

AMENDMENTS TO LB 1160

Introduced by Health and Human Services

1 1. Insert the following new sections:

2 Sec. 10. On December 15 of 2012, 2013, and 2014, the
3 Health and Human Services Committee of the Legislature shall
4 provide a written report to the Legislature, Governor, and Chief
5 Justice of the Nebraska Supreme Court with respect to the progress
6 made by the Department of Health and Human Services implementing
7 the recommendations of the committee contained in the final report
8 of the study conducted by the committee pursuant to Legislative
9 Resolution 37, One Hundred Second Legislature, First Session, 2011.
10 In order to facilitate such report, the department shall provide to
11 the committee by September 15 of 2012, 2013, and 2014 the reports
12 required pursuant to sections 43-296, 43-534, 68-1207.01, 71-825,
13 71-827, 71-1904, and 71-3407 and subdivision (6) of section 43-405.

14 Sec. 11. Section 43-296, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 43-296 All associations receiving juveniles under the
17 Nebraska Juvenile Code shall be subject to the same visitation,
18 inspection, and supervision by the Department of Health and Human
19 Services as are public charitable institutions of this state, and
20 it shall be the duty of the department to pass annually upon the
21 fitness of every such association as may receive or desire to
22 receive juveniles under the provisions of such code. Every such
23 association shall annually, at such time as the department shall

1 direct, on or before September 15, make a report to the department
2 showing its condition, management, and competency to adequately
3 care for such juveniles as are or may be committed to it and such
4 other facts as the department may require. Upon receiving such
5 report, the department shall provide a copy to the Health and Human
6 Services Committee of the Legislature on or before September 15 of
7 2012, 2013, and 2014. Upon the department being satisfied that such
8 association is competent and has adequate facilities to care for
9 such juveniles, it shall issue to such association a certificate
10 to that effect, which certificate shall continue in force for one
11 year unless sooner revoked by the department. No juvenile shall
12 be committed to any such association which has not received such
13 a certificate within the fifteen months immediately preceding the
14 commitment. The court may at any time require from any association
15 receiving or desiring to receive juveniles under the provisions
16 of the Nebraska Juvenile Code such reports, information, and
17 statements as the judge shall deem proper and necessary for his or
18 her action, and the court shall in no case be required to commit
19 a juvenile to any association whose standing, conduct, or care of
20 juveniles or ability to care for the same is not satisfactory to
21 the court.

22 Sec. 12. Section 43-405, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 43-405 The administrative duties of the Office of
25 Juvenile Services are to:

26 (1) Manage, establish policies for, and administer the
27 office, including all facilities and programs operated by the

1 office or provided through the office by contract with a provider;

2 (2) Supervise employees of the office, including

3 employees of the facilities and programs operated by the office;

4 (3) Have separate budgeting procedures and develop and

5 report budget information separately from the Department of Health

6 and Human Services;

7 (4) Adopt and promulgate rules and regulations for

8 the levels of treatment and for management, control, screening,

9 evaluation, treatment, rehabilitation, parole, transfer, and

10 discharge of juveniles placed with or committed to the Office of

11 Juvenile Services;

12 (5) Ensure that statistical information concerning

13 juveniles placed with or committed to facilities or programs of

14 the office is collected, developed, and maintained for purposes of

15 research and the development of treatment programs;

16 (6) Monitor commitments, placements, and evaluations

17 at facilities and programs operated by the office or through

18 contracts with providers and report its findings annually to the

19 Legislature. For 2012, 2013, and 2014, the department shall also

20 provide the report to the Health and Human Services Committee

21 of the Legislature on or before September 15. The report shall

22 include an assessment of the administrative costs of operating

23 the facilities, the cost of programming, and the savings realized

24 through reductions in commitments, placements, and evaluations;

25 (7) Coordinate the programs and services of the juvenile

26 justice system with other governmental agencies and political

27 subdivisions;

1 (8) Coordinate educational, vocational, and social
2 counseling;

3 (9) Coordinate community-based services for juveniles and
4 their families;

5 (10) Supervise and coordinate juvenile parole and
6 aftercare services; and

7 (11) Exercise all powers and perform all duties necessary
8 to carry out its responsibilities under the Health and Human
9 Services, Office of Juvenile Services Act.

10 Sec. 13. Section 43-534, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-534 Every department, agency, institution, committee,
13 and commission of state government which is concerned or
14 responsible for children and families shall submit, as part of
15 the annual budget request of such department, agency, institution,
16 committee, or commission, a comprehensive statement of the efforts
17 such department, agency, institution, committee, or commission has
18 taken to carry out the policy and principles set forth in sections
19 43-532 and 43-533. For 2012, 2013, and 2014, the Department of
20 Health and Human Services shall provide a copy of its statement
21 submitted under this section to the Health and Human Services
22 Committee of the Legislature on or before September 15. The
23 statement shall include, but not be limited to, a listing of
24 programs provided for children and families and the priority of
25 such programs, a summary of the expenses incurred in the provision
26 and administration of services for children and families, the
27 number of clients served by each program, and data being collected

1 to demonstrate the short-term and long-term effectiveness of each
2 program.

3 Sec. 14. Section 68-1207.01, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 68-1207.01 The Department of Health and Human Services
6 shall annually provide a report to the Legislature and Governor
7 outlining the caseloads of child protective services, the factors
8 considered in their establishment, and the fiscal resources
9 necessary for their maintenance. For 2012, 2013, and 2014, the
10 department shall also provide the report to the Health and Human
11 Services Committee of the Legislature on or before September 15.
12 Such report shall include:

13 (1) A comparison of caseloads established by the
14 department with the workload standards recommended by national
15 child welfare organizations along with the amount of fiscal
16 resources necessary to maintain such caseloads in Nebraska;

17 (2) (a) The number of child welfare services caseworkers
18 and case managers employed by the State of Nebraska and child
19 welfare services workers, providing services directly to children
20 and families, who are under contract with the State of Nebraska
21 or employed by a private entity under contract with the State of
22 Nebraska and (b) statistics on the average length of employment in
23 such positions, statewide and by health and human services area;

24 (3) (a) The average caseload of child welfare services
25 caseworkers and case managers employed by the State of Nebraska
26 and child welfare services workers, providing services directly to
27 children and families, who are under contract with the State of

1 Nebraska or employed by a private entity under contract with the
2 State of Nebraska and (b) the outcomes of such cases, including
3 the number of children reunited with their families, children
4 adopted, children in guardianships, placement of children with
5 relatives, and other permanent resolutions established, statewide
6 and by health and human services area; and

7 (4) The average cost of training child welfare services
8 caseworkers and case managers employed by the State of Nebraska
9 and child welfare services workers, providing services directly to
10 children and families, who are under contract with the State of
11 Nebraska or employed by a private entity under contract with the
12 State of Nebraska, statewide and by health and human services area.

13 Sec. 15. Section 71-825, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 71-825 The department shall provide an annual report,
16 no later than December 1, to the Governor and the Legislature
17 on the operation of the Children and Family Support Hotline
18 established under section 71-822, the Family Navigator Program
19 established under section 71-823, and the provision of voluntary
20 post-adoption and post-guardianship case management services under
21 section 71-824, except that for 2012, 2013, and 2014, the
22 department shall also provide the report to the Health and Human
23 Services Committee of the Legislature on or before September 15.

24 Sec. 16. Section 71-1904, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-1904 (1) The department shall adopt and promulgate
27 rules and regulations pursuant to sections 71-1901 to 71-1906.01

1 for (a) the proper care and protection of children by licensees
2 under such sections, (b) the issuance, suspension, and revocation
3 of licenses to provide foster care, (c) the issuance, suspension,
4 and revocation of probationary licenses to provide foster care, (d)
5 the issuance, suspension, and revocation of provisional licenses to
6 provide foster care, (e) the provision of training in foster care,
7 which training shall be directly related to the skills necessary
8 to care for children in need of out-of-home care, including,
9 but not limited to, abused, neglected, dependent, and delinquent
10 children, and (f) the proper administration of sections 71-1901 to
11 71-1906.01.

12 (2) The training required by subdivision (1)(e) of this
13 section may be waived in whole or in part by the department for
14 persons operating foster homes providing care only to relatives
15 of the foster care provider. Such waivers shall be granted
16 on a case-by-case basis upon assessment by the department of
17 the appropriateness of the relative foster care placement. The
18 department shall report annually to the Health and Human Services
19 Committee of the Legislature the number of waivers granted under
20 this subsection and the total number of children placed in relative
21 foster homes. For 2012, 2013, and 2014, the department shall
provide the report to the Health and Human Services Committee of
the Legislature on or before September 15.

24 Sec. 17. Section 71-3407, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 71-3407 (1) The purposes of the team shall be to (a)
27 develop an understanding of the causes and incidence of child

1 deaths in this state, (b) develop recommendations for changes
2 within relevant agencies and organizations which may serve to
3 prevent child deaths, and (c) advise the Governor, the Legislature,
4 and the public on changes to law, policy, and practice which will
5 prevent child deaths.

6 (2) The team shall:

7 (a) Undertake annual statistical studies of the causes
8 and incidence of child deaths in this state. The studies shall
9 include, but not be limited to, an analysis of the records of
10 community, public, and private agency involvement with the children
11 and their families prior to and subsequent to the deaths;

12 (b) Develop a protocol for retrospective investigation of
13 child deaths by the team;

14 (c) Develop a protocol for collection of data regarding
15 child deaths by the team;

16 (d) Consider training needs, including cross-agency
17 training, and service gaps;

18 (e) Include in its annual report recommended changes
19 to any law, rule, regulation, or policy needed to decrease the
20 incidence of preventable child deaths;

21 (f) Educate the public regarding the incidence and causes
22 of child deaths, the public role in preventing child deaths, and
23 specific steps the public can undertake to prevent child deaths.

24 The team may enlist the support of civic, philanthropic, and public
25 service organizations in the performance of its educational duties;

26 (g) Provide the Governor, the Legislature, and the public
27 with annual written reports which shall include the team's findings

1 and recommendations for each of its duties. For 2012, 2013, and
2 2014, the team shall also provide the report to the Health and
3 Human Services Committee of the Legislature on or before September
4 15; and

5 (h) When appropriate, make referrals to those agencies as
6 required in section 28-711 or as otherwise required by state law.

7 Sec. 18. Sections 10, 11, 12, 13, 14, 15, 16, 17,
8 and 19 of this act become operative three calendar months after
9 adjournment of this legislative session. The other sections of this
10 act become operative on their effective date.

11 Sec. 19. Original sections 43-296, 43-405, 43-534,
12 68-1207.01, 71-825, 71-1904, and 71-3407, Reissue Revised Statutes
13 of Nebraska, are repealed.

14 2. On page 5, line 13, after "necessary" insert
15 "including the Foster Care Review Board data coordinator".

16 3. On page 6, line 4, after the period insert "In
17 conjunction with the report, the department shall prepare the
18 advance planning document required to qualify for federal funding
19 for the statewide automated child welfare information system
20 pursuant to 45 C.F.R. 1355.50 through 1355.57, implementing section
21 474(a)(3)(C) and (D) of Title IV-E of the federal Social Security
22 Act, 42 U.S.C. 674(a)(3)(C) and (D), as such regulations, act,
23 and section existed on January 1, 2012. The advance planning
24 document shall describe the proposed plan for managing the design,
25 development, and operations of a statewide automated child welfare
26 information system that meets such federal requirements and state's
27 needs in an efficient, comprehensive, and cost effective manner.".

1 4. On page 8, strike lines 16 through 20 and insert:

2 "(m) Non-court-involved children, including the number of
3 children served, the services requested, the services provided, the
4 cost of the services, and the funding source;".

5 5. On page 9, line 17, strike "and"; and in line 22 after
6 "overdue" insert "; and

7 (7) For any individual involved in the child welfare
8 system receiving a service or a placement through the department
9 or its agent for which referral is necessary, the date when such
10 referral was made by the department or its agent and the date
11 and the method by which the individual receiving the services was
12 notified of such referral. To the extent the department becomes
13 aware of the date when the individual receiving the referral began
14 receiving such services, the department or its agent shall document
15 such date".

16 6. On page 14, line 2, strike "and"; and in line
17 4 after the semicolon insert "and (F) percentage of children
18 denied reauthorization requests or subsequent review of initial
19 authorization".

20 7. Renumber the remaining section and correct internal
21 references accordingly.