

E AND R AMENDMENTS TO LB853

Introduced by Murante, 49, Chairman Enrollment and Review

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

3           Section 1. Section 28-710, Revised Statutes Supplement,  
4 2013, is amended to read:

5           28-710 (1) Sections 28-710 to 28-727 and sections 2 to 4  
6 of this act shall be known and may be cited as the Child Protection  
7 and Family Safety Act.

8           (2) For purposes of the Child Protection and Family  
9 Safety Act:

10           (a) Alternative response means a comprehensive assessment  
11 of (i) child safety, (ii) the risk of future child abuse or  
12 neglect, (iii) family strengths and needs, and (iv) the provision  
13 of or referral for necessary services and support. Alternative  
14 response is an alternative to traditional response and does not  
15 include an investigation or a formal determination as to whether  
16 child abuse or neglect has occurred, and the subject of the report  
17 shall not be entered into the central registry of child protection  
18 cases maintained pursuant to section 28-718;

19           ~~(a)~~ (b) Child abuse or neglect means knowingly,  
20 intentionally, or negligently causing or permitting a minor child  
21 to be:

22           (i) Placed in a situation that endangers his or her life  
23 or physical or mental health;

1 (ii) Cruelly confined or cruelly punished;

2 (iii) Deprived of necessary food, clothing, shelter, or  
3 care;

4 (iv) Left unattended in a motor vehicle if such minor  
5 child is six years of age or younger;

6 (v) Sexually abused; or

7 (vi) Sexually exploited by allowing, encouraging, or  
8 forcing such person to solicit for or engage in prostitution,  
9 debauchery, public indecency, or obscene or pornographic  
10 photography, films, or depictions;

11 (c) Comprehensive assessment means an analysis of child  
12 safety, risk of future child abuse or neglect, and family strengths  
13 and needs on a report of child abuse or neglect. Comprehensive  
14 assessment does not include a determination as to whether the child  
15 abuse or neglect occurred but does determine the need for services  
16 and support to address the safety of children and the risk of  
17 future abuse or neglect;

18 ~~(b)~~ (d) Department means the Department of Health and  
19 Human Services;

20 (e) Investigation means fact gathering related to the  
21 current safety of a child and the risk of future child abuse or  
22 neglect that determines whether child abuse or neglect has occurred  
23 and whether child protective services are needed;

24 ~~(e)~~ (f) Law enforcement agency means the police  
25 department or town marshal in incorporated municipalities, the  
26 office of the sheriff in unincorporated areas, and the Nebraska  
27 State Patrol;

1           ~~(d)~~ (g) Out-of-home child abuse or neglect means child  
2 abuse or neglect occurring in day care homes, foster homes, day  
3 care centers, residential child-caring agencies as defined in  
4 section 71-1926, and other child care facilities or institutions;  
5 and

6           (h) Review, Evaluate, and Decide Team means an internal  
7 team of staff within the department and shall include no fewer  
8 than two supervisors or administrators and two staff members  
9 knowledgeable on the policies and practices of the department,  
10 including, but not limited to, the structured review process.  
11 County attorneys, child advocacy centers, or law enforcement agency  
12 personnel may attend team reviews upon request of a party;

13           (i) Traditional response means an investigation by a law  
14 enforcement agency or the department pursuant to section 28-713  
15 which requires a formal determination of whether child abuse or  
16 neglect has occurred; and

17           ~~(e)~~ (j) Subject of the report of child abuse or neglect  
18 means the person or persons identified in the report as responsible  
19 for the child abuse or neglect.

20           Sec. 2. (1) The Legislature declares that the public  
21 policy of the State of Nebraska is to protect children whose  
22 health or welfare may be jeopardized by abuse or neglect. The  
23 Legislature recognizes that most families want to keep their  
24 children safe, but circumstances or conditions sometimes interfere  
25 with their ability to do so. Families and children are best  
26 served by interventions that engage their protective capacities and  
27 address immediate safety concerns and ongoing risks of child abuse

1 or neglect. In furtherance of this public policy and the family  
2 policy and principles set forth in sections 43-532 and 43-533,  
3 it is the intent of the Legislature to strengthen the family  
4 and make the home, school, and community safe for children by  
5 promoting responsible child care in all settings and to provide,  
6 when necessary, a safe temporary or permanent home environment for  
7 abused or neglected children.

8 (2) In addition, it is the policy of this state  
9 to: Require the reporting of child abuse or neglect in home,  
10 school, and community settings; provide for alternative response to  
11 reports as permitted by rules and regulations of the department;  
12 provide for traditional response to reports as required by rules  
13 and regulations of the department; and provide protective and  
14 supportive services designed to preserve and strengthen the family  
15 in appropriate cases.

16 Sec. 3. (1) The department, in consultation with the  
17 Nebraska Children's Commission, shall develop an alternative  
18 response implementation plan in accordance with sections 2 to  
19 4 of this act. The alternative response implementation shall  
20 include the provision of concrete supports and voluntary services,  
21 including, but not limited to: Meeting basic needs, including  
22 food and clothing assistance; housing assistance; transportation  
23 assistance; child care assistance; and mental health and substance  
24 abuse services. When the alternative response implementation plan  
25 has been developed, the department may begin using alternative  
26 response in up to five alternative response demonstration project  
27 locations that are designated by the department. The department

1 shall provide a report of an evaluation on the status of  
2 alternative response implementation pursuant to subsection (2) of  
3 this section to the Legislature and the commission by November  
4 15, 2015. The commission shall provide feedback on the report to  
5 the department before December 15, 2015. The department may begin  
6 using alternative response in up to five additional alternative  
7 response demonstration project locations on or after January 1,  
8 2016. The department shall provide a report of another evaluation  
9 done pursuant to subsection (2) of this section to the commission  
10 and electronically to the Legislature by November 15, 2016. The  
11 department may continue using alternative response until July  
12 1, 2017. Continued use of alternative response thereafter shall  
13 require approval of the Legislature. For purposes of this section,  
14 demonstration project location means any geographic region,  
15 including, but not limited to, a city, a township, a village, a  
16 county, a group of counties, or a group of counties and cities,  
17 townships, or villages.

18 (2) The department shall contract with an independent  
19 entity to evaluate the alternative response demonstration projects.  
20 The evaluation shall include, but not be limited to:

21 (a) The screening process used to determine which cases  
22 shall be assigned to alternative response;

23 (b) The number and proportion of repeat child abuse and  
24 neglect allegations within a specified period of time following  
25 initial intake;

26 (c) The number and proportion of substantiated child  
27 abuse and neglect allegations within a specified period of time

1 following initial intake;

2 (d) The number and proportion of families with any  
3 child entering out-of-home care within a specified period of time  
4 following initial intake;

5 (e) Changes in child and family well-being in the domains  
6 of behavioral and emotional functioning and physical health and  
7 development as measured by a standardized assessment instrument to  
8 be selected by the department;

9 (f) The number and proportion of families assigned to  
10 the alternative response track who are reassigned to a traditional  
11 response; and

12 (g) A cost analysis that will examine, at a minimum, the  
13 costs of the key elements of services received.

14 (3) The department shall provide to the Nebraska  
15 Children's Commission regular updates on:

16 (a) The alternative response implementation plan,  
17 including the development of the alternative response interview  
18 protocols of children;

19 (b) The status of alternative response implementation;

20 (c) Inclusion of child welfare stakeholders, service  
21 providers, and other community partners, including families,  
22 for feedback and recommendations on the alternative response  
23 implementation plan;

24 (d) Any findings or recommendations made by the  
25 independent evaluator, including costs;

26 (e) Any alternative response programmatic modifications;  
27 and

1           (f) The status of the adoption and promulgation of rules  
2 and regulations.

3           (4) The department shall adopt and promulgate rules  
4 and regulations to carry out the provisions of this legislative  
5 bill. Such rules and regulations shall include, but not be  
6 limited to, provisions on the transfer of cases from alternative  
7 response to traditional response; notice to families subject  
8 to a comprehensive assessment and served through alternative  
9 response of the alternative response process and their rights,  
10 including the opportunity to challenge agency determinations; the  
11 provision of services through alternative response; the collection,  
12 sharing, and reporting of data; and the alternative response  
13 ineligibility criteria. Whenever the department proposes to change  
14 the alternative response ineligibility criteria, public notice of  
15 the changes shall be given. The department shall provide public  
16 notice and time for public comment by publishing the proposed  
17 changes on its web site at least sixty days prior to the public  
18 hearing on such regulation changes. The department shall provide  
19 a copy of the proposed rules and regulations to the Nebraska  
20 Children's Commission no later than October 1, 2014.

21           Sec. 4. (1) This section applies to alternative response  
22 demonstration projects designated under section 3 of this act.

23           (2) The Review, Evaluate, and Decide Team shall convene  
24 to review intakes that are not immediately assigned to traditional  
25 response based on the criteria, provide critical analysis of the  
26 information, and determine assignment for alternative response or  
27 traditional response. The team shall utilize consistent criteria to

1 review the severity of the allegation of child abuse or neglect,  
2 access to the perpetrator, vulnerability of the child, family  
3 history including previous reports, parental cooperation, parental  
4 or caretaker protective factors, and other information as deemed  
5 necessary. At the conclusion of the review, the intake shall be  
6 assigned to either traditional response or alternative response.  
7 Decisions of the team shall be made by consensus. If the team  
8 cannot come to consensus, the intake shall be assigned for a  
9 traditional response.

10 (3) In the case of an alternative response, the  
11 department shall complete a comprehensive assessment. The  
12 department shall transfer the case being given alternative response  
13 to traditional response if the department determines that a  
14 child is unsafe. Upon completion of the comprehensive assessment,  
15 if it is determined that the child is safe, participation in  
16 services offered to the family receiving an alternative response  
17 is voluntary, the case shall not be transferred to traditional  
18 response based upon the family's failure to enroll or participate  
19 in such services, and the subject of the report shall not be  
20 entered into the central registry of child protection cases  
21 maintained pursuant to section 28-718.

22 (4) The department shall, by the next working day after  
23 receipt of a report of child abuse and neglect, enter into the  
24 tracking system of child protection cases maintained pursuant to  
25 section 28-715 all reports of child abuse or neglect received  
26 under this section that are opened for alternative response and any  
27 action taken.



1           (5) The department shall make available to the  
2 appropriate investigating law enforcement agency and the county  
3 attorney a copy of all reports relative to a case of suspected  
4 child abuse or neglect. Aggregate, nonidentifying reports of child  
5 abuse or neglect receiving an alternative response shall be made  
6 available quarterly to requesting agencies outside the department.  
7 Such alternative response data shall include, but not be limited  
8 to, the nature of the initial child abuse or neglect report, the  
9 nature of services offered, the location of the cases, the number  
10 of cases per month, and the number of alternative response cases  
11 that were transferred to traditional response. No other agency or  
12 individual except the office of Inspector General of Nebraska Child  
13 Welfare, the Public Counsel, law enforcement agency personnel, and  
14 county attorneys shall be provided specific, identifying reports of  
15 child abuse or neglect being given alternative response. The office  
16 of Inspector General of Nebraska Child Welfare shall have access to  
17 all reports relative to cases of suspected child abuse or neglect  
18 subject to traditional response and those subject to alternative  
19 response. The department and the office shall develop procedures  
20 allowing for the Inspector General's review of cases subject to  
21 alternative response. The Inspector General shall include in the  
22 report pursuant to section 43-4331 a summary of all cases reviewed  
23 pursuant to this subsection.

24           Sec. 5. Section 28-713, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26           28-713 ~~Upon~~ Unless an intake is assigned to alternative  
27 response, upon the receipt of a call reporting child abuse and

1 neglect as required by section 28-711:

2 (1) It is the duty of the law enforcement agency to  
3 investigate the report, to take immediate steps to protect the  
4 child, and to institute legal proceedings if appropriate. In  
5 situations of alleged out-of-home child abuse or neglect if the  
6 person or persons to be notified have not already been notified and  
7 the person to be notified is not the subject of the report of child  
8 abuse or neglect, the law enforcement agency shall immediately  
9 notify the person or persons having custody of each child who has  
10 allegedly been abused or neglected that such report of alleged  
11 child abuse or neglect has been made and shall provide such person  
12 or persons with information of the nature of the alleged child  
13 abuse or neglect. The law enforcement agency may request assistance  
14 from the department during the investigation and shall, by the  
15 next working day, notify either the hotline or the department of  
16 receipt of the report, including whether or not an investigation  
17 is being undertaken by the law enforcement agency. A copy of all  
18 reports, whether or not an investigation is being undertaken, shall  
19 be provided to the department;

20 (2) In situations of alleged out-of-home child abuse or  
21 neglect if the person or persons to be notified have not already  
22 been notified and the person to be notified is not the subject  
23 of the report of child abuse or neglect, the department shall  
24 immediately notify the person or persons having custody of each  
25 child who has allegedly been abused or neglected that such report  
26 of alleged child abuse or neglect has been made and shall provide  
27 such person or persons with information of the nature of the

1 alleged child abuse or neglect and any other information that the  
2 department deems necessary. The department shall investigate for  
3 the purpose of assessing each report of child abuse or neglect to  
4 determine the risk of harm to the child involved. The department  
5 shall also provide such social services as are necessary and  
6 appropriate under the circumstances to protect and assist the child  
7 and to preserve the family;

8 (3) The department may make a request for further  
9 assistance from the appropriate law enforcement agency or take  
10 such legal action as may be appropriate under the circumstances;

11 (4) The department shall, by the next working day after  
12 receiving a report of child abuse or neglect under subdivision  
13 (1) of this section, make a written report or a summary on forms  
14 provided by the department to the proper law enforcement agency in  
15 the county and enter in the tracking system of child protection  
16 cases maintained pursuant to section 28-715 all reports of child  
17 abuse or neglect opened for investigation and any action taken; and

18 (5) The department shall, upon request, make available to  
19 the appropriate investigating law enforcement agency and the county  
20 attorney a copy of all reports relative to a case of suspected  
21 child abuse or neglect.

22 Sec. 6. Section 28-713.01, Revised Statutes Cumulative  
23 Supplement, 2012, is amended to read:

24 28-713.01 (1) Upon completion of the investigation  
25 pursuant to section 28-713:

26 (a) In situations of alleged out-of-home child abuse or  
27 neglect, the person or persons having custody of the allegedly

1 abused or neglected child or children shall be given written notice  
2 of the results of the investigation and any other information the  
3 law enforcement agency or department deems necessary. Such notice  
4 and information shall be sent by first-class mail; and

5 (b) The subject of the report of child abuse or neglect  
6 shall be given written notice of the determination of the case and  
7 whether the subject of the report of child abuse or neglect will  
8 be entered into the central ~~register~~ registry of child protection  
9 cases maintained pursuant to section 28-718 under the criteria  
10 provided in section 28-720.

11 (2) If the subject of the report will be entered into the  
12 central ~~register~~, registry, the notice to the subject shall be sent  
13 by certified mail with return receipt requested or first-class mail  
14 to the last-known address of the subject of the report of child  
15 abuse or neglect and shall include:

16 (a) The nature of the report;

17 (b) The classification of the report under section  
18 28-720; and

19 (c) Notification of the right of the subject of the  
20 report of child abuse or neglect to request the department to amend  
21 or expunge identifying information from the report or to remove  
22 the substantiated report from the central ~~register~~ registry in  
23 accordance with section 28-723.

24 (3) If the subject of the report will not be entered into  
25 the central ~~register~~, registry, the notice to the subject shall be  
26 sent by first-class mail and shall include:

27 (a) The nature of the report; and

1 (b) The classification of the report under section  
2 28-720.

3 Sec. 7. Section 28-718, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5 28-718 (1) There shall be a central ~~register~~ registry  
6 of child protection cases maintained in the department containing  
7 records of all reports of child abuse or neglect opened for  
8 investigation as provided in section 28-713 and classified as  
9 either court substantiated or agency substantiated as provided in  
10 section 28-720. The department may change records classified as  
11 inconclusive prior to August 30, 2009, to agency substantiated. ~~The~~  
12 ~~department shall give public notice of the changes made to this~~  
13 ~~section and subsection (3) of section 28-720 by Laws 2009, LB 122,~~  
14 ~~within thirty days after August 30, 2009, by having such notice~~  
15 ~~published in a newspaper or newspapers of general circulation~~  
16 ~~within the state.~~

17 (2) The department shall determine whether a name-change  
18 order received from the clerk of a district court pursuant to  
19 section 25-21,271 is for a person on the central ~~register~~ registry  
20 of child protection cases and, if so, shall include the changed  
21 name with the former name in the ~~register~~ registry and file or  
22 cross-reference the information under both names.

23 Sec. 8. Section 28-719, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 28-719 Upon complying with identification requirements  
26 established by regulation of the department, or when ordered by  
27 a court of competent jurisdiction, any person legally authorized

1 by section 28-722, 28-726, or 28-727 to have access to records  
2 relating to child abuse and neglect may request and shall be  
3 immediately provided the information requested in accordance with  
4 the ~~requirement~~ requirements of the Child Protection and Family  
5 Safety Act. Such information shall not include the name and  
6 address of the person making the report of child abuse or neglect.  
7 The names and other identifying data and the dates and the  
8 circumstances of any persons requesting or receiving information  
9 from the central ~~register~~ registry of child protection cases  
10 maintained pursuant to section 28-718 shall be entered in ~~such~~  
11 ~~register~~ the central registry record.

12           Sec. 9. Section 28-720, Revised Statutes Cumulative  
13 Supplement, 2012, is amended to read:

14           28-720 All cases entered into the central ~~register~~  
15 registry of child protection cases maintained pursuant to section  
16 28-718 shall be classified as one of the following:

17           (1) Court substantiated, if a court of competent  
18 jurisdiction has entered a judgment of guilty against the subject  
19 of the report of child abuse or neglect upon a criminal complaint,  
20 indictment, or information or there has been an adjudication of  
21 jurisdiction of a juvenile court over the child under subdivision  
22 (3) (a) of section 43-247 which relates or pertains to the report  
23 of child abuse or neglect;

24           (2) Court pending, if a criminal complaint, indictment,  
25 or information or a juvenile petition under subdivision (3) (a) of  
26 section 43-247, which relates or pertains to the subject of the  
27 report of abuse or neglect, has been filed and is pending in a

1 court of competent jurisdiction; or

2 (3) Agency substantiated, if the department's  
3 determination of child abuse or neglect against the subject  
4 of the report of child abuse or neglect was supported by a  
5 preponderance of the evidence and based upon an investigation  
6 pursuant to section 28-713 or section 4 of this act.

7 Sec. 10. Section 28-720.01, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 28-720.01 All reports of child abuse or neglect which are  
10 not under subdivision (1), (2), or (3) of section 28-720 shall be  
11 considered unfounded and shall be maintained only in the tracking  
12 system of child protection cases pursuant to section 28-715 and  
13 not in the central ~~register~~ registry of child protection cases  
14 maintained pursuant to section 28-718.

15 Sec. 11. Section 28-721, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 28-721 At any time, the department may amend, expunge, or  
18 remove from the central ~~register~~ registry of child protection cases  
19 maintained pursuant to section 28-718 any record upon good cause  
20 shown and upon notice to the subject of the report of child abuse  
21 or neglect.

22 Sec. 12. Section 28-722, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 28-722 Upon request, a subject of the report of child  
25 abuse or neglect or, if such subject is a minor or otherwise  
26 legally incompetent, the guardian or guardian ad litem of the  
27 subject, shall be entitled to receive a copy of all information

1 contained in the central ~~register~~ registry of child protection  
2 cases maintained pursuant to section 28-718 pertaining to his or  
3 her case. The department shall not release data that would be  
4 harmful or detrimental or that would identify or locate a person  
5 who, in good faith, made a report of child abuse or neglect or  
6 cooperated in a subsequent investigation unless ordered to do so by  
7 a court of competent jurisdiction.

8 Sec. 13. Section 28-723, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 28-723 At any time subsequent to the completion of the  
11 department's investigation, the subject of the report of child  
12 abuse or neglect may request the department to amend, expunge  
13 identifying information from, or remove the record of the report  
14 from the central ~~register~~ registry of child protection cases  
15 maintained pursuant to section 28-718. If the department refuses to  
16 do so or does not act within thirty days, the subject of the report  
17 of child abuse or neglect shall have the right to a fair hearing  
18 within the department to determine whether the record of the report  
19 of child abuse or neglect should be amended, expunged, or removed  
20 on the grounds that it is inaccurate or that it is being maintained  
21 in a manner inconsistent with the Child Protection and Family  
22 Safety Act. Such fair hearing shall be held within a reasonable  
23 time after the subject's request and at a reasonable place and  
24 hour. In such hearings, the burden of proving the accuracy and  
25 consistency of the record shall be on the department. A juvenile  
26 court finding of child abuse or child neglect shall be presumptive  
27 evidence that the report was not unfounded. The hearing shall be



1 conducted by the ~~head~~ chief executive officer of the department or  
2 his or her designated agent, who is hereby authorized and empowered  
3 to order the amendment, expunction, or removal of the record to  
4 make it accurate or consistent with the requirements of the act.  
5 The decision shall be made in writing, at the close of the hearing,  
6 or within thirty days thereof, and shall state the reasons upon  
7 which it is based. Decisions of the department may be appealed  
8 under ~~the provisions of~~ the Administrative Procedure Act.

9           Sec. 14. Section 28-724, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           28-724 Written notice of any amendment, expunction, or  
12 removal of any record in the central ~~register~~ registry of child  
13 protection cases maintained pursuant to section 28-718 shall be  
14 served upon the subject of the report of child abuse or neglect.  
15 The department shall inform any other individuals or agencies which  
16 received such record of any amendment, expunction, or removal of  
17 such record.

18           Sec. 15. Section 28-725, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           28-725 All information of the department concerning  
21 reports of child abuse or neglect of noninstitutional children,  
22 including information in the tracking system of child protection  
23 cases maintained pursuant to section 28-715 or records in the  
24 central ~~register~~ registry of child protection cases maintained  
25 pursuant to section 28-718, and all information of the department  
26 generated as a result of such reports or records, shall be  
27 confidential and shall not be disclosed except as specifically

1 authorized by the Child Protection and Family Safety Act and  
2 section 81-3126 or other applicable law. The subject of the  
3 report of child abuse or neglect may authorize any individual  
4 or organization to receive the following information from the  
5 central ~~register~~ registry of child protection cases maintained  
6 pursuant to section 28-718 which relates or pertains to him or  
7 her: (1) The date of the alleged child abuse or neglect; and  
8 (2) the classification of the case pursuant to section 28-720.  
9 Permitting, assisting, or encouraging the unauthorized release of  
10 any information contained in such reports or records shall be a  
11 Class V misdemeanor.

12           Sec. 16. Section 28-726, Revised Statutes Supplement,  
13 2013, is amended to read:

14           28-726 Except as provided in this section and sections  
15 28-722 and 81-3126, no person, official, or agency shall have  
16 access to information in the tracking system of child protection  
17 cases maintained pursuant to section 28-715 or in records in the  
18 central ~~register~~ registry of child protection cases maintained  
19 pursuant to section 28-718 unless in furtherance of purposes  
20 directly connected with the administration of the Child Protection  
21 and Family Safety Act. Such persons, officials, and agencies having  
22 access to such information shall include, but not be limited to:

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

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

27           (3) A physician who has before him or her a child whom he

1 or she reasonably suspects may be abused or neglected;

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

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

11 (6) The Foster Care Review Office and the designated  
12 local foster care review board when the information relates to a  
13 child in a foster care placement as defined in section 43-1301.  
14 The information provided to the office and local board shall not  
15 include the name or identity of any person making a report of  
16 suspected child abuse or neglect;

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

25 (8) The person or persons having custody of the abused or  
26 neglected child in situations of alleged out-of-home child abuse or  
27 neglect;

1           (9) For purposes of licensing providers of child care  
2 programs, the Department of Health and Human Services; and

3           (10) A probation officer administering juvenile  
4 intake services pursuant to section 29-2260.01, conducting  
5 court-ordered predispositional investigations prior to disposition,  
6 or supervising a juvenile upon disposition.

7           Sec. 17. Section 28-728, Revised Statutes Cumulative  
8 Supplement, 2012, is amended to read:

9           28-728 (1) The Legislature finds that child abuse and  
10 neglect are community problems requiring a coordinated response  
11 by law enforcement, child advocacy centers, prosecutors, the  
12 Department of Health and Human Services, and other agencies or  
13 entities designed to protect children. It is the intent of the  
14 Legislature to create a child abuse and neglect investigation team  
15 in each county or contiguous group of counties and to create a  
16 child abuse and neglect treatment team in each county or contiguous  
17 group of counties.

18           (2) Each county or contiguous group of counties will  
19 be assigned by the Department of Health and Human Services to  
20 a child advocacy center. The purpose of a child advocacy center  
21 is to provide a child-focused location for conducting forensic  
22 interviews and medical evaluations for alleged child victims of  
23 abuse and neglect and for coordinating a multidisciplinary team  
24 response that supports the physical, emotional, and psychological  
25 needs of children who are alleged victims of abuse or neglect. Each  
26 child advocacy center shall meet accreditation criteria set forth  
27 by the National Children's Alliance. Nothing in this section shall

1 prevent a child from receiving treatment or other services at a  
2 child advocacy center which has received or is in the process of  
3 receiving accreditation.

4 (3) Each county attorney or the county attorney  
5 representing a contiguous group of counties is responsible  
6 for convening the child abuse and neglect investigation team  
7 and ensuring that protocols are established and implemented.

8 A representative of the child advocacy center assigned to the  
9 team shall assist the county attorney in facilitating case  
10 review, developing and updating protocols, and arranging training  
11 opportunities for the team. Each team must have protocols which, at  
12 a minimum, shall include procedures for:

13 (a) Mandatory reporting of child abuse and neglect as  
14 outlined in section 28-711 to include training to professionals on  
15 identification and reporting of abuse;

16 (b) Assigning roles and responsibilities between law  
17 enforcement and the Department of Health and Human Services for the  
18 initial response;

19 (c) Outlining how reports will be shared between law  
20 enforcement and the Department of Health and Human Services under  
21 section 28-713 and section 4 of this act;

22 (d) Coordinating the investigative response including,  
23 but not limited to:

24 (i) Defining cases that require a priority response;

25 (ii) Contacting the reporting party;

26 (iii) Arranging for a video-recorded forensic interview  
27 at a child advocacy center for children who are three to eighteen

1 years of age and are alleged to be victims of sexual abuse or  
2 serious physical abuse or neglect, have witnessed a violent crime,  
3 are found in a drug-endangered environment, or have been recovered  
4 from a kidnapping;

5 (iv) Assessing the need for and arranging, when  
6 indicated, a medical evaluation of the alleged child victim;

7 (v) Assessing the need for and arranging, when indicated,  
8 appropriate mental health services for the alleged child victim or  
9 nonoffender caregiver;

10 (vi) Conducting collateral interviews with other persons  
11 with information pertinent to the investigation including other  
12 potential victims;

13 (vii) Collecting, processing, and preserving physical  
14 evidence including photographing the crime scene as well as any  
15 physical injuries as a result of the alleged child abuse and  
16 neglect; and

17 (viii) Interviewing the alleged perpetrator;

18 (e) Reducing the risk of harm to alleged child abuse and  
19 neglect victims;

20 (f) Ensuring that the child is in safe surroundings,  
21 including removing the perpetrator when necessary or arranging  
22 for temporary custody of the child when the child is seriously  
23 endangered in his or her surroundings and immediate removal appears  
24 to be necessary for the child's protection as provided in section  
25 43-248;

26 (g) Sharing of case information between team members; and

27 (h) Outlining what cases will be reviewed by the

1 investigation team including, but not limited to:

2 (i) Cases of sexual abuse, serious physical abuse and  
3 neglect, drug-endangered children, and serious or ongoing domestic  
4 violence;

5 (ii) Cases determined by the Department of Health  
6 and Human Services to be high or very high risk for further  
7 maltreatment; and

8 (iii) Any other case referred by a member of the team  
9 when a system-response issue has been identified.

10 (4) Each county attorney or the county attorney  
11 representing a contiguous group of counties is responsible for  
12 convening the child abuse and neglect treatment team and ensuring  
13 that protocols are established and implemented. A representative  
14 of the child advocacy center appointed to the team shall assist  
15 the county attorney in facilitating case review, developing and  
16 updating protocols, and arranging training opportunities for the  
17 team. Each team must have protocols which, at a minimum, shall  
18 include procedures for:

19 (a) Case coordination and assistance, including the  
20 location of services available within the area;

21 (b) Case staffings and the coordination, development,  
22 implementation, and monitoring of treatment or safety plans  
23 particularly in those cases in which ongoing services are provided  
24 by the Department of Health and Human Services or a contracted  
25 agency but the juvenile court is not involved;

26 (c) Reducing the risk of harm to child abuse and neglect  
27 victims;

1           (d) Assisting those child abuse and neglect victims who  
2 are abused and neglected by perpetrators who do not reside in their  
3 homes; and

4           (e) Working with multiproblem status offenders and  
5 delinquent youth.

6           (5) For purposes of this section, forensic interview  
7 means a video-recorded interview of an alleged child victim  
8 conducted at a child advocacy center by a professional with  
9 specialized training designed to elicit details about alleged  
10 incidents of abuse or neglect, and such interview may result in  
11 intervention in criminal or juvenile court.

12           Sec. 18. Section 28-801, Revised Statutes Supplement,  
13 2013, is amended to read:

14           28-801 (1) Except as provided in subsection (5) of this  
15 section, any person who performs, offers, or agrees to perform  
16 any act of sexual contact or sexual penetration, as those terms  
17 are defined in section 28-318, with any person not his or her  
18 spouse, in exchange for money or other thing of value, commits  
19 prostitution.

20           (2) Any person convicted of violating subsection (1) of  
21 this section shall be punished as follows:

22           (a) If such person has had no prior convictions or has  
23 had one prior conviction, such person shall be guilty of a Class  
24 II misdemeanor. If the court places such person on probation, such  
25 order of probation shall include, as one of its conditions, that  
26 such person shall satisfactorily attend and complete an appropriate  
27 mental health and substance abuse assessment conducted by a



1 licensed mental health professional or substance abuse professional  
2 authorized to complete such assessment; and

3 (b) If such person has had two or more prior convictions,  
4 such person shall be guilty of a Class I misdemeanor. If the  
5 court places such person on probation, such order of probation  
6 shall include, as one of its conditions, that such person shall  
7 satisfactorily attend and complete an appropriate mental health and  
8 substance abuse assessment conducted by a licensed mental health  
9 professional or substance abuse professional authorized to complete  
10 such assessment.

11 (3) It is an affirmative defense to prosecution under  
12 this section that such person was a trafficking victim as defined  
13 in section 28-830.

14 (4) For purposes of this section, prior conviction means  
15 any conviction on or after July 14, 2006, for violation of  
16 subsection (1) of this section or any conviction on or after July  
17 14, 2006, for violation of a city or village ordinance relating to  
18 prostitution.

19 (5) If the law enforcement officer determines, after  
20 a reasonable detention for investigative purposes, that a person  
21 suspected of or charged with a violation of subsection (1) of this  
22 section is a person under eighteen years of age, such person shall  
23 be immune from prosecution for a prostitution offense under this  
24 section and shall be subject to temporary custody under section  
25 43-248 and further disposition under the Nebraska Juvenile Code.  
26 A law enforcement officer who takes a person under eighteen years  
27 of age into custody under this section shall immediately report

1 an allegation of a violation of section 28-831 to the Department  
2 of Health and Human Services which shall commence an investigation  
3 within twenty-four hours under the Child Protection and Family  
4 Safety Act.

5 Sec. 19. Section 43-107, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7 43-107 (1)(a) For adoption placements occurring or in  
8 effect prior to January 1, 1994, upon the filing of a petition  
9 for adoption, the county judge shall, except in the adoption of  
10 children by stepparents when the requirement of an investigation is  
11 discretionary, request the Department of Health and Human Services  
12 or any child placement agency licensed by the department to examine  
13 the allegations set forth in the petition and to ascertain any  
14 other facts relating to such minor child and the person or persons  
15 petitioning to adopt such child as may be relevant to the propriety  
16 of such adoption, except that the county judge shall not be  
17 required to request such an examination if the judge determines  
18 that information compiled in a previous examination or study is  
19 sufficiently current and comprehensive. Upon the request being  
20 made, the department or other licensed agency shall conduct an  
21 investigation and report its findings to the county judge in  
22 writing at least one week prior to the date set for hearing.

23 (b)(i) For adoption placements occurring on or after  
24 January 1, 1994, a preplacement adoptive home study shall be filed  
25 with the court prior to the hearing required in section 43-103,  
26 which study is completed by the Department of Health and Human  
27 Services or a licensed child placement agency within one year

1 before the date on which the adoptee is placed with the petitioner  
2 or petitioners and indicates that the placement of a child for the  
3 purpose of adoption would be safe and appropriate.

4 (ii) An adoptive home study shall not be required when  
5 the petitioner is a stepparent of the adoptee unless required by  
6 the court, except that for petitions filed on or after January  
7 1, 1994, the judge shall order the petitioner or his or her  
8 attorney to request the Nebraska State Patrol to file a national  
9 criminal history record information check by submitting the request  
10 accompanied by two sets of fingerprint cards or an equivalent  
11 electronic submission and the appropriate fee to the Nebraska State  
12 Patrol for a Federal Bureau of Investigation background check and  
13 to request the department to conduct and file a check of the  
14 central ~~register~~ registry created in section 28-718 for any history  
15 of the petitioner of behavior injurious to or which may endanger  
16 the health or morals of a child. An adoption decree shall not  
17 be issued until such records are on file with the court. The  
18 petitioner shall pay the cost of the national criminal history  
19 record information check and the check of the central ~~register~~.  
20 registry.

21 (iii) The placement of a child for foster care made by or  
22 facilitated by the department or a licensed child placement agency  
23 in the home of a person who later petitions the court to adopt  
24 the child shall be exempt from the requirements of a preplacement  
25 adoptive home study. The petitioner or petitioners who meet such  
26 criteria shall have a postplacement adoptive home study completed  
27 by the department or a licensed child placement agency and filed

1 with the court at least one week prior to the hearing for adoption.

2 (iv) A voluntary placement for purposes other than  
3 adoption made by a parent or guardian of a child without assistance  
4 from an attorney, physician, or other individual or agency which  
5 later results in a petition for the adoption of the child shall be  
6 exempt from the requirements of a preplacement adoptive home study.

7 The petitioner or petitioners who meet such criteria shall have a  
8 postplacement adoptive home study completed by the department or a  
9 licensed child placement agency and filed with the court at least  
10 one week prior to the hearing for adoption.

11 (v) The adoption of an adult child as provided  
12 in subsection (2) of section 43-101 shall be exempt from  
13 the requirements of an adoptive home study unless the court  
14 specifically orders otherwise. The court may order an adoptive home  
15 study, a background investigation, or both if the court determines  
16 that such would be in the best interests of the adoptive party or  
17 the person to be adopted.

18 (vi) Any adoptive home study required by this section  
19 shall be conducted by the department or a licensed child placement  
20 agency at the expense of the petitioner or petitioners unless such  
21 expenses are waived by the department or licensed child placement  
22 agency. The department or licensed agency shall determine the fee  
23 or rate for the adoptive home study.

24 (vii) The preplacement or postplacement adoptive home  
25 study shall be performed as prescribed in rules and regulations  
26 of the department and shall include at a minimum an examination  
27 into the facts relating to the petitioner or petitioners as may

1 be relevant to the propriety of such adoption. Such rules and  
2 regulations shall require an adoptive home study to include a  
3 national criminal history record information check and a check of  
4 the central ~~register~~ registry created in section 28-718 for any  
5 history of the petitioner or petitioners of behavior injurious to  
6 or which may endanger the health or morals of a child.

7 (2) Upon the filing of a petition for adoption, the judge  
8 shall require that a complete medical history be provided on the  
9 child, except that in the adoption of a child by a stepparent  
10 the provision of a medical history shall be discretionary. On and  
11 after August 27, 2011, the complete medical history or histories  
12 required under this subsection shall include the race, ethnicity,  
13 nationality, Indian tribe when applicable and in compliance with  
14 the Nebraska Indian Child Welfare Act, or other cultural history  
15 of both biological parents, if available. A medical history shall  
16 be provided, if available, on the biological mother and father and  
17 their biological families, including, but not limited to, siblings,  
18 parents, grandparents, aunts, and uncles, unless the child is  
19 foreign born or was abandoned. The medical history or histories  
20 shall be reported on a form provided by the department and filed  
21 along with the report of adoption as provided by section 71-626.  
22 If the medical history or histories do not accompany the report of  
23 adoption, the department shall inform the court and the State Court  
24 Administrator. The medical history or histories shall be made part  
25 of the court record. After the entry of a decree of adoption, the  
26 court shall retain a copy and forward the original medical history  
27 or histories to the department. This subsection shall only apply

1 when the relinquishment or consent for an adoption is given on or  
2 after September 1, 1988.

3 (3) After the filing of a petition for adoption and  
4 before the entry of a decree of adoption for a child who is  
5 committed to the Department of Health and Human Services, the  
6 person or persons petitioning to adopt the child shall be given the  
7 opportunity to read the case file on the child maintained by the  
8 department or its duly authorized agent. The department shall not  
9 include in the case file to be read any information or documents  
10 that the department determines cannot be released based upon state  
11 statute, federal statute, federal rule, or federal regulation. The  
12 department shall provide a document for such person's or persons'  
13 signatures verifying that he, she, or they have been given an  
14 opportunity to read the case file and are aware that he, she, or  
15 they can review the child's file at any time following finalization  
16 of the adoption upon making a written request to the department.  
17 The department shall file such document with the court prior to the  
18 entry of a decree of adoption in the case.

19 Sec. 20. Section 43-146.17, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 43-146.17 (1) Notwithstanding sections 43-119 to  
22 43-146.16 and except as otherwise provided in this section, an  
23 heir twenty-one years of age or older of an adopted person shall  
24 have access to all information on file at the Department of Health  
25 and Human Services related to such adopted person, including  
26 information contained in the original birth certificate of the  
27 adopted person, if: (a)(i) The adopted person is deceased, (ii)

1 both biological parents of the adopted person are deceased or,  
2 if only one biological parent is known, such parent is deceased,  
3 and (iii) each spouse of the biological parent or parents of the  
4 adopted person, if any, is deceased, if such spouse is not a  
5 biological parent; or (b) at least one hundred years has passed  
6 since the birth of the adopted person.

7 (2) The following information relating to an adopted  
8 person shall not be released to the heir of such person under  
9 this section: (a) Tests conducted for the human immunodeficiency  
10 virus or acquired immunodeficiency syndrome; (b) the revocation  
11 of a license to practice medicine in the State of Nebraska;  
12 (c) child protective services reports or records; (d) adult  
13 protective services reports or records; (e) information from  
14 the central ~~register~~ registry of child protection cases and the  
15 Adult Protective Services Central Registry; or (f) law enforcement  
16 investigative reports.

17 (3) The department shall provide a form that an heir  
18 of an adopted person may use to request information under this  
19 section. The department may charge a reasonable fee in an amount  
20 established by rules and regulations of the department to recover  
21 expenses incurred by the department in carrying out this section.  
22 Such fee may be waived if the requesting party shows that the  
23 fee would work an undue financial hardship on the party. When any  
24 information is provided to an heir of an adopted person under this  
25 section, the disclosure of such information shall be recorded in  
26 the records of the adopted person, including the nature of the  
27 information disclosed, to whom the information was disclosed, and

1 the date of the disclosure.

2 (4) For purposes of this section, an heir of an adopted  
3 person means a direct biological descendent of such adopted person.

4 (5) The department may adopt and promulgate rules and  
5 regulations to carry out this section.

6 Sec. 21. Section 43-247, Revised Statutes Supplement,  
7 2013, is amended to read:

8 43-247 Except as provided in section 43-247.02, the  
9 juvenile court shall have exclusive original jurisdiction as to any  
10 juvenile defined in subdivision (1) of this section who is under  
11 the age of sixteen, as to any juvenile defined in subdivision (3)  
12 of this section, and as to the parties and proceedings provided  
13 in subdivisions (5), (6), and (7) of this section. As used in  
14 this section, all references to the juvenile's age shall be the  
15 age at the time the act which occasioned the juvenile court  
16 action occurred. The juvenile court shall have concurrent original  
17 jurisdiction with the district court as to any juvenile defined  
18 in subdivision (2) of this section. The juvenile court shall  
19 have concurrent original jurisdiction with the district court and  
20 county court as to any juvenile defined in subdivision (1) of  
21 this section who is age sixteen or seventeen, any juvenile defined  
22 in subdivision (4) of this section, and any proceeding under  
23 subdivision (6) or (10) of this section. The juvenile court shall  
24 have concurrent original jurisdiction with the county court as  
25 to any proceeding under subdivision (8) or (9) of this section.  
26 Notwithstanding any disposition entered by the juvenile court  
27 under the Nebraska Juvenile Code, the juvenile court's jurisdiction



1 over any individual adjudged to be within the provisions of this  
2 section shall continue until the individual reaches the age of  
3 majority or the court otherwise discharges the individual from its  
4 jurisdiction.

5 The juvenile court in each county as herein provided  
6 shall have jurisdiction of:

7 (1) Any juvenile who has committed an act other than  
8 a traffic offense which would constitute a misdemeanor or an  
9 infraction under the laws of this state, or violation of a city or  
10 village ordinance;

11 (2) Any juvenile who has committed an act which would  
12 constitute a felony under the laws of this state;

13 (3) Any juvenile (a) who is homeless or destitute, or  
14 without proper support through no fault of his or her parent,  
15 guardian, or custodian; who is abandoned by his or her parent,  
16 guardian, or custodian; who lacks proper parental care by reason of  
17 the fault or habits of his or her parent, guardian, or custodian;  
18 whose parent, guardian, or custodian neglects or refuses to provide  
19 proper or necessary subsistence, education, or other care necessary  
20 for the health, morals, or well-being of such juvenile; whose  
21 parent, guardian, or custodian is unable to provide or neglects  
22 or refuses to provide special care made necessary by the mental  
23 condition of the juvenile; or who is in a situation or engages in  
24 an occupation, including prostitution, dangerous to life or limb or  
25 injurious to the health or morals of such juvenile, (b) who, by  
26 reason of being wayward or habitually disobedient, is uncontrolled  
27 by his or her parent, guardian, or custodian; who departs himself

1 or herself so as to injure or endanger seriously the morals or  
2 health of himself, herself, or others; or who is habitually truant  
3 from home or school, or (c) who is mentally ill and dangerous as  
4 defined in section 71-908;

5 (4) Any juvenile who has committed an act which would  
6 constitute a traffic offense as defined in section 43-245;

7 (5) The parent, guardian, or custodian of any juvenile  
8 described in this section;

9 (6) The proceedings for termination of parental rights;

10 (7) Any juvenile who has been voluntarily relinquished,  
11 pursuant to section 43-106.01, to the Department of Health and  
12 Human Services or any child placement agency licensed by the  
13 Department of Health and Human Services;

14 (8) Any juvenile who was a ward of the juvenile court at  
15 the inception of his or her guardianship and whose guardianship has  
16 been disrupted or terminated;

17 (9) The adoption or guardianship proceedings for a child  
18 over which the juvenile court already has jurisdiction under  
19 another provision of the Nebraska Juvenile Code; ~~and~~

20 (10) The paternity or custody determination for a child  
21 over which the juvenile court already has jurisdiction; ~~and-~~

22 (11) The proceedings under the Young Adult Bridge to  
23 Independence Act.

24 Notwithstanding the provisions of the Nebraska Juvenile  
25 Code, the determination of jurisdiction over any Indian child as  
26 defined in section 43-1503 shall be subject to the Nebraska Indian  
27 Child Welfare Act; and the district court shall have exclusive

1 jurisdiction in proceedings brought pursuant to section 71-510.

2           Sec. 22. Section 43-284.02, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-284.02 The Department of Health and Human Services  
5 may make payments as needed on behalf of a child who has been a  
6 ward of the department after the appointment of a guardian for the  
7 child. Such payments to the guardian may include maintenance costs,  
8 medical and surgical expenses, and other costs incidental to the  
9 care of the child. All such payments shall terminate on or before  
10 the child's nineteenth birthday unless the child is eligible for  
11 extended guardianship assistance from the department pursuant to  
12 sections 43-4511 and 43-4514. The child under guardianship shall be  
13 a child for whom the guardianship would not be possible without the  
14 financial aid provided under this section.

15           The Department of Health and Human Services shall adopt  
16 and promulgate rules and regulations for the administration of this  
17 section.

18           Sec. 23. Section 43-285, Revised Statutes Supplement,  
19 2013, is amended to read:

20           43-285 (1) When the court awards a juvenile to the care  
21 of the Department of Health and Human Services, an association,  
22 or an individual in accordance with the Nebraska Juvenile Code,  
23 the juvenile shall, unless otherwise ordered, become a ward and  
24 be subject to the guardianship of the department, association,  
25 or individual to whose care he or she is committed. Any such  
26 association and the department shall have authority, by and  
27 with the assent of the court, to determine the care, placement,

1 medical services, psychiatric services, training, and expenditures  
2 on behalf of each juvenile committed to it. Any such association  
3 and the department shall be responsible for applying for any health  
4 insurance available to the juvenile, including, but not limited  
5 to, medical assistance under the Medical Assistance Act. Such  
6 guardianship shall not include the guardianship of any estate of  
7 the juvenile.

8 (2)(a) This subdivision applies until October 1, 2013.  
9 Following an adjudication hearing at which a juvenile is adjudged  
10 to be under subdivision (3) of section 43-247, the court may order  
11 the department to prepare and file with the court a proposed plan  
12 for the care, placement, services, and permanency which are to  
13 be provided to such juvenile and his or her family. The plan  
14 shall include a statement regarding the eligibility of the juvenile  
15 for any health insurance, including, but not limited to, medical  
16 assistance under the Medical Assistance Act. The health and safety  
17 of the juvenile shall be the paramount concern in the proposed  
18 plan. When the plan includes the provision of services in order  
19 that the juvenile can remain in his or her home and such services  
20 are to prevent out-of-home placement, the plan shall be prepared  
21 and shall clearly state that the services described in the plan are  
22 to prevent placement and that, absent preventive services, foster  
23 care is the planned arrangement for the child. The department  
24 shall include in the plan for a juvenile who is sixteen years of  
25 age or older and subject to the guardianship of the department  
26 a written independent living transition proposal which meets the  
27 requirements of section 43-1311.03 and, for eligible juveniles, the

1 ~~Young Adult Voluntary Services and Support~~ Bridge to Independence  
2 Act. The court may approve the plan, modify the plan, order that  
3 an alternative plan be developed, or implement another plan that  
4 is in the juvenile's best interests. In its order the court shall  
5 include a finding regarding the appropriateness of the programs and  
6 services described in the proposal designed to assist the juvenile  
7 in acquiring independent living skills. Rules of evidence shall not  
8 apply at the dispositional hearing when the court considers the  
9 plan that has been presented.

10 (b) This subdivision applies beginning October 1, 2013.  
11 Following an adjudication hearing at which a juvenile is adjudged  
12 to be under subdivision (3)(a) or (c) of section 43-247, the court  
13 may order the department to prepare and file with the court a  
14 proposed plan for the care, placement, services, and permanency  
15 which are to be provided to such juvenile and his or her family.  
16 The health and safety of the juvenile shall be the paramount  
17 concern in the proposed plan. The department shall include in the  
18 plan for a juvenile who is sixteen years of age or older and  
19 subject to the guardianship of the department a written independent  
20 living transition proposal which meets the requirements of section  
21 43-1311.03 and, for eligible juveniles, the ~~Young Adult Voluntary~~  
22 ~~Services and Support~~ Bridge to Independence Act. The court may  
23 approve the plan, modify the plan, order that an alternative  
24 plan be developed, or implement another plan that is in the  
25 juvenile's best interests. In its order the court shall include a  
26 finding regarding the appropriateness of the programs and services  
27 described in the proposal designed to assist the juvenile in

1 acquiring independent living skills. Rules of evidence shall not  
2 apply at the dispositional hearing when the court considers the  
3 plan that has been presented.

4 (3) Within thirty days after an order awarding a juvenile  
5 to the care of the department, an association, or an individual  
6 and until the juvenile reaches the age of majority, the department,  
7 association, or individual shall file with the court a report  
8 stating the location of the juvenile's placement and the needs of  
9 the juvenile in order to effectuate the purposes of subdivision  
10 (1) of section 43-246. The department, association, or individual  
11 shall file a report with the court once every six months or at  
12 shorter intervals if ordered by the court or deemed appropriate by  
13 the department, association, or individual. Every six months, the  
14 report shall provide an updated statement regarding the eligibility  
15 of the juvenile for health insurance, including, but not limited  
16 to, medical assistance under the Medical Assistance Act. The  
17 department, association, or individual shall file a report and  
18 notice of placement change with the court and shall send copies of  
19 the notice to all interested parties at least seven days before the  
20 placement of the juvenile is changed from what the court originally  
21 considered to be a suitable family home or institution to some  
22 other custodial situation in order to effectuate the purposes of  
23 subdivision (1) of section 43-246. The court, on its own motion  
24 or upon the filing of an objection to the change by an interested  
25 party, may order a hearing to review such a change in placement  
26 and may order that the change be stayed until the completion of  
27 the hearing. Nothing in this section shall prevent the court on

1 an ex parte basis from approving an immediate change in placement  
2 upon good cause shown. The department may make an immediate change  
3 in placement without court approval only if the juvenile is in a  
4 harmful or dangerous situation or when the foster parents request  
5 that the juvenile be removed from their home. Approval of the court  
6 shall be sought within twenty-four hours after making the change in  
7 placement or as soon thereafter as possible. The department shall  
8 provide the juvenile's guardian ad litem with a copy of any report  
9 filed with the court by the department pursuant to this subsection.

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

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

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

23 (7) Any written findings or recommendations of the Foster  
24 Care Review Office or the designated local foster care review board  
25 with regard to a juvenile in a foster care placement submitted to  
26 a court having jurisdiction over such juvenile shall be admissible  
27 in any proceeding concerning such juvenile if such findings or

1 recommendations have been provided to all other parties of record.

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

9 Sec. 24. Section 43-905, Revised Statutes Supplement,  
10 2013, is amended to read:

11 43-905 (1) The Department of Health and Human Services  
12 shall be the legal guardian of all children committed to  
13 it. The department shall afford temporary care and shall use  
14 special diligence to provide suitable homes for such children.  
15 The department shall make reasonable efforts to accomplish  
16 joint-sibling placement or sibling visitation or ongoing  
17 interaction between siblings as provided in section 43-1311.02.  
18 The department is authorized to place such children in suitable  
19 families for adoption, foster care, or guardianship or, in the  
20 discretion of the department, on a written contract.

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

25 (3) Whenever any child who has been committed to the  
26 department becomes self-supporting, the department shall declare  
27 that fact and the guardianship of the department shall cease.



1 Thereafter the child shall be entitled to his or her own earnings.  
2 Guardianship of and services by the department shall never extend  
3 beyond the age of majority, except that (a) services by the  
4 department to a child shall continue until the child reaches the  
5 age of twenty-one if the child is a student regularly attending  
6 a school, college, or university or regularly attending a course  
7 of vocational or technical training designed to prepare such child  
8 for gainful employment or the child receives extended services  
9 and support is in the bridge to independence program as provided  
10 in the Young Adult Voluntary Services and Support Bridge to  
11 Independence Act and (b) beginning January 1, 2014, coverage  
12 for health care and related services under medical assistance in  
13 accordance with section 68-911 may be extended as provided under  
14 the federal Patient Protection and Affordable Care Act, 42 U.S.C.  
15 1396a(a)(10)(A)(i)(IX), as such act and section existed on January  
16 1, 2013, for medicaid coverage for individuals under twenty-six  
17 years of age as allowed pursuant to such act.

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

23 (5) Whenever permanent free homes for the children cannot  
24 be obtained, the department shall have the authority to provide and  
25 pay for the maintenance of the children in private families, in  
26 foster care, in guardianship, in boarding homes, or in institutions  
27 for care of children.

1           Sec. 25. Section 43-1311.03, Revised Statutes Supplement,  
2 2013, is amended to read:

3           43-1311.03 (1) When a child placed in foster care turns  
4 sixteen years of age or enters foster care and is at least sixteen  
5 years of age, a written independent living transition proposal  
6 shall be developed by the Department of Health and Human Services  
7 at the direction and involvement of the child to prepare for the  
8 transition from foster care to adulthood. The transition proposal  
9 shall be personalized based on the child's needs. The transition  
10 proposal shall include, but not be limited to, the following needs:

11           (a) Education;

12           (b) Employment services and other workforce support;

13           (c) Health and health care coverage, including the  
14 child's potential eligibility for medicaid coverage under the  
15 federal Patient Protection and Affordable Care Act, 42 U.S.C.  
16 1396a(a)(10)(A)(i)(IX), as such act and section existed on January  
17 1, 2013;

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

20           (e) Housing;

21           (f) Relationship development; and

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

25           (2) The transition proposal shall be developed and  
26 frequently reviewed by the department in collaboration with the  
27 child's transition team. The transition team shall be comprised

1 of the child, the child's caseworker, the child's guardian ad  
2 litem, individuals selected by the child, and individuals who have  
3 knowledge of services available to the child.

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

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

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

13 (6) A child adjudicated to be a juvenile described in  
14 subdivision (3)(a) of section 43-247 and who is in an out-of-home  
15 placement shall receive information regarding the Young Adult  
16 ~~Voluntary Services and Support~~ Bridge to Independence Act and  
17 ~~the extended services and support~~ bridge to independence program  
18 available under the act. The department shall create a clear and  
19 developmentally appropriate written notice discussing the rights  
20 of eligible young adults to ~~receive extended services and support.~~  
21 participate in the program. The notice shall include information  
22 about eligibility and requirements to ~~receive extended services~~  
23 ~~and support,~~ participate in the program, the extended services  
24 and support that young adults are eligible to receive under the  
25 program, and how young adults can access ~~the extended services~~  
26 ~~and support.~~ be a part of the program. The notice shall also  
27 include information about the young adult's right to request a

1 client-directed attorney to represent the young adult pursuant to  
2 section 43-4510 and the benefits and role of an attorney. The  
3 department shall disseminate this information to all children who  
4 were adjudicated to be a juvenile described in subdivision (3)(a)  
5 of section 43-247 and who are in an out-of-home placement at  
6 sixteen years of age and yearly thereafter until nineteen years of  
7 age, and not later than ninety days prior to the child's last court  
8 review before attaining nineteen years of age or being discharged  
9 from foster care to independent living. In addition to providing  
10 the written notice, not later than ninety days prior to the child's  
11 last court review before attaining nineteen years of age or being  
12 discharged from foster care to independent living, a representative  
13 of the department shall explain the information contained in the  
14 notice to the child in person and the timeline necessary to avoid a  
15 lapse in services and support.

16 (7) On or before the date the child reaches nineteen  
17 years of age, the department shall provide the child with (a)  
18 a certified copy of the child's birth certificate and facilitate  
19 securing a federal social security card when the child is eligible  
20 for such card and (b) all documentation required for enrollment  
21 in medicaid coverage for former foster care children as available  
22 under the federal Patient Protection and Affordable Care Act, 42  
23 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on  
24 January 1, 2013. All fees associated with securing the certified  
25 copy of the child's birth certificate shall be waived by the state.

26 Sec. 26. Section 43-2932, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1                   43-2932 (1) When the court is required to develop a  
2 parenting plan:

3                   (a) If a preponderance of the evidence demonstrates, the  
4 court shall determine whether a parent who would otherwise be  
5 allocated custody, parenting time, visitation, or other access to  
6 the child under a parenting plan:

7                   (i) Has committed child abuse or neglect;

8                   (ii) Has committed child abandonment under section  
9 28-705;

10                  (iii) Has committed domestic intimate partner abuse; or

11                  (iv) Has interfered persistently with the other parent's  
12 access to the child, except in the case of actions taken for the  
13 purpose of protecting the safety of the child or the interfering  
14 parent or another family member, pending adjudication of the facts  
15 underlying that belief; and

16                  (b) If a parent is found to have engaged in any activity  
17 specified by subdivision (1)(a) of this section, limits shall be  
18 imposed that are reasonably calculated to protect the child or  
19 child's parent from harm. The limitations may include, but are not  
20 limited to:

21                  (i) An adjustment of the custody of the child, including  
22 the allocation of sole legal custody or physical custody to one  
23 parent;

24                  (ii) Supervision of the parenting time, visitation, or  
25 other access between a parent and the child;

26                  (iii) Exchange of the child between parents through an  
27 intermediary or in a protected setting;

1           (iv) Restraints on the parent from communication with or  
2 proximity to the other parent or the child;

3           (v) A requirement that the parent abstain from possession  
4 or consumption of alcohol or nonprescribed drugs while exercising  
5 custodial responsibility and in a prescribed period immediately  
6 preceding such exercise;

7           (vi) Denial of overnight physical custodial parenting  
8 time;

9           (vii) Restrictions on the presence of specific persons  
10 while the parent is with the child;

11           (viii) A requirement that the parent post a bond to  
12 secure return of the child following a period in which the parent  
13 is exercising physical custodial parenting time or to secure other  
14 performance required by the court; or

15           (ix) Any other constraints or conditions deemed necessary  
16 to provide for the safety of the child, a child's parent, or any  
17 person whose safety immediately affects the child's welfare.

18           (2) A court determination under this section shall not  
19 be considered a report for purposes of inclusion in the central  
20 ~~register~~ registry of child protection cases pursuant to the Child  
21 Protection and Family Safety Act.

22           (3) If a parent is found to have engaged in any activity  
23 specified in subsection (1) of this section, the court shall not  
24 order legal or physical custody to be given to that parent without  
25 making special written findings that the child and other parent  
26 can be adequately protected from harm by such limits as it may  
27 impose under such subsection. The parent found to have engaged in

1 the behavior specified in subsection (1) of this section has the  
2 burden of proving that legal or physical custody, parenting time,  
3 visitation, or other access to that parent will not endanger the  
4 child or the other parent.

5 Sec. 27. Section 43-3709, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 43-3709 (1) The minimum qualifications for any  
8 prospective court appointed special advocate volunteer are that he  
9 or she shall:

10 (a) Be at least twenty-one years of age or older and have  
11 demonstrated an interest in children and their welfare;

12 (b) Be willing to commit to the court for a minimum of  
13 one year of service to a child;

14 (c) Complete an application, including providing  
15 background information required pursuant to subsection (2) of this  
16 section;

17 (d) Participate in a screening interview; and

18 (e) Participate in the training required pursuant to  
19 section 43-3708.

20 (2) As required background screening, the program  
21 director shall obtain the following information regarding a  
22 volunteer applicant:

23 (a) A check of the applicant's criminal history record  
24 information maintained by the Identification Division of the  
25 Federal Bureau of Investigation through the Nebraska State Patrol;

26 (b) A check of his or her record with the central  
27 ~~register~~ registry of child protection cases maintained under

1 section 28-718;

2 (c) A check of his or her driving record; and

3 (d) At least three references who will attest to the  
4 applicant's character, judgment, and suitability for the position  
5 of a court appointed special advocate volunteer.

6 (3) If the applicant has lived in Nebraska for less  
7 than twelve months, the program director shall obtain the records  
8 required in subdivisions (2) (a) through (2) (c) of this section from  
9 all other jurisdictions in which the applicant has lived during the  
10 preceding year.

11 Sec. 28. Section 43-4318, Revised Statutes Supplement,  
12 2013, is amended to read:

13 43-4318 (1) The office shall investigate:

14 (a) Allegations or incidents of possible misconduct,  
15 misfeasance, malfeasance, or violations of statutes or of rules  
16 or regulations of the department by an employee of or person  
17 under contract with the department, a private agency, a licensed  
18 child care facility, a foster parent, or any other provider of  
19 child welfare services or which may provide a basis for discipline  
20 pursuant to the Uniform Credentialing Act; and

21 (b) Death or serious injury in foster homes, private  
22 agencies, child care facilities, juvenile detention facilities,  
23 staff secure juvenile facilities, and other programs and facilities  
24 licensed by or under contract with the department or the Office of  
25 Probation Administration and death or serious injury in any case  
26 in which services are provided by the department to a child or his  
27 or her parents or any case involving an investigation under the



1 Child Protection and Family Safety Act, which case has been open  
2 for one year or less. The department and the Office of Probation  
3 Administration shall report all cases of death or serious injury of  
4 a child in a foster home, private agency, child care facility or  
5 program, or other program or facility licensed by the department  
6 to the Inspector General as soon as reasonably possible after the  
7 department or the Office of Probation Administration learns of  
8 such death or serious injury. For purposes of this subdivision,  
9 serious injury means an injury or illness caused by suspected  
10 abuse, neglect, or maltreatment which leaves a child in critical or  
11 serious condition.

12 (2) Any investigation conducted by the Inspector General  
13 shall be independent of and separate from an investigation pursuant  
14 to the Child Protection and Family Safety Act. The Inspector  
15 General and his or her staff are subject to the reporting  
16 requirements of the Child Protection and Family Safety Act.

17 (3) Notwithstanding the fact that a criminal  
18 investigation, a criminal prosecution, or both are in progress, all  
19 law enforcement agencies and prosecuting attorneys shall cooperate  
20 with any investigation conducted by the Inspector General and  
21 shall, immediately upon request by the Inspector General, provide  
22 the Inspector General with copies of all law enforcement reports  
23 which are relevant to the Inspector General's investigation. All  
24 law enforcement reports which have been provided to the Inspector  
25 General pursuant to this section are not public records for  
26 purposes of sections 84-712 to 84-712.09 and shall not be subject  
27 to discovery by any other person or entity. Except to the extent

1 that disclosure of information is otherwise provided for in the  
2 Office of Inspector General of Nebraska Child Welfare Act, the  
3 Inspector General shall maintain the confidentiality of all law  
4 enforcement reports received pursuant to its request under this  
5 section. Law enforcement agencies and prosecuting attorneys shall,  
6 when requested by the Inspector General, collaborate with the  
7 Inspector General regarding all other information relevant to the  
8 Inspector General's investigation. If the Inspector General in  
9 conjunction with the Public Counsel determines it appropriate, the  
10 Inspector General may, when requested to do so by a law enforcement  
11 agency or prosecuting attorney, suspend an investigation by the  
12 office until a criminal investigation or prosecution is completed  
13 or has proceeded to a point that, in the judgment of the Inspector  
14 General, reinstatement of the Inspector General's investigation  
15 will not impede or infringe upon the criminal investigation or  
16 prosecution. Under no circumstance shall the Inspector General  
17 interview any minor who has already been interviewed by a law  
18 enforcement agency, personnel of the Division of Children and  
19 Family Services of the department, or staff of a child advocacy  
20 center in connection with a relevant ongoing investigation of a law  
21 enforcement agency.

22           Sec. 29. Section 43-4331, Revised Statutes Supplement,  
23 2013, is amended to read:

24           43-4331 On or before September 15 of each year,  
25 the Inspector General shall provide to the Health and Human  
26 Services Committee of the Legislature and the Governor a  
27 summary of reports and investigations made under the Office of

1 Inspector General of Nebraska Child Welfare Act for the preceding  
2 year. The summary provided to the committee shall be provided  
3 electronically. The summaries shall detail recommendations and the  
4 status of implementation of recommendations and may also include  
5 recommendations to the committee regarding issues discovered  
6 through investigation, audits, inspections, and reviews by the  
7 office that will increase accountability and legislative oversight  
8 of the Nebraska child welfare system, improve operations of the  
9 department and the Nebraska child welfare system, or deter and  
10 identify fraud, abuse, and illegal acts. Such summary shall include  
11 summaries of alternative response cases under alternative response  
12 demonstration projects implemented in accordance with sections 2  
13 to 4 of this act reviewed by the Inspector General. The summaries  
14 shall not contain any confidential or identifying information  
15 concerning the subjects of the reports and investigations.

16 Sec. 30. Section 43-4501, Revised Statutes Supplement,  
17 2013, is amended to read:

18 43-4501 Sections 43-4501 to 43-4514 and section 38 of  
19 this act shall be known and may be cited as the Young Adult  
20 ~~Voluntary Services and Support~~ Bridge to Independence Act.

21 Sec. 31. Section 43-4502, Revised Statutes Supplement,  
22 2013, is amended to read:

23 43-4502 The purpose of the Young Adult ~~Voluntary Services~~  
24 ~~and Support~~ Bridge to Independence Act is to support former state  
25 wards in transitioning to adulthood, becoming self-sufficient, and  
26 creating permanent relationships. The ~~extended services~~ bridge to  
27 independence program shall at all times recognize and respect the

1 autonomy of the young adult. Nothing in the Young Adult ~~Voluntary~~  
2 ~~Services and Support~~ Bridge to Independence Act shall be construed  
3 to abrogate any other rights that a person who has attained  
4 nineteen years of age may have as an adult under state law.

5 Sec. 32. Section 43-4503, Revised Statutes Supplement,  
6 2013, is amended to read:

7 43-4503 For purposes of the Young Adult ~~Voluntary~~  
8 ~~Services and Support~~ Bridge to Independence Act:

9 (1) Bridge to independence program means the extended  
10 services and support available to a young adult under the Young  
11 Adult Bridge to Independence Act other than the state-extended  
12 guardianship assistance program described in subdivision (3)(b) of  
13 section 43-4514;

14 ~~(1)~~ (2) Child means an individual who has not attained  
15 twenty-one years of age;

16 ~~(2)~~ (3) Department means the Department of Health and  
17 Human Services;

18 ~~(3)~~ Extended services program means the extended services  
19 and support available to a young adult under the Young Adult  
20 Voluntary Services and Support Act other than the state-extended  
21 guardianship assistance program described in subdivision (3)(b) of  
22 section 43-4514;

23 (4) Supervised independent living setting means an  
24 independent supervised setting, consistent with 42 U.S.C. 672(c).  
25 Supervised independent living settings shall include, but not  
26 be limited to, single or shared apartments, houses, host homes,  
27 college dormitories, or other postsecondary educational or

1 vocational housing;

2 (5) Voluntary services and support agreement means a  
3 voluntary placement agreement as defined in 42 U.S.C. 672(f)  
4 between the department and a young adult as his or her own  
5 guardian; and

6 (6) Young adult means an individual who has attained  
7 nineteen years of age but who has not attained twenty-one years of  
8 age.

9 Sec. 33. Section 43-4504, Revised Statutes Supplement,  
10 2013, is amended to read:

11 43-4504 The extended services bridge to independence  
12 program is available, on a voluntary basis, to a young adult:

13 (1) Who has attained at least nineteen years of age;

14 (2) Who was adjudicated to be a juvenile described  
15 in subdivision (3)(a) of section 43-247 and, upon attaining  
16 nineteen years of age, was in an out-of-home placement or had  
17 been discharged to independent living; and

18 (3) Who is:

19 (a) Completing secondary education or an educational  
20 program leading to an equivalent credential;

21 (b) Enrolled in an institution which provides  
22 postsecondary or vocational education;

23 (c) Employed for at least eighty hours per month;

24 (d) Participating in a program or activity designed to  
25 promote employment or remove barriers to employment; or

26 (e) Incapable of doing any of the activities described in  
27 subdivisions (3)(a) through (d) of this section due to a medical

1 condition, which incapacity is supported by regularly updated  
2 information in the case plan of the young adult.

3 Sec. 34. Section 43-4505, Revised Statutes Supplement,  
4 2013, is amended to read:

5 43-4505 Extended services and support provided under the  
6 ~~extended services~~ bridge to independence program include, but are  
7 not limited to:

8 (1) Medical care under the medical assistance program;

9 (2) Housing, placement, and support in the form of  
10 continued foster care maintenance payments which shall remain at  
11 least at the rate set immediately prior to the young adult's  
12 exit from foster care. As decided by and with the young adult,  
13 young adults may reside in a foster family home, a supervised  
14 independent living setting, an institution, or a foster care  
15 facility. Placement in an institution or a foster care facility  
16 should occur only if necessary due to a young adult's developmental  
17 level or medical condition. A young adult who is residing in  
18 a foster care facility upon leaving foster care may choose to  
19 temporarily stay until he or she is able to transition to a more  
20 age-appropriate setting. For young adults residing in a supervised  
21 independent living setting:

22 (a) The department may send all or part of the foster  
23 care maintenance payments directly to the young adult. This should  
24 be decided on a case-by-case basis by and with the young adult in a  
25 manner that respects the independence of the young adult; and

26 (b) Rules and restrictions regarding housing options  
27 should be respectful of the young adult's autonomy and

1 developmental maturity. Specifically, safety assessments of the  
2 living arrangements shall be age-appropriate and consistent with  
3 federal guidance on a supervised setting in which the individual  
4 lives independently. A clean background check shall not be required  
5 for an individual residing in the same residence as the young  
6 adult; and

7 (3) Case management services that are young-adult driven.  
8 Case management shall be a continuation of the independent living  
9 transition proposal in section 43-1311.03, including a written  
10 description of additional resources that will help the young  
11 adult in creating permanent relationships and preparing for the  
12 transition to adulthood and independent living. Case management  
13 shall include the development of a case plan, developed jointly by  
14 the department and the young adult, that includes a description  
15 of the identified housing situation or living arrangement, ~~and~~ the  
16 resources to assist the young adult in the transition from the  
17 ~~extended services bridge to independence~~ program to adulthood, ~~and~~  
18 the needs listed in subsection (1) of section 43-1311.03. The case  
19 plan shall incorporate the independent living transition proposal  
20 in section 43-1311.03. Case management shall also include, but not  
21 be limited to, documentation that assistance has been offered and  
22 provided that would help the young adult meet his or her individual  
23 goals, if such assistance is appropriate and if the young adult  
24 is eligible and consents to receive such assistance. This shall  
25 include, but not be limited to, assisting the young adult to:

- 26 (a) Obtain employment or other financial support;  
27 (b) Obtain a government-issued identification card;

1 (c) Open and maintain a bank account;

2 (d) Obtain appropriate community resources, including  
3 health, mental health, developmental disability, and other  
4 disability services and support;

5 (e) When appropriate, satisfy any juvenile justice system  
6 requirements and assist with sealing the young adult's juvenile  
7 court record if the young adult is eligible under section  
8 43-2,108.01;

9 (f) Complete secondary education;

10 (g) Apply for admission and aid for postsecondary  
11 education or vocational courses;

12 (h) Obtain the necessary state court findings and then  
13 apply for special immigrant juvenile status as defined in 8 U.S.C.  
14 1101(a)(27)(J) or apply for other immigration relief that the young  
15 adult may be eligible for;

16 (i) Create a health care power of attorney, health care  
17 proxy, or other similar document recognized under state law, at  
18 the young adult's option, pursuant to as required by the federal  
19 Patient Protection and Affordable Care Act, Public Law 111-148;

20 (j) Obtain a copy of health and education records of the  
21 young adult;

22 (k) Apply for any public benefits or benefits that  
23 he or she may be eligible for or may be due through his  
24 or her parents or relatives, including, but not limited to,  
25 aid to dependent children, supplemental security income, social  
26 security disability insurance, social security survivors benefits,  
27 the Special Supplemental Nutrition Program for Women, Infants,



1 and Children, the Supplemental Nutrition Assistance Program, and  
2 low-income home energy assistance programs;

3 (l) Maintain relationships with individuals who are  
4 important to the young adult, including searching for individuals  
5 with whom the young adult has lost contact;

6 (m) Access information about maternal and paternal  
7 relatives, including any siblings;

8 (n) Access young adult empowerment opportunities, such as  
9 Project Everlast and peer support groups; and

10 (o) Access pregnancy and parenting resources and  
11 services.

12 Sec. 35. Section 43-4506, Revised Statutes Supplement,  
13 2013, is amended to read:

14 43-4506 (1) If a young adult chooses to participate  
15 in the ~~extended services~~ bridge to independence program and is  
16 eligible under section 43-4504, the young adult and the department  
17 shall sign, and the young adult shall be provided a copy of,  
18 a voluntary services and support agreement that includes, at a  
19 minimum, information regarding all of the following:

20 (a) The requirement that the young adult continue to be  
21 eligible under section 43-4504 for the duration of the voluntary  
22 services and support agreement and any other expectations of the  
23 young adult;

24 (b) The services and support the young adult shall  
25 receive through the ~~extended services~~ bridge to independence  
26 program;

27 (c) The voluntary nature of the young adult's

1 participation and the young adult's right to terminate the  
2 voluntary services and support agreement at any time; and

3 (d) Conditions that may result in the termination of  
4 the voluntary services and support agreement and the young adult's  
5 early discharge from the ~~extended services~~ bridge to independence  
6 program as described in section 43-4507.

7 (2) As soon as the young adult and the department sign  
8 the voluntary services and support agreement and the department  
9 determines that the young adult is eligible for the bridge to  
10 independence program under section 43-4504, but not longer than  
11 forty-five days after signing the agreement, the department shall  
12 provide services and support to the young adult in accordance with  
13 the voluntary services and support agreement.

14 (3) A young adult participating in the ~~extended services~~  
15 bridge to independence program shall be assigned a ~~support worker~~  
16 an independence coordinator to provide case management services  
17 for the young adult. ~~Support workers~~ Independence coordinators  
18 and their supervisors shall be specialized in primarily providing  
19 services for young adults in the ~~extended services~~ bridge to  
20 independence program or shall, at minimum, have specialized  
21 training in providing transition services and support to young  
22 adults.

23 (4) The department shall provide continued efforts at  
24 achieving permanency and creating permanent connections for a young  
25 adult participating in the ~~extended services~~ bridge to independence  
26 program.

27 (5) The department shall fulfill all case plan

1 obligations consistent with 42 U.S.C. 675(1).

2 ~~(6) As soon as possible after the young adult is~~  
3 ~~determined eligible under section 43-4504 and signs the voluntary~~  
4 ~~services and support agreement, the department shall conduct a~~  
5 ~~redetermination of income eligibility for purposes of Title IV-E of~~  
6 ~~the federal Social Security Act, 42 U.S.C. 672.~~

7 Sec. 36. Section 43-4507, Revised Statutes Supplement,  
8 2013, is amended to read:

9 43-4507 (1) A young adult may choose to terminate  
10 the voluntary services and support agreement and stop receiving  
11 services and support under the extended services bridge to  
12 independence program at any time. If a young adult chooses  
13 to terminate the voluntary services and support agreement, the  
14 department shall provide the young adult with a clear and  
15 developmentally appropriate written notice informing the young  
16 adult of the potential negative effects of terminating the  
17 voluntary services and support agreement early, the option to  
18 reenter the extended services bridge to independence program at any  
19 time before attaining twenty-one years of age, and the procedures  
20 for reentering the extended services bridge to independence  
21 program, and information about and contact information for  
22 community resources that may benefit the young adult, specifically  
23 including information regarding state programs established pursuant  
24 to 42 U.S.C. 677.

25 (2) If the department determines that the young adult  
26 is no longer eligible for the bridge to independence program  
27 under section 43-4504, the department may terminate the voluntary

1 services and support agreement and stop providing services and  
2 support to the young adult. Academic breaks in postsecondary  
3 education attendance, such as semester and seasonal breaks, and  
4 other transitions between eligibility requirements under section  
5 43-4504, including education and employment transitions of no  
6 longer than thirty days, shall not be a basis for termination.  
7 Even if a young adult's voluntary services and support agreement  
8 has been previously terminated by either the department or the  
9 young adult, the young adult may come back into the ~~extended~~  
10 services bridge to independence program by entering into another  
11 voluntary services and support agreement at any time, so long  
12 as he or she is eligible under section 43-4504. At least thirty  
13 days prior to the termination of the voluntary services and  
14 support agreement, the department shall provide a clear and  
15 developmentally appropriate written notice to the young adult  
16 informing the young adult of the termination of the voluntary  
17 services and support agreement and a clear and developmentally  
18 appropriate explanation of the basis for the termination. The  
19 written termination notice shall also provide information about  
20 the process for appealing the termination, information about the  
21 option to enter into another voluntary services and support  
22 agreement once the young adult reestablishes eligibility under  
23 section 43-4504, and information about and contact information for  
24 community resources that may benefit the young adult, specifically  
25 including information regarding state programs established pursuant  
26 to 42 U.S.C. 677. In addition, the independence coordinator shall  
27 make efforts to meet with the young adult in person to explain

1 the information in the written termination notice and to assist  
2 the young adult in reestablishing eligibility if the young adult  
3 wishes to continue participating in the program. The young adult  
4 may appeal the termination of the voluntary services and support  
5 agreement and any other actions or inactions by the department  
6 administratively, and such appeal shall be in accordance with as  
7 allowed under the Administrative Procedure Act.

8 (3) If the young adult remains in the bridge to  
9 independence program until attaining twenty-one years of age,  
10 the department shall provide the young adult with a clear and  
11 developmentally appropriate written notice informing the young  
12 adult of the termination of the voluntary services and support  
13 agreement and information about and contact information for  
14 community resources that may benefit the young adult, specifically  
15 including information regarding state programs established pursuant  
16 to 42 U.S.C. 677.

17 Sec. 37. Section 43-4508, Revised Statutes Supplement,  
18 2013, is amended to read:

19 43-4508 (1) Within forty-five days after the voluntary  
20 services and support agreement is signed, the department shall file  
21 a petition with the juvenile court a written report or petition  
22 describing the young adult's current situation, including the young  
23 adult's name, date of birth, and current address and the reasons  
24 why it is in the young adult's best interests to receive extended  
25 services and support. participate in the bridge to independence  
26 program. The department shall also provide the juvenile court with  
27 a copy of the signed voluntary services and support agreement, a

1 copy of the case plan, and any other information the department or  
2 the young adult wants the court to consider.

3 (2) To ensure continuity of care and eligibility, the  
4 voluntary services and support agreement should be signed prior  
5 to and filed with the court at the last court hearing before  
6 the young adult is discharged from foster care for all young  
7 adults who choose to participate in the ~~extended services~~ bridge to  
8 independence program at that time.

9 (3) The court has the jurisdiction to review the  
10 voluntary services and support agreement signed by the department  
11 and the young adult under section 43-4506 and to conduct permanency  
12 reviews as described in this section. Upon the filing of a ~~report~~  
13 ~~or~~ petition under subsection (1) of this section, the court shall  
14 open an ~~extended services and support~~ a bridge to independence  
15 program file for the young adult for the purpose of determining  
16 whether continuing in ~~extended services and support~~ such program  
17 is in the young adult's best interests and for the purpose of  
18 conducting permanency reviews, as described in subsection (5) of  
19 ~~this section.~~

20 (4) The court shall make the best interests determination  
21 as described in subsection (3) of this section not later than one  
22 hundred eighty days after the young adult and the department enter  
23 into the voluntary services and support agreement.

24 (5) The court shall conduct a hearing for permanency  
25 review consistent with 42 U.S.C. 675(5)(C) as described in  
26 subsection (6) of this section regarding the voluntary services  
27 and support agreement at least once per year and may conduct such

1 hearing at additional times, but not more times than is reasonably  
2 practicable, at the request of the young adult, the department, or  
3 any other party to the proceeding. The juvenile court may request  
4 the appointment of a hearing officer pursuant to section 24-230 to  
5 conduct permanency review hearings. The department is not required  
6 to have legal counsel present at such hearings. The juvenile court  
7 shall conduct the permanency reviews in an expedited manner and  
8 shall issue findings and orders, if any, as speedily as possible.

9           ~~(6)~~ (6) (a) The primary purpose of the permanency review  
10 is to ensure that the bridge to independence program is providing  
11 the young adult is getting with the needed services and support to  
12 help the young adult move toward permanency and self-sufficiency.  
13 This shall include the ~~procedural safeguards described in 42~~  
14 ~~U.S.C. 675(5)(C),~~ including that, in all permanency reviews or  
15 hearings regarding the transition of the young adult from foster  
16 care to independent living, the court shall consult, in an  
17 age-appropriate manner, with the young adult regarding the proposed  
18 permanency or transition plan for the young adult, ~~and any other~~  
19 ~~procedural safeguards that apply to children under nineteen years~~  
20 ~~of age under existing state law.~~ The young adult shall have a  
21 clear self-advocacy role in the permanency review in accordance  
22 with section 43-4510, and the hearing shall support the active  
23 engagement of the young adult in key decisions. Permanency reviews  
24 shall be conducted on the record and in an informal manner and,  
25 whenever possible, outside of the courtroom.

26           (b) The department shall prepare and present to the  
27 juvenile court a report, at the direction of the young adult,

1 addressing progress made in meeting the goals in the case plan,  
2 including the independent living transition proposal, and shall  
3 propose modifications as necessary to further those goals.

4 (c) The court shall determine whether the bridge to  
5 independence program is providing the appropriate services and  
6 support as provided in the voluntary services and support agreement  
7 to carry out the case plan. The court has the authority to  
8 determine whether the young adult is receiving the services and  
9 support he or she is entitled to receive under the Young Adult  
10 Bridge to Independence Act and the department's policies or state  
11 or federal law to help the young adult move toward permanency  
12 and self-sufficiency. If the court believes that the young adult  
13 requires additional services and support to achieve the goals  
14 documented in the case plan or under the Young Adult Bridge  
15 to Independence Act and the department's policies or state or  
16 federal law, the court may make appropriate findings or order the  
17 department to take action to ensure that the young adult receives  
18 the identified services and support.

19 Sec. 38. At least thirty days prior to each permanency  
20 review or case review, the independence coordinator shall meet with  
21 the young adult to notify the young adult of the date, time, and  
22 location of the review, to explain the purpose of the review, and  
23 to identify additional persons the young adult would like to attend  
24 the review and assist in making arrangements for their attendance.

25 Sec. 39. Section 43-4509, Revised Statutes Supplement,  
26 2013, is amended to read:

27 43-4509 (1)(a) The department shall prepare and present



1 to the juvenile court a report<sup>7</sup> at the direction of the young  
2 adult<sup>7</sup> addressing progress made in meeting the goals in the case  
3 plan<sup>7</sup> including the independent living transition proposal<sup>7</sup> and  
4 shall propose modifications as necessary to further those goals.

5 (b) The court shall determine whether the department  
6 is providing the appropriate services and support as provided in  
7 the voluntary services and support agreement to carry out the  
8 case plan. If the court believes that the young adult requires  
9 additional services and support to achieve the goals documented  
10 in the case plan or under the department's policies or state or  
11 federal law<sup>7</sup> the court may order the department to take action to  
12 ensure that the young adult receives the identified services and  
13 support.

14 (2) (1) The department and at least one person who is  
15 not responsible for case management, in collaboration with the  
16 young adult and additional persons identified by the young adult,  
17 shall conduct periodic case reviews consistent with 42 U.S.C.  
18 675(5)(B) not less than once every one hundred eighty days to  
19 evaluate progress made toward meeting the goals set forth in the  
20 case plan. The department is not required to have legal counsel  
21 present at such reviews. The department shall utilize a team  
22 approach in conducting such reviews and shall seek to facilitate  
23 the participation of the young adult. Reviews shall be conducted in  
24 an informal manner and, whenever possible, scheduled at times that  
25 allow for the attendance and participation of the young adult.

26 (2) At the end of each case review, the reviewer  
27 conducting the periodic case review shall notify the young adult

1 of his or her right to request a client-directed attorney and an  
2 additional permanency review and shall provide the young adult with  
3 a clear and developmentally appropriate written notice regarding  
4 the young adult's right to request a client-directed attorney, the  
5 benefits and role of such attorney, the specific steps to take  
6 to request that an attorney be appointed, the young adult's right  
7 to request an additional permanency review hearing, the potential  
8 benefits and purpose of such a hearing, and the specific steps to  
9 take to request an additional permanency review hearing.

10           Sec. 40. Section 43-4510, Revised Statutes Supplement,  
11 2013, is amended to read:

12           43-4510 (1) If desired by the young adult, the young  
13 adult shall be provided a court-appointed attorney who has received  
14 training appropriate to the role. The attorney's representation  
15 of the young adult shall be client-directed. The attorney shall  
16 protect the young adult's legal rights and vigorously advocate  
17 for the young adult's wishes and goals, including assisting the  
18 young adult as necessary to ensure that the bridge to independence  
19 program is providing the young adult receives with the services  
20 and support required under the Young Adult ~~Voluntary Services and~~  
21 ~~Support~~ Bridge to Independence Act. For young adults who were  
22 appointed a guardian ad litem before the young adult attained  
23 nineteen years of age, the guardian ad litem's appointment may  
24 be continued, with consent from the young adult, but under a  
25 client-directed model of representation. Before entering into a  
26 voluntary services and support agreement and at least sixty days  
27 prior to each permanency and case review, the ~~support worker~~

1 independence coordinator shall notify the young adult of his or  
2 her right to request a client-directed attorney if the young adult  
3 would like an attorney to be appointed and shall provide the young  
4 adult with a clear and developmentally appropriate written notice  
5 regarding the young adult's right to request a client-directed  
6 attorney, the benefits and role of such attorney, and the specific  
7 steps to take to request that an attorney be appointed if the young  
8 adult would like an attorney appointed.

9 (2) The court has discretion to appoint a court appointed  
10 special advocate volunteer or continue the appointment of a  
11 previously appointed court appointed special advocate volunteer  
12 with the consent of the young adult.

13 Sec. 41. Section 43-4511, Revised Statutes Supplement,  
14 2013, is amended to read:

15 43-4511 (1) The department shall provide extended  
16 guardianship assistance for a young adult who is at least nineteen  
17 years of age but less than twenty-one years of age if the young  
18 adult began receiving kinship guardianship assistance pursuant  
19 to 42 U.S.C. 673 at sixteen years of age or older or the young  
20 adult received state-funded guardianship assistance in a licensed  
21 relative placement at sixteen years of age or older and the  
22 young adult meets at least one of the following conditions for  
23 eligibility:

24 ~~(1)~~ (a) The young adult is completing secondary education  
25 or an educational program leading to an equivalent credential;

26 ~~(2)~~ (b) The young adult is enrolled in an institution  
27 that provides postsecondary or vocational education;

1           ~~(3)~~ (c) The young adult is employed for at least eighty  
2 hours per month;

3           ~~(4)~~ (d) The young adult is participating in a program  
4 or activity designed to promote employment or remove barriers to  
5 employment; or

6           ~~(5)~~ (e) The young adult is incapable of doing any part of  
7 the activities in subdivisions ~~(1) through (4)~~ (1) (a) through (d)  
8 of this section due to a medical condition, which incapacity must  
9 be supported by regularly updated information in the case plan of  
10 the young adult.

11           (2) The guardian shall ensure that any guardianship  
12 assistance funds provided by the department and received by the  
13 guardian shall be used for the benefit of the young adult.  
14 The department shall adopt and promulgate rules and regulations  
15 defining services and supports encompassed by such benefit.

16           Sec. 42. Section 43-4512, Revised Statutes Supplement,  
17 2013, is amended to read:

18           43-4512 (1) The department shall provide extended  
19 adoption assistance for a young adult who is at least nineteen  
20 years of age but less than twenty-one years of age if the young  
21 adult began receiving adoption assistance at sixteen years of age  
22 or older and meets at least one of the following conditions of  
23 eligibility:

24           ~~(1)~~ (a) The young adult is completing secondary education  
25 or an educational program leading to an equivalent credential;

26           ~~(2)~~ (b) The young adult is enrolled in an institution  
27 that provides postsecondary or vocational education;

1           ~~(3)~~ (c) The young adult is employed for at least eighty  
2 hours per month;

3           ~~(4)~~ (d) The young adult is participating in a program  
4 or activity designed to promote employment or remove barriers to  
5 employment; or

6           ~~(5)~~ (e) The young adult is incapable of doing any part of  
7 the activities in subdivisions ~~(1) through (4)~~ (1)(a) through (d)  
8 of this section due to a medical condition, which incapacity must  
9 be supported by regularly updated information in the case plan of  
10 the young adult.

11           (2) The adoptive parent or parents shall ensure that any  
12 adoption assistance funds provided by the department and received  
13 by the adoptive parent shall be used for the benefit of the  
14 young adult. The department shall adopt and promulgate rules and  
15 regulations defining services and supports encompassed by such  
16 benefit.

17           Sec. 43. Section 43-4513, Revised Statutes Supplement,  
18 2013, is amended to read:

19           43-4513 (1) On or before July 1, 2013, the Nebraska  
20 Children's Commission shall appoint a ~~Young Adult Voluntary~~  
21 ~~Services and Support~~ Bridge to Independence Advisory Committee  
22 to make recommendations to the department and the Nebraska  
23 Children's Commission for a statewide implementation plan meeting  
24 the ~~extended services~~ bridge to independence program requirements  
25 of the ~~Young Adult Voluntary Services and Support~~ Bridge to  
26 Independence Act. The committee shall provide a written report  
27 regarding the initial implementation of the program to the

1 Nebraska Children's Commission, the Health and Human Services  
2 Committee of the Legislature, the department, and the Governor  
3 by October 1, 2013. The report shall also specifically address  
4 recommendations for maximizing and making efficient use of funding  
5 for a state-extended guardianship assistance program described  
6 in section 43-4514. The report to the Health and Human Services  
7 Committee of the Legislature shall be submitted electronically. The  
8 ~~Young Adult Voluntary Services and Support~~ Bridge to Independence  
9 Advisory Committee shall meet on a biannual basis thereafter  
10 to advise the department and the Nebraska Children's Commission  
11 regarding ongoing implementation of the ~~extended services~~ bridge to  
12 independence program and shall provide a written report regarding  
13 ongoing implementation, including ~~extended services~~ bridge to  
14 independence program participation and early discharge rates and  
15 reasons obtained from the department, to the Nebraska Children's  
16 Commission, the Health and Human Services Committee of the  
17 Legislature, the department, and the Governor by December 15th  
18 of each year. By December 15, 2015, the committee shall develop  
19 specific recommendations for expanding to or improving outcomes for  
20 similar groups of at-risk young adults and for the adaptation or  
21 continuation of assistance under the state-extended guardianship  
22 assistance program described in section 43-4514. The report to the  
23 Health and Human Services Committee of the Legislature shall be  
24 submitted electronically.

25 (2) The members of the ~~Young Adult Voluntary Services and~~  
26 ~~Support~~ Bridge to Independence Advisory Committee shall include,  
27 but not be limited to, (a) representatives from all three branches

1 of government, and the representatives from the legislative and  
2 judicial branches of government shall be nonvoting, ex officio  
3 members, (b) no less than three young adults currently or  
4 previously in foster care, which may be filled on a rotating  
5 basis by members of Project Everlast or a similar youth support  
6 or advocacy group, (c) one or more representatives from a child  
7 welfare advocacy organization, (d) one or more representatives from  
8 a child welfare service agency, and (e) one or more representatives  
9 from an agency providing independent living services.

10 (3) Members of the committee shall be appointed for terms  
11 of two years. The Nebraska Children's Commission shall appoint  
12 the chairperson of the committee and may fill vacancies on the  
13 committee as they occur.

14 Sec. 44. Section 43-4514, Revised Statutes Supplement,  
15 2013, is amended to read:

16 43-4514 (1) The department shall submit a state plan  
17 amendment by October 15, 2013, to seek federal Title IV-E  
18 funding under 42 U.S.C. 672 and 42 U.S.C. 673 for the ~~extended~~  
19 ~~services~~ bridge to independence program pursuant to the Young Adult  
20 ~~Voluntary Services and Support~~ Bridge to Independence Act.

21 (2) The ~~extended services~~ bridge to independence program  
22 or the state-extended guardianship assistance program under either  
23 subsection (3) or (4) of this section shall not begin prior to  
24 January 1, 2014.

25 (3) If the state plan amendment is approved:

26 (a) The department shall implement the ~~extended services~~  
27 bridge to independence program in accordance with the federal

1 Fostering Connections to Success and Increasing Adoptions Act of  
2 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B) and in accordance  
3 with requirements necessary to obtain federal Title IV-E funding  
4 under 42 U.S.C. 672 and 42 U.S.C. 673. If the department does not  
5 contract with a private agency to implement the ~~extended services~~  
6 bridge to independence program, the ~~extended services~~ bridge to  
7 independence program shall take effect within sixty days after  
8 the department receives the notice of approval of the state plan  
9 amendment. If the department contracts with a private agency to  
10 implement the ~~extended services~~ bridge to independence program, the  
11 ~~extended services~~ bridge to independence program shall take effect  
12 within ninety days after the department receives the notice of  
13 approval of the state plan amendment; and

14 (b) The department shall implement a state-extended  
15 guardianship assistance program. The state-extended guardianship  
16 assistance program shall not be construed to create an entitlement.  
17 Under the state-extended guardianship assistance program, a young  
18 adult (i) for whom the state has entered into a guardianship  
19 assistance agreement at sixteen years of age or older that is  
20 not with a licensed relative and (ii) who meets at least one  
21 of the conditions of eligibility under subdivisions ~~(1) through~~  
22 ~~(5)~~ (1)(a) through (e) of section 43-4511, the department shall  
23 continue making guardianship assistance payments on behalf of  
24 such young adult until he or she attains twenty-one years of  
25 age to the extent possible within funds appropriated for the  
26 state-extended guardianship assistance program. It is the intent  
27 of the Legislature to appropriate four hundred thousand dollars



1 for fiscal years 2013-14 and 2014-15 for the state-extended  
2 guardianship assistance program.

3 (4) If the state plan amendment is denied, the department  
4 shall implement the ~~extended services~~ bridge to independence  
5 program as a state-only pilot program within sixty days after  
6 the department receives the notice of denial. If implemented as  
7 a state-only pilot program, it is the intent of the Legislature  
8 to appropriate two million dollars for fiscal years 2013-14 and  
9 2014-15 for such state-only pilot program. The department shall  
10 administer the state-only pilot program to serve as many eligible  
11 young adults as possible within the funds appropriated. If a  
12 state-only pilot program is established, the ~~Young Adult Voluntary~~  
13 ~~Services and Support~~ Bridge to Independence Advisory Committee  
14 shall make recommendations to the department and the Nebraska  
15 Children's Commission regarding eligibility criteria and private or  
16 alternative funding options within thirty days after the department  
17 receives the notice of denial.

18 (5) Prior to January 1, 2014, the department shall adopt  
19 and promulgate rules and regulations to carry out the Young Adult  
20 ~~Voluntary Services and Support~~ Bridge to Independence Act.

21 (6) All references to the United States Code in the Young  
22 ~~Adult Voluntary Services and Support~~ Bridge to Independence Act  
23 refer to sections of the code as such sections existed on January  
24 1, 2013.

25 Sec. 45. Section 71-6039.01, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 71-6039.01 No person shall act as a paid dining assistant

1 in a nursing home unless such person:

2 (1) Is at least sixteen years of age;

3 (2) Is able to speak and understand the English language  
4 or a language understood by the nursing home resident being fed by  
5 such person;

6 (3) Has successfully completed at least eight hours  
7 of training as prescribed by the department for paid dining  
8 assistants;

9 (4) Has no adverse findings on the Nurse Aide Registry or  
10 the Adult Protective Services Central Registry; and

11 (5) Has no adverse findings on the central ~~register~~  
12 registry created in section 28-718 if the nursing home which  
13 employs such person as a paid dining assistant has at any one time  
14 more than one resident under the age of nineteen years.

15 Sec. 46. Section 71-6039.05, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 71-6039.05 Each nursing home shall maintain (1) a record  
18 of all paid dining assistants employed by such facility, (2)  
19 verification of successful completion of a training course for each  
20 paid dining assistant, and (3) verification that the facility has  
21 made checks with the Nurse Aide Registry, the Adult Protective  
22 Services Central Registry, and the central ~~register~~ registry  
23 created in section 28-718, if applicable under section 71-6039.01,  
24 with respect to each paid dining assistant.

25 Sec. 47. Section 71-6502, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 71-6502 An in-home personal services worker:

1           (1) Shall be at least eighteen years of age;

2           (2) Shall have good moral character;

3           (3) Shall not have been convicted of a crime under the  
4 laws of Nebraska or another jurisdiction, the penalty for which is  
5 imprisonment for a period of more than one year and which crime is  
6 rationally related to the person's fitness or capacity to act as an  
7 in-home personal services worker;

8           (4) Shall have no adverse findings on the Adult  
9 Protective Services Central Registry, the central ~~register~~ registry  
10 created in section 28-718, the Medication Aide Registry, the Nurse  
11 Aide Registry, or the central registry maintained by the sex  
12 offender registration and community notification division of the  
13 Nebraska State Patrol pursuant to section 29-4004;

14           (5) Shall be able to speak and understand the English  
15 language or the language of the person for whom he or she is  
16 providing in-home personal services; and

17           (6) Shall have training sufficient to provide the  
18 requisite level of in-home personal services offered.

19           Sec. 48. Section 81-3136, Revised Statutes Supplement,  
20 2013, is amended to read:

21           81-3136 (1) It is the intent of the Legislature that the  
22 alternative response to reports of child abuse or neglect model  
23 developed pursuant to subsection (2) of this section be implemented  
24 in designated sites under the Child Protection and Family Safety  
25 Act no earlier than July 2014.

26           (2) The Department of Health and Human Services shall  
27 convene interested stakeholders and families to develop a model for

1 alternative response to reports of child abuse or neglect under the  
2 ~~Child Protection Act~~ act. The model shall include:

3 (a) Methodology for determining the location of sites for  
4 initial implementation of alternative response;

5 (b) An estimate of the percentage of reports of child  
6 abuse or neglect eligible for alternative response;

7 (c) Eligibility criteria for alternative response;

8 (d) The process to determine eligibility for alternative  
9 response;

10 (e) The assessment protocol and tools to be used for  
11 alternative response;

12 (f) The role of child abuse and neglect investigative  
13 teams and child abuse and neglect treatment teams in implementation  
14 sites;

15 (g) How, with whom, and what alternative response data  
16 will be shared;

17 (h) The criteria and process for transition of families  
18 from an alternative response to a traditional investigation;

19 (i) The criteria and process for families who refuse an  
20 alternative response;

21 (j) The plan to address the continuum of services needed  
22 for families receiving an alternative response;

23 (k) An overview of critical training elements for both  
24 staff who implement and stakeholders involved with alternative  
25 response implementation;

26 (l) A description of the evaluation component;

27 (m) The relationship of alternative response to Title

1 IV-E waiver applications of the Department of Health and Human  
2 Services under the federal Social Security Act;

3 (n) A plan to communicate and update interested  
4 stakeholders and families with regard to the alternative response  
5 planning process;

6 (o) The identification of statutory and policy changes  
7 necessary to implement the alternative response model, including  
8 a procedure that provides that reports of child abuse and neglect  
9 which receive an alternative response shall not receive a formal  
10 determination and the subject of the report shall not be entered  
11 into the central ~~register~~ registry of child protection cases  
12 maintained pursuant to section 28-718;

13 (p) A budget for implementing and sustaining an  
14 alternative response model;

15 (q) The mechanisms of oversight and accountability in the  
16 alternative response model; and

17 (r) A determination of how alternative response service  
18 providers will be selected.

19 (3) The Department of Health and Human Services shall  
20 provide the model developed under subsection (2) of this section  
21 in a report to the Nebraska Children's Commission by November  
22 1, 2013, for the commission's review. The Nebraska Children's  
23 Commission shall electronically submit the report and review to the  
24 Legislature by December 15, 2013.

25 Sec. 49. Original sections 28-713, 28-719, 28-720.01,  
26 28-721, 28-722, 28-723, 28-724, 28-725, 43-146.17, 43-284.02,  
27 43-2932, 43-3709, 71-6039.01, 71-6039.05, and 71-6502, Reissue

1 Revised Statutes of Nebraska, sections 28-713.01, 28-718, 28-720,  
2 28-728, and 43-107, Revised Statutes Cumulative Supplement,  
3 2012, and sections 28-710, 28-726, 28-801, 43-247, 43-285,  
4 43-905, 43-1311.03, 43-4318, 43-4331, 43-4501, 43-4502, 43-4503,  
5 43-4504, 43-4505, 43-4506, 43-4507, 43-4508, 43-4509, 43-4510,  
6 43-4511, 43-4512, 43-4513, 43-4514, and 81-3136, Revised Statutes  
7 Supplement, 2013, are repealed.

8           2. On page 1, strike beginning with "juveniles" in line 1  
9 through line 8 and insert "children and families; to amend sections  
10 28-713, 28-719, 28-720.01, 28-721, 28-722, 28-723, 28-724, 28-725,  
11 43-146.17, 43-284.02, 43-2932, 43-3709, 71-6039.01, 71-6039.05, and  
12 71-6502, Reissue Revised Statutes of Nebraska, sections 28-713.01,  
13 28-718, 28-720, 28-728, and 43-107, Revised Statutes Cumulative  
14 Supplement, 2012, and sections 28-710, 28-726, 28-801, 43-247,  
15 43-285, 43-905, 43-1311.03, 43-4318, 43-4331, 43-4501, 43-4502,  
16 43-4503, 43-4504, 43-4505, 43-4506, 43-4507, 43-4508, 43-4509,  
17 43-4510, 43-4511, 43-4512, 43-4513, 43-4514, and 81-3136, Revised  
18 Statutes Supplement, 2013; to rename the Child Protection Act;  
19 to provide for alternative response to a report of child abuse  
20 or neglect; to define terms; to state intent; to provide for  
21 demonstration projects and expansion; to provide duties for the  
22 Department of Health and Human Services and the Inspector General;  
23 to change terminology regarding the central register of child abuse  
24 and neglect; to eliminate obsolete provisions; to change and rename  
25 the Young Adult Voluntary Services and Support Act; to rename an  
26 advisory committee; to harmonize provisions; and to repeal the  
27 original sections."