

AMENDMENTS TO LB 1160

Introduced by Health and Human Services

1           1. Insert the following new sections:

2           Sec. 10. On December 15 of 2012, 2013, and 2014, the  
3 Health and Human Services Committee of the Legislature shall  
4 provide a written report to the Legislature, Governor, and Chief  
5 Justice of the Nebraska Supreme Court with respect to the progress  
6 made by the Department of Health and Human Services implementing  
7 the recommendations of the committee contained in the final report  
8 of the study conducted by the committee pursuant to Legislative  
9 Resolution 37, One Hundred Second Legislature, First Session, 2011.  
10 In order to facilitate such report, the department shall provide to  
11 the committee by September 15 of 2012, 2013, and 2014 the reports  
12 required pursuant to sections 43-296, 43-534, 68-1207.01, 71-825,  
13 71-827, 71-1904, and 71-3407 and subdivision (6) of section 43-405.

14           Sec. 11. Section 43-296, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           43-296 All associations receiving juveniles under the  
17 Nebraska Juvenile Code shall be subject to the same visitation,  
18 inspection, and supervision by the Department of Health and Human  
19 Services as are public charitable institutions of this state, and  
20 it shall be the duty of the department to pass annually upon the  
21 fitness of every such association as may receive or desire to  
22 receive juveniles under the provisions of such code. Every such  
23 association shall annually, ~~at such time as the department shall~~

1 ~~direct,~~ on or before September 15, make a report to the department  
2 showing its condition, management, and competency to adequately  
3 care for such juveniles as are or may be committed to it and such  
4 other facts as the department may require. Upon receiving such  
5 report, the department shall provide a copy to the Health and Human  
6 Services Committee of the Legislature on or before September 15 of  
7 2012, 2013, and 2014. Upon the department being satisfied that such  
8 association is competent and has adequate facilities to care for  
9 such juveniles, it shall issue to such association a certificate  
10 to that effect, which certificate shall continue in force for one  
11 year unless sooner revoked by the department. No juvenile shall  
12 be committed to any such association which has not received such  
13 a certificate within the fifteen months immediately preceding the  
14 commitment. The court may at any time require from any association  
15 receiving or desiring to receive juveniles under the provisions  
16 of the Nebraska Juvenile Code such reports, information, and  
17 statements as the judge shall deem proper and necessary for his or  
18 her action, and the court shall in no case be required to commit  
19 a juvenile to any association whose standing, conduct, or care of  
20 juveniles or ability to care for the same is not satisfactory to  
21 the court.

22           Sec. 12. Section 43-405, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           43-405 The administrative duties of the Office of  
25 Juvenile Services are to:

26           (1) Manage, establish policies for, and administer the  
27 office, including all facilities and programs operated by the

1 office or provided through the office by contract with a provider;

2 (2) Supervise employees of the office, including  
3 employees of the facilities and programs operated by the office;

4 (3) Have separate budgeting procedures and develop and  
5 report budget information separately from the Department of Health  
6 and Human Services;

7 (4) Adopt and promulgate rules and regulations for  
8 the levels of treatment and for management, control, screening,  
9 evaluation, treatment, rehabilitation, parole, transfer, and  
10 discharge of juveniles placed with or committed to the Office of  
11 Juvenile Services;

12 (5) Ensure that statistical information concerning  
13 juveniles placed with or committed to facilities or programs of  
14 the office is collected, developed, and maintained for purposes of  
15 research and the development of treatment programs;

16 (6) Monitor commitments, placements, and evaluations  
17 at facilities and programs operated by the office or through  
18 contracts with providers and report its findings annually to the  
19 Legislature. For 2012, 2013, and 2014, the department shall also  
20 provide the report to the Health and Human Services Committee  
21 of the Legislature on or before September 15. The report shall  
22 include an assessment of the administrative costs of operating  
23 the facilities, the cost of programming, and the savings realized  
24 through reductions in commitments, placements, and evaluations;

25 (7) Coordinate the programs and services of the juvenile  
26 justice system with other governmental agencies and political  
27 subdivisions;

1           (8) Coordinate educational, vocational, and social  
2 counseling;

3           (9) Coordinate community-based services for juveniles and  
4 their families;

5           (10) Supervise and coordinate juvenile parole and  
6 aftercare services; and

7           (11) Exercise all powers and perform all duties necessary  
8 to carry out its responsibilities under the Health and Human  
9 Services, Office of Juvenile Services Act.

10           Sec. 13. Section 43-534, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           43-534 Every department, agency, institution, committee,  
13 and commission of state government which is concerned or  
14 responsible for children and families shall submit, as part of  
15 the annual budget request of such department, agency, institution,  
16 committee, or commission, a comprehensive statement of the efforts  
17 such department, agency, institution, committee, or commission has  
18 taken to carry out the policy and principles set forth in sections  
19 43-532 and 43-533. For 2012, 2013, and 2014, the Department of  
20 Health and Human Services shall provide a copy of its statement  
21 submitted under this section to the Health and Human Services  
22 Committee of the Legislature on or before September 15. The  
23 statement shall include, but not be limited to, a listing of  
24 programs provided for children and families and the priority of  
25 such programs, a summary of the expenses incurred in the provision  
26 and administration of services for children and families, the  
27 number of clients served by each program, and data being collected

1 to demonstrate the short-term and long-term effectiveness of each  
2 program.

3 Sec. 14. Section 68-1207.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 68-1207.01 The Department of Health and Human Services  
6 shall annually provide a report to the Legislature and Governor  
7 outlining the caseloads of child protective services, the factors  
8 considered in their establishment, and the fiscal resources  
9 necessary for their maintenance. For 2012, 2013, and 2014, the  
10 department shall also provide the report to the Health and Human  
11 Services Committee of the Legislature on or before September 15.

12 Such report shall include:

13 (1) A comparison of caseloads established by the  
14 department with the workload standards recommended by national  
15 child welfare organizations along with the amount of fiscal  
16 resources necessary to maintain such caseloads in Nebraska;

17 (2) (a) The number of child welfare services caseworkers  
18 and case managers employed by the State of Nebraska and child  
19 welfare services workers, providing services directly to children  
20 and families, who are under contract with the State of Nebraska  
21 or employed by a private entity under contract with the State of  
22 Nebraska and (b) statistics on the average length of employment in  
23 such positions, statewide and by health and human services area;

24 (3) (a) The average caseload of child welfare services  
25 caseworkers and case managers employed by the State of Nebraska  
26 and child welfare services workers, providing services directly to  
27 children and families, who are under contract with the State of

1 Nebraska or employed by a private entity under contract with the  
2 State of Nebraska and (b) the outcomes of such cases, including  
3 the number of children reunited with their families, children  
4 adopted, children in guardianships, placement of children with  
5 relatives, and other permanent resolutions established, statewide  
6 and by health and human services area; and

7 (4) The average cost of training child welfare services  
8 caseworkers and case managers employed by the State of Nebraska  
9 and child welfare services workers, providing services directly to  
10 children and families, who are under contract with the State of  
11 Nebraska or employed by a private entity under contract with the  
12 State of Nebraska, statewide and by health and human services area.

13 Sec. 15. Section 71-825, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 71-825 The department shall provide an annual report,  
16 no later than December 1, to the Governor and the Legislature  
17 on the operation of the Children and Family Support Hotline  
18 established under section 71-822, the Family Navigator Program  
19 established under section 71-823, and the provision of voluntary  
20 post-adoption and post-guardianship case management services under  
21 section 71-824, except that for 2012, 2013, and 2014, the  
22 department shall also provide the report to the Health and Human  
23 Services Committee of the Legislature on or before September 15.

24 Sec. 16. Section 71-1904, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 71-1904 (1) The department shall adopt and promulgate  
27 rules and regulations pursuant to sections 71-1901 to 71-1906.01

1 for (a) the proper care and protection of children by licensees  
2 under such sections, (b) the issuance, suspension, and revocation  
3 of licenses to provide foster care, (c) the issuance, suspension,  
4 and revocation of probationary licenses to provide foster care, (d)  
5 the issuance, suspension, and revocation of provisional licenses to  
6 provide foster care, (e) the provision of training in foster care,  
7 which training shall be directly related to the skills necessary  
8 to care for children in need of out-of-home care, including,  
9 but not limited to, abused, neglected, dependent, and delinquent  
10 children, and (f) the proper administration of sections 71-1901 to  
11 71-1906.01.

12 (2) The training required by subdivision (1)(e) of this  
13 section may be waived in whole or in part by the department for  
14 persons operating foster homes providing care only to relatives  
15 of the foster care provider. Such waivers shall be granted  
16 on a case-by-case basis upon assessment by the department of  
17 the appropriateness of the relative foster care placement. The  
18 department shall report annually to the Health and Human Services  
19 Committee of the Legislature the number of waivers granted under  
20 this subsection and the total number of children placed in relative  
21 foster homes. For 2012, 2013, and 2014, the department shall  
22 provide the report to the Health and Human Services Committee of  
23 the Legislature on or before September 15.

24 Sec. 17. Section 71-3407, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 71-3407 (1) The purposes of the team shall be to (a)  
27 develop an understanding of the causes and incidence of child

1 deaths in this state, (b) develop recommendations for changes  
2 within relevant agencies and organizations which may serve to  
3 prevent child deaths, and (c) advise the Governor, the Legislature,  
4 and the public on changes to law, policy, and practice which will  
5 prevent child deaths.

6 (2) The team shall:

7 (a) Undertake annual statistical studies of the causes  
8 and incidence of child deaths in this state. The studies shall  
9 include, but not be limited to, an analysis of the records of  
10 community, public, and private agency involvement with the children  
11 and their families prior to and subsequent to the deaths;

12 (b) Develop a protocol for retrospective investigation of  
13 child deaths by the team;

14 (c) Develop a protocol for collection of data regarding  
15 child deaths by the team;

16 (d) Consider training needs, including cross-agency  
17 training, and service gaps;

18 (e) Include in its annual report recommended changes  
19 to any law, rule, regulation, or policy needed to decrease the  
20 incidence of preventable child deaths;

21 (f) Educate the public regarding the incidence and causes  
22 of child deaths, the public role in preventing child deaths, and  
23 specific steps the public can undertake to prevent child deaths.  
24 The team may enlist the support of civic, philanthropic, and public  
25 service organizations in the performance of its educational duties;

26 (g) Provide the Governor, the Legislature, and the public  
27 with annual written reports which shall include the team's findings



1 and recommendations for each of its duties. For 2012, 2013, and  
2 2014, the team shall also provide the report to the Health and  
3 Human Services Committee of the Legislature on or before September  
4 15; and

5 (h) When appropriate, make referrals to those agencies as  
6 required in section 28-711 or as otherwise required by state law.

7 Sec. 18. Sections 10, 11, 12, 13, 14, 15, 16, 17,  
8 and 19 of this act become operative three calendar months after  
9 adjournment of this legislative session. The other sections of this  
10 act become operative on their effective date.

11 Sec. 19. Original sections 43-296, 43-405, 43-534,  
12 68-1207.01, 71-825, 71-1904, and 71-3407, Reissue Revised Statutes  
13 of Nebraska, are repealed.

14 2. On page 5, line 13, after "necessary" insert  
15 "including the Foster Care Review Board data coordinator".

16 3. On page 6, line 4, after the period insert "In  
17 conjunction with the report, the department shall prepare the  
18 advance planning document required to qualify for federal funding  
19 for the statewide automated child welfare information system  
20 pursuant to 45 C.F.R. 1355.50 through 1355.57, implementing section  
21 474(a)(3)(C) and (D) of Title IV-E of the federal Social Security  
22 Act, 42 U.S.C. 674(a)(3)(C) and (D), as such regulations, act,  
23 and section existed on January 1, 2012. The advance planning  
24 document shall describe the proposed plan for managing the design,  
25 development, and operations of a statewide automated child welfare  
26 information system that meets such federal requirements and state's  
27 needs in an efficient, comprehensive, and cost effective manner.".

1                   4. On page 8, strike lines 16 through 20 and insert:

2                   "(m) Non-court-involved children, including the number of  
3 children served, the services requested, the services provided, the  
4 cost of the services, and the funding source;".

5                   5. On page 9, line 17, strike "and"; and in line 22 after  
6 "overdue" insert "; and

7                   (7) For any individual involved in the child welfare  
8 system receiving a service or a placement through the department  
9 or its agent for which referral is necessary, the date when such  
10 referral was made by the department or its agent and the date  
11 and the method by which the individual receiving the services was  
12 notified of such referral. To the extent the department becomes  
13 aware of the date when the individual receiving the referral began  
14 receiving such services, the department or its agent shall document  
15 such date".

16                   6. On page 14, line 2, strike "and"; and in line  
17 4 after the semicolon insert "and (F) percentage of children  
18 denied reauthorization requests or subsequent review of initial  
19 authorization".

20                   7. Renumber the remaining section and correct internal  
21 references accordingly.