

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 269**

Introduced by Campbell, 25.  
Read first time January 16, 2013  
Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to children and families; to amend sections  
2 43-285, 43-4101, 43-4202, 43-4203, 43-4208, 68-1207,  
3 68-1212, 71-1904, and 81-3133, Revised Statutes  
4 Cumulative Supplement, 2012; to provide duties for the  
5 Office of Probation Administration, the Nebraska  
6 Children's Commission, and the Department of Health and  
7 Human Services; to change membership and staffing  
8 provisions of the Nebraska Children's Commission; to  
9 provide duties relating to reimbursement of certain costs  
10 as prescribed; to change provisions relating to a  
11 placement plan; to provide requirements for case plans  
12 and case manager training; to change provisions relating  
13 to rules and regulations for foster case licensees; to  
14 provide duties and prohibit certain actions by  
15 departmental contractors as prescribed; to provide for a  
16 grievance procedure; to harmonize provisions; to repeal  
17 the original sections; and to declare an emergency.

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

1           Section 1. Section 43-285, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           43-285 (1) When the court awards a juvenile to the care  
4 of the Department of Health and Human Services, an association, or an  
5 individual in accordance with the Nebraska Juvenile Code, the  
6 juvenile shall, unless otherwise ordered, become a ward and be  
7 subject to the guardianship of the department, association, or  
8 individual to whose care he or she is committed. Any such association  
9 and the department shall have authority, by and with the assent of  
10 the court, to determine the care, placement, medical services,  
11 psychiatric services, training, and expenditures on behalf of each  
12 juvenile committed to it. Such guardianship shall not include the  
13 guardianship of any estate of the juvenile.

14           (2) Following an adjudication hearing at which a juvenile  
15 is adjudged to be under subdivision (3) of section 43-247, the court  
16 may order the department to prepare and file with the court a  
17 proposed plan for the care, placement, services, and permanency which  
18 are to be provided to such juvenile and his or her family. The health  
19 and safety of the juvenile shall be the paramount concern in the  
20 proposed plan. When the plan includes the provision of services in  
21 order that the juvenile can remain in his or her home and such  
22 services are to prevent out-of-home placement, the plan shall be  
23 prepared and shall clearly state that the services described in the  
24 plan are to prevent placement and that absent preventive services,  
25 foster care is the planned arrangement for the child. The department

1 shall include in the plan for a juvenile who is sixteen years of age  
2 or older and subject to the guardianship of the department a written  
3 independent living transition proposal which meets the requirements  
4 of section 43-1311.03. The court may approve the plan, modify the  
5 plan, order that an alternative plan be developed, or implement  
6 another plan that is in the juvenile's best interests. In its order  
7 the court shall include a finding regarding the appropriateness of  
8 the programs and services described in the proposal designed to  
9 assist the juvenile in acquiring independent living skills. Rules of  
10 evidence shall not apply at the dispositional hearing when the court  
11 considers the plan that has been presented.

12 (3) Within thirty days after an order awarding a juvenile  
13 to the care of the department, an association, or an individual and  
14 until the juvenile reaches the age of majority, the department,  
15 association, or individual shall file with the court a report stating  
16 the location of the juvenile's placement and the needs of the  
17 juvenile in order to effectuate the purposes of subdivision (1) of  
18 section 43-246. The department, association, or individual shall file  
19 a report with the court once every six months or at shorter intervals  
20 if ordered by the court or deemed appropriate by the department,  
21 association, or individual. The department, association, or  
22 individual shall file a report and notice of placement change with  
23 the court and shall send copies of the notice to all interested  
24 parties at least seven days before the placement of the juvenile is  
25 changed from what the court originally considered to be a suitable

1 family home or institution to some other custodial situation in order  
2 to effectuate the purposes of subdivision (1) of section 43-246. The  
3 court, on its own motion or upon the filing of an objection to the  
4 change by an interested party, may order a hearing to review such a  
5 change in placement and may order that the change be stayed until the  
6 completion of the hearing. Nothing in this section shall prevent the  
7 court on an ex parte basis from approving an immediate change in  
8 placement upon good cause shown. The department may make an immediate  
9 change in placement without court approval only if the juvenile is in  
10 a harmful or dangerous situation or when the foster parents request  
11 that the juvenile be removed from their home. Approval of the court  
12 shall be sought within twenty-four hours after making the change in  
13 placement or as soon thereafter as possible. The department shall  
14 provide the juvenile's guardian ad litem with a copy of any report  
15 filed with the court by the department pursuant to this subsection.

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

18 (5) When the court awards a juvenile to the care of the  
19 department, an association, or an individual, then the department,  
20 association, or individual shall have standing as a party to file any  
21 pleading or motion, to be heard by the court with regard to such  
22 filings, and to be granted any review or relief requested in such  
23 filings consistent with the Nebraska Juvenile Code.

24 (6) Whenever a juvenile is in a foster care placement as  
25 defined in section 43-1301, the Foster Care Review Office or the

1 designated local foster care review board may participate in  
2 proceedings concerning the juvenile as provided in section 43-1313  
3 and notice shall be given as provided in section 43-1314.

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

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

17 Sec. 2. Section 43-4101, Revised Statutes Cumulative  
18 Supplement, 2012, is amended to read:

19 43-4101 (1) The Nebraska Juvenile Service Delivery  
20 Project shall be established as a pilot program administered by the  
21 Office of Probation Administration. The pilot program shall be  
22 evaluated by the University of Nebraska Medical Center's College of  
23 Public Health. The project may be expanded by the Office of Probation  
24 Administration. The purpose of the pilot program is to (1) provide  
25 access to services in the community for juveniles placed on

1 probation, (2) prevent unnecessary commitment of juveniles to the  
2 Department of Health and Human Services and to the Office of Juvenile  
3 Services, (3) eliminate barriers preventing juveniles from receiving  
4 needed services, (4) prevent unnecessary penetration of juveniles  
5 further into the juvenile justice system, (5) enable the juvenile's  
6 needs to be met in the least intrusive and least restrictive manner  
7 while maintaining the safety of the juvenile and the community, (6)  
8 reduce the duplication of resources within the juvenile justice  
9 system through intense coordinated case management and supervision,  
10 and (7) use evidence-based practices and responsive case management  
11 to improve outcomes for adjudicated juveniles.

12 (2) On or before July 1, 2013, the Department of Health  
13 and Human Services, shall apply for reimbursement under Title IV-E of  
14 the federal Social Security Act, as amended, for reimbursable costs  
15 associated with the Nebraska Juvenile Service Delivery Project. The  
16 reimbursed funds received by the department shall be remitted to the  
17 State Treasurer for credit to the Probation Cash Fund for  
18 reimbursement of expenses incurred by the Office of Probation  
19 Administration pursuant to the Nebraska Juvenile Service Delivery  
20 Project.

21 Sec. 3. Section 43-4202, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23 43-4202 (1) The Nebraska Children's Commission is created  
24 as a high-level leadership body to (a) create a statewide strategic  
25 plan for reform of the child welfare system programs and services in

1 the State of Nebraska and (b) review the operations of the Department  
2 of Health and Human Services regarding child welfare programs and  
3 services and recommend, as a part of the statewide strategic plan,  
4 options for attaining the legislative intent stated in section  
5 43-4201, either by the establishment of a new division within the  
6 department or the establishment of a new state agency to provide all  
7 child welfare programs and services which are the responsibility of  
8 the state. The commission shall provide a permanent forum for  
9 collaboration among state, local, community, public, and private  
10 stakeholders in child welfare programs and services.

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

13 ~~(a) The chief executive officer of the Department of~~  
14 ~~Health and Human Services or his or her designee;~~

15 ~~(b) The Director of Children and Family Services or his~~  
16 ~~or her designee; and~~

17 (a) The Inspector General of Nebraska Child Welfare or  
18 his or her designee;

19 (b) The executive director of the Foster Care Review  
20 Office or his or her designee; and

21 (c) Sixteen members appointed by the Governor within  
22 thirty days after April 12, 2012. The members appointed pursuant to  
23 this subdivision shall represent stakeholders in the child welfare  
24 system and shall include: (i) A director of a child advocacy center;  
25 (ii) an administrator of a behavioral health region established



1 pursuant to section 71-807; (iii) a community representative from  
2 each of the service areas designated pursuant to section 81-3116. In  
3 the eastern service area designated pursuant to such section, the  
4 representative may be from a lead agency of a pilot project  
5 established under ~~Legislative Bill 961, One Hundred Second~~  
6 ~~Legislature, Second Session, 2012, section 68-1212,~~ or a  
7 collaborative member; (iv) a prosecuting attorney who practices in  
8 juvenile court; (v) a guardian ad litem; (vi) a biological parent  
9 currently or previously involved in the child welfare system; (vii) a  
10 foster parent; (viii) a court-appointed special advocate volunteer;  
11 (ix) a member of ~~the State Foster Care Review Board or any entity~~  
12 ~~that succeeds to the powers and duties of the board or a member of a~~  
13 local foster care review board; (x) a child welfare service agency  
14 that directly provides a wide range of child welfare services and is  
15 not a member of a lead agency collaborative; (xi) a young adult  
16 previously in foster care; and (xii) a representative of a child  
17 advocacy organization that deals with legal and policy issues that  
18 include child welfare.

19 (3) The commission shall have the following nonvoting, ex  
20 officio members: (a) The chairperson of the Health and Human Services  
21 Committee of the Legislature or a committee member designated by the  
22 chairperson; (b) the chairperson of the Judiciary Committee of the  
23 Legislature or a committee member designated by the chairperson; (c)  
24 the chairperson of the Appropriations Committee of the Legislature or  
25 a committee member designated by the chairperson; ~~and~~ (d) three

1 persons appointed by the State Court Administrator; (e) the chief  
2 executive officer of the Department of Health and Human Services or  
3 his or her designee; and (f) the Director of Children and Family  
4 Services of the Division of Children and Family Services of the  
5 Department of Health and Human Services or his or her designee. The  
6 nonvoting, ex officio members may attend commission meetings and  
7 participate in the discussions of the commission, provide information  
8 to the commission on the policies, programs, and processes of each of  
9 their respective bodies, gather information for the commission, and  
10 provide information back to their respective bodies from the  
11 commission. The nonvoting, ex officio members shall not vote on  
12 decisions by the commission or on the direction or development of the  
13 statewide strategic plan pursuant to section 43-4204.

14 (4) The commission shall meet within sixty days after  
15 April 12, 2012, and shall select from among its members a chairperson  
16 and vice-chairperson and conduct any other business necessary to the  
17 organization of the commission. The commission shall meet not less  
18 often than once every three months, and meetings of the commission  
19 may be held at any time on the call of the chairperson. ~~The~~  
20 ~~commission shall be within the office of the chief executive officer~~  
21 ~~of the Department of Health and Human Services.~~ The commission may  
22 hire staff to carry out the responsibilities of the commission. For  
23 administrative purposes, the offices of the staff of the commission  
24 shall be located in the Foster Care Review Office. The commission  
25 shall hire a consultant with experience in facilitating strategic

1 planning to provide neutral, independent assistance in developing the  
2 statewide strategic plan. The commission shall terminate on June 30,  
3 2014, unless continued by the Legislature.

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

20 ~~(5)-(6)~~ Members of the commission shall be reimbursed for  
21 their actual and necessary expenses as members of such commission as  
22 provided in sections 81-1174 to 81-1177.

23 Sec. 4. Section 43-4203, Revised Statutes Cumulative  
24 Supplement, 2012, is amended to read:

25 43-4203 (1) The Nebraska Children's Commission shall work

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

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

21 (b) The commission shall create a committee to examine  
22 the structure and responsibilities of the Office of Juvenile Services  
23 as they exist on April 12, 2012. Such committee shall review the role  
24 and effectiveness of the youth rehabilitation and treatment centers  
25 in the juvenile justice system and make recommendations to the

1 commission on the future role of the youth rehabilitation and  
2 treatment centers in the juvenile justice continuum of care. Such  
3 committee shall also review the responsibilities of the Administrator  
4 of the Office of Juvenile Services, including oversight of the youth  
5 rehabilitation and treatment centers and juvenile parole, and make  
6 recommendations to the commission relating to the future  
7 responsibilities of the administrator.

8 (c) The commission may organize committees as it deems  
9 necessary. Members of the committees may be members of the commission  
10 or may be appointed, with the approval of the majority of the  
11 commission, from individuals with knowledge of the committee's  
12 subject matter, professional expertise to assist the committee in  
13 completing its assigned responsibilities, and the ability to  
14 collaborate within the committee and with the commission to carry out  
15 the powers and duties of the commission.

16 (d) ~~If the One Hundred Second Legislature, Second~~  
17 ~~Session, 2012, creates the~~ The Title IV-E Demonstration Project  
18 ~~Committee or created pursuant to section 43-4208 and the Foster Care~~  
19 ~~Reimbursement Rate Committee, or both, such committees~~ created  
20 pursuant to section 43-4212 shall be under the jurisdiction of the  
21 commission.

22 (3) The commission shall work with the office of the  
23 State Court Administrator, as appropriate, and entities which  
24 coordinate facilitated conferencing as described in section  
25 43-247.01. Facilitated conferencing shall be included in statewide

1 strategic plan discussions by the commission. Facilitated  
2 conferencing shall continue to be utilized and maximized, as  
3 determined by the court of jurisdiction, during the development of  
4 the statewide strategic plan. Funding and contracting of facilitated  
5 conferencing entities shall continue to be provided by the Department  
6 of Health and Human Services to at least the same extent as such  
7 funding and contracting are being provided on April 12, 2012.

8 (4) The commission shall gather information and  
9 communicate with juvenile justice specialists of the Office of  
10 Probation Administration and county officials with respect to any  
11 county-operated practice model participating in the Crossover Youth  
12 Program of the Center for Juvenile Justice Reform at Georgetown  
13 University.

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

17 ~~(5) If the Nebraska Juvenile Service Delivery Project is~~  
18 ~~enacted by the One Hundred Second Legislature, Second Session, 2012,~~  
19 ~~the commission shall coordinate and gather information about the~~  
20 ~~progress and outcomes of the project.~~

21 Sec. 5. Section 43-4208, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23 43-4208 (1)(a) The Title IV-E Demonstration Project  
24 Committee is created. The members of the committee shall be appointed  
25 by the Director of Children and Family Services or his or her

1 designee and shall include representatives of the Department of  
2 Health and Human Services and representatives of child welfare  
3 stakeholder entities, including one advocacy organization which deals  
4 with legal and policy issues that include child welfare, one advocacy  
5 organization the singular focus of which is issues impacting  
6 children, two child welfare service agencies that provide a wide  
7 range of child welfare services, and one entity which is a lead  
8 agency as of March 1, 2012. Members of the committee shall have  
9 experience or knowledge in the area of child welfare that involves  
10 Title IV-E eligibility criteria and activities. In addition, there  
11 shall be at least one ex officio member of the committee, appointed  
12 by the State Court Administrator. The ex officio member or members  
13 shall not be involved in decisionmaking, implementation plans, or  
14 reporting but may attend committee meetings, provide information to  
15 the committee about the processes and programs of the court system  
16 involving children and juveniles, and inform the State Court  
17 Administrator of the committee's activities. The committee shall be  
18 convened by the director within thirty days after April 12, 2012.

19 (b) The committee shall review, report, and provide  
20 recommendations regarding the application of the Department of Health  
21 and Human Services for a demonstration project pursuant to 42 U.S.C.  
22 1320a-9 to obtain a waiver as provided in 42 U.S.C. 1320a-9(b), as  
23 such section existed on January 1, 2012. The committee may engage a  
24 consultant with expertise in Title IV-E demonstration project  
25 applications and requirements.

1           (c) The committee shall (i) review Nebraska's current  
2 status of Title IV-E participation and penetration rates, (ii) review  
3 strategies and solutions for raising Nebraska's participation rate  
4 and reimbursement for Title IV-E in child placement, case management,  
5 replacement, training, adoption, court findings, and proceedings, and  
6 (iii) recommend specific actions for addressing barriers to  
7 participation and reimbursement.

8           (d) The committee shall provide an implementation plan  
9 and a timeline for making application for a Title IV-E waiver. The  
10 implementation plan shall support and align with the goals of the  
11 statewide strategic plan required pursuant to ~~Legislative Bill 821,~~  
12 ~~One Hundred Second Legislature, Second Session, 2012, section 43-4204~~  
13 including, but not limited to, maximizing federal funding to be able  
14 to utilize state and federal funding for a broad array of services  
15 for children, including prevention, intervention, and community-  
16 based, in-home, and out-of-home services to attain positive outcomes  
17 for the safety and well-being of and to expedite permanency for  
18 children. The committee shall report on its activities to the Health  
19 and Human Services Committee of the Legislature on or before July 1,  
20 2012, September 1, 2012, and November 1, 2012, and shall provide a  
21 final written report to the department, the Health and Human Services  
22 Committee of the Legislature, and the Governor by December 15, 2012.

23           (e) ~~If the Nebraska Children's Commission is created by~~  
24 ~~the One Hundred Second Legislature, Second Session, 2012, the~~ The  
25 Title IV-E Demonstration Project Committee shall thereupon come under



1 ~~the commission's jurisdiction.~~ is under the jurisdiction of the  
2 Nebraska Children's Commission created pursuant to section 43-4202.

3 The commission may make changes it deems necessary to comply with  
4 this subsection to facilitate the application for such demonstration  
5 project.

6 (2) The committee's implementation plan shall address the  
7 demonstration project designed to meet the requirements of 42 U.S.C.  
8 1320a-9, including, but not limited to, the following:

9 (a) Increasing permanency for children by reducing the  
10 time in foster care placements when possible and promoting a  
11 successful transition to adulthood for older youth;

12 (b) Increasing positive outcomes for children and  
13 families in their homes and communities, including tribal  
14 communities, and improving the safety and well-being of children;

15 (c) Preventing child abuse and neglect and the reentry of  
16 children into foster care; and

17 (d) Considering the options of developing a program to  
18 (i) permit foster care maintenance payments to be made under Title  
19 IV-E of the federal Social Security Act, as such act existed on  
20 January 1, 2012, to a long-term therapeutic family treatment center  
21 on behalf of children residing in such a center or (ii) identify and  
22 address domestic violence that endangers children and results in the  
23 placement of children in foster care.

24 (3) The implementation plan for the demonstration project  
25 shall include information showing:

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

7           (b) That the department has implemented, or plans to  
8 implement within three years after the date of submission of its  
9 application under this section or within two years after the date on  
10 which the United States Secretary of Health and Human Services  
11 approves such application, whichever is later, at least two of the  
12 child welfare program improvement policies described in 42 U.S.C.  
13 1320a-9(a)(7), as such section existed on January 1, 2012.

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

19           (5) On or before July 1, 2013, the Department of Health  
20 and Human Services shall develop a policy for reimbursement of all  
21 allowable foster care maintenance costs as provided under Title IV-E  
22 of the federal Social Security Act, as amended, 42 U.S.C. 672, as  
23 such act and section existed on January 1, 2013.

24           ~~(5)~~—(6) For purposes of this section, long-term  
25 therapeutic family treatment center has the definition found in 42

1 U.S.C. 1320a-9(a)(8), as such section existed on January 1, 2012.

2           Sec. 6. Section 68-1207, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4           68-1207 (1) The Department of Health and Human Services  
5 shall supervise all public child welfare services as described by  
6 law. The department and the pilot project described in section  
7 68-1212 shall maintain caseloads to carry out child welfare services  
8 which provide for adequate, timely, and indepth investigations and  
9 services to children and families. Caseloads shall range between  
10 twelve and seventeen cases as determined pursuant to subsection (2)  
11 of this section. In establishing the specific caseloads within such  
12 range, the department and the pilot project shall (a) include the  
13 workload factors that may differ due to geographic responsibilities,  
14 office location, and the travel required to provide a timely response  
15 in the investigation of abuse and neglect, the protection of  
16 children, and the provision of services to children and families in a  
17 uniform and consistent statewide manner and (b) utilize the workload  
18 criteria of the standards established as of January 1, 2012, by the  
19 Child Welfare League of America. The average caseload shall be  
20 reduced by the department in all service areas as designated pursuant  
21 to section 81-3116 and by the pilot project to comply with the  
22 caseload range described in this subsection by September 1, 2012.  
23 Beginning September 15, 2012, the department shall include in its  
24 annual report required pursuant to section 68-1207.01 a report on the  
25 attainment of the decrease according to such caseload standards. The

1 department's annual report shall also include changes in the  
2 standards of the Child Welfare League of America or its successor.

3 (2) Caseload size shall be determined in the following  
4 manner: (a) If children are placed in the home, the family shall  
5 count as one case regardless of how many children are placed in the  
6 home; (b) if a child is placed out of the home, the child shall count  
7 as one case; (c) if, within one family, one or more children are  
8 placed in the home and one or more children are placed out of the  
9 home, the children placed in the home shall count as one case and  
10 each child placed out of the home shall count as one case; and (d)  
11 any child receiving services from the department or a private entity  
12 under contract with the department shall be counted as provided in  
13 subdivisions (a) through (c) of this subsection whether or not such  
14 child is a ward of the state. For purposes of this subsection, a  
15 child is considered to be placed in the home if the child is placed  
16 with his or her biological or adoptive parent or a legal guardian and  
17 a child is considered to be placed out of the home if the child is  
18 placed in foster care, group home care, or any other setting which is  
19 not the child's planned permanent home.

20 (3) To insure appropriate oversight of noncourt and  
21 voluntary cases when any child welfare services are provided, either  
22 by the department or by a lead agency participating in the pilot  
23 project, as a result of a child safety assessment, the department or  
24 lead agency shall develop a case plan that specifies the services to  
25 be provided and the actions to be taken by the department or lead

1 agency and the family in each such case. Such case plan shall clearly  
2 indicate, when appropriate, that children are receiving services to  
3 prevent out-of-home placement and that, absent preventive services,  
4 foster care is the planned arrangement for the child.

5 (4) To carry out the provisions of this section, the  
6 Legislature shall provide funds for additional staff.

7 Sec. 7. Section 68-1212, Revised Statutes Cumulative  
8 Supplement, 2012, is amended to read:

9 68-1212 (1) Except as provided in subsection ~~(2)~~~~(3)~~ of  
10 this section, by April 1, 2012, for all cases in which a court has  
11 awarded a juvenile to the care of the Department of Health and Human  
12 Services according to subsection (1) of section 43-285 and for any  
13 noncourt and voluntary cases, the case manager shall be an employee  
14 of the department. Such case manager shall be responsible for and  
15 shall directly oversee: Case planning; service authorization;  
16 investigation of compliance; monitoring and evaluation of the care  
17 and services provided to children and families; and decisionmaking  
18 regarding the determination of visitation and the care, placement,  
19 medical services, psychiatric services, training, and expenditures on  
20 behalf of each juvenile under subsection (1) of section 43-285. Such  
21 case manager shall be responsible for decisionmaking and direct  
22 preparation regarding the proposed plan for the care, placement,  
23 services, and permanency of the juvenile filed with the court  
24 required under subsection (2) of section 43-285. The health and  
25 safety of the juvenile shall be the paramount concern in the proposed

1 plan in accordance with such subsection.

2 (2) To facilitate consistency in training of all case  
3 managers and allow for Title IV-E reimbursement for case manager  
4 training under Title IV-E of the federal Social Security Act, as  
5 amended, the same program for initial training of case managers shall  
6 be utilized, whether case managers are employed by the department or  
7 by an organization under contract with the department. The initial  
8 training of all case managers shall be provided by the same entity,  
9 whether it is the department or a contractor with the department. If  
10 a contractor is utilized for initial training of case managers, the  
11 department shall create a formal system for measuring the quality of  
12 such training. All case managers shall complete a formal assessment  
13 process after initial training to demonstrate competency prior to  
14 assuming responsibilities as a case manager. The training curriculum  
15 for case managers shall include, but not be limited to: (a) An  
16 understanding of the benefits of utilizing evidence-based and  
17 promising casework practices; (b) the importance of guaranteeing  
18 service providers' fidelity to evidence-based and promising casework  
19 practices; and (c) a commitment to evidence-based, family-centered  
20 casework practices that utilize a least restrictive approach for  
21 children and families.

22 ~~(2)~~(3) The department may contract with a lead agency  
23 for a case management lead agency model pilot project in the  
24 department's eastern service area as designated pursuant to section  
25 81-3116. The department shall include in the pilot project the

1 appropriate conditions, performance outcomes, and oversight for the  
2 lead agency, including, but not be limited to:

3 (a) The reporting and survey requirements of lead  
4 agencies described in sections 43-4406 and 43-4407;

5 (b) Departmental monitoring and functional capacities of  
6 lead agencies described in section 43-4408;

7 (c) The key areas of evaluation specified in subsection  
8 (3) of section 43-4409;

9 (d) Compliance and coordination with the development of  
10 the statewide strategic plan for child welfare program and service  
11 reform pursuant to ~~Laws 2012, LB821;~~ section 43-4204; and

12 (e) Assurance of financial accountability and reporting  
13 by the lead agency.

14 ~~(3)-(4)~~ (4) Prior to April 1, 2013, the Health and Human  
15 Services Committee of the Legislature shall review the pilot project  
16 and provide to the department and the Legislature recommendations,  
17 and any legislation necessary to adopt the recommendations, regarding  
18 the adaptation or continuation of the pilot project. In making the  
19 recommendations, the committee shall utilize: (a) The evaluation  
20 completed pursuant to ~~Legislative Bill 1160, One Hundred Second~~  
21 ~~Legislature, Second Session, 2012;~~ section 43-4409; (b) the  
22 recommendations of the statewide strategic plan pursuant to  
23 ~~Legislative Bill 821, One Hundred Second Legislature, Second Session,~~  
24 ~~2012;~~ section 43-4204; (c) the department's assessment of the pilot  
25 project; and (d) any additional reports, surveys, information, and

1 data provided to and requested by the committee. If the pilot project  
2 continues past April 1, 2013, the lead agency shall comply with the  
3 requirements of section 43-4204.

4           Sec. 8. Section 71-1904, Revised Statutes Cumulative  
5 Supplement, 2012, is amended to read:

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

18           (2) The training required by subdivision (1)(e) of this  
19 section may be waived in whole or in part by the department for  
20 persons operating foster homes providing care only to relatives of  
21 the foster care provider. Such waivers shall be granted on a case-by-  
22 case basis upon assessment by the department of the appropriateness  
23 of the relative foster care placement. The department shall submit  
24 electronically an annual report to the Health and Human Services  
25 Committee of the Legislature on the number of waivers granted under



1 this subsection and the total number of children placed in relative  
2 foster homes. For ~~2012, 2013,~~ 2013 and 2014, the department shall  
3 provide the report to the Health and Human Services Committee of the  
4 Legislature on or before September 15.

5 (3) On or before October 1, 2013, the department shall  
6 adopt and promulgate rules and regulations establishing new foster  
7 home licensing requirements that ensure children's safety, health,  
8 and well-being but minimize the use of licensing mandates for  
9 nonsafety issues. Such rules and regulations shall provide  
10 alternatives to address nonsafety issues regarding housing and  
11 provide assistance to families in overcoming licensing barriers,  
12 especially in child-specific relative and kinship placements, to  
13 maximize appropriate reimbursement under Title IV-E of the federal  
14 Social Security Act, as amended, including expanding the use of  
15 kinship guardianship assistance payments under 42 U.S.C. 673(d), as  
16 such act and section existed on January 1, 2013.

17 Sec. 9. (1) The Department of Health and Human Services  
18 shall develop a system for verification of child welfare services  
19 provided by private contractors, which system shall include, but not  
20 be limited to, unannounced site visits at least twice a year.

21 (2) Any entity seeking to enter into a contract with the  
22 department to provide child welfare services shall provide evidence  
23 of financial stability and liquidity prior to executing such  
24 contract.

25 (3) An entity contracting with the department to provide

1 child welfare services shall not require any subcontractor or  
2 employee of such contractor or subcontractor to sign an agreement not  
3 to compete with such contractor as a condition of subcontracting or  
4 employment.

5           Sec. 10. The Department of Health and Human Services  
6 shall implement a formal grievance process for families involved in  
7 the child welfare system or juvenile justice system. Such grievance  
8 process shall ensure that families are not dissuaded from utilizing  
9 the grievance process for fear of reprisal from the department,  
10 providers, or foster parents.

11           Sec. 11. Section 81-3133, Revised Statutes Cumulative  
12 Supplement, 2012, is amended to read:

13           81-3133 (1)(a) On or before July 30, 2012, the Division  
14 of Children and Family Services of the Department of Health and Human  
15 Services shall report in writing its expenditures between January 1,  
16 2012, and June 30, 2012, and the outcomes relating to such  
17 expenditures to the Appropriations Committee of the Legislature and  
18 the Health and Human Services Committee of the Legislature. Such  
19 report shall identify any changes or movement of funds in excess of  
20 two hundred fifty thousand dollars relating to child welfare between  
21 subprograms within Budget Program 347 and Budget Program 354.

22           (b) Beginning with the third calendar quarter of 2012,  
23 the division shall report in writing its expenditures for each  
24 quarter and the outcomes relating to such expenditures within thirty  
25 days after the end of the quarter to the Appropriations Committee of

1 the Legislature and the Health and Human Services Committee of the  
2 Legislature. Such report shall identify any changes or movement of  
3 funds in excess of two hundred fifty thousand dollars relating to  
4 child welfare between subprograms within Budget Program 347 and  
5 Budget Program 354.

6 (2)(a) For the biennium ending June 30, 2015, and the  
7 biennium ending June 30, 2017, the Division of Children and Family  
8 Services of the Department of Health and Human Services shall, as  
9 part of the appropriations request process pursuant to section  
10 81-132, include a strategic plan that identifies the main purpose or  
11 purposes of each program, verifiable and auditable key goals that the  
12 division believes are fair measures of its progress in meeting each  
13 program's main purpose or purposes, and benchmarks for improving  
14 performance on the key goals for the state as a whole and for each  
15 Department of Health and Human Services service area designated  
16 pursuant to section 81-3116. The division shall also report whether  
17 the benchmarks are being met and, if not, the expected timeframes for  
18 meeting them. Such key goals and benchmarks shall be developed by the  
19 Division of Children and Family Services with the assistance of the  
20 budget division of the Department of Administrative Services pursuant  
21 to subdivision (2) of section 81-1113.

22 (b) Not later than September 15, 2013, and not later than  
23 September 15, 2015, the Division of Children and Family Services of  
24 the Department of Health and Human Services shall report to the  
25 Health and Human Services Committee of the Legislature and the

1 Appropriations Committee of the Legislature on the progress towards  
2 the key goals identified pursuant to this subsection that occurred in  
3 the previous twelve months.

4 ~~(3) It is the intent of the Legislature that~~  
5 ~~appropriations of funds for child welfare aid be designated as a~~  
6 ~~separate budget program beginning July 1, 2012.~~

7 Sec. 12. Original sections 43-285, 43-4101, 43-4202,  
8 43-4203, 43-4208, 68-1207, 68-1212, 71-1904, and 81-3133, Revised  
9 Statutes Cumulative Supplement, 2012, are repealed.

10 Sec. 13. Since an emergency exists, this act takes effect  
11 when passed and approved according to law.