

AMENDMENTS TO LB 998

Introduced by Krist

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 the  
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 any~~ 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~~ The executive director and any agent  
27 or employee of the ~~State Foster Care Review Board,~~ any of its

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

7           Sec. 3. Section 43-1301, Revised Statutes Supplement,  
8 2011, is amended to read:

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

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

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

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

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

27           (5) Person or court in charge of the child ~~shall~~

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

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

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

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

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

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

1 stepsiblings.

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

4           43-1302 ~~(1)~~ The State Foster Care Review Board shall be  
5 comprised of eleven members appointed by the Governor with the  
6 approval of a majority of the members elected to the Legislature,  
7 consisting of: Three members of local foster care review boards,  
8 one from each congressional district; one practitioner of pediatric  
9 medicine, licensed under the Uniform Credentialing Act; one  
10 practitioner of child clinical psychology, licensed under the  
11 Uniform Credentialing Act; one social worker certified under the  
12 Uniform Credentialing Act, with expertise in the area of child  
13 welfare; one attorney who is or has been a guardian ad litem; one  
14 representative of a statewide child advocacy group; one director of  
15 a child advocacy center; one director of a court appointed special  
16 advocate program; and one member of the public who has a background  
17 in business or finance. Prior to appointment, each potential member  
18 shall disclose any and all funding he or she or his or her employer  
19 receives from the Department of Health and Human Services.

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



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

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

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

1 (ii) make policy recommendations.

2 (b) All equipment and effects of the State Foster Care  
3 Review Board on the effective date of this act shall be transferred  
4 to the Foster Care Review Office, and all staff of the board,  
5 except the executive director and interim executive director, shall  
6 be transferred to the office. The State Foster Care Review Board  
7 shall terminate on the effective date of this act. Beginning  
8 on the effective date of this act, the data coordinator of the  
9 board, as such position existed prior to such date, shall serve  
10 as the executive director of the office until the Foster Care  
11 Advisory Committee hires an executive director as prescribed by  
12 this section. It is the intent of the Legislature that the staff  
13 of the board employed prior to the effective date of this act  
14 shall continue to be employed by the office until such time as the  
15 executive director is hired by the committee.

16 (2) (a) The Foster Care Advisory Committee is created.  
17 The committee shall have five members appointed by the Governor.  
18 The members shall have no pecuniary interest in the foster care  
19 system and shall not be employed by the office, the Department  
20 of Health and Human Services, a county, a child-caring agency, a  
21 child-placing agency, or a court.

22 (b) The Governor shall appoint three members from a list  
23 of twelve local board members submitted by the Health and Human  
24 Services Committee of the Legislature, one member from a list of  
25 four persons with data analysis experience submitted by the Health  
26 and Human Services Committee of the Legislature, and one member  
27 from a list of four persons who are residents of the state and are

1 representative of the public at large submitted by the Health and  
2 Human Services Committee of the Legislature. The Health and Human  
3 Services Committee of the Legislature shall hold a confirmation  
4 hearing for the appointees, and the appointments shall be subject  
5 to confirmation by the Legislature, except that the initial members  
6 and members appointed while the Legislature is not in session shall  
7 serve until the next session of the Legislature, at which time  
8 a majority of the members of the Legislature shall approve or  
9 disapprove of the appointments.

10 (c) The terms of the members shall be for three years,  
11 except that the Governor shall designate two of the initial  
12 appointees to serve initial terms ending on March 1, 2014, and  
13 three of the initial appointees to serve initial terms ending on  
14 March 1, 2015. The Governor shall make the initial appointments  
15 within thirty days after the effective date of this act. Members  
16 shall not serve more than two consecutive terms, except that  
17 members shall serve until their successors have been appointed and  
18 qualified. The Governor shall appoint members to fill vacancies  
19 in the same manner as the original appointments to serve for the  
20 remainder of the unexpired term.

21 (d) The Foster Care Advisory Committee shall meet at  
22 least four times each calendar year. Each member shall attend at  
23 least two meetings each calendar year and shall be subject to  
24 removal for failure to attend at least two meetings unless excused  
25 by a majority of the members of the committee. Members shall be  
26 reimbursed for their actual and necessary expenses as provided in  
27 sections 81-1174 to 81-1177.

1           (e) The duties of the Foster Care Advisory Committee are  
2 to:

3           (i) Hire and fire an executive director for the office  
4 who has training and experience in foster care; and

5           (ii) Support and facilitate the work of the office,  
6 including the tracking of children in foster care and reviewing  
7 foster care file audit case reviews.

8           (3) The executive director of the office shall hire,  
9 fire, and supervise office staff and shall be responsible for the  
10 duties of the office as provided by law, including the annual  
11 report and other reporting, review, tracking, data collection and  
12 analysis, and oversight and training of local 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.~~ plan objective.

17 (2) (a) The office shall designate a local board to  
18 conduct foster care file audit case reviews for each case of  
19 children in foster 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~~ foster  
3 care file 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  
6 ~~(i)~~ (A) personal data on length of time in foster care, ~~(ii)~~ (B)  
7 number of placements, ~~(iii)~~ (C) frequency and results of foster  
8 care file audit case reviews and court review hearings, and (iv)  
9 (D) number of children supervised by the foster care programs in  
10 the state annually, (E) trend data impacting foster care, services,  
11 and placements, (F) analysis of the data, and (G) recommendations  
12 for 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 executive~~  
8 director of the office or his or her designees from the office  
9 may visit and observe foster care facilities in order to ascertain  
10 whether the individual physical, psychological, and sociological  
11 needs of each foster child are being met. The executive director  
12 shall also provide, at a time specified by the Health and Human  
13 Services Committee of the Legislature, regular updates regarding  
14 child welfare data and information at least quarterly, and a  
15 fourth-quarter report which shall be the annual report. The  
16 executive director shall include issues, policy concerns, and  
17 problems which have come to the office and the executive director  
18 from analysis of the data. The executive director shall recommend  
19 alternatives to the identified problems and related needs of the  
20 office and the foster care system to the committee. The Health and  
21 Human Services Committee shall coordinate and prioritize data and  
22 information requests submitted to the office by members of the  
23 Legislature. The annual report of the office shall be completed by  
24 December 1 each year, beginning December 1, 2012.

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

27           43-1304 ~~The state board shall establish~~ There shall be

1 local foster care review boards ~~for the review of cases to conduct~~  
2 the foster care file audit case reviews of children in foster  
3 care placement and carry out other powers and duties given to such  
4 boards under the Foster Care Review Act. Members of local boards  
5 serving on the effective date of this act shall continue to serve  
6 the unexpired portion of their terms. The state board executive  
7 director of the office shall select members to serve on local  
8 boards from a list of applications submitted to the ~~state board-~~  
9 office. Each local board shall consist of not less than four and  
10 not more than ten members as determined by the executive director.  
11 The members of the local board shall reasonably represent the  
12 various social, economic, racial, and ethnic groups of the county  
13 or counties from which its members may be appointed. A person  
14 employed by the ~~state board,~~ office, the Department of Health and  
15 Human Services, a child-caring agency, a child-placing agency, or  
16 a court shall not be appointed to a local board. A list of the  
17 members of each local board shall be sent to the department.

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

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



1 serve until a successor is appointed.

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

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

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

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

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

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

27           (b) Submit to the court having jurisdiction over such

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

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

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

23 (2) When the ~~state board~~ office or designated local board  
24 determines that the interests of a child in a foster care placement  
25 would be served thereby, the ~~state board~~ office or designated local  
26 board may request a court review hearing as provided for in section  
27 43-1313.

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

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

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

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

27           Sec. 12. Section 43-1313, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           43-1313 When a child is in foster care, the court having  
3 jurisdiction over such child for the purposes of foster care  
4 placement shall review the dispositional order for such child at  
5 least once every six months. The court may reaffirm the order or  
6 direct other disposition of the child. Any review hearing by a  
7 court having jurisdiction over such child for purposes of foster  
8 care placement shall be conducted on the record as provided in  
9 sections 43-283 and 43-284, and any recommendations of the ~~state~~  
10 ~~board or~~ office or designated local board concerning such child  
11 shall be included in the record. The court shall review a case  
12 on the record more often than every six months and at any time  
13 following the original placement of the child if the ~~state board~~  
14 office or local board requests a hearing in writing specifying  
15 the reasons for the review. Members of the ~~state board~~ office  
16 or local board or its designated representative may attend and  
17 be heard at any hearing conducted under this section and may  
18 participate through counsel at the hearing with the right to call  
19 and cross-examine witnesses and present arguments to the court.

20           Sec. 13. Section 43-1314, Revised Statutes Supplement,  
21 2011, is amended to read:

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

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

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

26 (3) The court shall inquire into the well-being of the  
27 foster child by asking questions, if present at the hearing, of any

1 willing foster parent, preadoptive parent, or relative providing  
2 care for the child.

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

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

19 (2) It is the intent of the Legislature that any  
20 six-month court review of a juvenile pursuant to sections 43-278  
21 and 43-1313 shall be identified as a review which meets the federal  
22 requirements for six-month case reviews pursuant to the federal  
23 Adoption Assistance and Child Welfare Act of 1980, Public Law  
24 96-272.

25 (3) The ~~state board~~ office may assist the Department  
26 of Health and Human Services as to eligibility under Title IV-E  
27 for state wards and eligibility for Supplemental Security Income,

1 Supplemental Security Disability Income, Veterans Administration,  
2 or aid to families with dependent children benefits, for child  
3 support orders of the court, and for medical insurance other than  
4 medicaid.

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

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

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

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

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

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

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

26 The fund shall be used for the administration of the  
27 Foster Care Review ~~Act.~~ Office. The State Treasurer shall transfer

1 any funds in the Foster Care Review Board Cash Fund on the  
2 effective date of this act to the Foster Care Review Office Cash  
3 Fund. Any money in the fund available for investment shall be  
4 invested by the state investment officer pursuant to the Nebraska  
5 Capital Expansion Act and the Nebraska State Funds Investment Act.

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

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

24           (2) In any judicial proceeding concerning a child who is  
25 currently, or who may become at the conclusion of the proceeding,  
26 a ward of the court or state or under the supervision of the  
27 court, an order may be issued which identifies individuals and



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

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

1 identified in the appropriate court order by providing information  
2 or records about a child shall be immune from any civil or criminal  
3 liability. The provisions of this section granting immunity from  
4 liability shall not be extended to any person alleged to have  
5 committed an act of child abuse or neglect.

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

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

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

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

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