

E AND R AMENDMENTS TO LB 530

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. (1) The Legislature (a) finds that it was the
4 intent of sections 43-4208 to 43-4213 to provide bridge funding
5 to bring Nebraska's foster care reimbursement rates in line with
6 foster care reimbursement rates in the rest of the country and (b)
7 recognizes the importance of a stable payment to foster parents to
8 ensure that families are able to budget for needs while caring for
9 foster children.

10 (2) It is the intent of the Legislature:

11 (a) To ensure that fair rates continue into the future
12 to stem attrition of foster parents and to recruit, support, and
13 maintain high-quality foster parents;

14 (b) That foster care reimbursement rates accurately
15 reflect the cost of raising the child in the care of the state;

16 (c) To ensure that contracted foster care service
17 provider agencies do not pay increased rates out of budgets
18 determined in contracts with the department prior to any change in
19 rates;

20 (d) To maintain comparable foster care reimbursement
21 rates to ensure retention and recruitment of quality foster parents
22 and to ensure that foster children's best interests are served; and

23 (e) To appropriate funds to permanently replace the

1 bridge funding described in subsection (1) of this section and
2 provide the necessary additional funds to bring foster care
3 reimbursement rates in compliance with the recommendations of
4 the research and study completed by the Foster Care Reimbursement
5 Rate Committee as required pursuant to section 43-4212 as such
6 section existed before the effective date of this act.

7 Sec. 2. (1) On or before July 1, 2014, the Division of
8 Children and Family Services of the Department of Health and Human
9 Services shall implement the reimbursement rate recommendations of
10 the Foster Care Reimbursement Rate Committee as reported to the
11 Legislature pursuant to section 43-4212 as such section existed
12 before the effective date of this act.

13 (2)(a) On or before July 1, 2013, the Division of
14 Children and Family Services of the Department of Health and
15 Human Services shall develop a pilot project as provided in this
16 subsection to implement the standardized level of care assessment
17 tools recommended by the Foster Care Reimbursement Rate Committee
18 as reported to the Legislature pursuant to section 43-4212 as such
19 section existed before the effective date of this act.

20 (b)(i) The pilot project shall comprise two groups: One
21 in an urban area and one in a rural area. The size of each group
22 shall be determined by the division to ensure an accurate estimate
23 of the effectiveness and cost of implementing such tools statewide.

24 (ii) The Nebraska Children's Commission shall review and
25 provide a progress report on the pilot project by October 1,
26 2013, to the department and electronically to the Health and
27 Human Services Committee of the Legislature; shall provide to the

1 department and electronically to the committee by December 1, 2013,
2 a report including recommendations and any legislation necessary,
3 including appropriations, to adopt the recommendations, regarding
4 the adaptation or continuation of the implementation of a statewide
5 standardized level of care assessment; and shall provide to the
6 department and electronically to the committee by February 1, 2014,
7 a final report and final recommendations of the commission.

8 Sec. 3. (1) On or before January 1, 2016, the Nebraska
9 Children's Commission shall appoint a Foster Care Reimbursement
10 Rate Committee to make recommendations to the Health and Human
11 Services Committee of the Legislature for a standard statewide
12 foster care reimbursement rate structure for children in foster
13 care in Nebraska. Such structure shall include a statewide
14 standardized level of care assessment and shall tie performance
15 with payments to achieve permanency outcomes for children and
16 families. The commission shall reconvene the committee every four
17 years thereafter for the same purpose.

18 (2) The members of the Foster Care Reimbursement Rate
19 Committee shall consist of no fewer than nine members, including:

20 (a) The following voting members: (i) Representatives
21 from a child welfare agency that contracts directly with foster
22 parents, from each of the service areas designated pursuant
23 to section 81-3116; (ii) a representative from an advocacy
24 organization which deals with legal and policy issues that
25 include child welfare; (iii) a representative from an advocacy
26 organization, the singular focus of which is issues impacting
27 children; (iv) a representative from a foster and adoptive parent

1 association; (v) a representative from a lead agency; (vi) a
2 representative from a child advocacy organization that supports
3 young adults who were in foster care as children; (vii) a foster
4 parent who contracts directly with the Department of Health and
5 Human Services; and (viii) a foster parent who contracts with a
6 child welfare agency; and

7 (b) The following nonvoting, ex officio members: (i) The
8 chief executive officer of the Department of Health and Human
9 Services or his or her designee and (ii) representatives from the
10 Division of Children and Family Services of the department from
11 each service area designated pursuant to section 81-3116, including
12 at least one division employee with a thorough understanding of
13 the current foster care payment system and at least one division
14 employee with a thorough understanding of the N-FOCUS electronic
15 data collection system. The nonvoting, ex officio members of
16 the committee may attend committee meetings and participate in
17 discussions of the committee and shall provide information to the
18 committee on the policies, programs, and processes of each of
19 their respective bodies and gather and provide information to the
20 commission. The nonvoting, ex officio members shall not vote on
21 decisions or recommendations by the committee.

22 (3) Members of the committee shall serve for terms of
23 four years and until their successors are appointed and qualified.
24 The Nebraska Children's Commission shall appoint the chairperson
25 of the committee and may fill vacancies on the committee as they
26 occur.

27 Sec. 4. (1) The Foster Care Reimbursement Rate Committee

1 shall review and make recommendations in the following areas:
2 Foster care reimbursement rates, the statewide standardized level
3 of care assessment, and adoption assistance payments as required
4 by section 43-117. In making recommendations to the Legislature,
5 the committee shall use the then-current foster care reimbursement
6 rates as the beginning standard for setting reimbursement rates.
7 The committee shall adjust the standard to reflect the reasonable
8 cost of achieving measurable outcomes for all children in foster
9 care in Nebraska. The committee shall (a) analyze current consumer
10 expenditure data reflecting the costs of caring for a child in
11 Nebraska, (b) identify and account for additional costs specific to
12 children in foster care, and (c) apply a geographic cost-of-living
13 adjustment for Nebraska. The reimbursement rate structure shall
14 comply with funding requirements related to Title IV-E of the
15 federal Social Security Act, as amended, and other federal programs
16 as appropriate to maximize the utilization of federal funds to
17 support foster care.

18 (2) The committee shall review the role and effectiveness
19 of and make recommendations on the statewide standardized level
20 of care assessment containing standardized criteria to determine
21 a foster child's placement needs and to identify the appropriate
22 foster care reimbursement rate. The committee shall review
23 other states' assessment models and foster care reimbursement
24 rate structures in completing the statewide standardized level
25 of care assessment review and the standard statewide foster
26 care reimbursement rate structure. The committee shall ensure
27 the statewide standardized level of care assessment and the

1 standard statewide foster care reimbursement rate structure
2 provide incentives to tie performance in achieving the goals
3 of safety, maintaining family connection, permanency, stability,
4 and well-being to reimbursements received. The committee shall
5 review and make recommendations on assistance payments to adoptive
6 parents as required by section 43-117. The committee shall make
7 recommendations to ensure that changes in foster care reimbursement
8 rates do not become a disincentive to permanency.

9 (3) The committee may organize subcommittees as it
10 deems necessary. Members of the subcommittees may be members
11 of the committee or may be appointed, with the approval of the
12 majority of the committee, from individuals with knowledge of the
13 subcommittee's subject matter, professional expertise to assist the
14 subcommittee in completing its assigned responsibilities, and the
15 ability to collaborate within the subcommittee.

16 (4) The Foster Care Reimbursement Rate Committee shall
17 provide written reports with its recommendation to the Health and
18 Human Services Committee of the Legislature on July 1, 2016, and
19 every four years thereafter.

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

22 43-4202 (1) The Nebraska Children's Commission is created
23 as a high-level leadership body to (a) create a statewide strategic
24 plan for reform of the child welfare system programs and services
25 in the State of Nebraska and (b) review the operations of the
26 Department of Health and Human Services regarding child welfare
27 programs and services and recommend, as a part of the statewide

1 strategic plan, options for attaining the legislative intent stated
2 in section 43-4201, either by the establishment of a new division
3 within the department or the establishment of a new state agency
4 to provide all child welfare programs and services which are
5 the responsibility of the state. The commission shall provide a
6 permanent forum for collaboration among state, local, community,
7 public, and private stakeholders in child welfare programs and
8 services.

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

11 (a) The chief executive officer of the Department of
12 Health and Human Services or his or her designee;

13 (b) The Director of Children and Family Services or his
14 or her designee; and

15 (c) Sixteen members appointed by the Governor within
16 thirty days after April 12, 2012. The members appointed pursuant
17 to this subdivision shall represent stakeholders in the child
18 welfare system and shall include: (i) A director of a child
19 advocacy center; (ii) an administrator of a behavioral health
20 region established pursuant to section 71-807; (iii) a community
21 representative from each of the service areas designated pursuant
22 to section 81-3116. In the eastern service area designated pursuant
23 to such section, the representative may be from a lead agency of a
24 pilot project established under Legislative Bill 961, One Hundred
25 Second Legislature, Second Session, 2012, or a collaborative
26 member; (iv) a prosecuting attorney who practices in juvenile
27 court; (v) a guardian ad litem; (vi) a biological parent currently

1 or previously involved in the child welfare system; (vii) a foster
2 parent; (viii) a court-appointed special advocate volunteer; (ix)
3 a member of the State Foster Care Review Board or any entity that
4 succeeds to the powers and duties of the board or a member of a
5 local foster care review board; (x) a child welfare service agency
6 that directly provides a wide range of child welfare services and
7 is not a member of a lead agency collaborative; (xi) a young adult
8 previously in foster care; and (xii) a representative of a child
9 advocacy organization that deals with legal and policy issues that
10 include child welfare.

11 (3) The commission shall have the following nonvoting, ex
12 officio members: (a) The chairperson of the Health and Human
13 Services Committee of the Legislature or a committee member
14 designated by the chairperson; (b) the chairperson of the Judiciary
15 Committee of the Legislature or a committee member designated
16 by the chairperson; (c) the chairperson of the Appropriations
17 Committee of the Legislature or a committee member designated by
18 the chairperson; and (d) three persons appointed by the State
19 Court Administrator. The nonvoting, ex officio members may attend
20 commission meetings and participate in the discussions of the
21 commission, provide information to the commission on the policies,
22 programs, and processes of each of their respective bodies, gather
23 information for the commission, and provide information back to
24 their respective bodies from the commission. The nonvoting, ex
25 officio members shall not vote on decisions by the commission or
26 on the direction or development of the statewide strategic plan
27 pursuant to section 43-4204.

1 (4) The commission shall meet within sixty days after
2 April 12, 2012, and shall select from among its members a
3 chairperson and vice-chairperson and conduct any other business
4 necessary to the organization of the commission. The commission
5 shall meet not less often than once every three months, and
6 meetings of the commission may be held at any time on the call
7 of the chairperson. The commission shall be within the office
8 of the chief executive officer of the Department of Health and
9 Human Services. The commission may hire staff to carry out the
10 responsibilities of the commission. The commission shall hire a
11 consultant with experience in facilitating strategic planning to
12 provide neutral, independent assistance in developing the statewide
13 strategic plan. The commission shall terminate on June 30, 2014,
14 2016, unless continued by the Legislature.

15 (5) Members of the commission shall be reimbursed for
16 their actual and necessary expenses as members of such commission
17 as provided in sections 81-1174 to 81-1177.

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

20 43-4203 (1) The Nebraska Children's Commission shall work
21 with administrators from each of the service areas designated
22 pursuant to section 81-3116, the teams created pursuant to section
23 28-728, local foster care review boards, child advocacy centers,
24 the teams created pursuant to the Supreme Court's Through the Eyes
25 of the Child Initiative, community stakeholders, and advocates for
26 child welfare programs and services to establish networks in each
27 of such service areas. Such networks shall permit collaboration

1 to strengthen the continuum of services available to child welfare
2 agencies and to provide resources for children and juveniles
3 outside the child protection system. Each service area shall
4 develop its own unique strategies to be included in the statewide
5 strategic plan. The Department of Health and Human Services shall
6 assist in identifying the needs of each service area.

7 (2) (a) The commission shall create a committee to examine
8 state policy regarding the prescription of psychotropic drugs for
9 children who are wards of the state and the administration of such
10 drugs to such children. Such committee shall review the policy and
11 procedures for prescribing and administering such drugs and make
12 recommendations to the commission for changes in such policy and
13 procedures.

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

27 (c) The commission may organize committees as it

1 deems necessary. Members of the committees may be members of
2 the commission or may be appointed, with the approval of the
3 majority of the commission, from individuals with knowledge of
4 the committee's subject matter, professional expertise to assist
5 the committee in completing its assigned responsibilities, and the
6 ability to collaborate within the committee and with the commission
7 to carry out the powers and duties of the commission.

8 (d) ~~If the One Hundred Second Legislature, Second~~
9 ~~Session, 2012, creates the The Title IV-E Demonstration Project~~
10 ~~Committee ~~or~~ and the Foster Care Reimbursement Rate Committee,~~
11 ~~or both, such committees~~ shall be under the jurisdiction of the
12 commission.

13 (3) The commission shall work with the office of the
14 State Court Administrator, as appropriate, and entities which
15 coordinate facilitated conferencing as described in section
16 43-247.01. Facilitated conferencing shall be included in statewide
17 strategic plan discussions by the commission. Facilitated
18 conferencing shall continue to be utilized and maximized, as
19 determined by the court of jurisdiction, during the development
20 of the statewide strategic plan. Funding and contracting of
21 facilitated conferencing entities shall continue to be provided by
22 the Department of Health and Human Services to at least the same
23 extent as such funding and contracting are being provided on April
24 12, 2012.

25 (4) The commission shall gather information and
26 communicate with juvenile justice specialists of the Office of
27 Probation Administration and county officials with respect to any

1 county-operated practice model participating in the Crossover Youth
2 Program of the Center for Juvenile Justice Reform at Georgetown
3 University.

4 (5) If the Nebraska Juvenile Service Delivery Project
5 is enacted by the One Hundred Second Legislature, Second Session,
6 2012, the The commission shall coordinate and gather information
7 about the progress and outcomes of the ~~project.~~ Nebraska Juvenile
8 Service Delivery Project.

9 Sec. 7. Section 43-4213, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 43-4213 In recognition of Nebraska foster parents'
12 essential contribution to the safety and well being of Nebraska's
13 foster children and the need for additional compensation for the
14 services provided by Nebraska foster parents, ~~while the Foster Care~~
15 ~~Reimbursement Rate Committee completes its duties under section~~
16 ~~43-4212,~~ beginning July 1, 2012, through June 30, ~~2013,~~ 2014,
17 all foster parents providing foster care in Nebraska, including
18 traditional, agency-based, licensed, approved, relative placement,
19 and child-specific foster care, shall receive an additional stipend
20 of three dollars and ten cents per day per child. The stipend
21 shall be in addition to the current foster care reimbursement rates
22 for relatives and foster parents contracting with the Department
23 of Health and Human Services and in addition to the relative and
24 tiered rate paid to a contractor for agency-based foster parents.
25 The additional stipend shall be paid monthly through the agency
26 that is contracting with the foster parent or, in the case of a
27 foster parent contracting with the department, directly from the

1 department. The contracting agency shall receive an administrative
2 fee of twenty-five cents per child per day for processing the
3 payments for the benefit of the foster parents and the state,
4 which administrative fee shall be paid monthly by the state. The
5 administrative fee shall not reduce the stipend of three dollars
6 and ten cents provided by this section.

7 Sec. 8. Original sections 43-4202, 43-4203, and 43-4213,
8 Revised Statutes Cumulative Supplement, 2012, are repealed.

9 Sec. 9. The following section is outright repealed:
10 Section 43-4212, Revised Statutes Cumulative Supplement, 2012.

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

13 2. On page 1, line 6, after the second semicolon insert
14 "to create the Foster Care Reimbursement Rate Committee; to provide
15 powers and duties; to change provisions relating to stipends for
16 foster parents;"