS WITH DISABILITIES

STUDENTS WITH DISABILITIES

LEAs are required to develop policies and procedures to ensure that all students with disabilities residing in the jurisdiction of the LEA who are in need of special education services are identified, located, and evaluated. This obligation is often referred to as “child find.”

These requirements apply to:

- Highly mobile students with disabilities,
- Students who have been suspended or expelled from school,
- Students who have not graduated from high school with a regular high school diploma,
- Students who are suspected of having a disability even though they are advancing from grade to grade,
- Homeschooled students and students enrolled in private schools within the school district’s boundaries,
- Students in State custody/care, and
- Students in nursing homes.

Although the LEA has the obligation to identify, locate, and evaluate a student it suspects may have a disability, either a parent or adult student may initiate a request for an initial evaluation to determine if the student is a “student with a disability” under the IDEA. Further, each LEA shall provide an initial special education assessment for children who enter DCFS custody, upon request by that division if the LEA obtains parental consent for the evaluation for children whose school records indicate that they may have disabilities requiring special education services ([Utah Code 53E-7-207](#)).

If, after evaluation, the student does not meet the eligibility criteria for special education, the team may use the evaluation data to determine if the student is eligible for a Section 504 accommodation plan. If caseworkers or out-of-home caregivers suspect a child may have a disability, they should request an initial special education evaluation or a Section 504 accommodation plan from the school administrator.

## How are the needs of a student accessing special education services or Section 504 accommodations addressed while he/she is in State care?

A student with a disability in State care should continue to receive special education and related services or Section 504 accommodations according to his/her current Individual Education Program (IEP) or Section 504 accommodation plan regardless of where he/she is placed by DCFS or JJS.

Special education or Section 504 accommodation records must transfer with the student, both when he/she enters and leaves State care to ensure continuity of educational services and the provision of a free appropriate public education (FAPE).

The IEP or Section 504 accommodation plan must be reviewed and revised by the IEP or Section 504 team at least annually to address the student’s educational needs.

At the annual review, the IEP team also determines the appropriate placement for the student in the least restrictive environment. DCFS/JJS are committed to ensuring that children obtain an education adequate to their needs and abilities. The caseworker is responsible for communicating with the school and tracking the child’s educational performance.

## How is a student’s IEP or Section 504 accommodation plan affected when he/she is placed in State care and changes schools?

Youth in care still retain the right to a FAPE under IDEA and Section 504 and should receive special education and related services and/or accommodations in alignment with their current IEP or Section 504 accommodation plan.

## Is a child in care ages 0-5 eligible for special education services or Section 504 accommodations?

Early intervention services (e.g., Utah Department of Health, Baby Watch) are available for children ages birth to three. The IDEA requires that by age three, children who are eligible for special education have an IEP developed and implemented by the school district.

A child in care can also access Headstart and Early Head Start programs, if necessary. Head Start is a federally funded preschool program targeting children in low-income families to help prepare them for school; however, a child in care, regardless of income, is eligible. Once a student is enrolled in any type preschool program, he/she may be evaluated for a Section 504 accommodation plan.

## Who serves as the parent regarding special education and Section 504 accommodation decisions?

Special education law defines “parent” to include:

- A biological or adoptive parent ,
- A guardian (but not the State if the child is a ward of the State),
- An individual acting in the place of a parent (including a grandparent, stepparent, or other relative) with whom the child lives,
- An individual who is legally responsible for the child’s welfare,
- An adult with power of attorney or other legal authority to make educational decisions,
- A foster parent, if the following four conditions are met:
  - The biological or adoptive parent(s)’ authority to make educational decisions on the student’s behalf has been extinguished under State law,
  - The foster parent has an ongoing, long-term parental relationship with the student,

- The foster parent is willing to make the educational decisions required of parent(s) under the USBE Special Education Rules, and
- The foster parent has no interest that would conflict with the student’s interests.
- Or a surrogate parent who has been appointed in accordance with the USBE Special Education Rules.

The biological or adoptive parent, when attempting to act as the parent and when more than one person is qualified to act as the parent, must be presumed to be the parent unless the parent does not have the legal authority to make educational decisions for the student. If a judicial decree or order identifies a specific person(s) to act as the “parent” of a student or to make educational decisions on a student’s behalf, then such person(s) shall be determined to be the parent for purposes of the USBE Special Education Rules (34 CFR § 300.30 ; USBE Special Education Rules I.E.31.).

Parents, if not able to attend meetings in person, may participate using alternate means, including conference calls and video conferencing.

While a judge may assign an educational surrogate parent, a judge may not assign an employee of the school district or charter school or an employee of a State agency involved in the education and care of the student to serve as the educational surrogate parent. It is the school district’s or charter school’s responsibility to protect the rights of the student with a disability who is in State care and assign an educational surrogate parent when needed. An educational surrogate parent has all the rights and responsibilities of a parent under IDEA.

LEAs must ensure that a person selected as a surrogate parent:

- Is not an employee of the USBE, the LEA, or any other agency (e.g., DCFS, JJS etc.) that is involved in the education or care of the student;
- Has no personal or professional interest that conflicts with the interest of the student he/she represents; and
- Has knowledge and skills that ensure adequate representation of the student.

In the case of a student who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogates until a surrogate can be appointed that meets requirements.

The surrogate parent may represent the student in all matters relating to the identification, evaluation, and educational placement of the student, and the provision of FAPE to the student.

The USBE and LEA staff must make reasonable efforts to ensure the assignment of a surrogate parent not more than 30 calendar days after an LEA determines that the student needs a surrogate.

When an LEA has assigned a surrogate parent to a student receiving special education services through an IEP, that individual should be included on the Child and Family Team. The caseworker should have the educational surrogate parent sign the confidentiality agreement that is used when sharing information with any member of the Child and Family Team, and should share any information that would be pertinent to the educational surrogate parent in assisting them to make appropriate educational decisions for the child.

## Surrogate Parents (34 CFR § 300.519; USBE Special Education Rules IV.V.)

Each LEA must ensure that the rights of a student are protected when:

- No parent can be identified for a student under the age of eighteen;
- The LEA, after reasonable efforts, cannot locate a parent for a student under the age of eighteen;
- The student is a ward of the State under Utah law; or
- The student is an unaccompanied homeless youth under the age of eighteen.

LEAs have a duty to assign an individual to act as a surrogate for the parent for a student under the age of majority (18 years old); this includes a method for determining whether a student under 18 needs a surrogate parent and assigning a surrogate to the student.

In the case of a student who is a ward of the State, the surrogate parent alternatively may be appointed by the judge overseeing the student’s case, provided that the surrogate meets the IDEA’s requirements.

## IEP Meeting Participation

The LEA must ensure that the IEP team for each student with a disability includes:

- The parent or the adult student,
- Not less than one regular education teacher of the student (if the student it, or may be, participating in the regular education environment),
- Not less than one special education teacher of the student,
- An LEA representative who:
  - Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities,
  - Is knowledgeable about the general education curriculum,
  - Is knowledgeable about the availability of resources of the LEA, and
  - An LEA may designate an LEA member of the IEP team to also serve as the LEA representative if the above criteria are satisfied.
- An individual who can interpret the instructional implications of evaluation results

- At the discretion of the parent or adult student or the LEA, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate (this may include a DCFS caseworker or other DHS representatives).
- Whenever appropriate, the student with a disability. Particularly, if a purpose of the IEP team meeting is consideration of the student’s postsecondary goals and the transition services needed to assist the student in reaching those goals, the LEA must invite the student with a disability to attend the student’s IEP meeting. If the student does not attend the IEP meeting, the LEA must take other steps to ensure that the student’s preferences and interests are considered. As part of the paperwork associated with the IEP process, IEP team members (including caseworkers) may be asked to sign the coversheet of the student’s IEP. Signatures on an IEP denote participation of IEP team members in the development of the IEP (i.e., a signature on an IEP does not indicate consent or agreement with the contents of the document).

## Consent

Parent/adult student consent is a foundational concept of the IDEA. This means that the parent/adult student has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication. The parent/adult student understands and agrees in writing to the carrying out of the activity for which his/her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom. Under the IDEA, an LEA is required to obtain informed consent from the parent/adult student for initial evaluation/reevaluation and before beginning to provide special education and related services to the student. Under IDEA and Section 504, the caseworker is not a parent and does not have the legal authority to provide informed consent for evaluation and initial placement.

# DEPARTMENT OF HUMAN SERVICES

## DIVISION OF CHILD AND FAMILY SERVICES

### What does the Division of Child and Family Services (DCFS) do?

DCFS protects children from abuse, neglect, or dependency and serves families experiencing domestic violence. DCFS may also provide support services for children who have been adopted.

### Who are the workers involved with a DCFS child in care?

- **Caseworker:** Each child in the care of DCFS has a caseworker assigned to them. The caseworker coordinates services for the child.

Since a court has granted care of the child to DCFS, the agency is the legal custodian or guardian of the child, and the caseworker acts on behalf of DCFS.

- **Out-of-Home Caregiver:** When a court removes a child from their home, they are placed with an out-of-home caregiver who may be a relative, a foster parent, or, in some cases, a residential or group home facility.
- **Nurse:** Each child has a nurse assigned to them from the Department of Health, Fostering Healthy Children Program, who coordinates their health, dental, and mental health care needs.
- **Juvenile Court Judge:** A judge presides at court hearings, makes important decisions, and makes orders regarding the case. When required, the youth will appear before the judge at review hearings while in custody.
- **Guardian ad Litem (GAL):** Children in care due to abuse or neglect have an attorney assigned to represent their interests. The GAL has the responsibility to ensure the child’s needs and wants are represented to the court and makes recommendations to the court on behalf of the youth. In some cases, the GAL will utilize a Court Appointed Special Advocate (CASA) to mentor and engage the child.

Children who are in State’s care due to delinquency do not generally have a GAL assigned to the case.

- **Assistant Attorney General (AAG):** An AAG is assigned as the legal representative for DCFS and the State in Juvenile Court on each abuse or neglect case.

See Appendix B for a list of DCFS contacts.



## How does DCFS obtain custody of a child?

There are four ways a child may come into DCFS care.

1. **Warrant:** The Juvenile Court judge may issue a warrant to remove a child from their home because DCFS requests the warrant during a child abuse/neglect investigation.
2. **Emergency Situations:** In some emergency situations, DCFS or law enforcement can remove without a warrant if they determine the child would not be safe remaining in the care of their parents or caregiver.
3. **Court Ordered:** The judge may order custody of the child to DCFS, generally during a court hearing, because there is a threat of harm to the child. In these situations, parents are notified in the court hearing that their child will be removed from their custody.
4. **Voluntary Parental Consent:** The parent voluntarily consents, in writing, to the removal of the child. This occurs when the parent feels they are no longer capable of caring for the child but the parent is able to have unrestricted access to the child. This type of case has a maximum time frame of 180 days

## What happens after custody of a child is given to DCFS?

Once custody of a child is obtained, DCFS immediately finds temporary care (or out-of-home care) for the child. Caseworkers first try to place the child with a non-custodial parent. Then caseworkers will try to place the child with a relative. If neither is available, the child is placed in a foster home. Residential treatment centers or group homes may be used if the child has treatment needs that indicate they need placement there. If a foster placement is not possible, the child may be placed in a temporary, short-term placement facility (such as a Christmas box house or crisis nursery) until an ongoing placement is available.

Children in out-of-home care have both a “primary permanency goal” and a “concurrent goal” identified by either the court or the DCFS Child and Family Team. The primary permanency goal for the child in out-of-home care is most often to reunify the child with their parent/guardian. In cases of severe abuse and neglect, the juvenile court may determine that DCFS is not required to offer reunification efforts.

Concurrent planning involves working towards reunification while establishing and implementing an alternative permanency goal in case reunification is not successful.

Permanency goals and concurrent planning include:

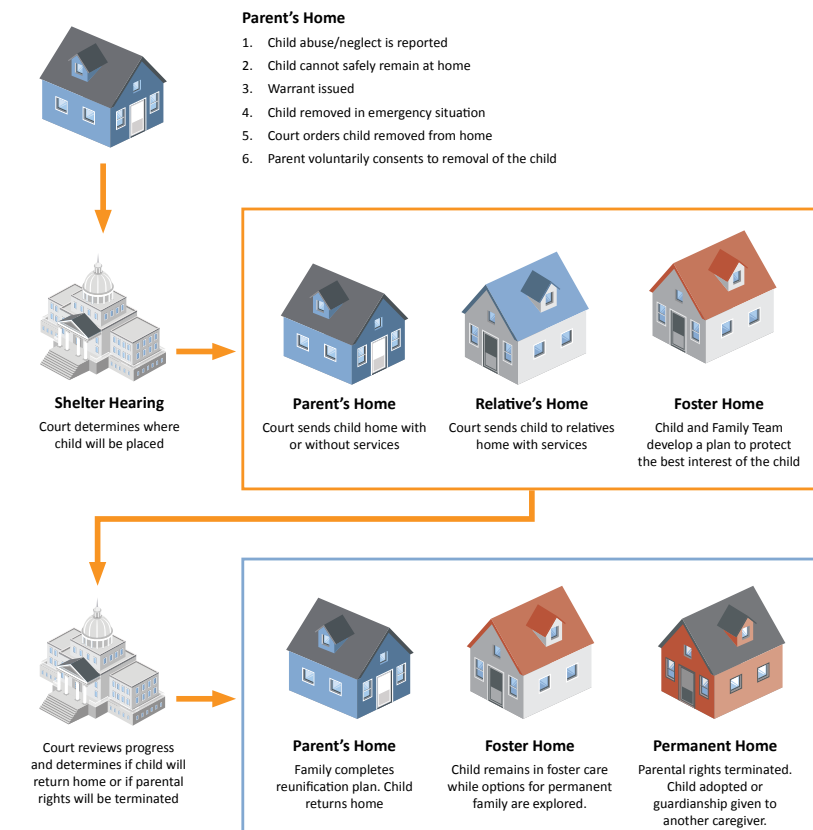
- Reunification of the child with the parent/guardian from whom the child was removed.
- Adoption with an appropriate caregiver.
- Guardianship with a relative.
- Guardianship with a non-relative.
- Individualized permanency plan to fit the unique needs of the child.

## What is a DCFS Child and Family Team?

- People with an interest in or involvement with the child (the child, when developmentally appropriate, parents/guardians, foster parents, informal supports for the family and child, legal parties, education representative, and all support/services agencies) are invited to be part of the DCFS Child and Family Team. They work together to develop a support plan for the child and parents to enable them to live together safely. If reunification between the parents and child is not possible, the Child and Family Team works together toward other permanency options for the child.
- The goal of the Child and Family Team is to develop a unified Child and Family plan based on the child and families identified strengths and needs.
- The Child and Family plan focuses on the desired outcomes for the child and family, identifies the services needed to assist in achieving the desired results, and ensures that transitions are made appropriately. The plan includes what each team member will do to assist the child and parents.

### Path to Permanency

A child entering the child welfare system steps on a path that takes them through court, usually leading to an improved home situation, other times leading to foster care or adoption. The Division of Child and Family Services fights for permanency and safety for every child.



## What are the abuse and neglect reporting requirements?

By Utah law, any person with reason to believe a child has been subjected to any type of abuse or neglect, or observes a child in “conditions or circumstances” that would reasonably result in abuse or neglect, must immediately notify the nearest peace officer, law enforcement agency, or DCFS. This is referred to as the “mandatory reporting requirement.”

Law enforcement or DCFS will then determine whether an investigation is required, and will conduct the investigation.

If someone is aware of possible abuse or neglect, but is unsure about whether the information merits making a report of child abuse or neglect, they should report the information and allow Child and Family Services to make the determination.

The Child Abuse Hotline, available 24 hours a day, should be contacted to report abuse/neglect: 1-855-323-DCFS (3237)

## Does DCFS have custody if the child is placed with a relative?

Yes. Once the child has been removed from the parents’ home, DCFS retains custody of the child until the court grants custody to another party. In some cases DCFS will place the child with either the non-custodial parent or with another relative (kinship caregiver). This type of placement is referred to as a “preliminary placement.”

A preliminary placement is a temporary placement with the kinship caregiver and allows DCFS to explore whether the kinship caregiver has the resources and ability to have the child safely remain in their home long term if reunification with the parent is not possible. If it is determined that the kinship caregiver desires the child to remain in their home and if the kinship caregiver meets certain qualifications, DCFS will give them the option of becoming a licensed foster parent. Becoming a licensed foster parent is encouraged as the kinship caregiver will have access to ongoing support and resources while caring for the child that they would not otherwise have.

If the kinship caregiver does not want to become a licensed foster parent, but wants the child to remain in their home, they must demonstrate they have the resources to care for the child without support from DCFS. The court will then grant the kinship caregiver temporary custody and guardianship of the child.

## How much time does a parent have to regain custody of their child?

Regardless of how DCFS obtains custody of a child, the parent/guardian has **12 months** to demonstrate they have made substantial efforts to comply with the child and family plan.

On or before 12 months, the juvenile court is required to hold a court hearing, called a “permanency hearing,” in order to determine whether the parent/guardian has made substantial efforts to comply with the child and family plan.

The judge will also determine whether the child’s primary goal will remain reunification with the parent, or whether it will change to another option.

At the permanency hearing, the judge may allow up to a 90-day extension (to continue working toward reunification) to the parent if they demonstrate substantial efforts to comply and DCFS reports that reunification between the child and parent is probable within the 90 days.

In no event may any reunification services extend beyond 15 months from the date the child was initially removed.

If the time lapses and the court finds that the family has not made sufficient progress with the child and family plan, options for the child include:

- Adoption
- Guardianship granted to a relative or other party
- Retention in custody while DCFS works toward another permanent arrangement

## For DCFS, what is a “delinquency case?”

In some cases, a judge may order custody of a child to DCFS when the child has been brought before the court on delinquency charges, but the judge does not feel the issues rises to the level of placing the child in the juvenile justice system. The judge may feel that the child and family would benefit more from support and services provided by DCFS rather than JJS.

JJS cannot take custody of a child under the age of 12. Consequently, a judge may order custody of a child under 12 to DCFS. When this occurs, DCFS provides substitute care of the child for reasons of delinquency instead of abuse or neglect.

Timelines for reunification between the child and the parents do not apply on delinquency cases the same way they do in cases of abuse and neglect. The child will be returned home when they have demonstrated they have made significant progress dealing with the issues that led to the delinquency charges and they can safely remain in the home.

## What is a caseworker responsible for regarding a child's education?

Caseworkers are required to ensure children receive appropriate services to meet their educational needs. They do this by:

- Obtaining information about any educational assessments that have been conducted on the child, and
- Working with educational staff to match the child's educational needs to appropriate services (e.g., special education, tutoring, advocacy within the school system, etc.)
- Following DCFS Practice Guidelines on School stability (section 303.4)

Caseworkers:

- Ensure the child's educational records are in the case file and are up to date,
- Ensure the case plan addresses identified educational needs,
- Provide foster parents or caregivers with the child's educational records, and
- Ensure the records include names and addresses of educational providers, the child's grade level performance, and any other relevant information.

Prior to removing a child from their school, caseworkers should coordinate with the school to assess if the child can safely remain in the school and what impact moving schools may have on the child. Caseworkers should make every effort to cause the least amount of disruption possible to the child's education (e.g., waiting until the end of a semester or year to move a child from the school). Educators, foster parents, and caseworkers should work together to decide what will be best for the child.

## Can youth in DCFS custody take driver's education and get a driver's license? Who pays?

Yes! Youth should be encouraged to take classes and get a driver's license. If a youth takes driver's education classes at school, the fees are waived. Look here for specific DCFS practice guidelines regarding how a youth can obtain a driver's license: <https://www.powerdms.com/public/UTAHDHS/documents/274994>

Once registered for your drivers education class share relevant information/documentation with your caseworker.

**Who can sign for liability?** The child's parent/guardian or another legal adult willing to take the responsibility may sign for liability. Out-of-home caregivers may also sign if they are willing to add the child to their own auto insurance.

If an out-of-home caregiver is willing to sign for a child in care to get a driver's license, DCFS is permitted to reimburse the out-of-home caregiver for the additional cost of adding the youth to their insurance up to a certain amount. Only children in foster care are eligible for reimbursement.

If a relative signs for the driver's license of a child in care, it is not a requirement that the child be living with the relative.

## What is the Indian Child Welfare Act?

Indian children have a unique political status not afforded other children as members of sovereign tribal governments. This political status, as well as the history of biased treatment of Indian children and families under public and private child welfare systems, is the basis for the enactment of the Indian Child Welfare Act of 1978.

The purpose of the law, commonly known as ICWA, is to preserve and strengthen Indian families and Indian culture. ICWA establishes "minimum federal standards for the removal of Indian children from their families and placement in foster or adoptive homes which will reflect the unique values of Indian culture."

It is through the children that the elders' teachings, values, languages, unique practices, and traditions are passed on and preserved. ICWA is a federal law; it supersedes state law.

ICWA applies to "child custody proceedings" in state courts. A "child custody proceeding" is defined as to include foster care placements, termination of parental rights, pre-adoptive placements, and adoptive placements.

For more information contact:

Alisa A. Lee, JD, MA  
Indian Child Welfare Program Administrator  
(801) 703-0387  
aalee@utah.gov

## What is the complaint process for DCFS?

The best process to use when concerned about a DCFS case is to contact the caseworker or supervisor assigned to the case.

DCFS also has a constituent service representative who handles concerns and complaints that are brought to the attention of the State office. For more information about Constituent Services call (801) 538-4100.

# DIVISION OF JUVENILE JUSTICE SERVICES

## What Does the Division of Juvenile Justice Services (JJS) Do?

Provides a continuum of intervention, supervision, and rehabilitation programs to youth offenders while assuring public safety.

The Division of Juvenile Justice Services (JJS) is comprised of three offices:

- Youth Services
- Community Programs
- Correctional Facilities

What falls under the Office of Youth Services?

The Office of Youth Services mostly provides early intervention services for youth at risk of out-of-home placement. Throughout the State, there are 11 Youth Services Centers that help redirect youth from locked detention so they can safely remain in their homes, schools and communities.

**Youth Service Centers:** These offer services such as short-term crisis shelters, 60-day counseling, and school-based outreach. Youth Services Centers offer a standardized model throughout the State with a single hub to streamline all intervention services. Additionally, they provide individualized youth and family plan with comprehensive access to services with screening and assessment to accurately identify youth and family strengths and needs.

**Detention:** The Office of Youth Services also runs home detention and locked detention facilities throughout the State for pre-adjudicated youth waiting for final disposition of their current charges. Home detention allows youth who are not an immediate risk to the community to remain home while being supervised from JJS staff. Locked Detention provides short-term locked confinement for delinquent youth awaiting adjudication, placement, or serving a sentence as ordered by a Juvenile Court Judge.

## Who are the people responsible for youth in JJS custody?

**Case Manager:** Youth committed to the custody of JJS for community placement, or Secure Care are assigned a case manager.

A case manager’s duty is to:

- Assess the risk and protective factors of the youth.
- Develop an individualized plan to target the youth and families’ needs.
- Refer youth to an appropriate placement or services for the youth to develop skills that address the risk factors of the youth, and prepare the family for the youth’s return home
- Monitor the progress of the youth.
- Notify the Court and youth’s family of progress or problems.

**Youth Parole Authority:** When a youth is ordered to JJS custody to a Secure Care facility, the Youth Parole Authority assumes responsibility from the Juvenile Court. While in Secure Care, the youth will have reviews before the Authority.

**Juvenile Court Judge:** A judge presides at court hearings, makes important decisions, and makes orders regarding the case. The youth, guardian, provider and case manager will appear before the judge at review hearings while in custody.

Each case will have regular review hearings while the case is under court jurisdiction.

**Parents/Guardians:** When a youth is placed in State custody, parents and/or guardians from whom the youth was removed retain some residual rights, unless restricted by the court.

Residual parental rights include:

- Responsibility for support.
- Consent to adoption.
- Determination of a youth’s religious affiliation.
- Reasonable visitation.
- In some cases, the right to consent to; marriage, enlistment in the armed forces, and, major medical, surgical, or psychiatric treatment.

*See Appendix B for a list of JJS contacts.*

## How does JJS obtain custody of a child?

JJS receives legal custody of a youth when a Juvenile Court Judge commits a youth for Community Placement, or Secure Care.

## What happens after custody of a child is given to JJS?

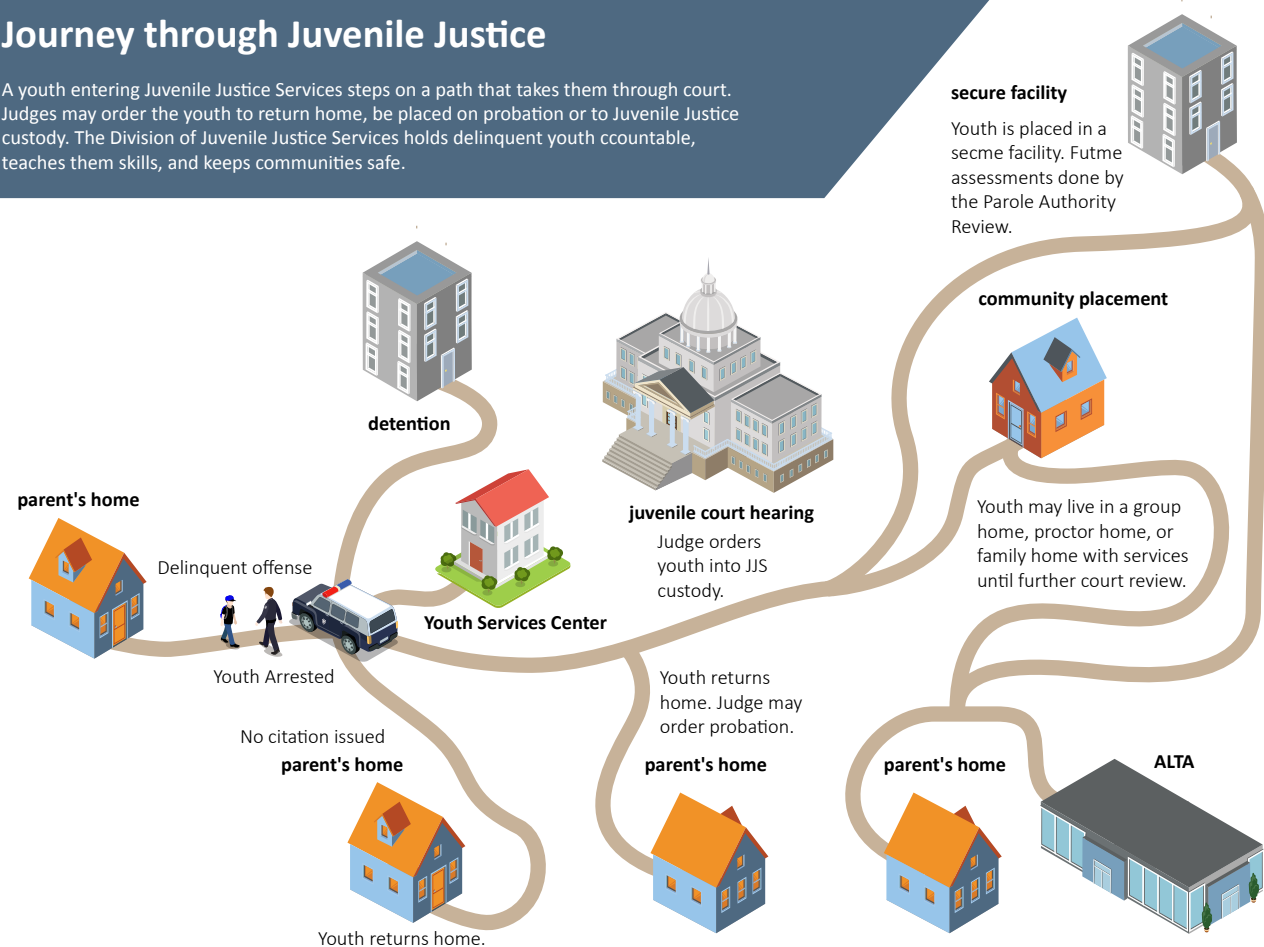
If the judge orders Secure Care, the youth is assigned to one of the Secure Care facilities in the State. The case manager examines the behavior analysis worksheet, completes a risk assessment, gathers collateral information, and identifies risk factors to be addressed. JJS then puts a treatment plan together. The Youth Parole Authority assigns a length of stay (the suggested number of months a youth will serve in a secure facility based upon the youth’s committing offense(s)) and monitors the youth’s progress toward their treatment goals.

Youth who are sentenced to Secure Care facilities may remain until age 25, but the Parole Authority can release them earlier based on successful completion of treatment goals.

If the judge orders **Community Placement**, the case manager completes a risk assessment, gathers collateral information, identifies treatment needs, and assigns the youth to a community-based program that will address those needs. Progress is monitored by the program and case managers, and recommendations are periodically made to the Juvenile Court Judge regarding continued placement, step down in placement, or termination from custody.

### Journey through Juvenile Justice

A youth entering Juvenile Justice Services steps on a path that takes them through court. Judges may order the youth to return home, be placed on probation or to Juvenile Justice custody. The Division of Juvenile Justice Services holds delinquent youth accountable, teaches them skills, and keeps communities safe.



## DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES

### What does the Division of Services for People with Disabilities Do?

The Division of Services for People with Disabilities (DSPD) is part of the Utah Department of Human Services (DHS). DSPD promotes opportunities and provides supports for people with disabilities to lead self-determined lives by overseeing home and community-based services (HCBS). Services help people live, learn, and work in their communities while ensuring their health and safety. DSPD also promotes public awareness and acceptance of people with disabilities.

DSPD collaborates with the Division of Child and Family Services and the Division of Juvenile Justice Services to provide disability services to children in State custody.

Disability services are funded with State and federal money. When possible, DSPD provides services through a Medicaid HCBS waiver. Unlike State plan Medicaid, **waivered services are not considered an entitlement**. The number of people served under a waiver depends upon the amount of money received from the Legislature each year. This means that a person may be eligible for the services, but is not able to receive services until funding is available.

### What are the DSPD Eligibility Requirements?

The Community Supports Waiver serves people of all ages, including children younger than 18 years of age, who meet the eligibility requirements for a qualifying disability. A qualifying disability meets the definition of either intellectual disability or related condition. Common related conditions include cerebral palsy, epilepsy, and autism.

**Intellectual disability** is a disability characterized by significant limitations in both intellectual functioning and adaptive behavior with evidence of onset during the developmental period. Intellectual functioning refers to general mental capacity, such as learning, reasoning, and problem solving. Generally, an IQ test score around 70 indicates a limitation in intellectual functioning. Adaptive behavior is the collection of conceptual, social, and practical skills that are learned and performed by people in their everyday lives. In the United States, the developmental period means before the age of 18.

A **related condition** is a severe, chronic disability that:

- results in impairment of general intellectual function or adaptive behavior similar to that of intellectual disability;
- manifests before the age of 22;
- is likely to continue indefinitely; and
- results in substantial functional limitations in three or more areas of major life activity.

### What is the difference between JJS and probation?

JJS receives legal custody of a youth when a Juvenile Court Judge commits a youth for Community Placement, or Secure Care.

Children on probation may or may not be in State custody.

SERVICES FOR PEOPLE WITH DISABILITIES

JUVENILE JUSTICE SERVICES

DSPD evaluates a person's functional limitations in seven areas of major life activity for eligibility purposes. The areas evaluated for eligibility depend on the person's age at the time of application.

- Self-care
- Expressive and Receptive Language
- Learning
- Mobility
- Capacity for Independent Living
- Self-direction
- Economic Self-sufficiency

DSPD determines whether the child meets eligibility requirements. To do that, DSPD reviews information that demonstrates the child's qualifying disability. That information may include:

- Copy of basic identifying information such as name, phone number, address, social security number
- Psychological evaluations, or a developmental assessment for children younger than six years of age
- School evaluations
- Medical health summaries
- Other documentation unique to the disability

DSPD is usually not able to offer services immediately after a person is determined eligible. Currently, thousands of eligible Utahns are waiting for services. Services are provided to those with the most critical needs. DSPD determines how critical each person's need for services is by using a standardized evaluation called the Needs Assessment Questionnaire (NAQ). People with the highest scores generally have the first priority for services. As funds become available, individuals on the waiting list are notified by a DSPD intake worker and brought into services.

Administrative Office  
195 North 1950 West, Salt Lake City, Utah 84116  
Phone: 1-844-ASK-DSPD or 1 -844-275-3773  
Fax: (801) 538-4279 or email dspd@utah.gov

## DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH

### What does the Division of Substance Abuse and Mental Health Do?

Our Mission is to promote "Hope, Health and Healing" by reducing the impact of substance misuse and mental illness, contributing to the development of healthy individuals, families and communities.

DSAMH contracts with county governments to provide prevention, treatment and recovery support services to the citizens of Utah. We provide policy direction, monitoring and oversight to ensure evidence based practices are used and effective outcomes are achieved.

DSAMH is a single State agency for behavioral health that coordinates the publicly funded mental health and substance use disorder treatment and prevention systems (Includes Medicaid). DSAMH ensures that evidence-based, best practices are used to help children, youth, adults and families recover and lead healthy lives in the community. This is achieved by:

- Ensuring prevention and treatment services for substance abuse and mental health are available throughout the State
- Contracting with county governments to provide prevention and treatment services
- Providing oversight and policy direction to local authorities
- Monitoring and evaluating behavioral health services through annual site reviews, development of area plans, and review of program outcome data
- Providing technical assistance and training to local authorities
- Evaluating the effectiveness of prevention and treatment programs
- Communicating results to stakeholders
- Operation of the Utah State Hospital

DSAMH contracts with each county to provide prevention and treatment services to citizens. Statewide, there are 14 local authorities who provide services to Utah citizens, with Bear River Mental Health and Bear River Health Department being separate authorities for mental health and substance use (see map)

## DSAMH local authorities responsibility and services

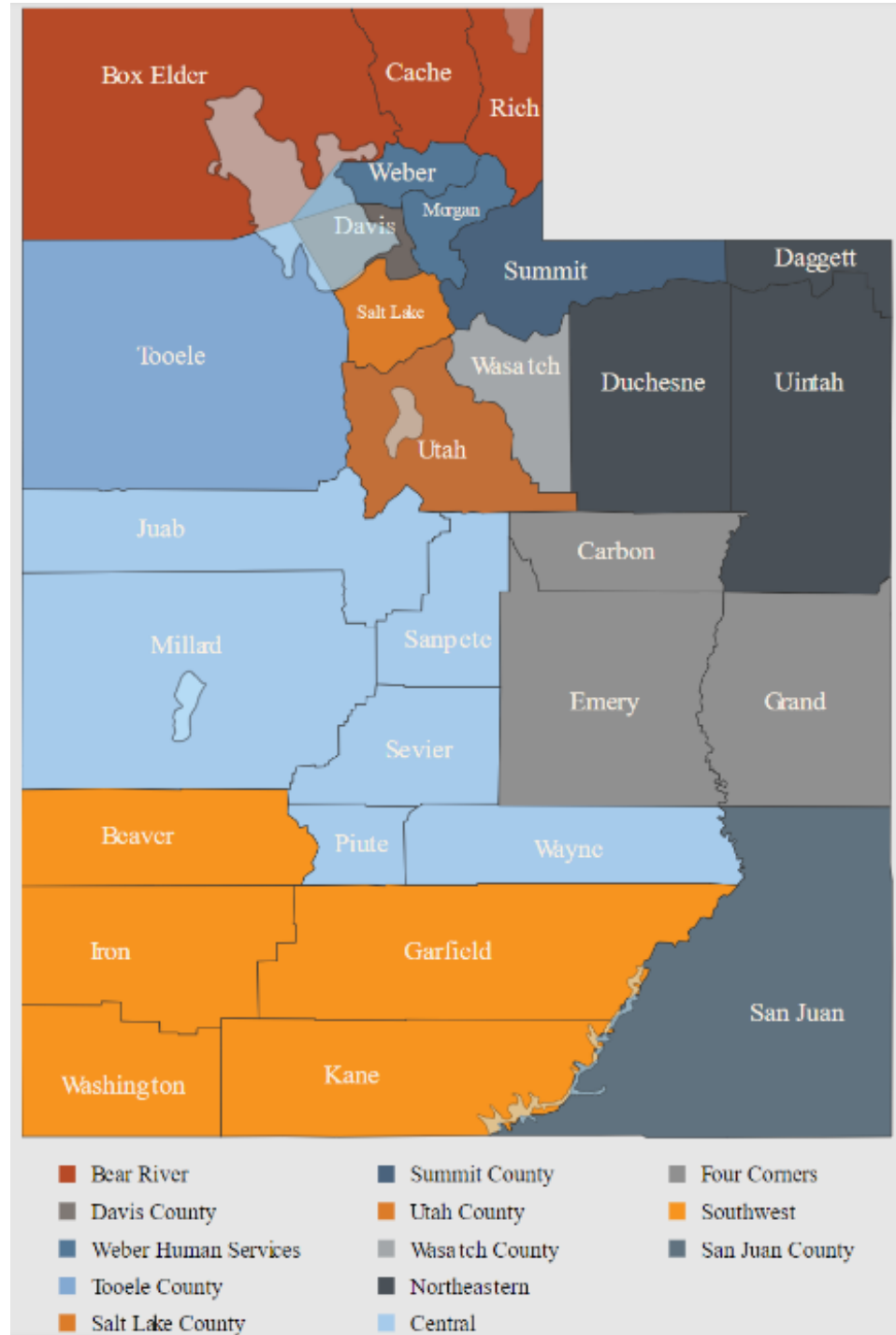
The local authorities are responsible to provide the following services:

- Inpatient Care
- Residential Care
- Outpatient Care
- 24 Hour Emergency Crisis Care
- Medication Management
- Psychosocial Rehabilitation Including Vocational Training And Skills Development
- Case Management
- Community Supports Including In-home Services, Housing, Family Support And Respite
- Consultation And Education Including But Not Limited To, Case Consultation,
- Collaboration With Other State Agencies And Public Education
- Services To Adults Incarcerated In County Facilities

The Children, Youth, and Family Program within DSAMH has been championing early intervention services which include school based behavioral health programming, family peer support and family resource facilitation, mobile crisis outreach, and infant and early childhood mental health.

To access services through a local mental health authority a person may contact their county provider or if they are uncertain of who the provider is they may contact the Division or access their webpage: <https://dsamh.utah.gov/>.

DSAMH works closely with other divisions within the Department of Human Services and other State partners to ensure access to a continuum of care is available for those served by other divisions.



Local authorities may provide direct services or contract with independent providers. DSAMH monitors each local authority to ensure services follow evidence based best practices.

# HIGH-FIDELITY WRAPAROUND

## What Does High-Fidelity Wraparound Do?

High-Fidelity Wraparound (HFW) is a process within the framework of System of Care. HFW is an evidence-based approach to family-driven, team-based, collaborative planning for developing and implementing individualized care plans for children and youth with significant mental illness, emotional disturbance and/or behavioral disorders.

Utah's Department of Human Services System of care High Fidelity Wraparound Facilitators are credentialed to facilitate this high-intensity, high-frequency intervention to families of youth with complex needs who meet referral criteria and traditional methods of service delivery have not been effective.

## High-Fidelity Wraparound Principles

**Family voice and choice:** Family and youth perspectives are prioritized during all phases of the process. The team strives to provide options to ensure the Plan reflects family values and preferences.

**Team-based:** The HFW Team consists of individuals agreed upon by the family and committed to the family through informal, formal, and community support and service

**Natural supports:** The HFW Team actively encourages the full participation of Team members drawn from the youth and family's relationships. The HFW Plan reflects activities and interventions that draw on sources of natural support.

**Collaboration:** HFW Team members share responsibility for developing, implementing, and evaluating a single HFW Plan. The Plan reflects a blend of Team members' perspectives, mandates, and resources.

**Community-based:** The HFW Team implements service and support strategies that take place in the most inclusive, most accessible, and least restrictive settings possible; and that safely promote youth integration into home and community life.

**Culturally competent:** The HFW process demonstrates respect for and builds on the beliefs, culture, and identity of the youth and their family, as well as their community.

**Strengths-based:** The HFW process and the wraparound plan identify, build on, and enhance the knowledge, skills, and assets of the youth and family, their community, and other team members.

**Unconditional:** When challenges arise, the HFW team does not give up on or blame youth and their families. Instead, they continue working towards meeting the needs of the youth and family and achieving the goals of the wraparound plan.

**Outcome-based:** The HFW team ties the goals and strategies of the HFW plan to observable or measurable indicators of success, monitors progress in terms of these indicators, and revises the plan accordingly.

## High-Fidelity Wraparound Phases

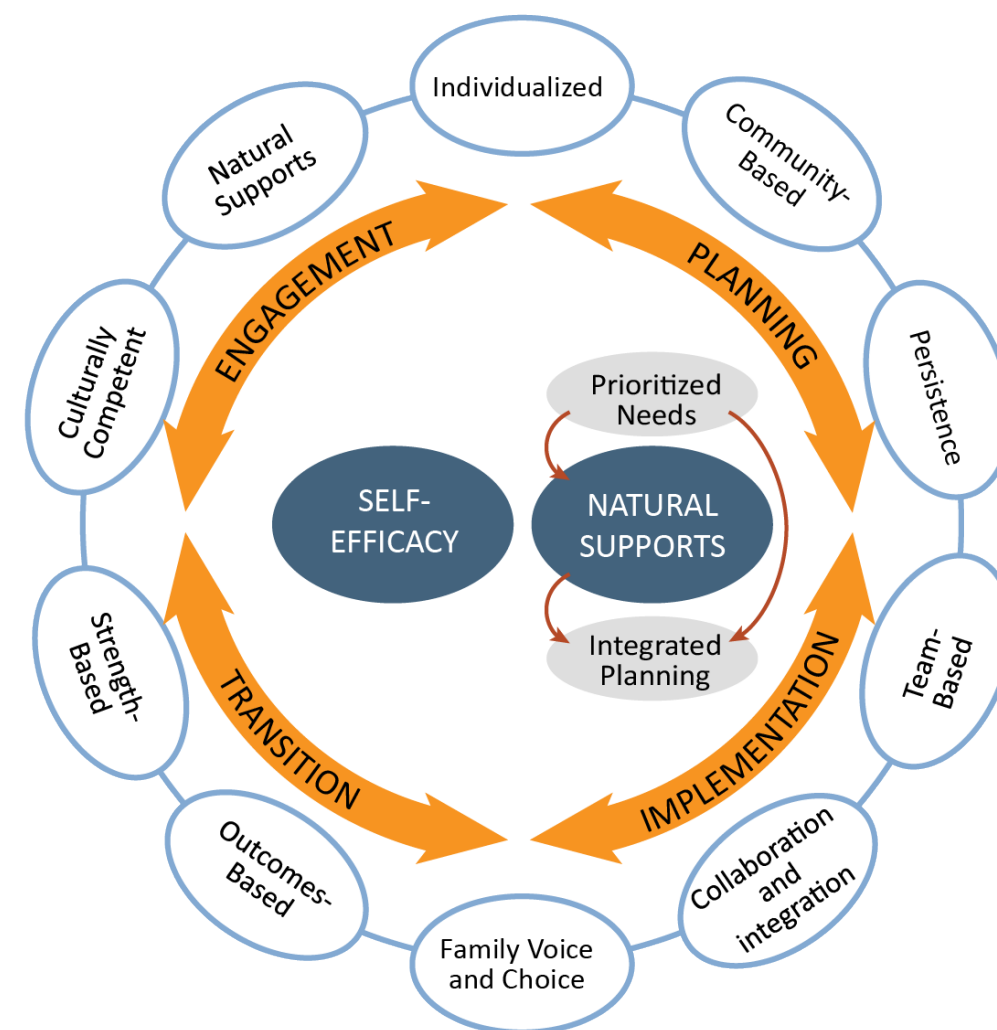
Each HFW phase represents progression in the relationship among the HFW Team members and consists of specific tasks and activities that are essential to maintaining fidelity to the HFW Framework.

**Engagement** creates the groundwork for trust and a shared vision among HFW Team members. Includes initial conversations about family strengths, needs, culture and vision and sets the tone for Team interactions.

**Planning:** Team trust, mutual respect and shared responsibility continue to build while the Team creates an initial HFW Plan of care.

**Implementation:** The HFW Plan is put into action and progress is continually monitored. Plan implementation and adjustments occur while building Team cohesiveness. Activities are repeated until formal HFW is no longer needed.

**Transition:** Plans are made for transition from the formal HFW process to mix a formal and informal supports in the community.





## Who is Eligible for High-Fidelity Wraparound

### High-Fidelity Wraparound Referral Screening Guide

Is the child 21 or younger?

AND

A recipient of services from TWO or more DHS agencies:

- |   |  |
|---|--|
| <input type="checkbox"/> <b>Child and Family Services (DCFS):</b> Family is currently involved with DCFS <u>due to the youth's high risk behavior</u> OR recently closed (within the past 90 days) DCFS involvement (may qualify at Regional Coordinator's discretion)  | <input type="checkbox"/> <b>Services for People with Disabilities (DSPD):</b> Youth receives DSPD waiver services, is on the DSPD waitlist, or recent assessments/testing indicate potential DSPD eligibility  |
| <input type="checkbox"/> <b>Juvenile Justice Services (JJS):</b> Family is currently working with JJS in court-ordered OR voluntary capacity. Youth with recently closed (within the past 90 days) JJS involvement or youth with previous multiple/serious charges may qualify at Regional Coordinator's discretion | <input type="checkbox"/> <b>Substance Abuse and Mental Health (DSAMH):</b> Local Mental Health Authority involvement (outpatient treatment, crisis response, Family Resource Facilitation, case management, medication management, skills groups, day treatment, etc); 2 or more psychiatric hospitalization/acute stays within the past year; current USH hospitalization (or discharge from USH occurred within the past year) |

OR

Has current involvement with ONE DHS agency AND ONE or more of the following:

- |   |  |
|---|--|
| <input type="checkbox"/> Private mental health provider services (outpatient treatment, crisis response, case management, medication management, skills groups, day treatment, residential treatment, psychiatric hospitalization/s, etc) | <input type="checkbox"/> In rural areas only: IEP/504/school counseling or other significant school support (may qualify at Regional Coordinator's discretion) |
|---|--|

AND

One or more of the following apply to the child:

- is being considered for out-of-home placement by DCFS/JJS due to high-risk behavior
- is currently involved in the juvenile competency or attainment process
- has been referred to High Level Staffing Committee
- is at risk of returning to a higher level of care (including returning to acute hospitalization) due to behavioral or emotional concerns
- is prevented from returning home or to a permanent community-placement due to behavioral or emotional concerns
- will be discharged from the Utah State Hospital within the next 90 days

## Referral Guidance Based on System Involvement

### Referral Guidance Based on System Involvement



#### Child and Family Services (DCFS)

- youth often considered **dependent** and have experienced (or are likely to experience) multiple placement disruptions **as a result of their challenging behavior**
- may have experienced **acute hospital stays** for psychiatric assessment
- may have **developmental and/or intellectual disabilities**

#### Juvenile Justice Services (JJS) and Juvenile Competency

- youth may have been found to be **not competent to proceed to trial** for delinquency prosecution
- **more vulnerable in detention** than the general population of youth in the setting
- may have experienced **acute hospital stays** for psychiatric assessment
- may have **developmental and/or intellectual disabilities**
- are likely to experience **multiple placement disruptions due to their challenging behavior**

#### Juvenile Probation

- youth is committing crimes and exhibiting **significant mental health challenges** that make them dangerous to themselves and/or others
- family struggles to **manage the youth's challenging behavior at home**
- may have experienced **acute hospital stays** for psychiatric assessment
- may have **developmental and/or intellectual disabilities**

#### Services for People with Disabilities (DSPD)

- youth may have **combinations of medical and mental health diagnoses** in addition to their diagnosis of intellectual disability
- may have experienced **acute hospital stays** for psychiatric assessment
- are likely to experience **multiple placement disruptions due to their challenging behavior**

#### Local Mental Health and Substance Abuse Authorities

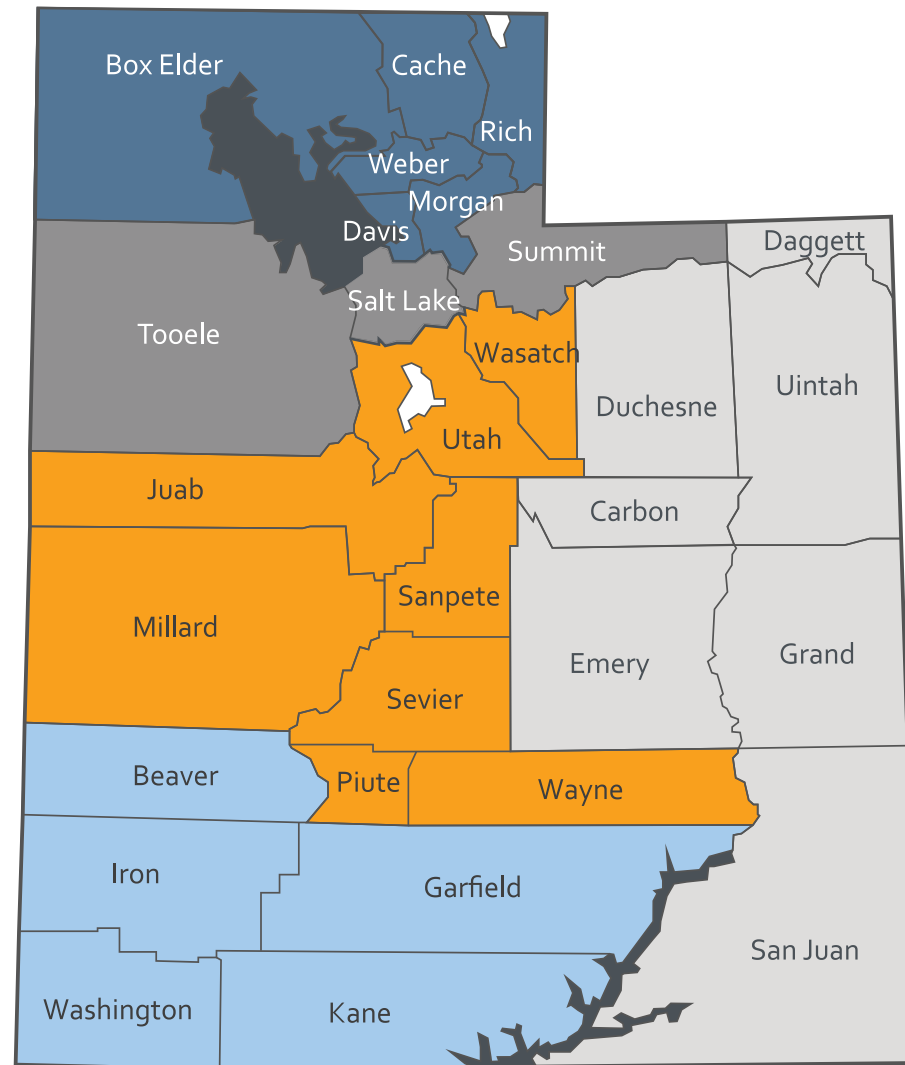
- youth **in need of intensive treatment** but providers have had difficulty engaging the youth in traditional treatment settings such as outpatient treatment
- may have **multiple diagnoses** of mental illness
- has experienced **multiple shelter stays** due to challenging behavior
- may have experienced short and/or long term **acute hospital stays** for psychiatric assessment or stabilization



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## HFW Regional Map with contact information



- Northern Region**  
NorthernSOC@utah.gov
- Salt Lake Region**  
SLSOC@utah.gov
- Western Region**  
WesternSOC@utah.gov
- Southwest Region**  
SWSOC@utah.gov
- Eastern Region**  
EasternSOC@utah.gov

# UTAH JUVENILE COURT

## What does the Utah Juvenile Court do?

The Utah Juvenile Court has exclusive jurisdiction over youth, up to 18 years of age, who violate any federal, State or municipal law, and any youth who is abused, neglected or dependent. It also has jurisdiction over habitual truants, runaways and ungovernable youth if efforts by other social service agencies are not successful.

The court has the power to:

- Place youth in the custody of the State of Utah.
- Determine support and visitation in some circumstances.
- Terminate parental rights.
- Authorize or require services for children with disabilities and/or mental illness.
- Place youth under the supervision of the court’s probation department.

## How does a child come into contact with the Utah Juvenile Court?

There are two ways youth come before a Utah Juvenile Court; if they violate the law or if they are victims of abuse and/or neglect.

### Youth Who Violate the Law (Delinquent)

Alleged offenses are generally referred to the Utah Juvenile Court by police, but may also be referred by schools and parents under certain circumstances. Once a referral is received by the Court, a juvenile probation officer is assigned to the case and will meet with the youth and their parent(s)/guardian(s) to discuss how the referral will be processed.

If the school reports a crime committed by a student with a disability defined under Individuals with Disabilities Education Act (IDEA), the school must ensure that copies of special education and disciplinary records of the student are transmitted for consideration by the authorities to whom the crime is reported, as permitted by Family Educational Rights and Privacy Act (FERPA).

HIGH-FIDELITY WRAP AROUND

UTAH JUVENILE COURT

### Youth Who are Victims of Abuse/Neglect/Dependency

An incident of abuse, neglect, or dependence is reported to law enforcement or DCFS, which investigates and determines whether the incident should be reported to juvenile court.

An **abused** youth is one who has suffered or been threatened with non-accidental physical or mental harm, sexual exploitation, or is at a substantial risk of such injury.

A **neglected** youth is one who has been abandoned, is without proper care for the child’s health, safety or well-being or who is at risk of being neglected or abused.

A **dependent** youth is one who is without proper care through no fault of the parent or guardian.

### When are court review hearings and what educational information does the court need?

Review hearings for both DCFS and JJS are generally held every three to six months or as frequently as the judge feels is necessary.

At every review hearing, the caseworker reports on the needs, status, and progress of the youth’s education in order to assist the judge in making an assessment of the youth’s educational attainment. This information is part of the Juvenile Court Education Court Report - See Appendix F. The Education Court Report is an initiative developed by the Board of Juvenile Court Judges in 2013 to improve the educational outcomes for youth who appear in Juvenile Court. It was implemented in 2015 and the questions were recently updated in 2019. The information provided regarding the youth’s education will also assist the judge to make appropriate court orders regarding the youth’s education.

These are the Education Court Report questions and information that must be provided to the court at every review hearing:

- Current school placement and grade
- Current grades, attendance, and behavior report
- Explain any school changes in the past two years, excluding natural progressions (i.e. elementary school to middle school).
- Explain any absences from the attached attendance report.
- List and describe any accommodations (such as IEP, 504 Plan, or behavior plan) the student receives and when it was last updated.

- For 9th-12th grade students not on track to graduate high school, what is the plan moving forward?
- For K-8th grade students not performing on grade level in all subjects, what is the plan to get him/her on grade level?
- What are the student’s educational successes/strengths/extra-curricular activities at school?
- If the student has educational concerns, how is the parent/caregiver/team and school addressing those concerns? What services are available at the school to support the student?

## JUVENILE PROBATION

### What does Juvenile Probation Do?

All youth who are referred to the Utah Juvenile Court for an alleged criminal episode are assigned a juvenile probation officer. Upon the probation officer assignment, the officer schedules a meeting with the youth and family that is known as a Preliminary Interview. During this interview, the probation officer reviews the youth’s legal rights and completes screenings and a risk and need assessment that is used to guide the discussion with youth and family on how the case will be handled moving forward.

A referral may either be handled outside of court through a nonjudicial adjustment or be reviewed by the prosecutor’s office to be petitioned to court. A nonjudicial adjustment is a formal agreement between the youth and probation department to complete certain obligations as determined by statute and a validated risk and needs assessment. Obligations may include fines, service hours, restitution, further assessment, and/or participation in programs, counseling, or other interventions based on the youth’s needs. Youth who are petitioned to court and adjudicated are placed on either Intake or Formal Probation, depending on their supervision needs. Recommendations are then provided to the court by the probation officer as determined by statute and a validated risk and need assessment. These recommendations consist of the same obligations as those for a case handled non judicially, but differ in that the youth is expected to complete the obligation by court order.

Probation officers oversee a youth’s fulfillment of legal requirements, while simultaneously working in partnership with youth while they are under a nonjudicial agreement or on Intake or Formal Probation. To achieve the best outcomes for youth, probation officers utilize validated risk and needs assessment tools to shape case planning, supervision, and service delivery. Case plans are developed and provide support for the youth and family while under probation supervision. As part of this process, probation officers base the intensity of interventions and frequency of contacts on youth’s assessed risk level; focus on addressing criminogenic needs through regular discussions with youth about their progress; connect youth to effective programs and services and help youth reinforce the skills they are learning through coaching, modeling, and positive reinforcement.

For additional questions contact Tiffany Pew:  
(801) 578-3811  
tiffany.p@utcourts.gov

## APPENDIX A

### WEBSITES

DCFS Practice Guidelines  
[dcfs.utah.gov/resources/practice-guidelines/](https://dcfs.utah.gov/resources/practice-guidelines/)

Educating Youth in State Care  
[hs.utah.gov/education](https://hs.utah.gov/education)

High Fidelity Wraparound/System of Care  
[hs.utah.gov/systemofcare](https://hs.utah.gov/systemofcare)

McKinney-Vento Act  
<https://schools.utah.gov/file/197cba91-b97e-4e55-b429-0ed5f1deb05c>

Section 504 Accommodations  
<https://www.schools.utah.gov/educationalequity/section504>

The Indian Child Welfare Act  
<https://dcfs.utah.gov/resources/icwa/>

Utah Department of Human Services  
<https://dhs.utah.gov>

Utah Division of Child and Family Services  
<https://dcfs.utah.gov>

Utah Foster Care Foundation  
<http://www.utahfostercare.org/>

Utah Juvenile Justice Services  
<https://jjs.utah.gov>

Utah Division of Services for People with Disabilities  
<https://dspd.utah.gov>

Utah Division of Substance Abuse & Mental Health  
<https://dsamh.utah.gov>

Utah Juvenile Courts  
<https://www.utcourts.gov/courts/juv/>

Utah State Board of Education  
[schools.utah.gov](https://schools.utah.gov)

Utah State Board of Education Special Education Services  
[schools.utah.gov/specialeducation](https://schools.utah.gov/specialeducation)

Youth in Custody  
[schools.utah.gov/yic](https://schools.utah.gov/yic)

## APPENDIX B

### CONTACT INFORMATION

#### Division of Child and Family Services

24-hour Statewide Child Abuse Reporting Hotline:  
1-855-323-3237

Division of Child and Family Services  
State Office  
195 N 1950 W  
Salt Lake City, UT 84116  
801-538-4100

Northern Region Office  
(Box Elder, Cache, Davis, Morgan, Rich, & Weber Counties)  
950 E 25th Street  
Ogden, UT 84401  
801-629-5800

Salt Lake Valley Region Office  
(Salt Lake & Tooele Counties)  
645 E 4500 S  
Salt Lake City, UT 84107  
801-264-7500

Western Region Office  
(Juab, Millard, Utah, Wasatch, & Summit Counties)  
150 E Center Street, Suite 5100  
Provo, UT 84606  
801-374-7005

Southwest Region Office  
(Beaver, Garfield, Kane, Iron, Piute, Sanpete, Sevier, Washington, & Wayne Counties)  
856 Sage Drive Suite 7  
Cedar City, UT 84720  
435-867-2760

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## Division of Juvenile Justice Services

Cache Valley Outreach Programs  
115 West Golf Course Rd., Ste. E  
Logan, UT 84321  
435-787-3500

Canyonlands Youth Center  
244 W. Old Ruin Rd.  
Blanding, UT 84511  
435-678-3140

Castle Country Youth Center  
1395 South Carbon Ave.  
Price, UT 84501  
435-636-4720

Central Utah Youth Center  
449 N. Highway 89  
Richfield, UT 84701  
435-893-2340

Decker Lake Youth Center  
2310 West 2770 South  
West Valley City, UT 84119  
801-954-9200

Farmington Bay Youth Center  
907 West Clark Lane  
Farmington, UT 84025  
801-447-8000

Mill Creek Youth Center  
790 West 12th Street  
Ogden, UT 84404  
801-334-0210

Office of Community Programs  
195 North 1950 West  
Salt Lake City, UT 84116  
Phone: 801-538-4330

Ogden Case Management  
1305 South 700 West  
Ogden, UT 84404  
801-612-4914

Salt Lake Case Management  
195 North 1950 West  
Salt Lake City, UT 84116  
Phone: 801-538-4368

Salt Lake Valley Youth Center  
3450 South 900 West  
Salt Lake City, UT 84119  
801-269-5100

Slate Canyon Youth Center  
1991 South State Street  
Provo, UT 84606  
801-342-7840

Southwest Utah Youth Center  
270 East 1600 North  
Cedar City, UT 84720  
435-867-2500

Split Mountain Youth Center  
830 East Main Street  
Vernal, UT 84078  
435-789-2045

Utah Valley Case Management  
2021 South State Street  
Provo, UT 84606  
385-448-8052

Washington County Youth Center  
330 South 5300 West  
Hurricane, UT 84737  
435-627-2800

Weber Valley Youth Center  
1305 South 700 West  
Ogden, UT 84043  
801-612-4901

## Juvenile Court

### First District

Judge Kirk Morgan  
Judge Bryan Galloway  
43 North Main  
P.O. Box 873  
Brigham City, UT 84302-0873  
435-734-4600  
135 North 100 West  
Logan, UT 84321  
435-750-1300

### Second District

Judge Sharon Sipes  
Judge Robert Neill  
Judge Tasha Williams  
800 West State Street  
P.O. Box 325  
Farmington, UT 84025  
801-334-4700

Judge Michelle Heward  
Judge Jeffrey Noland  
Judge Debra Jensen  
165 20th Street  
Ogden, UT 84401  
801-334-4700

### Third District

Judge Steven Beck  
Judge Mark May  
Judge Jim Michie  
Judge Susan Eisenman  
Judge Annette Jan  
450 South State  
P.O. Box 140431  
Salt Lake City, UT 84114-0431  
801-238-7700

Judge Elizabeth Knight  
74 South 100 East  
Tooele, UT 84074  
435-833-8040

6300 Justice Center Road  
Park City, UT 84098  
435-615-4320

Judge Renee Jimenez  
Judge Tupakk Renteria  
Judge Elizabeth Lindsley  
8080 S. Redwood Rd.  
West Jordan, UT 84088  
801-233-9600

### Fourth District

Judge Douglas Nielsen  
75 East 80 North, Suite 201  
American Fork, UT 84003  
801-763-8941

Judge Brent Bartholomew  
1361 South Highway 40, Suite 120  
Heber City, UT 84032  
435-654-2988

Judge Suchada Bazzelle  
Brent Bartholomew  
D. Scott Davis  
137 N Freedom Blvd  
Suite 150  
Provo, UT 84601  
801-354-7200

Judge F. Richards Smith  
775 West Center Street  
Spanish Fork, UT 84660  
801-804-4780

**Fifth District**

Judge Troy Little  
82 North 100 East  
Cedar City, UT 84720  
435-867-3220

Judge Paul Dame, Michael Leavitt  
206 West Tabernacle  
Suite 125  
St. George, UT 84770  
435-986-5730

**Sixth District**

Judge Brody Keisel  
895 East 300 North  
Richfield, UT 84701  
435-896-2700

**Seventh District**

Judge Craig Bunnell  
120 East Main Street  
Price, UT 84501  
435-636-3400

Judge Mary Manley  
125 East Center Street  
Moab, UT 84532  
435-259-1353

**Eighth District**

Judge Ryan Evershed  
920 East Highway 40  
Vernal, UT 84078  
435-781-9935

Judge Keith Eddington  
21554 West 9000 South  
P.O. Box 990  
Duchesne, UT 84021  
435-738-2753

**Disability Law Center**

205 N 400 W  
Salt Lake City, UT 84103  
801-363-1347

**APPENDIX C**

**YOUTH IN CUSTODY PROGRAM  
DIRECTORY**

<https://www.schools.utah.gov/file/10da0763-406d-44dd-8c1b-9b558f1fa40b>

District	YIC Director	Address	Phone
Alpine District	Dan Biolo (dbiolo@alpinedistrict.org)	1581 W 1000 S Orem, UT 84058	(801) 610-8183
Box Elder District	Gerald Jackman (gerald.jackman@besd.net)	230 W 200 S Brigham City, UT 84302	(435) 734-4834
Cache County School District	Sheri Hansen (sheri.hansen@ccsdut.org)	84 E 2400 N North Logan, UT 84341	(435) 755-0716
Canyons School District	Colleen Smith (colleen.smith@canyonsdistrict.org)	9150 S 500 W Sandy, UT 84070	(801) 826-5149
Carbon School District	Mika Salas (salasm@carbonschools.org)	251 W 400 N Price, UT 84501	(435) 613-3169
Davis School District	Blake Daniels (bdaniels@dmail.net)	264 S 500 E Kaysville, UT 84037	(801) 402-0352
Duchesne School District	Dave Green (dgreen@dcsd.org)	900 E Lagoon St Roosevelt, UT 84066	(435) 725-4583
Emery School District	Ryan Maughan (ryanm@emeryschools.org)	120 N Main St Huntington, UT 84528	(435) 687-9849
Grand School District	Lester Flugrad (pflugradl@grandschools.org)	608 E 400 St. Moab, UT 84532	(435) 259-8931
Granite School District	Jason Rosvall (jmrosvall@graniteschools.org)	450 E 3700 S Room D4 Salt Lake City, UT 84115	(385) 646-4680
Iron School District	Steve Schofield (steve.schofield@ironmail.org)	844 S 475 W Bldg. 1 Cedar City, UT 84720	(435) 586-2800

## APPENDIX D

### GLOSSARY OF TERMS

**ABUSE:** Non-accidental harm or threatened harm of a child or sexual exploitation or sexual abuse. The Division of Child and Family Services has defined the following categories of abuse:

- child endangerment,
- chronic abuse,
- dealing in material harmful to a child,
- domestic violence related child abuse,
- emotional abuse (chronic or severe),
- fetal exposure to alcohol or other harmful substances,
- human trafficking (labor or sexual),
- material harmful to a child
- pediatric condition falsification,
- physical abuse
- physical abuse (chronic or severe)
- sexual abuse,
- lewdness,
- and sexual exploitation.

**ADOPTION AND POST-ADOPTION SERVICES:** Assistance provided by DCFS to families that will adopt children in out-of-home care that are unable to return home due to safety issues. Post-adoption services provide supports to adoptive families with the goal of sustaining adoptive placements.

**ASSISTANT ATTORNEY GENERAL (AAG):** The AAG is an attorney who represents Child and Family Services.

**CASE MANAGER:** Each child committed to Juvenile Justice Services (JJS) custody for secure care, observation and assessment, or community placement is assigned a JJS case manager. It is the case manager’s responsibility to oversee the child’s care, serve as a liaison with the family, make placement decisions, monitor the child’s progress, participate in determining consequences for noncompliant behavior, and represent the Division in court.

**CASEWORKER:** A person employed by the Division of Child and Family Services to provide professional casework, case management, contract management, or direct services to a child and/or family involved with DCFS. The caseworker also coordinates with community partners that provide services to the child and/or family.

**CHILD AND FAMILY ASSESSMENT:** Information that is gathered by DCFS from various sources and used to determine the strengths, capabilities, needs, risks, and cultural aspects of the child and family. The information gathered forms a comprehensive view of the child and family and their support networks at home, at school, and in the community. The conclusions drawn in the assessment are the foundation for services outlined for the family in the Child and Family Plan.

**CHILD AND FAMILY PLAN:** A written document created by DCFS that outlines the agreed-upon strategies, supports, services, and other intervention activities offered to a child and/or family involved in DCFS services. If there is court jurisdiction over the child and/or family, the Child and Family Plan is considered a legal document and is incorporated in the court order for the family.

District	YIC Director	Address	Phone
Jordan School District	Stacy Evans (stacy.evans@jordandistrict.org)	7905 S Redwood Rd West Jordan, UT 84088	(801) 567-8187
Logan City School District	Daryl Guymon (daryl.guymon@loganschools.org)	325 W 400 S Logan, UT 84321	(435) 755-2395
Murray City School District	Carol Anderson (canderson@murrayschools.org)	5440 S State St Murray, UT 84107	(801) 264-7460 x5241
Nebo School District	Lynn Mecham (lynn.mecham@nebo.edu)	612 S Main Spanish Fork, UT 84660	(801) 798-4030
North Sanpete School District	Odee Hansen (odee.hansen@nsanpete.org)	220 E 700 S Mt. Pleasant, UT 84647	(435) 462-2485
Ogden School District	Ed Morris (morrise@ogdensd.org)	1305 S 700 W Ogden, UT 84404	(801) 334-0271
Provo School District	Travis Cook (travisc@provo.edu)	1991 S State S Provo, UT 84606	(801) 374-4830 (385) 235-0564
Salt Lake City School District	Wendy Jack-Alvarado (wendy.jack-alvarado@slcschools.org)	1234 S Main Salt Lake City, UT 84101	(801) 578-8574 x240
San Juan School District	Trevor Olsen (tolsen@sjsd.org)	200 N Main St Blanding, UT 84511	(435) 678-1227
Sevier School District	Michael Willes (michael.willes@seviersd.org)	180 E 600 N Richfield, UT 84701	(435) 896-8214
South Sanpete School District	Arlene Anderson (arlene.anderson@ssanpete.org)	39 S Main Manti, UT 84642	(435) 835-2261
Tooele School District	Brian Duncan (bduncan@tooeleschools.org)	211 Tooele Blvd Tooele, UT 84074	(208) 300-7777
Uintah School District	Andrea McKea (andrea.mckea@uintah.net)	559 N 1700 W Vernal, UT 84078	(435) 781-4675
Utah State Hospital	Travis Cook (travisc@provo.edu)	1300 E Center St Provo, UT 84603	(801) 344-4400 (385) 235-0564
Washington School District	Rusty Holmes (rusty.holmes@washk12.org)	2410 E Riverside Dr St. George, UT 84790	(435) 628-2462 x5239
Weber School District	Karla Porter (kporter@wsd.net)	5320 S Adams Ave Pkwy Ogden, UT 84405	(801) 476-7873

**CHILD AND FAMILY TEAM:** A multi-disciplinary team convened by DCFS to plan for the needs of the family and assist DCFS in making critical case decisions. The child, their family, the caseworker, and any out-of-home providers and kin included in the case are the primary members of a Child and Family Team. Other entities that may be included to provide additional support include representatives from education, health care, law enforcement, the Guardian Ad Litem, parent's attorney, the Attorney General, JJS, probation officers, and any other supportive individuals, professional and non-professional, as designated by the family.

**CHILD PROTECTIVE SERVICES (CPS):** Service provided through DCFS that conducts investigations to determine the validity of child abuse/neglect referrals received from the community or professionals. CPS cases may lead to other types of services being provided to the family by DCFS.

**CHILD PROTECTIVE SERVICES INTAKE:** The process of receiving the initial information from a person (referent) who is alleging an act of abuse, neglect, or dependency against a child. The intake worker researches any additional information on the child and family that is available to DCFS, determines appropriate assignment and prioritization of a referral of abuse or neglect, and delivers an accepted referral for investigation to a CPS investigator.

**COLLATERAL CONTACT:** Any individual other than the alleged perpetrator who has had direct contact with or knowledge of the child or the child's family.

**COMMUNITY PLACEMENT:** Residential, community-based services for a delinquent child in JJS custody. These services are primarily operated by private providers through contracts with the State. Residential services range from proctor care to intensive residential group homes. Programs are designed to provide supervision and interventions based on the child's risk factors (e.g., sex offenses, mental health, substance dependence, physically aggressive child, property offenders, and noncompliant child).

**CONCURRENT PLANNING:** The process of planning for multiple permanency options for the child in the event that the primary permanency goal becomes unattainable.

**COURT APPOINTED SPECIAL ADVOCATES (CASA):** CASA workers are specially trained community volunteers who help to represent the best interest of the child in court hearings. As Guardian Ad Litem (GAL) are required to be appointed for every child who has a case of abuse and/or neglect in Utah, they have an extremely high case volume and are sometimes unable to be as involved with the child as they feel they need to be in order to represent the child's best interests in court. On these cases, the GAL will sometimes request that a CASA be appointed to meet and work with the child individually, in order to help the GAL and court to understand the child's perspective and truly represent the child's interests in court.

**COURTS AGENCY RECORD EXCHANGE (CARE):** The Juvenile Court's and DJJS's management information system.

**DELINQUENT YOUTH:** Youth ages 10 to 18 who have committed an act that is a crime.

**DEPENDENCY:** The condition of a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian. Dependency may be due to:

- A lack of understanding by the child's parent or guardian as a result of a lack of education or due to a mental, emotional, or physical disability.
- A parent or guardian's lack of economic resources.
- The institutionalization of a parent or guardian who has not or cannot arrange for safe care for the child.

**DETENTION:** JJS programs providing temporary, locked confinement to a child awaiting adjudication or placement and for a child ordered to detention as a sentence or for contempt of court. Children may also be placed in detention if they pose an immediate danger to themselves or others.

**DOMESTIC VIOLENCE:** Conduct involving violence or physical harm, or the threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. Domestic violence can take a variety of forms, including physical violence, psychological violence, or sexual violence.

**DOMESTIC VIOLENCE RELATED CHILD ABUSE:** Domestic violence between cohabitants in the presence of a child. It may be an isolated incident or a pattern of conduct.

**DOMESTIC VIOLENCE (DV) SERVICES:** Support services, provided by DCFS, which are offered to victims and families affected by DV. DV services are typically provided by a licensed domestic violence shelter provider, a licensed domestic violence treatment provider, a victim advocate, or a similar domestic violence facility or specialist.

**EARLY INTERVENTION SERVICES - SPECIAL EDUCATION:** Programs for youth to prevent them from further involvement with the Juvenile Justice System.

**EDUCATION AND TRAINING VOUCHER (ETV):** Provides financial resources for post-secondary education and vocational training necessary to obtain employment or to support

the individual's employment goals for youth transitioning from DCFS custody.

**EDUCATIONAL NEGLECT:** Failure or refusal by a parent to ensure that a child receives an appropriate education.

**EDUCATIONAL SURROGATE PARENT:** A representative appointed by (but not employed by) the school district/charter school, who has been trained regarding special education requirements and student needs and who serves as a parent in special education activities such as IEP development, placement review and consent, and evaluation, when there is no biological parent or foster parent involved. For example, an educational surrogate parent may be assigned when a child is in a residential treatment center or shelter facility.

**FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA):** Assures parents access to their student's educational records and protects rights to privacy by limiting the access of educational records without parent consent.

**FOSTER PARENTS:** An out-of-home caregiver who is licensed by the State of Utah to provide care for a child who has been removed from their home. They are responsible for the daily care of the child as well as the child's health and well-being. A foster parent may be a relative who has become a licensed foster parent for a specific child, or a person from the community who has gone through the required training and other processes necessary to become a foster parent. A foster parent, however, is not authorized to act as a legal custodian or guardian of a child. That responsibility lies with the Division of Child and Family Services, as it is the agency granted custody and/or guardianship by the court.

**FREE, APPROPRIATE PUBLIC EDUCATION (FAPE):** Special education and related services that are provided at public expense in accordance with an IEP.

**GOVERNMENT RECORDS ACCESS MANAGEMENT ACT (GRAMA):** A Utah statute that allows members of the public to obtain copies of certain government records. If a person submits a written request for a JJS or Child and Family Services record, GRAMA requires JJS or Child and Family Services to disclose the record unless disclosure is prohibited by the provisions of GRAMA itself or by another State or federal statute. Many of JJS and Child and Family Services' records are not open to the public due to their classification under GRAMA or other statutes.

**GUARDIAN AD LITEM (GAL):** Utah State law requires that each child who may become the subject of a petition alleging abuse, neglect, or dependency shall have a Guardian ad Litem appointed to represent the best interest of the child during juvenile court hearings. GALs sometimes use Court Appointed Special Advocates (CASA worker) to meet with the child if they are unable to themselves. GALs are appointed to represent children on abuse and neglect cases, but not usually on delinquency cases.



**GUARDIANSHIP:** Provides a permanent living arrangement for the child. The guardian (caregiver or responsible adult) has the authority to consent to the child’s marriage; enlistment in the armed forces; major medical, surgical, or psychiatric treatment; and to legal custody, if legal custody is not vested in another person, agency, or institution.

**INDIAN CHILD WELFARE ACT (ICWA):** A federal law that sets minimum standards for State courts to follow in Indian child custody proceedings. It is designed to strengthen and preserve Native American families.

**INDIAN CHILD WELFARE ACT (ICWA) SERVICES:** Federally required services that DCFS must provide for children in foster care with Native American heritage who are eligible for tribal membership.

**INDIVIDUALIZED EDUCATION PROGRAM (IEP):** A program designed to meet the unique educational needs of one child. The IEP must be tailored to the individual student’s needs as identified by the evaluation process and must help teachers and related service providers understand the student’s disability and how the disability affects the learning process. In other words, the IEP should describe how the student learns, how the student best demonstrates that learning, and what teachers and service providers will do to help the student learn more effectively.

The required individuals for the IEP team are the regular education teacher, special educator, principal or Local Education Agency (LEA) designee, parent or guardian of the student, and a person who can interpret the instructional implications of evaluation results if not one of the above mentioned team members (a school psychologist, in many cases). Related service individuals may also attend (e.g., speech therapist, interpreter, caseworkers, or classroom aide if they are implementing portions of the IEP). The parent can ask friends, family etc. to attend. The IEP team can be convened each year at the request of any member of the IEP team. A caseworker who is the legal guardian of the student may not sign as the parent on an IEP, but can and should sign the IEP.

**INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA):** Requires that a free, appropriate public education (FAPE) be provided to eligible students with disabilities. Students are determined to be eligible under IDEA if a school team, including the parent, determines that they have a disability that adversely affects their educational performance (i.e., academic, communication, social/behavioral) and requires special education and related services.

**IN-HOME (OR HOME-BASED) SERVICES:** Services provided to a family to maintain a child safely in their own home and keep the family together.

**JUVENILE JUSTICE SERVICES (JJS):** A division of the Department of Human Services that provides a continuum of intervention, supervision, and rehabilitation programs to youth offenders while assuring public safety.

**KINSHIP CARE:** The full-time care, nurturing, and protection of a child by relatives or close family friends. All children need permanency through enduring relationships that provide stability, familiarity, and support for the culture of the child; support the child’s sense of self based on existing attachments; provide for the child’s safety and physical care; and connect the child to their past, present, and future through continuing family relationships. First priority is to maintain a child safely at home. However, if a child cannot safely remain at home, kinship care has the potential for providing these elements of permanency by virtue of the kin’s knowledge of and relationship to the family and child. Kinship is the preferred placement option when a child cannot remain at home and helps to mitigate the trauma of removal.

**LOCAL EDUCATION AGENCY (LEA):** A public school district or public charter school.

**LOCAL MENTAL HEALTH AUTHORITY:** County Legislative body

**LOCAL SUBSTANCE ABUSE AUTHORITY:** County Legislative body

**LEAST RESTRICTIVE ENVIRONMENT (LRE):** To the maximum extent appropriate, youth in custody shall not be placed in restrictive or non-mainstream programs simply because of their custodial status, their past behavior, or the inappropriate behavior of other students.

To the maximum extent appropriate, students with disabilities are educated with students who are not disabled. Removal of the student with disabilities from the regular education environment occurs only if the nature or severity of the disability is such that an education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

**LEGAL CUSTODY:** Legal authority given to an individual or agency that embodies the following rights and duties: the right to physical custody of the child; the right and duty to protect, train, and discipline the child; the duty to provide the child with food, clothing, shelter, education, and ordinary medical care; the right to determine where and with whom the child shall live; the right, in an emergency, to authorize surgery or extraordinary care.

**MCKINNEY-VENTO ACT:** McKinney-Vento is the primary piece of federal legislation dealing with the education of children experiencing homelessness in U.S. public schools. The federal law is designed to address the problems that homeless children face in enrolling, attending, and succeeding in school. Children who are awaiting foster care placement are considered homeless and eligible for McKinney-Vento services. Under McKinney-Vento, schools must comply with the following provisions:

1. Homeless student may not be segregated in a school or in a separate program within a school, based on the child’s status as homeless.
2. Local educational agencies will provide transportation to and from the school of origin at the request of the parent or guardian (or in the case of the unaccompanied child, the liaison).
3. A homeless child may be enrolled immediately in school, even if the child is unable to produce the records normally required for enrollment.

4. School placement decisions must be made on the basis of the best interest of the child including keeping the child in their school of origin.
5. Every school must designate a local liaison for homeless children.

**NEGLECT:** An action or inaction that causes harm or threatened harm such as abandonment of a child, except a safe relinquishment of a newborn child; lack of proper parental care by reason of the fault or habits of the parent, guardian, or custodian; failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, or any other care necessary for the child’s health, safety, morals, or well-being; a child at risk of being neglected or abused because another child in the same home is neglected or abused. This includes, but is not limited to, abandonment, educational neglect, environmental neglect, failure to protect, failure to thrive, medical neglect, non-supervision, physical neglect, and sibling at risk.

**OUT-OF-HOME SERVICES:** Out-of-home services, sometimes known as “foster care” services, are provided to children and families through DCFS when children are unable to remain safely in their home. When out-of-home services are provided, custody of the child has been either court ordered to DCFS or voluntarily provided by the legal parent and/or guardian.

**PERMANENCY:** A permanent safe and nurturing home for a child with enduring relationships that provide a sense of family stability and belonging. The establishment and maintenance of a permanent living situation for a child to give the child an internal sense of family stability and belonging and a sense of self that connects the child to his or her past, present, and future. Permanency can be achieved in a number of ways based on the child’s circumstances.

For example :

1. keeping or returning the child to his or her home;
2. placing the child with a relative or nonrelative and supporting permanent custody or guardianship;
3. supporting independent living; or
4. adoption

**PLACEMENT:** A child’s living arrangement while in out-of-home care, selected by a team including the family and agency representatives, which is selected to meet the child’s needs.

(For students with disabilities receiving special education services, please see Special Education Placement.)

**PROCEDURAL SAFEGUARDS:** Rights for parents, or persons acting as parents, of students with disabilities that includes to examine records, participate in meetings, obtain an independent education evaluation, and receive written prior notice of actions proposed or refused by the LEA regarding special education. To view complete Procedural Safeguards, please visit [schools.utah.gov/file/f53358c8-4169-4121-ada3-a8b4d4fe7a52](https://schools.utah.gov/file/f53358c8-4169-4121-ada3-a8b4d4fe7a52)

**PROTECTIVE CUSTODY:** Taking a child into custody for protection by a Child and Family Services CPS worker, law enforcement officer, or physician. Protective custody begins from the time the decision is made, typically from when the child is removed from the home, and continues until the shelter hearing or until the child returns home, whichever occurs earlier.

**RESIDUAL PARENTAL RIGHTS AND DUTIES:** Those rights and duties remaining with the parent after legal custody or guardianship, or both, have been vested in another person or agency. Residual parental rights and duties include the responsibility for support, the right to consent to adoption, the right to determine the child’s religious affiliation, and the right to Reasonable visitation unless

restricted by the court. If no guardian has been appointed, “residual parental rights and duties” also include the right to consent to marriage, to enlistment in the armed forces, and to major medical surgical or psychiatric treatment.

**REUNIFICATION SERVICES:** Services provided by DCFS to reunite the child and family. Reunification services may not extend beyond 12 months (or eight months if a child is under 36 months of age), from the date that the child was initially removed from the home.

**SAFE DATABASE:** Division of Child and Family Services’ management information system.

**SECTION 504:** Protects qualified individuals with disabilities. Under this law, individuals with disabilities are defined as persons with a physical or mental impairment which substantially limits one or more major life activities

**SECURE FACILITY:** Long-term, locked confinement for youth adjudicated by the Juvenile Court typically reserved for the most serious and habitual juvenile offenders.

**SHELTER PLACEMENT:** Temporary placement of a child by Child and Family Services in a licensed facility from the time the child is removed from the home until the court makes an order regarding custody of the child.

**SUPPORTED OR UNSUPPORTED FINDING:** A finding, based on the information available to the caseworker at the end of the investigation, that there is a reasonable basis to conclude that abuse, neglect, or dependency occurred, and that the identified perpetrator is substantially responsible. The perpetrator may be unknown. When there is sufficient information to conclude the allegation of abuse, neglect, or dependency occurred, a “supported” finding is made by the investigator. An “unsupported” finding is based on the information available to the worker at the end of the investigation that there was insufficient information to conclude that abuse, neglect, or dependency occurred. A finding of unsupported means also that the worker did not conclude that the allegation was without merit.

**SPECIAL EDUCATION:** Specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability. The specially designed instruction includes adapting the content, methodology, or delivery of instruction.

**SPECIAL EDUCATION PLACEMENT:** The educational placement of a student with a disability made by an IEP team, considering the student’s IEP, all evaluation data and least restrictive environment (LRE) options.

**STATUS OFFENCES:** An act that would not be considered an offense if committed by an adult. Such offenses include sexual behavior, alcohol consumption, running away, and truancy.

**TERMINATION (or PERMANENT DEPRIVATION) OF PARENTAL RIGHTS (TPR):** When all rights that a parent or parents may have to a child are terminated in court.

**THERAPIST:** Some children in care require therapy with a licensed mental health provider. Not all children in care will have a therapist, but all children will have annual mental health assessments in order to determine if any treatment is necessary.

**TRANSITION TO ADULT LIVING (TAL) SERVICES:** A program for youth ages 14 to 18 years that aids youth in the development of skills needed for successful adult life. Services in this program include coursework, home study, community involvement, and/or placement. Transition to Adult Living was formerly known as the “Independent Living Program.”

**VOLUNTARY CUSTODY:** A formal agreement in which a legal guardian or custodian grants custody of a child to Child and Family Services for placement in a licensed home or facility for a limited period of time.

**VOLUNTARY RELINQUISHMENT:** Voluntary consent by a parent to termination of their parental rights. A relinquishment must be signed and affirmed before a judge or an officer authorized to accept relinquishments. Only the Juvenile Court is authorized to take relinquishments with regard to a child under court jurisdiction.

## APPENDIX E

### 53E-9-308 SHARING STUDENT DATA

Effective 5/8/2018

Superseded 5/14/2019

#### 53E-9-308 Sharing student data -- Prohibition -- Requirements for student data manager -- Authorized student data sharing.

1.
  - (a) Except as provided in Subsection (1)(b), an education entity, including a student data manager, may not share personally identifiable student data without written consent.
  - (b) An education entity, including a student data manager, may share personally identifiable student data:
    - (i) in accordance with the Family Education Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g and 1232h;
    - (ii) as required by federal law; and
    - (iii) as described in Subsections (3), (5), and (6).
2. A student data manager shall:
  - (a) authorize and manage the sharing, outside of the student data manager's education entity, of personally identifiable student data for the education entity as described in this section;
  - (b) act as the primary local point of contact for the State student data officer described in Section 53E-9-302; and
  - (c) fulfill other responsibilities described in the data governance plan of the student data manager's education entity.
3. A student data manager may share a student's personally identifiable student data with a caseworker or representative of the Department of Human Services if:
  - (a) the Department of Human Services is:
    - (i) legally responsible for the care and protection of the student, including the responsibility to investigate a report of educational neglect, as provided in Subsection 62A-4a-409(5); or (ii) providing services to the student;
  - (b) the student's personally identifiable student data is not shared with a person who is not authorized:
    - (i) to address the student's education needs; or
    - (ii) by the Department of Human Services to receive the student's personally identifiable student data; and
  - (c) the Department of Human Services maintains and protects the student's personally identifiable student data.
4. The Department of Human Services, a school official, or the Utah Juvenile Court may share personally identifiable student data to improve education outcomes for youth:

- (a) in the custody of, or under the guardianship of, the Department of Human Services; (b) receiving services from the Division of Juvenile Justice Services;
- (c) in the custody of the Division of Child and Family Services;
- (d) receiving services from the Division of Services for People with Disabilities; or
- (e) under the jurisdiction of the Utah Juvenile Court.

5.
  - (a) A student data manager may share personally identifiable student data in response to a subpoena issued by a court.
  - (b) A person who receives personally identifiable student data under Subsection (5)(a) may not use the personally identifiable student data outside of the use described in the subpoena.
6.
  - (a) A student data manager may share student data, including personally identifiable student data, in response to a request to share student data for the purpose of research or evaluation, if the student data manager:
    - (i) verifies that the request meets the requirements of 34 C.F.R. Sec. 99.31(a) (6); (ii) submits the request to the education entity's research review process; and (iii) fulfills the instructions that result from the review process.
  - (b)
    - (i) In accordance with State and federal law, the board shall share student data, including personally identifiable student data, as requested by the Utah Registry of Autism and Developmental Disabilities described in Section 26-7-4.
    - (ii) A person who receives student data under Subsection (6)(b)(i):

(A) shall maintain and protect the student data in accordance with board rule described in Section 53E-9-307;

(B) may not use the student data for a purpose not described in Section 26-7-4; and

(C) is subject to audit by the State student data officer described in Section 53E-9-302. (c) The board shall enter into an agreement with the State Board of Regents, established in Section 53B-1-103, to share higher education outreach student data, for students in grades 9 through 12 who have obtained written consent under Subsection 53E-9-305(2)(i), to be used strictly for the purpose of:

- (i) providing information and resources to students in grades 9 through 12 about higher education; and
- (ii) helping students in grades 9 through 12 enter the higher education system and remain until graduation.

# APPENDIX F

## EDUCATION COURT REPORT

**UTAH JUVENILE COURT: EDUCATION COURT REPORT**

Child's Name: \_\_\_\_\_ Grade: \_\_\_\_\_  
 School: \_\_\_\_\_  
 Completed By: \_\_\_\_\_ Date Completed: \_\_\_\_\_

***\*Please attach current grades, attendance and behavior report\****

1. Explain any school changes in the past two years, excluding natural progressions (i.e. elementary school to middle school).
  
2. Explain any absences from the attached attendance report.
  
3. List and describe any accommodations (such as IEP, 504 Plan, or behavior plan) the student receives and when it was last updated.
  
4. For 9th-12th grade students not on track to graduate high school, what is the plan moving forward?
  
5. For K-8th grade students not performing on grade level in all subjects, what is the plan to get him/her on grade level?
  
6. What are the student's educational successes/strengths/extra-curricular activities at school?
  
7. If the student has educational concerns, how is the parent/caregiver/team and school addressing those concerns? What services are available at the school to support the student?

*Updated November 2019*

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utah department of  
**human services**