

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
November 24, 1999 - 9:00 a.m. - Room 305 - State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Cochair  
Rep. David Ure, Cochair  
Sen. Mike Dmitrich  
Sen. Eddie P. Mayne  
Sen. Howard C. Nielson  
Rep. Judy A. Buffmire  
Rep. James R. Gowans  
Rep. Martin R. Stephens

**Staff Present:**

Mr. Arthur L. Hunsaker,  
Research Analyst  
Ms. Esther D. Chelsea-McCarty,  
Associate General Counsel  
Ms. Audrey Madsen,  
Legislative Secretary

**Members Absent:**

Rep. John E. Swallow  
Sen. L. Alma Mansell

**Note:** A list of others present and copies of materials distributed in the meeting are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order and Approval of Minutes of Meeting Held November 2, 1999** - Sen. Stephenson called the meeting to order at 9:12 a.m.

**MOTION:** Rep. Ure moved to approve the minutes of November 2, 1999. The motion passed unanimously with Rep. Stephens absent for the vote.

**2. Report: Parental Notification of Interviews at School (Rep. Ure)** - Doug West, Deputy Director, Department of Human Services, and Dianne Warner-Kearney, State Child Protection Specialist, Division of Child and Family Services, appeared in place of Richard Anderson, Deputy Director, Division of Child and Family Services (DCFS). Rep. Ure asked what percent of all interviews are done with parental awareness. Ms. Warner-Kearney said the division does not have that information. Specific data regarding parental awareness of interviews is not readily accessible through the computer, but it may be acquired through research of individual reports.

Rep. Buffmire expressed concern that when parents are not the alleged perpetrators, they are not immediately notified of the investigation. She asked how the division assures that parental notification occurs. Ms. Warner-Kearney said that case workers are trained to contact parents immediately following the interview if they were unable to contact them before the initial interview.

Rep. Ure asked if it is department policy for the caseworker to ask the person making the referral who the alleged perpetrator is. Ms. Warner-Kearney said the case worker does ask who the perpetrator is but that information is not always available to the caller reporting the abuse.

Mr. West said sometimes it is difficult to determine whether lack of parental notification is

an isolated problem or an agency-wide concern. He said he would work with legislators to address and resolve individual concerns.

Doug Bates, State office of Education, said in 1989 the Attorney Generals Office clarified the rules regarding schools response to child abuse investigations. He distributed the handout from the Attorney Generals Office titled "School Response to Child Abuse Investigations Informal Opinion No. 89-49."

Sen. Nielson, asked what is done if the child wants to have a support person with them. Mr. West said that the case workers are trained to allow the child the option of having a support person attend the interview with them. Sergeant Don Bell, Sexual Assault Supervisor, Salt Lake City Police Department, stated that their policy does not allow anyone to accompany the child during an interview, due to the confidentiality of the discussion.

Rep. Ure asked if Sgt. Bell's officers are involved in as many interviews as are reported to DCFS. Sgt. Bell said that of the 328 sexual assaults towards children this last year, at least 100 of the case interviews were held at the school. He emphasized the need to keep the number of people in the interview to a minimum. He said that the trauma for a child takes place if there are multiple interviews. Mr. Ed Phillips, Sheriff, Millard County and Utah Sheriffs Association Representative, said that limiting the number of people in the interview process is critical.

Mr. Wayne Searle, Defense Attorney, cited two cases in which he feels parental rights were abused. Gayle Ruzika, Utah Eagle Forum, referred to a meeting with Scott Bean, former State Superintendent, Mr. Bates and others in which they suggested interviewing children who are home schooled because it is the only way to determine whether they were being abused. She said that schools should not be used to do this. Mr. Bates clarified that the meeting focused on discussing the possibility of having home schooled children interviewed to ensure they were receiving an adequate education.

Rep. Ure said that a principal has the authority to insist on parental notification, according to his reading of the law. Mr. Bates said that the two related sections of statute need to be read together for an accurate interpretation, which is that principals are not authorized to intervene.

Ms. Hatch said that children's feelings need to be the primary concern in this issue. She feels that the school should not be used as an easy place for these investigations to take place.

Rep. Buffmire suggested that the State Board of Education, or other appropriate body, clarify the role of school staff in such instances. Mr. West agreed to work with the State Office of Education to help support children being interviewed.

Rep. Gowans referred to a letter written by Richard Anderson to the committee after his appearance in the November 2 meeting and said there appears to be loose ends between laws and rules and agency implementation. Mr. Bates said training and implementation can be improved.

Mr. Don Choquete, MD, said the cause of this is generated from the various forms of media and should be stopped. He cited a supreme court case that said obscene material is not protected by the First Amendment.

Rep. Buffmire thanked all those who testified for attending the meeting and for the good work they are doing.

**3. Report: Need for Rule Clarification Regarding Licensing of Foster Care and Child Care** - Rep. Buffmire introduced the issue. Mr. Doug West, Deputy Director, Department of Human Services, shared the rewritten rule, which still prohibits child care and foster care from occurring in the same home. He added that variances may be requested. Reta Orem, Director of Licensing, Department of Human Services, said that variance requests come from case workers or the providers. Most variances are granted, but the child's best interest always prevails. Mr. and Mrs. Jeff Gardner, Foster parents, expressed concern with the difficulty involved in the variance request process.

Ms. Susan Minor, President of the local foster family association, and Second Vice President of the State Foster Family Association, related a personal incident with foster care that persuaded her that the rule language was appropriate. Mr. West said that they will do their best to work with the Gardner's unique situation.

**4. Report: R986-412 Conditions of Eligibility (Existing Rule) (Sen. Mayne)** -This item was delayed until the next meeting.

**5. Report: The Use of Game Birds in Dog Field Trials and Training (Existing Rule) (Rep. Stephens)** - Dean Mitchell, Upland Program Coordinator, said that he thinks the issues have been resolved with Mr. Miller. He distributed a handout titled "Issues Regarding Rule R657-46" which outlines proposed rule changes. Mr. Miller said he has accepted the compromises. Mr. Mitchell said he would like to put the rule in place for a year to see how it works and make adjustments if necessary.

**6. Committee Business** - The next meeting was tentatively scheduled for December 17, 1999 at 9:00 a.m.

**7. Adjourn** - In the absence of a quorum, Sen. Stephenson ruled the meeting adjourned at 11:45 a.m.

