

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB961

Hearing Date: Thursday January 26, 2012
Committee On: Health and Human Services
Introducer: Health and Human Services
One Liner: Change provisions relating to case management of child welfare services

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

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

Proponents:

Senator Kathy Campbell
Lorrie Palmer
Amber Ferguson
David Hernandez
Mary Boschult
Carol Crumpacker
Sharina Snyder
Lisa Koperski
Romney Reutzel Olson
George Nichols
Betty Nisly
Alicia Henderson
Jenae VanEvery
Candace McPheron
Mary Jennings
Deb Strudl
Melanie Williams-Smotherman
Terry Werner

Gail Steen
Rebekah Hoyt
Sarah Helvey
Sarah Steele
Terry Cossel
Karen Cossel

Representing:

Health and Human Services Committee
Self
Blue Valley Behavioral Health
Self
Self
Child Guidance Center
Self
Self
Self
Self
Lancaster County Attorney's Office
Self
Self
Self
NAPE/AFSCME Local 61
Family Advocacy Movement
National Association of Social Workers, Nebraska
Chapter
Self
Self
Nebraska Appleseed
Self
Self
Self

Opponents:

Lisa Lechowicz
Brandi Conner
John S. McCollister

Representing:

Self
Self
Platte Institute for Economic Research

Scot Adams	DHHS, Division of Children and Family Services
Leslie Byers	Self
Misty Murphy	Self
Father Steven Boes	Boys Town
Sandra Gasca-Gonzalez	KVC Behavioral HealthCare Nebraska Inc.
David Newell	Nebraska Families Collaborative
Patricia Blakely	Healthy Families Project
Richard Mazikani	KVC
Carmen Camille Theulen	KVC
Peg Harriott	Child Saving Institute
James Majorek	Self
Angi Heller	Self
Mark Bertels	Self
Maggie Ballard	Self
Melissa Pinkman	Self
Jason Danner	Self
Trevor Baer	Self
Linda Gamble	Self
Sarah Wittmann	Self
Erin Wilcox	Self
Tim Gay	KVC Behavioral HealthCare
Kady Griffith	KVC Behavioral HealthCare

Neutral:

Georgie Scurfield
 Carolyn Rooker
 Judy Domina
 C. Jo Petersen

Representing:

Sarpy County CASA Program
 Voices for Children
 Self
 Nebraska County Attorneys Association

Summary of purpose and/or changes:

The Legislature finds and declares:

- The State of Nebraska has the legal responsibility for children in its custody and should maintain the decision making authority by direct case management of child welfare services;
- Training and longevity of child welfare service case managers and caseworkers directly impact the safety, permanency, and well-being of children receiving child welfare services;
- Meaningful reform of the system can occur only when competent, skilled case managers and caseworkers educated in evidence-based, child welfare best practice are providing care of, and services to, children and families; and high-quality evidence to the courts relating to the best interests of the children;
- Maintaining quality, well-trained, and experienced case managers is essential and a core component to child welfare reform strategic planning and implementation;
- Privatization of case management has resulted in dependence on private entities for the provision of an essential specialized service that is extremely difficult to replace;
- The risk of a private entity abandoning the contract, either voluntarily or involuntarily, creates a very high risk to the entire system of child welfare services;
- Privatization of case management of child welfare services, with service coordination and service delivery by private entities, may create conflicts of interest based on financial incentives;
- Privatization often results in loss of services across the spectrum of child welfare by reducing market competition and driving many providers out of the market;
- Case management of child welfare services relating to caseloads, placement, turnover, communication, and stability affect outcomes and permanency for children and families;
- Private lead agency contracts require complex monitoring to insure compliance and oversight of performance; and

- Increased resources are expended on administration and oversight rather than services to children and families.

On and after the September 1, 2012:

- The department shall directly provide case management to children.
- Direct case management of children includes wards of the state, non-court and voluntary cases.
- The case manager shall be responsible and directly oversee:
 - o Case planning;
 - o Service authorization;
 - o Investigation of compliance;
 - o Monitoring and evaluation of the care and services provided to children and families; and
 - o Decision making as required in current statutes- visitation, care, placement, medical services, psychiatric services, training and expenditures on behalf of juveniles;
 - o Direct preparation of the proposed plan filed with the court for the care, placement, services and permanency of the juveniles as required by current statutes.

On and after the effective date of this act:

- The average caseload of each caseworker will be reduced by ten percent each year until caseworkers' caseloads are within the standards established by CWLA.
- To insure appropriate oversight of non-court and voluntary cases when services are provided as a result of a child safety assessment, the department shall develop a case plan than specifies the services to be provided to the child and family by the department, and the actions required by the family.
- Service areas in the central, western and northern service areas will be redesigned so a judicial district is not included in more than one service area;
- Lead agencies will not be reinstated in the central, western and northern service areas; and
- The department shall not extend past July1, 2013 the contracts with lead agencies in existence on the effective date of this act in the eastern or southeastern services areas.
- Since an emergency exists, this act takes effect when passed and approved according to law.

Explanation of amendments:

The Committee Amendment

- Changes the reduction of the average caseload of each caseworker from ten percent to twenty-five percent each year beginning September 1, 2012, and each September 1st there after, until caseworkers' caseloads are within the standards established by Child Welfare League of America.
- Beginning September 15, 2012, the department shall include in it's annual caseload report the status of the requirements of this act and include any changes in the standards of the Child Welfare League of America.
- Defines caseload:
 - o If the children are in the home, all children are one case;
 - o If a child is placed out of the home the child is one case;
 - o If children in a family are placed both out and in the home, the children in the home are one case, each child out of the home is one case;
 - o Any child receiving services from the department or a private entity under contract shall count as cases whether or not the children are state wards;
 - o A child is considered in home if placed with biological or adoptive parents or legal guardians;
 - o A child is considered out of the home if placed in foster care, group home care, or any other setting which is not the child's planned permanent home.
- The department shall not extend past July 1, 2014, the contracts with lead agencies in existence on the effective date of this act in the eastern or southeastern service areas.

Kathy Campbell, Chairperson