

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 821

Introduced by Health and Human Services Committee: Campbell, 25,
Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35;
Howard, 9; Krist, 10; Lambert, 2; McGill, 26;
Nordquist, 7.

Read first time January 05, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to state intent; to
2 provide duties for the department and a committee of the
3 Legislature; to provide for legislation to create a state
4 agency to oversee all programs providing services to
5 children and families; to create and provide duties for a
6 commission; to provide for appropriations; and to declare
7 an emergency.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds and declares:

2 (1) The children in the custody of or receiving services
3 from the Department of Health and Human Services and their families
4 are currently being served through a fragmented, poorly coordinated
5 service delivery model that has the potential for duplication of
6 effort, service gaps, cost shifting, and disagreement about payment
7 responsibilities;

8 (2) Many times this results in a dysfunctional system
9 that does not meet the needs of children and families and is
10 difficult to navigate;

11 (3) State agencies currently are not pooling resources or
12 leveraging financing to provide a coordinated system of behavioral
13 health services to children and families, with the result that often
14 children with the highest level of need are detained in secure or
15 residential settings with the highest cost of services and the
16 poorest outcomes; and

17 (4) It is in the best interests of the children receiving
18 services from the State of Nebraska and their families that a single
19 state agency be created to oversee all child welfare service programs
20 which are the responsibility of the state. Such an agency shall be
21 child-focused and shall provide integrated, seamless, solution-based
22 interventions that take into account the needs of the whole child,
23 utilizing innovative evidence-based programs and practices.

24 Sec. 2. (1) The Health and Human Services Committee of
25 the Legislature, in cooperation with the Department of Health and

1 Human Services and the Nebraska Children's Commission created
2 pursuant to section 3 of this act, shall prepare legislation for
3 introduction during the One Hundred Third Legislature, First Session,
4 2013, to create the Department of Children's Services with
5 responsibility for all child welfare service programs which are the
6 responsibility of the state, including, but not limited to, child
7 welfare, behavioral health, developmental disabilities, public
8 health, and medicaid as such programs apply to children. The
9 Department of Children's Services shall also assume responsibility
10 for duties currently assigned to the Office of Juvenile Services and
11 the Division of Children and Family Services of the Department of
12 Health and Human Services.

13 (2) Such legislation shall include, but not be limited
14 to, the following:

15 (a) The Division of Medicaid and Long-Term Care of the
16 Department of Health and Human Services shall remain the designated
17 single state agency for purposes of federal regulations, but the
18 assistant director of the division shall also serve as an assistant
19 director of the Department of Children's Services and within the
20 department shall oversee medicaid programs and services relating to
21 children;

22 (b) The chief executive officer of the department shall
23 be appointed by the Governor subject to the approval of the
24 Legislature. Such chief executive officer shall have broad experience
25 with child welfare service reform in complex systems;

1 (c) It is the intent of the Legislature that the chief
2 financial officer and chief information officer of the department
3 have specialized skills in financial oversight and information
4 management, respectively;

5 (d) The department shall utilize a system-of-care
6 approach to child welfare programs, based on the principles of
7 interagency collaboration, individualized, strength-based care
8 practices, cultural competence, community-based services, and
9 accountability;

10 (e) An independent entity specializing in medicaid
11 analysis shall conduct a cross-system analysis of current services
12 and funding sources to (i) identify state general funds being used,
13 in order to better utilize federal funds, (ii) identify resources
14 that could be better allocated to more effective services for at-risk
15 children and youth transitioning to home-based and school-based
16 interventions, and (iii) provide information which will allow the
17 replacement of state general funds for services to at-risk children
18 and youth with federal funds, with the goal of expanding the funding
19 base for such services while reducing overall state General Fund
20 expenditures on such services; and

21 (f) The department shall begin providing services
22 according to its authorizing legislation on July 1, 2013.

23 Sec. 3. (1) The Nebraska Children's Commission is
24 created. The commission shall be a high-level leadership body to
25 recommend the means to develop and implement the Department of

1 Children's Services and to create a statewide strategic plan for
2 reform of the system of child welfare programs and services in the
3 State of Nebraska. The commission shall provide a permanent forum for
4 collaboration among state, local, community, public, and private
5 stakeholders in child welfare programs.

6 (2) The commission shall consist of twenty-six members
7 representing the three branches of government and a wide array of
8 public and private stakeholders. Members of the commission shall
9 include:

10 (a) The chief executive officer of the Department of
11 Health and Human Services who shall serve as chairperson of the
12 commission until July 1, 2013. On and after such date the chief
13 executive officer of the Department of Children's Services shall
14 replace the chief executive officer of the Department of Health and
15 Human Services as a member and as the chairperson of the commission;

16 (b) The Governor;

17 (c) The Chief Justice of the Nebraska Supreme Court;

18 (d) The chairperson of the Judiciary Committee of the
19 Legislature;

20 (e) The chairperson of the Health and Human Services
21 Committee of the Legislature;

22 (f) A member of the Judiciary Committee of the
23 Legislature, appointed by the Executive Board of the Legislative
24 Council;

25 (g) A member of the Appropriations Committee of the

1 Legislature, appointed by the Executive Board of the Legislative
2 Council;

3 (h) A member of the Health and Human Services Committee
4 of the Legislature, appointed by the Executive Board of the
5 Legislative Council;

6 (i) Three members appointed by the Governor;

7 (j) Three members appointed by the Chief Justice of the
8 Nebraska Supreme Court; and

9 (k) Twelve members appointed by the executive committee
10 of the commission through an application and selection process as
11 determined by the executive committee. The members appointed pursuant
12 to this subdivision shall represent stakeholders in the child welfare
13 system and may include: Representatives of prosecuting attorneys,
14 preferably those who practice in juvenile court; guardians ad litem;
15 biological parents currently or previously involved in the child
16 welfare system; foster parents; Court-Appointed Special Advocate
17 volunteers; Foster Care Review Board members or volunteers;
18 children's service providers; youth currently or previously in foster
19 care; and child advocacy organizations.

20 (3) The executive committee of the Nebraska Children's
21 Commission is created. The executive committee shall consist of the
22 members of the commission listed in subdivisions (2)(a) through (e)
23 of this section. The executive committee shall advise the commission
24 with respect to the interaction among the three branches of
25 government related to child welfare programs and services. The

1 members of the executive committee shall each represent his or her
2 own branch of government, and no member of the executive committee
3 shall participate in actions that could be deemed to be the exercise
4 of the duties and prerogatives of another branch of government or
5 that improperly delegate the powers and duties of any branch of
6 government to another branch of government.

7 (4) Members of the commission shall be reimbursed for
8 their actual and necessary expenses as members of such commission as
9 provided in sections 81-1174 to 81-1177.

10 Sec. 4. The Nebraska Children's Commission shall work
11 with service area administrators, the teams created pursuant to
12 section 28-728, local foster care review boards, child advocacy
13 centers, the teams created pursuant to the Nebraska Supreme Court's
14 Through the Eyes of the Child Initiative, community stakeholders, and
15 advocates for child welfare services and programs to establish
16 community networks. Such networks shall permit community
17 collaboration to strengthen the continuum of services available to
18 child welfare agencies and to provide resources for persons outside
19 the child protection system. Each service area shall develop its own
20 unique strategies to be included in the statewide strategic plan. The
21 Department of Health and Human Services and, on and after July 1,
22 2013, the Department of Children's Services shall assist in
23 identifying the needs of each service area.

24 Sec. 5. The Nebraska Children's Commission shall create a
25 statewide strategic plan for child welfare program and service reform

1 in Nebraska. In developing the statewide strategic plan, the
2 commission shall consider, but not be limited to:

3 (1) The potential utilization of lead agencies. Such
4 utilization shall be in collaboration with community networks
5 described in section 4 of this act in a manner that maximizes their
6 strengths, experience, skills, and continuum of care and that
7 eliminates financial incentives that may conflict with the best
8 interests of the children or result in a reduction of necessary and
9 appropriate services. In addition to geographical lead agency
10 examples from other states, additional lead agency models shall
11 include focus on evidence-based programs for target populations of
12 children and youth within communities and lead agency service
13 coordinators as brokers for coordination of services;

14 (2) Provision of leadership, by the commission and the
15 Department of Children's Services, in intentional strategies to
16 support high-quality evidence-based prevention and early intervention
17 services that reduce risk and enhance protection for children;

18 (3) Realignment of service areas designated pursuant to
19 section 81-3116 to be coterminous with the judicial districts
20 described in section 24-301.02;

21 (4) A systemwide evaluation by a national entity with
22 expertise in evaluation of child welfare systems;

23 (5) Identification of the type of information needed for
24 a clear and thorough analysis of progress on child welfare
25 indicators; and

1 (6) Such other elements as the commission deems necessary
2 and appropriate.

3 Sec. 6. The Department of Health and Human Services shall
4 implement a process to obtain and utilize data analytics, business
5 intelligence, or similar information technology for accessing real-
6 time data in order to foster better decisionmaking with the goal of
7 better outcomes relating to services to children and families.

8 Sec. 7. The Nebraska Children's Commission Fund is
9 created. Any money in the fund available for investment shall be
10 invested by the state investment officer pursuant to the Nebraska
11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 It is the intent of the Legislature to appropriate \$XXX
13 for FY2012-13 from the Nebraska Health Care Cash Fund to the Nebraska
14 Children's Commission Fund, to carry out sections 3 to 5 of this act.

15 Sec. 8. Since an emergency exists, this act takes effect
16 when passed and approved according to law.