

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 820

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

Read first time January 05, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to child welfare services; to provide for
2 application for a demonstration project and waiver of
3 federal requirements as prescribed; and to declare an
4 emergency.

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

1 Section 1. (1) On or before January 1, 2013, the
2 Department of Health and Human Services shall apply to the United
3 States Secretary of Health and Human Services for approval of a
4 demonstration project pursuant to 42 U.S.C. 1320a-9 and to obtain a
5 waiver as provided in 42 U.S.C. 1320a-9(b) of any requirement of
6 Title IV-E of the federal Social Security Act, as amended, which
7 would otherwise prevent the Department of Health and Human Services
8 from carrying out such demonstration project or from effectively
9 achieving the purposes of such project, except as provided in such
10 section.

11 (2) The demonstration project shall be designed to meet
12 the requirements of 42 U.S.C. 1320a-9, including, but not limited to,
13 the following:

14 (a) Increasing permanency for all infants, children, and
15 youth by reducing the time in foster care placements when possible
16 and promoting a successful transition to adulthood for older youth;

17 (b) Increasing positive outcomes for infants, children,
18 youth, and families in their homes and communities, including tribal
19 communities, and improving the safety and well-being of infants,
20 children, and youth;

21 (c) Preventing child abuse and neglect and the reentry of
22 infants, children, and youth into foster care; and

23 (d) Developing a program to (i) permit foster care
24 maintenance payments to be made under Title IV-E of the federal
25 Social Security Act, as amended, to a long-term therapeutic family

1 treatment center on behalf of a child residing in the center or (ii)
2 identify and address domestic violence that endangers children and
3 results in the placement of children in foster care.

4 (3) The proposal for the demonstration project shall
5 include information showing:

6 (a) The ability and capacity of the department to
7 effectively use the authority to conduct a demonstration project
8 under this section by identifying changes the department has made or
9 plans to make in policies, procedures, or other elements of the
10 state's child welfare program that will enable the state to
11 successfully achieve the goal or goals of the project;

12 (b) That the department has implemented, or plans to
13 implement within three years after the date of submission of its
14 application under this section or within two years after the date on
15 which the United States Secretary of Health and Human Services
16 approves such application, whichever is later, at least two of the
17 child welfare program improvement policies described in 42 U.S.C.
18 1320a-9(a)(7).

19 (4) At least one of the child welfare program improvement
20 policies to be implemented by the Department of Health and Human
21 Services under the demonstration project shall be a policy that the
22 state has not previously implemented as of the date of submission of
23 its application under this section.

24 (5) For purposes of this section, long-term therapeutic
25 family treatment center has the definition found in 42 U.S.C.

1 1320a-9(a)(8).

2 Sec. 2. The Department of Health and Human Services shall
3 report to the Health and Human Services Committee of the Legislature
4 by September 15, 2012, on the status of the application for the
5 demonstration project under section 1 of this act.

6 Sec. 3. Since an emergency exists, this act takes effect
7 when passed and approved according to law.