ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB356

Hearing Date: Wednesday February 25, 2009
Committee On: Judiciary
Introducer: Dubas
One Liner: Provide behavioral health services for children without parental relinquishment of custody

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Roll Call Vote - Final Committee Action:
    Advanced to General File with amendment(s)

Vote Results:

Aye:	8	Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert
Nay:		
Absent:		
Present Not Voting:		

Proponents:	**Representing:**
Sen. Annette Dubas	Introducer
Lawrence Gendler	Sarpy Co. Juvenile Court
Bill Dunn	self
Jonah Deppe	NAMI Nebraska
Leslie Byers	parent of former state ward
Megan Byers	former state ward
Beth Baxter	Region 3 Behavioral Health Services
Kathy Bigsby Moore	Voices for Children NE
Topher Hansen	NE Assoc. of Behavioral Health Organizations
Louise Jacobs	NASW
Peggy Adair	self
Sarah Helvey	Nebraska Appleseed

Opponents:	**Representing:**
Scot Adams	DBH/ DHHS

Neutral:	**Representing:**
C.J. Johnson	Region V Systems

Summary of purpose and/or changes:

Legislative Bill 356 would create a new statute requiring a behavioral health region to provide wrap-around services or other behavioral health services for a child who is the subject of a voluntary service agreement. A voluntary service agreement is defined as a voluntary, temporary, written agreement wherein a parent, guardian, or other legal custodian of a child who has a behavioral health disorder requests behavioral health services for the child. Wrap-around services are defined as strength-based, individualized community-based services for a family with a child with behavioral health disorder. Requesting a voluntary service agreement puts the juvenile under the jurisdiction of the juvenile court.

The voluntary service agreements are to be entered into for 90 days or less at the request of a parent, guardian, or child's custodian. Behavioral health services, including but not limited to, case management shall be provided to the

child. The cost of the child's care is to be paid by the Department of Health and Human Services (HHS). The bill provides for a behavioral health region to assess and determine financial responsibility according to HHS rules and charge for behavioral health services per a sliding fee schedule. The relinquishment of legal or physical custody of a child shall not be required while the child is receiving services from a behavioral health region under a voluntary placement agreement.

If a child requires greater than 90 days of wrap-around or other behavioral health services, and one or more parties are not agreeable to an extension of services, then the regional behavioral health administrator is to notify the county attorney who is to petition for review of services with the juvenile court. The court is to conduct a review of services and may extend the voluntary service agreement. The petition is to be accompanied by an evaluation for placement prepared by the behavioral health region. The evaluation is to include recommended services and placements for the child and a treatment plan. A $64 court fee is to be charged the parents, if there is an ability to pay.

Explanation of amendments:
Committee Amendment 529 to LB356 replaces the original provisions of the bill. The amendment establishes the intent of the Legislature to appropriate $15 million each year for two years starting with Fiscal Year 2009-10 to the behavioral health regions for the purpose of funding behavioral health services for children. The funds will be appropriated from the General Fund to HHS Program 38, Behavioral Health Aid. The funds will be excluded from the calculation of county matching funds that is required under the Nebraska Behavioral Health Services Act. The funds will be given to the six regional behavioral health authorities based on the 2008 allocation formula.

The amendment also defines "children" within the Behavioral Health Services Act as "Nebraska residents under 19 years of age."

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Brad Ashford, Chairperson