

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 840

FINAL READING

Introduced by Riepe, 12.

Read first time January 04, 2018

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Foster Care Review Act; to amend
- 2 section 43-1303, Revised Statutes Supplement, 2017; to change
- 3 reporting requirements for the Foster Care Review Office; to
- 4 harmonize provisions; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1303, Revised Statutes Supplement, 2017, is
2 amended to read:

3 43-1303 (1) The office shall maintain the statewide register of all
4 foster care placements occurring within the state, and there shall be a
5 weekly report made to the registry of all foster care placements by the
6 Department of Health and Human Services, any child-placing agency, or any
7 court in a form as developed by the office in consultation with
8 representatives of entities required to make such reports. For each child
9 entering and leaving foster care, such report shall consist of
10 identifying information, placement information, the plan or permanency
11 plan developed by the person or court in charge of the child pursuant to
12 section 43-1312, and information on whether any such child was a person
13 immune from criminal prosecution under subsection (5) of section 28-801
14 or was considered a trafficking victim as defined in section 28-830. The
15 department, the Office of Probation Administration, and every court and
16 child-placing agency shall report any foster care placement within three
17 working days. The report shall contain the following information:

18 (a) Child identification information, including name, date of birth,
19 gender, race, religion, and ethnicity;

20 (b) Identification information for parents and stepparents,
21 including name, address, and status of parental rights;

22 (c) Placement information, including initial placement date, current
23 placement date, and the name and address of the foster care placement;

24 (d) Court status information, including which court has
25 jurisdiction, initial custody date, court hearing date, and results of
26 the court hearing;

27 (e) Agency or other entity having custody of the child; and

28 (f) Case worker, probation officer, or person providing direct case
29 management or supervision functions.

30 (2)(a) The Foster Care Review Office shall designate a local board
31 to conduct foster care file audit case reviews for each case of children

1 in foster care placement.

2 (b) The office may adopt and promulgate rules and regulations for
3 the following:

4 (i) Establishment of training programs for local board members which
5 shall include an initial training program and periodic inservice training
6 programs;

7 (ii) Development of procedures for local boards;

8 (iii) Establishment of a central record-keeping facility for all
9 local board files, including foster care file audit case reviews;

10 (iv) Accumulation of data and the making of annual reports on
11 children in foster care placements. Such reports shall include, but not
12 be limited to, (A) personal data on length of time in foster care, (B)
13 number of placements, (C) frequency and results of foster care file audit
14 case reviews and court review hearings, (D) number of children supervised
15 by the foster care programs in the state annually, (E) trend data
16 impacting foster care, services, and placements, (F) analysis of the
17 data, and (G) recommendations for improving the foster care system in
18 Nebraska;

19 (v) Accumulation of data and the making of quarterly reports
20 regarding the children in foster care placements;

21 (vi) To the extent not prohibited by section 43-1310, evaluation of
22 the judicial and administrative data collected on foster care and the
23 dissemination of such data to the judiciary, public and private agencies,
24 the department, and members of the public; and

25 (vii) Manner in which the office shall determine the appropriateness
26 of requesting a court review hearing as provided for in section 43-1313.

27 (3) A local board shall send a written report to the office for each
28 foster care file audit case review conducted by the local board. A court
29 shall send a written report to the office for each foster care review
30 hearing conducted by the court.

31 ~~(4)(a) (4)~~ The office shall report and make recommendations to the

1 Legislature, the department, the Office of Probation Administration, the
2 courts, local boards, and county welfare offices.

3 (b) Such reports and recommendations shall include, but not be
4 limited to, the annual judicial and administrative data collected on
5 foster care pursuant to subsections (2) and (3) of this section and the
6 annual evaluation of such data.

7 ~~(c) The report and recommendations submitted to the Legislature~~
8 ~~shall be submitted electronically. In addition, the Foster Care Review~~
9 Office shall provide copies of such reports and recommendations to each
10 court having the authority to make foster care placements.

11 (d) The executive director of the office shall also provide
12 reports , ~~at a time specified by the Health and Human Services Committee~~
13 ~~of the Legislature, regular electronic updates~~ regarding child welfare
14 and juvenile justice data and information on March 1, June 1, September
15 1, and December 1. The September 1 report at least quarterly, and a
16 ~~fourth-quarter report~~ which shall be the annual report. The executive
17 director shall provide additional reports at a time specified by the
18 Health and Human Services Committee of the Legislature. The reports shall
19 include issues, policy concerns, ~~and~~ problems which have come to the
20 attention of the office, and ~~the executive director from~~ analysis of the
21 data. The reports ~~executive director~~ shall recommend alternatives to the
22 identified problems and related needs of ~~the office and~~ the foster care
23 system ~~to the committee. The reports and recommendations submitted to the~~
24 Legislature shall be submitted electronically.

25 (e) The Health and Human Services Committee shall coordinate and
26 prioritize data and information requests submitted to the office by
27 members of the Legislature. ~~The annual report of the office shall be~~
28 ~~completed by December 1 each year and shall be submitted electronically~~
29 ~~to the committee.~~

30 (5) The executive director of the office or his or her designees
31 from the office may visit and observe foster care facilities in order to

1 ascertain whether the individual physical, psychological, and
2 sociological needs of each foster child are being met.

3 (6) At the request of any state agency, the executive director of
4 the office or his or her designees from the office may conduct a case
5 file review process and data analysis regarding any state ward or ward of
6 the court whether placed in-home or out-of-home at the time of the case
7 file review.

8 Sec. 2. Original section 43-1303, Revised Statutes Supplement,
9 2017, is repealed.