

AMENDMENTS TO LB 998

Introduced by Health and Human Services

1 1. Strike the original sections and insert the following
2 sections:

3 Section 1. Section 28-726, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-726 Except as provided in this section and sections
6 28-722 and 81-3126, no person, official, or agency shall have
7 access to information in the tracking system of child protection
8 cases maintained pursuant to section 28-715 or in records in the
9 central register of child protection cases maintained pursuant to
10 section 28-718 unless in furtherance of purposes directly connected
11 with the administration of the Child Protection Act. Such persons,
12 officials, and agencies having access to such information shall
13 include, but not be limited to:

14 (1) A law enforcement agency investigating a report of
15 known or suspected child abuse or neglect;

16 (2) A county attorney in preparation of a child abuse or
17 neglect petition or termination of parental rights petition;

18 (3) A physician who has before him or her a child whom he
19 or she reasonably suspects may be abused or neglected;

20 (4) An agency having the legal responsibility or
21 authorization to care for, treat, or supervise an abused or
22 neglected child or a parent, a guardian, or other person
23 responsible for the abused or neglected child's welfare who is the

1 subject of the report of child abuse or neglect;

2 (5) Any person engaged in bona fide research or auditing.

3 No information identifying the subjects of the report of child
4 abuse or neglect shall be made available to the researcher or
5 auditor;

6 (6) The ~~State Foster Care Review Board~~ Office and
7 designated local foster care review board when the information
8 relates to a child in a foster care placement as defined in section
9 43-1301. The information provided to the ~~state board~~ office and
10 local board shall not include the name or identity of any person
11 making a report of suspected child abuse or neglect;

12 (7) The designated protection and advocacy system
13 authorized pursuant to the Developmental Disabilities Assistance
14 and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act
15 existed on January 1, 2005, and the Protection and Advocacy for
16 Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed
17 on September 1, 2001, acting upon a complaint received from or
18 on behalf of a person with developmental disabilities or mental
19 illness;

20 (8) The person or persons having custody of the abused or
21 neglected child in situations of alleged out-of-home child abuse or
22 neglect; and

23 (9) For purposes of licensing providers of child care
24 programs, the Department of Health and Human Services.

25 Sec. 2. Section 43-285, Revised Statutes Supplement,
26 2011, is amended to read:

27 43-285 (1) When the court awards a juvenile to the care

1 of the Department of Health and Human Services, an association,
2 or an individual in accordance with the Nebraska Juvenile Code,
3 the juvenile shall, unless otherwise ordered, become a ward and
4 be subject to the guardianship of the department, association,
5 or individual to whose care he or she is committed. Any such
6 association and the department shall have authority, by and
7 with the assent of the court, to determine the care, placement,
8 medical services, psychiatric services, training, and expenditures
9 on behalf of each juvenile committed to it. Such guardianship shall
10 not include the guardianship of any estate of the juvenile.

11 (2) Following an adjudication hearing at which a juvenile
12 is adjudged to be under subdivision (3) of section 43-247, the
13 court may order the department to prepare and file with the court
14 a proposed plan for the care, placement, services, and permanency
15 which are to be provided to such juvenile and his or her family.
16 The health and safety of the juvenile shall be the paramount
17 concern in the proposed plan. The department shall include in the
18 plan for a juvenile who is sixteen years of age or older and
19 subject to the guardianship of the department a written independent
20 living transition proposal which meets the requirements of section
21 43-1311.03. The court may approve the plan, modify the plan,
22 order that an alternative plan be developed, or implement another
23 plan that is in the juvenile's best interests. In its order the
24 court shall include a finding regarding the appropriateness of
25 the programs and services described in the proposal designed to
26 assist the juvenile in acquiring independent living skills. Rules
27 of evidence shall not apply at the dispositional hearing when the

1 court considers the plan that has been presented.

2 (3) Within thirty days after an order awarding a juvenile
3 to the care of the department, an association, or an individual
4 and until the juvenile reaches the age of majority, the department,
5 association, or individual shall file with the court a report
6 stating the location of the juvenile's placement and the needs of
7 the juvenile in order to effectuate the purposes of subdivision
8 (1) of section 43-246. The department, association, or individual
9 shall file a report with the court once every six months or at
10 shorter intervals if ordered by the court or deemed appropriate
11 by the department, association, or individual. The department,
12 association, or individual shall file a report and notice of
13 placement change with the court and shall send copies of the
14 notice to all interested parties at least seven days before the
15 placement of the juvenile is changed from what the court originally
16 considered to be a suitable family home or institution to some
17 other custodial situation in order to effectuate the purposes of
18 subdivision (1) of section 43-246. The court, on its own motion
19 or upon the filing of an objection to the change by an interested
20 party, may order a hearing to review such a change in placement
21 and may order that the change be stayed until the completion of
22 the hearing. Nothing in this section shall prevent the court on
23 an ex parte basis from approving an immediate change in placement
24 upon good cause shown. The department may make an immediate change
25 in placement without court approval only if the juvenile is in a
26 harmful or dangerous situation or when the foster parents request
27 that the juvenile be removed from their home. Approval of the court

1 shall be sought within twenty-four hours after making the change in
2 placement or as soon thereafter as possible. The department shall
3 provide the juvenile's guardian ad litem with a copy of any report
4 filed with the court by the department pursuant to this subsection.

5 (4) The court shall also hold a permanency hearing if
6 required under section 43-1312.

7 (5) When the court awards a juvenile to the care of the
8 department, an association, or an individual, then the department,
9 association, or individual shall have standing as a party to file
10 any pleading or motion, to be heard by the court with regard to
11 such filings, and to be granted any review or relief requested in
12 such filings consistent with the Nebraska Juvenile Code.

13 (6) Whenever a juvenile is in a foster care placement
14 as defined in section 43-1301, the ~~State Foster Care Review~~
15 ~~Board~~ Office or the designated local foster care review board may
16 participate in proceedings concerning the juvenile as provided in
17 section 43-1313 and notice shall be given as provided in section
18 43-1314.

19 (7) Any written findings or recommendations of the ~~State~~
20 ~~Foster Care Review Board~~ ~~or~~ Foster Care Review Office or the
21 designated local foster care review board with regard to a juvenile
22 in a foster care placement submitted to a court having jurisdiction
23 over such juvenile shall be admissible in any proceeding concerning
24 such juvenile if such findings or recommendations have been
25 provided to all other parties of record.

26 (8) Any member of the ~~State Foster Care Review Board,~~
27 Office, any of its agents or employees, or any member of any

1 local foster care review board participating in an investigation
2 or making any report pursuant to the Foster Care Review Act or
3 participating in a judicial proceeding pursuant to this section
4 shall be immune from any civil liability that would otherwise be
5 incurred except for false statements negligently made.

6 Sec. 3. Section 43-1301, Revised Statutes Supplement,
7 2011, is amended to read:

8 43-1301 For purposes of the Foster Care Review Act,
9 unless the context otherwise requires:

10 (1) Local board ~~shall mean~~ means a local foster care
11 review board created pursuant to section 43-1304;

12 (2) State board ~~shall mean~~ Office means the State Foster
13 Care Review Board Office created pursuant to section 43-1302;

14 (3) Foster care facility ~~shall mean~~ means any foster
15 home, group home, child care facility, public agency, private
16 agency, or any other person or entity receiving and caring for
17 foster children;

18 (4) Foster care placements ~~shall mean~~ means all
19 placements of juveniles as described in subdivision (3)(b) of
20 section 43-247, placements of neglected, dependent, or delinquent
21 children, including those made directly by parents or by third
22 parties, and placements of children who have been voluntarily
23 relinquished pursuant to section 43-106.01 to the Department of
24 Health and Human Services or any child placement agency licensed by
25 the Department of Health and Human Services;

26 (5) Person or court in charge of the child ~~shall~~
27 ~~mean~~ means (a) the Department of Health and Human Services, an

1 association, or an individual who has been made the guardian of
2 a neglected, dependent, or delinquent child by the court and has
3 the responsibility of the care of the child and has the authority
4 by and with the assent of the court to place such a child in
5 a suitable family home or institution or has been entrusted with
6 the care of the child by a voluntary placement made by a parent
7 or legal guardian, (b) the court which has jurisdiction over
8 the child, or (c) the entity having jurisdiction over the child
9 pursuant to the Nebraska Indian Child Welfare Act;

10 (6) Voluntary placement ~~shall mean~~ means the placement by
11 a parent or legal guardian who relinquishes the possession and care
12 of a child to a third party, individual, or agency;

13 (7) Family unit ~~shall mean~~ means the social unit
14 consisting of the foster child and the parent or parents or any
15 person in the relationship of a parent, including a grandparent,
16 and any siblings with whom the foster child legally resided prior
17 to placement in foster care, except that for purposes of potential
18 sibling placement, the child's family unit ~~shall also include~~
19 includes the child's siblings even if the child has not resided
20 with such siblings prior to placement in foster care;

21 (8) Child-caring agency ~~shall have~~ has the definition
22 found in section 71-1902;

23 (9) Child-placing agency ~~shall have~~ has the definition
24 found in section 71-1902; ~~and~~

25 (10) Siblings means biological siblings and legal
26 siblings, including, but not limited to, half-siblings and
27 stepsiblings; and-

1 (11) Office means the Foster Care Review Office
2 established in section 43-1302.

3 Sec. 4. Section 43-1302, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 43-1302 ~~(1)~~ The State Foster Care Review Board shall be
6 comprised of eleven members appointed by the Governor with the
7 approval of a majority of the members elected to the Legislature,
8 consisting of: Three members of local foster care review boards,
9 one from each congressional district; one practitioner of pediatric
10 medicine, licensed under the Uniform Credentialing Act; one
11 practitioner of child clinical psychology, licensed under the
12 Uniform Credentialing Act; one social worker certified under the
13 Uniform Credentialing Act, with expertise in the area of child
14 welfare; one attorney who is or has been a guardian ad litem; one
15 representative of a statewide child advocacy group; one director of
16 a child advocacy center; one director of a court appointed special
17 advocate program; and one member of the public who has a background
18 in business or finance. Prior to appointment, each potential member
19 shall disclose any and all funding he or she or his or her employer
20 receives from the Department of Health and Human Services.

21 The terms of members appointed pursuant to this
22 subsection shall be three years, except that of the initial members
23 of the state board, one-third shall be appointed for terms of
24 one year, one-third for terms of two years, and one-third for
25 terms of three years, as determined by the Governor. No person
26 appointed by the Governor to the state board shall serve more
27 than two consecutive three-year terms. An appointee to a vacancy

1 occurring from an unexpired term shall serve out the term of
2 his or her predecessor. Members whose terms have expired shall
3 continue to serve until their successors have been appointed and
4 qualified. Members serving on the state board on December 31, 2005,
5 shall continue in office until the members appointed under this
6 subsection take office. The members of the state board shall, to
7 the extent possible, represent the three congressional districts
8 equally.

9 (2) The state board shall select a chairperson,
10 vice-chairperson, and such other officers as the state board deems
11 necessary. Members of the state board shall be reimbursed for their
12 actual and necessary expenses as provided in sections 81-1174 to
13 81-1177. The state board shall employ or contract for services from
14 such persons as are necessary to aid it in carrying out its duties.

15 (1) The Foster Care Review Office is hereby established.
16 The purpose of the office is to provide information and direct
17 reporting to the courts, the Department of Health and Human
18 Services, and the Legislature regarding the foster care system
19 in Nebraska; to provide oversight of the foster care system;
20 and to make recommendations regarding foster care policy to the
21 Legislature. The office shall provide information and reporting
22 services, analysis of information obtained, and oversee file audit
23 reviews and tracking of cases of children in the foster care
24 system. The office shall, through information analysis and with
25 the assistance of the Foster Care Advisory Committee, determine key
26 issues of the foster care system and ways to resolve the issues and
27 to otherwise improve the system. All equipment and effects of the

1 Foster Care Review Board on the effective date of this act shall be
2 transferred to the Foster Care Review Office and all staff of the
3 board shall be transferred to the office. The Foster Care Review
4 Board shall terminate on the effective date of this act.

5 (2) The Foster Care Advisory Committee is created. The
6 committee shall have five members appointed by the Governor and
7 subject to the approval of the Legislature. The members shall have
8 no pecuniary interest in the foster care system and shall not
9 be employed by the office, the Department of Health and Human
10 Services, a child-caring agency, a child-placing agency, or a
11 court. The Governor shall appoint three members from a list of
12 local board members submitted by the Legislature, one member from
13 a list of persons with data analysis experience submitted by the
14 Legislature, and one member from the citizenry of the state at
15 large. The terms of the members shall be for three years, except
16 that the Governor shall designate that the initial term of two of
17 the local board member appointees shall be for two years. Members
18 shall not serve more than two consecutive terms, except that
19 members shall serve until their successors have been appointed and
20 qualified. Vacancies on the board shall be filled by the Governor
21 in the same manner as other appointments to serve for the remainder
22 of the unexpired term. Members of the committee shall be reimbursed
23 for their actual and necessary expenses as provided in sections
24 81-1174 to 81-1177.

25 (3) The duties of the Foster Care Advisory Committee are
26 to:

27 (a) Appoint an executive director for the Foster Care

1 Review Office who has training and experience in foster care
2 management;

3 (b) Review management and employee issues of the office;
4 and

5 (c) Assist the executive director in focusing on key
6 issues and resolution of those issues.

7 (4) The executive director of the Foster Care Review
8 Office shall hire, fire, and supervise office staff and is
9 responsible for the duties of the office as provided by law,
10 including the annual report and other reporting, review, tracking,
11 data collection and analysis, and oversight and training of local
12 boards.

13 Sec. 5. Section 43-1303, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-1303 (1) The state board shall meet at least twice
16 per year. The state board office shall ~~establish~~ maintain the
17 statewide register of all foster care placements occurring within
18 the state, and there shall be a monthly report made to the state
19 board registry of all foster care placements by the Department of
20 Health and Human Services, any child-placing agency, or any court
21 in a form as developed by the state board office in consultation
22 with representatives of entities required to make such reports. For
23 each child entering and leaving foster care, such monthly report
24 shall consist of identifying information, placement information,
25 and the plan or permanency plan developed by the person or court in
26 charge of the child pursuant to section 43-1312. The department and
27 every court and child-placing agency shall report any foster care

1 placement within three working days. The report shall contain the
2 following information:

3 (a) Child identification information, including name,
4 social security number, date of birth, gender, race, and religion;

5 (b) Identification information for parents and
6 stepparents, including name, social security number, address, and
7 status of parental rights;

8 (c) Placement information, including initial placement
9 date, current placement date, and the name and address of the
10 foster care provider;

11 (d) Court status information, including which court has
12 jurisdiction, initial custody date, court hearing date, and results
13 of the court hearing;

14 (e) Agency or other entity having custody of the child;

15 (f) Case worker; and

16 (g) Permanency Plan Objective.

17 (2) (a) The office shall designate a local board to
18 conduct file audit case reviews for each case of children in foster
19 care placement.

20 (b) The state board shall review the activities of local
21 boards and office may adopt and promulgate its own rules and
22 regulations. Such rules and regulations shall provide for the
23 following:

24 ~~(a)~~ (i) Establishment of training programs for local
25 board members which shall include an initial training program and
26 periodic inservice training programs;

27 ~~(b)~~ (ii) Development of procedures for local boards;

1 ~~(e)~~ (iii) Establishment of a central record-keeping
2 facility for all local board files, including ~~individual file~~
3 audit case reviews;

4 ~~(d)~~ (iv) Accumulation of data and the making of annual
5 reports on children in foster care. Such reports shall include ~~(i)~~
6 (A) personal data on length of time in foster care, ~~(ii)~~ (B) number
7 of placements, ~~(iii)~~ (C) frequency and results of office file audit
8 reviews and court review hearings, and ~~(iv)~~ (D) number of children
9 supervised by the foster care programs in the state annually, (E)
10 trend data impacting foster care, services, and placements, (F)
11 analysis of the data, and (G) recommendation of the office for
12 improving the foster care system in Nebraska;

13 ~~(e)~~ (v) To the extent not prohibited by section 43-1310,
14 evaluation of the judicial and administrative data collected on
15 foster care and the dissemination of such data to the judiciary,
16 public and private agencies, the department, and members of the
17 public; and

18 ~~(f)~~ (vi) Manner in which the state board office shall
19 determine the appropriateness of requesting a court review hearing
20 as provided for in section 43-1313.

21 (3) A local board shall send a written report to the
22 office for each foster care file audit case review conducted by the
23 local board. A court shall send a written report to the office for
24 each foster care review hearing conducted by the court.

25 ~~(3)~~ (4) The state board, upon completion of a
26 review of local board activities, office shall report and make
27 recommendations to the Legislature, department, local boards,

1 and county welfare offices. Such reports and recommendations
2 shall include, but not be limited to, the annual judicial and
3 administrative data collected on foster care pursuant to ~~subsection~~
4 subsections (2) and (3) of this section and the annual evaluation
5 of such data. In addition the ~~state board~~ office shall provide
6 copies of such reports and recommendations to each court having the
7 authority to make foster care placements. The ~~state board~~ office
8 or designees from the office may visit and observe foster care
9 facilities in order to ascertain whether the individual physical,
10 psychological, and sociological needs of each foster child are
11 being met. The office shall also provide, at a time specified by
12 the Health and Human Services Committee of the Legislature, regular
13 updates regarding child welfare data and information at least
14 quarterly, with three three-month reports and the fourth-quarter
15 report shall be the annual report. The director shall include
16 issues, policy concerns, and problems which have come to the office
17 and the director from analysis of the data. The director shall,
18 if requested, recommend alternatives to the identified problems
19 and related needs of the office and the foster care system to the
20 committee. Data and information requests of the office from members
21 of the Legislature shall be coordinated and prioritized through the
22 committee. The annual report of the office shall be completed by
23 December 1 each year, beginning December 1, 2012.

24 Sec. 6. Section 43-1304, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 43-1304 ~~The state board shall establish~~ There shall be
27 local foster care review boards for the ~~review of cases~~ file

1 audit case reviews of children in foster care placement. Members
2 of local boards serving on the effective date of this act shall
3 continue to serve their unexpired terms. The Governor may appoint
4 one member for each local foster care review board with initial
5 appointees beginning their terms on the effective date of this act.
6 The ~~state board~~ office shall select the other members to serve on
7 local boards from a list of applications submitted to the ~~state~~
8 ~~board-~~ office. Each local board shall consist of not less than four
9 and not more than ten members as determined by the office. The
10 members of the local board selected by the office shall reasonably
11 represent the various social, economic, racial, and ethnic groups
12 of the county or counties from which its members may be appointed.
13 A person employed by the ~~state board,~~ office, the Department of
14 Health and Human Services, a child-caring agency, a child-placing
15 agency, or a court shall not be appointed to a local board. A list
16 of the members of each local board shall be sent to the department.

17 Sec. 7. Section 43-1305, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-1305 All local board members shall be appointed for
20 terms of three years. If a vacancy occurs on a local board, the
21 ~~state board~~ director of the office shall appoint another person
22 to serve the unexpired portion of the term. Appointments to fill
23 vacancies on the local board shall be made in the same manner and
24 subject to the same conditions as the initial appointments to such
25 board. The term of each member shall expire on the second Monday in
26 July of the appropriate year. Members shall continue to serve until
27 a successor is appointed.

1 Sec. 8. Section 43-1307, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-1307 (1) Each court which has placed a child in foster
4 care shall send to the ~~state board or designated local board~~ ~~(1)~~
5 office (a) a copy of the plan or permanency plan, prepared by
6 the person or court in charge of the child in accordance with
7 section 43-1312, to effectuate rehabilitation of the foster child
8 and family unit or permanent placement of the child and ~~(2)~~ (b)
9 a copy of the progress reports as they relate to the plan or
10 permanency plan, including, but not limited to, the court order and
11 the report and recommendations of the guardian ad litem.

12 (2) The office may provide the designated local board
13 with copies of the information provided by the court under
14 subsection (1) of this section.

15 Sec. 9. Section 43-1308, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-1308 (1) Except as otherwise provided in the Nebraska
18 Indian Child Welfare Act, the ~~state board or~~ designated local board
19 shall:

20 (a) ~~Review~~ Conduct a file audit case review at least
21 once every six months for the case of each child in a foster care
22 placement to determine what efforts have been made to carry out the
23 plan or permanency plan for rehabilitation of the foster child and
24 family unit or for permanent placement of such child pursuant to
25 section 43-1312;

26 (b) Submit to the court having jurisdiction over such
27 child for the purposes of foster care placement, within thirty days

1 after the file audit case review, its findings and recommendations
2 regarding the efforts and progress made to carry out the plan or
3 permanency plan established pursuant to section 43-1312 together
4 with any other recommendations it chooses to make regarding the
5 child. The findings and recommendations shall include whether
6 there is a need for continued out-of-home placement, whether the
7 current placement is safe and appropriate, the specific reasons
8 for the findings and recommendations, including factors, opinions,
9 and rationale considered in its review, whether the grounds for
10 termination of parental rights under section 43-292 appear to
11 exist, and the date of the next review by the ~~state board or~~
12 designated local board;

13 (c) If the return of the child to his or her parents
14 is not likely, recommend referral for adoption and termination of
15 parental rights, guardianship, placement with a relative, or, as a
16 last resort, another planned, permanent living arrangement; and

17 (d) Promote and encourage stability and continuity in
18 foster care by discouraging unnecessary changes in the placement
19 of foster children and by encouraging the recruitment of foster
20 parents who may be eligible as adoptive parents.

21 (2) When the ~~state board~~ office or designated local board
22 determines that the interests of a child in a foster care placement
23 would be served thereby, the ~~state board~~ office or designated local
24 board may request a court review hearing as provided for in section
25 43-1313.

26 Sec. 10. Section 43-1309, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 43-1309 Upon the request of the ~~state board~~ office or
2 ~~the~~ designated local board, any records pertaining to a case
3 assigned to such local board, or upon the request of the Department
4 of Health and Human Services, any records pertaining to a case
5 assigned to the department, shall be furnished to the requesting
6 office or designated local board or department by the agency
7 charged with the child or any public official or employee of
8 a political subdivision having relevant contact with the child.
9 Upon the request of the ~~state board~~ office or designated local
10 board, and if such information is not obtainable elsewhere, the
11 court having jurisdiction of the foster child shall release such
12 information to the ~~state board~~ office or designated local board as
13 the court deems necessary to determine the physical, psychological,
14 and sociological circumstances of such foster child.

15 Sec. 11. Section 43-1310, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-1310 All records and information regarding foster
18 children and their parents or relatives in the possession
19 of the ~~state board~~ office or local board shall be deemed
20 confidential. Unauthorized disclosure of such confidential records
21 and information or any violation of the rules and regulations
22 ~~of~~ adopted and promulgated by the Department of Health and
23 Human Services or the ~~state board~~ office shall be a Class III
24 misdemeanor.

25 Sec. 12. Section 43-1313, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 43-1313 When a child is in foster care, the court having

1 jurisdiction over such child for the purposes of foster care
2 placement shall review the dispositional order for such child at
3 least once every six months. The court may reaffirm the order or
4 direct other disposition of the child. Any review hearing by a
5 court having jurisdiction over such child for purposes of foster
6 care placement shall be conducted on the record as provided in
7 sections 43-283 and 43-284, and any recommendations of the ~~state~~
8 ~~board or~~ a office or designated local board concerning such child
9 shall be included in the record. The court shall review a case
10 on the record more often than every six months and at any time
11 following the original placement of the child if the ~~state board~~
12 office or local board requests a hearing in writing specifying
13 the reasons for the review. Members of the ~~state board~~ office
14 or local board or its designated representative may attend and
15 be heard at any hearing conducted under this section and may
16 participate through counsel at the hearing with the right to call
17 and cross-examine witnesses and present arguments to the court.

18 Sec. 13. Section 43-1314, Revised Statutes Supplement,
19 2011, is amended to read:

20 43-1314 (1) Except as otherwise provided in the Nebraska
21 Indian Child Welfare Act, notice of the court review or hearing
22 and the right of participation in all court reviews and hearings
23 pertaining to a child in a foster care placement shall be provided
24 by the court having jurisdiction over such child for the purposes
25 of foster care placement. The Department of Health and Human
26 Services or contract agency shall have the contact information for
27 all child placements available for all courts to comply with the

1 notification requirements found in this section. The department
2 or contract agency shall each have one telephone number by which
3 any court seeking to provide notice may obtain up-to-date contact
4 information of all persons listed in subdivisions (2)(a) through
5 (h) of this section. All contact information shall be up-to-date
6 within seventy-two hours of any placement change.

7 (2) Notice shall be provided to all of the following
8 parties that are applicable to the case: (a) The person charged
9 with the care of such child; (b) the child's parents or guardian
10 unless the parental rights of the parents have been terminated
11 by court action as provided in section 43-292 or 43-297; (c) the
12 foster child if age fourteen or over; (d) the foster parent or
13 parents of the foster child; (e) the guardian ad litem of the
14 foster child; (f) the ~~state board~~, office and designated local
15 board; (g) the preadoptive parent; and (h) the relative providing
16 care for the child. Notice of all court reviews and hearings shall
17 be mailed or personally delivered to the counsel or party, if
18 the party is not represented by counsel, five full days prior to
19 the review or hearing. The use of ordinary mail shall constitute
20 sufficient compliance. Notice to the foster parent, preadoptive
21 parent, or relative providing care shall not be construed to
22 require that such foster parent, preadoptive parent, or relative is
23 a necessary party to the review or hearing.

24 (3) The court shall inquire into the well-being of the
25 foster child by asking questions, if present at the hearing, of any
26 willing foster parent, preadoptive parent, or relative providing
27 care for the child.

1 Sec. 14. Section 43-1314.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-1314.01 (1) The ~~State Foster Care Review Board~~ office
4 shall be the only entity responsible for the conduct of periodic
5 file audit case reviews which shall be identified as reviews which
6 meet the federal requirements for six-month case reviews pursuant
7 to the federal Adoption Assistance and Child Welfare Act of
8 1980, Public Law 96-272. The ~~state board~~ office shall be fiscally
9 responsible for any noncompliance sanctions imposed by the federal
10 government related to the requirements for review outlined in the
11 federal Adoption Assistance and Child Welfare Act of 1980, Public
12 Law 96-272. ~~It is the intent of the Legislature that beginning~~
13 ~~October 1, 1996,~~ the state board shall be the only state agency
14 with the responsibility to conduct six-month case reviews pursuant
15 to the federal Adoption Assistance and Child Welfare Act of 1980,
16 Public Law 96-272.

17 (2) It is the intent of the Legislature that any
18 six-month court review of a juvenile pursuant to sections 43-278
19 and 43-1313 shall be identified as a review which meets the federal
20 requirements for six-month case reviews pursuant to the federal
21 Adoption Assistance and Child Welfare Act of 1980, Public Law
22 96-272.

23 (3) The ~~state board~~ office may assist the Department
24 of Health and Human Services as to eligibility under Title IV-E
25 for state wards and eligibility for Supplemental Security Income,
26 Supplemental Security Disability Income, Veterans Administration,
27 or aid to families with dependent children benefits, for child

1 support orders of the court, and for medical insurance other than
2 medicaid.

3 Sec. 15. Section 43-1317, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-1317 The ~~state board~~ office shall establish compulsory
6 training for local board members which shall consist of initial
7 training programs followed by periodic inservice training programs.

8 Sec. 16. Section 43-1321, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 43-1321 There is hereby created the Foster Care Review
11 ~~Board~~ Office Cash Fund. The fund shall be administered by the
12 ~~State Foster Care Review Board.~~ Office. The ~~board~~ office shall
13 remit revenue from the following sources to the State Treasurer for
14 credit to the fund:

15 (1) Registration and other fees received for training,
16 seminars, or conferences fully or partially sponsored or hosted by
17 the ~~board,~~ office;

18 (2) Payments to offset printing, postage, and other
19 expenses for books, documents, or other materials printed or
20 published by the ~~board,~~ office; and

21 (3) Money received by the ~~board~~ office as gifts, grants,
22 reimbursements, or appropriations from any source intended for the
23 purposes of the fund.

24 The fund shall be used for the administration of the
25 Foster Care Review ~~Act.~~ Office. Any funds in the Foster Care
26 Review Board Cash Fund on the effective date of this act shall be
27 transferred to the Foster Care Review Office Cash Fund. Any money

1 in the fund available for investment shall be invested by the state
2 investment officer pursuant to the Nebraska Capital Expansion Act
3 and the Nebraska State Funds Investment Act.

4 Sec. 17. Section 43-3001, Revised Statutes Cumulative
5 Supplement, 2010, is amended to read:

6 43-3001 (1) Notwithstanding any other provision of law
7 regarding the confidentiality of records and when not prohibited by
8 the federal Privacy Act of 1974, as amended, juvenile court records
9 and any other pertinent information that may be in the possession
10 of school districts, school personnel, county attorneys, the
11 Attorney General, law enforcement agencies, child advocacy centers,
12 state probation personnel, state parole personnel, youth detention
13 facilities, medical personnel, treatment or placement programs,
14 the Department of Health and Human Services, the Department of
15 Correctional Services, the ~~State Foster Care Review Board,~~ Foster
16 Care Review Office, local foster care review boards, child abuse
17 and neglect investigation teams, child abuse and neglect treatment
18 teams, or other multidisciplinary teams for abuse, neglect, or
19 delinquency concerning a child who is in the custody of the
20 state may be shared with individuals and agencies who have been
21 identified in a court order authorized by this section.

22 (2) In any judicial proceeding concerning a child who is
23 currently, or who may become at the conclusion of the proceeding,
24 a ward of the court or state or under the supervision of the
25 court, an order may be issued which identifies individuals and
26 agencies who shall be allowed to receive otherwise confidential
27 information concerning the child for legitimate and official

1 purposes. The individuals and agencies who may be identified
2 in the court order are the child's attorney or guardian ad
3 litem, the parents' attorney, foster parents, appropriate school
4 personnel, county attorneys, the Attorney General, authorized court
5 personnel, law enforcement agencies, state probation personnel,
6 state parole personnel, youth detention facilities, medical
7 personnel, court appointed special advocate volunteers, treatment
8 or placement programs, the Department of Health and Human Services,
9 the Office of Juvenile Services, the Department of Correctional
10 Services, the ~~State Foster Care Review Board~~, Foster Care Review
11 Office, local foster care review boards, child abuse and neglect
12 investigation teams, child abuse and neglect treatment teams, other
13 multidisciplinary teams for abuse, neglect, or delinquency, and
14 other individuals and agencies for which the court specifically
15 finds, in writing, that it would be in the best interest of the
16 juvenile to receive such information. Unless the order otherwise
17 states, the order shall be effective until the child leaves the
18 custody of the state or until a new order is issued.

19 (3) All information acquired by an individual or agency
20 pursuant to this section shall be confidential and shall not
21 be disclosed except to other persons who have a legitimate and
22 official interest in the information and are identified in the
23 court order issued pursuant to this section with respect to the
24 child in question. A person who receives such information or
25 who cooperates in good faith with other individuals and agencies
26 identified in the appropriate court order by providing information
27 or records about a child shall be immune from any civil or criminal

1 liability. The provisions of this section granting immunity from
2 liability shall not be extended to any person alleged to have
3 committed an act of child abuse or neglect.

4 (4) In any proceeding under this section relating to a
5 child of school age, certified copies of school records relating to
6 attendance and academic progress of such child are admissible in
7 evidence.

8 (5) Except as provided in subsection (4) of this section,
9 any person who publicly discloses information received pursuant to
10 this section shall be guilty of a Class III misdemeanor.

11 Sec. 18. Original sections 28-726, 43-1303, 43-1304,
12 43-1305, 43-1307, 43-1308, 43-1309, 43-1310, 43-1313, 43-1314.01,
13 43-1317, and 43-1321, Reissue Revised Statutes of Nebraska,
14 sections 43-1302 and 43-3001, Revised Statutes Cumulative
15 Supplement, 2010, and sections 43-285, 43-1301, and 43-1314,
16 Revised Statutes Supplement, 2011, are repealed.

17 Sec. 19. The following section is outright repealed:
18 Section 43-1306, Reissue Revised Statutes of Nebraska.

19 Sec. 20. Since an emergency exists, this act takes effect
20 when passed and approved according to law.