

E AND R AMENDMENTS TO LB 269

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 43-285, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

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

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

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

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

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

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

1 required under section 43-1312.

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

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

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

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

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

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

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

15 (3) Whenever any child who has been committed to the
16 department becomes self-supporting, the department shall declare
17 that fact and the guardianship of the department shall cease.
18 Thereafter the child shall be entitled to his or her own earnings.
19 Guardianship of and services by the department shall never extend
20 beyond the age of majority, except that (a) services by the
21 department to a child shall continue until the child reaches the
22 age of twenty-one if the child is a student regularly attending
23 a school, college, or university or regularly attending a course
24 of vocational or technical training designed to prepare such child
25 for gainful employment and (b) beginning January 1, 2014, coverage
26 for health care and related services under medical assistance in
27 accordance with section 68-911 may be extended as provided under

1 the federal Patient Protection and Affordable Care Act, 42 U.S.C.
2 1396a(a)(10)(A)(i)(IX), as such act and section existed on January
3 1, 2013, for medicaid coverage for individuals under twenty-six
4 years of age as allowed pursuant to such act.

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

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

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

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

- 25 (a) Education;
- 26 (b) Employment services and other workforce support;
- 27 (c) Health and health care coverage, including the

1 child's potential eligibility for medicaid coverage under the
2 federal Patient Protection and Affordable Care Act, 42 U.S.C.
3 1396a(a)(10)(A)(i)(IX), as such act and section existed on January
4 1, 2013;

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

7 (e) Housing;

8 (f) Relationship development; and

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

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

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

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

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

27 (6) On or before the date the child reaches nineteen

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

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

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

1 system through intense coordinated case management and supervision,
2 and ~~(7)~~ (g) use evidence-based practices and responsive case
3 management to improve outcomes for adjudicated juveniles.

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

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

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

1 services.

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

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

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

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

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

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

9 (3) The ~~commission~~ Nebraska Children's Commission shall
10 have the following nonvoting, ex officio members: (a) The
11 chairperson of the Health and Human Services Committee of the
12 Legislature or a committee member designated by the chairperson;
13 (b) the chairperson of the Judiciary Committee of the Legislature
14 or a committee member designated by the chairperson; (c) the
15 chairperson of the Appropriations Committee of the Legislature or
16 a committee member designated by the chairperson; ~~and~~ (d) three
17 persons appointed by the State Court Administrator; (e) the chief
18 executive officer of the Department of Health and Human Services
19 or his or her designee; (f) the Director of Children and Family
20 Services of the Division of Children and Family Services of the
21 Department of Health and Human Services or his or her designee; and
22 (g) the Inspector General of Nebraska Child Welfare. The nonvoting,
23 ex officio members may attend commission meetings and participate
24 in the discussions of the commission, provide information to the
25 commission on the policies, programs, and processes of each of
26 their respective bodies, gather information for the commission,
27 and provide information back to their respective bodies from the

1 commission. The nonvoting, ex officio members shall not vote on
2 decisions by the commission or on the direction or development of
3 the statewide strategic plan pursuant to section 43-4204.

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

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

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

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

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

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

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

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

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

1 to carry out the powers and duties of the commission.

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

8 (3) The commission shall work with the office of the
9 State Court Administrator, as appropriate, and entities which
10 coordinate facilitated conferencing as described in section
11 43-247.01. Facilitated conferencing shall be included in statewide
12 strategic plan discussions by the commission. Facilitated
13 conferencing shall continue to be utilized and maximized, as
14 determined by the court of jurisdiction, during the development
15 of the statewide strategic plan. Funding and contracting of
16 facilitated conferencing entities shall continue to be provided by
17 the Department of Health and Human Services to at least the same
18 extent as such funding and contracting are being provided on April
19 12, 2012.

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

26 (5) The commission shall coordinate and gather
27 information about the progress and outcomes of the Nebraska

1 Juvenile Service Delivery Project established pursuant to section
2 43-4101.

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

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

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

1 and juveniles, and inform the State Court Administrator of the
2 committee's activities. The committee shall be convened by the
3 director within thirty days after April 12, 2012.

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

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

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

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

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

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

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

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

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

26 (d) Considering the options of developing a program to

27 (i) permit foster care maintenance payments to be made under Title

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

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

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

14 (b) That the department has implemented, or plans to
15 implement within three years after the date of submission of its
16 application under this section or within two years after the date
17 on which the United States Secretary of Health and Human Services
18 approves such application, whichever is later, at least two of the
19 child welfare program improvement policies described in 42 U.S.C.
20 1320a-9(a)(7), as such section existed on January 1, 2012.

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

26 (5) On or before July 1, 2013, the Department of Health
27 and Human Services, in conjunction with the Office of Probation

1 Administration, shall develop a policy for reimbursement of all
2 allowable foster care maintenance costs as provided under Title
3 IV-E of the federal Social Security Act, 42 U.S.C. 672, as such act
4 and section existed on January 1, 2013.

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

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

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

1 81-3116 and by the pilot project to comply with the caseload
2 range described in this subsection by September 1, 2012. Beginning
3 September 15, 2012, the department shall include in its annual
4 report required pursuant to section 68-1207.01 a report on the
5 attainment of the decrease according to such caseload standards.
6 The department's annual report shall also include changes in the
7 standards of the Child Welfare League of America or its successor.

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

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

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

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

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

13 71-1904 (1) The department shall adopt and promulgate
14 rules and regulations pursuant to sections 71-1901 to 71-1906.01
15 for (a) the proper care and protection of children by licensees
16 under such sections, (b) the issuance, suspension, and revocation
17 of licenses to provide foster care, (c) the issuance, suspension,
18 and revocation of probationary licenses to provide foster care, (d)
19 the issuance, suspension, and revocation of provisional licenses to
20 provide foster care, (e) the provision of training in foster care,
21 which training shall be directly related to the skills necessary
22 to care for children in need of out-of-home care, including,
23 but not limited to, abused, neglected, dependent, and delinquent
24 children, and (f) the proper administration of sections 71-1901 to
25 71-1906.01.

26 (2) The training required by subdivision (1)(e) of this
27 section may be waived in whole or in part by the department for

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

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

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

1 (2) An entity contracting with the department to
2 provide child welfare services shall not require any subcontractor
3 or employee of such contractor or subcontractor to sign an
4 agreement not to compete with such contractor as a condition of
5 subcontracting or employment.

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

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

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

1 responsible for investigations on Native American reservations;
2 a social worker; and members of organizations which represent
3 hospitals or physicians.

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

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

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

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

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

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

7 (2) (a) For the biennium ending June 30, 2015, and the
8 biennium ending June 30, 2017, the Division of Children and Family
9 Services of the Department of Health and Human Services shall,
10 as part of the appropriations request process pursuant to section
11 81-132, include a strategic plan that identifies the main purpose
12 or purposes of each program, verifiable and auditable key goals
13 that the division believes are fair measures of its progress in
14 meeting each program's main purpose or purposes, and benchmarks
15 for improving performance on the key goals for the state as a
16 whole and for each Department of Health and Human Services service
17 area designated pursuant to section 81-3116. The division shall
18 also report whether the benchmarks are being met and, if not, the
19 expected timeframes for meeting them. Such key goals and benchmarks
20 shall be developed by the Division of Children and Family Services
21 with the assistance of the budget division of the Department of
22 Administrative Services pursuant to subdivision (2) of section
23 81-1113.

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

1 Appropriations Committee of the Legislature on the progress towards
2 the key goals identified pursuant to this subsection that occurred
3 in the previous twelve months.

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

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

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

13 2. On page 1, strike beginning with "sections" in line
14 1 through line 17 and insert "section 71-3406, Reissue Revised
15 Statutes of Nebraska, and sections 43-285, 43-905, 43-1311.03,
16 43-4101, 43-4202, 43-4203, 43-4208, 68-1207, 71-1904, and 81-3133,
17 Revised Statutes Cumulative Supplement, 2012; to change provisions
18 relating to state wards, foster care, the Nebraska Children's
19 Commission, child welfare services, the State Child Death Review
20 Team, and reporting requirements for certain child welfare
21 expenditures; to require application for federal reimbursement
22 of certain costs, employment of a policy analyst, foster home
23 licensing requirements, certain provisions in contracts for child
24 welfare services, and a formal grievance process for the child
25 welfare system and the juvenile justice system; to eliminate
26 obsolete provisions; to harmonize provisions; to repeal the
27 original sections; and to declare an emergency."