

AMENDMENTS TO LB 269

Introduced by Health and Human Services

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

3 Section 1. Section 43-285, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 43-285 (1) When the court awards a juvenile to the care
6 of the Department of Health and Human Services, an association,
7 or an individual in accordance with the Nebraska Juvenile Code,
8 the juvenile shall, unless otherwise ordered, become a ward and
9 be subject to the guardianship of the department, association,
10 or individual to whose care he or she is committed. Any such
11 association and the department shall have authority, by and with
12 the assent of the court, to determine the care, placement, medical
13 services including the determination of eligibility for medical
14 assistance under section 68-911, psychiatric services, training,
15 and expenditures on behalf of each juvenile committed to it. Such
16 guardianship shall not include the guardianship of any estate of
17 the juvenile.

18 (2) Following an adjudication hearing at which a juvenile
19 is adjudged to be under subdivision (3) of section 43-247, the
20 court may order the department to prepare and file with the
21 court a proposed plan for the care, placement, services, and
22 permanency which are to be provided to such juvenile and his
23 or her family. The plan shall include a written determination

1 regarding the eligibility of the child for medical assistance under
2 section 68-911. The health and safety of the juvenile shall be
3 the paramount concern in the proposed plan. When the plan includes
4 the provision of services in order that the juvenile can remain
5 in his or her home and such services are to prevent out-of-home
6 placement, the plan shall be prepared and shall clearly state
7 that the services described in the plan are to prevent placement
8 and that absent preventive services, foster care is the planned
9 arrangement for the child. The department shall include in the
10 plan for a juvenile who is sixteen years of age or older and
11 subject to the guardianship of the department a written independent
12 living transition proposal which meets the requirements of section
13 43-1311.03. The court may approve the plan, modify the plan,
14 order that an alternative plan be developed, or implement another
15 plan that is in the juvenile's best interests. In its order the
16 court shall include a finding regarding the appropriateness of
17 the programs and services described in the proposal designed to
18 assist the juvenile in acquiring independent living skills. Rules
19 of evidence shall not apply at the dispositional hearing when the
20 court considers the plan that has been presented.

21 (3) Within thirty days after an order awarding a juvenile
22 to the care of the department, an association, or an individual
23 and until the juvenile reaches the age of majority, the department,
24 association, or individual shall file with the court a report
25 stating the location of the juvenile's placement and the needs of
26 the juvenile in order to effectuate the purposes of subdivision
27 (1) of section 43-246. The department, association, or individual

1 shall file a report with the court once every six months or at
2 shorter intervals if ordered by the court or deemed appropriate
3 by the department, association, or individual. Every six months,
4 the report shall provide an updated determination regarding the
5 eligibility of the child for medical assistance under section
6 68-911. The department, association, or individual shall file a
7 report and notice of placement change with the court and shall
8 send copies of the notice to all interested parties at least
9 seven days before the placement of the juvenile is changed from
10 what the court originally considered to be a suitable family
11 home or institution to some other custodial situation in order to
12 effectuate the purposes of subdivision (1) of section 43-246. The
13 court, on its own motion or upon the filing of an objection to
14 the change by an interested party, may order a hearing to review
15 such a change in placement and may order that the change be stayed
16 until the completion of the hearing. Nothing in this section shall
17 prevent the court on an ex parte basis from approving an immediate
18 change in placement upon good cause shown. The department may make
19 an immediate change in placement without court approval only if
20 the juvenile is in a harmful or dangerous situation or when the
21 foster parents request that the juvenile be removed from their
22 home. Approval of the court shall be sought within twenty-four
23 hours after making the change in placement or as soon thereafter
24 as possible. The department shall provide the juvenile's guardian
25 ad litem with a copy of any report filed with the court by the
26 department pursuant to this subsection.

27 (4) The court shall also hold a permanency hearing if

1 required under section 43-1312.

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

8 (6) Whenever a juvenile is in a foster care placement
9 as defined in section 43-1301, the Foster Care Review Office or
10 the designated local foster care review board may participate in
11 proceedings concerning the juvenile as provided in section 43-1313
12 and notice shall be given as provided in section 43-1314.

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

19 (8) The executive director and any agent or employee of
20 the Foster Care Review Office or any member of any local foster
21 care review board participating in an investigation or making any
22 report pursuant to the Foster Care Review Act or participating in a
23 judicial proceeding pursuant to this section shall be immune from
24 any civil liability that would otherwise be incurred except for
25 false statements negligently made.

26 Sec. 2. Section 43-905, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

1 43-905 (1) The Department of Health and Human Services
2 shall be the legal guardian of all children committed to
3 it. The department shall afford temporary care and shall use
4 special diligence to provide suitable homes for such children.
5 The department shall make reasonable efforts to accomplish
6 joint-sibling placement or sibling visitation or ongoing
7 interaction between siblings as provided in section 43-1311.02.
8 The department is authorized to place such children in suitable
9 families for adoption, foster care, or guardianship or, in the
10 discretion of the department, on a written contract.

11 (2) The contract shall provide (a) for the children's
12 education in the public schools or otherwise, (b) for teaching them
13 some useful occupation, and (c) for kind and proper treatment as
14 members of the family in which they are placed.

15 (3) Whenever any child who has been committed to the
16 department becomes self-supporting, the department shall declare
17 that fact and the guardianship of the department shall cease.
18 Thereafter the child shall be entitled to his or her own earnings.
19 Guardianship of and services by the department shall never extend
20 beyond the age of majority, except that (a) services by the
21 department to a child shall continue until the child reaches the
22 age of twenty-one if the child is a student regularly attending a
23 school, college, or university or regularly attending a course of
24 vocational or technical training designed to prepare such child for
25 gainful employment and (b) beginning January 1, 2014, services may
26 be extended as provided under the federal Patient Protection and
27 Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act

1 and section existed on January 1, 2013, for medicaid coverage for
2 individuals under twenty-six years of age as allowed pursuant to
3 such act.

4 (4) Whenever the parents of any ward, whose parental
5 rights have not been terminated, have become able to support and
6 educate their child, the department shall restore the child to his
7 or her parents if the home of such parents would be a suitable
8 home. The guardianship of the department shall then cease.

9 (5) Whenever permanent free homes for the children cannot
10 be obtained, the department shall have the authority to provide and
11 pay for the maintenance of the children in private families, in
12 foster care, in guardianship, in boarding homes, or in institutions
13 for care of children.

14 Sec. 3. Section 43-1311.03, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 43-1311.03 (1) When a child placed in foster care turns
17 sixteen years of age or enters foster care and is at least sixteen
18 years of age, a written independent living transition proposal
19 shall be developed by the Department of Health and Human Services
20 at the direction and involvement of the child to prepare for the
21 transition from foster care to adulthood. The transition proposal
22 shall be personalized based on the child's needs. The transition
23 proposal shall include, but not be limited to, the following needs:

- 24 (a) Education;
- 25 (b) Employment services and other workforce support;
- 26 (c) Health and health care coverage, including the
27 child's potential eligibility for medicaid coverage under the

1 federal Patient Protection and Affordable Care Act, 42 U.S.C.
2 1396a(a)(10)(A)(i)(IX), as such act and section existed on January
3 1, 2013;

4 (d) Financial assistance, including education on credit
5 card financing, banking, and other services;

6 (e) Housing;

7 (f) Relationship development; and

8 (g) Adult services, if the needs assessment indicates
9 that the child is reasonably likely to need or be eligible for
10 services or other support from the adult services system.

11 (2) The transition proposal shall be developed and
12 frequently reviewed by the department in collaboration with the
13 child's transition team. The transition team shall be comprised
14 of the child, the child's caseworker, the child's guardian ad
15 litem, individuals selected by the child, and individuals who have
16 knowledge of services available to the child.

17 (3) The transition proposal shall be considered a working
18 document and shall be, at the least, updated for and reviewed at
19 every permanency or review hearing by the court.

20 (4) The final transition proposal prior to the child's
21 leaving foster care shall specifically identify how the need for
22 housing will be addressed.

23 (5) If the child is interested in pursuing higher
24 education, the transition proposal shall provide for the process in
25 applying for any applicable state, federal, or private aid.

26 (6) On or before the date the child reaches nineteen
27 years of age, the department shall provide the child with (a)

1 a certified copy of the child's birth certificate and facilitate
2 securing a federal social security card when the child is eligible
3 for such card and (b) all documentation required for enrollment
4 in medicaid coverage for former foster care children as available
5 under the federal Patient Protection and Affordable Care Act, 42
6 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
7 January 1, 2013. All fees associated with securing the certified
8 copy of the child's birth certificate shall be waived by the state.

9 Sec. 4. Section 43-4101, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 43-4101 (1) The Nebraska Juvenile Service Delivery
12 Project shall be established as a pilot program administered by
13 the Office of Probation Administration. The pilot program shall be
14 evaluated by the University of Nebraska Medical Center's College
15 of Public Health. The project may be expanded by the Office of
16 Probation Administration. The purpose of the pilot program is to
17 ~~(1)~~ (a) provide access to services in the community for juveniles
18 placed on probation, ~~(2)~~ (b) prevent unnecessary commitment of
19 juveniles to the Department of Health and Human Services and
20 to the Office of Juvenile Services, ~~(3)~~ (c) eliminate barriers
21 preventing juveniles from receiving needed services, ~~(4)~~ (d)
22 prevent unnecessary penetration of juveniles further into the
23 juvenile justice system, ~~(5)~~ (e) enable the juvenile's needs to
24 be met in the least intrusive and least restrictive manner while
25 maintaining the safety of the juvenile and the community, ~~(6)~~ (f)
26 reduce the duplication of resources within the juvenile justice
27 system through intense coordinated case management and supervision,

1 and ~~(7)~~ (g) use evidence-based practices and responsive case
2 management to improve outcomes for adjudicated juveniles.

3 (2) On or before July 1, 2013, the Department of Health
4 and Human Services, shall apply for reimbursement under Title IV-E
5 of the federal Social Security Act, as amended, for reimbursable
6 costs associated with the Nebraska Juvenile Service Delivery
7 Project. The reimbursed funds received by the department shall be
8 remitted to the State Treasurer for credit to the Probation Program
9 Cash Fund for reimbursement of expenses incurred by the Office of
10 Probation Administration pursuant to the Nebraska Juvenile Service
11 Delivery Project.

12 Sec. 5. Section 43-4202, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 43-4202 (1) The Nebraska Children's Commission is created
15 as a high-level leadership body to (a) create a statewide strategic
16 plan for reform of the child welfare system programs and services
17 in the State of Nebraska and (b) review the operations of the
18 Department of Health and Human Services regarding child welfare
19 programs and services and recommend, as a part of the statewide
20 strategic plan, options for attaining the legislative intent stated
21 in section 43-4201, either by the establishment of a new division
22 within the department or the establishment of a new state agency
23 to provide all child welfare programs and services which are
24 the responsibility of the state. The commission shall provide a
25 permanent forum for collaboration among state, local, community,
26 public, and private stakeholders in child welfare programs and
27 services.

1 (2) The commission shall include the following voting
2 members:

3 ~~(a) The chief executive officer of the Department of~~
4 ~~Health and Human Services or his or her designee;~~

5 ~~(b) The Director of Children and Family Services or his~~
6 ~~or her designee; and~~

7 (a) The executive director of the Foster Care Review
8 Office; and

9 ~~(c) Sixteen~~ (b) Seventeen members appointed by the
10 Governor within thirty days after April 12, 2012. The members
11 appointed pursuant to this subdivision shall represent stakeholders
12 in the child welfare system and shall include: (i) A director of a
13 child advocacy center; (ii) an administrator of a behavioral health
14 region established pursuant to section 71-807; (iii) a community
15 representative from each of the service areas designated pursuant
16 to section 81-3116. In the eastern service area designated pursuant
17 to such section, the representative may be from a lead agency of a
18 pilot project established under ~~Legislative Bill 961, One Hundred~~
19 ~~Second Legislature, Second Session, 2012, section 68-1212~~ or a
20 collaborative member; (iv) a prosecuting attorney who practices in
21 juvenile court; (v) a guardian ad litem; (vi) a biological parent
22 currently or previously involved in the child welfare system;
23 (vii) a foster parent; (viii) a court-appointed special advocate
24 volunteer; (ix) a member of the ~~State Foster Care Review Board or~~
25 ~~any entity that succeeds to the powers and duties of the board or~~
26 ~~a member of~~ a local foster care review board; (x) a child welfare
27 service agency that directly provides a wide range of child welfare

1 services and is not a member of a lead agency collaborative; (xi) a
2 young adult previously in foster care; ~~and~~ (xii) a representative
3 of a child advocacy organization that deals with legal and policy
4 issues that include child welfare; and (xiii) a representative of
5 a federally recognized Indian tribe residing within the State of
6 Nebraska and appointed from a list of three nominees submitted by
7 the Commission on Indian Affairs.

8 (3) The commission shall have the following nonvoting, ex
9 officio members: (a) The chairperson of the Health and Human
10 Services Committee of the Legislature or a committee member
11 designated by the chairperson; (b) the chairperson of the Judiciary
12 Committee of the Legislature or a committee member designated
13 by the chairperson; (c) the chairperson of the Appropriations
14 Committee of the Legislature or a committee member designated by
15 the chairperson; ~~and~~ (d) three persons appointed by the State Court
16 Administrator; (e) the chief executive officer of the Department of
17 Health and Human Services or his or her designee; (f) the Director
18 of Children and Family Services of the Division of Children and
19 Family Services of the Department of Health and Human Services or
20 his or her designee; and (g) the Inspector General of Nebraska
21 Child Welfare. The nonvoting, ex officio members may attend
22 commission meetings and participate in the discussions of the
23 commission, provide information to the commission on the policies,
24 programs, and processes of each of their respective bodies, gather
25 information for the commission, and provide information back to
26 their respective bodies from the commission. The nonvoting, ex
27 officio members shall not vote on decisions by the commission or

1 on the direction or development of the statewide strategic plan
2 pursuant to section 43-4204.

3 (4) The commission shall meet within sixty days after
4 April 12, 2012, and shall select from among its members a
5 chairperson and vice-chairperson and conduct any other business
6 necessary to the organization of the commission. The commission
7 shall meet not less often than once every three months, and
8 meetings of the commission may be held at any time on the call
9 of the chairperson. ~~The commission shall be within the office~~
10 ~~of the chief executive officer of the Department of Health and~~
11 ~~Human Services.~~ The commission may hire staff to carry out the
12 responsibilities of the commission. For administrative purposes,
13 the offices of the staff of the commission shall be located
14 in the Foster Care Review Office. The commission shall hire a
15 consultant with experience in facilitating strategic planning to
16 provide neutral, independent assistance in developing the statewide
17 strategic plan. The commission shall terminate on June 30, 2014,
18 unless continued by the Legislature.

19 (5) The commission, with assistance from the executive
20 director of the Foster Care Review Office, shall employ a policy
21 analyst to provide research and expertise to the commission
22 relating to the child welfare system. The policy analyst shall
23 work in conjunction with the staff of the commission. His or
24 her responsibilities may include, but are not limited to: (a)
25 Monitoring the Nebraska child welfare system and juvenile justice
26 system to provide information to the commission; (b) analyzing
27 child welfare and juvenile justice public policy through research

1 and literature reviews and drafting policy reports when requested;
2 (c) managing or leading projects or tasks and providing resource
3 support to commission members and committees as determined by
4 the chairperson of the commission; (d) serving as liaison among
5 child welfare and juvenile justice stakeholders and the public
6 and responding to information inquiries as required; and (e) other
7 duties as assigned by the commission.

8 ~~(5)~~ (6) Members of the commission shall be reimbursed for
9 their actual and necessary expenses as members of such commission
10 as provided in sections 81-1174 to 81-1177.

11 Sec. 6. Section 43-4203, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 43-4203 (1) The Nebraska Children's Commission shall work
14 with administrators from each of the service areas designated
15 pursuant to section 81-3116, the teams created pursuant to section
16 28-728, local foster care review boards, child advocacy centers,
17 the teams created pursuant to the Supreme Court's Through the Eyes
18 of the Child Initiative, community stakeholders, and advocates for
19 child welfare programs and services to establish networks in each
20 of such service areas. Such networks shall permit collaboration
21 to strengthen the continuum of services available to child welfare
22 agencies and to provide resources for children and juveniles
23 outside the child protection system. Each service area shall
24 develop its own unique strategies to be included in the statewide
25 strategic plan. The Department of Health and Human Services shall
26 assist in identifying the needs of each service area.

27 (2) (a) The commission shall create a committee to examine

1 state policy regarding the prescription of psychotropic drugs for
2 children who are wards of the state and the administration of such
3 drugs to such children. Such committee shall review the policy and
4 procedures for prescribing and administering such drugs and make
5 recommendations to the commission for changes in such policy and
6 procedures.

7 (b) The commission shall create a committee to examine
8 the structure and responsibilities of the Office of Juvenile
9 Services as they exist on April 12, 2012. Such committee shall
10 review the role and effectiveness of the youth rehabilitation
11 and treatment centers in the juvenile justice system and make
12 recommendations to the commission on the future role of the
13 youth rehabilitation and treatment centers in the juvenile
14 justice continuum of care. Such committee shall also review the
15 responsibilities of the Administrator of the Office of Juvenile
16 Services, including oversight of the youth rehabilitation and
17 treatment centers and juvenile parole, and make recommendations
18 to the commission relating to the future responsibilities of the
19 administrator.

20 (c) The commission may organize committees as it
21 deems necessary. Members of the committees may be members of
22 the commission or may be appointed, with the approval of the
23 majority of the commission, from individuals with knowledge of
24 the committee's subject matter, professional expertise to assist
25 the committee in completing its assigned responsibilities, and the
26 ability to collaborate within the committee and with the commission
27 to carry out the powers and duties of the commission.

1 (d) ~~If the One Hundred Second Legislature, Second~~
2 ~~Session, 2012, creates the~~ The Title IV-E Demonstration Project
3 ~~Committee or created pursuant to section 43-4208 and the Foster~~
4 ~~Care Reimbursement Rate Committee, or both, such committees created~~
5 pursuant to section 43-4212 shall be under the jurisdiction of the
6 commission.

7 (3) The commission shall work with the office of the
8 State Court Administrator, as appropriate, and entities which
9 coordinate facilitated conferencing as described in section
10 43-247.01. Facilitated conferencing shall be included in statewide
11 strategic plan discussions by the commission. Facilitated
12 conferencing shall continue to be utilized and maximized, as
13 determined by the court of jurisdiction, during the development
14 of the statewide strategic plan. Funding and contracting of
15 facilitated conferencing entities shall continue to be provided by
16 the Department of Health and Human Services to at least the same
17 extent as such funding and contracting are being provided on April
18 12, 2012.

19 (4) The commission shall gather information and
20 communicate with juvenile justice specialists of the Office of
21 Probation Administration and county officials with respect to any
22 county-operated practice model participating in the Crossover Youth
23 Program of the Center for Juvenile Justice Reform at Georgetown
24 University.

25 (5) The commission shall coordinate and gather
26 information about the progress and outcomes of the Nebraska
27 Juvenile Service Delivery Project established pursuant to section

1 43-4101.

2 ~~(5) If the Nebraska Juvenile Service Delivery Project~~
3 ~~is enacted by the One Hundred Second Legislature, Second Session,~~
4 ~~2012, the commission shall coordinate and gather information about~~
5 ~~the progress and outcomes of the project.~~

6 Sec. 7. Section 43-4208, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 43-4208 (1)(a) The Title IV-E Demonstration Project
9 Committee is created. The members of the committee shall be
10 appointed by the Director of Children and Family Services or his
11 or her designee and shall include representatives of the Department
12 of Health and Human Services and representatives of child welfare
13 stakeholder entities, including one advocacy organization which
14 deals with legal and policy issues that include child welfare,
15 one advocacy organization the singular focus of which is issues
16 impacting children, two child welfare service agencies that provide
17 a wide range of child welfare services, and one entity which
18 is a lead agency as of March 1, 2012. Members of the committee
19 shall have experience or knowledge in the area of child welfare
20 that involves Title IV-E eligibility criteria and activities.
21 In addition, there shall be at least one ex officio member
22 of the committee, appointed by the State Court Administrator.
23 The ex officio member or members shall not be involved in
24 decisionmaking, implementation plans, or reporting but may attend
25 committee meetings, provide information to the committee about
26 the processes and programs of the court system involving children
27 and juveniles, and inform the State Court Administrator of the

1 committee's activities. The committee shall be convened by the
2 director within thirty days after April 12, 2012.

3 (b) The committee shall review, report, and provide
4 recommendations regarding the application of the Department of
5 Health and Human Services for a demonstration project pursuant to
6 42 U.S.C. 1320a-9 to obtain a waiver as provided in 42 U.S.C.
7 1320a-9(b), as such section existed on January 1, 2012. The
8 committee may engage a consultant with expertise in Title IV-E
9 demonstration project applications and requirements.

10 (c) The committee shall (i) review Nebraska's current
11 status of Title IV-E participation and penetration rates,
12 (ii) review strategies and solutions for raising Nebraska's
13 participation rate and reimbursement for Title IV-E in child
14 placement, case management, replacement, training, adoption, court
15 findings, and proceedings, and (iii) recommend specific actions for
16 addressing barriers to participation and reimbursement.

17 (d) The committee shall provide an implementation plan
18 and a timeline for making application for a Title IV-E waiver.
19 The implementation plan shall support and align with the goals
20 of the statewide strategic plan required pursuant to ~~Legislative~~
21 ~~Bill 821, One Hundred Second Legislature, Second Session, 2012,~~
22 section 43-4204 including, but not limited to, maximizing federal
23 funding to be able to utilize state and federal funding for a broad
24 array of services for children, including prevention, intervention,
25 and community-based, in-home, and out-of-home services to attain
26 positive outcomes for the safety and well-being of and to
27 expedite permanency for children. The committee shall report on

1 its activities to the Health and Human Services Committee of the
2 Legislature on or before July 1, 2012, September 1, 2012, and
3 November 1, 2012, and shall provide a final written report to
4 the department, the Health and Human Services Committee of the
5 Legislature, and the Governor by December 15, 2012.

6 (e) ~~If the Nebraska Children's Commission is created by~~
7 ~~the One Hundred Second Legislature, Second Session, 2012, the The~~
8 ~~Title IV-E Demonstration Project Committee shall thereupon come~~
9 ~~under the commission's jurisdiction. is under the jurisdiction~~
10 ~~of the Nebraska Children's Commission created pursuant to section~~
11 ~~43-4202.~~ The commission may make changes it deems necessary to
12 comply with this subsection to facilitate the application for such
13 demonstration project.

14 (2) The committee's implementation plan shall address
15 the demonstration project designed to meet the requirements of 42
16 U.S.C. 1320a-9, including, but not limited to, the following:

17 (a) Increasing permanency for children by reducing the
18 time in foster care placements when possible and promoting a
19 successful transition to adulthood for older youth;

20 (b) Increasing positive outcomes for children and
21 families in their homes and communities, including tribal
22 communities, and improving the safety and well-being of children;

23 (c) Preventing child abuse and neglect and the reentry of
24 children into foster care; and

25 (d) Considering the options of developing a program to
26 (i) permit foster care maintenance payments to be made under Title
27 IV-E of the federal Social Security Act, as such act existed on

1 January 1, 2012, to a long-term therapeutic family treatment center
2 on behalf of children residing in such a center or (ii) identify
3 and address domestic violence that endangers children and results
4 in the placement of children in foster care.

5 (3) The implementation plan for the demonstration project
6 shall include information showing:

7 (a) The ability and capacity of the department to
8 effectively use the authority to conduct a demonstration project
9 under this section by identifying changes the department has made
10 or plans to make in policies, procedures, or other elements of
11 the state's child welfare program that will enable the state to
12 successfully achieve the goal or goals of the project; and

13 (b) That the department has implemented, or plans to
14 implement within three years after the date of submission of its
15 application under this section or within two years after the date
16 on which the United States Secretary of Health and Human Services
17 approves such application, whichever is later, at least two of the
18 child welfare program improvement policies described in 42 U.S.C.
19 1320a-9(a)(7), as such section existed on January 1, 2012.

20 (4) At least one of the child welfare program improvement
21 policies to be implemented by the Department of Health and Human
22 Services under the demonstration project shall be a policy that the
23 state has not previously implemented as of the date of submission
24 of its application under this section.

25 (5) On or before July 1, 2013, the Department of Health
26 and Human Services, in conjunction with the Office of Probation
27 Administration, shall develop a policy for reimbursement of all

1 allowable foster care maintenance costs as provided under Title
2 IV-E of the federal Social Security Act, as amended, 42 U.S.C. 672,
3 as such act and section existed on January 1, 2013.

4 ~~(5)~~ (6) For purposes of this section, long-term
5 therapeutic family treatment center has the definition found in 42
6 U.S.C. 1320a-9(a)(8), as such section existed on January 1, 2012.

7 Sec. 8. Section 68-1207, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 68-1207 (1) The Department of Health and Human Services
10 shall supervise all public child welfare services as described
11 by law. The department and the pilot project described in
12 section 68-1212 shall maintain caseloads to carry out child
13 welfare services which provide for adequate, timely, and indepth
14 investigations and services to children and families. Caseloads
15 shall range between twelve and seventeen cases as determined
16 pursuant to subsection (2) of this section. In establishing the
17 specific caseloads within such range, the department and the pilot
18 project shall (a) include the workload factors that may differ
19 due to geographic responsibilities, office location, and the travel
20 required to provide a timely response in the investigation of
21 abuse and neglect, the protection of children, and the provision
22 of services to children and families in a uniform and consistent
23 statewide manner and (b) utilize the workload criteria of the
24 standards established as of January 1, 2012, by the Child Welfare
25 League of America. The average caseload shall be reduced by the
26 department in all service areas as designated pursuant to section
27 81-3116 and by the pilot project to comply with the caseload

1 range described in this subsection by September 1, 2012. Beginning
2 September 15, 2012, the department shall include in its annual
3 report required pursuant to section 68-1207.01 a report on the
4 attainment of the decrease according to such caseload standards.
5 The department's annual report shall also include changes in the
6 standards of the Child Welfare League of America or its successor.

7 (2) Caseload size shall be determined in the following
8 manner: (a) If children are placed in the home, the family shall
9 count as one case regardless of how many children are placed in
10 the home; (b) if a child is placed out of the home, the child
11 shall count as one case; (c) if, within one family, one or more
12 children are placed in the home and one or more children are placed
13 out of the home, the children placed in the home shall count as
14 one case and each child placed out of the home shall count as one
15 case; and (d) any child receiving services from the department or a
16 private entity under contract with the department shall be counted
17 as provided in subdivisions (a) through (c) of this subsection
18 whether or not such child is a ward of the state. For purposes of
19 this subsection, a child is considered to be placed in the home if
20 the child is placed with his or her biological or adoptive parent
21 or a legal guardian and a child is considered to be placed out of
22 the home if the child is placed in foster care, group home care, or
23 any other setting which is not the child's planned permanent home.

24 (3) To insure appropriate oversight of noncourt and
25 voluntary cases when any child welfare services are provided,
26 either by the department or by a lead agency participating in
27 the pilot project, as a result of a child safety assessment, the

1 department or lead agency shall develop a case plan that specifies
2 the services to be provided and the actions to be taken by the
3 department or lead agency and the family in each such case. Such
4 case plan shall clearly indicate, when appropriate, that children
5 are receiving services to prevent out-of-home placement and that,
6 absent preventive services, foster care is the planned arrangement
7 for the child.

8 (4) To carry out the provisions of this section, the
9 Legislature shall provide funds for additional staff.

10 Sec. 9. Section 71-1904, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 71-1904 (1) The department shall adopt and promulgate
13 rules and regulations pursuant to sections 71-1901 to 71-1906.01
14 for (a) the proper care and protection of children by licensees
15 under such sections, (b) the issuance, suspension, and revocation
16 of licenses to provide foster care, (c) the issuance, suspension,
17 and revocation of probationary licenses to provide foster care, (d)
18 the issuance, suspension, and revocation of provisional licenses to
19 provide foster care, (e) the provision of training in foster care,
20 which training shall be directly related to the skills necessary
21 to care for children in need of out-of-home care, including,
22 but not limited to, abused, neglected, dependent, and delinquent
23 children, and (f) the proper administration of sections 71-1901 to
24 71-1906.01.

25 (2) The training required by subdivision (1)(e) of this
26 section may be waived in whole or in part by the department for
27 persons operating foster homes providing care only to relatives

1 of the foster care provider. Such waivers shall be granted
2 on a case-by-case basis upon assessment by the department of
3 the appropriateness of the relative foster care placement. The
4 department shall submit electronically an annual report to the
5 Health and Human Services Committee of the Legislature on the
6 number of waivers granted under this subsection and the total
7 number of children placed in relative foster homes. For ~~2012~~, ~~2013~~,
8 2013 and 2014, the department shall provide the report to the
9 Health and Human Services Committee of the Legislature on or before
10 September 15.

11 (3) The department shall adopt and promulgate rules and
12 regulations establishing new foster home licensing requirements
13 that ensure children's safety, health, and well-being but minimize
14 the use of licensing mandates for nonsafety issues. Such rules and
15 regulations shall provide alternatives to address nonsafety issues
16 regarding housing and provide assistance to families in overcoming
17 licensing barriers, especially in child-specific relative and
18 kinship placements, to maximize appropriate reimbursement under
19 Title IV-E of the federal Social Security Act, as amended,
20 including expanding the use of kinship guardianship assistance
21 payments under 42 U.S.C. 673(d), as such act and section existed on
22 January 1, 2013.

23 Sec. 10. (1) Any entity seeking to enter into a contract
24 with the Department of Health and Human Services to provide child
25 welfare services shall provide evidence of financial stability and
26 liquidity prior to executing such contract.

27 (2) An entity contracting with the department to

1 provide child welfare services shall not require any subcontractor
2 or employee of such contractor or subcontractor to sign an
3 agreement not to compete with such contractor as a condition of
4 subcontracting or employment.

5 Sec. 11. The Department of Health and Human Services
6 shall implement a formal grievance process for families involved in
7 the child welfare system or juvenile justice system. Such grievance
8 process shall ensure that families are not dissuaded from utilizing
9 the grievance process for fear of reprisal from the department,
10 providers, or foster parents. A report of each grievance allegation
11 and the determination of and any action to be taken by the
12 department shall be provided to the Inspector General for Nebraska
13 Child Welfare within ten days after such determination is made.

14 Sec. 12. Section 71-3406, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-3406 (1) The chief executive officer of the Department
17 of Health and Human Services shall appoint a minimum of eight and a
18 maximum of twelve members to the State Child Death Review Team. The
19 core members shall be (a) a physician employed by the department,
20 who shall be a permanent member and shall serve as the chairperson
21 of the team, (b) a senior staff member with child protective
22 services of the department, (c) a forensic pathologist, (d) a
23 law enforcement representative, and (e) the Inspector General of
24 Nebraska Child Welfare, and (f) an attorney. The remaining members
25 appointed may be, but shall not be limited to, the following:
26 A county attorney; a Federal Bureau of Investigation agent
27 responsible for investigations on Native American reservations;

1 a social worker; and members of organizations which represent
2 hospitals or physicians.

3 (2) Members shall serve four-year terms with the
4 exception of the chairperson. In the absence of the chairperson,
5 the chief executive officer may appoint another member of the core
6 team to serve as chairperson.

7 (3) The team shall not be considered a public body for
8 purposes of the Open Meetings Act. The team shall meet a minimum
9 of four times a year. Members of the team shall be reimbursed for
10 their actual and necessary expenses as provided in sections 81-1174
11 to 81-1177.

12 Sec. 13. Section 81-3133, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 81-3133 (1)(a) On or before July 30, 2012, the Division
15 of Children and Family Services of the Department of Health and
16 Human Services shall report in writing its expenditures between
17 January 1, 2012, and June 30, 2012, and the outcomes relating
18 to such expenditures to the Appropriations Committee of the
19 Legislature and the Health and Human Services Committee of the
20 Legislature. Such report shall identify any changes or movement
21 of funds in excess of two hundred fifty thousand dollars relating
22 to child welfare between subprograms within Budget Program 347 and
23 Budget Program 354.

24 (b) Beginning with the third calendar quarter of 2012,
25 the division shall report in writing its expenditures for each
26 quarter and the outcomes relating to such expenditures within
27 thirty days after the end of the quarter to the Appropriations

1 Committee of the Legislature and the Health and Human Services
2 Committee of the Legislature. Such report shall identify any
3 changes or movement of funds in excess of two hundred fifty
4 thousand dollars relating to child welfare between subprograms
5 within Budget Program 347 and Budget Program 354.

6 (2) (a) For the biennium ending June 30, 2015, and the
7 biennium ending June 30, 2017, the Division of Children and Family
8 Services of the Department of Health and Human Services shall,
9 as part of the appropriations request process pursuant to section
10 81-132, include a strategic plan that identifies the main purpose
11 or purposes of each program, verifiable and auditable key goals
12 that the division believes are fair measures of its progress in
13 meeting each program's main purpose or purposes, and benchmarks
14 for improving performance on the key goals for the state as a
15 whole and for each Department of Health and Human Services service
16 area designated pursuant to section 81-3116. The division shall
17 also report whether the benchmarks are being met and, if not, the
18 expected timeframes for meeting them. Such key goals and benchmarks
19 shall be developed by the Division of Children and Family Services
20 with the assistance of the budget division of the Department of
21 Administrative Services pursuant to subdivision (2) of section
22 81-1113.

23 (b) Not later than September 15, 2013, and not later than
24 September 15, 2015, the Division of Children and Family Services
25 of the Department of Health and Human Services shall report to
26 the Health and Human Services Committee of the Legislature and the
27 Appropriations Committee of the Legislature on the progress towards

1 the key goals identified pursuant to this subsection that occurred
2 in the previous twelve months.

3 ~~(3) It is the intent of the Legislature that~~
4 ~~appropriations of funds for child welfare aid be designated as a~~
5 ~~separate budget program beginning July 1, 2012.~~

6 Sec. 14. Original section 71-3406, Reissue Revised
7 Statutes of Nebraska, and sections 43-285, 43-905, 43-1311.03,
8 43-4101, 43-4202, 43-4203, 43-4208, 68-1207, 71-1904, and 81-3133,
9 Revised Statutes Cumulative Supplement, 2012, are repealed.

10 Sec. 15. Since an emergency exists, this act takes effect
11 when passed and approved according to law.