

AMENDMENTS TO LB746

Introduced by Campbell, 25.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Sections 1 to 14 of this act shall be known and may be
4 cited as the Nebraska Strengthening Families Act.

5 Sec. 2. The Legislature finds that every day a parent makes
6 important decisions about his or her child's participation in activities
7 and that a caregiver for a child in out-of-home care is faced with making
8 the same decisions for a child in his or her care.

9 The Legislature also finds that, when a caregiver makes decisions,
10 he or she must consider applicable laws, rules, and regulations to
11 safeguard the health and safety of a child in out-of-home care and that
12 those laws, rules, and regulations have commonly been interpreted to
13 prohibit children in out-of-home care from participating in
14 extracurricular, enrichment, cultural, and social activities.

15 The Legislature further finds that participation in these types of
16 activities is important to a child's well-being, not only emotionally,
17 but in developing valuable life skills.

18 It is the intent of the Legislature to recognize the importance of
19 making every effort to normalize the lives of children in out-of-home
20 care and to empower a caregiver to approve or disapprove a child's
21 participation in activities based on the caregiver's own assessment using
22 a reasonable and prudent parent standard.

23 It is the intent of the Legislature to implement the federal
24 Preventing Sex Trafficking and Strengthening Act, Public Law 113-183, as
25 such act existed on January 1, 2016.

26 Sec. 3. For purposes of the Nebraska Strengthening Families Act:

27 (1) Age or developmentally appropriate means activities or items

1 that are generally accepted as suitable for a child of the same
2 chronological age or level of maturity or that are determined to be
3 developmentally appropriate for a child, based on the development of
4 cognitive, emotional, physical, and behavioral capacities that are
5 typical for an age or age group and, in the case of a specific child,
6 activities or items that are suitable for the child based on the
7 developmental stages attained by the child with respect to the cognitive,
8 emotional, physical, and behavioral capacities of the child;

9 (2) Caregiver means a foster parent with whom a child in foster care
10 has been placed or a designated official for a child-care institution in
11 which a child in foster care has been placed;

12 (3) Child-care institution has the definition found in 42 U.S.C.
13 672(c), as such section existed on January 1, 2016, and also includes the
14 definition of residential child-caring agency as found in section
15 71-1926;

16 (4) Department means the Department of Health and Human Services;

17 (5) Foster family home has the definition found in 42 U.S.C. 672(c),
18 as such section existed on January 1, 2016, and also includes the
19 definition as found in section 71-1901; and

20 (6) Reasonable and prudent parent standard means the standard
21 characterized by careful and sensible parental decisions that maintain
22 the health, safety, and best interest of a child while at the same time
23 encouraging the emotional and developmental growth of the child that a
24 caregiver shall use when determining whether to allow a child in foster
25 care under the responsibility of the state to participate in
26 extracurricular, enrichment, cultural, and social activities.

27 Sec. 4. Every child placed in a foster family home or child-care
28 institution shall be entitled to participate in age or developmentally
29 appropriate extracurricular, enrichment, cultural, and social activities.

30 Sec. 5. Each caregiver shall use the reasonable and prudent parent
31 standard in determining whether to give permission for a child to

1 participate in extracurricular, enrichment, cultural, and social
2 activities. When using the reasonable and prudent parent standard, the
3 caregiver shall consider:

4 (1) The child's goals and input;

5 (2) To the extent possible, the input of the parent of the child;

6 (3) The child's age, maturity, and developmental level to maintain
7 the overall health and safety of the child;

8 (4) The potential risk factors and the appropriateness of the
9 extracurricular, enrichment, cultural, or social activity;

10 (5) The best interests of the child, based on information known by
11 the caregiver;

12 (6) The importance of encouraging the child's emotional and
13 developmental growth;

14 (7) The importance of providing the child with the most family-like
15 living experience possible;

16 (8) The behavioral history of the child and the child's ability to
17 safely participate in the proposed activity;

18 (9) The child's personal and cultural identity; and

19 (10) The individualized needs of the child.

20 Sec. 6. (1) The department shall ensure that each foster family
21 home and child-care institution has policies consistent with this section
22 and that such foster family home and child-care institution promote and
23 protect the ability of children to participate in age or developmentally
24 appropriate extracurricular, enrichment, cultural, and social activities.

25 (2) A caregiver shall use a reasonable and prudent parent standard
26 in determining whether to give permission for a child to participate in
27 extracurricular, enrichment, cultural, and social activities. The
28 caregiver shall take reasonable steps to determine the appropriateness of
29 the activity in consideration of the child's age, maturity, and
30 developmental level.

31 (3) The department shall require, as a condition of each contract

1 entered into by a child-care institution to provide foster care, the
2 presence onsite of at least one official who, with respect to any child
3 placed at the child-care institution, is designated to be the caregiver
4 who is (a) authorized to apply the reasonable and prudent parent standard
5 to decisions involving the participation of the child in age or
6 developmentally appropriate activities, (b) provided with training in how
7 to use and apply the reasonable and prudent parent standard in the same
8 manner as foster parents are provided training in section 7 of this act,
9 and (c) required to consult whenever possible with the child and staff
10 members identified by the child in applying the reasonable and prudent
11 parent standard.

12 (4) The department shall also require, as a condition of each
13 contract entered into by a child-care institution to provide foster care,
14 that all children placed at the child-care institution be notified
15 verbally and in writing of the process for making a request to
16 participate in age or developmentally appropriate activities and that a
17 written notice of this process be posted in an accessible, public place
18 in the child-care institution.

19 Sec. 7. The department shall adopt and promulgate rules and
20 regulations regarding training for foster parents so that foster parents
21 will be prepared adequately with the appropriate knowledge and skills
22 relating to the reasonable and prudent parent standard for the
23 participation of the child in age or developmentally appropriate
24 activities, including knowledge and skills relating to the developmental
25 stages of the cognitive, emotional, physical, and behavioral capacities
26 of the child and knowledge and skills related to applying the standard to
27 decisions such as whether to allow the child to engage in
28 extracurricular, enrichment, cultural, and social activities, including
29 sports, field trips, and overnight activities lasting one or more days
30 and to decisions involving the signing of permission slips and arranging
31 of transportation for the child to and from extracurricular, enrichment,

1 cultural, and social activities.

2 Sec. 8. A caregiver is not liable for harm caused to a child who
3 participates in an activity approved by the caregiver or by a child who
4 participates in an activity approved by a caregiver if the caregiver has
5 acted in accordance with the reasonable and prudent parent standard. This
6 section may not be interpreted as removing or limiting any existing
7 liability protection afforded by law.

8 Sec. 9. (1) Nothing in the Nebraska Strengthening Families Act or
9 the application of the reasonable and prudent parent standard shall
10 affect the parental rights of a parent whose parental rights have not
11 been terminated pursuant to section 43-292 with respect to his or her
12 child.

13 (2) To the extent possible, a parent shall be consulted about his or
14 her views on the child's participation in age or developmentally
15 appropriate activities in the planning process. The department shall
16 document such consultation in the report filed pursuant to subsection (3)
17 of section 43-285.

18 (3) The child's participation in extracurricular, enrichment,
19 cultural, and social activities shall be considered at any family team
20 meeting.

21 Sec. 10. The department shall document in the report pursuant to
22 subsection (3) of section 43-285 the steps the department is taking to
23 ensure that:

24 (1) The child's caregiver is following the reasonable and prudent
25 parent standard;

26 (2) The child has regular, ongoing opportunities to engage in age or
27 developmentally appropriate activities;

28 (3) The department has consulted with the child in an age or
29 developmentally appropriate manner about the opportunities of the child
30 to participate in age or developmentally appropriate activities; and

31 (4) Any barriers to participation in age or developmentally

1 appropriate activities are identified and addressed.

2 Sec. 11. (1) At every dispositional, review, or permanency planning
3 hearing, the juvenile court shall make a determination regarding:

4 (a) The steps the department is taking to ensure the child's foster
5 family home or child-care institution is following the reasonable and
6 prudent parent standard;

7 (b) Whether the child has regular, ongoing opportunities to engage
8 in age or developmentally appropriate activities; and

9 (c) Whether the department has consulted with the child in an age or
10 developmentally appropriate manner about the opportunities of the child
11 to participate in such activities.

12 (2) In making this determination, the juvenile court shall ask the
13 child, in an age or developmentally appropriate manner, about his or her
14 access to regular and ongoing opportunities to engage in age or
15 developmentally appropriate activities. If the child, the guardian ad
16 litem, the caregiver, or a party to the proceeding believes that the
17 child has not had regular, ongoing opportunities to engage in such
18 activities, the juvenile court may make appropriate findings or orders to
19 ensure the child has regular, ongoing opportunities to engage in age and
20 developmentally appropriate activities. In making such findings or
21 orders, the court shall give deference to the caregiver in making
22 decisions within the reasonable and prudent parent standard.

23 Sec. 12. The department and the courts shall work collaboratively
24 to remove or reduce barriers to a child's participation in age or
25 developmentally appropriate activities.

26 Sec. 13. (1) The plan as provided in subsection (2) of section
27 43-285 for any child in a foster family home or child-care institution
28 who has attained fourteen years of age shall include:

29 (a) A document that describes the rights of the child with respect
30 to education, health, visitation, and court participation, the right to
31 be provided with a copy of any consumer report pursuant to 42 U.S.C.

1 675(5)(I), as such section existed on January 1, 2016, and the right to
2 stay safe and avoid exploitation. The document shall also describe the
3 right of the child to be provided documents relating to his or her
4 education, health, visitation, court participation, and the right to stay
5 safe and avoid exploitation. The document shall also describe additional
6 rights of the child, including, but not limited to, the right to:

7 (i) Understand the system or systems in which the child is involved;

8 (ii) Have his or her voice heard in his or her case;

9 (iii) Maintain family connections;

10 (iv) Access personal information;

11 (v) Honest and clear communication;

12 (vi) Have his or her basic needs met;

13 (vii) Learn life skills needed to successfully transition to
14 adulthood; and

15 (viii) Live in the most family-like setting that is safe, healthy,
16 and comfortable and meets the child's needs; and

17 (b) A signed acknowledgment by the child that the child has been
18 provided with a copy of the document described in this section and that
19 the rights contained in the document have been explained to the child in
20 an age or developmentally appropriate manner.

21 (2) The document shall be provided to the child in a hard copy and
22 offered to the child within seventy-two hours of being placed in a foster
23 family home or child-care institution and at every dispositional, review,
24 and permanency planning hearing.

25 (3) The department shall require, as a condition of each contract
26 entered into by a child-care institution to provide foster care, that the
27 child-care institution publicly post the document described in this
28 section in an accessible location.

29 Sec. 14. The department shall adopt and promulgate rules and
30 regulations to carry out the Nebraska Strengthening Families Act and
31 shall revoke any rules or regulations inconsistent with the act by

1 October 15, 2016.

2 Sec. 15. Section 43-272.01, Revised Statutes Supplement, 2015, is
3 amended to read:

4 43-272.01 (1) A guardian ad litem as provided for in subsections (2)
5 and (3) of section 43-272 shall be appointed when a child is removed from
6 his or her surroundings pursuant to subdivision (2) or (3) of section
7 43-248, subsection (2) of section 43-250, or section 43-251. If removal
8 has not occurred, a guardian ad litem shall be appointed at the
9 commencement of all cases brought under subdivision (3)(a) or (7) of
10 section 43-247 and section 28-707.

11 (2) In the course of discharging duties as guardian ad litem, the
12 person so appointed shall consider, but not be limited to, the criteria
13 provided in this subsection. The guardian ad litem:

14 (a) Is appointed to stand in lieu of a parent for a protected
15 juvenile who is the subject of a juvenile court petition, shall be
16 present at all hearings before the court in such matter unless expressly
17 excused by the court, and may enter into such stipulations and agreements
18 concerning adjudication and disposition deemed by him or her to be in the
19 juvenile's best interests;

20 (b) Is not appointed to defend the parents or other custodian of the
21 protected juvenile but shall defend the legal and social interests of
22 such juvenile. Social interests shall be defined generally as the usual
23 and reasonable expectations of society for the appropriate parental
24 custody and protection and quality of life for juveniles without regard
25 to the socioeconomic status of the parents or other custodians of the
26 juvenile;

27 (c) May at any time after the filing of the petition move the court
28 of jurisdiction to provide medical or psychological treatment or
29 evaluation as set out in section 43-258. The guardian ad litem shall have
30 access to all reports resulting from any examination ordered under
31 section 43-258, and such reports shall be used for evaluating the status

1 of the protected juvenile;

2 (d) Shall make every reasonable effort to become familiar with the
3 needs of the protected juvenile which (i) shall include consultation with
4 the juvenile in his or her respective placement within two weeks after
5 the appointment and once every six months thereafter, unless the court
6 approves other methods of consultation as provided in subsection (6) of
7 this section, and inquiry of the most current caseworker, foster parent,
8 or other custodian and (ii) may include inquiry of others directly
9 involved with the juvenile or who may have information or knowledge about
10 the circumstances which brought the juvenile court action or related
11 cases and the development of the juvenile, including biological parents,
12 physicians, psychologists, teachers, and clergy members;

13 (e) May present evidence and witnesses and cross-examine witnesses
14 at all evidentiary hearings. In any proceeding under this section
15 relating to a child of school age, certified copies of school records
16 relating to attendance and academic progress of such child are admissible
17 in evidence;

18 (f) Shall be responsible for making written reports and
19 recommendations to the court at every dispositional, review, or
20 permanency planning hearing regarding (i) the temporary and permanent
21 placement of the protected juvenile, (ii) the type and number of contacts
22 with the juvenile, (iii) the type and number of contacts with other
23 individuals described in subdivision (d) of this subsection, (iv)
24 compliance with the Nebraska Strengthening Families Act, and (v) any
25 further relevant information on a form prepared by the Supreme Court. As
26 an alternative to the written reports and recommendations, the court may
27 provide the guardian ad litem with a checklist that shall be completed
28 and presented to the court at every dispositional or review hearing. A
29 copy of the written reports and recommendations to the court or a copy of
30 the checklist presented to the court shall also be submitted to the
31 Foster Care Review Office for any juvenile in foster care placement as

1 defined in section 43-1301;

2 (g) Shall consider such other information as is warranted by the
3 nature and circumstances of a particular case; and

4 (h) May file a petition in the juvenile court on behalf of the
5 juvenile, including a supplemental petition as provided in section
6 43-291.

7 (3) Nothing in this section shall operate to limit the discretion of
8 the juvenile court in protecting the best interests of a juvenile who is
9 the subject of a juvenile court petition.

10 (4) For purposes of subdivision (2)(d) of this section, the court
11 may order the expense of such consultation, if any, to be paid by the
12 county in which the juvenile court action is brought or the court may,
13 after notice and hearing, assess the cost of such consultation, if any,
14 in whole or in part to the parents of the juvenile. The ability of the
15 parents to pay and the amount of the payment shall be determined by the
16 court by appropriate examination.

17 (5) The guardian ad litem may be compensated on a per-case
18 appointment system or pursuant to a system of multi-case contracts.
19 Regardless of the method of compensation, billing hours and expenses for
20 court-appointed guardian ad litem services shall be submitted to the
21 court for approval and shall be recorded on a written, itemized billing
22 statement signed by the attorney responsible for the case. Billing hours
23 and expenses for guardian ad litem services rendered under a contract for
24 such services shall be submitted to the entity with whom the guardian ad
25 litem contracts in the form and manner prescribed by such entity for
26 approval. Case time for guardian ad litem services shall be scrupulously
27 accounted for by the attorney responsible for the case. Additionally, in
28 the case of a multi-lawyer firm or organization retained for guardian ad
29 litem services, the name of the attorney or attorneys assigned to each
30 guardian ad litem case shall be recorded.

31 (6) The guardian ad litem shall meet in person with the juvenile for

1 purposes of the consultation required by subdivision (2)(d) of this
2 section unless prohibited or made impracticable by exceptional
3 circumstances, including, but not limited to, situations in which an
4 unreasonable geographical distance is involved between the location of
5 the guardian ad litem and the juvenile. When such exceptional
6 circumstances exist, the guardian ad litem shall attempt such
7 consultation by other reasonable means, including, but not limited to, by
8 telephone or suitable electronic means, if the juvenile is of sufficient
9 age and capacity to participate in such means of communication and there
10 are no other barriers preventing such means of communication. If
11 consultation by telephone or suitable electronic means is not feasible,
12 the guardian ad litem shall seek direction from the court as to any other
13 acceptable method by which to accomplish consultation required by
14 subdivision (2)(d) of this section.

15 Sec. 16. Section 43-285, Revised Statutes Supplement, 2015, is
16 amended to read:

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

30 (2)(a) Following an adjudication hearing at which a juvenile is
31 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the

1 court may order the department to prepare and file with the court a
2 proposed plan for the care, placement, services, and permanency which are
3 to be provided to such juvenile and his or her family. The health and
4 safety of the juvenile shall be the paramount concern in the proposed
5 plan.

6 (b) The department shall provide opportunities for the child, in an
7 age or developmentally appropriate manner, to be consulted in the
8 development of his or her plan as provided in the Nebraska Strengthening
9 Families Act.

10 (c) (b) The department shall include in the plan for a child who is
11 fourteen sixteen years of age or older and subject to the legal care and
12 custody of the department a written independent living transition
13 proposal which meets the requirements of section 43-1311.03 and, for
14 eligible children, the Young Adult Bridge to Independence Act. The
15 juvenile court shall provide a copy of the plan to all interested parties
16 before the hearing. The court may approve the plan, modify the plan,
17 order that an alternative plan be developed, or implement another plan
18 that is in the child's best interests. In its order the court shall
19 include a finding regarding the appropriateness of the programs and
20 services described in the proposal designed to help the child prepare for
21 the transition from foster care to a successful adulthood. The court
22 shall also ask the child, in an age or developmentally appropriate
23 manner, if he or she participated in the development of his or her plan
24 and make a finding regarding the child's participation in the development
25 of his or her plan as provided in the Nebraska Strengthening Families Act
26 assist the child in acquiring independent living skills. Rules of
27 evidence shall not apply at the dispositional hearing when the court
28 considers the plan that has been presented.

29 (d) (e) The last court hearing before jurisdiction pursuant to
30 subdivision (3)(a) of section 43-247 is terminated for a child who is
31 sixteen years of age or older shall be called the independence hearing.

1 In addition to other matters and requirements to be addressed at this
2 hearing, the independence hearing shall address the child's future goals
3 and plans and access to services and support for the transition from
4 foster care to adulthood consistent with section 43-1311.03 and the Young
5 Adult Bridge to Independence Act. The child shall not be required to
6 attend the independence hearing, but efforts shall be made to encourage
7 and enable the child's attendance if the child wishes to attend,
8 including scheduling the hearing at a time that permits the child's
9 attendance. An independence coordinator as provided in section 43-4506
10 shall attend the hearing if reasonably practicable, but the department is
11 not required to have legal counsel present. At the independence hearing,
12 the court shall advise the child about the bridge to independence
13 program, including, if applicable, the right of young adults in the
14 bridge to independence program to request a court-appointed, client-
15 directed attorney under subsection (1) of section 43-4510 and the
16 benefits and role of such attorney and to request additional permanency
17 review hearings in the bridge to independence program under subsection
18 (5) of section 43-4508 and how to request such a hearing. The court shall
19 also advise the child, if applicable, of the rights he or she is giving
20 up if he or she chooses not to participate in the bridge to independence
21 program and the option to enter such program at any time between nineteen
22 and twenty-one years of age if the child meets the eligibility
23 requirements of section 43-4504. The department shall present information
24 to the court regarding other community resources that may benefit the
25 child, specifically information regarding state programs established
26 pursuant to 42 U.S.C. 677. The court shall also make a finding as to
27 whether the child has received the documents as required by subsection
28 (9) of section 43-1311.03.

29 (3) Within thirty days after an order awarding a juvenile to the
30 care of the department, an association, or an individual and until the
31 juvenile reaches the age of majority, the department, association, or

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

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

31 (5) When the court awards a juvenile to the care of the department,

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

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

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

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

23 Sec. 17. Section 43-532, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 43-532 (1) The Legislature finds and declares that children develop
26 their unique potential in relation to a caring social unit, usually the
27 family, and other nurturing environments, especially the schools and the
28 community. The Legislature further finds that the state shall declare a
29 family policy to guide the actions of state government in dealing with
30 problems and crises involving children and families.

31 (2) When children and families require assistance from a department,

1 agency, institution, committee, or commission of state government, the
2 health and safety of the child is the paramount concern and reasonable
3 efforts shall be made to provide such assistance in the least intrusive
4 and least restrictive method consistent with the needs of the child and
5 to deliver such assistance as close to the home community of the child or
6 family requiring assistance as possible. The policy set forth in this
7 subsection shall be (a) interpreted in conjunction with all relevant
8 laws, rules, and regulations of the state and shall apply to all children
9 and families who have need of services or who, by their circumstances or
10 actions, have violated the laws, rules, or regulations of the state and
11 are found to be in need of treatment or rehabilitation and (b)
12 implemented through the cooperative efforts of state, county, and
13 municipal governments, legislative, judicial, and executive branches of
14 government, and other public and private resources.

15 (3) The family policy objectives prescribed in this section and
16 section 43-533 ~~sections 43-532 to 43-534~~ shall not be construed to mean
17 that a child shall be left in the home when it is shown that continued
18 residence in the home places the child at risk and does not make the
19 health and safety of the child of paramount concern.

20 Sec. 18. Section 43-535, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-535 The Legislature hereby finds and declares that the family is
23 the backbone of Nebraska and it is in the best interests of Nebraska to
24 solidify, preserve, strengthen, and maintain the family unit. Often when
25 a family member is afflicted with substance abuse or mental health
26 problems all family members are affected and the family unit itself
27 becomes fragmented and begins to deteriorate. It is the intent of the
28 Legislature, through the appropriations prescribed in Laws 1988, LB 846,
29 to use a portion of the funds to implement programs to train qualified
30 personnel and to establish creative programs in the areas of family-
31 centered counseling and the prevention and treatment of substance abuse

1 or mental health problems within such families consistent with the
2 findings and principles of sections 43-532 and 43-533 ~~to 43-534~~. The
3 personnel training and treatment programs shall be designed to aid each
4 family member and the family unit by using counseling and any other
5 necessary creative treatment programs which are the least intrusive and
6 least restrictive on the family unit yet serve to repair and strengthen
7 such unit.

8 Sec. 19. Section 43-1311.03, Revised Statutes Cumulative Supplement,
9 2014, is amended to read:

10 43-1311.03 (1) When a child placed in foster care turns fourteen
11 ~~sixteen~~ years of age or enters foster care and is at least fourteen
12 ~~sixteen~~ years of age, a written independent living transition proposal
13 shall be developed by the Department of Health and Human Services at the
14 direction and involvement of the child to prepare for the transition from
15 foster care to successful adulthood. Any revision or addition to such
16 proposal shall also be made in consultation with the child. The
17 transition proposal shall be personalized based on the child's needs and
18 shall describe the services needed for the child to transition to a
19 successful adulthood as provided in the Nebraska Strengthening Families
20 Act. The transition proposal shall include, but not be limited to, the
21 following needs and the services needed for the child to transition to a
22 successful adulthood as provided in the Nebraska Strengthening Families
23 Act:

24 (a) Education;

25 (b) Employment services and other workforce support;

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

30 (d) Behavioral health treatment and support needs and access to such
31 treatment and support;

1 (e d) Financial assistance, including education on credit card
2 financing, banking, and other services;

3 (f e) Housing;

4 (g f) Relationship development and permanent connections; and

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

8 (2) The transition proposal shall be developed and frequently
9 reviewed by the department in collaboration with the child's transition
10 team. The transition team shall be comprised of the child, the child's
11 caseworker, the child's guardian ad litem, individuals selected by the
12 child, and individuals who have knowledge of services available to the
13 child. As provided in the Nebraska Strengthening Families Act, one of the
14 individuals selected by the child may be designated as the child's
15 advisor and, as necessary, advocate for the child with respect to the
16 application of the reasonable and prudent parent standard and for the
17 child on normalcy activities. The department may reject an individual
18 selected by the child to be a member of the team if the department has
19 good cause to believe the individual would not act in the best interests
20 of the child.

21 (3) The transition proposal shall be considered a working document
22 and shall be, at the least, updated for and reviewed at every permanency
23 or review hearing by the court. The court shall determine whether the
24 transition proposal includes the services needed to assist the child to
25 make the transition from foster care to a successful adulthood.

26 (4) The transition proposal shall document what efforts were made to
27 involve and engage the child in the development of the transition
28 proposal and any revisions or additions to the transition proposal. As
29 provided in the Nebraska Strengthening Families Act, the court shall ask
30 the child, in an age or developmentally appropriate manner, about his or
31 her involvement in the development of the transition proposal and any

1 revisions or additions to such proposal. As provided in the Nebraska
2 Strengthening Families Act, the court shall make a finding as to the
3 child's involvement in the development of the transition proposal and any
4 revisions or additions to such proposal.

5 (5 4) The final transition proposal prior to the child's leaving
6 foster care shall specifically identify how the need for housing will be
7 addressed.

8 (6 5) If the child is interested in pursuing higher education, the
9 transition proposal shall provide for the process in applying for any
10 applicable state, federal, or private aid.

11 (7) The department shall provide without cost a copy of any consumer
12 report as defined in 15 U.S.C. 1681a(d), as such section existed on
13 January 1, 2016, pertaining to the child each year until the child is
14 discharged from care and assistance, including when feasible, from the
15 child's guardian ad litem, in interpreting and resolving any inaccuracies
16 in the report as provided in the Nebraska Strengthening Families Act.

17 (8 6) A child adjudicated to be a juvenile described in subdivision
18 (3)(a) of section 43-247 and who is in an out-of-home placement shall
19 receive information regarding the Young Adult Bridge to Independence Act
20 and the bridge to independence program available under the act. The
21 department shall create a clear and developmentally appropriate written
22 notice discussing the rights of eligible young adults to participate in
23 the program. The notice shall include information about eligibility and
24 requirements to participate in the program, the extended services and
25 support that young adults are eligible to receive under the program, and
26 how young adults can be a part of the program. The notice shall also
27 include information about the young adult's right to request a client-
28 directed attorney to represent the young adult pursuant to section
29 43-4510 and the benefits and role of an attorney. The department shall
30 disseminate this information to all children who were adjudicated to be a
31 juvenile described in subdivision (3)(a) of section 43-247 and who are in

1 an out-of-home placement at sixteen years of age and yearly thereafter
2 until nineteen years of age, and not later than ninety days prior to the
3 child's last court review before attaining nineteen years of age or being
4 discharged from foster care to independent living. In addition to
5 providing the written notice, not later than ninety days prior to the
6 child's last court review before attaining nineteen years of age or being
7 discharged from foster care to independent living, a representative of
8 the department shall explain the information contained in the notice to
9 the child in person and the timeline necessary to avoid a lapse in
10 services and support.

11 (9 7) On or before the date the child reaches eighteen or nineteen
12 years of age or twenty-one years of age if the child participates in the
13 bridge to independence program, if the child is leaving foster care, the
14 department shall provide the child with:

15 (a) A a certified copy of the child's birth certificate and
16 facilitate securing a federal social security card when the child is
17 eligible for such card; and

18 (b) Health insurance information and all documentation required for
19 enrollment in medicaid coverage for former foster care children as
20 available under the federal Patient Protection and Affordable Care Act,
21 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
22 January 1, 2013; -

23 (c) A copy of the child's medical records;

24 (d) A driver's license or identification card issued by a state in
25 accordance with the requirements of section 202 of the REAL ID Act of
26 2005, as such section existed on January 1, 2016;

27 (e) A copy of the child's educational records;

28 (f) A credit report check;

29 (g) Contact information, with permission, for family members,
30 including siblings, with whom the child can maintain a safe and
31 appropriate relationship, and other supportive adults;

1 (h) A list of local community resources, including, but not limited
2 to, support groups, health clinics, mental and behavioral health and
3 substance abuse treatment services and support, pregnancy and parenting
4 resources, and employment and housing agencies;

5 (i) Written information, including, but not limited to, contact
6 information, for disability resources or benefits that may assist the
7 child as an adult, specifically including information regarding state
8 programs established pursuant to 42 U.S.C. 677, as such section existed
9 on January 1, 2016, and disability benefits, including supplemental
10 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
11 exited on January 1, 2016, or social security disability insurance
12 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
13 the child may be eligible as an adult;

14 (j) An application for public assistance and information on how to
15 access the system to determine public assistance eligibility;

16 (k) A letter prepared by the department that verifies the child's
17 name and date of birth, dates the child was in foster care, and whether
18 the child was in foster care on his or her eighteenth, nineteenth, or
19 twenty-first birthday and enrolled in medicaid while in foster care;

20 (l) Written information about the child's Indian heritage or tribal
21 connection, if any; and

22 (m) Written information on how to access personal documents in the
23 future.

24 All fees associated with securing the certified copy of the child's
25 birth certificate or obtaining an operator's license or a state
26 identification card shall be waived by the state.

27 The transition proposal shall document that the child was provided
28 all of the documents listed in this subsection. The court shall make a
29 finding as to whether the child has received the documents as part of the
30 independence hearing as provided in subdivision (2)(d) of section 43-285.

31 Sec. 20. Section 43-1312, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 43-1312 (1) Following the investigation conducted pursuant to
3 section 43-1311 and immediately following the initial placement of the
4 child, the person or court in charge of the child shall cause to be
5 established a safe and appropriate plan for the child. The plan shall
6 contain at least the following:

7 (a) The purpose for which the child has been placed in foster care;

8 (b) The estimated length of time necessary to achieve the purposes
9 of the foster care placement;

10 (c) A description of the services which are to be provided in order
11 to accomplish the purposes of the foster care placement;

12 (d) The person or persons who are directly responsible for the
13 implementation of such plan;

14 (e) A complete record of the previous placements of the foster
15 child; ~~and~~

16 (f) The name of the school the child shall attend as provided in
17 section 43-1311; and -

18 (g) The efforts made to involve and engage the child in the
19 development of such plan as provided in the Nebraska Strengthening
20 Families Act.

21 (2) If the return of the child to his or her parents is not likely
22 based upon facts developed as a result of the investigation, the
23 Department of Health and Human Services shall recommend termination of
24 parental rights and referral for adoption, guardianship, placement with a
25 relative, or, as a last resort, and only in the case of a child who has
26 attained sixteen years of age, another planned permanent living
27 arrangement. If the child is removed from his or her home, the department
28 shall make reasonable efforts to accomplish joint-sibling placement or
29 sibling visitation or ongoing interaction between the siblings as
30 provided in section 43-1311.02.

31 (3) Each child in foster care under the supervision of the state

1 shall have a permanency hearing by a court, no later than twelve months
2 after the date the child enters foster care and annually thereafter
3 during the continuation of foster care. The court's order shall include
4 the determinations required by section 11 of this act and a finding
5 regarding the appropriateness of the permanency plan determined for the
6 child and shall include whether, and if applicable when, the child will
7 be:

8 (a) Returned to the parent;

9 (b) Referred to the state for filing of a petition for termination
10 of parental rights;

11 (c) Placed for adoption;

12 (d) Referred for guardianship; or

13 (e) In cases where the state agency has documented to the court a
14 compelling reason for determining that it would not be in the best
15 interests of the child to return home, (i) referred for termination of
16 parental rights, (ii) placed for adoption with a fit and willing
17 relative, or (iii) placed with a guardian.

18 (4) As provided in the Nebraska Strengthening Families Act, in the
19 case of any child age sixteen years of age or older for whom another
20 planned permanent living arrangement is the recommended or court-approved
21 permanency plan:

22 (a) The permanency plan shall include the identification of
23 significant, supportive connections with identified adults willing to be
24 consistently involved in the child's life as the child transitions to
25 adulthood;

26 (b) The department shall document the intensive, ongoing, and, as of
27 the date of the hearing, unsuccessful efforts made by the department to
28 return the child home or secure a placement for the child with a fit and
29 willing relative, a legal guardian, or an adoptive parent; and

30 (c) The court shall:

31 (i) Ask the child about the desired permanency outcome for the

1 child;

2 (ii) Make a determination explaining why, as of the date of the
3 hearing, another planned permanent living arrangement is the best
4 permanency plan for the child and the compelling reasons why it continued
5 to not be in the best interests of the child to return home, be placed
6 for adoption, be placed with a legal guardian, or be placed with a fit
7 and willing relative; and

8 (iii) Make a determination that the department has met the
9 requirements in subdivisions (a) and (b) of this subsection before
10 approving a permanency plan of another planned permanent living
11 arrangement for a child sixteen years of age or older.

12 Sec. 21. Section 43-2404.01, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

14 43-2404.01 (1) To be eligible for participation in either the
15 Commission Grant Program or the Community-based Juvenile Services Aid
16 Program, a comprehensive juvenile services plan shall be developed,
17 adopted, and submitted to the commission in accordance with the federal
18 act and rules and regulations adopted and promulgated by the commission
19 in consultation with the Director of the Community-based Juvenile
20 Services Aid Program, the Director of Juvenile Diversion Programs, the
21 Office of Probation Administration, and the University of Nebraska at
22 Omaha, Juvenile Justice Institute. Such plan may be developed by eligible
23 applicants for the Commission Grant Program and by individual counties,
24 by multiple counties, by federally recognized or state-recognized Indian
25 tribes, or by any combination of the three for the Community-based
26 Juvenile Services Aid Program. Comprehensive juvenile services plans
27 shall:

28 (a) Be developed by a comprehensive community team representing
29 juvenile justice system stakeholders;

30 (b) Be based on data relevant to juvenile and family issues;

31 (c) Identify policies and practices that are research-based or

1 standardized and reliable and are implemented with fidelity and which
2 have been researched and demonstrate positive outcomes;

3 (d) Identify clear implementation strategies; and

4 (e) Identify how the impact of the program or service will be
5 measured.

6 (2) Any portion of the comprehensive juvenile services plan dealing
7 with administration, procedures, and programs of the juvenile court shall
8 not be submitted to the commission without the concurrence of the
9 presiding judge or judges of the court or courts having jurisdiction in
10 juvenile cases for the geographic area to be served. Programs or services
11 established by such plans shall conform to the family policy tenets
12 prescribed in sections 43-532 and 43-533 ~~to 43-534~~ and shall include
13 policies and practices that are research-based or standardized and
14 reliable and are implemented with fidelity and which have been researched
15 and demonstrate positive outcomes.

16 (3) The commission, in consultation with the University of Nebraska
17 at Omaha, Juvenile Justice Institute, shall contract for the development
18 and administration of a statewide system to monitor and evaluate the
19 effectiveness of plans and programs receiving funds from (a) the
20 Commission Grant Program and (b) the Community-based Juvenile Services
21 Aid Program in preventing persons from entering the juvenile justice
22 system and in rehabilitating juvenile offenders.

23 (4) There is established within the commission the position of
24 Director of the Community-based Juvenile Services Aid Program, appointed
25 by the executive director of the commission. The director shall have
26 extensive experience in developing and providing community-based
27 services.

28 (5) The director shall be supervised by the executive director of
29 the commission. The director shall:

30 (a) Provide technical assistance and guidance for the development of
31 comprehensive juvenile services plans;

1 (b) Coordinate the review of the Community-based Juvenile Services
2 Aid Program application as provided in section 43-2404.02 and make
3 recommendations for the distribution of funds provided under the
4 Community-based Juvenile Services Aid Program, giving priority to those
5 grant applications funding programs and services that will divert
6 juveniles from the juvenile justice system, impact and effectively treat
7 juveniles within the juvenile justice system, and reduce the juvenile
8 detention population or assist juveniles in transitioning from out-of-
9 home placements to in-home treatments. The director shall ensure that no
10 funds appropriated or distributed under the Community-based Juvenile
11 Services Aid Program are used for purposes prohibited under subsection
12 (3) of section 43-2404.02;

13 (c) Develop data collection and evaluation protocols, oversee
14 statewide data collection, and generate an annual report on the
15 effectiveness of juvenile services that receive funds from the Community-
16 based Juvenile Services Aid Program;

17 (d) Develop relationships and collaborate with juvenile justice
18 system stakeholders, provide education and training as necessary, and
19 serve on boards and committees when approved by the commission;

20 (e) Assist juvenile justice system stakeholders in developing
21 policies and practices that are research-based or standardized and
22 reliable and are implemented with fidelity and which have been researched
23 and demonstrate positive outcomes;

24 (f) Develop and coordinate a statewide working group as a
25 subcommittee of the coalition to assist in regular strategic planning
26 related to supporting, funding, monitoring, and evaluating the
27 effectiveness of plans and programs receiving funds from the Community-
28 based Juvenile Services Aid Program; and

29 (g) Work with the coordinator for the coalition in facilitating the
30 coalition's obligations under the Community-based Juvenile Services Aid
31 Program.

1 Sec. 22. Section 43-2502, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-2502 It is the intent of the Legislature to assist in securing
4 early intervention services to infants or toddlers with disabilities and
5 their families in accordance with the federal early intervention program
6 and whenever possible in concert with the family policy objectives
7 prescribed in sections 43-532 and 43-533 ~~to 43-534~~ and federal and state
8 initiatives. Such services are necessary to:

9 (1) Enhance the development of infants and toddlers with
10 disabilities;

11 (2) Reduce the costs to our society by minimizing the need for
12 special services, including special education and related services, after
13 such infants or toddlers reach school age;

14 (3) Minimize the likelihood of institutionalization of persons with
15 disabilities and maximize their potential for independent living in
16 society;

17 (4) Enhance the capacity of families to meet the needs of their
18 infants or toddlers with disabilities;

19 (5) Strengthen, promote, and empower families to determine the most
20 appropriate use of resources to address the unique and changing needs of
21 families and their infants or toddlers with disabilities; and

22 (6) Enhance the capacity of state and local agencies and service
23 providers to identify, evaluate, and meet the needs of historically
24 underrepresented populations, particularly minority, low-income, and
25 rural populations.

26 Sec. 23. (1) The Normalcy Task Force is created. Beginning July 1,
27 2016, the Normalcy Task Force shall monitor and make recommendations
28 regarding the implementation in Nebraska of the federal Preventing Sex
29 Trafficking and Strengthening Families Act, Public Law 113-183, as such
30 act existed on January 1, 2016.

31 (2) The members of the task force shall include, but not be limited

1 to, (a) representatives from the legislative, executive, and judicial
2 branches of government. The representatives from the legislative and
3 judicial branches shall be nonvoting, ex officio members, (b) no fewer
4 than three young adults currently or previously in foster care which may
5 be filled on a rotating basis by members of Project Everlast or a similar
6 youth support or advocacy group, (c) a representative from the juvenile
7 probation system, (d) the executive director of the Foster Care Review
8 Office, (e) one or more representatives from a child welfare advocacy
9 organization, (f) one or more representatives from a child welfare
10 service agency, (g) one or more representatives from an agency providing
11 independent living services, (h) one or more representatives of a child-
12 care institution as defined in section 3 of this act, (i) one or more
13 current or former foster parents, (j) one or more parents who have
14 experience in the foster care system, (k) one or more professionals who
15 have relevant practical experience such as a caseworker, and (l) one or
16 more guardians ad litem who practice in juvenile court.

17 (3) On or before July 1, 2016, the Nebraska Children's Commission
18 shall appoint the members of the task force. Members of the task force
19 shall be appointed for terms of two years. The commission shall appoint a
20 chairperson or chairpersons of the task force and may fill vacancies on
21 the task force as such vacancies occur.

22 (4) The task force shall provide a written report with
23 recommendations regarding the initial and ongoing implementation of the
24 federal Preventing Sex Trafficking and Strengthening Families Act, as
25 such act existed on January 1, 2016, and related efforts to improve
26 normalcy for children in foster care and related populations to the
27 Nebraska Children's Commission, the Health and Human Services Committee
28 of the Legislature, the Department of Health and Human Services, and the
29 Governor by December 15 of each year. The report to the Health and Human
30 Services Committee of the Legislature shall be submitted electronically.

31 Sec. 24. Section 43-4202, Revised Statutes Supplement, 2015, is

1 amended to read:

2 43-4202 (1) The Nebraska Children's Commission is created as a high-
3 level leadership body to (a) create a statewide strategic plan for reform
4 of ~~the child welfare and juvenile justice system~~ programs and services in
5 the State of Nebraska, ~~and~~ (b) review the operations of the Department of
6 Health and Human Services regarding child welfare programs and services
7 and recommend, as a part of the statewide strategic plan, options for
8 attaining the legislative intent stated in section 43-4201, either by the
9 establishment of a new division within the department or the
10 establishment of a new state agency to provide all child welfare programs
11 and services which are the responsibility of the state, and (c) monitor
12 and evaluate the child welfare and juvenile justice systems. The
13 commission shall provide a permanent forum for collaboration among state,
14 local, community, public, and private stakeholders in child welfare and
15 juvenile justice programs and services.

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

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

18 (b) Seventeen members appointed by the Governor. The members
19 appointed pursuant to this subdivision shall represent stakeholders in
20 the child welfare and juvenile justice systems ~~system~~ and shall include:
21 (i) A director of a child advocacy center; (ii) an administrator of a
22 behavioral health region established pursuant to section 71-807; (iii) a
23 community representative from each of the service areas designated
24 pursuant to section 81-3116. In the eastern service area designated
25 pursuant to such section, the representative may be from a lead agency of
26 a pilot project established under section 68-1212 or a collaborative
27 member; (iv) a prosecuting attorney who practices in juvenile court; (v)
28 a guardian ad litem; (vi) a biological parent currently or previously
29 involved in the child welfare system or juvenile justice system; (vii) a
30 foster parent; (viii) a court appointed special advocate volunteer; (ix)
31 a member of a local foster care review board; (x) a child welfare service

1 agency that directly provides a wide range of child welfare services and
2 is not a member of a lead agency collaborative; (xi) a young adult
3 previously in foster care; (xii) a representative of a child advocacy
4 organization that deals with legal and policy issues that include child
5 welfare; and (xiii) a representative of a federally recognized Indian
6 tribe residing within the State of Nebraska and appointed within thirty
7 days after June 5, 2013, from a list of three nominees submitted by the
8 Commission on Indian Affairs.

9 (3) The Nebraska Children's Commission shall have the following
10 nonvoting, ex officio members: (a) The chairperson of the Health and
11 Human Services Committee of the Legislature or a committee member
12 designated by the chairperson; (b) the chairperson of the Judiciary
13 Committee of the Legislature or a committee member designated by the
14 chairperson; (c) the chairperson of the Appropriations Committee of the
15 Legislature or a committee member designated by the chairperson; (d)
16 three persons appointed by the State Court Administrator; (e) the chief
17 executive officer of the Department of Health and Human Services or his
18 or her designee; (f) the Director of Children and Family Services of the
19 Division of Children and Family Services of the Department of Health and
20 Human Services or his or her designee; (g) the Commissioner of Education
21 or his or her designee; and (h) the Inspector General of Nebraska Child
22 Welfare. The nonvoting, ex officio members may attend commission meetings
23 and participate in the discussions of the commission, provide information
24 to the commission on the policies, programs, and processes of each of
25 their respective bodies, gather information for the commission, and
26 provide information back to their respective bodies from the commission.
27 The nonvoting, ex officio members shall not vote on decisions by the
28 commission or on the direction or development of the statewide strategic
29 plan pursuant to section 43-4204.

30 (4) The commission shall meet within sixty days after April 12,
31 2012, and shall select from among its members a chairperson and vice-

1 chairperson and conduct any other business necessary to the organization
2 of the commission. The commission shall meet not less often than once
3 every three months, and meetings of the commission may be held at any
4 time on the call of the chairperson. The commission may hire staff to
5 carry out the responsibilities of the commission. For administrative
6 purposes, the offices of the staff of the commission shall be located in
7 the Foster Care Review Office. The commission ~~may~~ shall hire a consultant
8 with experience in facilitating strategic planning to provide neutral,
9 independent assistance in updating ~~developing~~ the statewide strategic
10 plan. The commission shall terminate on June 30, 2019 ~~2016~~, unless
11 continued by the Legislature.

12 (5) The commission, with assistance from the executive director of
13 the Foster Care Review Office, shall employ a policy analyst to provide
14 research and expertise to the commission relating to the child welfare
15 system. The policy analyst shall work in conjunction with the staff of
16 the commission. His or her responsibilities may include, but are not
17 limited to: (a) Monitoring the Nebraska child welfare system and juvenile
18 justice system to provide information to the commission; (b) analyzing
19 child welfare and juvenile justice public policy through research and
20 literature reviews and drafting policy reports when requested; (c)
21 managing or leading projects or tasks and providing resource support to
22 commission members and committees as determined by the chairperson of the
23 commission; (d) serving as liaison among child welfare and juvenile
24 justice stakeholders and the public and responding to information
25 inquiries as required; and (e) other duties as assigned by the
26 commission.

27 (6) Members of the commission shall be reimbursed for their actual
28 and necessary expenses as members of such commission as provided in
29 sections 81-1174 to 81-1177. No member of the commission shall have any
30 private financial interest, profit, or benefit from any work of the
31 commission.

1 Sec. 25. Section 43-4203, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 43-4203 (1) The Nebraska Children's Commission shall work with
4 administrators from each of the service areas designated pursuant to
5 section 81-3116, the teams created pursuant to section 28-728, local
6 foster care review boards, child advocacy centers, the teams created
7 pursuant to the Supreme Court's Through the Eyes of the Child Initiative,
8 community stakeholders, and advocates for child welfare programs and
9 services to establish networks in each of such service areas. Such
10 networks shall permit collaboration to strengthen the continuum of
11 services available to child welfare agencies and to provide resources for
12 children and juveniles outside the child protection system. Each service
13 area shall develop its own unique strategies to be included in the
14 statewide strategic plan. The Department of Health and Human Services
15 shall assist in identifying the needs of each service area.

16 (2)(a) The commission shall create a committee to examine state
17 policy regarding the prescription of psychotropic drugs for children who
18 are wards of the state and the administration of such drugs to such
19 children. Such committee shall review the policy and procedures for
20 prescribing and administering such drugs and make recommendations to the
21 commission for changes in such policy and procedures.

22 (b) The commission shall create a committee to examine ~~the structure~~
23 ~~and responsibilities of the Office of Juvenile Services and the Juvenile~~
24 Services Division of the Office of Probation Administration as they exist
25 on April 12, 2012. Such committee shall review the role and effectiveness
26 of out-of-home placements utilized in the juvenile justice system,
27 including the youth rehabilitation and treatment centers, in the juvenile
28 justice system and make recommendations to the commission on the future
29 ~~role of the youth rehabilitation and treatment centers in the juvenile~~
30 justice continuum of care, including what populations should be served in
31 out-of-home placements they should serve and what treatment services

1 should be provided at the centers in order to appropriately serve those
2 populations. Such committee shall also review how mental and behavioral
3 health services are provided to juveniles in secure residential
4 placements and the need for such services throughout Nebraska and make
5 recommendations to the commission relating to those systems of care in
6 the juvenile justice system. The committee shall collaborate with the
7 University of Nebraska at Omaha, Juvenile Justice Institute, the
8 University of Nebraska Medical Center, Center for Health Policy, the
9 behavioral health regions as established in section 71-807, and state and
10 national juvenile justice experts to develop recommendations. The
11 recommendations ~~If the committee's recommendations include maintaining~~
12 ~~the Youth Rehabilitation and Treatment Center-Kearney, the recommendation~~
13 shall include a plan to implement a continuum of care in the juvenile
14 justice system to meet the needs of Nebraska families, including specific
15 recommendations for the rehabilitation and treatment model by upgrading
16 ~~the center's physical structure, staff, and staff training and the~~
17 ~~incorporation of evidence-based treatments and programs.~~ The
18 recommendations shall be delivered to the commission and electronically
19 to the Judiciary Committee of the Legislature annually by December 1,
20 2013.

21 (c) The commission may organize committees as it deems necessary.
22 Members of the committees may be members of the commission or may be
23 appointed, with the approval of the majority of the commission, from
24 individuals with knowledge of the committee's subject matter,
25 professional expertise to assist the committee in completing its assigned
26 responsibilities, and the ability to collaborate within the committee and
27 with the commission to carry out the powers and duties of the commission.
28 No member of any committee created pursuant to this section shall have
29 any private financial interest, profit, or benefit from any work of such
30 committee.

31 (d) The Title IV-E Demonstration Project Committee created pursuant

1 to section 43-4208 and the Foster Care Reimbursement Rate Committee
2 created pursuant to section 43-4212 are under the jurisdiction of the
3 commission.

4 (3) The commission shall work with the office of the State Court
5 Administrator, as appropriate, and entities which coordinate facilitated
6 conferencing as described in section 43-247.03. Facilitated conferencing
7 shall be included in statewide strategic plan discussions by the
8 commission. Facilitated conferencing shall continue to be utilized and
9 maximized, as determined by the court of jurisdiction, during the
10 development of the statewide strategic plan. Funding and contracting with
11 mediation centers approved by the Office of Dispute Resolution to provide
12 facilitated conferencing shall continue to be provided by the office of
13 the State Court Administrator at an amount of no less than the General
14 Fund transfer under subsection (1) of section 43-247.04.

15 (4) The commission shall gather information and communicate with
16 juvenile justice specialists of the Office of Probation Administration
17 and county officials with respect to any county-operated practice model
18 participating in the Crossover Youth Program of the Center for Juvenile
19 Justice Reform at Georgetown University.

20 (5) The commission shall coordinate and gather information about the
21 progress and outcomes of the Nebraska Juvenile Service Delivery Project
22 established pursuant to section 43-4101.

23 (6) The commission shall develop a system-of-care plan beginning
24 with prevention services through treatment services for the child welfare
25 system based on relevant data and evidence-based practices to meet the
26 specific needs of each area of the state. Such system-of-care plan shall
27 include services that are goal-driven and outcome-based and shall
28 evaluate the feasibility of utilizing performance-based contracting for
29 specific child welfare services, including the feasibility of additional
30 contractual requirements for service providers requiring services to all
31 children without an option to deny service.

1 (7) The commission shall analyze case management workforce issues
2 and make recommendations to the Health and Human Services Committee of
3 the Legislature regarding:

4 (a) Salary comparisons with other states and the current pay
5 structure based on job descriptions;

6 (b) Utilization of incentives for persons who work in the area of
7 child welfare;

8 (c) Evidence-based training requirements for persons who work in the
9 area of child welfare and their supervisors; and

10 (d) Collaboration with the University of Nebraska to increase and
11 sustain such workforce.

12 Sec. 26. For purposes of providing funds for the Nebraska Children's
13 Commission, it is the intent of the Legislature to reduce the FY2015-16
14 cash fund appropriation from the Nebraska Health Care Cash Fund to the
15 Legislative Council by \$70,000 and the FY2016-17 cash fund appropriation
16 from the Nebraska Health Care Cash Fund to the Legislative Council by
17 \$60,000. It is the intent of the Legislature to reappropriate the
18 unexpended and unobligated balance existing on June 30, 2016, in Agency
19 70, Program 353.

20 Sec. 27. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
21 16, 19, 20, and 28 of this act become operative on July 1, 2016. The
22 other sections of this act become operative on their effective date.

23 Sec. 28. Original sections 43-1311.03 and 43-1312, Revised Statutes
24 Cumulative Supplement, 2014, and sections 43-272.01 and 43-285, Revised
25 Statutes Supplement, 2015, are repealed.

26 Sec. 29. Original sections 43-532, 43-535, and 43-2502, Reissue
27 Revised Statutes of Nebraska, sections 43-2404.01 and 43-4203, Revised
28 Statutes Cumulative Supplement, 2014, and section 43-4202, Revised
29 Statutes Supplement, 2015, are repealed.

30 Sec. 30. The following sections are outright repealed: Section
31 43-534, Revised Statutes Cumulative Supplement, 2014, and section 50-424,

- 1 Revised Statutes Supplement, 2015.
- 2 Sec. 31. Since an emergency exists, this act takes effect when
- 3 passed and approved according to law.