

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 225

FINAL READING

Introduced by Crawford, 45; Howard, 9.

Read first time January 10, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to children and families; to amend sections
2 28-712, 28-712.01, 28-718, 43-2,108, 43-1318, 43-4218, 43-4701,
3 43-4702, 43-4703, 43-4704, 43-4706, 43-4707, 43-4709, and 43-4714,
4 Reissue Revised Statutes of Nebraska; to change provisions relating
5 to alternative response and the confidentiality of certain juvenile
6 records; to provide for a central registry record checks fee; to
7 create an advisory group, require reports, and provide a termination
8 date; to rename and change provisions relating to the Normalcy Task
9 Force; to change provisions relating to the Nebraska Strengthening
10 Families Act; to restate legislative intent; to define and redefine
11 terms; to change and provide duties for the Department of Health and
12 Human Services, the Office of Probation Administration, foster
13 family homes, child-care institutions, and juvenile facilities as
14 prescribed; to provide for training; to provide for rules and
15 regulations; to eliminate a data pilot project; to harmonize
16 provisions; to provide for operative dates; to repeal the original
17 sections; to outright repeal section 43-1322, Reissue Revised
18 Statutes of Nebraska; and to declare an emergency.
19 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-712, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-712 (1) The department, in consultation with the Nebraska
4 Children's Commission, shall develop an alternative response
5 implementation plan in accordance with this section and sections
6 28-710.01 and 28-712.01. The alternative response implementation plan
7 shall include the provision of concrete supports and voluntary services,
8 including, but not limited to: Meeting basic needs, including food and
9 clothing assistance; housing assistance; transportation assistance; child
10 care assistance; and mental health and substance abuse services. When the
11 alternative response implementation plan has been developed, the
12 department may begin using alternative response in up to five alternative
13 response demonstration project locations that are designated by the
14 department. The department may begin using alternative response statewide
15 on and after the operative date of this section. The department shall
16 provide a report to the commission and the Health and Human Services
17 Committee of the Legislature by November 15, 2018. The report shall
18 outline, at a minimum, the challenges, barriers, and opportunities that
19 may occur if the alternative response implementation plan is made
20 permanent ~~The department shall provide a report of an evaluation on the~~
21 ~~status of alternative response implementation pursuant to subsection (2)~~
22 ~~of this section to the commission and electronically to the Legislature~~
23 ~~by November 15, 2015. The commission shall provide feedback on the report~~
24 ~~to the department before December 15, 2015. The department may begin~~
25 ~~using alternative response in up to five additional alternative response~~
26 ~~demonstration project locations on or after January 1, 2016. The~~
27 ~~department shall provide a report of another evaluation done pursuant to~~
28 ~~subsection (2) of this section to the commission and electronically to~~
29 ~~the Legislature by November 15, 2016. The department shall~~ may continue
30 using alternative response until December 31, 2020 ~~July 1, 2017.~~
31 Continued use of alternative response thereafter shall require approval

1 of the Legislature. For purposes of this section, demonstration project
2 location means any geographic region, including, but not limited to, a
3 city, a township, a village, a county, a group of counties, or a group of
4 counties and cities, townships, or villages.

5 ~~(2) The department shall contract with an independent entity to~~
6 ~~evaluate the alternative response demonstration projects. The evaluation~~
7 ~~shall include, but not be limited to:~~

8 ~~(a) The screening process used to determine which cases shall be~~
9 ~~assigned to alternative response;~~

10 ~~(b) The number and proportion of repeat child abuse and neglect~~
11 ~~allegations within a specified period of time following initial intake;~~

12 ~~(c) The number and proportion of substantiated child abuse and~~
13 ~~neglect allegations within a specified period of time following initial~~
14 ~~intake;~~

15 ~~(d) The number and proportion of families with any child entering~~
16 ~~out-of-home care within a specified period of time following initial~~
17 ~~intake;~~

18 ~~(e) Changes in child and family well-being in the domains of~~
19 ~~behavioral and emotional functioning and physical health and development~~
20 ~~as measured by a standardized assessment instrument to be selected by the~~
21 ~~department;~~

22 ~~(f) The number and proportion of families assigned to the~~
23 ~~alternative response track who are reassigned to a traditional response;~~
24 ~~and~~

25 ~~(g) A cost analysis that will examine, at a minimum, the costs of~~
26 ~~the key elements of services received.~~

27 ~~(2) (3)~~ The department shall provide to the Nebraska Children's
28 Commission regular updates on:

29 ~~(a) The alternative response implementation plan, including the~~
30 ~~development of the alternative response interview protocols of children;~~

31 ~~(a) (b) The status of alternative response implementation;~~

1 **(b)** ~~(e)~~ Inclusion of child welfare stakeholders, service providers,
2 and other community partners, including families, for feedback and
3 recommendations on ~~the alternative response implementation plan;~~

4 **(c)** ~~(d)~~ Any findings or recommendations made by the independent
5 evaluator, including costs; and

6 **(d)** Any alternative response programmatic modifications, including,
7 but not limited to, proposed changes in rules and regulations.

8 ~~(e) Any alternative response programmatic modifications; and~~

9 ~~(f) The status of the adoption and promulgation of rules and~~
10 ~~regulations.~~

11 **(3)** ~~(4)~~ The department shall adopt and promulgate rules and
12 regulations to carry out this section and sections 28-710.01 and
13 28-712.01. Such rules and regulations shall include, but not be limited
14 to, provisions on the transfer of cases from alternative response to
15 traditional response; notice to families subject to a comprehensive
16 assessment and served through alternative response of the alternative
17 response process and their rights, including the opportunity to challenge
18 agency determinations; the provision of services through alternative
19 response; the collection, sharing, and reporting of data; and the
20 alternative response ineligibility criteria. ~~Whenever the department~~
21 ~~proposes to change the alternative response ineligibility criteria,~~
22 ~~public notice of the changes shall be given. The department shall provide~~
23 ~~public notice and time for public comment by publishing the proposed~~
24 ~~changes on its web site at least sixty days prior to the public hearing~~
25 ~~on such regulation changes. The department shall provide a copy of the~~
26 ~~proposed rules and regulations to the Nebraska Children's Commission no~~
27 ~~later than October 1, 2014.~~

28 Sec. 2. Section 28-712.01, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 28-712.01 (1) This section applies to alternative response
31 demonstration projects designated under section 28-712.

1 (2) The Review, Evaluate, and Decide Team shall convene to review
2 intakes pursuant to the department's rules, regulations, and policies, to
3 evaluate the information, and to determine assignment for alternative
4 response or traditional response. The team shall utilize consistent
5 criteria to review the severity of the allegation of child abuse or
6 neglect, access to the perpetrator, vulnerability of the child, family
7 history including previous reports, parental cooperation, parental or
8 caretaker protective factors, and other information as deemed necessary.
9 At the conclusion of the review, the intake shall be assigned to either
10 traditional response or alternative response. Decisions of the team shall
11 be made by consensus. If the team cannot come to consensus, the intake
12 shall be assigned for a traditional response.

13 (3) In the case of an alternative response, the department shall
14 complete a comprehensive assessment. The department shall transfer the
15 case being given alternative response to traditional response if the
16 department determines that a child is unsafe. Upon completion of the
17 comprehensive assessment, if it is determined that the child is safe,
18 participation in services offered to the family receiving an alternative
19 response is voluntary, the case shall not be transferred to traditional
20 response based upon the family's failure to enroll or participate in such
21 services, and the subject of the report shall not be entered into the
22 central registry of child protection cases maintained pursuant to section
23 28-718.

24 (4) The department shall, by the next working day after receipt of a
25 report of child abuse and neglect, enter into the tracking system of
26 child protection cases maintained pursuant to section 28-715 all reports
27 of child abuse or neglect received under this section that are opened for
28 alternative response and any action taken.

29 (5) The department shall make available to the appropriate
30 investigating law enforcement agency, child advocacy center, and the
31 county attorney a copy of all reports relative to a case of suspected

1 child abuse or neglect. Aggregate, nonidentifying reports of child abuse
2 or neglect receiving an alternative response shall be made available
3 quarterly to requesting agencies outside the department. Such alternative
4 response data shall include, but not be limited to, the nature of the
5 initial child abuse or neglect report, the age of the child or children,
6 the nature of services offered, the location of the cases, the number of
7 cases per month, and the number of alternative response cases that were
8 transferred to traditional response. No other agency or individual except
9 the office of Inspector General of Nebraska Child Welfare, the Public
10 Counsel, law enforcement agency personnel, child advocacy center
11 employees, and county attorneys shall be provided specific, identifying
12 reports of child abuse or neglect being given alternative response. The
13 office of Inspector General of Nebraska Child Welfare shall have access
14 to all reports relative to cases of suspected child abuse or neglect
15 subject to traditional response and those subject to alternative
16 response. The department and the office shall develop procedures allowing
17 for the Inspector General's review of cases subject to alternative
18 response. The Inspector General shall include in the report pursuant to
19 section 43-4331 a summary of all cases reviewed pursuant to this
20 subsection.

21 Sec. 3. Section 28-718, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 28-718 (1) There shall be a central registry of child protection
24 cases maintained in the department containing records of all reports of
25 child abuse or neglect opened for investigation as provided in section
26 28-713 and classified as either court substantiated or agency
27 substantiated as provided in section 28-720.

28 (2) The department shall determine whether a name-change order
29 received from the clerk of a district court pursuant to section 25-21,271
30 is for a person on the central registry of child protection cases and, if
31 so, shall include the changed name with the former name in the registry

1 and file or cross-reference the information under both names.

2 (3) The department may charge a reasonable fee in an amount
3 established by the department in rules and regulations to recover
4 expenses in carrying out central registry records checks. The fee shall
5 not exceed three dollars for each request to check the records of the
6 central registry. The department shall remit the fees to the State
7 Treasurer for credit to the Health and Human Services Cash Fund. The
8 department may waive the fee if the requesting party shows the fee would
9 be an undue financial hardship. The department shall use the fees to
10 defray costs incurred to carry out such records checks. The department
11 may adopt and promulgate rules and regulations to carry out this section.

12 Sec. 4. Section 43-2,108, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-2,108 (1) The juvenile court judge shall keep a minute book in
15 which he or she shall enter minutes of all proceedings of the court in
16 each case, including appearances, findings, orders, decrees, and
17 judgments, and any evidence which he or she feels it is necessary and
18 proper to record. Juvenile court legal records shall be deposited in
19 files and shall include the petition, summons, notice, certificates or
20 receipts of mailing, minutes of the court, findings, orders, decrees,
21 judgments, and motions.

22 (2) Except as provided in subsections (3) and (4) of this section,
23 the medical, psychological, psychiatric, and social welfare reports and
24 the records of juvenile probation officers as they relate to individual
25 proceedings in the juvenile court shall not be open to inspection,
26 without order of the court. Such records shall be made available to a
27 district court of this state or the District Court of the United States
28 on the order of a judge thereof for the confidential use of such judge or
29 his or her probation officer as to matters pending before such court but
30 shall not be made available to parties or their counsel; and such
31 district court records shall be made available to a county court or

1 separate juvenile court upon request of the county judge or separate
2 juvenile judge for the confidential use of such judge and his or her
3 probation officer as to matters pending before such court, but shall not
4 be made available by such judge to the parties or their counsel.

5 (3) As used in this section, confidential record information means
6 all docket records, other than the pleadings, orders, decrees, and
7 judgments; case files and records; reports and records of probation
8 officers; and information supplied to the court of jurisdiction in such
9 cases by any individual or any public or private institution, agency,
10 facility, or clinic, which is compiled by, produced by, and in the
11 possession of any court. In all cases under subdivision (3)(a) of section
12 43-247, access to all confidential record information in such cases shall
13 be granted only as follows: (a) The court of jurisdiction may, subject to
14 applicable federal and state regulations, disseminate such confidential
15 record information to any individual, or public or private agency,
16 institution, facility, or clinic which is providing services directly to
17 the juvenile and such juvenile's parents or guardian and his or her
18 immediate family who are the subject of such record information; (b) the
19 court of jurisdiction may disseminate such confidential record
20 information, with the consent of persons who are subjects of such
21 information, or by order of such court after showing of good cause, to
22 any law enforcement agency upon such agency's specific request for such
23 agency's exclusive use in the investigation of any protective service
24 case or investigation of allegations under subdivision (3)(a) of section
25 43-247, regarding the juvenile or such juvenile's immediate family, who
26 are the subject of such investigation; and (c) the court of jurisdiction
27 may disseminate such confidential record information to any court, which
28 has jurisdiction of the juvenile who is the subject of such information
29 upon such court's request.

30 (4) The court shall provide copies of predispositional reports and
31 evaluations of the juvenile to the juvenile's attorney and the county

1 attorney or city attorney prior to any hearing in which the report or
2 evaluation will be relied upon.

3 (5) In all cases under sections 43-246.01 and 43-247, the office of
4 Inspector General of Nebraska Child Welfare may submit a written request
5 to the probation administrator for access to the records of juvenile
6 probation officers in a specific case. Upon a juvenile court order, the
7 records shall be provided to the Inspector General within five days for
8 the exclusive use in an investigation pursuant to the Office of Inspector
9 General of Nebraska Child Welfare Act. Nothing in this subsection shall
10 prevent the notification of death or serious injury of a juvenile to the
11 Inspector General of Nebraska Child Welfare pursuant to section 43-4318
12 as soon as reasonably possible after the Office of Probation
13 Administration learns of such death or serious injury.

14 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
15 court shall disseminate confidential record information to the Foster
16 Care Review Office pursuant to the Foster Care Review Act.

17 (7) Nothing in subsections (3), (5), and (6) of this section shall
18 be construed to restrict the dissemination of confidential record
19 information between any individual or public or private agency,
20 institute, facility, or clinic, except any such confidential record
21 information disseminated by the court of jurisdiction pursuant to this
22 section shall be for the exclusive and private use of those to whom it
23 was released and shall not be disseminated further without order of such
24 court.

25 (8)(a) Any records concerning a juvenile court petition filed
26 pursuant to subdivision (3)(c) of section 43-247 shall remain
27 confidential except as may be provided otherwise by law. Such records
28 shall be accessible to (i) the juvenile except as provided in subdivision
29 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
30 parent or guardian, and (iv) persons authorized by an order of a judge or
31 court.

1 (b) Upon application by the county attorney or by the director of
2 the facility where the juvenile is placed and upon a showing of good
3 cause therefor, a judge of the juvenile court having jurisdiction over
4 the juvenile or of the county where the facility is located may order
5 that the records shall not be made available to the juvenile if, in the
6 judgment of the court, the availability of such records to the juvenile
7 will adversely affect the juvenile's mental state and the treatment
8 thereof.

9 (9) Nothing in subsection (3), (5), or (6) of this section shall be
10 construed to restrict the immediate dissemination of a current picture
11 and information about a child who is missing from a foster care or out-
12 of-home placement. Such dissemination by the Office of Probation
13 Administration shall be authorized by an order of a judge or court. Such
14 information shall be subject to state and federal confidentiality laws
15 and shall not include that the child is in the care, custody, or control
16 of the Department of Health and Human Services or under the supervision
17 of the Office of Probation Administration.

18 Sec. 5. (1) The Children and Juveniles Data Feasibility Study
19 Advisory Group is created. The advisory group shall oversee a feasibility
20 study to identify how existing state agency data systems currently used
21 to account for the use of all services, programs, and facilities by
22 children and juveniles in the State of Nebraska can be used to establish
23 an independent, external data warehouse. The Foster Care Review Office
24 shall provide administrative support for the feasibility study and the
25 advisory group.

26 (2) The advisory group shall include the Inspector General of
27 Nebraska Child Welfare or his or her designee, the State Court
28 Administrator or his or her designee, the probation administrator of the
29 Office of Probation Administration or his or her designee, the executive
30 director of the Nebraska Commission on Law Enforcement and Criminal
31 Justice or his or her designee, the Commissioner of Education or his or

1 her designee, the executive director of the Foster Care Review Office or
2 his or her designee, the Chief Information Officer of the office of Chief
3 Information Officer or his or her designee, and the chief executive
4 officer of the Department of Health and Human Services or his or her
5 designee.

6 (3) The advisory group shall:

7 (a) Meet at least twice a year;

8 (b) Carry out in good faith the duties provided in this section;

9 (c) Create a Data Steering Subcommittee. Each member of the advisory
10 group shall designate one representative from his or her agency with
11 specific technical knowledge of the agency's data structure, limitation,
12 and capabilities to serve on the subcommittee. The subcommittee shall
13 meet regularly to manage and discuss data-related items, including the
14 technological and system issues of each agency's current data system,
15 specific barriers that impact the implementation of a data warehouse, and
16 steps necessary to establish and sustain a data warehouse. The
17 subcommittee shall report its findings to the advisory group;

18 (d) Create an Information-Sharing Subcommittee. Each member of the
19 advisory group shall designate one representative from his or her agency
20 with specific knowledge of the agency's legal and regulatory
21 responsibilities and restrictions related to sharing data to serve on the
22 subcommittee. The subcommittee shall meet regularly to manage and discuss
23 the legal and regulatory barriers to establishing a data warehouse and to
24 identify possible solutions. The subcommittee shall report its findings
25 to the advisory group; and

26 (e) Submit a written report electronically to the Legislature on
27 October 1 of 2017 and 2018, detailing the technical and legal steps
28 necessary to establish the Children and Juveniles Data Warehouse by July
29 1, 2019. The report to be submitted on October 1, 2018, shall include the
30 final results of the feasibility study to establish the data warehouse by
31 July 1, 2019. The results of the feasibility study shall not be binding

1 on any agency.

2 (4) For purposes of this section, independent, external data
3 warehouse means a data system which allows for the collection, storage,
4 and analysis of data from multiple agencies but is not solely controlled
5 by the agencies providing the data.

6 (5) This section terminates on December 31, 2019.

7 Sec. 6. Section 43-1318, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-1318 Sections 43-1301 to 43-1321 and section 5 of this act
10 43-1322 shall be known and may be cited as the Foster Care Review Act.

11 Sec. 7. Section 43-4218, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-4218 (1)(a) (1) The Normalcy Task Force is created. On July 1,
14 2017, the Normalcy Task Force shall become the Nebraska Strengthening
15 Families Act Committee.

16 (b)(i) Beginning July 1, 2016, until July 1, 2017, the Normalcy Task
17 Force shall monitor and make recommendations regarding the implementation
18 in Nebraska of the federal Preventing Sex Trafficking and Strengthening
19 Families Act, Public Law 113-183, as such act existed on January 1, 2016.

20 (ii) On and after July 1, 2017, the Nebraska Strengthening Families
21 Act Committee shall monitor and make recommendations regarding the
22 implementation in Nebraska of the federal Preventing Sex Trafficking and
23 Strengthening Families Act, Public Law 113-183, as such act existed on
24 January 1, 2017, and the Nebraska Strengthening Families Act.

25 (2) Until July 1, 2017, the The members of the task force, and on
26 and after July 1, 2017, the members of the committee shall include, but
27 not be limited to, (a) representatives from the legislative, executive,
28 and judicial branches of government. The representatives from the
29 legislative and judicial branches shall be nonvoting, ex officio members,
30 (b) no fewer than three young adults currently or previously in foster
31 care which may be filled on a rotating basis by members of Project

1 Everlast or a similar youth support or advocacy group, (c) a
2 representative from the juvenile probation system, (d) the executive
3 director of the Foster Care Review Office, (e) one or more
4 representatives from a child welfare advocacy organization, (f) one or
5 more representatives from a child welfare service agency, (g) one or more
6 representatives from an agency providing independent living services, (h)
7 one or more representatives of a child-care institution as defined in
8 section 43-4703, (i) one or more current or former foster parents, (j)
9 one or more parents who have experience in the foster care system, (k)
10 one or more professionals who have relevant practical experience such as
11 a caseworker, and (l) one or more guardians ad litem who practice in
12 juvenile court.

13 (3) On or before July 1, 2016, the Nebraska Children's Commission
14 shall appoint the members of the task force. On July 1, 2017, the members
15 of the task force shall become members of the committee, shall serve the
16 amount of time remaining on their initial terms of office, and are
17 eligible for reappointment by the Nebraska Children's Commission. Members
18 ~~of the task force~~ shall be appointed for terms of two years. The
19 commission shall appoint a chairperson or chairpersons of the committee
20 ~~task force~~ and may fill vacancies on the committee ~~task force~~ as such
21 vacancies occur.

22 (4) The committee ~~task force~~ shall provide a written report with
23 recommendations regarding the initial and ongoing implementation of the
24 federal Preventing Sex Trafficking and Strengthening Families Act, as
25 such act existed on January 1, 2017, and the Nebraska Strengthening
26 Families Act 2016, and related efforts to improve normalcy for children
27 in foster care and related populations to the Nebraska Children's
28 Commission, the Health and Human Services Committee of the Legislature,
29 the Department of Health and Human Services, and the Governor by December
30 15 of each year. The report to the Health and Human Services Committee of
31 the Legislature shall be submitted electronically.

1 Sec. 8. Section 43-4701, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-4701 Sections 43-4701 to 43-4714 and section 15 of this act shall
4 be known and may be cited as the Nebraska Strengthening Families Act.

5 Sec. 9. Section 43-4702, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-4702 The Legislature finds that every day a parent makes
8 important decisions about his or her child's participation in activities
9 and that a caregiver for a child in out-of-home care is faced with making
10 the same decisions for a child in his or her care.

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

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

20 It is the intent of the Legislature to recognize the importance of
21 parental rights and the different rights that exist dependent on a
22 variety of factors, including the age and maturity of the child, the
23 status of the case, and the child's placement.

24 It is the intent of the Legislature to recognize the importance of
25 race, culture, and identity for children in out-of-home care.

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

31 It is the intent of the Legislature to implement the federal

1 Preventing Sex Trafficking and Strengthening Families Act, Public Law
2 113-183, as such act existed on January 1, 2016.

3 Sec. 10. Section 43-4703, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-4703 For purposes of the Nebraska Strengthening Families Act:

6 (1) Age or developmentally appropriate means activities or items
7 that are generally accepted as suitable for a child of the same
8 chronological age or level of maturity or that are determined to be
9 developmentally appropriate for a child, based on the development of
10 cognitive, emotional, physical, and behavioral capacities that are
11 typical for an age or age group and, in the case of a specific child,
12 activities or items that are suitable for the child based on the
13 developmental stages attained by the child with respect to the cognitive,
14 emotional, physical, and behavioral capacities of the child;

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

18 (3) Child-care institution has the definition found in 42 U.S.C.
19 672(c), as such section existed on January 1, 2016, and also includes the
20 definition of residential child-caring agency as found in section
21 71-1926;

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

23 (5) Foster family home has the definition found in 42 U.S.C. 672(c),
24 as such section existed on January 1, 2017 ~~2016~~, and also includes the
25 definition as found in section 71-1901; ~~and~~

26 (6) Probation means the Office of Probation Administration; and

27 (7) ~~(6)~~ Reasonable and prudent parent standard means the standard
28 characterized by careful and sensible parental decisions that maintain
29 the health, safety, and best interest of a child while at the same time
30 encouraging the emotional and developmental growth of the child that a
31 caregiver shall use when determining whether to allow a child in foster

1 care under the responsibility of the state to participate in
2 extracurricular, enrichment, cultural, and social activities.

3 Sec. 11. Section 43-4704, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-4704 Every child placed by the department in a foster family home
6 or child-care institution shall be entitled to access to reasonable
7 opportunities to participate in age or developmentally appropriate
8 extracurricular, enrichment, cultural, and social activities.

9 Sec. 12. Section 43-4706, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-4706 (1) The department shall ensure that each foster family home
12 and child-care institution has policies consistent with this section and
13 that such foster family home and child-care institution promote and
14 protect the ability of children to participate in age or developmentally
15 appropriate extracurricular, enrichment, cultural, and social activities.

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

22 (3) The department shall require, as a condition of each contract
23 entered into by a child-care institution to provide foster care, the
24 presence onsite of at least one official who, with respect to any child
25 placed at the child-care institution, is designated to be the caregiver
26 who is (a) authorized to apply the reasonable and prudent parent standard
27 to decisions involving the participation of the child in age or
28 developmentally appropriate activities, (b) provided with training in how
29 to use and apply the reasonable and prudent parent standard in the same
30 manner as foster parents are provided training in section 43-4707, and
31 (c) required to consult whenever possible with the child and staff

1 members identified by the child in applying the reasonable and prudent
2 parent standard.

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

11 (5)(a) The department shall also require, as a condition of each
12 contract entered into by a child-care institution to provide foster care,
13 a written normalcy plan describing how the child-care institution will
14 ensure that all children have access to age or developmentally
15 appropriate activities to be filed with the department and a normalcy
16 report regarding the implementation of the normalcy plan to be filed with
17 the department annually by June 30. Such plans and reports shall not be
18 required to be provided by child-care institutions physically located
19 outside the State of Nebraska or psychiatric residential treatment
20 facilities.

21 (b) The normalcy plan shall specifically address:

22 (i) Efforts to address barriers to normalcy that are inherent in a
23 child-care institution setting;

24 (ii) Normalcy efforts for all children placed at the child-care
25 institution, including, but not limited to, relationships with family,
26 age or developmentally appropriate access to technology and technological
27 skills, education and school stability, access to health care and
28 information, and access to a sustainable and durable routine;

29 (iii) Procedures for developing goals and action steps in the child-
30 care institution's case plan and case planning process related to
31 participation in age or developmentally appropriate activities for each

1 child placed at the child-care institution;

2 (iv) Policies on staffing, supervision, permission, and consent to
3 age or developmentally appropriate activities consistent with the
4 reasonable and prudent parent standard;

5 (v) A list of activities that the child-care institution provides
6 onsite and a list of activities in the community regarding which the
7 child-care institution will make children aware, promote, and support
8 access;

9 (vi) Identified accommodations and support services so that children
10 with disabilities and special needs can participate in age or
11 developmentally appropriate activities to the same extent as their peers;

12 (vii) The individualized needs of all children involved in the
13 system;

14 (viii) Efforts to reduce disproportionate impact of the system and
15 services on families and children of color and other populations; and

16 (ix) Efforts to develop a youth board to assist in implementing the
17 reasonable and prudent parent standard in the child-care institution and
18 promoting and supporting normalcy.

19 (c) The normalcy report shall specifically address:

20 (i) Compliance with each of the plan requirements set forth in
21 subdivisions (b)(i) through (ix) of this subsection; and

22 (ii) Compliance with subsections (3) and (4) of this section.

23 (6) The department shall make normalcy plans and reports received
24 from contracting child-care institutions pursuant to subsection (5) of
25 this section and plans and reports from all youth rehabilitation and
26 treatment centers pursuant to subsection (7) of this section available
27 upon request to the Nebraska Strengthening Families Act Committee, the
28 Nebraska Children's Commission, probation, the Governor, and
29 electronically to the Health and Human Services Committee of the
30 Legislature, by September 1 of each year.

31 (7) All youth rehabilitation and treatment centers shall meet the

1 requirements of subsection (5) of this section.

2 Sec. 13. Section 43-4707, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 43-4707 The department shall adopt and promulgate rules and
5 regulations regarding training for foster parents so that foster parents
6 will be prepared adequately with the appropriate knowledge and skills
7 relating to the reasonable and prudent parent standard for the
8 participation of the child in age or developmentally appropriate
9 activities, including knowledge and skills relating to the developmental
10 stages of the cognitive, emotional, physical, and behavioral capacities
11 of the child and knowledge and skills related to applying the standard to
12 decisions such as whether to allow the child to engage in
13 extracurricular, enrichment, cultural, and social activities, including
14 sports, field trips, and overnight activities lasting one or more days
15 and to decisions involving the signing of permission slips and arranging
16 of transportation for the child to and from extracurricular, enrichment,
17 cultural, and social activities. The department shall also adopt and
18 promulgate rules and regulations regarding training for foster parents on
19 recognizing human trafficking, including both sex trafficking and labor
20 trafficking.

21 Sec. 14. Section 43-4709, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 43-4709 (1) Nothing in the Nebraska Strengthening Families Act or
24 the application of the reasonable and prudent parent standard shall
25 affect the parental rights of a parent whose parental rights have not
26 been terminated pursuant to section 43-292 with respect to his or her
27 child.

28 (2) To the extent possible, a parent shall be consulted about ~~his or~~
29 ~~her views on~~ the child's participation in age or developmentally
30 appropriate activities in the planning process. The department shall
31 document such consultation in the report filed pursuant to subsection (3)

1 of section 43-285.

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

5 Sec. 15. The department and probation shall establish procedures
6 for the immediate dissemination of a current picture and information
7 about a child who is missing from a foster care or out-of-home placement
8 to appropriate third parties, which may include law enforcement agencies
9 or persons engaged in procuring, gathering, writing, editing, or
10 disseminating news or other information to the public. Any information
11 released to a third party under this section shall be subject to state
12 and federal confidentiality laws and shall not include that the child is
13 under the care, custody, or supervision of the department or under the
14 supervision of probation. Such dissemination by probation shall be
15 authorized by an order of a judge or court.

16 Sec. 16. Section 43-4714, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 43-4714 The department shall adopt and promulgate rules and
19 regulations to carry out the Nebraska Strengthening Families Act and
20 shall revoke any rules or regulations inconsistent with the act by
21 October 15, 2017 ~~2016~~.

22 Sec. 17. Sections 3 and 18 of this act become operative on
23 September 3, 2017. The other sections of this act become operative on
24 their effective date.

25 Sec. 18. Original section 28-718, Reissue Revised Statutes of
26 Nebraska, is repealed.

27 Sec. 19. Original sections 28-712, 28-712.01, 43-2,108, 43-1318,
28 43-4218, 43-4701, 43-4702, 43-4703, 43-4704, 43-4706, 43-4707, 43-4709,
29 and 43-4714, Reissue Revised Statutes of Nebraska, are repealed.

30 Sec. 20. The following section is outright repealed: Section
31 43-1322, Reissue Revised Statutes of Nebraska.

1 Sec. 21. Since an emergency exists, this act takes effect when
2 passed and approved according to law.