

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 998

Final Reading

Introduced by Krist, 10; Campbell, 25; Carlson, 38; Christensen, 44; Hansen, 42; Schilz, 47; Wallman, 30; Mello, 5; Howard, 9; Bloomfield, 17; Harms, 48; Harr, 8; Schumacher, 22; Hadley, 37; Karpisek, 32; Seiler, 33.

Read first time January 17, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to foster care; to amend sections 28-726,
2 43-1303, 43-1304, 43-1305, 43-1307, 43-1308, 43-1309,
3 43-1310, 43-1313, 43-1314.01, 43-1317, and 43-1321,
4 Reissue Revised Statutes of Nebraska, sections 43-1302
5 and 43-3001, Revised Statutes Cumulative Supplement,
6 2010, and sections 43-285, 43-1301, and 43-1314, Revised
7 Statutes Supplement, 2011; to eliminate the State Foster
8 Care Review Board; to create the Foster Care Review
9 Office and a committee; to rename a fund; to provide for
10 an executive director; to provide powers and duties; to
11 change provisions relating to local foster care review
12 boards and court review hearings; to harmonize
13 provisions; to provide an operative date; to repeal the
14 original sections; to outright repeal section 43-1306,
15 Reissue Revised Statutes of Nebraska; and to declare an

1 emergency.

2 Be it enacted by the people of the State of Nebraska,

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

3 28-726 Except as provided in this section and sections
4 28-722 and 81-3126, no person, official, or agency shall have access
5 to information in the tracking system of child protection cases
6 maintained pursuant to section 28-715 or in records in the central
7 register of child protection cases maintained pursuant to section
8 28-718 unless in furtherance of purposes directly connected with the
9 administration of the Child Protection Act. Such persons, officials,
10 and agencies having access to such information shall include, but not
11 be limited to:

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

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

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

18 (4) An agency having the legal responsibility or
19 authorization to care for, treat, or supervise an abused or neglected
20 child or a parent, a guardian, or other person responsible for the
21 abused or neglected child's welfare who is the subject of the report
22 of child abuse or neglect;

23 (5) Any person engaged in bona fide research or auditing.
24 No information identifying the subjects of the report of child abuse
25 or neglect shall be made available to the researcher or auditor;

1 (6) ~~The State Foster Care Review Board Office and the~~
2 designated local foster care review board when the information
3 relates to a child in a foster care placement as defined in section
4 43-1301. The information provided to the ~~state board office and local~~
5 board shall not include the name or identity of any person making a
6 report of suspected child abuse or neglect;

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

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

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

19 Sec. 2. Section 43-285, Revised Statutes Supplement,
20 2011, is amended to read:

21 43-285 (1) When the court awards a juvenile to the care
22 of the Department of Health and Human Services, an association, or an
23 individual in accordance with the Nebraska Juvenile Code, the
24 juvenile shall, unless otherwise ordered, become a ward and be
25 subject to the guardianship of the department, association, or

1 individual to whose care he or she is committed. Any such association
2 and the department shall have authority, by and with the assent of
3 the court, to determine the care, placement, medical services,
4 psychiatric services, training, and expenditures on behalf of each
5 juvenile committed to it. Such guardianship shall not include the
6 guardianship of any estate of the juvenile.

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

25 (3) Within thirty days after an order awarding a juvenile

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

1 placement or as soon thereafter as possible. The department shall
2 provide the juvenile's guardian ad litem with a copy of any report
3 filed with the court by the department pursuant to this subsection.

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

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

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

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

24 (8) ~~Any member The executive director and any agent or~~
25 employee of the ~~State Foster Care Review Board, any of its agents or~~

1 ~~employees, Office~~ or any member of any local foster care review board
2 participating in an investigation or making any report pursuant to
3 the Foster Care Review Act or participating in a judicial proceeding
4 pursuant to this section shall be immune from any civil liability
5 that would otherwise be incurred except for false statements
6 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 agency,
17 or any other person or entity receiving and caring for foster
18 children;

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

1 Health and Human Services;

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

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

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

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

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

3 (10) Siblings means biological siblings and legal
4 siblings, including, but not limited to, half-siblings and
5 stepsiblings.

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

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

24 ~~The terms of members appointed pursuant to this~~
25 ~~subsection shall be three years, except that of the initial members~~

1 ~~of the state board, one third shall be appointed for terms of one~~
2 ~~year, one third for terms of two years, and one third for terms of~~
3 ~~three years, as determined by the Governor. No person appointed by~~
4 ~~the Governor to the state board shall serve more than two consecutive~~
5 ~~three year terms. An appointee to a vacancy occurring from an~~
6 ~~unexpired term shall serve out the term of his or her predecessor.~~
7 ~~Members whose terms have expired shall continue to serve until their~~
8 ~~successors have been appointed and qualified. Members serving on the~~
9 ~~state board on December 31, 2005, shall continue in office until the~~
10 ~~members appointed under this subsection take office. The members of~~
11 ~~the state board shall, to the extent possible, represent the three~~
12 ~~congressional districts equally.~~

13 ~~(2) The state board shall select a chairperson, vice-~~
14 ~~chairperson, and such other officers as the state board deems~~
15 ~~necessary. Members of the state board shall be reimbursed for their~~
16 ~~actual and necessary expenses as provided in sections 81-1174 to~~
17 ~~81-1177. The state board shall employ or contract for services from~~
18 ~~such persons as are necessary to aid it in carrying out its duties.~~

19 (1)(a) The Foster Care Review Office is hereby
20 established. The purpose of the office is to provide information and
21 direct reporting to the courts, the Department of Health and Human
22 Services, and the Legislature regarding the foster care system in
23 Nebraska; to provide oversight of the foster care system; and to make
24 recommendations regarding foster care policy to the Legislature. The
25 executive director of the office shall provide information and

1 reporting services, provide analysis of information obtained, and
2 oversee foster care file audit case reviews and tracking of cases of
3 children in the foster care system. The executive director of the
4 office shall, through information analysis and with the assistance of
5 the Foster Care Advisory Committee, (i) determine key issues of the
6 foster care system and ways to resolve the issues and to otherwise
7 improve the system and (ii) make policy recommendations.

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

22 (c) It is the intent of the Legislature that the funds
23 appropriated to the State Foster Care Review Board be transferred to
24 the Foster Care Review Office for FY2012-13.

25 (2)(a) The Foster Care Advisory Committee is created. The

1 committee shall have five members appointed by the Governor. The
2 members shall have no pecuniary interest in the foster care system
3 and shall not be employed by the office, the Department of Health and
4 Human Services, a county, a child-caring agency, a child-placing
5 agency, or a court.

6 (b) The Governor shall appoint three members from a list
7 of twelve local board members submitted by the Health and Human
8 Services Committee of the Legislature, one member from a list of four
9 persons with data analysis experience submitted by the Health and
10 Human Services Committee of the Legislature, and one member from a
11 list of four persons who are residents of the state and are
12 representative of the public at large submitted by the Health and
13 Human Services Committee of the Legislature. The Health and Human
14 Services Committee of the Legislature shall hold a confirmation
15 hearing for the appointees, and the appointments shall be subject to
16 confirmation by the Legislature, except that the initial members and
17 members appointed while the Legislature is not in session shall serve
18 until the next session of the Legislature, at which time a majority
19 of the members of the Legislature shall approve or disapprove of the
20 appointments.

21 (c) The terms of the members shall be for three years,
22 except that the Governor shall designate two of the initial
23 appointees to serve initial terms ending on March 1, 2014, and three
24 of the initial appointees to serve initial terms ending on March 1,
25 2015. The Governor shall make the initial appointments within thirty

1 days after the operative date of this act. Members shall not serve
2 more than two consecutive terms, except that members shall serve
3 until their successors have been appointed and qualified. The
4 Governor shall appoint members to fill vacancies in the same manner
5 as the original appointments to serve for the remainder of the
6 unexpired term.

7 (d) The Foster Care Advisory Committee shall meet at
8 least four times each calendar year. Each member shall attend at
9 least two meetings each calendar year and shall be subject to removal
10 for failure to attend at least two meetings unless excused by a
11 majority of the members of the committee. Members shall be reimbursed
12 for their actual and necessary expenses as provided in sections
13 81-1174 to 81-1177.

14 (e) The duties of the Foster Care Advisory Committee are
15 to:

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

18 (ii) Support and facilitate the work of the office,
19 including the tracking of children in foster care and reviewing
20 foster care file audit case reviews.

21 (3) The executive director of the office shall hire,
22 fire, and supervise office staff and shall be responsible for the
23 duties of the office as provided by law, including the annual report
24 and other reporting, review, tracking, data collection and analysis,
25 and oversight and training of local boards.

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

3 43-1303 (1) ~~The state board shall meet at least twice per~~
4 ~~year. The state board office shall establish a~~ maintain the statewide
5 register of all foster care placements occurring within the state,
6 and there shall be a monthly report made to the ~~state board~~ registry
7 of all foster care placements by the Department of Health and Human
8 Services, any child-placing agency, or any court in a form as
9 developed by the ~~state board office~~ office in consultation with
10 representatives of entities required to make such reports. For each
11 child entering and leaving foster care, such monthly report shall
12 consist of identifying information, placement information, and the
13 plan or permanency plan developed by the person or court in charge of
14 the child pursuant to section 43-1312. The department and every court
15 and child-placing agency shall report any foster care placement
16 within three working days. The report shall contain the following
17 information:

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

20 (b) Identification information for parents and
21 stepparents, including name, social security number, address, and
22 status of parental rights;

23 (c) Placement information, including initial placement
24 date, current placement date, and the name and address of the foster
25 care provider;

1 (d) Court status information, including which court has
2 jurisdiction, initial custody date, court hearing date, and results
3 of the court hearing;

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

5 (f) Case worker; and

6 (g) ~~Permanency Plan Objective.~~ plan objective.

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

10 (b) ~~The state board shall review the activities of local~~
11 ~~boards and office may adopt and promulgate its own rules and~~
12 ~~regulations. Such rules and regulations shall provide for the~~
13 following:

14 (a)-(i) Establishment of training programs for local
15 board members which shall include an initial training program and
16 periodic inservice training programs;

17 (b)-(ii) Development of procedures for local boards;

18 (c)-(iii) Establishment of a central record-keeping
19 facility for all local board files, including individual foster care
20 file audit case reviews;

21 (d)-(iv) Accumulation of data and the making of annual
22 reports on children in foster care. Such reports shall include (i)
23 (A) personal data on length of time in foster care, (ii)-(B) number
24 of placements, (iii)-(C) frequency and results of foster care file
25 audit case reviews and court review hearings, and (iv)-(D) number of

1 children supervised by the foster care programs in the state
2 annually, (E) trend data impacting foster care, services, and
3 placements, (F) analysis of the data, and (G) recommendations for
4 improving the foster care system in Nebraska;

5 ~~(e)-(v)~~ To the extent not prohibited by section 43-1310,
6 evaluation of the judicial and administrative data collected on
7 foster care and the dissemination of such data to the judiciary,
8 public and private agencies, the department, and members of the
9 public; and

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

13 (3) A local board shall send a written report to the
14 office for each foster care file audit case review conducted by the
15 local board. A court shall send a written report to the office for
16 each foster care review hearing conducted by the court.

17 ~~(3)-(4)~~ The ~~state board, upon completion of a review of~~
18 ~~local board activities,~~ office shall report and make recommendations
19 to the Legislature, department, local boards, and county welfare
20 offices. Such reports and recommendations shall include, but not be
21 limited to, the annual judicial and administrative data collected on
22 foster care pursuant to ~~subsection~~ subsections (2) and (3) of this
23 section and the annual evaluation of such data. In addition, the
24 ~~state board~~ office shall provide copies of such reports and
25 recommendations to each court having the authority to make foster

1 care placements. The state board executive director of the office or
2 his or her designees from the office may visit and observe foster
3 care facilities in order to ascertain whether the individual
4 physical, psychological, and sociological needs of each foster child
5 are being met. The executive director shall also provide, at a time
6 specified by the Health and Human Services Committee of the
7 Legislature, regular updates regarding child welfare data and
8 information at least quarterly, and a fourth-quarter report which
9 shall be the annual report. The executive director shall include
10 issues, policy concerns, and problems which have come to the office
11 and the executive director from analysis of the data. The executive
12 director shall recommend alternatives to the identified problems and
13 related needs of the office and the foster care system to the
14 committee. The Health and Human Services Committee shall coordinate
15 and prioritize data and information requests submitted to the office
16 by members of the Legislature. The annual report of the office shall
17 be completed by December 1 each year, beginning December 1, 2012.

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

20 43-1304 ~~The state board shall establish~~ There shall be
21 local foster care review boards for the review of cases to conduct
22 the foster care file audit case reviews of children in foster care
23 placement and carry out other powers and duties given to such boards
24 under the Foster Care Review Act. Members of local boards serving on
25 the operative date of this act shall continue to serve the unexpired

1 portion of their terms. The ~~state board~~ executive director of the
2 office shall select members to serve on local boards from a list of
3 applications submitted to the ~~state board~~. office. Each local board
4 shall consist of not less than four and not more than ten members as
5 determined by the executive director. The members of the local board
6 shall reasonably represent the various social, economic, racial, and
7 ethnic groups of the county or counties from which its members may be
8 appointed. A person employed by the ~~state board~~, office, the
9 Department of Health and Human Services, a child-caring agency, a
10 child-placing agency, or a court shall not be appointed to a local
11 board. A list of the members of each local board shall be sent to the
12 department.

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

15 43-1305 All local board members shall be appointed for
16 terms of three years. If a vacancy occurs on a local board, the ~~state~~
17 ~~board~~ executive director of the office shall appoint another person
18 to serve the unexpired portion of the term. Appointments to fill
19 vacancies on the local board shall be made in the same manner and
20 subject to the same conditions as the initial appointments to such
21 board. The term of each member shall expire on the second Monday in
22 July of the appropriate year. Members shall continue to serve until a
23 successor is appointed.

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

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

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

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

15 43-1308 (1) Except as otherwise provided in the Nebraska
16 Indian Child Welfare Act, the ~~state board or designated~~ local board
17 shall:

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

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

1 after the foster care file audit case review, its findings and
2 recommendations regarding the efforts and progress made to carry out
3 the plan or permanency plan established pursuant to section 43-1312
4 together with any other recommendations it chooses to make regarding
5 the 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 for
8 the findings and recommendations, including factors, opinions, and
9 rationale considered in ~~its~~ the foster care file audit case review,
10 whether the grounds for termination of parental rights under section
11 43-292 appear to exist, and the date of the next foster care file
12 audit case review by the ~~state board or~~ designated local board;

13 (c) If the return of the child to his or her parents is
14 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 of
19 foster children and by encouraging the recruitment of foster parents
20 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.

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 the
4 designated local board, any records pertaining to a case assigned to
5 such local board, or upon the request of the Department of Health and
6 Human Services, any records pertaining to a case assigned to the
7 department, shall be furnished to the ~~requesting office or designated~~
8 local board or department by the agency charged with the child or any
9 public official or employee of a political subdivision having
10 relevant contact with the child. Upon the request of the ~~state board~~
11 office or designated local board, and if such information is not
12 obtainable elsewhere, the court having jurisdiction of the foster
13 child shall release such information to the ~~state board office~~ or
14 designated local board as the court deems necessary to determine the
15 physical, psychological, and sociological circumstances of such
16 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 of the
21 ~~state board office~~ or local board shall be deemed confidential.
22 Unauthorized disclosure of such confidential records and information
23 or any violation of the rules and regulations ~~of~~ adopted and
24 promulgated by the Department of Health and Human Services or the
25 ~~state board office~~ shall be a Class III misdemeanor.

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

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

21 Sec. 13. Section 43-1314, Revised Statutes Supplement,
22 2011, is amended to read:

23 43-1314 (1) Except as otherwise provided in the Nebraska
24 Indian Child Welfare Act, notice of the court review or hearing and
25 the right of participation in all court reviews and hearings

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

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

1 not be construed to require that such foster parent, preadoptive
2 parent, or relative is a necessary party to the review or hearing.

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

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

9 43-1314.01 (1) ~~The State Foster Care Review Board office~~
10 shall be the only entity responsible for the conduct of periodic
11 foster care file audit case reviews which shall be identified as
12 reviews which meet the federal requirements for six-month case
13 reviews pursuant to the federal Adoption Assistance and Child Welfare
14 Act of 1980, Public Law 96-272. ~~The state board office shall be~~
15 fiscally responsible for any noncompliance sanctions imposed by the
16 federal government related to the requirements for review outlined in
17 the federal Adoption Assistance and Child Welfare Act of 1980, Public
18 Law 96-272. ~~It is the intent of the Legislature that beginning~~
19 ~~October 1, 1996, the state board shall be the only state agency with~~
20 ~~the responsibility to conduct six month case reviews pursuant to the~~
21 ~~federal Adoption Assistance and Child Welfare Act of 1980, Public Law~~
22 ~~96-272.~~

23 (2) It is the intent of the Legislature that any six-
24 month court review of a juvenile pursuant to sections 43-278 and
25 43-1313 shall be identified as a review which meets the federal

1 requirements for six-month case reviews pursuant to the federal
2 Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

3 (3) The ~~state board office~~ may assist the Department of
4 Health and Human Services as to eligibility under Title IV-E for
5 state wards and eligibility for Supplemental Security Income,
6 Supplemental Security Disability Income, Veterans Administration, or
7 aid to families with dependent children benefits, for child support
8 orders of the court, and for medical insurance other than medicaid.

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

11 43-1317 The ~~state board office~~ shall establish compulsory
12 training for local board members which shall consist of initial
13 training programs followed by periodic inservice training programs.

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

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

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

24 (2) Payments to offset printing, postage, and other
25 expenses for books, documents, or other materials printed or

1 published by the ~~board;~~ office; and

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

5 The fund shall be used for the administration of the
6 Foster Care Review ~~Act.~~ Office. The State Treasurer shall transfer
7 any funds in the Foster Care Review Board Cash Fund on the operative
8 date of this act to the Foster Care Review Office Cash Fund. Any
9 money in the fund available for investment shall be invested by the
10 state investment officer pursuant to the Nebraska Capital Expansion
11 Act and the Nebraska State Funds Investment Act.

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

14 43-3001 (1) Notwithstanding any other provision of law
15 regarding the confidentiality of records and when not prohibited by
16 the federal Privacy Act of 1974, as amended, juvenile court records
17 and any other pertinent information that may be in the possession of
18 school districts, school personnel, county attorneys, the Attorney
19 General, law enforcement agencies, child advocacy centers, state
20 probation personnel, state parole personnel, youth detention
21 facilities, medical personnel, treatment or placement programs, the
22 Department of Health and Human Services, the Department of
23 Correctional Services, the ~~State Foster Care Review Board,~~ Foster
24 Care Review Office, local foster care review boards, child abuse and
25 neglect investigation teams, child abuse and neglect treatment teams,

1 or other multidisciplinary teams for abuse, neglect, or delinquency
2 concerning a child who is in the custody of the state may be shared
3 with individuals and agencies who have been identified in a court
4 order authorized by this section.

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

1 otherwise states, the order shall be effective until the child leaves
2 the custody of the state or until a new order is issued.

3 (3) All information acquired by an individual or agency
4 pursuant to this section shall be confidential and shall not be
5 disclosed except to other persons who have a legitimate and official
6 interest in the information and are identified in the court order
7 issued pursuant to this section with respect to the child in
8 question. A person who receives such information or who cooperates in
9 good faith with other individuals and agencies identified in the
10 appropriate court order by providing information or records about a
11 child shall be immune from any civil or criminal liability. The
12 provisions of this section granting immunity from liability shall not
13 be extended to any person alleged to have committed an act of child
14 abuse or neglect.

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

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

22 Sec. 18. This act becomes operative on July 1, 2012.

23 Sec. 19. Original sections 28-726, 43-1303, 43-1304,
24 43-1305, 43-1307, 43-1308, 43-1309, 43-1310, 43-1313, 43-1314.01,
25 43-1317, and 43-1321, Reissue Revised Statutes of Nebraska, sections

1 43-1302 and 43-3001, Revised Statutes Cumulative Supplement, 2010,
2 and sections 43-285, 43-1301, and 43-1314, Revised Statutes
3 Supplement, 2011, are repealed.

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

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