

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB998

Hearing Date: Friday January 27, 2012
Committee On: Health and Human Services
Introducer: Krist
One Liner: Create the Foster Care Review Office and eliminate the Foster Care Review Board

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

Vote Results:
Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Lambert
Nay:
Absent:
Present Not Voting:

Proponents:	Representing:
Senator Bob Krist	District #10
Ann Coyne	Self
Burrell S. Williams	Self
John Seyfarth	Local Foster Care Review Board 1B-14 Papillion
James Holt	Umoja Counseling PC
Loran Schmit	Self
Melanie Williams-Smotherman	Family Advocacy Movement

Opponents:	Representing:
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Neutral:	Representing:
Marcia Anderson	Self

Summary of purpose and/or changes:

LB 998 creates the Foster Care Review Office to exercise the authority and perform the duties provided by the Foster Care Review Act.

- The State Foster Care Review Board is eliminated.
 - The executive director of the office shall be appointed by the Legislature through nomination by the Executive Board of the Legislative Council and a two thirds vote of the members of the Legislature.
 - The executive director shall report directly to the chairperson of the Health and Human Service Committee of the Legislature.
 - The structure of the office shall be determined by the Health and Human Services Committee, the executive director and any other employees authorized by the committee shall be employees of the Legislative Council.
 - The Foster Care Review Office is established for legislative oversight of the foster care system.
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- The office shall maintain the statewide register of all foster care placements occurring within the state.
- The office shall report and make recommendation to the Legislature, department, local boards and county welfare offices of data and evaluation of such data regarding foster care. The office shall provide copies of the report and recommendation to each court having the authority to make foster care placements.
- Each court which places a child in foster care shall send to the office a copy of the plan or permanency plan and copy of the progress reports as related to the plan or permanency plan, including the court order and the guardian ad litem report.
 - The office shall provide the designated local board with copies of the information.
- Upon the request of the office, or local board, any records pertaining to a case from the department, an agency, a public official or employee of subdivision having relevant contact with the child shall be furnished to the office or local board; if such information is not obtainable elsewhere the court having jurisdiction shall release such information to the office or local board as the court deems necessary to determine the physical, psychological, and sociological circumstance of such foster child.
- The foster care child shall have a review of the dispositional order of his or her case at least once every six months; the local board recommendations shall be included in the record. The office or local board may request in writing an early dispositional review by the court. Members of the office or local board, or its designated representative, may attend and be heard at the hearing and may participate through counsel at the hearing with the right to call and cross-examine witnesses and present arguments to the court.
- The courts and designated local boards shall be responsible for the conducting of periodic reviews to meet the federal requirements for six-month case review. The office shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the requirement.
- The office may assist the department as to eligibility under Title IV-E for state wards and eligibility for SSI, SSDI, Veterans Administration or aid to families with dependent children benefits, for child support orders of the court, and for medical insurance other than medicaid.
- The office shall establish compulsory training for local board members.

Additionally LB 998 changes Nebraska statutes that currently involve the Foster Care Review Board to reconcile with the changes afforded by the bill regarding a Foster Care Review Office and designated local foster care review boards. This includes, but is not limited to:

- Participation in proceeding concerning the juvenile and reports from local foster care review board with regard to a juvenile in a foster care placement.
- The office shall assign each foster care placement reported to local boards.
- Members of local boards serving on the operative date of the bill shall continue to serve their unexpired term.
 - The Governor shall appoint one member for each local foster care review board with initial appointees beginning their terms on the operative date of this act.
 - The office shall select the other members to serve.
 - Each local board shall consist of not less than four and not more than ten members as determined by the the office.
 - Vacancies shall be appointed by the Governor or office.

- The local boards and the courts shall send a written report to the office for each foster care review hearing conducted by the local board or court.

- The local boards have (the state board eliminated from) authority to:
 - Complete a six month review of the case of each child in foster care placement to determine what efforts have been made to carry out the plan or permanency plan;
 - Submit to the court within thirty days after the review its findings and recommendations regarding efforts and progress in the caseworker;
 - Make recommendations regarding stability, long term plan and placement; and
 - Request a review hearing when the local board determines that the best interests of the child would be served by such.

LB 998 also addresses confidentiality and access of records for the Foster Care Review Office and the local boards.

Explanation of amendments:

The Committee Amendment becomes the bill.

LB 998 creates the Foster Care Review Office to exercise the authority and perform the duties provided by the Foster Care Review Act.

The State Foster Care Review Board is eliminated. The Foster Care Review Office is established. The purpose of the office is to:

- Provide information and direct reporting to the courts, the department, and the Legislature.
- Provide oversight of the foster care system;
- Make recommendations regarding foster care policy to the Legislature;
- Provide information and reporting services, analyze the information obtained, oversee file audit reviews and track cases of children in the foster care system;
- Trend data impacting foster care, services and placements, analyze the data, and make recommendation improving the foster care system; and
- Designate a local board to conduct file audit case reviews for each child in foster care placement.
 - The local board shall send a written report to the office for each foster care file audit case review conducted by the local board.
 - A court shall send a written report to the office for each foster care review hearing conducted by the court.
- Provide regular updates, at least quarterly, to the Health and Human Services Committee of the Legislature regarding child welfare data and information.

The Foster Care Advisory Committee is created with five members appointed by the Governor and subject to the approval of the Legislature.

- Members shall have no pecuniary interest in the foster care system;
- Shall not be employed by the office, department, child-caring agency, child-placing agency or the court;
- One member shall be chosen from a list of local board members submitted by the Legislature;
- One member shall be from a list of persons with data analysis experience submitted by the Legislature; and
- One member shall be from the citizenry of the state at large.

Duties of the Foster Care Advisory Committee are to:

- Appoint an executive director of the Foster Care Review Office who has training and experience in foster care management;
- Review management and employee issues of the office; and

- Assist the executive director in focusing on key issues and resolutions of those issues.

The executive director of the Foster Care Review Office shall be responsible for personnel, the annual report and other reporting, review, tracking, data collection and analysis, and oversight and training of local boards.

- The director shall report to the Health and Human Services Committee issues, policy concerns and problems which have come to the office from analysis of the data.
- The director shall, if requested, recommend alternatives to the identified problems and related needs of the office and the foster care system to the Health and Human Services Committee.

Kathy Campbell, Chairperson