

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 SECOND SESSION
LEGISLATIVE BILL 853

Final Reading

Introduced by McGill, 26.

Read first time January 13, 2014

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to children and families; to amend sections
 2 28-713, 28-719, 28-720.01, 28-721, 28-722, 28-723,
 3 28-724, 28-725, 43-146.17, 43-284.02, 43-2932, 43-3709,
 4 71-6039.01, 71-6039.05, and 71-6502, Reissue Revised
 5 Statutes of Nebraska, sections 28-713.01, 28-718, 28-720,
 6 28-728, and 43-107, Revised Statutes Cumulative
 7 Supplement, 2012, and sections 28-710, 28-726, 28-801,
 8 43-247, 43-285, 43-905, 43-1311.03, 43-4318, 43-4331,
 9 43-4501, 43-4502, 43-4503, 43-4504, 43-4505, 43-4506,
 10 43-4507, 43-4508, 43-4509, 43-4510, 43-4511, 43-4512,
 11 43-4513, 43-4514, 71-3405, and 81-3136, Revised Statutes
 12 Supplement, 2013; to rename the Child Protection Act; to
 13 provide for alternative response to a report of child
 14 abuse or neglect; to define terms; to state intent; to
 15 provide for demonstration projects and expansion; to
 16 provide duties for the Department of Health and Human

1 Services and the Inspector General; to change terminology
2 regarding the central register of child abuse and
3 neglect; to eliminate obsolete provisions; to change and
4 rename the Young Adult Voluntary Services and Support
5 Act; to rename an advisory committee; to require training
6 for case managers as prescribed; to harmonize provisions;
7 and to repeal the original sections.

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

1 Section 1. Section 28-710, Revised Statutes Supplement,
2 2013, is amended to read:

3 28-710 (1) Sections 28-710 to 28-727 and sections 2 to 4
4 of this act shall be known and may be cited as the Child Protection
5 and Family Safety Act.

6 (2) For purposes of the Child Protection and Family
7 Safety Act:

8 (a) Alternative response means a comprehensive assessment
9 of (i) child safety, (ii) the risk of future child abuse or neglect,
10 (iii) family strengths and needs, and (iv) the provision of or
11 referral for necessary services and support. Alternative response is
12 an alternative to traditional response and does not include an
13 investigation or a formal determination as to whether child abuse or
14 neglect has occurred, and the subject of the report shall not be
15 entered into the central registry of child protection cases
16 maintained pursuant to section 28-718;

17 ~~(a)~~ (b) Child abuse or neglect means knowingly,
18 intentionally, or negligently causing or permitting a minor child to
19 be:

20 (i) Placed in a situation that endangers his or her life
21 or physical or mental health;

22 (ii) Cruelly confined or cruelly punished;

23 (iii) Deprived of necessary food, clothing, shelter, or
24 care;

25 (iv) Left unattended in a motor vehicle if such minor

1 child is six years of age or younger;

2 (v) Sexually abused; or

3 (vi) Sexually exploited by allowing, encouraging, or
4 forcing such person to solicit for or engage in prostitution,
5 debauchery, public indecency, or obscene or pornographic photography,
6 films, or depictions;

7 (c) Comprehensive assessment means an analysis of child
8 safety, risk of future child abuse or neglect, and family strengths
9 and needs on a report of child abuse or neglect. Comprehensive
10 assessment does not include a determination as to whether the child
11 abuse or neglect occurred but does determine the need for services
12 and support to address the safety of children and the risk of future
13 abuse or neglect;

14 ~~(b)~~ (d) Department means the Department of Health and
15 Human Services;

16 (e) Investigation means fact gathering related to the
17 current safety of a child and the risk of future child abuse or
18 neglect that determines whether child abuse or neglect has occurred
19 and whether child protective services are needed;

20 ~~(e)~~ (f) Law enforcement agency means the police
21 department or town marshal in incorporated municipalities, the office
22 of the sheriff in unincorporated areas, and the Nebraska State
23 Patrol;

24 ~~(d)~~ (g) Out-of-home child abuse or neglect means child
25 abuse or neglect occurring in day care homes, foster homes, day care

1 centers, residential child-caring agencies as defined in section
2 71-1926, and other child care facilities or institutions; and

3 (h) Review, Evaluate, and Decide Team means an internal
4 team of staff within the department and shall include no fewer than
5 two supervisors or administrators and two staff members knowledgeable
6 on the policies and practices of the department, including, but not
7 limited to, the structured review process. County attorneys, child
8 advocacy centers, or law enforcement agency personnel may attend team
9 reviews upon request of a party;

10 (i) Traditional response means an investigation by a law
11 enforcement agency or the department pursuant to section 28-713 which
12 requires a formal determination of whether child abuse or neglect has
13 occurred; and

14 ~~(e)-(j)~~ Subject of the report of child abuse or neglect
15 means the person or persons identified in the report as responsible
16 for the child abuse or neglect.

17 Sec. 2. (1) The Legislature declares that the public
18 policy of the State of Nebraska is to protect children whose health
19 or welfare may be jeopardized by abuse or neglect. The Legislature
20 recognizes that most families want to keep their children safe, but
21 circumstances or conditions sometimes interfere with their ability to
22 do so. Families and children are best served by interventions that
23 engage their protective capacities and address immediate safety
24 concerns and ongoing risks of child abuse or neglect. In furtherance
25 of this public policy and the family policy and principles set forth

1 in sections 43-532 and 43-533, it is the intent of the Legislature to
2 strengthen the family and make the home, school, and community safe
3 for children by promoting responsible child care in all settings and
4 to provide, when necessary, a safe temporary or permanent home
5 environment for abused or neglected children.

6 (2) In addition, it is the policy of this state to:
7 Require the reporting of child abuse or neglect in home, school, and
8 community settings; provide for alternative response to reports as
9 permitted by rules and regulations of the department; provide for
10 traditional response to reports as required by rules and regulations
11 of the department; and provide protective and supportive services
12 designed to preserve and strengthen the family in appropriate cases.

13 Sec. 3. (1) The department, in consultation with the
14 Nebraska Children's Commission, shall develop an alternative response
15 implementation plan in accordance with sections 2 to 4 of this act.
16 The alternative response implementation plan shall include the
17 provision of concrete supports and voluntary services, including, but
18 not limited to: Meeting basic needs, including food and clothing
19 assistance; housing assistance; transportation assistance; child care
20 assistance; and mental health and substance abuse services. When the
21 alternative response implementation plan has been developed, the
22 department may begin using alternative response in up to five
23 alternative response demonstration project locations that are
24 designated by the department. The department shall provide a report
25 of an evaluation on the status of alternative response implementation

1 pursuant to subsection (2) of this section to the commission and
2 electronically to the Legislature by November 15, 2015. The
3 commission shall provide feedback on the report to the department
4 before December 15, 2015. The department may begin using alternative
5 response in up to five additional alternative response demonstration
6 project locations on or after January 1, 2016. The department shall
7 provide a report of another evaluation done pursuant to subsection
8 (2) of this section to the commission and electronically to the
9 Legislature by November 15, 2016. The department may continue using
10 alternative response until July 1, 2017. Continued use of alternative
11 response thereafter shall require approval of the Legislature. For
12 purposes of this section, demonstration project location means any
13 geographic region, including, but not limited to, a city, a township,
14 a village, a county, a group of counties, or a group of counties and
15 cities, townships, or villages.

16 (2) The department shall contract with an independent
17 entity to evaluate the alternative response demonstration projects.
18 The evaluation shall include, but not be limited to:

19 (a) The screening process used to determine which cases
20 shall be assigned to alternative response;

21 (b) The number and proportion of repeat child abuse and
22 neglect allegations within a specified period of time following
23 initial intake;

24 (c) The number and proportion of substantiated child
25 abuse and neglect allegations within a specified period of time

1 following initial intake;

2 (d) The number and proportion of families with any child
3 entering out-of-home care within a specified period of time following
4 initial intake;

5 (e) Changes in child and family well-being in the domains
6 of behavioral and emotional functioning and physical health and
7 development as measured by a standardized assessment instrument to be
8 selected by the department;

9 (f) The number and proportion of families assigned to the
10 alternative response track who are reassigned to a traditional
11 response; and

12 (g) A cost analysis that will examine, at a minimum, the
13 costs of the key elements of services received.

14 (3) The department shall provide to the Nebraska
15 Children's Commission regular updates on:

16 (a) The alternative response implementation plan,
17 including the development of the alternative response interview
18 protocols of children;

19 (b) The status of alternative response implementation;

20 (c) Inclusion of child welfare stakeholders, service
21 providers, and other community partners, including families, for
22 feedback and recommendations on the alternative response
23 implementation plan;

24 (d) Any findings or recommendations made by the
25 independent evaluator, including costs;

1 (e) Any alternative response programmatic modifications;
2 and

3 (f) The status of the adoption and promulgation of rules
4 and regulations.

5 (4) The department shall adopt and promulgate rules and
6 regulations to carry out sections 2 to 4 of this act. Such rules and
7 regulations shall include, but not be limited to, provisions on the
8 transfer of cases from alternative response to traditional response;
9 notice to families subject to a comprehensive assessment and served
10 through alternative response of the alternative response process and
11 their rights, including the opportunity to challenge agency
12 determinations; the provision of services through alternative
13 response; the collection, sharing, and reporting of data; and the
14 alternative response ineligibility criteria. Whenever the department
15 proposes to change the alternative response ineligibility criteria,
16 public notice of the changes shall be given. The department shall
17 provide public notice and time for public comment by publishing the
18 proposed changes on its web site at least sixty days prior to the
19 public hearing on such regulation changes. The department shall
20 provide a copy of the proposed rules and regulations to the Nebraska
21 Children's Commission no later than October 1, 2014.

22 Sec. 4. (1) This section applies to alternative response
23 demonstration projects designated under section 3 of this act.

24 (2) The Review, Evaluate, and Decide Team shall convene
25 to review intakes pursuant to the department's rules, regulations,

1 and policies, to evaluate the information, and to determine
2 assignment for alternative response or traditional response. The team
3 shall utilize consistent criteria to review the severity of the
4 allegation of child abuse or neglect, access to the perpetrator,
5 vulnerability of the child, family history including previous
6 reports, parental cooperation, parental or caretaker protective
7 factors, and other information as deemed necessary. At the conclusion
8 of the review, the intake shall be assigned to either traditional
9 response or alternative response. Decisions of the team shall be made
10 by consensus. If the team cannot come to consensus, the intake shall
11 be assigned for a traditional response.

12 (3) In the case of an alternative response, the
13 department shall complete a comprehensive assessment. The department
14 shall transfer the case being given alternative response to
15 traditional response if the department determines that a child is
16 unsafe. Upon completion of the comprehensive assessment, if it is
17 determined that the child is safe, participation in services offered
18 to the family receiving an alternative response is voluntary, the
19 case shall not be transferred to traditional response based upon the
20 family's failure to enroll or participate in such services, and the
21 subject of the report shall not be entered into the central registry
22 of child protection cases maintained pursuant to section 28-718.

23 (4) The department shall, by the next working day after
24 receipt of a report of child abuse and neglect, enter into the
25 tracking system of child protection cases maintained pursuant to

1 section 28-715 all reports of child abuse or neglect received under
2 this section that are opened for alternative response and any action
3 taken.

4 (5) The department shall make available to the
5 appropriate investigating law enforcement agency and the county
6 attorney a copy of all reports relative to a case of suspected child
7 abuse or neglect. Aggregate, nonidentifying reports of child abuse or
8 neglect receiving an alternative response shall be made available
9 quarterly to requesting agencies outside the department. Such
10 alternative response data shall include, but not be limited to, the
11 nature of the initial child abuse or neglect report, the age of the
12 child or children, the nature of services offered, the location of
13 the cases, the number of cases per month, and the number of
14 alternative response cases that were transferred to traditional
15 response. No other agency or individual except the office of
16 Inspector General of Nebraska Child Welfare, the Public Counsel, law
17 enforcement agency personnel, and county attorneys shall be provided
18 specific, identifying reports of child abuse or neglect being given
19 alternative response. The office of Inspector General of Nebraska
20 Child Welfare shall have access to all reports relative to cases of
21 suspected child abuse or neglect subject to traditional response and
22 those subject to alternative response. The department and the office
23 shall develop procedures allowing for the Inspector General's review
24 of cases subject to alternative response. The Inspector General shall
25 include in the report pursuant to section 43-4331 a summary of all

1 cases reviewed pursuant to this subsection.

2 Sec. 5. Section 28-713, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-713 ~~Upon~~ Unless an intake is assigned to alternative
5 response, upon the receipt of a call reporting child abuse and
6 neglect as required by section 28-711:

7 (1) It is the duty of the law enforcement agency to
8 investigate the report, to take immediate steps to protect the child,
9 and to institute legal proceedings if appropriate. In situations of
10 alleged out-of-home child abuse or neglect if the person or persons
11 to be notified have not already been notified and the person to be
12 notified is not the subject of the report of child abuse or neglect,
13 the law enforcement agency shall immediately notify the person or
14 persons having custody of each child who has allegedly been abused or
15 neglected that such report of alleged child abuse or neglect has been
16 made and shall provide such person or persons with information of the
17 nature of the alleged child abuse or neglect. The law enforcement
18 agency may request assistance from the department during the
19 investigation and shall, by the next working day, notify either the
20 hotline or the department of receipt of the report, including whether
21 or not an investigation is being undertaken by the law enforcement
22 agency. A copy of all reports, whether or not an investigation is
23 being undertaken, shall be provided to the department;

24 (2) In situations of alleged out-of-home child abuse or
25 neglect if the person or persons to be notified have not already been

1 notified and the person to be notified is not the subject of the
2 report of child abuse or neglect, the department shall immediately
3 notify the person or persons having custody of each child who has
4 allegedly been abused or neglected that such report of alleged child
5 abuse or neglect has been made and shall provide such person or
6 persons with information of the nature of the alleged child abuse or
7 neglect and any other information that the department deems
8 necessary. The department shall investigate for the purpose of
9 assessing each report of child abuse or neglect to determine the risk
10 of harm to the child involved. The department shall also provide such
11 social services as are necessary and appropriate under the
12 circumstances to protect and assist the child and to preserve the
13 family;

14 (3) The department may make a request for further
15 assistance from the appropriate law enforcement agency or take such
16 legal action as may be appropriate under the circumstances;

17 (4) The department shall, by the next working day after
18 receiving a report of child abuse or neglect under subdivision (1) of
19 this section, make a written report or a summary on forms provided by
20 the department to the proper law enforcement agency in the county and
21 enter in the tracking system of child protection cases maintained
22 pursuant to section 28-715 all reports of child abuse or neglect
23 opened for investigation and any action taken; and

24 (5) The department shall, upon request, make available to
25 the appropriate investigating law enforcement agency and the county

1 attorney a copy of all reports relative to a case of suspected child
2 abuse or neglect.

3 Sec. 6. Section 28-713.01, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 28-713.01 (1) Upon completion of the investigation
6 pursuant to section 28-713:

7 (a) In situations of alleged out-of-home child abuse or
8 neglect, the person or persons having custody of the allegedly abused
9 or neglected child or children shall be given written notice of the
10 results of the investigation and any other information the law
11 enforcement agency or department deems necessary. Such notice and
12 information shall be sent by first-class mail; and

13 (b) The subject of the report of child abuse or neglect
14 shall be given written notice of the determination of the case and
15 whether the subject of the report of child abuse or neglect will be
16 entered into the central ~~register~~registry of child protection cases
17 maintained pursuant to section 28-718 under the criteria provided in
18 section 28-720.

19 (2) If the subject of the report will be entered into the
20 central ~~register~~registry, the notice to the subject shall be sent
21 by certified mail with return receipt requested or first-class mail
22 to the last-known address of the subject of the report of child abuse
23 or neglect and shall include:

24 (a) The nature of the report;

25 (b) The classification of the report under section

1 28-720; and

2 (c) Notification of the right of the subject of the
3 report of child abuse or neglect to request the department to amend
4 or expunge identifying information from the report or to remove the
5 substantiated report from the central ~~register~~ registry in accordance
6 with section 28-723.

7 (3) If the subject of the report will not be entered into
8 the central ~~register~~, registry, the notice to the subject shall be
9 sent by first-class mail and shall include:

10 (a) The nature of the report; and

11 (b) The classification of the report under section
12 28-720.

13 Sec. 7. Section 28-718, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 28-718 (1) There shall be a central ~~register~~ registry of
16 child protection cases maintained in the department containing
17 records of all reports of child abuse or neglect opened for
18 investigation as provided in section 28-713 and classified as either
19 court substantiated or agency substantiated as provided in section
20 28-720. ~~The department may change records classified as inconclusive~~
21 ~~prior to August 30, 2009, to agency substantiated. The department~~
22 ~~shall give public notice of the changes made to this section and~~
23 ~~subsection (3) of section 28-720 by Laws 2009, LB 122, within thirty~~
24 ~~days after August 30, 2009, by having such notice published in a~~
25 ~~newspaper or newspapers of general circulation within the state.~~

1 (2) The department shall determine whether a name-change
2 order received from the clerk of a district court pursuant to section
3 25-21,271 is for a person on the central ~~register~~registry of child
4 protection cases and, if so, shall include the changed name with the
5 former name in the ~~register~~registry and file or cross-reference the
6 information under both names.

7 Sec. 8. Section 28-719, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 28-719 Upon complying with identification requirements
10 established by regulation of the department, or when ordered by a
11 court of competent jurisdiction, any person legally authorized by
12 section 28-722, 28-726, or 28-727 to have access to records relating
13 to child abuse and neglect may request and shall be immediately
14 provided the information requested in accordance with the ~~requirement~~
15 requirements of the Child Protection and Family Safety Act. Such
16 information shall not include the name and address of the person
17 making the report of child abuse or neglect. The names and other
18 identifying data and the dates and the circumstances of any persons
19 requesting or receiving information from the central ~~register~~
20 registry of child protection cases maintained pursuant to section
21 28-718 shall be entered in ~~such register~~ the central registry record.

22 Sec. 9. Section 28-720, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 28-720 All cases entered into the central ~~register~~
25 registry of child protection cases maintained pursuant to section

1 28-718 shall be classified as one of the following:

2 (1) Court substantiated, if a court of competent
3 jurisdiction has entered a judgment of guilty against the subject of
4 the report of child abuse or neglect upon a criminal complaint,
5 indictment, or information or there has been an adjudication of
6 jurisdiction of a juvenile court over the child under subdivision (3)
7 (a) of section 43-247 which relates or pertains to the report of
8 child abuse or neglect;

9 (2) Court pending, if a criminal complaint, indictment,
10 or information or a juvenile petition under subdivision (3)(a) of
11 section 43-247, which relates or pertains to the subject of the
12 report of abuse or neglect, has been filed and is pending in a court
13 of competent jurisdiction; or

14 (3) Agency substantiated, if the department's
15 determination of child abuse or neglect against the subject of the
16 report of child abuse or neglect was supported by a preponderance of
17 the evidence and based upon an investigation pursuant to section
18 28-713 or section 4 of this act.

19 Sec. 10. Section 28-720.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 28-720.01 All reports of child abuse or neglect which are
22 not under subdivision (1), (2), or (3) of section 28-720 shall be
23 considered unfounded and shall be maintained only in the tracking
24 system of child protection cases pursuant to section 28-715 and not
25 in the central ~~register~~registry of child protection cases maintained

1 pursuant to section 28-718.

2 Sec. 11. Section 28-721, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 28-721 At any time, the department may amend, expunge, or
5 remove from the central ~~register~~registry of child protection cases
6 maintained pursuant to section 28-718 any record upon good cause
7 shown and upon notice to the subject of the report of child abuse or
8 neglect.

9 Sec. 12. Section 28-722, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 28-722 Upon request, a subject of the report of child
12 abuse or neglect or, if such subject is a minor or otherwise legally
13 incompetent, the guardian or guardian ad litem of the subject, shall
14 be entitled to receive a copy of all information contained in the
15 central ~~register~~registry of child protection cases maintained
16 pursuant to section 28-718 pertaining to his or her case. The
17 department shall not release data that would be harmful or
18 detrimental or that would identify or locate a person who, in good
19 faith, made a report of child abuse or neglect or cooperated in a
20 subsequent investigation unless ordered to do so by a court of
21 competent jurisdiction.

22 Sec. 13. Section 28-723, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 28-723 At any time subsequent to the completion of the
25 department's investigation, the subject of the report of child abuse

1 or neglect may request the department to amend, expunge identifying
2 information from, or remove the record of the report from the central
3 ~~register~~registry of child protection cases maintained pursuant to
4 section 28-718. If the department refuses to do so or does not act
5 within thirty days, the subject of the report of child abuse or
6 neglect shall have the right to a fair hearing within the department
7 to determine whether the record of the report of child abuse or
8 neglect should be amended, expunged, or removed on the grounds that
9 it is inaccurate or that it is being maintained in a manner
10 inconsistent with the Child Protection and Family Safety Act. Such
11 fair hearing shall be held within a reasonable time after the
12 subject's request and at a reasonable place and hour. In such
13 hearings, the burden of proving the accuracy and consistency of the
14 record shall be on the department. A juvenile court finding of child
15 abuse or child neglect shall be presumptive evidence that the report
16 was not unfounded. The hearing shall be conducted by the ~~head~~chief
17 executive officer of the department or his or her designated agent,
18 who is hereby authorized and empowered to order the amendment,
19 expunction, or removal of the record to make it accurate or
20 consistent with the requirements of the act. The decision shall be
21 made in writing, at the close of the hearing, or within thirty days
22 thereof, and shall state the reasons upon which it is based.
23 Decisions of the department may be appealed under ~~the provisions of~~
24 the Administrative Procedure Act.

25 Sec. 14. Section 28-724, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 28-724 Written notice of any amendment, expunction, or
3 removal of any record in the central ~~register~~registry of child
4 protection cases maintained pursuant to section 28-718 shall be
5 served upon the subject of the report of child abuse or neglect. The
6 department shall inform any other individuals or agencies which
7 received such record of any amendment, expunction, or removal of such
8 record.

9 Sec. 15. Section 28-725, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 28-725 All information of the department concerning
12 reports of child abuse or neglect of noninstitutional children,
13 including information in the tracking system of child protection
14 cases maintained pursuant to section 28-715 or records in the central
15 ~~register~~registry of child protection cases maintained pursuant to
16 section 28-718, and all information of the department generated as a
17 result of such reports or records, shall be confidential and shall
18 not be disclosed except as specifically authorized by the Child
19 Protection and Family Safety Act and section 81-3126 or other
20 applicable law. The subject of the report of child abuse or neglect
21 may authorize any individual or organization to receive the following
22 information from the central ~~register~~registry of child protection
23 cases maintained pursuant to section 28-718 which relates or pertains
24 to him or her: (1) The date of the alleged child abuse or neglect;
25 and (2) the classification of the case pursuant to section 28-720.

1 Permitting, assisting, or encouraging the unauthorized release of any
2 information contained in such reports or records shall be a Class V
3 misdemeanor.

4 Sec. 16. Section 28-726, Revised Statutes Supplement,
5 2013, is amended to read:

6 28-726 Except as provided in this section and sections
7 28-722 and 81-3126, no person, official, or agency shall have access
8 to information in the tracking system of child protection cases
9 maintained pursuant to section 28-715 or in records in the central
10 ~~register~~registry of child protection cases maintained pursuant to
11 section 28-718 unless in furtherance of purposes directly connected
12 with the administration of the Child Protection and Family Safety
13 Act. Such persons, officials, and agencies having access to such
14 information shall include, but not be limited to:

15 (1) A law enforcement agency investigating a report of
16 known or suspected child abuse or neglect;

17 (2) A county attorney in preparation of a child abuse or
18 neglect petition or termination of parental rights petition;

19 (3) A physician who has before him or her a child whom he
20 or she reasonably suspects may be abused or neglected;

21 (4) An agency having the legal responsibility or
22 authorization to care for, treat, or supervise an abused or neglected
23 child or a parent, a guardian, or other person responsible for the
24 abused or neglected child's welfare who is the subject of the report
25 of child abuse or neglect;

1 (5) Any person engaged in bona fide research or auditing.
2 No information identifying the subjects of the report of child abuse
3 or neglect shall be made available to the researcher or auditor;

4 (6) The Foster Care Review Office and the designated
5 local foster care review board when the information relates to a
6 child in a foster care placement as defined in section 43-1301. The
7 information provided to the office and local board shall not include
8 the name or identity of any person making a report of suspected child
9 abuse or neglect;

10 (7) The designated protection and advocacy system
11 authorized pursuant to the Developmental Disabilities Assistance and
12 Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act existed on
13 January 1, 2005, and the Protection and Advocacy for Mentally Ill
14 Individuals Act, 42 U.S.C. 10801, as the act existed on September 1,
15 2001, acting upon a complaint received from or on behalf of a person
16 with developmental disabilities or mental illness;

17 (8) The person or persons having custody of the abused or
18 neglected child in situations of alleged out-of-home child abuse or
19 neglect;

20 (9) For purposes of licensing providers of child care
21 programs, the Department of Health and Human Services; and

22 (10) A probation officer administering juvenile intake
23 services pursuant to section 29-2260.01, conducting court-ordered
24 predispositional investigations prior to disposition, or supervising
25 a juvenile upon disposition.

1 Sec. 17. Section 28-728, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 28-728 (1) The Legislature finds that child abuse and
4 neglect are community problems requiring a coordinated response by
5 law enforcement, child advocacy centers, prosecutors, the Department
6 of Health and Human Services, and other agencies or entities designed
7 to protect children. It is the intent of the Legislature to create a
8 child abuse and neglect investigation team in each county or
9 contiguous group of counties and to create a child abuse and neglect
10 treatment team in each county or contiguous group of counties.

11 (2) Each county or contiguous group of counties will be
12 assigned by the Department of Health and Human Services to a child
13 advocacy center. The purpose of a child advocacy center is to provide
14 a child-focused location for conducting forensic interviews and
15 medical evaluations for alleged child victims of abuse and neglect
16 and for coordinating a multidisciplinary team response that supports
17 the physical, emotional, and psychological needs of children who are
18 alleged victims of abuse or neglect. Each child advocacy center shall
19 meet accreditation criteria set forth by the National Children's
20 Alliance. Nothing in this section shall prevent a child from
21 receiving treatment or other services at a child advocacy center
22 which has received or is in the process of receiving accreditation.

23 (3) Each county attorney or the county attorney
24 representing a contiguous group of counties is responsible for
25 convening the child abuse and neglect investigation team and ensuring

1 that protocols are established and implemented. A representative of
2 the child advocacy center assigned to the team shall assist the
3 county attorney in facilitating case review, developing and updating
4 protocols, and arranging training opportunities for the team. Each
5 team must have protocols which, at a minimum, shall include
6 procedures for:

7 (a) Mandatory reporting of child abuse and neglect as
8 outlined in section 28-711 to include training to professionals on
9 identification and reporting of abuse;

10 (b) Assigning roles and responsibilities between law
11 enforcement and the Department of Health and Human Services for the
12 initial response;

13 (c) Outlining how reports will be shared between law
14 enforcement and the Department of Health and Human Services under
15 section 28-713 and section 4 of this act;

16 (d) Coordinating the investigative response including,
17 but not limited to:

18 (i) Defining cases that require a priority response;

19 (ii) Contacting the reporting party;

20 (iii) Arranging for a video-recorded forensic interview
21 at a child advocacy center for children who are three to eighteen
22 years of age and are alleged to be victims of sexual abuse or serious
23 physical abuse or neglect, have witnessed a violent crime, are found
24 in a drug-endangered environment, or have been recovered from a
25 kidnapping;

1 (iv) Assessing the need for and arranging, when
2 indicated, a medical evaluation of the alleged child victim;

3 (v) Assessing the need for and arranging, when indicated,
4 appropriate mental health services for the alleged child victim or
5 nonoffender caregiver;

6 (vi) Conducting collateral interviews with other persons
7 with information pertinent to the investigation including other
8 potential victims;

9 (vii) Collecting, processing, and preserving physical
10 evidence including photographing the crime scene as well as any
11 physical injuries as a result of the alleged child abuse and neglect;
12 and

13 (viii) Interviewing the alleged perpetrator;

14 (e) Reducing the risk of harm to alleged child abuse and
15 neglect victims;

16 (f) Ensuring that the child is in safe surroundings,
17 including removing the perpetrator when necessary or arranging for
18 temporary custody of the child when the child is seriously endangered
19 in his or her surroundings and immediate removal appears to be
20 necessary for the child's protection as provided in section 43-248;

21 (g) Sharing of case information between team members; and

22 (h) Outlining what cases will be reviewed by the
23 investigation team including, but not limited to:

24 (i) Cases of sexual abuse, serious physical abuse and
25 neglect, drug-endangered children, and serious or ongoing domestic

1 violence;

2 (ii) Cases determined by the Department of Health and
3 Human Services to be high or very high risk for further maltreatment;
4 and

5 (iii) Any other case referred by a member of the team
6 when a system-response issue has been identified.

7 (4) Each county attorney or the county attorney
8 representing a contiguous group of counties is responsible for
9 convening the child abuse and neglect treatment team and ensuring
10 that protocols are established and implemented. A representative of
11 the child advocacy center appointed to the team shall assist the
12 county attorney in facilitating case review, developing and updating
13 protocols, and arranging training opportunities for the team. Each
14 team must have protocols which, at a minimum, shall include
15 procedures for:

16 (a) Case coordination and assistance, including the
17 location of services available within the area;

18 (b) Case staffings and the coordination, development,
19 implementation, and monitoring of treatment or safety plans
20 particularly in those cases in which ongoing services are provided by
21 the Department of Health and Human Services or a contracted agency
22 but the juvenile court is not involved;

23 (c) Reducing the risk of harm to child abuse and neglect
24 victims;

25 (d) Assisting those child abuse and neglect victims who

1 are abused and neglected by perpetrators who do not reside in their
2 homes; and

3 (e) Working with multiproblem status offenders and
4 delinquent youth.

5 (5) For purposes of this section, forensic interview
6 means a video-recorded interview of an alleged child victim conducted
7 at a child advocacy center by a professional with specialized
8 training designed to elicit details about alleged incidents of abuse
9 or neglect, and such interview may result in intervention in criminal
10 or juvenile court.

11 Sec. 18. Section 28-801, Revised Statutes Supplement,
12 2013, is amended to read:

13 28-801 (1) Except as provided in subsection (5) of this
14 section, any person who performs, offers, or agrees to perform any
15 act of sexual contact or sexual penetration, as those terms are
16 defined in section 28-318, with any person not his or her spouse, in
17 exchange for money or other thing of value, commits prostitution.

18 (2) Any person convicted of violating subsection (1) of
19 this section shall be punished as follows:

20 (a) If such person has had no prior convictions or has
21 had one prior conviction, such person shall be guilty of a Class II
22 misdemeanor. If the court places such person on probation, such order
23 of probation shall include, as one of its conditions, that such
24 person shall satisfactorily attend and complete an appropriate mental
25 health and substance abuse assessment conducted by a licensed mental

1 health professional or substance abuse professional authorized to
2 complete such assessment; and

3 (b) If such person has had two or more prior convictions,
4 such person shall be guilty of a Class I misdemeanor. If the court
5 places such person on probation, such order of probation shall
6 include, as one of its conditions, that such person shall
7 satisfactorily attend and complete an appropriate mental health and
8 substance abuse assessment conducted by a licensed mental health
9 professional or substance abuse professional authorized to complete
10 such assessment.

11 (3) It is an affirmative defense to prosecution under
12 this section that such person was a trafficking victim as defined in
13 section 28-830.

14 (4) For purposes of this section, prior conviction means
15 any conviction on or after July 14, 2006, for violation of subsection
16 (1) of this section or any conviction on or after July 14, 2006, for
17 violation of a city or village ordinance relating to prostitution.

18 (5) If the law enforcement officer determines, after a
19 reasonable detention for investigative purposes, that a person
20 suspected of or charged with a violation of subsection (1) of this
21 section is a person under eighteen years of age, such person shall be
22 immune from prosecution for a prostitution offense under this section
23 and shall be subject to temporary custody under section 43-248 and
24 further disposition under the Nebraska Juvenile Code. A law
25 enforcement officer who takes a person under eighteen years of age

1 into custody under this section shall immediately report an
2 allegation of a violation of section 28-831 to the Department of
3 Health and Human Services which shall commence an investigation
4 within twenty-four hours under the Child Protection and Family Safety
5 Act.

6 Sec. 19. Section 43-107, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 43-107 (1)(a) For adoption placements occurring or in
9 effect prior to January 1, 1994, upon the filing of a petition for
10 adoption, the county judge shall, except in the adoption of children
11 by stepparents when the requirement of an investigation is
12 discretionary, request the Department of Health and Human Services or
13 any child placement agency licensed by the department to examine the
14 allegations set forth in the petition and to ascertain any other
15 facts relating to such minor child and the person or persons
16 petitioning to adopt such child as may be relevant to the propriety
17 of such adoption, except that the county judge shall not be required
18 to request such an examination if the judge determines that
19 information compiled in a previous examination or study is
20 sufficiently current and comprehensive. Upon the request being made,
21 the department or other licensed agency shall conduct an
22 investigation and report its findings to the county judge in writing
23 at least one week prior to the date set for hearing.

24 (b)(i) For adoption placements occurring on or after
25 January 1, 1994, a preplacement adoptive home study shall be filed

1 with the court prior to the hearing required in section 43-103, which
2 study is completed by the Department of Health and Human Services or
3 a licensed child placement agency within one year before the date on
4 which the adoptee is placed with the petitioner or petitioners and
5 indicates that the placement of a child for the purpose of adoption
6 would be safe and appropriate.

7 (ii) An adoptive home study shall not be required when
8 the petitioner is a stepparent of the adoptee unless required by the
9 court, except that for petitions filed on or after January 1, 1994,
10 the judge shall order the petitioner or his or her attorney to
11 request the Nebraska State Patrol to file a national criminal history
12 record information check by submitting the request accompanied by two
13 sets of fingerprint cards or an equivalent electronic submission and
14 the appropriate fee to the Nebraska State Patrol for a Federal Bureau
15 of Investigation background check and to request the department to
16 conduct and file a check of the central ~~register~~registry created in
17 section 28-718 for any history of the petitioner of behavior
18 injurious to or which may endanger the health or morals of a child.
19 An adoption decree shall not be issued until such records are on file
20 with the court. The petitioner shall pay the cost of the national
21 criminal history record information check and the check of the
22 central ~~register~~registry.

23 (iii) The placement of a child for foster care made by or
24 facilitated by the department or a licensed child placement agency in
25 the home of a person who later petitions the court to adopt the child

1 shall be exempt from the requirements of a preplacement adoptive home
2 study. The petitioner or petitioners who meet such criteria shall
3 have a postplacement adoptive home study completed by the department
4 or a licensed child placement agency and filed with the court at
5 least one week prior to the hearing for adoption.

6 (iv) A voluntary placement for purposes other than
7 adoption made by a parent or guardian of a child without assistance
8 from an attorney, physician, or other individual or agency which
9 later results in a petition for the adoption of the child shall be
10 exempt from the requirements of a preplacement adoptive home study.
11 The petitioner or petitioners who meet such criteria shall have a
12 postplacement adoptive home study completed by the department or a
13 licensed child placement agency and filed with the court at least one
14 week prior to the hearing for adoption.

15 (v) The adoption of an adult child as provided in
16 subsection (2) of section 43-101 shall be exempt from the
17 requirements of an adoptive home study unless the court specifically
18 orders otherwise. The court may order an adoptive home study, a
19 background investigation, or both if the court determines that such
20 would be in the best interests of the adoptive party or the person to
21 be adopted.

22 (vi) Any adoptive home study required by this section
23 shall be conducted by the department or a licensed child placement
24 agency at the expense of the petitioner or petitioners unless such
25 expenses are waived by the department or licensed child placement

1 agency. The department or licensed agency shall determine the fee or
2 rate for the adoptive home study.

3 (vii) The preplacement or postplacement adoptive home
4 study shall be performed as prescribed in rules and regulations of
5 the department and shall include at a minimum an examination into the
6 facts relating to the petitioner or petitioners as may be relevant to
7 the propriety of such adoption. Such rules and regulations shall
8 require an adoptive home study to include a national criminal history
9 record information check and a check of the central ~~register~~registry
10 created in section 28-718 for any history of the petitioner or
11 petitioners of behavior injurious to or which may endanger the health
12 or morals of a child.

13 (2) Upon the filing of a petition for adoption, the judge
14 shall require that a complete medical history be provided on the
15 child, except that in the adoption of a child by a stepparent the
16 provision of a medical history shall be discretionary. On and after
17 August 27, 2011, the complete medical history or histories required
18 under this subsection shall include the race, ethnicity, nationality,
19 Indian tribe when applicable and in compliance with the Nebraska
20 Indian Child Welfare Act, or other cultural history of both
21 biological parents, if available. A medical history shall be
22 provided, if available, on the biological mother and father and their
23 biological families, including, but not limited to, siblings,
24 parents, grandparents, aunts, and uncles, unless the child is foreign
25 born or was abandoned. The medical history or histories shall be

1 reported on a form provided by the department and filed along with
2 the report of adoption as provided by section 71-626. If the medical
3 history or histories do not accompany the report of adoption, the
4 department shall inform the court and the State Court Administrator.
5 The medical history or histories shall be made part of the court
6 record. After the entry of a decree of adoption, the court shall
7 retain a copy and forward the original medical history or histories
8 to the department. This subsection shall only apply when the
9 relinquishment or consent for an adoption is given on or after
10 September 1, 1988.

11 (3) After the filing of a petition for adoption and
12 before the entry of a decree of adoption for a child who is committed
13 to the Department of Health and Human Services, the person or persons
14 petitioning to adopt the child shall be given the opportunity to read
15 the case file on the child maintained by the department or its duly
16 authorized agent. The department shall not include in the case file
17 to be read any information or documents that the department
18 determines cannot be released based upon state statute, federal
19 statute, federal rule, or federal regulation. The department shall
20 provide a document for such person's or persons' signatures verifying
21 that he, she, or they have been given an opportunity to read the case
22 file and are aware that he, she, or they can review the child's file
23 at any time following finalization of the adoption upon making a
24 written request to the department. The department shall file such
25 document with the court prior to the entry of a decree of adoption in

1 the case.

2 Sec. 20. Section 43-146.17, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-146.17 (1) Notwithstanding sections 43-119 to
5 43-146.16 and except as otherwise provided in this section, an heir
6 twenty-one years of age or older of an adopted person shall have
7 access to all information on file at the Department of Health and
8 Human Services related to such adopted person, including information
9 contained in the original birth certificate of the adopted person,
10 if: (a)(i) The adopted person is deceased, (ii) both biological
11 parents of the adopted person are deceased or, if only one biological
12 parent is known, such parent is deceased, and (iii) each spouse of
13 the biological parent or parents of the adopted person, if any, is
14 deceased, if such spouse is not a biological parent; or (b) at least
15 one hundred years has passed since the birth of the adopted person.

16 (2) The following information relating to an adopted
17 person shall not be released to the heir of such person under this
18 section: (a) Tests conducted for the human immunodeficiency virus or
19 acquired immunodeficiency syndrome; (b) the revocation of a license
20 to practice medicine in the State of Nebraska; (c) child protective
21 services reports or records; (d) adult protective services reports or
22 records; (e) information from the central ~~register~~registry of child
23 protection cases and the Adult Protective Services Central Registry;
24 or (f) law enforcement investigative reports.

25 (3) The department shall provide a form that an heir of

1 an adopted person may use to request information under this section.
2 The department may charge a reasonable fee in an amount established
3 by rules and regulations of the department to recover expenses
4 incurred by the department in carrying out this section. Such fee may
5 be waived if the requesting party shows that the fee would work an
6 undue financial hardship on the party. When any information is
7 provided to an heir of an adopted person under this section, the
8 disclosure of such information shall be recorded in the records of
9 the adopted person, including the nature of the information
10 disclosed, to whom the information was disclosed, and the date of the
11 disclosure.

12 (4) For purposes of this section, an heir of an adopted
13 person means a direct biological descendent of such adopted person.

14 (5) The department may adopt and promulgate rules and
15 regulations to carry out this section.

16 Sec. 21. Section 43-247, Revised Statutes Supplement,
17 2013, is amended to read:

18 43-247 Except as provided in section 43-247.02, the
19 juvenile court shall have exclusive original jurisdiction as to any
20 juvenile defined in subdivision (1) of this section who is under the
21 age of sixteen, as to any juvenile defined in subdivision (3) of this
22 section, and as to the parties and proceedings provided in
23 subdivisions (5), (6), and (7) of this section. As used in this
24 section, all references to the juvenile's age shall be the age at the
25 time the act which occasioned the juvenile court action occurred. The

1 juvenile court shall have concurrent original jurisdiction with the
2 district court as to any juvenile defined in subdivision (2) of this
3 section. The juvenile court shall have concurrent original
4 jurisdiction with the district court and county court as to any
5 juvenile defined in subdivision (1) of this section who is age
6 sixteen or seventeen, any juvenile defined in subdivision (4) of this
7 section, and any proceeding under subdivision (6) or (10) of this
8 section. The juvenile court shall have concurrent original
9 jurisdiction with the county court as to any proceeding under
10 subdivision (8) or (9) of this section. Notwithstanding any
11 disposition entered by the juvenile court under the Nebraska Juvenile
12 Code, the juvenile court's jurisdiction over any individual adjudged
13 to be within the provisions of this section shall continue until the
14 individual reaches the age of majority or the court otherwise
15 discharges the individual from its jurisdiction.

16 The juvenile court in each county as herein provided
17 shall have jurisdiction of:

18 (1) Any juvenile who has committed an act other than a
19 traffic offense which would constitute a misdemeanor or an infraction
20 under the laws of this state, or violation of a city or village
21 ordinance;

22 (2) Any juvenile who has committed an act which would
23 constitute a felony under the laws of this state;

24 (3) Any juvenile (a) who is homeless or destitute, or
25 without proper support through no fault of his or her parent,

1 guardian, or custodian; who is abandoned by his or her parent,
2 guardian, or custodian; who lacks proper parental care by reason of
3 the fault or habits of his or her parent, guardian, or custodian;
4 whose parent, guardian, or custodian neglects or refuses to provide
5 proper or necessary subsistence, education, or other care necessary
6 for the health, morals, or well-being of such juvenile; whose parent,
7 guardian, or custodian is unable to provide or neglects or refuses to
8 provide special care made necessary by the mental condition of the
9 juvenile; or who is in a situation or engages in an occupation,
10 including prostitution, dangerous to life or limb or injurious to the
11 health or morals of such juvenile, (b) who, by reason of being
12 wayward or habitually disobedient, is uncontrolled by his or her
13 parent, guardian, or custodian; who departs himself or herself so as
14 to injure or endanger seriously the morals or health of himself,
15 herself, or others; or who is habitually truant from home or school,
16 or (c) who is mentally ill and dangerous as defined in section
17 71-908;

18 (4) Any juvenile who has committed an act which would
19 constitute a traffic offense as defined in section 43-245;

20 (5) The parent, guardian, or custodian of any juvenile
21 described in this section;

22 (6) The proceedings for termination of parental rights;

23 (7) Any juvenile who has been voluntarily relinquished,
24 pursuant to section 43-106.01, to the Department of Health and Human
25 Services or any child placement agency licensed by the Department of

1 Health and Human Services;

2 (8) Any juvenile who was a ward of the juvenile court at
3 the inception of his or her guardianship and whose guardianship has
4 been disrupted or terminated;

5 (9) The adoption or guardianship proceedings for a child
6 over which the juvenile court already has jurisdiction under another
7 provision of the Nebraska Juvenile Code; ~~and~~

8 (10) The paternity or custody determination for a child
9 over which the juvenile court already has jurisdiction; and -

10 (11) The proceedings under the Young Adult Bridge to
11 Independence Act.

12 Notwithstanding the provisions of the Nebraska Juvenile
13 Code, the determination of jurisdiction over any Indian child as
14 defined in section 43-1503 shall be subject to the Nebraska Indian
15 Child Welfare Act; and the district court shall have exclusive
16 jurisdiction in proceedings brought pursuant to section 71-510.

17 Sec. 22. Section 43-284.02, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-284.02 The Department of Health and Human Services may
20 make payments as needed on behalf of a child who has been a ward of
21 the department after the appointment of a guardian for the child.
22 Such payments to the guardian may include maintenance costs, medical
23 and surgical expenses, and other costs incidental to the care of the
24 child. All such payments shall terminate on or before the child's
25 nineteenth birthday unless the child is eligible for extended

1 guardianship assistance from the department pursuant to sections
2 43-4511 and 43-4514. The child under guardianship shall be a child
3 for whom the guardianship would not be possible without the financial
4 aid provided under this section.

5 The Department of Health and Human Services shall adopt
6 and promulgate rules and regulations for the administration of this
7 section.

8 Sec. 23. Section 43-285, Revised Statutes Supplement,
9 2013, is amended to read:

10 43-285 (1) When the court awards a juvenile to the care
11 of the Department of Health and Human Services, an association, or an
12 individual in accordance with the Nebraska Juvenile Code, the
13 juvenile shall, unless otherwise ordered, become a ward and be
14 subject to the guardianship of the department, association, or
15 individual to whose care he or she is committed. Any such association
16 and the department shall have authority, by and with the assent of
17 the court, to determine the care, placement, medical services,
18 psychiatric services, training, and expenditures on behalf of each
19 juvenile committed to it. Any such association and the department
20 shall be responsible for applying for any health insurance available
21 to the juvenile, including, but not limited to, medical assistance
22 under the Medical Assistance Act. Such guardianship shall not include
23 the guardianship of any estate of the juvenile.

24 (2)(a) This subdivision applies until October 1, 2013.
25 Following an adjudication hearing at which a juvenile is adjudged to

1 be under subdivision (3) of section 43-247, the court may order the
2 department to prepare and file with the court a proposed plan for the
3 care, placement, services, and permanency which are to be provided to
4 such juvenile and his or her family. The plan shall include a
5 statement regarding the eligibility of the juvenile for any health
6 insurance, including, but not limited to, medical assistance under
7 the Medical Assistance Act. The health and safety of the juvenile
8 shall be the paramount concern in the proposed plan. When the plan
9 includes the provision of services in order that the juvenile can
10 remain in his or her home and such services are to prevent out-of-
11 home placement, the plan shall be prepared and shall clearly state
12 that the services described in the plan are to prevent placement and
13 that, absent preventive services, foster care is the planned
14 arrangement for the child. The department shall include in the plan
15 for a juvenile who is sixteen years of age or older and subject to
16 the guardianship of the department a written independent living
17 transition proposal which meets the requirements of section
18 43-1311.03 and, for eligible juveniles, the Young Adult ~~Voluntary~~
19 ~~Services and Support~~ Bridge to Independence Act. The court may
20 approve the plan, modify the plan, order that an alternative plan be
21 developed, or implement another plan that is in the juvenile's best
22 interests. In its order the court shall include a finding regarding
23 the appropriateness of the programs and services described in the
24 proposal designed to assist the juvenile in acquiring independent
25 living skills. Rules of evidence shall not apply at the dispositional

1 hearing when the court considers the plan that has been presented.

2 (b) This subdivision applies beginning October 1, 2013.
3 Following an adjudication hearing at which a juvenile is adjudged to
4 be under subdivision (3)(a) or (c) of section 43-247, the court may
5 order the department to prepare and file with the court a proposed
6 plan for the care, placement, services, and permanency which are to
7 be provided to such juvenile and his or her family. The health and
8 safety of the juvenile shall be the paramount concern in the proposed
9 plan. The department shall include in the plan for a juvenile who is
10 sixteen years of age or older and subject to the guardianship of the
11 department a written independent living transition proposal which
12 meets the requirements of section 43-1311.03 and, for eligible
13 juveniles, the Young Adult ~~Voluntary Services and Support~~ Bridge to
14 Independence Act. The court may approve the plan, modify the plan,
15 order that an alternative plan be developed, or implement another
16 plan that is in the juvenile's best interests. In its order the court
17 shall include a finding regarding the appropriateness of the programs
18 and services described in the proposal designed to assist the
19 juvenile in acquiring independent living skills. Rules of evidence
20 shall not apply at the dispositional hearing when the court considers
21 the plan that has been presented.

22 (3) Within thirty days after an order awarding a juvenile
23 to the care of the department, an association, or an individual and
24 until the juvenile reaches the age of majority, the department,
25 association, or individual shall file with the court a report stating

1 the location of the juvenile's placement and the needs of the
2 juvenile in order to effectuate the purposes of subdivision (1) of
3 section 43-246. The department, association, or individual shall file
4 a report with the court once every six months or at shorter intervals
5 if ordered by the court or deemed appropriate by the department,
6 association, or individual. Every six months, the report shall
7 provide an updated statement regarding the eligibility of the
8 juvenile for health insurance, including, but not limited to, medical
9 assistance under the Medical Assistance Act. The department,
10 association, or individual shall file a report and notice of
11 placement change with the court and shall send copies of the notice
12 to all interested parties at least seven days before the placement of
13 the juvenile is changed from what the court originally considered to
14 be a suitable family home or institution to some other custodial
15 situation in order to effectuate the purposes of subdivision (1) of
16 section 43-246. The court, on its own motion or upon the filing of an
17 objection to the change by an interested party, may order a hearing
18 to review such a change in placement and may order that the change be
19 stayed until the completion of the hearing. Nothing in this section
20 shall prevent the court on an ex parte basis from approving an
21 immediate change in placement upon good cause shown. The department
22 may make an immediate change in placement without court approval only
23 if the juvenile is in a harmful or dangerous situation or when the
24 foster parents request that the juvenile be removed from their home.
25 Approval of the court shall be sought within twenty-four hours after

1 making the change in placement or as soon thereafter as possible. The
2 department shall provide the juvenile's guardian ad litem with a copy
3 of any report filed with the court by the department pursuant to this
4 subsection.

5 (4) The court shall also hold a permanency hearing if
6 required under section 43-1312.

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

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

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

24 (8) The executive director and any agent or employee of
25 the Foster Care Review Office or any member of any local foster care

1 review board participating in an investigation or making any report
2 pursuant to the Foster Care Review Act or participating in a judicial
3 proceeding pursuant to this section shall be immune from any civil
4 liability that would otherwise be incurred except for false
5 statements negligently made.

6 Sec. 24. Section 43-905, Revised Statutes Supplement,
7 2013, is amended to read:

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

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

22 (3) Whenever any child who has been committed to the
23 department becomes self-supporting, the department shall declare that
24 fact and the guardianship of the department shall cease. Thereafter
25 the child shall be entitled to his or her own earnings. Guardianship

1 of and services by the department shall never extend beyond the age
2 of majority, except that (a) services by the department to a child
3 shall continue until the child reaches the age of twenty-one if the
4 child ~~is a student regularly attending a school, college, or~~
5 ~~university or regularly attending a course of vocational or technical~~
6 ~~training designed to prepare such child for gainful employment or the~~
7 ~~child receives extended services and support~~ is in the bridge to
8 independence program as provided in the Young Adult Voluntary
9 ~~Services and Support~~ Bridge to Independence Act and (b) beginning
10 January 1, 2014, coverage for health care and related services under
11 medical assistance in accordance with section 68-911 may be extended
12 as provided under the federal Patient Protection and Affordable Care
13 Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section
14 existed on January 1, 2013, for medicaid coverage for individuals
15 under twenty-six years of age as allowed pursuant to such act.

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

21 (5) Whenever permanent free homes for the children cannot
22 be obtained, the department shall have the authority to provide and
23 pay for the maintenance of the children in private families, in
24 foster care, in guardianship, in boarding homes, or in institutions
25 for care of children.

1 Sec. 25. Section 43-1311.03, Revised Statutes Supplement,
2 2013, is amended to read:

3 43-1311.03 (1) When a child placed in foster care turns
4 sixteen years of age or enters foster care and is at least sixteen
5 years of age, a written independent living transition proposal shall
6 be developed by the Department of Health and Human Services at the
7 direction and involvement of the child to prepare for the transition
8 from foster care to adulthood. The transition proposal shall be
9 personalized based on the child's needs. The transition proposal
10 shall include, but not be limited to, the following needs:

11 (a) Education;

12 (b) Employment services and other workforce support;

13 (c) Health and health care coverage, including the
14 child's potential eligibility for medicaid coverage under the federal
15 Patient Protection and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)
16 (i)(IX), as such act and section existed on January 1, 2013;

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

19 (e) Housing;

20 (f) Relationship development; and

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

24 (2) The transition proposal shall be developed and
25 frequently reviewed by the department in collaboration with the

1 child's transition team. The transition team shall be comprised of
2 the child, the child's caseworker, the child's guardian ad litem,
3 individuals selected by the child, and individuals who have knowledge
4 of services available to the child.

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

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

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

14 (6) A child adjudicated to be a juvenile described in
15 subdivision (3)(a) of section 43-247 and who is in an out-of-home
16 placement shall receive information regarding the Young Adult
17 ~~Voluntary Services and Support~~ Bridge to Independence Act and the
18 ~~extended services and support~~ bridge to independence program
19 available under the act. The department shall create a clear and
20 developmentally appropriate written notice discussing the rights of
21 eligible young adults to ~~receive extended services and support.~~
22 participate in the program. The notice shall include information
23 about eligibility and requirements to ~~receive extended services and~~
24 ~~support,~~ participate in the program, the extended services and
25 support that young adults are eligible to receive under the program,

1 and how young adults can ~~access the extended services and support.~~ be
2 a part of the program. The notice shall also include information
3 about the young adult's right to request a client-directed attorney
4 to represent the young adult pursuant to section 43-4510 and the
5 benefits and role of an attorney. The department shall disseminate
6 this information to all children who were adjudicated to be a
7 juvenile described in subdivision (3)(a) of section 43-247 and who
8 are in an out-of-home placement at sixteen years of age and yearly
9 thereafter until nineteen years of age, and not later than ninety
10 days prior to the child's last court review before attaining nineteen
11 years of age or being discharged from foster care to independent
12 living. In addition to providing the written notice, not later than
13 ninety days prior to the child's last court review before attaining
14 nineteen years of age or being discharged from foster care to
15 independent living, a representative of the department shall explain
16 the information contained in the notice to the child in person and
17 the timeline necessary to avoid a lapse in services and support.

18 (7) On or before the date the child reaches nineteen
19 years of age, the department shall provide the child with (a) a
20 certified copy of the child's birth certificate and facilitate
21 securing a federal social security card when the child is eligible
22 for such card and (b) all documentation required for enrollment in
23 medicaid coverage for former foster care children as available under
24 the federal Patient Protection and Affordable Care Act, 42 U.S.C.
25 1396a(a)(10)(A)(i)(IX), as such act and section existed on January 1,

1 2013. All fees associated with securing the certified copy of the
2 child's birth certificate shall be waived by the state.

3 Sec. 26. Section 43-2932, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-2932 (1) When the court is required to develop a
6 parenting plan:

7 (a) If a preponderance of the evidence demonstrates, the
8 court shall determine whether a parent who would otherwise be
9 allocated custody, parenting time, visitation, or other access to the
10 child under a parenting plan:

11 (i) Has committed child abuse or neglect;

12 (ii) Has committed child abandonment under section
13 28-705;

14 (iii) Has committed domestic intimate partner abuse; or

15 (iv) Has interfered persistently with the other parent's
16 access to the child, except in the case of actions taken for the
17 purpose of protecting the safety of the child or the interfering
18 parent or another family member, pending adjudication of the facts
19 underlying that belief; and

20 (b) If a parent is found to have engaged in any activity
21 specified by subdivision (1)(a) of this section, limits shall be
22 imposed that are reasonably calculated to protect the child or
23 child's parent from harm. The limitations may include, but are not
24 limited to:

25 (i) An adjustment of the custody of the child, including

1 the allocation of sole legal custody or physical custody to one
2 parent;

3 (ii) Supervision of the parenting time, visitation, or
4 other access between a parent and the child;

5 (iii) Exchange of the child between parents through an
6 intermediary or in a protected setting;

7 (iv) Restraints on the parent from communication with or
8 proximity to the other parent or the child;

9 (v) A requirement that the parent abstain from possession
10 or consumption of alcohol or nonprescribed drugs while exercising
11 custodial responsibility and in a prescribed period immediately
12 preceding such exercise;

13 (vi) Denial of overnight physical custodial parenting
14 time;

15 (vii) Restrictions on the presence of specific persons
16 while the parent is with the child;

17 (viii) A requirement that the parent post a bond to
18 secure return of the child following a period in which the parent is
19 exercising physical custodial parenting time or to secure other
20 performance required by the court; or

21 (ix) Any other constraints or conditions deemed necessary
22 to provide for the safety of the child, a child's parent, or any
23 person whose safety immediately affects the child's welfare.

24 (2) A court determination under this section shall not be
25 considered a report for purposes of inclusion in the central register

1 registry of child protection cases pursuant to the Child Protection
2 and Family Safety Act.

3 (3) If a parent is found to have engaged in any activity
4 specified in subsection (1) of this section, the court shall not
5 order legal or physical custody to be given to that parent without
6 making special written findings that the child and other parent can
7 be adequately protected from harm by such limits as it may impose
8 under such subsection. The parent found to have engaged in the
9 behavior specified in subsection (1) of this section has the burden
10 of proving that legal or physical custody, parenting time,
11 visitation, or other access to that parent will not endanger the
12 child or the other parent.

13 Sec. 27. Section 43-3709, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-3709 (1) The minimum qualifications for any
16 prospective court appointed special advocate volunteer are that he or
17 she shall:

18 (a) Be at least twenty-one years of age or older and have
19 demonstrated an interest in children and their welfare;

20 (b) Be willing to commit to the court for a minimum of
21 one year of service to a child;

22 (c) Complete an application, including providing
23 background information required pursuant to subsection (2) of this
24 section;

25 (d) Participate in a screening interview; and

1 (e) Participate in the training required pursuant to
2 section 43-3708.

3 (2) As required background screening, the program
4 director shall obtain the following information regarding a volunteer
5 applicant:

6 (a) A check of the applicant's criminal history record
7 information maintained by the Identification Division of the Federal
8 Bureau of Investigation through the Nebraska State Patrol;

9 (b) A check of his or her record with the central
10 ~~register~~registry of child protection cases maintained under section
11 28-718;

12 (c) A check of his or her driving record; and

13 (d) At least three references who will attest to the
14 applicant's character, judgment, and suitability for the position of
15 a court appointed special advocate volunteer.

16 (3) If the applicant has lived in Nebraska for less than
17 twelve months, the program director shall obtain the records required
18 in subdivisions (2)(a) through (2)(c) of this section from all other
19 jurisdictions in which the applicant has lived during the preceding
20 year.

21 Sec. 28. Section 43-4318, Revised Statutes Supplement,
22 2013, is amended to read:

23 43-4318 (1) The office shall investigate:

24 (a) Allegations or incidents of possible misconduct,
25 misfeasance, malfeasance, or violations of statutes or of rules or

1 regulations of the department by an employee of or person under
2 contract with the department, a private agency, a licensed child care
3 facility, a foster parent, or any other provider of child welfare
4 services or which may provide a basis for discipline pursuant to the
5 Uniform Credentialing Act; and

6 (b) Death or serious injury in foster homes, private
7 agencies, child care facilities, juvenile detention facilities, staff
8 secure juvenile facilities, and other programs and facilities
9 licensed by or under contract with the department or the Office of
10 Probation Administration and death or serious injury in any case in
11 which services are provided by the department to a child or his or
12 her parents or any case involving an investigation under the Child
13 Protection and Family Safety Act, which case has been open for one
14 year or less. The department and the Office of Probation
15 Administration shall report all cases of death or serious injury of a
16 child in a foster home, private agency, child care facility or
17 program, or other program or facility licensed by the department to
18 the Inspector General as soon as reasonably possible after the
19 department or the Office of Probation Administration learns of such
20 death or serious injury. For purposes of this subdivision, serious
21 injury means an injury or illness caused by suspected abuse, neglect,
22 or maltreatment which leaves a child in critical or serious
23 condition.

24 (2) Any investigation conducted by the Inspector General
25 shall be independent of and separate from an investigation pursuant

1 to the Child Protection and Family Safety Act. The Inspector General
2 and his or her staff are subject to the reporting requirements of the
3 Child Protection and Family Safety Act.

4 (3) Notwithstanding the fact that a criminal
5 investigation, a criminal prosecution, or both are in progress, all
6 law enforcement agencies and prosecuting attorneys shall cooperate
7 with any investigation conducted by the Inspector General and shall,
8 immediately upon request by the Inspector General, provide the
9 Inspector General with copies of all law enforcement reports which
10 are relevant to the Inspector General's investigation. All law
11 enforcement reports which have been provided to the Inspector General
12 pursuant to this section are not public records for purposes of
13 sections 84-712 to 84-712.09 and shall not be subject to discovery by
14 any other person or entity. Except to the extent that disclosure of
15 information is otherwise provided for in the Office of Inspector
16 General of Nebraska Child Welfare Act, the Inspector General shall
17 maintain the confidentiality of all law enforcement reports received
18 pursuant to its request under this section. Law enforcement agencies
19 and prosecuting attorneys shall, when requested by the Inspector
20 General, collaborate with the Inspector General regarding all other
21 information relevant to the Inspector General's investigation. If the
22 Inspector General in conjunction with the Public Counsel determines
23 it appropriate, the Inspector General may, when requested to do so by
24 a law enforcement agency or prosecuting attorney, suspend an
25 investigation by the office until a criminal investigation or

1 prosecution is completed or has proceeded to a point that, in the
2 judgment of the Inspector General, reinstatement of the Inspector
3 General's investigation will not impede or infringe upon the criminal
4 investigation or prosecution. Under no circumstance shall the
5 Inspector General interview any minor who has already been
6 interviewed by a law enforcement agency, personnel of the Division of
7 Children and Family Services of the department, or staff of a child
8 advocacy center in connection with a relevant ongoing investigation
9 of a law enforcement agency.

10 Sec. 29. Section 43-4331, Revised Statutes Supplement,
11 2013, is amended to read:

12 43-4331 On or before September 15 of each year, the
13 Inspector General shall provide to the Health and Human Services
14 Committee of the Legislature and the Governor a summary of reports
15 and investigations made under the Office of Inspector General of
16 Nebraska Child Welfare Act for the preceding year. The summary
17 provided to the committee shall be provided electronically. The
18 summaries shall detail recommendations and the status of
19 implementation of recommendations and may also include
20 recommendations to the committee regarding issues discovered through
21 investigation, audits, inspections, and reviews by the office that
22 will increase accountability and legislative oversight of the
23 Nebraska child welfare system, improve operations of the department
24 and the Nebraska child welfare system, or deter and identify fraud,
25 abuse, and illegal acts. Such summary shall include summaries of

1 alternative response cases under alternative response demonstration
2 projects implemented in accordance with sections 2 to 4 of this act
3 reviewed by the Inspector General. The summaries shall not contain
4 any confidential or identifying information concerning the subjects
5 of the reports and investigations.

6 Sec. 30. Section 43-4501, Revised Statutes Supplement,
7 2013, is amended to read:

8 43-4501 Sections 43-4501 to 43-4514 and section 38 of
9 this act shall be known and may be cited as the Young Adult ~~Voluntary~~
10 ~~Services and Support Bridge to Independence Act.~~

11 Sec. 31. Section 43-4502, Revised Statutes Supplement,
12 2013, is amended to read:

13 43-4502 The purpose of the Young Adult ~~Voluntary Services~~
14 ~~and Support Bridge to Independence Act~~ is to support former state
15 wards in transitioning to adulthood, becoming self-sufficient, and
16 creating permanent relationships. The ~~extended services bridge to~~
17 independence program shall at all times recognize and respect the
18 autonomy of the young adult. Nothing in the Young Adult ~~Voluntary~~
19 ~~Services and Support Bridge to Independence Act~~ shall be construed to
20 abrogate any other rights that a person who has attained nineteen
21 years of age may have as an adult under state law.

22 Sec. 32. Section 43-4503, Revised Statutes Supplement,
23 2013, is amended to read:

24 43-4503 For purposes of the Young Adult ~~Voluntary~~
25 ~~Services and Support Bridge to Independence Act~~:

1 (1) Bridge to independence program means the extended
2 services and support available to a young adult under the Young Adult
3 Bridge to Independence Act other than the state-extended guardianship
4 assistance program described in subdivision (3)(b) of section
5 43-4514;

6 ~~(1)~~(2) Child means an individual who has not attained
7 twenty-one years of age;

8 ~~(2)~~(3) Department means the Department of Health and
9 Human Services;

10 ~~(3) Extended services program means the extended services~~
11 ~~and support available to a young adult under the Young Adult~~
12 ~~Voluntary Services and Support Act other than the state extended~~
13 ~~guardianship assistance program described in subdivision (3)(b) of~~
14 ~~section 43-4514;~~

15 (4) Supervised independent living setting means an
16 independent supervised setting, consistent with 42 U.S.C. 672(c).
17 Supervised independent living settings shall include, but not be
18 limited to, single or shared apartments, houses, host homes, college
19 dormitories, or other postsecondary educational or vocational
20 housing;

21 (5) Voluntary services and support agreement means a
22 voluntary placement agreement as defined in 42 U.S.C. 672(f) between
23 the department and a young adult as his or her own guardian; and

24 (6) Young adult means an individual who has attained
25 nineteen years of age but who has not attained twenty-one years of

1 age.

2 Sec. 33. Section 43-4504, Revised Statutes Supplement,
3 2013, is amended to read:

4 43-4504 The ~~extended services~~ bridge to independence
5 program is available, on a voluntary basis, to a young adult:

6 (1) Who has attained at least nineteen years of age;

7 (2) Who was adjudicated to be a juvenile described in
8 subdivision (3)(a) of section 43-247 and, upon attaining nineteen
9 years of age, was in an out-of-home placement or had been discharged
10 to independent living; and

11 (3) Who is:

12 (a) Completing secondary education or an educational
13 program leading to an equivalent credential;

14 (b) Enrolled in an institution which provides
15 postsecondary or vocational education;

16 (c) Employed for at least eighty hours per month;

17 (d) Participating in a program or activity designed to
18 promote employment or remove barriers to employment; or

19 (e) Incapable of doing any of the activities described in
20 subdivisions (3)(a) through (d) of this section due to a medical
21 condition, which incapacity is supported by regularly updated
22 information in the case plan of the young adult.

23 Sec. 34. Section 43-4505, Revised Statutes Supplement,
24 2013, is amended to read:

25 43-4505 Extended services and support provided under the

1 ~~extended services~~ bridge to independence program include, but are not
2 limited to:

3 (1) Medical care under the medical assistance program;

4 (2) Housing, placement, and support in the form of
5 continued foster care maintenance payments which shall remain at
6 least at the rate set immediately prior to the young adult's exit
7 from foster care. As decided by and with the young adult, young
8 adults may reside in a foster family home, a supervised independent
9 living setting, an institution, or a foster care facility. Placement
10 in an institution or a foster care facility should occur only if
11 necessary due to a young adult's developmental level or medical
12 condition. A young adult who is residing in a foster care facility
13 upon leaving foster care may choose to temporarily stay until he or
14 she is able to transition to a more age-appropriate setting. For
15 young adults residing in a supervised independent living setting:

16 (a) The department may send all or part of the foster
17 care maintenance payments directly to the young adult. This should be
18 decided on a case-by-case basis by and with the young adult in a
19 manner that respects the independence of the young adult; and

20 (b) Rules and restrictions regarding housing options
21 should be respectful of the young adult's autonomy and developmental
22 maturity. Specifically, safety assessments of the living arrangements
23 shall be age-appropriate and consistent with federal guidance on a
24 supervised setting in which the individual lives independently. A
25 clean background check shall not be required for an individual

1 residing in the same residence as the young adult; and

2 (3) Case management services that are young-adult driven.

3 Case management shall be a continuation of the independent living
4 transition proposal in section 43-1311.03, including a written
5 description of additional resources that will help the young adult in
6 creating permanent relationships and preparing for the transition to
7 adulthood and independent living. Case management shall include the
8 development of a case plan, developed jointly by the department and
9 the young adult, that includes a description of the identified
10 housing situation or living arrangement, ~~and~~ the resources to assist
11 the young adult in the transition from the ~~extended services bridge~~
12 to independence program to adulthood, ~~and the needs listed in~~
13 subsection (1) of section 43-1311.03. The case plan shall incorporate
14 the independent living transition proposal in section 43-1311.03.
15 Case management shall also include, but not be limited to,
16 documentation that assistance has been offered and provided that
17 would help the young adult meet his or her individual goals, if such
18 assistance is appropriate and if the young adult is eligible and
19 consents to receive such assistance. This shall include, but not be
20 limited to, assisting the young adult to:

21 (a) Obtain employment or other financial support;

22 (b) Obtain a government-issued identification card;

23 (c) Open and maintain a bank account;

24 (d) Obtain appropriate community resources, including
25 health, mental health, developmental disability, and other disability

1 services and support;

2 (e) When appropriate, satisfy any juvenile justice system
3 requirements and assist with sealing the young adult's juvenile court
4 record if the young adult is eligible under section 43-2,108.01;

5 (f) Complete secondary education;

6 (g) Apply for admission and aid for postsecondary
7 education or vocational courses;

8 (h) Obtain the necessary state court findings and then
9 apply for special immigrant juvenile status as defined in 8 U.S.C.
10 1101(a)(27)(J) or apply for other immigration relief that the young
11 adult may be eligible for;

12 (i) Create a health care power of attorney, health care
13 proxy, or other similar document recognized under state law, at the
14 young adult's option, pursuant to as required by the federal Patient
15 Protection and Affordable Care Act, Public Law 111-148;

16 (j) Obtain a copy of health and education records of the
17 young adult;

18 (k) Apply for any public benefits or benefits that he or
19 she may be eligible for or may be due through his or her parents or
20 relatives, including, but not limited to, aid to dependent children,
21 supplemental security income, social security disability insurance,
22 social security survivors benefits, the Special Supplemental
23 Nutrition Program for Women, Infants, and Children, the Supplemental
24 Nutrition Assistance Program, and low-income home energy assistance
25 programs;

1 (1) Maintain relationships with individuals who are
2 important to the young adult, including searching for individuals
3 with whom the young adult has lost contact;

4 (m) Access information about maternal and paternal
5 relatives, including any siblings;

6 (n) Access young adult empowerment opportunities, such as
7 Project Everlast and peer support groups; and

8 (o) Access pregnancy and parenting resources and
9 services.

10 Sec. 35. Section 43-4506, Revised Statutes Supplement,
11 2013, is amended to read:

12 43-4506 (1) If a young adult chooses to participate in
13 the ~~extended services~~ bridge to independence program and is eligible
14 under section 43-4504, the young adult and the department shall sign,
15 and the young adult shall be provided a copy of, a voluntary services
16 and support agreement that includes, at a minimum, information
17 regarding all of the following:

18 (a) The requirement that the young adult continue to be
19 eligible under section 43-4504 for the duration of the voluntary
20 services and support agreement and any other expectations of the
21 young adult;

22 (b) The services and support the young adult shall
23 receive through the ~~extended services~~ bridge to independence program;

24 (c) The voluntary nature of the young adult's
25 participation and the young adult's right to terminate the voluntary

1 services and support agreement at any time; and

2 (d) Conditions that may result in the termination of the
3 voluntary services and support agreement and the young adult's early
4 discharge from the ~~extended services~~ bridge to independence program
5 as described in section 43-4507.

6 (2) As soon as the young adult and the department sign
7 the voluntary services and support agreement and the department
8 determines that the young adult is eligible for the bridge to
9 independence program under section 43-4504, but not longer than
10 forty-five days after signing the agreement, the department shall
11 provide services and support to the young adult in accordance with
12 the voluntary services and support agreement.

13 (3) A young adult participating in the ~~extended services~~
14 bridge to independence program shall be assigned a ~~support worker~~ an
15 independence coordinator to provide case management services for the
16 young adult. ~~Support workers~~ Independence coordinators and their
17 supervisors shall be specialized in primarily providing services for
18 young adults in the ~~extended services~~ bridge to independence program
19 or shall, at minimum, have specialized training in providing
20 transition services and support to young adults.

21 (4) The department shall provide continued efforts at
22 achieving permanency and creating permanent connections for a young
23 adult participating in the ~~extended services~~ bridge to independence
24 program.

25 (5) The department shall fulfill all case plan

1 obligations consistent with 42 U.S.C. 675(1).

2 ~~(6) As soon as possible after the young adult is~~
3 ~~determined eligible under section 43-4504 and signs the voluntary~~
4 ~~services and support agreement, the department shall conduct a~~
5 ~~redetermination of income eligibility for purposes of Title IV E of~~
6 ~~the federal Social Security Act, 42 U.S.C. 672.~~

7 Sec. 36. Section 43-4507, Revised Statutes Supplement,
8 2013, is amended to read:

9 43-4507 (1) A young adult may choose to terminate the
10 voluntary services and support agreement and stop receiving services
11 and support under the ~~extended services~~ bridge to independence
12 program at any time. If a young adult chooses to terminate the
13 voluntary services and support agreement, the department shall
14 provide the young adult with a clear and developmentally appropriate
15 written notice informing the young adult of the potential negative
16 effects of terminating the voluntary services and support agreement
17 early, the option to reenter the ~~extended services~~ bridge to
18 independence program at any time before attaining twenty-one years of
19 age, ~~and the procedures for reentering the extended services~~ bridge
20 to independence program, and information about and contact
21 information for community resources that may benefit the young adult,
22 specifically including information regarding state programs
23 established pursuant to 42 U.S.C. 677.

24 (2) If the department determines that the young adult is
25 no longer eligible for the bridge to independence program under

1 section 43-4504, the department may terminate the voluntary services
2 and support agreement and stop providing services and support to the
3 young adult. Academic breaks in postsecondary education attendance,
4 such as semester and seasonal breaks, and other transitions between
5 eligibility requirements under section 43-4504, including education
6 and employment transitions of no longer than thirty days, shall not
7 be a basis for termination. Even if a young adult's voluntary
8 services and support agreement has been previously terminated by
9 either the department or the young adult, the young adult may come
10 back into the ~~extended services~~ bridge to independence program by
11 entering into another voluntary services and support agreement at any
12 time, so long as he or she is eligible under section 43-4504. At
13 least thirty days prior to the termination of the voluntary services
14 and support agreement, the department shall provide a clear and
15 developmentally appropriate written notice to the young adult
16 informing the young adult of the termination of the voluntary
17 services and support agreement and a clear and developmentally
18 appropriate explanation of the basis for the termination. The written
19 termination notice shall also provide information about the process
20 for appealing the termination, information about the option to enter
21 into another voluntary services and support agreement once the young
22 adult reestablishes eligibility under section 43-4504, and
23 information about and contact information for community resources
24 that may benefit the young adult, specifically including information
25 regarding state programs established pursuant to 42 U.S.C. 677. In

1 addition, the independence coordinator shall make efforts to meet
2 with the young adult in person to explain the information in the
3 written termination notice and to assist the young adult in
4 reestablishing eligibility if the young adult wishes to continue
5 participating in the program. The young adult may appeal the
6 termination of the voluntary services and support agreement and any
7 other actions or inactions by the department administratively, and
8 such appeal shall be in accordance with as allowed under the
9 Administrative Procedure Act.

10 (3) If the young adult remains in the bridge to
11 independence program until attaining twenty-one years of age, the
12 department shall provide the young adult with a clear and
13 developmentally appropriate written notice informing the young adult
14 of the termination of the voluntary services and support agreement
15 and information about and contact information for community resources
16 that may benefit the young adult, specifically including information
17 regarding state programs established pursuant to 42 U.S.C. 677.

18 Sec. 37. Section 43-4508, Revised Statutes Supplement,
19 2013, is amended to read:

20 43-4508 (1) Within forty-five days after the voluntary
21 services and support agreement is signed, the department shall file a
22 petition with the juvenile court a written report or petition
23 describing the young adult's current situation, including the young
24 adult's name, date of birth, and current address and the reasons why
25 it is in the young adult's best interests to receive extended

1 ~~services and support.~~ participate in the bridge to independence
2 program. The department shall also provide the juvenile court with a
3 copy of the signed voluntary services and support agreement, a copy
4 of the case plan, and any other information the department or the
5 young adult wants the court to consider.

6 (2) To ensure continuity of care and eligibility, the
7 voluntary services and support agreement should be signed prior to
8 and filed with the court at the last court hearing before the young
9 adult is discharged from foster care for all young adults who choose
10 to participate in the ~~extended services~~ bridge to independence
11 program at that time.

12 (3) The court has the jurisdiction to review the
13 voluntary services and support agreement signed by the department and
14 the young adult under section 43-4506 and to conduct permanency
15 reviews as described in this section. Upon the filing of a ~~report or~~
16 petition under subsection (1) of this section, the court shall open
17 ~~an extended services and support~~ a bridge to independence program
18 file for the young adult for the purpose of determining whether
19 continuing in ~~extended services and support~~ such program is in the
20 young adult's best interests and for the purpose of conducting
21 permanency reviews. ~~as described in subsection (5) of this section.~~

22 (4) The court shall make the best interests determination
23 as described in subsection (3) of this section not later than one
24 hundred eighty days after the young adult and the department enter
25 into the voluntary services and support agreement.

1 (5) The court shall conduct a hearing for permanency
2 review consistent with 42 U.S.C. 675(5)(C) as described in subsection
3 (6) of this section regarding the voluntary services and support
4 agreement at least once per year and may conduct such hearing at
5 additional times, but not more times than is reasonably practicable,
6 at the request of the young adult, the department, or any other party
7 to the proceeding. The juvenile court may request the appointment of
8 a hearing officer pursuant to section 24-230 to conduct permanency
9 review hearings. The department is not required to have legal counsel
10 present at such hearings. The juvenile court shall conduct the
11 permanency reviews in an expedited manner and shall issue findings
12 and orders, if any, as speedily as possible.

13 ~~(6)-(6)(a)~~ The primary purpose of the permanency review
14 is to ensure that the bridge to independence program is providing the
15 young adult is getting with the needed services and support to help
16 the young adult move toward permanency and self-sufficiency. This
17 shall include ~~the procedural safeguards described in 42 U.S.C. 675(5)~~
18 ~~(C), including that,~~ in all permanency reviews or hearings regarding
19 the transition of the young adult from foster care to independent
20 living, the court shall consult, in an age-appropriate manner, with
21 the young adult regarding the proposed permanency or transition plan
22 for the young adult, ~~and any other procedural safeguards that apply~~
23 ~~to children under nineteen years of age under existing state law.~~ The
24 young adult shall have a clear self-advocacy role in the permanency
25 review in accordance with section 43-4510, and the hearing shall

1 support the active engagement of the young adult in key decisions.
2 Permanency reviews shall be conducted on the record and in an
3 informal manner and, whenever possible, outside of the courtroom.

4 (b) The department shall prepare and present to the
5 juvenile court a report, at the direction of the young adult,
6 addressing progress made in meeting the goals in the case plan,
7 including the independent living transition proposal, and shall
8 propose modifications as necessary to further those goals.

9 (c) The court shall determine whether the bridge to
10 independence program is providing the appropriate services and
11 support as provided in the voluntary services and support agreement
12 to carry out the case plan. The court has the authority to determine
13 whether the young adult is receiving the services and support he or
14 she is entitled to receive under the Young Adult Bridge to
15 Independence Act and the department's policies or state or federal
16 law to help the young adult move toward permanency and self-
17 sufficiency. If the court believes that the young adult requires
18 additional services and support to achieve the goals documented in
19 the case plan or under the Young Adult Bridge to Independence Act and
20 the department's policies or state or federal law, the court may make
21 appropriate findings or order the department to take action to ensure
22 that the young adult receives the identified services and support.

23 Sec. 38. At least thirty days prior to each permanency
24 review or case review, the independence coordinator shall meet with
25 the young adult to notify the young adult of the date, time, and

1 location of the review, to explain the purpose of the review, and to
2 identify additional persons the young adult would like to attend the
3 review and assist in making arrangements for their attendance.

4 Sec. 39. Section 43-4509, Revised Statutes Supplement,
5 2013, is amended to read:

6 43-4509 ~~(1)(a) The department shall prepare and present~~
7 ~~to the juvenile court a report, at the direction of the young adult,~~
8 ~~addressing progress made in meeting the goals in the case plan,~~
9 ~~including the independent living transition proposal, and shall~~
10 ~~propose modifications as necessary to further those goals.~~

11 ~~(b) The court shall determine whether the department is~~
12 ~~providing the appropriate services and support as provided in the~~
13 ~~voluntary services and support agreement to carry out the case plan.~~
14 ~~If the court believes that the young adult requires additional~~
15 ~~services and support to achieve the goals documented in the case plan~~
16 ~~or under the department's policies or state or federal law, the court~~
17 ~~may order the department to take action to ensure that the young~~
18 ~~adult receives the identified services and support.~~

19 ~~(2)(1)~~ The department and at least one person who is not
20 responsible for case management, in collaboration with the young
21 adult and additional persons identified by the young adult, shall
22 conduct periodic case reviews consistent with 42 U.S.C. 675(5)(B) not
23 less than once every one hundred eighty days to evaluate progress
24 made toward meeting the goals set forth in the case plan. The
25 department is not required to have legal counsel present at such

1 reviews. The department shall utilize a team approach in conducting
2 such reviews and shall seek to facilitate the participation of the
3 young adult. Reviews shall be conducted in an informal manner and,
4 whenever possible, scheduled at times that allow for the attendance
5 and participation of the young adult.

6 (2) At the end of each case review, the reviewer
7 conducting the periodic case review shall notify the young adult of
8 his or her right to request a client-directed attorney and an
9 additional permanency review and shall provide the young adult with a
10 clear and developmentally appropriate written notice regarding the
11 young adult's right to request a client-directed attorney, the
12 benefits and role of such attorney, the specific steps to take to
13 request that an attorney be appointed, the young adult's right to
14 request an additional permanency review hearing, the potential
15 benefits and purpose of such a hearing, and the specific steps to
16 take to request an additional permanency review hearing.

17 Sec. 40. Section 43-4510, Revised Statutes Supplement,
18 2013, is amended to read:

19 43-4510 (1) If desired by the young adult, the young
20 adult shall be provided a court-appointed attorney who has received
21 training appropriate to the role. The attorney's representation of
22 the young adult shall be client-directed. The attorney shall protect
23 the young adult's legal rights and vigorously advocate for the young
24 adult's wishes and goals, including assisting the young adult as
25 necessary to ensure that the bridge to independence program is

1 ~~providing the young adult receives with~~ the services and support
2 required under the Young Adult ~~Voluntary Services and Support Bridge~~
3 ~~to Independence Act~~. For young adults who were appointed a guardian
4 ad litem before the young adult attained nineteen years of age, the
5 guardian ad litem's appointment may be continued, with consent from
6 the young adult, but under a client-directed model of representation.
7 Before entering into a voluntary services and support agreement and
8 at least sixty days prior to each permanency and case review, the
9 ~~support worker independence coordinator~~ shall notify the young adult
10 of his or her right to request a client-directed attorney if the
11 young adult would like an attorney to be appointed and shall provide
12 the young adult with a clear and developmentally appropriate written
13 notice regarding the young adult's right to request a client-directed
14 attorney, the benefits and role of such attorney, and the specific
15 steps to take to request that an attorney be appointed if the young
16 adult would like an attorney appointed.

17 (2) The court has discretion to appoint a court appointed
18 special advocate volunteer or continue the appointment of a
19 previously appointed court appointed special advocate volunteer with
20 the consent of the young adult.

21 Sec. 41. Section 43-4511, Revised Statutes Supplement,
22 2013, is amended to read:

23 43-4511 (1) The department shall provide extended
24 guardianship assistance for a young adult who is at least nineteen
25 years of age but less than twenty-one years of age if the young adult

1 began receiving kinship guardianship assistance pursuant to 42 U.S.C.
2 673 at sixteen years of age or older or the young adult received
3 state-funded guardianship assistance in a licensed relative placement
4 at sixteen years of age or older and the young adult meets at least
5 one of the following conditions for eligibility:

6 ~~(1)~~ (a) The young adult is completing secondary education
7 or an educational program leading to an equivalent credential;

8 ~~(2)~~ (b) The young adult is enrolled in an institution
9 that provides postsecondary or vocational education;

10 ~~(3)~~ (c) The young adult is employed for at least eighty
11 hours per month;

12 ~~(4)~~ (d) The young adult is participating in a program or
13 activity designed to promote employment or remove barriers to
14 employment; or

15 ~~(5)~~ (e) The young adult is incapable of doing any part of
16 the activities in subdivisions ~~(1) through (4)~~ (1)(a) through (d) of
17 this section due to a medical condition, which incapacity must be
18 supported by regularly updated information in the case plan of the
19 young adult.

20 (2) The guardian shall ensure that any guardianship
21 assistance funds provided by the department and received by the
22 guardian shall be used for the benefit of the young adult. The
23 department shall adopt and promulgate rules and regulations defining
24 services and supports encompassed by such benefit.

25 Sec. 42. Section 43-4512, Revised Statutes Supplement,

1 2013, is amended to read:

2 43-4512 (1) The department shall provide extended
3 adoption assistance for a young adult who is at least nineteen years
4 of age but less than twenty-one years of age if the young adult began
5 receiving adoption assistance at sixteen years of age or older and
6 meets at least one of the following conditions of eligibility:

7 ~~(1)-(a)~~ The young adult is completing secondary education
8 or an educational program leading to an equivalent credential;

9 ~~(2)-(b)~~ The young adult is enrolled in an institution
10 that provides postsecondary or vocational education;

11 ~~(3)-(c)~~ The young adult is employed for at least eighty
12 hours per month;

13 ~~(4)-(d)~~ The young adult is participating in a program or
14 activity designed to promote employment or remove barriers to
15 employment; or

16 ~~(5)-(e)~~ The young adult is incapable of doing any part of
17 the activities in subdivisions ~~(1) through (4)~~ (1)(a) through (d) of
18 this section due to a medical condition, which incapacity must be
19 supported by regularly updated information in the case plan of the
20 young adult.

21 (2) The adoptive parent or parents shall ensure that any
22 adoption assistance funds provided by the department and received by
23 the adoptive parent shall be used for the benefit of the young adult.
24 The department shall adopt and promulgate rules and regulations
25 defining services and supports encompassed by such benefit.

1 Sec. 43. Section 43-4513, Revised Statutes Supplement,
2 2013, is amended to read:

3 43-4513 (1) On or before July 1, 2013, the Nebraska
4 Children's Commission shall appoint a ~~Young Adult Voluntary Services~~
5 ~~and Support~~ Bridge to Independence Advisory Committee to make
6 recommendations to the department and the Nebraska Children's
7 Commission for a statewide implementation plan meeting the ~~extended~~
8 ~~services~~ bridge to independence program requirements of the Young
9 ~~Adult Voluntary Services and Support~~ Bridge to Independence Act. The
10 committee shall provide a written report regarding the initial
11 implementation of the program to the Nebraska Children's Commission,
12 the Health and Human Services Committee of the Legislature, the
13 department, and the Governor by October 1, 2013. The report shall
14 also specifically address recommendations for maximizing and making
15 efficient use of funding for a state-extended guardianship assistance
16 program described in section 43-4514. The report to the Health and
17 Human Services Committee of the Legislature shall be submitted
18 electronically. The ~~Young Adult Voluntary Services and Support~~ Bridge
19 to Independence Advisory Committee shall meet on a biannual basis
20 thereafter to advise the department and the Nebraska Children's
21 Commission regarding ongoing implementation of the ~~extended services~~
22 bridge to independence program and shall provide a written report
23 regarding ongoing implementation, including ~~extended services~~ bridge
24 to independence program participation and early discharge rates and
25 reasons obtained from the department, to the Nebraska Children's

1 Commission, the Health and Human Services Committee of the
2 Legislature, the department, and the Governor by December 15th of
3 each year. By December 15, 2015, the committee shall develop specific
4 recommendations for expanding to or improving outcomes for similar
5 groups of at-risk young adults and for the adaptation or continuation
6 of assistance under the state-extended guardianship assistance
7 program described in section 43-4514. The report to the Health and
8 Human Services Committee of the Legislature shall be submitted
9 electronically.

10 (2) The members of the ~~Young Adult Voluntary Services and~~
11 ~~Support~~ Bridge to Independence Advisory Committee shall include, but
12 not be limited to, (a) representatives from all three branches of
13 government, and the representatives from the legislative and judicial
14 branches of government shall be nonvoting, ex officio members, (b) no
15 less than three young adults currently or previously in foster care,
16 which may be filled on a rotating basis by members of Project
17 Everlast or a similar youth support or advocacy group, (c) one or
18 more representatives from a child welfare advocacy organization, (d)
19 one or more representatives from a child welfare service agency, and
20 (e) one or more representatives from an agency providing independent
21 living services.

22 (3) Members of the committee shall be appointed for terms
23 of two years. The Nebraska Children's Commission shall appoint the
24 chairperson of the committee and may fill vacancies on the committee
25 as they occur.

1 Sec. 44. Section 43-4514, Revised Statutes Supplement,
2 2013, is amended to read:

3 43-4514 (1) The department shall submit a state plan
4 amendment by October 15, 2013, to seek federal Title IV-E funding
5 under 42 U.S.C. 672 and 42 U.S.C. 673 for the ~~extended services~~
6 bridge to independence program pursuant to the Young Adult ~~Voluntary~~
7 Services and Support Bridge to Independence Act.

8 (2) The ~~extended services~~ bridge to independence program
9 or the state-extended guardianship assistance program under either
10 subsection (3) or (4) of this section shall not begin prior to
11 January 1, 2014.

12 (3) If the state plan amendment is approved:

13 (a) The department shall implement the ~~extended services~~
14 bridge to independence program in accordance with the federal
15 Fostering Connections to Success and Increasing Adoptions Act of
16 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B) and in accordance with
17 requirements necessary to obtain federal Title IV-E funding under 42
18 U.S.C. 672 and 42 U.S.C. 673. If the department does not contract
19 with a private agency to implement the ~~extended services~~ bridge to
20 independence program, the ~~extended services~~ bridge to independence
21 program shall take effect within sixty days after the department
22 receives the notice of approval of the state plan amendment. If the
23 department contracts with a private agency to implement the ~~extended~~
24 services bridge to independence program, the ~~extended services~~ bridge
25 to independence program shall take effect within ninety days after

1 the department receives the notice of approval of the state plan
2 amendment; and

3 (b) The department shall implement a state-extended
4 guardianship assistance program. The state-extended guardianship
5 assistance program shall not be construed to create an entitlement.
6 Under the state-extended guardianship assistance program, a young
7 adult (i) for whom the state has entered into a guardianship
8 assistance agreement at sixteen years of age or older that is not
9 with a licensed relative and (ii) who meets at least one of the
10 conditions of eligibility under subdivisions ~~(1) through (5)~~ (1)(a)
11 through (e) of section 43-4511, the department shall continue making
12 guardianship assistance payments on behalf of such young adult until
13 he or she attains twenty-one years of age to the extent possible
14 within funds appropriated for the state-extended guardianship
15 assistance program. It is the intent of the Legislature to
16 appropriate four hundred thousand dollars for fiscal years 2013-14
17 and 2014-15 for the state-extended guardianship assistance program.

18 (4) If the state plan amendment is denied, the department
19 shall implement the ~~extended services~~ bridge to independence program
20 as a state-only pilot program within sixty days after the department
21 receives the notice of denial. If implemented as a state-only pilot
22 program, it is the intent of the Legislature to appropriate two
23 million dollars for fiscal years 2013-14 and 2014-15 for such state-
24 only pilot program. The department shall administer the state-only
25 pilot program to serve as many eligible young adults as possible

1 within the funds appropriated. If a state-only pilot program is
2 established, the ~~Young Adult Voluntary Services and Support~~ Bridge to
3 Independence Advisory Committee shall make recommendations to the
4 department and the Nebraska Children's Commission regarding
5 eligibility criteria and private or alternative funding options
6 within thirty days after the department receives the notice of
7 denial.

8 (5) Prior to January 1, 2014, the department shall adopt
9 and promulgate rules and regulations to carry out the Young Adult
10 ~~Voluntary Services and Support~~ Bridge to Independence Act.

11 (6) All references to the United States Code in the Young
12 ~~Adult Voluntary Services and Support~~ Bridge to Independence Act refer
13 to sections of the code as such sections existed on January 1, 2013.

14 Sec. 45. To facilitate consistency in training all case
15 managers and allow for Title IV-E reimbursement for case manager
16 training under Title IV-E of the federal Social Security Act, as
17 amended, the same program for initial training of case managers shall
18 be utilized for all case managers, whether they are employed by the
19 department or by an organization under contract with the department.
20 The initial training of all case managers shall be provided by the
21 department or one or more organizations under contract with the
22 department. The department shall create a formal system for measuring
23 and evaluating the quality of such training. All case managers shall
24 complete a formal assessment process after initial training to
25 demonstrate competency prior to assuming responsibilities as a case

1 manager. The training curriculum for case managers shall include, but
2 not be limited to: (1) An understanding of the benefits of utilizing
3 evidence-based and promising casework practices; (2) the importance
4 of guaranteeing service providers' fidelity to evidence-based and
5 promising casework practices; and (3) a commitment to evidence-based
6 and promising family-centered casework practices that utilize a least
7 restrictive approach for children and families.

8 Sec. 46. Section 71-3405, Revised Statutes Supplement,
9 2013, is amended to read:

10 71-3405 For purposes of the Child and Maternal Death
11 Review Act:

12 (1) Child means a person from birth to eighteen years of
13 age;

14 (2) Investigation of child death means a review of
15 existing records and other information regarding the child from
16 relevant agencies, professionals, and providers of medical, dental,
17 prenatal, and mental health care. The records to be reviewed may
18 include, but not be limited to, medical records, coroner's reports,
19 autopsy reports, social services records, records of alternative
20 response cases under alternative response demonstration projects
21 implemented in accordance with sections 2 to 4 of this act,
22 educational records, emergency and paramedic records, and law
23 enforcement reports;

24 (3) Investigation of maternal death means a review of
25 existing records and other information regarding the woman from

1 relevant agencies, professionals, and providers of medical, dental,
2 prenatal, and mental health care. The records to be reviewed may
3 include, but not be limited to, medical records, coroner's reports,
4 autopsy reports, social services records, educational records,
5 emergency and paramedic records, and law enforcement reports;

6 (4) Maternal death means the death of a woman during
7 pregnancy or the death of a postpartum woman;

8 (5) Postpartum woman means a woman during the period of
9 time beginning when the woman ceases to be pregnant and ending one
10 year after the woman ceases to be pregnant;

11 (6) Preventable child or maternal death means the death
12 of any child or pregnant or postpartum woman which reasonable
13 medical, social, legal, psychological, or educational intervention
14 may have prevented. Preventable child or maternal death includes, but
15 is not limited to, the death of a child or pregnant or postpartum
16 woman from (a) intentional and unintentional injuries, (b) medical
17 misadventures, including untoward results, malpractice, and
18 foreseeable complications, (c) lack of access to medical care, (d)
19 neglect and reckless conduct, including failure to supervise and
20 failure to seek medical care for various reasons, and (e) preventable
21 premature birth;

22 (7) Reasonable means taking into consideration the
23 condition, circumstances, and resources available; and

24 (8) Team means the State Child and Maternal Death Review
25 Team.

1 Sec. 47. Section 71-6039.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 71-6039.01 No person shall act as a paid dining assistant
4 in a nursing home unless such person:

5 (1) Is at least sixteen years of age;

6 (2) Is able to speak and understand the English language
7 or a language understood by the nursing home resident being fed by
8 such person;

9 (3) Has successfully completed at least eight hours of
10 training as prescribed by the department for paid dining assistants;

11 (4) Has no adverse findings on the Nurse Aide Registry or
12 the Adult Protective Services Central Registry; and

13 (5) Has no adverse findings on the central ~~register~~
14 registry created in section 28-718 if the nursing home which employs
15 such person as a paid dining assistant has at any one time more than
16 one resident under the age of nineteen years.

17 Sec. 48. Section 71-6039.05, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-6039.05 Each nursing home shall maintain (1) a record
20 of all paid dining assistants employed by such facility, (2)
21 verification of successful completion of a training course for each
22 paid dining assistant, and (3) verification that the facility has
23 made checks with the Nurse Aide Registry, the Adult Protective
24 Services Central Registry, and the central ~~register~~-registry created
25 in section 28-718, if applicable under section 71-6039.01, with

1 respect to each paid dining assistant.

2 Sec. 49. Section 71-6502, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-6502 An in-home personal services worker:

5 (1) Shall be at least eighteen years of age;

6 (2) Shall have good moral character;

7 (3) Shall not have been convicted of a crime under the
8 laws of Nebraska or another jurisdiction, the penalty for which is
9 imprisonment for a period of more than one year and which crime is
10 rationally related to the person's fitness or capacity to act as an
11 in-home personal services worker;

12 (4) Shall have no adverse findings on the Adult
13 Protective Services Central Registry, the central ~~register~~registry
14 created in section 28-718, the Medication Aide Registry, the Nurse
15 Aide Registry, or the central registry maintained by the sex offender
16 registration and community notification division of the Nebraska
17 State Patrol pursuant to section 29-4004;

18 (5) Shall be able to speak and understand the English
19 language or the language of the person for whom he or she is
20 providing in-home personal services; and

21 (6) Shall have training sufficient to provide the
22 requisite level of in-home personal services offered.

23 Sec. 50. Section 81-3136, Revised Statutes Supplement,
24 2013, is amended to read:

25 81-3136 (1) It is the intent of the Legislature that the

1 alternative response to reports of child abuse or neglect model
2 developed pursuant to subsection (2) of this section be implemented
3 in designated sites under the Child Protection and Family Safety Act
4 no earlier than July 2014.

5 (2) The Department of Health and Human Services shall
6 convene interested stakeholders and families to develop a model for
7 alternative response to reports of child abuse or neglect under the
8 ~~Child Protection Act.~~ act. The model shall include:

9 (a) Methodology for determining the location of sites for
10 initial implementation of alternative response;

11 (b) An estimate of the percentage of reports of child
12 abuse or neglect eligible for alternative response;

13 (c) Eligibility criteria for alternative response;

14 (d) The process to determine eligibility for alternative
15 response;

16 (e) The assessment protocol and tools to be used for
17 alternative response;

18 (f) The role of child abuse and neglect investigative
19 teams and child abuse and neglect treatment teams in implementation
20 sites;

21 (g) How, with whom, and what alternative response data
22 will be shared;

23 (h) The criteria and process for transition of families
24 from an alternative response to a traditional investigation;

25 (i) The criteria and process for families who refuse an

1 alternative response;

2 (j) The plan to address the continuum of services needed
3 for families receiving an alternative response;

4 (k) An overview of critical training elements for both
5 staff who implement and stakeholders involved with alternative
6 response implementation;

7 (l) A description of the evaluation component;

8 (m) The relationship of alternative response to Title IV-
9 E waiver applications of the Department of Health and Human Services
10 under the federal Social Security Act;

11 (n) A plan to communicate and update interested
12 stakeholders and families with regard to the alternative response
13 planning process;

14 (o) The identification of statutory and policy changes
15 necessary to implement the alternative response model, including a
16 procedure that provides that reports of child abuse and neglect which
17 receive an alternative response shall not receive a formal
18 determination and the subject of the report shall not be entered into
19 the central ~~register~~registry of child protection cases maintained
20 pursuant to section 28-718;

21 (p) A budget for implementing and sustaining an
22 alternative response model;

23 (q) The mechanisms of oversight and accountability in the
24 alternative response model; and

25 (r) A determination of how alternative response service

1 providers will be selected.

2 (3) The Department of Health and Human Services shall
3 provide the model developed under subsection (2) of this section in a
4 report to the Nebraska Children's Commission by November 1, 2013, for
5 the commission's review. The Nebraska Children's Commission shall
6 electronically submit the report and review to the Legislature by
7 December 15, 2013.

8 Sec. 51. Original sections 28-713, 28-719, 28-720.01,
9 28-721, 28-722, 28-723, 28-724, 28-725, 43-146.17, 43-284.02,
10 43-2932, 43-3709, 71-6039.01, 71-6039.05, and 71-6502, Reissue
11 Revised Statutes of Nebraska, sections 28-713.01, 28-718, 28-720,
12 28-728, and 43-107, Revised Statutes Cumulative Supplement, 2012, and
13 sections 28-710, 28-726, 28-801, 43-247, 43-285, 43-905, 43-1311.03,
14 43-4318, 43-4331, 43-4501, 43-4502, 43-4503, 43-4504, 43-4505,
15 43-4506, 43-4507, 43-4508, 43-4509, 43-4510, 43-4511, 43-4512,
16 43-4513, 43-4514, 71-3405, and 81-3136, Revised Statutes Supplement,
17 2013, are repealed.