

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 774**

Introduced by Howard, 9; Bloomfield, 17; Campbell, 25; Cook, 13;  
Dubas, 34; Gloor, 35; Haar, 21; Harr, 8; Krist, 10;  
McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41.

Read first time January 04, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend sections  
2 43-296, 43-405, 43-534, 68-1207.01, 71-825, 71-1904, and  
3 71-3407, Reissue Revised Statutes of Nebraska; to provide  
4 duties for the Health and Human Services Committee of the  
5 Legislature and the Department of Health and Human  
6 Services; to harmonize provisions; and to repeal the  
7 original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. On December 15 of 2012, 2013, and 2014, the  
2 Health and Human Services Committee of the Legislature shall provide  
3 a written report to the Legislature, Governor, and Chief Justice of  
4 the Nebraska Supreme Court with respect to the progress made by the  
5 Department of Health and Human Services implementing the  
6 recommendations of the committee contained in the final report of the  
7 study conducted by the committee pursuant to Legislative Resolution  
8 37, One Hundred Second Legislature, First Session, 2011. In order to  
9 facilitate such report, the department shall provide to the committee  
10 by September 15 of 2012, 2013, and 2014 the reports required pursuant  
11 to sections 43-296, 43-534, 68-1207.01, 71-825, 71-827, 71-1904, and  
12 71-3407 and subdivision (6) of section 43-405.

13           Sec. 2. Section 43-296, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           43-296 All associations receiving juveniles under the  
16 Nebraska Juvenile Code shall be subject to the same visitation,  
17 inspection, and supervision by the Department of Health and Human  
18 Services as are public charitable institutions of this state, and it  
19 shall be the duty of the department to pass annually upon the fitness  
20 of every such association as may receive or desire to receive  
21 juveniles under the provisions of such code. Every such association  
22 shall annually, ~~at such time as the department shall direct, on or~~  
23 before September 15, make a report to the department showing its  
24 condition, management, and competency to adequately care for such  
25 juveniles as are or may be committed to it and such other facts as

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

18           Sec. 3. Section 43-405, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           43-405 The administrative duties of the Office of  
21 Juvenile Services are to:

22           (1) Manage, establish policies for, and administer the  
23 office, including all facilities and programs operated by the office  
24 or provided through the office by contract with a provider;

25           (2) Supervise employees of the office, including

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

2 (3) Have separate budgeting procedures and develop and  
3 report budget information separately from the Department of Health  
4 and Human Services;

5 (4) Adopt and promulgate rules and regulations for the  
6 levels of treatment and for management, control, screening,  
7 evaluation, treatment, rehabilitation, parole, transfer, and  
8 discharge of juveniles placed with or committed to the Office of  
9 Juvenile Services;

10 (5) Ensure that statistical information concerning  
11 juveniles placed with or committed to facilities or programs of the  
12 office is collected, developed, and maintained for purposes of  
13 research and the development of treatment programs;

14 (6) Monitor commitments, placements, and evaluations at  
15 facilities and programs operated by the office or through contracts  
16 with providers and report its findings annually to the Legislature.  
17 For 2012, 2013, and 2014, the department shall also provide the  
18 report to the Health and Human Services Committee of the Legislature  
19 on or before September 15. The report shall include an assessment of  
20 the administrative costs of operating the facilities, the cost of  
21 programming, and the savings realized through reductions in  
22 commitments, placements, and evaluations;

23 (7) Coordinate the programs and services of the juvenile  
24 justice system with other governmental agencies and political  
25 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. 4. 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 responsible  
14 for children and families shall submit, as part of the annual budget  
15 request of such department, agency, institution, committee, or  
16 commission, a comprehensive statement of the efforts such department,  
17 agency, institution, committee, or commission has taken to carry out  
18 the policy and principles set forth in sections 43-532 and 43-533.  
19 For 2012, 2013, and 2014, the Department of Health and Human Services  
20 shall provide a copy of its statement submitted under this section to  
21 the Health and Human Services Committee of the Legislature on or  
22 before September 15. The statement shall include, but not be limited  
23 to, a listing of programs provided for children and families and the  
24 priority of such programs, a summary of the expenses incurred in the  
25 provision and administration of services for children and families,

1 the number of clients served by each program, and data being  
2 collected to demonstrate the short-term and long-term effectiveness  
3 of each program.

4 Sec. 5. Section 68-1207.01, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

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

13 (1) A comparison of caseloads established by the  
14 department with the workload standards recommended by national child  
15 welfare organizations along with the amount of fiscal resources  
16 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 welfare  
19 services workers, providing services directly to children and  
20 families, who are under contract with the State of Nebraska or  
21 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 and

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

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

15 Sec. 6. Section 71-825, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

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

1           Sec. 7. Section 71-1904, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-1904 (1) The department shall adopt and promulgate  
4 rules and regulations pursuant to sections 71-1901 to 71-1906.01 for  
5 (a) the proper care and protection of children by licensees under  
6 such sections, (b) the issuance, suspension, and revocation of  
7 licenses to provide foster care, (c) the issuance, suspension, and  
8 revocation of probationary licenses to provide foster care, (d) the  
9 issuance, suspension, and revocation of provisional licenses to  
10 provide foster care, (e) the provision of training in foster care,  
11 which training shall be directly related to the skills necessary to  
12 care for children in need of out-of-home care, including, but not  
13 limited to, abused, neglected, dependent, and delinquent children,  
14 and (f) the proper administration of sections 71-1901 to 71-1906.01.

15           (2) The training required by subdivision (1)(e) of this  
16 section may be waived in whole or in part by the department for  
17 persons operating foster homes providing care only to relatives of  
18 the foster care provider. Such waivers shall be granted on a case-by-  
19 case basis upon assessment by the department of the appropriateness  
20 of the relative foster care placement. The department shall report  
21 annually to the Health and Human Services Committee of the  
22 Legislature the number of waivers granted under this subsection and  
23 the total number of children placed in relative foster homes. For  
24 2012, 2013, and 2014, the department shall provide the report to the  
25 Health and Human Services Committee of the Legislature on or before

1 September 15.

2           Sec. 8. Section 71-3407, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           71-3407 (1) The purposes of the team shall be to (a)  
5 develop an understanding of the causes and incidence of child deaths  
6 in this state, (b) develop recommendations for changes within  
7 relevant agencies and organizations which may serve to prevent child  
8 deaths, and (c) advise the Governor, the Legislature, and the public  
9 on changes to law, policy, and practice which will prevent child  
10 deaths.

11           (2) The team shall:

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

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

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

21           (d) Consider training needs, including cross-agency  
22 training, and service gaps;

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

1                   (f) Educate the public regarding the incidence and causes  
2 of child deaths, the public role in preventing child deaths, and  
3 specific steps the public can undertake to prevent child deaths. The  
4 team may enlist the support of civic, philanthropic, and public  
5 service organizations in the performance of its educational duties;

6                   (g) Provide the Governor, the Legislature, and the public  
7 with annual written reports which shall include the team's findings  
8 and recommendations for each of its duties. For 2012, 2013, and 2014,  
9 the team shall also provide the report to the Health and Human  
10 Services Committee of the Legislature on or before September 15; and

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

13                   Sec. 9. Original sections 43-296, 43-405, 43-534,  
14 68-1207.01, 71-825, 71-1904, and 71-3407, Reissue Revised Statutes of  
15 Nebraska, are repealed.