

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1034

Introduced by Campbell, 25; Bolz, 29; Pansing Brooks, 28.

Read first time January 19, 2016

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to children; to amend section 43-4203, Revised
2 Statutes Cumulative Supplement, 2014, and section 43-4202, Revised
3 Statutes Supplement, 2015; to change provisions relating to the
4 Nebraska Children's Commission; to change a termination date; to
5 provide duties for the commission and a committee; to eliminate an
6 annual statement; to repeal the original sections; and to outright
7 repeal section 43-534, Revised Statutes Cumulative Supplement, 2014.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-4202, Revised Statutes Supplement, 2015, is
2 amended to read:

3 43-4202 (1) The Nebraska Children's Commission is created as a high-
4 level leadership body to (a) create a statewide strategic plan for reform
5 of the juvenile justice and child welfare system programs and services in
6 the State of Nebraska, ~~and~~ (b) review the operations of the Department of
7 Health and Human Services regarding child welfare programs and services
8 and recommend, as a part of the statewide strategic plan, options for
9 attaining the legislative intent stated in section 43-4201, either by the
10 establishment of a new division within the department or the
11 establishment of a new state agency to provide all child welfare programs
12 and services which are the responsibility of the state, and (c) monitor
13 and evaluate the juvenile justice and child welfare system. The
14 commission shall provide a permanent forum for collaboration among state,
15 local, community, public, and private stakeholders in child welfare and
16 juvenile justice programs and services.

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

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

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

22 (i) A director of a child advocacy center; (ii) an administrator of a
23 behavioral health region established pursuant to section 71-807; (iii) a
24 community representative from each of the service areas designated
25 pursuant to section 81-3116. In the eastern service area designated
26 pursuant to such section, the representative may be from a lead agency of
27 a pilot project established under section 68-1212 or a collaborative
28 member; (iv) a prosecuting attorney who practices in juvenile court; (v)
29 a guardian ad litem; (vi) a biological parent currently or previously
30 involved in the child welfare or juvenile justice system; (vii) a foster
31 parent; (viii) a court appointed special advocate volunteer; (ix) a

1 member of a local foster care review board; (x) a child welfare service
2 agency that directly provides a wide range of child welfare services and
3 is not a member of a lead agency collaborative; (xi) a young adult
4 previously in foster care; (xii) a representative of a child advocacy
5 organization that deals with legal and policy issues that include child
6 welfare; and (xiii) a representative of a federally recognized Indian
7 tribe residing within the State of Nebraska and appointed within thirty
8 days after June 5, 2013, from a list of three nominees submitted by the
9 Commission on Indian Affairs.

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

31 (4) The commission shall meet within sixty days after April 12,

1 2012, and shall select from among its members a chairperson and vice-
2 chairperson and conduct any other business necessary to the organization
3 of the commission. The commission shall meet not less often than once
4 every three months, and meetings of the commission may be held at any
5 time on the call of the chairperson. The commission may hire staff to
6 carry out the responsibilities of the commission. For administrative
7 purposes, the offices of the staff of the commission shall be located in
8 the Foster Care Review Office. The commission ~~may shall~~ hire a consultant
9 with experience in facilitating strategic planning to provide neutral,
10 independent assistance in updating ~~developing~~ the statewide strategic
11 plan. The commission shall terminate on June 30, 2019 ~~2016~~, unless
12 continued by the Legislature.

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

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

1 commission.

2 Sec. 2. Section 43-4203, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 43-4203 (1) The Nebraska Children's Commission shall work with
5 administrators from each of the service areas designated pursuant to
6 section 81-3116, the teams created pursuant to section 28-728, local
7 foster care review boards, child advocacy centers, the teams created
8 pursuant to the Supreme Court's Through the Eyes of the Child Initiative,
9 community stakeholders, and advocates for child welfare programs and
10 services to establish networks in each of such service areas. Such
11 networks shall permit collaboration to strengthen the continuum of
12 services available to child welfare agencies and to provide resources for
13 children and juveniles outside the child protection system. Each service
14 area shall develop its own unique strategies to be included in the
15 statewide strategic plan. The Department of Health and Human Services
16 shall assist in identifying the needs of each service area.

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

23 (b) The commission shall create a committee to examine ~~the structure~~
24 ~~and responsibilities of the Office of Juvenile Services and the Juvenile~~
25 ~~Services Division of the Office of Probation Administration as they exist~~
26 ~~on April 12, 2012.~~ Such committee shall review the role and effectiveness
27 of out-of-home placements utilized in the juvenile justice system,
28 including the youth rehabilitation and treatment centers, ~~in the juvenile~~
29 ~~justice system~~ and make recommendations to the commission on the future
30 ~~role of the youth rehabilitation and treatment centers in the juvenile~~
31 justice continuum of care, including what populations should be served in

1 ~~out-of-home placements they should serve~~ and what treatment services
2 should be provided at the centers in order to appropriately serve those
3 populations. Such committee shall also review how mental and behavioral
4 health services are provided to juveniles in ~~secure residential~~
5 placements and the need for such services throughout Nebraska and make
6 recommendations to the commission relating to those systems of care in
7 the juvenile justice system. The committee shall collaborate with the
8 University of Nebraska at Omaha, Juvenile Justice Institute, the
9 University of Nebraska Medical Center, Center for Health Policy, the
10 behavioral health regions as established in section 71-807, and state and
11 national juvenile justice experts to develop recommendations. The
12 recommendations ~~If the committee's recommendations include maintaining~~
13 ~~the Youth Rehabilitation and Treatment Center Kearney, the recommendation~~
14 shall include a plan to implement a continuum of care in the juvenile
15 justice system to meet the needs of Nebraska families, including specific
16 recommendations for the rehabilitation and treatment model by upgrading
17 ~~the center's physical structure, staff, and staff training and the~~
18 ~~incorporation of evidence-based treatments and programs.~~ The
19 recommendations shall be delivered to the commission and electronically
20 to the Judiciary Committee of the Legislature annually by December 1,
21 ~~2013.~~

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

1 (d) The Title IV-E Demonstration Project Committee created pursuant
2 to section 43-4208 and the Foster Care Reimbursement Rate Committee
3 created pursuant to section 43-4212 are under the jurisdiction of the
4 commission.

5 (3) The commission shall work with the office of the State Court
6 Administrator, as appropriate, and entities which coordinate facilitated
7 conferencing as described in section 43-247.03. Facilitated conferencing
8 shall be included in statewide strategic plan discussions by the
9 commission. Facilitated conferencing shall continue to be utilized and
10 maximized, as determined by the court of jurisdiction, during the
11 development of the statewide strategic plan. Funding and contracting with
12 mediation centers approved by the Office of Dispute Resolution to provide
13 facilitated conferencing shall continue to be provided by the office of
14 the State Court Administrator at an amount of no less than the General
15 Fund transfer under subsection (1) of section 43-247.04.

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

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

24 (6) The commission shall develop a system of care plan from
25 prevention through treatment services for the child welfare system based
26 on relevant data and evidence-based practices to meet the specific needs
27 of each area of the state. Such system of care plan shall include
28 services that are goal-driven and outcome-based and shall evaluate the
29 feasibility of utilizing performance-based contracting for specific child
30 welfare services, including the feasibility of additional contractual
31 requirements for service providers requiring services to all children

1 without an option to deny service.

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

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

7 (b) Utilization of incentives for persons who work in the area of
8 child welfare;

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

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

13 Sec. 3. Original section 43-4203, Revised Statutes Cumulative
14 Supplement, 2014, and section 43-4202, Revised Statutes Supplement, 2015,
15 are repealed.

16 Sec. 4. The following section is outright repealed: Section 43-534,
17 Revised Statutes Cumulative Supplement, 2014.