

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 746

FINAL READING

Introduced by Campbell, 25; Bolz, 29; Coash, 27; Howard, 9; Morfeld, 46;
Pansing Brooks, 28.

Read first time January 06, 2016

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to children and families; to amend sections
2 43-532, 43-535, and 43-2502, Reissue Revised Statutes of Nebraska,
3 sections 43-1311.03, 43-1312, 43-2404.01, and 43-4203, Revised
4 Statutes Cumulative Supplement, 2014, and sections 43-272.01,
5 43-285, and 43-4202, Revised Statutes Supplement, 2015; to adopt the
6 Nebraska Strengthening Families Act; to change reporting
7 requirements for guardians ad litem; to change provisions relating
8 to independent living transition proposals and permanency plans,
9 foster child plans, and comprehensive juvenile services plans; to
10 create the Normalcy Task Force; to change provisions relating to the
11 Nebraska Children's Commission; to state intent to reduce a cash
12 fund appropriation; to eliminate a reporting requirement; to
13 harmonize provisions; to provide operative dates; to repeal the
14 original sections; to outright repeal section 43-534, Revised
15 Statutes Cumulative Supplement, 2014, and section 50-424, Revised
16 Statutes Supplement, 2015; and to declare an emergency.
17 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 14 of this act shall be known and may be
2 cited as the Nebraska Strengthening Families Act.

3 Sec. 2. The Legislature finds that every day a parent makes
4 important decisions about his or her child's participation in activities
5 and that a caregiver for a child in out-of-home care is faced with making
6 the same decisions for a child in his or her care.

7 The Legislature also finds that, when a caregiver makes decisions,
8 he or she must consider applicable laws, rules, and regulations to
9 safeguard the health and safety of a child in out-of-home care and that
10 those laws, rules, and regulations have commonly been interpreted to
11 prohibit children in out-of-home care from participating in
12 extracurricular, enrichment, cultural, and social activities.

13 The Legislature further finds that participation in these types of
14 activities is important to a child's well-being, not only emotionally,
15 but in developing valuable life skills.

16 It is the intent of the Legislature to recognize the importance of
17 making every effort to normalize the lives of children in out-of-home
18 care and to empower a caregiver to approve or disapprove a child's
19 participation in activities based on the caregiver's own assessment using
20 a reasonable and prudent parent standard.

21 It is the intent of the Legislature to implement the federal
22 Preventing Sex Trafficking and Strengthening Families Act, Public Law
23 113-183, as such act existed on January 1, 2016.

24 Sec. 3. For purposes of the Nebraska Strengthening Families Act:

25 (1) Age or developmentally appropriate means activities or items
26 that are generally accepted as suitable for a child of the same
27 chronological age or level of maturity or that are determined to be
28 developmentally appropriate for a child, based on the development of
29 cognitive, emotional, physical, and behavioral capacities that are
30 typical for an age or age group and, in the case of a specific child,
31 activities or items that are suitable for the child based on the

1 developmental stages attained by the child with respect to the cognitive,
2 emotional, physical, and behavioral capacities of the child;

3 (2) Caregiver means a foster parent with whom a child in foster care
4 has been placed or a designated official for a child-care institution in
5 which a child in foster care has been placed;

6 (3) Child-care institution has the definition found in 42 U.S.C.
7 672(c), as such section existed on January 1, 2016, and also includes the
8 definition of residential child-caring agency as found in section
9 71-1926;

10 (4) Department means the Department of Health and Human Services;

11 (5) Foster family home has the definition found in 42 U.S.C. 672(c),
12 as such section existed on January 1, 2016, and also includes the
13 definition as found in section 71-1901; and

14 (6) Reasonable and prudent parent standard means the standard
15 characterized by careful and sensible parental decisions that maintain
16 the health, safety, and best interest of a child while at the same time
17 encouraging the emotional and developmental growth of the child that a
18 caregiver shall use when determining whether to allow a child in foster
19 care under the responsibility of the state to participate in
20 extracurricular, enrichment, cultural, and social activities.

21 Sec. 4. Every child placed in a foster family home or child-care
22 institution shall be entitled to participate in age or developmentally
23 appropriate extracurricular, enrichment, cultural, and social activities.

24 Sec. 5. Each caregiver shall use the reasonable and prudent parent
25 standard in determining whether to give permission for a child to
26 participate in extracurricular, enrichment, cultural, and social
27 activities. When using the reasonable and prudent parent standard, the
28 caregiver shall consider:

29 (1) The child's goals and input;

30 (2) To the extent possible, the input of the parent of the child;

31 (3) The child's age, maturity, and developmental level to maintain

1 the overall health and safety of the child;

2 (4) The potential risk factors and the appropriateness of the
3 extracurricular, enrichment, cultural, or social activity;

4 (5) The best interests of the child, based on information known by
5 the caregiver;

6 (6) The importance of encouraging the child's emotional and
7 developmental growth;

8 (7) The importance of providing the child with the most family-like
9 living experience possible;

10 (8) The behavioral history of the child and the child's ability to
11 safely participate in the proposed activity;

12 (9) The child's personal and cultural identity; and

13 (10) The individualized needs of the child.

14 Sec. 6. (1) The department shall ensure that each foster family
15 home and child-care institution has policies consistent with this section
16 and that such foster family home and child-care institution promote and
17 protect the ability of children to participate in age or developmentally
18 appropriate extracurricular, enrichment, cultural, and social activities.

19 (2) A caregiver shall use a reasonable and prudent parent standard
20 in determining whether to give permission for a child to participate in
21 extracurricular, enrichment, cultural, and social activities. The
22 caregiver shall take reasonable steps to determine the appropriateness of
23 the activity in consideration of the child's age, maturity, and
24 developmental level.

25 (3) The department shall require, as a condition of each contract
26 entered into by a child-care institution to provide foster care, the
27 presence onsite of at least one official who, with respect to any child
28 placed at the child-care institution, is designated to be the caregiver
29 who is (a) authorized to apply the reasonable and prudent parent standard
30 to decisions involving the participation of the child in age or
31 developmentally appropriate activities, (b) provided with training in how

1 to use and apply the reasonable and prudent parent standard in the same
2 manner as foster parents are provided training in section 7 of this act,
3 and (c) required to consult whenever possible with the child and staff
4 members identified by the child in applying the reasonable and prudent
5 parent standard.

6 (4) The department shall also require, as a condition of each
7 contract entered into by a child-care institution to provide foster care,
8 that all children placed at the child-care institution be notified
9 verbally and in writing of the process for making a request to
10 participate in age or developmentally appropriate activities and that a
11 written notice of this process be posted in an accessible, public place
12 in the child-care institution.

13 Sec. 7. The department shall adopt and promulgate rules and
14 regulations regarding training for foster parents so that foster parents
15 will be prepared adequately with the appropriate knowledge and skills
16 relating to the reasonable and prudent parent standard for the
17 participation of the child in age or developmentally appropriate
18 activities, including knowledge and skills relating to the developmental
19 stages of the cognitive, emotional, physical, and behavioral capacities
20 of the child and knowledge and skills related to applying the standard to
21 decisions such as whether to allow the child to engage in
22 extracurricular, enrichment, cultural, and social activities, including
23 sports, field trips, and overnight activities lasting one or more days
24 and to decisions involving the signing of permission slips and arranging
25 of transportation for the child to and from extracurricular, enrichment,
26 cultural, and social activities.

27 Sec. 8. A caregiver is not liable for harm caused to a child who
28 participates in an activity approved by the caregiver or by a child who
29 participates in an activity approved by a caregiver if the caregiver has
30 acted in accordance with the reasonable and prudent parent standard. This
31 section may not be interpreted as removing or limiting any existing

1 liability protection afforded by law.

2 Sec. 9. (1) Nothing in the Nebraska Strengthening Families Act or
3 the application of the reasonable and prudent parent standard shall
4 affect the parental rights of a parent whose parental rights have not
5 been terminated pursuant to section 43-292 with respect to his or her
6 child.

7 (2) To the extent possible, a parent shall be consulted about his or
8 her views on the child's participation in age or developmentally
9 appropriate activities in the planning process. The department shall
10 document such consultation in the report filed pursuant to subsection (3)
11 of section 43-285.

12 (3) The child's participation in extracurricular, enrichment,
13 cultural, and social activities shall be considered at any family team
14 meeting.

15 Sec. 10. The department shall document in the report pursuant to
16 subsection (3) of section 43-285 the steps the department is taking to
17 ensure that:

18 (1) The child's caregiver is following the reasonable and prudent
19 parent standard;

20 (2) The child has regular, ongoing opportunities to engage in age or
21 developmentally appropriate activities;

22 (3) The department has consulted with the child in an age or
23 developmentally appropriate manner about the opportunities of the child
24 to participate in age or developmentally appropriate activities; and

25 (4) Any barriers to participation in age or developmentally
26 appropriate activities are identified and addressed.

27 Sec. 11. (1) At every dispositional, review, or permanency planning
28 hearing, the juvenile court shall make a determination regarding:

29 (a) The steps the department is taking to ensure the child's foster
30 family home or child-care institution is following the reasonable and
31 prudent parent standard;

1 (b) Whether the child has regular, ongoing opportunities to engage
2 in age or developmentally appropriate activities; and

3 (c) Whether the department has consulted with the child in an age or
4 developmentally appropriate manner about the opportunities of the child
5 to participate in such activities.

6 (2) In making this determination, the juvenile court shall ask the
7 child, in an age or developmentally appropriate manner, about his or her
8 access to regular and ongoing opportunities to engage in age or
9 developmentally appropriate activities. If the child, the guardian ad
10 litem, the caregiver, or a party to the proceeding believes that the
11 child has not had regular, ongoing opportunities to engage in such
12 activities, the juvenile court may make appropriate findings or orders to
13 ensure the child has regular, ongoing opportunities to engage in age and
14 developmentally appropriate activities. In making such findings or
15 orders, the court shall give deference to the caregiver in making
16 decisions within the reasonable and prudent parent standard.

17 Sec. 12. The department and the courts shall work collaboratively
18 to remove or reduce barriers to a child's participation in age or
19 developmentally appropriate activities.

20 Sec. 13. (1) The plan as provided in subsection (2) of section
21 43-285 for any child in a foster family home or child-care institution
22 who has attained fourteen years of age shall include:

23 (a) A document that describes the rights of the child with respect
24 to education, health, visitation, and court participation, the right to
25 be provided with a copy of any consumer report pursuant to 42 U.S.C.
26 675(5)(I), as such section existed on January 1, 2016, and the right to
27 stay safe and avoid exploitation. The document shall also describe the
28 right of the child to be provided documents relating to his or her
29 education, health, visitation, court participation, and the right to stay
30 safe and avoid exploitation. The document shall also describe additional
31 rights of the child, including, but not limited to, the right to:

- 1 (i) Understand the system or systems in which the child is involved;
2 (ii) Have his or her voice heard in his or her case;
3 (iii) Maintain family connections;
4 (iv) Access personal information;
5 (v) Honest and clear communication;
6 (vi) Have his or her basic needs met;
7 (vii) Learn life skills needed to successfully transition to
8 adulthood; and

9 (viii) Live in the most family-like setting that is safe, healthy,
10 and comfortable and meets the child's needs; and

11 (b) A signed acknowledgment by the child that the child has been
12 provided with a copy of the document described in this section and that
13 the rights contained in the document have been explained to the child in
14 an age or developmentally appropriate manner.

15 (2) The document shall be provided to the child in a hard copy and
16 offered to the child within seventy-two hours of being placed in a foster
17 family home or child-care institution and at every dispositional, review,
18 and permanency planning hearing.

19 (3) The department shall require, as a condition of each contract
20 entered into by a child-care institution to provide foster care, that the
21 child-care institution publicly post the document described in this
22 section in an accessible location.

23 Sec. 14. The department shall adopt and promulgate rules and
24 regulations to carry out the Nebraska Strengthening Families Act and
25 shall revoke any rules or regulations inconsistent with the act by
26 October 15, 2016.

27 Sec. 15. Section 43-272.01, Revised Statutes Supplement, 2015, is
28 amended to read:

29 43-272.01 (1) A guardian ad litem as provided for in subsections (2)
30 and (3) of section 43-272 shall be appointed when a child is removed from
31 his or her surroundings pursuant to subdivision (2) or (3) of section

1 43-248, subsection (2) of section 43-250, or section 43-251. If removal
2 has not occurred, a guardian ad litem shall be appointed at the
3 commencement of all cases brought under subdivision (3)(a) or (7) of
4 section 43-247 and section 28-707.

5 (2) In the course of discharging duties as guardian ad litem, the
6 person so appointed shall consider, but not be limited to, the criteria
7 provided in this subsection. The guardian ad litem:

8 (a) Is appointed to stand in lieu of a parent for a protected
9 juvenile who is the subject of a juvenile court petition, shall be
10 present at all hearings before the court in such matter unless expressly
11 excused by the court, and may enter into such stipulations and agreements
12 concerning adjudication and disposition deemed by him or her to be in the
13 juvenile's best interests;

14 (b) Is not appointed to defend the parents or other custodian of the
15 protected juvenile but shall defend the legal and social interests of
16 such juvenile. Social interests shall be defined generally as the usual
17 and reasonable expectations of society for the appropriate parental
18 custody and protection and quality of life for juveniles without regard
19 to the socioeconomic status of the parents or other custodians of the
20 juvenile;

21 (c) May at any time after the filing of the petition move the court
22 of jurisdiction to provide medical or psychological treatment or
23 evaluation as set out in section 43-258. The guardian ad litem shall have
24 access to all reports resulting from any examination ordered under
25 section 43-258, and such reports shall be used for evaluating the status
26 of the protected juvenile;

27 (d) Shall make every reasonable effort to become familiar with the
28 needs of the protected juvenile which (i) shall include consultation with
29 the juvenile in his or her respective placement within two weeks after
30 the appointment and once every six months thereafter, unless the court
31 approves other methods of consultation as provided in subsection (6) of

1 this section, and inquiry of the most current caseworker, foster parent,
2 or other custodian and (ii) may include inquiry of others directly
3 involved with the juvenile or who may have information or knowledge about
4 the circumstances which brought the juvenile court action or related
5 cases and the development of the juvenile, including biological parents,
6 physicians, psychologists, teachers, and clergy members;

7 (e) May present evidence and witnesses and cross-examine witnesses
8 at all evidentiary hearings. In any proceeding under this section
9 relating to a child of school age, certified copies of school records
10 relating to attendance and academic progress of such child are admissible
11 in evidence;

12 (f) Shall be responsible for making written reports and
13 recommendations to the court at every dispositional, review, or
14 permanency planning hearing regarding (i) the temporary and permanent
15 placement of the protected juvenile, (ii) the type and number of contacts
16 with the juvenile, (iii) the type and number of contacts with other
17 individuals described in subdivision (d) of this subsection, (iv)
18 compliance with the Nebraska Strengthening Families Act, and (v) any
19 further relevant information on a form prepared by the Supreme Court. As
20 an alternative to the written reports and recommendations, the court may
21 provide the guardian ad litem with a checklist that shall be completed
22 and presented to the court at every dispositional or review hearing. A
23 copy of the written reports and recommendations to the court or a copy of
24 the checklist presented to the court shall also be submitted to the
25 Foster Care Review Office for any juvenile in foster care placement as
26 defined in section 43-1301;

27 (g) Shall consider such other information as is warranted by the
28 nature and circumstances of a particular case; and

29 (h) May file a petition in the juvenile court on behalf of the
30 juvenile, including a supplemental petition as provided in section
31 43-291.

1 (3) Nothing in this section shall operate to limit the discretion of
2 the juvenile court in protecting the best interests of a juvenile who is
3 the subject of a juvenile court petition.

4 (4) For purposes of subdivision (2)(d) of this section, the court
5 may order the expense of such consultation, if any, to be paid by the
6 county in which the juvenile court action is brought or the court may,
7 after notice and hearing, assess the cost of such consultation, if any,
8 in whole or in part to the parents of the juvenile. The ability of the
9 parents to pay and the amount of the payment shall be determined by the
10 court by appropriate examination.

11 (5) The guardian ad litem may be compensated on a per-case
12 appointment system or pursuant to a system of multi-case contracts.
13 Regardless of the method of compensation, billing hours and expenses for
14 court-appointed guardian ad litem services shall be submitted to the
15 court for approval and shall be recorded on a written, itemized billing
16 statement signed by the attorney responsible for the case. Billing hours
17 and expenses for guardian ad litem services rendered under a contract for
18 such services shall be submitted to the entity with whom the guardian ad
19 litem contracts in the form and manner prescribed by such entity for
20 approval. Case time for guardian ad litem services shall be scrupulously
21 accounted for by the attorney responsible for the case. Additionally, in
22 the case of a multi-lawyer firm or organization retained for guardian ad
23 litem services, the name of the attorney or attorneys assigned to each
24 guardian ad litem case shall be recorded.

25 (6) The guardian ad litem shall meet in person with the juvenile for
26 purposes of the consultation required by subdivision (2)(d) of this
27 section unless prohibited or made impracticable by exceptional
28 circumstances, including, but not limited to, situations in which an
29 unreasonable geographical distance is involved between the location of
30 the guardian ad litem and the juvenile. When such exceptional
31 circumstances exist, the guardian ad litem shall attempt such

1 consultation by other reasonable means, including, but not limited to, by
2 telephone or suitable electronic means, if the juvenile is of sufficient
3 age and capacity to participate in such means of communication and there
4 are no other barriers preventing such means of communication. If
5 consultation by telephone or suitable electronic means is not feasible,
6 the guardian ad litem shall seek direction from the court as to any other
7 acceptable method by which to accomplish consultation required by
8 subdivision (2)(d) of this section.

9 Sec. 16. Section 43-285, Revised Statutes Supplement, 2015, is
10 amended to read:

11 43-285 (1) When the court awards a juvenile to the care of the
12 Department of Health and Human Services, an association, or an individual
13 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
14 otherwise ordered, become a ward and be subject to the legal custody and
15 care of the department, association, or individual to whose care he or
16 she is committed. Any such association and the department shall have
17 authority, by and with the assent of the court, to determine the care,
18 placement, medical services, psychiatric services, training, and
19 expenditures on behalf of each juvenile committed to it. Any such
20 association and the department shall be responsible for applying for any
21 health insurance available to the juvenile, including, but not limited
22 to, medical assistance under the Medical Assistance Act. Such custody and
23 care shall not include the guardianship of any estate of the juvenile.

24 (2)(a) Following an adjudication hearing at which a juvenile is
25 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the
26 court may order the department to prepare and file with the court a
27 proposed plan for the care, placement, services, and permanency which are
28 to be provided to such juvenile and his or her family. The health and
29 safety of the juvenile shall be the paramount concern in the proposed
30 plan.

31 (b) The department shall provide opportunities for the child, in an

1 age or developmentally appropriate manner, to be consulted in the
2 development of his or her plan as provided in the Nebraska Strengthening
3 Families Act.

4 (c) The department shall include in the plan for a child who is
5 fourteen ~~sixteen~~ years of age or older and subject to the legal care and
6 custody of the department a written independent living transition
7 proposal which meets the requirements of section 43-1311.03 and, for
8 eligible children, the Young Adult Bridge to Independence Act. The
9 juvenile court shall provide a copy of the plan to all interested parties
10 before the hearing. The court may approve the plan, modify the plan,
11 order that an alternative plan be developed, or implement another plan
12 that is in the child's best interests. In its order the court shall
13 include a finding regarding the appropriateness of the programs and
14 services described in the proposal designed to help the child prepare for
15 the transition from foster care to a successful adulthood. The court
16 shall also ask the child, in an age or developmentally appropriate
17 manner, if he or she participated in the development of his or her plan
18 and make a finding regarding the child's participation in the development
19 of his or her plan as provided in the Nebraska Strengthening Families Act
20 ~~assist the child in acquiring independent living skills.~~ Rules of
21 evidence shall not apply at the dispositional hearing when the court
22 considers the plan that has been presented.

23 (d) The last court hearing before jurisdiction pursuant to
24 subdivision (3)(a) of section 43-247 is terminated for a child who is
25 sixteen years of age or older shall be called the independence hearing.
26 In addition to other matters and requirements to be addressed at this
27 hearing, the independence hearing shall address the child's future goals
28 and plans and access to services and support for the transition from
29 foster care to adulthood consistent with section 43-1311.03 and the Young
30 Adult Bridge to Independence Act. The child shall not be required to
31 attend the independence hearing, but efforts shall be made to encourage

1 and enable the child's attendance if the child wishes to attend,
2 including scheduling the hearing at a time that permits the child's
3 attendance. An independence coordinator as provided in section 43-4506
4 shall attend the hearing if reasonably practicable, but the department is
5 not required to have legal counsel present. At the independence hearing,
6 the court shall advise the child about the bridge to independence
7 program, including, if applicable, the right of young adults in the
8 bridge to independence program to request a court-appointed, client-
9 directed attorney under subsection (1) of section 43-4510 and the
10 benefits and role of such attorney and to request additional permanency
11 review hearings in the bridge to independence program under subsection
12 (5) of section 43-4508 and how to request such a hearing. The court shall
13 also advise the child, if applicable, of the rights he or she is giving
14 up if he or she chooses not to participate in the bridge to independence
15 program and the option to enter such program at any time between nineteen
16 and twenty-one years of age if the child meets the eligibility
17 requirements of section 43-4504. The department shall present information
18 to the court regarding other community resources that may benefit the
19 child, specifically information regarding state programs established
20 pursuant to 42 U.S.C. 677. The court shall also make a finding as to
21 whether the child has received the documents as required by subsection
22 (9) of section 43-1311.03.

23 (3) Within thirty days after an order awarding a juvenile to the
24 care of the department, an association, or an individual and until the
25 juvenile reaches the age of majority, the department, association, or
26 individual shall file with the court a report stating the location of the
27 juvenile's placement and the needs of the juvenile in order to effectuate
28 the purposes of subdivision (1) of section 43-246. The department,
29 association, or individual shall file a report with the court once every
30 six months or at shorter intervals if ordered by the court or deemed
31 appropriate by the department, association, or individual. Every six

1 months, the report shall provide an updated statement regarding the
2 eligibility of the juvenile for health insurance, including, but not
3 limited to, medical assistance under the Medical Assistance Act. The
4 department, association, or individual shall file a report and notice of
5 placement change with the court and shall send copies of the notice to
6 all interested parties at least seven days before the placement of the
7 juvenile is changed from what the court originally considered to be a
8 suitable family home or institution to some other custodial situation in
9 order to effectuate the purposes of subdivision (1) of section 43-246.
10 The court, on its own motion or upon the filing of an objection to the
11 change by an interested party, may order a hearing to review such a
12 change in placement and may order that the change be stayed until the
13 completion of the hearing. Nothing in this section shall prevent the
14 court on an ex parte basis from approving an immediate change in
15 placement upon good cause shown. The department may make an immediate
16 change in placement without court approval only if the juvenile is in a
17 harmful or dangerous situation or when the foster parents request that
18 the juvenile be removed from their home. Approval of the court shall be
19 sought within twenty-four hours after making the change in placement or
20 as soon thereafter as possible. The department shall provide the
21 juvenile's guardian ad litem with a copy of any report filed with the
22 court by the department pursuant to this subsection.

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

25 (5) When the court awards a juvenile to the care of the department,
26 an association, or an individual, then the department, association, or
27 individual shall have standing as a party to file any pleading or motion,
28 to be heard by the court with regard to such filings, and to be granted
29 any review or relief requested in such filings consistent with the
30 Nebraska Juvenile Code.

31 (6) Whenever a juvenile is in a foster care placement as defined in

1 section 43-1301, the Foster Care Review Office or the designated local
2 foster care review board may participate in proceedings concerning the
3 juvenile as provided in section 43-1313 and notice shall be given as
4 provided in section 43-1314.

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

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

17 Sec. 17. Section 43-532, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-532 (1) The Legislature finds and declares that children develop
20 their unique potential in relation to a caring social unit, usually the
21 family, and other nurturing environments, especially the schools and the
22 community. The Legislature further finds that the state shall declare a
23 family policy to guide the actions of state government in dealing with
24 problems and crises involving children and families.

25 (2) When children and families require assistance from a department,
26 agency, institution, committee, or commission of state government, the
27 health and safety of the child is the paramount concern and reasonable
28 efforts shall be made to provide such assistance in the least intrusive
29 and least restrictive method consistent with the needs of the child and
30 to deliver such assistance as close to the home community of the child or
31 family requiring assistance as possible. The policy set forth in this

1 subsection shall be (a) interpreted in conjunction with all relevant
2 laws, rules, and regulations of the state and shall apply to all children
3 and families who have need of services or who, by their circumstances or
4 actions, have violated the laws, rules, or regulations of the state and
5 are found to be in need of treatment or rehabilitation and (b)
6 implemented through the cooperative efforts of state, county, and
7 municipal governments, legislative, judicial, and executive branches of
8 government, and other public and private resources.

9 (3) The family policy objectives prescribed in this section and
10 section 43-533 ~~sections 43-532 to 43-534~~ shall not be construed to mean
11 that a child shall be left in the home when it is shown that continued
12 residence in the home places the child at risk and does not make the
13 health and safety of the child of paramount concern.

14 Sec. 18. Section 43-535, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 43-535 The Legislature hereby finds and declares that the family is
17 the backbone of Nebraska and it is in the best interests of Nebraska to
18 solidify, preserve, strengthen, and maintain the family unit. Often when
19 a family member is afflicted with substance abuse or mental health
20 problems all family members are affected and the family unit itself
21 becomes fragmented and begins to deteriorate. It is the intent of the
22 Legislature, through the appropriations prescribed in Laws 1988, LB 846,
23 to use a portion of the funds to implement programs to train qualified
24 personnel and to establish creative programs in the areas of family-
25 centered counseling and the prevention and treatment of substance abuse
26 or mental health problems within such families consistent with the
27 findings and principles of sections 43-532 and 43-533 ~~to 43-534~~. The
28 personnel training and treatment programs shall be designed to aid each
29 family member and the family unit by using counseling and any other
30 necessary creative treatment programs which are the least intrusive and
31 least restrictive on the family unit yet serve to repair and strengthen

1 such unit.

2 Sec. 19. Section 43-1311.03, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 43-1311.03 (1) When a child placed in foster care turns fourteen
5 ~~sixteen~~ years of age or enters foster care and is at least fourteen
6 ~~sixteen~~ years of age, a written independent living transition proposal
7 shall be developed by the Department of Health and Human Services at the
8 direction and involvement of the child to prepare for the transition from
9 foster care to successful adulthood. Any revision or addition to such
10 proposal shall also be made in consultation with the child. The
11 transition proposal shall be personalized based on the child's needs and
12 shall describe the services needed for the child to transition to a
13 successful adulthood as provided in the Nebraska Strengthening Families
14 Act. The transition proposal shall include, but not be limited to, the
15 following needs and the services needed for the child to transition to a
16 successful adulthood as provided in the Nebraska Strengthening Families
17 Act:

18 (a) Education;

19 (b) Employment services and other workforce support;

20 (c) Health and health care coverage, including the child's potential
21 eligibility for medicaid coverage under the federal Patient Protection
22 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act
23 and section existed on January 1, 2013;

24 (d) Behavioral health treatment and support needs and access to such
25 treatment and support;

26 (e) Financial assistance, including education on credit card
27 financing, banking, and other services;

28 (f) Housing;

29 (g) Relationship development and permanent connections; and

30 (h) Adult services, if the needs assessment indicates that the
31 child is reasonably likely to need or be eligible for services or other

1 support from the adult services system.

2 (2) The transition proposal shall be developed and frequently
3 reviewed by the department in collaboration with the child's transition
4 team. The transition team shall be comprised of the child, the child's
5 caseworker, the child's guardian ad litem, individuals selected by the
6 child, and individuals who have knowledge of services available to the
7 child. As provided in the Nebraska Strengthening Families Act, one of the
8 individuals selected by the child may be designated as the child's
9 advisor and, as necessary, advocate for the child with respect to the
10 application of the reasonable and prudent parent standard and for the
11 child on normalcy activities. The department may reject an individual
12 selected by the child to be a member of the team if the department has
13 good cause to believe the individual would not act in the best interests
14 of the child.

15 (3) The transition proposal shall be considered a working document
16 and shall be, at the least, updated for and reviewed at every permanency
17 or review hearing by the court. The court shall determine whether the
18 transition proposal includes the services needed to assist the child to
19 make the transition from foster care to a successful adulthood.

20 (4) The transition proposal shall document what efforts were made to
21 involve and engage the child in the development of the transition
22 proposal and any revisions or additions to the transition proposal. As
23 provided in the Nebraska Strengthening Families Act, the court shall ask
24 the child, in an age or developmentally appropriate manner, about his or
25 her involvement in the development of the transition proposal and any
26 revisions or additions to such proposal. As provided in the Nebraska
27 Strengthening Families Act, the court shall make a finding as to the
28 child's involvement in the development of the transition proposal and any
29 revisions or additions to such proposal.

30 (5) (4) The final transition proposal prior to the child's leaving
31 foster care shall specifically identify how the need for housing will be

1 addressed.

2 (6 5) If the child is interested in pursuing higher education, the
3 transition proposal shall provide for the process in applying for any
4 applicable state, federal, or private aid.

5 (7) The department shall provide without cost a copy of any consumer
6 report as defined in 15 U.S.C. 1681a(d), as such section existed on
7 January 1, 2016, pertaining to the child each year until the child is
8 discharged from care and assistance, including when feasible, from the
9 child's guardian ad litem, in interpreting and resolving any inaccuracies
10 in the report as provided in the Nebraska Strengthening Families Act.

11 (8 6) A child adjudicated to be a juvenile described in subdivision
12 (3)(a) of section 43-247 and who is in an out-of-home placement shall
13 receive information regarding the Young Adult Bridge to Independence Act
14 and the bridge to independence program available under the act. The
15 department shall create a clear and developmentally appropriate written
16 notice discussing the rights of eligible young adults to participate in
17 the program. The notice shall include information about eligibility and
18 requirements to participate in the program, the extended services and
19 support that young adults are eligible to receive under the program, and
20 how young adults can be a part of the program. The notice shall also
21 include information about the young adult's right to request a client-
22 directed attorney to represent the young adult pursuant to section
23 43-4510 and the benefits and role of an attorney. The department shall
24 disseminate this information to all children who were adjudicated to be a
25 juvenile described in subdivision (3)(a) of section 43-247 and who are in
26 an out-of-home placement at sixteen years of age and yearly thereafter
27 until nineteen years of age, and not later than ninety days prior to the
28 child's last court review before attaining nineteen years of age or being
29 discharged from foster care to independent living. In addition to
30 providing the written notice, not later than ninety days prior to the
31 child's last court review before attaining nineteen years of age or being

1 discharged from foster care to independent living, a representative of
2 the department shall explain the information contained in the notice to
3 the child in person and the timeline necessary to avoid a lapse in
4 services and support.

5 (9 7) On or before the date the child reaches eighteen or nineteen
6 years of age or twenty-one years of age if the child participates in the
7 bridge to independence program, if the child is leaving foster care, the
8 department shall provide the child with:

9 (a) A a certified copy of the child's birth certificate and
10 facilitate securing a federal social security card when the child is
11 eligible for such card; and

12 (b) Health insurance information and all documentation required for
13 enrollment in medicaid coverage for former foster care children as
14 available under the federal Patient Protection and Affordable Care Act,
15 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
16 January 1, 2013; -

17 (c) A copy of the child's medical records;

18 (d) A driver's license or identification card issued by a state in
19 accordance with the requirements of section 202 of the REAL ID Act of
20 2005, as such section existed on January 1, 2016;

21 (e) A copy of the child's educational records;

22 (f) A credit report check;

23 (g) Contact information, with permission, for family members,
24 including siblings, with whom the child can maintain a safe and
25 appropriate relationship, and other supportive adults;

26 (h) A list of local community resources, including, but not limited
27 to, support groups, health clinics, mental and behavioral health and
28 substance abuse treatment services and support, pregnancy and parenting
29 resources, and employment and housing agencies;

30 (i) Written information, including, but not limited to, contact
31 information, for disability resources or benefits that may assist the

1 child as an adult, specifically including information regarding state
2 programs established pursuant to 42 U.S.C. 677, as such section existed
3 on January 1, 2016, and disability benefits, including supplemental
4 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
5 exited on January 1, 2016, or social security disability insurance
6 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
7 the child may be eligible as an adult;

8 (j) An application for public assistance and information on how to
9 access the system to determine public assistance eligibility;

10 (k) A letter prepared by the department that verifies the child's
11 name and date of birth, dates the child was in foster care, and whether
12 the child was in foster care on his or her eighteenth, nineteenth, or
13 twenty-first birthday and enrolled in medicaid while in foster care;

14 (l) Written information about the child's Indian heritage or tribal
15 connection, if any; and

16 (m) Written information on how to access personal documents in the
17 future.

18 All fees associated with securing the certified copy of the child's
19 birth certificate or obtaining an operator's license or a state
20 identification card shall be waived by the state.

21 The transition proposal shall document that the child was provided
22 all of the documents listed in this subsection. The court shall make a
23 finding as to whether the child has received the documents as part of the
24 independence hearing as provided in subdivision (2)(d) of section 43-285.

25 Sec. 20. Section 43-1312, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 43-1312 (1) Following the investigation conducted pursuant to
28 section 43-1311 and immediately following the initial placement of the
29 child, the person or court in charge of the child shall cause to be
30 established a safe and appropriate plan for the child. The plan shall
31 contain at least the following:

1 (a) The purpose for which the child has been placed in foster care;

2 (b) The estimated length of time necessary to achieve the purposes
3 of the foster care placement;

4 (c) A description of the services which are to be provided in order
5 to accomplish the purposes of the foster care placement;

6 (d) The person or persons who are directly responsible for the
7 implementation of such plan;

8 (e) A complete record of the previous placements of the foster
9 child; ~~and~~

10 (f) The name of the school the child shall attend as provided in
11 section 43-1311; and -

12 (g) The efforts made to involve and engage the child in the
13 development of such plan as provided in the Nebraska Strengthening
14 Families Act.

15 (2) If the return of the child to his or her parents is not likely
16 based upon facts developed as a result of the investigation, the
17 Department of Health and Human Services shall recommend termination of
18 parental rights and referral for adoption, guardianship, placement with a
19 relative, or, as a last resort, and only in the case of a child who has
20 attained sixteen years of age, another planned permanent living
21 arrangement. If the child is removed from his or her home, the department
22 shall make reasonable efforts to accomplish joint-sibling placement or
23 sibling visitation or ongoing interaction between the siblings as
24 provided in section 43-1311.02.

25 (3) Each child in foster care under the supervision of the state
26 shall have a permanency hearing by a court, no later than twelve months
27 after the date the child enters foster care and annually thereafter
28 during the continuation of foster care. The court's order shall include
29 the determinations required by section 11 of this act and a finding
30 regarding the appropriateness of the permanency plan determined for the
31 child and shall include whether, and if applicable when, the child will

1 be:

2 (a) Returned to the parent;

3 (b) Referred to the state for filing of a petition for termination
4 of parental rights;

5 (c) Placed for adoption;

6 (d) Referred for guardianship; or

7 (e) In cases where the state agency has documented to the court a
8 compelling reason for determining that it would not be in the best
9 interests of the child to return home, (i) referred for termination of
10 parental rights, (ii) placed for adoption with a fit and willing
11 relative, or (iii) placed with a guardian.

12 (4) As provided in the Nebraska Strengthening Families Act, in the
13 case of any child age sixteen years of age or older for whom another
14 planned permanent living arrangement is the recommended or court-approved
15 permanency plan:

16 (a) The permanency plan shall include the identification of
17 significant, supportive connections with identified adults willing to be
18 consistently involved in the child's life as the child transitions to
19 adulthood;

20 (b) The department shall document the intensive, ongoing, and, as of
21 the date of the hearing, unsuccessful efforts made by the department to
22 return the child home or secure a placement for the child with a fit and
23 willing relative, a legal guardian, or an adoptive parent; and

24 (c) The court shall:

25 (i) Ask the child about the desired permanency outcome for the
26 child;

27 (ii) Make a determination explaining why, as of the date of the
28 hearing, another planned permanent living arrangement is the best
29 permanency plan for the child and the compelling reasons why it continued
30 to not be in the best interests of the child to return home, be placed
31 for adoption, be placed with a legal guardian, or be placed with a fit

1 and willing relative; and

2 (iii) Make a determination that the department has met the
3 requirements in subdivisions (a) and (b) of this subsection before
4 approving a permanency plan of another planned permanent living
5 arrangement for a child sixteen years of age or older.

6 Sec. 21. Section 43-2404.01, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 43-2404.01 (1) To be eligible for participation in either the
9 Commission Grant Program or the Community-based Juvenile Services Aid
10 Program, a comprehensive juvenile services plan shall be developed,
11 adopted, and submitted to the commission in accordance with the federal
12 act and rules and regulations adopted and promulgated by the commission
13 in consultation with the Director of the Community-based Juvenile
14 Services Aid Program, the Director of Juvenile Diversion Programs, the
15 Office of Probation Administration, and the University of Nebraska at
16 Omaha, Juvenile Justice Institute. Such plan may be developed by eligible
17 applicants for the Commission Grant Program and by individual counties,
18 by multiple counties, by federally recognized or state-recognized Indian
19 tribes, or by any combination of the three for the Community-based
20 Juvenile Services Aid Program. Comprehensive juvenile services plans
21 shall:

22 (a) Be developed by a comprehensive community team representing
23 juvenile justice system stakeholders;

24 (b) Be based on data relevant to juvenile and family issues;

25 (c) Identify policies and practices that are research-based or
26 standardized and reliable and are implemented with fidelity and which
27 have been researched and demonstrate positive outcomes;

28 (d) Identify clear implementation strategies; and

29 (e) Identify how the impact of the program or service will be
30 measured.

31 (2) Any portion of the comprehensive juvenile services plan dealing

1 with administration, procedures, and programs of the juvenile court shall
2 not be submitted to the commission without the concurrence of the
3 presiding judge or judges of the court or courts having jurisdiction in
4 juvenile cases for the geographic area to be served. Programs or services
5 established by such plans shall conform to the family policy tenets
6 prescribed in sections 43-532 and 43-533 ~~to 43-534~~ and shall include
7 policies and practices that are research-based or standardized and
8 reliable and are implemented with fidelity and which have been researched
9 and demonstrate positive outcomes.

10 (3) The commission, in consultation with the University of Nebraska
11 at Omaha, Juvenile Justice Institute, shall contract for the development
12 and administration of a statewide system to monitor and evaluate the
13 effectiveness of plans and programs receiving funds from (a) the
14 Commission Grant Program and (b) the Community-based Juvenile Services
15 Aid Program in preventing persons from entering the juvenile justice
16 system and in rehabilitating juvenile offenders.

17 (4) There is established within the commission the position of
18 Director of the Community-based Juvenile Services Aid Program, appointed
19 by the executive director of the commission. The director shall have
20 extensive experience in developing and providing community-based
21 services.

22 (5) The director shall be supervised by the executive director of
23 the commission. The director shall:

24 (a) Provide technical assistance and guidance for the development of
25 comprehensive juvenile services plans;

26 (b) Coordinate the review of the Community-based Juvenile Services
27 Aid Program application as provided in section 43-2404.02 and make
28 recommendations for the distribution of funds provided under the
29 Community-based Juvenile Services Aid Program, giving priority to those
30 grant applications funding programs and services that will divert
31 juveniles from the juvenile justice system, impact and effectively treat

1 juveniles within the juvenile justice system, and reduce the juvenile
2 detention population or assist juveniles in transitioning from out-of-
3 home placements to in-home treatments. The director shall ensure that no
4 funds appropriated or distributed under the Community-based Juvenile
5 Services Aid Program are used for purposes prohibited under subsection
6 (3) of section 43-2404.02;

7 (c) Develop data collection and evaluation protocols, oversee
8 statewide data collection, and generate an annual report on the
9 effectiveness of juvenile services that receive funds from the Community-
10 based Juvenile Services Aid Program;

11 (d) Develop relationships and collaborate with juvenile justice
12 system stakeholders, provide education and training as necessary, and
13 serve on boards and committees when approved by the commission;

14 (e) Assist juvenile justice system stakeholders in developing
15 policies and practices that are research-based or standardized and
16 reliable and are implemented with fidelity and which have been researched
17 and demonstrate positive outcomes;

18 (f) Develop and coordinate a statewide working group as a
19 subcommittee of the coalition to assist in regular strategic planning
20 related to supporting, funding, monitoring, and evaluating the
21 effectiveness of plans and programs receiving funds from the Community-
22 based Juvenile Services Aid Program; and

23 (g) Work with the coordinator for the coalition in facilitating the
24 coalition's obligations under the Community-based Juvenile Services Aid
25 Program.

26 Sec. 22. Section 43-2502, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 43-2502 It is the intent of the Legislature to assist in securing
29 early intervention services to infants or toddlers with disabilities and
30 their families in accordance with the federal early intervention program
31 and whenever possible in concert with the family policy objectives

1 prescribed in sections 43-532 and 43-533 ~~to 43-534~~ and federal and state
2 initiatives. Such services are necessary to:

3 (1) Enhance the development of infants and toddlers with
4 disabilities;

5 (2) Reduce the costs to our society by minimizing the need for
6 special services, including special education and related services, after
7 such infants or toddlers reach school age;

8 (3) Minimize the likelihood of institutionalization of persons with
9 disabilities and maximize their potential for independent living in
10 society;

11 (4) Enhance the capacity of families to meet the needs of their
12 infants or toddlers with disabilities;

13 (5) Strengthen, promote, and empower families to determine the most
14 appropriate use of resources to address the unique and changing needs of
15 families and their infants or toddlers with disabilities; and

16 (6) Enhance the capacity of state and local agencies and service
17 providers to identify, evaluate, and meet the needs of historically
18 underrepresented populations, particularly minority, low-income, and
19 rural populations.

20 Sec. 23. (1) The Normalcy Task Force is created. Beginning July 1,
21 2016, the Normalcy Task Force shall monitor and make recommendations
22 regarding the implementation in Nebraska of the federal Preventing Sex
23 Trafficking and Strengthening Families Act, Public Law 113-183, as such
24 act existed on January 1, 2016.

25 (2) The members of the task force shall include, but not be limited
26 to, (a) representatives from the legislative, executive, and judicial
27 branches of government. The representatives from the legislative and
28 judicial branches shall be nonvoting, ex officio members, (b) no fewer
29 than three young adults currently or previously in foster care which may
30 be filled on a rotating basis by members of Project Everlast or a similar
31 youth support or advocacy group, (c) a representative from the juvenile

1 probation system, (d) the executive director of the Foster Care Review
2 Office, (e) one or more representatives from a child welfare advocacy
3 organization, (f) one or more representatives from a child welfare
4 service agency, (g) one or more representatives from an agency providing
5 independent living services, (h) one or more representatives of a child-
6 care institution as defined in section 3 of this act, (i) one or more
7 current or former foster parents, (j) one or more parents who have
8 experience in the foster care system, (k) one or more professionals who
9 have relevant practical experience such as a caseworker, and (l) one or
10 more guardians ad litem who practice in juvenile court.

11 (3) On or before July 1, 2016, the Nebraska Children's Commission
12 shall appoint the members of the task force. Members of the task force
13 shall be appointed for terms of two years. The commission shall appoint a
14 chairperson or chairpersons of the task force and may fill vacancies on
15 the task force as such vacancies occur.

16 (4) The task force shall provide a written report with
17 recommendations regarding the initial and ongoing implementation of the
18 federal Preventing Sex Trafficking and Strengthening Families Act, as
19 such act existed on January 1, 2016, and related efforts to improve
20 normalcy for children in foster care and related populations to the
21 Nebraska Children's Commission, the Health and Human Services Committee
22 of the Legislature, the Department of Health and Human Services, and the
23 Governor by December 15 of each year. The report to the Health and Human
24 Services Committee of the Legislature shall be submitted electronically.

25 Sec. 24. Section 43-4202, Revised Statutes Supplement, 2015, is
26 amended to read:

27 43-4202 (1) The Nebraska Children's Commission is created as a high-
28 level leadership body to (a) create a statewide strategic plan for reform
29 of ~~the child welfare and juvenile justice system~~ programs and services in
30 the State of Nebraska, ~~and~~ (b) review the operations of the Department of
31 Health and Human Services regarding child welfare programs and services

1 and recommend, as a part of the statewide strategic plan, options for
2 attaining the legislative intent stated in section 43-4201, either by the
3 establishment of a new division within the department or the
4 establishment of a new state agency to provide all child welfare programs
5 and services which are the responsibility of the state, and (c) monitor
6 and evaluate the child welfare and juvenile justice systems. The
7 commission shall provide a permanent forum for collaboration among state,
8 local, community, public, and private stakeholders in child welfare and
9 juvenile justice programs and services.

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

11 (a) The executive director of the Foster Care Review Office; and

12 (b) Seventeen members appointed by the Governor. The members
13 appointed pursuant to this subdivision shall represent stakeholders in
14 the child welfare and juvenile justice systems ~~system~~ and shall include:

15 (i) A director of a child advocacy center; (ii) an administrator of a
16 behavioral health region established pursuant to section 71-807; (iii) a
17 community representative from each of the service areas designated
18 pursuant to section 81-3116. In the eastern service area designated
19 pursuant to such section, the representative may be from a lead agency of
20 a pilot project established under section 68-1212 or a collaborative
21 member; (iv) a prosecuting attorney who practices in juvenile court; (v)
22 a guardian ad litem; (vi) a biological parent currently or previously
23 involved in the child welfare system or juvenile justice system; (vii) a
24 foster parent; (viii) a court appointed special advocate volunteer; (ix)
25 a member of a local foster care review board; (x) a child welfare service
26 agency that directly provides a wide range of child welfare services and
27 is not a member of a lead agency collaborative; (xi) a young adult
28 previously in foster care; (xii) a representative of a child advocacy
29 organization that deals with legal and policy issues that include child
30 welfare; and (xiii) a representative of a federally recognized Indian
31 tribe residing within the State of Nebraska and appointed within thirty

1 days after June 5, 2013, from a list of three nominees submitted by the
2 Commission on Indian Affairs.

3 (3) The Nebraska Children's Commission shall have the following
4 nonvoting, ex officio members: (a) The chairperson of the Health and
5 Human Services Committee of the Legislature or a committee member
6 designated by the chairperson; (b) the chairperson of the Judiciary
7 Committee of the Legislature or a committee member designated by the
8 chairperson; (c) the chairperson of the Appropriations Committee of the
9 Legislature or a committee member designated by the chairperson; (d)
10 three persons appointed by the State Court Administrator; (e) the chief
11 executive officer of the Department of Health and Human Services or his
12 or her designee; (f) the Director of Children and Family Services of the
13 Division of Children and Family Services of the Department of Health and
14 Human Services or his or her designee; (g) the Commissioner of Education
15 or his or her designee; and (h) the Inspector General of Nebraska Child
16 Welfare. The nonvoting, ex officio members may attend commission meetings
17 and participate in the discussions of the commission, provide information
18 to the commission on the policies, programs, and processes of each of
19 their respective bodies, gather information for the commission, and
20 provide information back to their respective bodies from the commission.
21 The nonvoting, ex officio members shall not vote on decisions by the
22 commission or on the direction or development of the statewide strategic
23 plan pursuant to section 43-4204.

24 (4) The commission shall meet within sixty days after April 12,
25 2012, and shall select from among its members a chairperson and vice-
26 chairperson and conduct any other business necessary to the organization
27 of the commission. The commission shall meet not less often than once
28 every three months, and meetings of the commission may be held at any
29 time on the call of the chairperson. The commission may hire staff to
30 carry out the responsibilities of the commission. For administrative
31 purposes, the offices of the staff of the commission shall be located in

1 the Foster Care Review Office. The commission ~~may shall~~ hire a consultant
2 with experience in facilitating strategic planning to provide neutral,
3 independent assistance in updating ~~developing~~ the statewide strategic
4 plan. The commission shall terminate on June 30, ~~2019~~ 2016, unless
5 continued by the Legislature.

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

21 (6) Members of the commission shall be reimbursed for their actual
22 and necessary expenses as members of such commission as provided in
23 sections 81-1174 to 81-1177. No member of the commission shall have any
24 private financial interest, profit, or benefit from any work of the
25 commission.

26 Sec. 25. Section 43-4203, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 43-4203 (1) The Nebraska Children's Commission shall work with
29 administrators from each of the service areas designated pursuant to
30 section 81-3116, the teams created pursuant to section 28-728, local
31 foster care review boards, child advocacy centers, the teams created

1 pursuant to the Supreme Court's Through the Eyes of the Child Initiative,
2 community stakeholders, and advocates for child welfare programs and
3 services to establish networks in each of such service areas. Such
4 networks shall permit collaboration to strengthen the continuum of
5 services available to child welfare agencies and to provide resources for
6 children and juveniles outside the child protection system. Each service
7 area shall develop its own unique strategies to be included in the
8 statewide strategic plan. The Department of Health and Human Services
9 shall assist in identifying the needs of each service area.

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

16 (b) The commission shall create a committee to examine ~~the structure~~
17 ~~and responsibilities of the Office of Juvenile Services and the Juvenile~~
18 Services Division of the Office of Probation Administration as they exist
19 on April 12, 2012. Such committee shall review the role and effectiveness
20 of out-of-home placements utilized in the juvenile justice system,
21 including the youth rehabilitation and treatment centers, ~~in the juvenile~~
22 ~~justice system~~ and make recommendations to the commission on the future
23 ~~role of the youth rehabilitation and treatment centers in the juvenile~~
24 justice continuum of care, including what populations should be served in
25 out-of-home placements ~~they should serve~~ and what treatment services
26 should be provided at the centers in order to appropriately serve those
27 populations. Such committee shall also review how mental and behavioral
28 health services are provided to juveniles in ~~secure residential~~
29 placements and the need for such services throughout Nebraska and make
30 recommendations to the commission relating to those systems of care in
31 the juvenile justice system. The committee shall collaborate with the

1 University of Nebraska at Omaha, Juvenile Justice Institute, the
2 University of Nebraska Medical Center, Center for Health Policy, the
3 behavioral health regions as established in section 71-807, and state and
4 national juvenile justice experts to develop recommendations. The
5 recommendations ~~If the committee's recommendations include maintaining~~
6 ~~the Youth Rehabilitation and Treatment Center-Kearney, the recommendation~~
7 shall include a plan to implement a continuum of care in the juvenile
8 justice system to meet the needs of Nebraska families, including specific
9 recommendations for the rehabilitation and treatment model by upgrading
10 ~~the center's physical structure, staff, and staff training and the~~
11 ~~incorporation of evidence-based treatments and programs.~~ The
12 recommendations shall be delivered to the commission and electronically
13 to the Judiciary Committee of the Legislature annually by December 1,
14 ~~2013.~~

15 (c) The commission may organize committees as it deems necessary.
16 Members of the committees may be members of the commission or may be
17 appointed, with the approval of the majority of the commission, from
18 individuals with knowledge of the committee's subject matter,
19 professional expertise to assist the committee in completing its assigned
20 responsibilities, and the ability to collaborate within the committee and
21 with the commission to carry out the powers and duties of the commission.
22 No member of any committee created pursuant to this section shall have
23 any private financial interest, profit, or benefit from any work of such
24 committee.

25 (d) The Title IV-E Demonstration Project Committee created pursuant
26 to section 43-4208 and the Foster Care Reimbursement Rate Committee
27 created pursuant to section 43-4212 are under the jurisdiction of the
28 commission.

29 (3) The commission shall work with the office of the State Court
30 Administrator, as appropriate, and entities which coordinate facilitated
31 conferencing as described in section 43-247.03. Facilitated conferencing

1 shall be included in statewide strategic plan discussions by the
2 commission. Facilitated conferencing shall continue to be utilized and
3 maximized, as determined by the court of jurisdiction, during the
4 development of the statewide strategic plan. Funding and contracting with
5 mediation centers approved by the Office of Dispute Resolution to provide
6 facilitated conferencing shall continue to be provided by the office of
7 the State Court Administrator at an amount of no less than the General
8 Fund transfer under subsection (1) of section 43-247.04.

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

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

17 (6) The commission shall develop a system-of-care plan beginning
18 with prevention services through treatment services for the child welfare
19 system based on relevant data and evidence-based practices to meet the
20 specific needs of each area of the state. Such system-of-care plan shall
21 include services that are goal-driven and outcome-based and shall
22 evaluate the feasibility of utilizing performance-based contracting for
23 specific child welfare services, including the feasibility of additional
24 contractual requirements for service providers requiring services to all
25 children without an option to deny service.

26 (7) The commission shall analyze case management workforce issues
27 and make recommendations to the Health and Human Services Committee of
28 the Legislature regarding:

29 (a) Salary comparisons with other states and the current pay
30 structure based on job descriptions;

31 (b) Utilization of incentives for persons who work in the area of

1 child welfare;

2 (c) Evidence-based training requirements for persons who work in the
3 area of child welfare and their supervisors; and

4 (d) Collaboration with the University of Nebraska to increase and
5 sustain such workforce.

6 Sec. 26. For purposes of providing funds for the Nebraska
7 Children's Commission, it is the intent of the Legislature to reduce the
8 FY2015-16 cash fund appropriation from the Nebraska Health Care Cash Fund
9 to the Legislative Council by \$70,000 and the FY2016-17 cash fund
10 appropriation from the Nebraska Health Care Cash Fund to the Legislative
11 Council by \$60,000. It is the intent of the Legislature to reappropriate
12 the unexpended and unobligated balance existing on June 30, 2016, in
13 Agency 70, Program 353.

14 Sec. 27. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
15 15, 16, 19, 20, and 28 of this act become operative on July 1, 2016. The
16 other sections of this act become operative on their effective date.

17 Sec. 28. Original sections 43-1311.03 and 43-1312, Revised Statutes
18 Cumulative Supplement, 2014, and sections 43-272.01 and 43-285, Revised
19 Statutes Supplement, 2015, are repealed.

20 Sec. 29. Original sections 43-532, 43-535, and 43-2502, Reissue
21 Revised Statutes of Nebraska, sections 43-2404.01 and 43-4203, Revised
22 Statutes Cumulative Supplement, 2014, and section 43-4202, Revised
23 Statutes Supplement, 2015, are repealed.

24 Sec. 30. The following sections are outright repealed: Section
25 43-534, Revised Statutes Cumulative Supplement, 2014, and section 50-424,
26 Revised Statutes Supplement, 2015.

27 Sec. 31. Since an emergency exists, this act takes effect when
28 passed and approved according to law.