

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1073

Introduced by Crawford, 45.

Read first time January 17, 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 provide for
- 3 additional information relating to foster care placements as
- 4 prescribed; 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 (i) initial placement date,
23 (ii) current placement date, (iii) and the name and address of the foster
24 care placement, (iv) if a relative placement or kinship placement,
25 whether the foster care placement is licensed, and (v) whether the foster
26 care placement has received a waiver pursuant to section 71-1904 and the
27 basis for such waiver;

28 (d) Court status information, including which court has
29 jurisdiction, initial custody date, court hearing date, and results of
30 the court hearing;

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

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

3 (2)(a) The Foster Care Review Office shall designate a local board
4 to conduct foster care file audit case reviews for each case of children
5 in foster care placement.

6 (b) The office may adopt and promulgate rules and regulations for
7 the following:

8 (i) Establishment of training programs for local board members which
9 shall include an initial training program and periodic inservice training
10 programs;

11 (ii) Development of procedures for local boards;

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

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

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

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

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

31 (3) A local board shall send a written report to the office for each

1 foster care file audit case review conducted by the local board. A court
2 shall send a written report to the office for each foster care review
3 hearing conducted by the court.

4 (4) The office shall report and make recommendations to the
5 Legislature, the department, the Office of Probation Administration, the
6 courts, local boards, and county welfare offices. Such reports and
7 recommendations shall include, but not be limited to, the annual judicial
8 and administrative data collected on foster care pursuant to subsections
9 (2) and (3) of this section and the annual evaluation of such data. The
10 report and recommendations submitted to the Legislature shall be
11 submitted electronically. In addition, the Foster Care Review Office
12 shall provide copies of such reports and recommendations to each court
13 having the authority to make foster care placements. The executive
14 director of the office shall also provide, at a time specified by the
15 Health and Human Services Committee of the Legislature, regular
16 electronic updates regarding child welfare data and information at least
17 quarterly, and a fourth-quarter report which shall be the annual report.
18 The executive director shall include issues, policy concerns, and
19 problems which have come to the office and the executive director from
20 analysis of the data. The executive director shall recommend alternatives
21 to the identified problems and related needs of the office and the foster
22 care system to the committee. The Health and Human Services Committee
23 shall coordinate and prioritize data and information requests submitted
24 to the office by members of the Legislature. The annual report of the
25 office shall be completed by December 1 each year and shall be submitted
26 electronically to the committee.

27 (5) The executive director of the office or his or her designees
28 from the office may visit and observe foster care facilities in order to
29 ascertain whether the individual physical, psychological, and
30 sociological needs of each foster child are being met.

31 (6) At the request of any state agency, the executive director of

1 the office or his or her designees from the office may conduct a case
2 file review process and data analysis regarding any state ward or ward of
3 the court whether placed in-home or out-of-home at the time of the case
4 file review.

5 Sec. 2. Original section 43-1303, Revised Statutes Supplement,
6 2017, is repealed.