

7967 **311. Research Involving Foster Children/Youth In Child And**
7968 **Family Services Custody**
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7970 Major objectives:

7971 Child and Family Services will cooperate with bona fide research by providing
7972 information on or allowing recruitment of foster children/youth in the custody of Child
7973 and Family Services as long as the research is approved in accordance with the
7974 standards and procedures of the DHS Institutional Review Board, which may be found
7975 on their website at <http://www.hs.utah.gov/irb/index.htm>.
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7977 **Applicable Law**

7978 FDA 21 CFR 50, FDA 21 CFR 56; DHHS 45 CFR 46.

7979 Utah Code Ann. [§52-4-1 through 7](#). Open and Public Meetings.

7980 Utah Code Ann. [§53A-13-301](#). Application of State and Federal Law to the
7981 Administration and Operation of Public Schools.

7982 Utah Code Ann. [§63-2-101 through 909](#). GRAMA.

7983 Utah Code Ann. [§62A-3-302](#). Purpose of Adult Protective Services Program.

7984 Utah Code Ann. [§62A-4a-403](#). Reporting Requirements.
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7986 Practice Guidelines

7987 A. When a researcher proposes a research study that involves children/youth in
7988 Child and Family Services custody, the following steps must be taken to grant
7989 informed consent prior to the researcher being given any confidential
7990 information or having contact with clients or their private data. Federal
7991 regulations define "research" as "*a systematic investigation, including research
7992 development, testing, and evaluation, designed to develop or contribute to
7993 generalizable knowledge.*" This may include, but is not limited to, accessing
7994 individual client records, interviewing the child or others about the child,
7995 observing the child, or treating a child as part of the research study.

- 7996 1. The Child and Family Services research representative to the DHS
7997 Institutional Review Board (DHS IRB) must review and approve the
7998 research. The Child and Family Services research representative will
7999 consult with the division director and/or region directors when the
8000 research impacts regional workload or is of greater than minimal risk.
8001 Risk level is determined by the DHS IRB or the research representative.
8002 Minimal risk means that the probability and magnitude of harm or
8003 discomfort anticipated in the research are not greater in and of themselves
8004 than those ordinarily encountered in daily life or during the performance
8005 of routine physical or psychological examinations or tests. The review

- 8006 will consist of evaluating whether or not the research is in the best
8007 interests of Child and Family Services and its clients (including the
8008 children), the researcher has made adequate provision for obtaining all
8009 required informed consents and informed assents, the research protocols
8010 and procedures are designed to ensure confidentiality, respect, and ethical
8011 treatment during the researcher's gathering of the data, storage, retrieval
8012 of the data, and publication of the data, the research study involves no
8013 more than minimal risk to subjects or the direct benefits to the subjects
8014 outweigh the risks, the research methodology is sufficiently sound to yield
8015 results that offer a potential benefit to the Department or Child and
8016 Family Services, and the research protocol protects individual privacy
8017 rights and complies with the Department's Vision and Mission
8018 Statements, the Department Code of Ethics, and any applicable rules or
8019 statutes, including Utah Code Annotated [§63-2-202\(8\)](#). Approval will be
8020 documented on Child and Family Services Level Approval of Research
8021 Form (see Section 311--Foster Children Research Involvement -
8022 Caseworker Consent Form).
- 8023 2. The DHS IRB must review and approve the research in accordance with
8024 Department of Human Services policy "Protecting the Rights of Human
8025 Research Subjects Policy and Procedures", FDA 21 CFR 50, FDA 21 CFR
8026 56; DHHS 45 CFR 46; Utah Code Annotated [§52-4-1 through 7](#) Open and
8027 Public Meetings; Utah Code Annotated [§53A-13-301](#) Application of State
8028 and Federal Law to the Administration and Operation of Public Schools;
8029 Utah Code Annotated [§63-2-101 through 909](#) GRAMA; Utah Code
8030 Annotated Utah Code Annotated [§62A-3-302](#) Purpose of Adult Protective
8031 Services Program; Utah Code Annotated [§62A-4a-403](#) Reporting
8032 Requirements.
- 8033 3. Informed consent for children/youth in Child and Family Services
8034 custody (unless written consent has been waived by the DHS IRB):
- 8035 a. The Child and Family Services caseworker for the child/youth will
8036 consult with the foster parents (adoptive parents in research with
8037 adoptive children/youth) and may contact therapists, school
8038 personnel, and others who work closely with the child to determine
8039 if the child/youth will be available and ready to participate in the
8040 proposed research, and to consider if there are any concerns about
8041 the child/youth participating in the research. If it is decided that
8042 the child/youth can participate, the caseworker must sign the
8043 informed consent and document on the "Foster Children Research
8044 Involvement - Caseworker Consent Form" who they consulted
8045 prior to deciding to give consent.

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- B. Once these steps have been completed and if proper consent and assent have been given, the Child and Family Services research representative may release information to the researcher or the caseworkers may allow participation of foster children/youth and the researcher may proceed with their research project.