

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 37

Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Gloor, 35; Howard, 9; Krist, 10; Wallman, 30; Avery, 28; Coash, 27; Conrad, 46; Dubas, 34; Hadley, 37; Hansen, 42; McGill, 26; Mello, 5; Council, 11.

WHEREAS, in July, 2009, the Department of Health and Human Services began the child welfare reform initiative, known as Families Matter, to address the growing number of children in out-of-home placements. The department selected six separate private agencies as lead agencies to implement the reform initiatives which increased responsibilities of private agencies to provide services to children and families. The private agencies were also subject to a new reimbursement methodology that changed from fee-for-service to risk-based reimbursement. Significant changes ensued regarding how children and families are served by the child welfare and juvenile services system in Nebraska; and

WHEREAS, on October 15, 2010, the Department of Health and Human Services announced that the remaining private agencies would receive greater case management responsibility and that new lead agencies in the remaining service area would be sought. As a result, department staff that provide critical case management services and a last safety net if a private agency is unable to provide services in the future would be greatly reduced; and

WHEREAS, by November 1, 2010, only two lead agencies were still under contract with the Department of Health and Human Services to assist

with implementing the child welfare reform initiative. Departing agencies cited the loss of significant funds as they sought to carry out the terms of the contract. During hearings for Interim Study LR568, the Health and Human Services Committee of the Legislature heard additional concerns regarding lack of documentation in records, failure to pay providers and foster parents fully and promptly, confusion regarding division of responsibilities, quality of care and training, and long-term planning to sustain the child welfare reform initiative and ensure safety and protection of Nebraska's children. These difficulties have resulted in a lack of stability within the child welfare system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature be designated to review, investigate, and assess the effect of the child welfare reform initiative which the Department of Health and Human Services began implementing July, 2009.

2. That the committee shall consult with the department, service providers currently or formerly under contract to the department, the Supreme Court, the Foster Care Review Board, and stakeholders representing state and local government, provider organizations, consumers, consumer advocates, and other parties as the committee deems helpful.

3. That the committee shall utilize existing studies, reports, and past presentations of information by the department to the Legislature; the Foster Care Review Board; and current and previous lead agencies and their subcontractors for their reports relating to the effort to improve the

child welfare system. The committee shall not be limited to such studies, reports, or legislation.

4. That the committee may hold public hearings on the implementation of child welfare reforms and, pursuant to section 50-406 and the rules of the Nebraska Unicameral Legislature, may exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses in the manner prescribed by law for taking depositions in civil actions in the district court.

Issues to be considered may include, but shall not be limited to:

(a) The goal formation, delineation of outcome measurements, coordination, and long-term planning of the child welfare reform initiative by the Department of Health and Human Services;

(b) The effectiveness of the public-private partnership in providing services to children and families involved with the department including the number of children attaining permanency through adoption;

(c) The system of accountability, funding, and financial sustainability of the child welfare reform initiative;

(d) The effect of the child welfare reform initiative on meeting the federal Child and Family Service Reviews of outcomes and indicators, permanency and well-being; and

(e) The option of requesting the Legislative Performance Audit Committee and the Auditor of Public Accounts to conduct a joint performance and fiscal audit or separate audits of child welfare reforms.

5. That the committee shall provide the Legislature a final report no later than December 15, 2011.