

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.