AMENDMENTS TO LB600

Introduced by Bolz, 29.

1. Strike the original sections and insert the following new sections:

   Section 1. Section 43-4201, Reissue Revised Statutes of Nebraska, is amended to read:

   43-4201 (1) The Legislature finds and declares that:

   (a) The Health and Human Services Committee of the Legislature documented serious problems with the child welfare system in its 2011 report of the study that was conducted under Legislative Resolution 37, One Hundred Second Legislature, First Session, 2011;

   (b) Improving the safety and well-being of Nebraska's children and families is a critical priority which must guide policy decisions in a variety of areas;

   (c) To improve the safety and well-being of children and families in Nebraska, the legislative, judicial, and executive branches of government must work together to ensure:

      (i) The integration, coordination, and accessibility of all services provided to children and families by the state, whether directly or pursuant to contract;

      (ii) Reasonable access to appropriate services statewide and efficiency in service delivery; and

      (iii) The availability of accurate and complete data as well as ongoing data analysis to identify important trends and problems as they arise; and

   (d) As the primary state agency serving children and families, the Department of Health and Human Services must exemplify leadership, responsiveness, transparency, and efficiency and program managers within the agency must strive cooperatively to ensure that their programs view
the needs of children and families comprehensively as a system rather
than individually in isolation, including pooling funding when possible
and appropriate.

(2) It is the intent of the Legislature in creating the Nebraska
Children's Commission to provide for the needs identified in subsection
(1) of this section, to provide strategic priorities for research or
policy development within a broad restructuring of the goals of the child
welfare system and juvenile justice system, and to provide a structure to
the commission that maintains the framework of the three branches of
government and their respective powers and duties.

Sec. 2. Section 43-4202, Reissue Revised Statutes of Nebraska, is
amended to read:

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

(2)(a) (2) The Governor commission shall appoint fifteen include the
following voting members:(a) The executive director of the Foster Care
Review Office; and (b) Seventeen members appointed by the Governor. The
members appointed pursuant to this subdivision shall represent
stakeholders in the child welfare and juvenile justice systems and shall
include: (i) A director of a child advocacy center; (ii) an administrator of a behavioral health region established pursuant to section 71-807; (iii) a community representative from each of the service areas designated pursuant to section 81-3116. In the eastern service area designated pursuant to such section, the representative may be from a lead agency of a pilot project established under section 68-1212 or a collaborative member; (iv) a prosecuting attorney who practices in juvenile court; (v) a guardian ad litem; (vi) a biological parent currently or previously involved in the child welfare system or juvenile justice system; (vii) a foster parent; (viii) a court appointed special advocate volunteer; (ix) a member of a local foster care review board; (x) a child welfare service agency that directly provides a wide range of child welfare services and is not a member of a lead agency collaborative; (xi) a young adult previously in foster care; and (xii) a representative of a child advocacy organization that deals with legal and policy issues that include child welfare; and (xiii) a representative of a federally recognized Indian tribe residing within the State of Nebraska and appointed within thirty days after June 5, 2013, from a list of three nominees submitted by the Commission on Indian Affairs.

(b) (3) The Nebraska Children's Commission shall have the following nonvoting, ex officio members: (i) (a) The chairperson of the Health and Human Services Committee of the Legislature or a committee member designated by the chairperson; (ii) (b) the chairperson of the Judiciary Committee of the Legislature or a committee member designated by the chairperson; (iii) (c) the chairperson of the Appropriations Committee of the Legislature or a committee member designated by the chairperson; (iv) (d) three persons appointed by the State Court Administrator; (v) the executive director of the Foster Care Review Office; (vi) (e) the chief executive officer of the Department of Health and Human Services or his or her designee; (f) the Director of Children and Family Services of the
Division of Children and Family Services of the Department of Health and Human Services or his or her designee; (vii) the Director of Developmental Disabilities of the Division of Developmental Disabilities of the Department of Health and Human Services or his or her designee; (viii) the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services or his or her designee; (ix) (g) the Commissioner of Education or his or her designee; and (x) (h) the Inspector General of Nebraska Child Welfare.

(3) The nonvoting, ex officio members may attend commission meetings and participate in the discussions of the commission, provide information to the commission on the policies, programs, and processes within their areas of expertise of each of their respective bodies, and gather information for the commission, and provide information back to their respective bodies from the commission. The nonvoting, ex officio members shall not vote on decisions by the commission or on the direction or development of the statewide strategic plan pursuant to section 43-4204.

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

(4) For administrative purposes, the offices of the staff of the commission shall be located in the Foster Care Review Office. The commission may hire a consultant with experience in facilitating strategic planning to provide neutral, independent assistance in updating the statewide strategic plan. The commission shall terminate on June 30, 2019, unless continued by the Legislature.

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

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

(7) It is the intent of the Legislature to fund the operations of

the commission using the Nebraska Health Care Cash Fund.

Sec. 3. Section 43-4203, Revised Statutes Cumulative Supplement,
2018, is amended to read:

43-4203  (1) The Nebraska Children's Commission shall create a
committee to examine state policy regarding the prescription of
psychotropic drugs for children who are wards of the state and the
administration of such drugs to such children. Such committee shall
review the policy and procedures for prescribing and administering such
drugs and make recommendations to the commission for changes in such
policy and procedures.

(2) The commission shall create a committee to examine the Office of
Juvenile Services and the Juvenile Services Division of the Office of Probation Administration. Such committee shall review the role and effectiveness of out-of-home placements utilized in the juvenile justice system, including the youth rehabilitation and treatment centers, and make recommendations to the commission on the juvenile justice continuum of care, including what populations should be served in out-of-home placements and what treatment services should be provided at the centers in order to appropriately serve those populations. Such committee shall also review how mental and behavioral health services are provided to juveniles in residential placements and the need for such services throughout Nebraska and make recommendations to the commission relating to those systems of care in the juvenile justice system. The committee shall collaborate with the Juvenile Justice Institute at the University of Nebraska at Omaha, the Center for Health Policy at the University of Nebraska Medical Center, the behavioral health regions as established in section 71-807, and state and national juvenile justice experts to develop recommendations. The recommendations shall include a plan to implement a continuum of care in the juvenile justice system to meet the needs of Nebraska families, including specific recommendations for the rehabilitation and treatment model. The recommendations shall be delivered to the commission and electronically to the Judiciary Committee of the Legislature annually by September 1.

(3) The commission shall collaborate with juvenile justice specialists of the Office of Probation Administration and county officials with respect to any county-operated practice model participating in the Crossover Youth Program of the Center for Juvenile Justice Reform at Georgetown University.

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

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

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

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

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

(5) The Foster Care Reimbursement Rate Committee created pursuant to section 43-4216, the Nebraska Strengthening Families Act Committee created pursuant to section 11 of this act, and the Bridge to Independence Advisory Committee created pursuant to section 43-4513 shall be under the jurisdiction of the commission.

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

(7) The commission shall work with administrators from each of the service areas designated pursuant to section 81-3116, the teams created pursuant to section 28-728, local foster care review boards, child advocacy centers, the teams created pursuant to the Supreme Court's Through the Eyes of the Child Initiative, community stakeholders, and advocates for child welfare programs and services to establish networks in each of such service areas. Such networks shall permit collaboration to strengthen the continuum of services available to child welfare agencies and to provide resources for children and juveniles outside the child protection system.

(8) The commission may organize subcommittees as it deems necessary. Members of the subcommittees may be members of the commission or may be individuals who have knowledge of the subcommittee's subject matter, professional expertise to assist the subcommittee in completing its assigned responsibilities, or the ability to collaborate within the subcommittee and with the commission to carry out the powers and duties
of the commission. A subcommittee shall meet as necessary to complete the
work delegated by the commission and shall report its findings to the
relevant committee within the commission.

(9) No member of any committee or subcommittee created pursuant to
this section shall have any private financial interest, profit, or
benefit from any work of such committee or subcommittee.

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

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

(b) The commission shall create a committee to examine the Office of
Juvenile Services and the Juvenile Services Division of the Office of
Probation Administration. Such committee shall review the role and
effectiveness of out-of-home placements utilized in the juvenile justice
system, including the youth rehabilitation and treatment centers, and
make recommendations to the commission on the juvenile justice continuum
of care, including what populations should be served in out-of-home placements and what treatment services should be provided at the centers in order to appropriately serve those populations. Such committee shall also review how mental and behavioral health services are provided to juveniles in residential placements and the need for such services throughout Nebraska and make recommendations to the commission relating to those systems of care in the juvenile justice system. The committee shall collaborate with the University of Nebraska at Omaha, Juvenile Justice Institute, the University of Nebraska Medical Center, Center for Health Policy, the behavioral health regions as established in section 71-807, and state and national juvenile justice experts to develop recommendations. The recommendations shall include a plan to implement a continuum of care in the juvenile justice system to meet the needs of Nebraska families, including specific recommendations for the rehabilitation and treatment model. The recommendations shall be delivered to the commission and electronically to the Judiciary Committee of the Legislature annually by September 1.

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

(d) The Title IV-E Demonstration Project Committee created pursuant to section 43-4208 and the Foster Care Reimbursement Rate Committee appointed pursuant to section 43-4216 are under the jurisdiction of the commission.
(3) The commission shall work with the office of the State Court Administrator, as appropriate, and entities which coordinate facilitated conferencing as described in section 43-247.03. Facilitated conferencing shall be included in statewide strategic plan discussions by the commission. Facilitated conferencing shall continue to be utilized and maximized, as determined by the court of jurisdiction, during the development of the statewide strategic plan. Funding and contracting with mediation centers approved by the Office of Dispute Resolution to provide facilitated conferencing shall continue to be provided by the office of the State Court Administrator at an amount of no less than the General Fund transfer under subsection (1) of section 43-247.04.

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

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

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

(7) The commission shall analyze case management workforce issues and make recommendations to the Health and Human Services Committee of the Legislature regarding:
(a) Salary comparisons with other states and the current pay structure based on job descriptions;

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

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

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

Sec. 4. Section 43-4204, Reissue Revised Statutes of Nebraska, is amended to read:

43-4204 (1) The Nebraska Children's Commission shall determine three to five strategic child welfare priorities for research or policy development for each biennium create a statewide strategic plan to carry out the legislative intent stated in section 43-4201 for child welfare program and service reform in Nebraska. In determining developing the statewide strategic child welfare priorities plan, the commission shall consider the findings and recommendations set forth in the annual report of the Foster Care Review Board, the annual report of the Office of Inspector General for Child Welfare, and the federal Child and Family Services Reviews outcomes, but not be limited to:

(a) The potential of contracting with private nonprofit entities as a lead agency, subject to the requirements of subsection (2) of this section. Such lead-agency utilization shall be in a manner that maximizes the strengths, experience, skills, and continuum of care of the lead agencies. Any lead-agency contracts entered into or amended after April 12, 2012, shall detail how qualified licensed agencies as part of efforts to develop the local capacity for a community-based system of coordinated care will implement community-based care through competitively procuring either (i) the specific components of foster care and related services or (ii) comprehensive services for defined eligible populations of children and families;
(b) Provision of leadership for strategies to support high-quality evidence-based prevention and early intervention services that reduce risk and enhance protection for children;

(c) Realignment of service areas designated pursuant to section 81-3116 to be coterminous with the judicial districts described in section 24-301.02;

(d) Identification of the type of information needed for a clear and thorough analysis of progress on child welfare indicators; and

(e) Such other elements as the commission deems necessary and appropriate.

(2) A lead agency used after April 12, 2012, shall:

(a) Have a board of directors of which at least fifty-one percent of the membership is comprised of Nebraska residents who are not employed by the lead agency or by a subcontractor of the lead agency;

(b) Complete a readiness assessment as developed by the Department of Health and Human Services to determine the lead agency's viability. The readiness assessment shall evaluate organizational, operational, and programmatic capabilities and performance, including review of: The strength of the board of directors; compliance and oversight; financial risk management; financial liquidity and performance; infrastructure maintenance; funding sources, including state, federal, and external private funding; and operations, including reporting, staffing, evaluation, training, supervision, contract monitoring, and program performance tracking capabilities;

(c) Have the ability to provide directly or by contract through a local network of providers the services required of a lead agency. A lead agency shall not directly provide more than thirty-five percent of direct services required under the contract; and

(d) Provide accountability for meeting the outcomes and performance standards related to child welfare services established by Nebraska child welfare policy and the federal government.
(3) The commission shall review the operations of the department regarding child welfare programs and services and recommend, as a part of the statewide strategic plan, options for attaining the legislative intent stated in section 43-4201, either by the establishment of a new division within the department or the establishment of a new state agency to provide all child welfare programs and services which are the responsibility of the state.

Sec. 5. Section 43-4206, Reissue Revised Statutes of Nebraska, is amended to read:

43-4206 The Department of Health and Human Services and the Office of Probation Administration shall fully cooperate with the activities of the Nebraska Children's Commission. The department shall provide to the commission all requested information on children and juveniles in Nebraska, including, but not limited to, departmental reports, data, programs, processes, finances, and policies. The department shall collaborate with the commission regarding the development of a plan for a statewide automated child welfare information system to integrate child welfare information into one system if the One Hundred Second Legislature, Second Session, 2012, enacts legislation to require the development of such a plan. The department shall coordinate and collaborate with the commission regarding engagement of an evaluator to provide an evaluation of the child welfare system if the One Hundred Second Legislature, Second Session, 2012, enacts legislation to require such evaluation.

Sec. 6. Section 43-4207, Revised Statutes Cumulative Supplement, 2018, is amended to read:

43-4207 The Nebraska Children's Commission shall annually provide a written report to the Governor and an electronic report to the Health and Human Services Committee of the Legislature defining its strategic child welfare priorities and progress toward addressing such priorities, summarizing reports from each committee and subcommittee of the
commission, and making recommendations of its activities during the previous year on or before December 1, 2015. If the commission is continued by the Legislature as provided in section 43-4202, the commission shall provide such report on or before September 1 of each year the commission is continued. The commission shall present a summary of such report in an annual public hearing before the Health and Human Services Committee of the Legislature on or before December 1 of each year.

Sec. 7. Section 43-4216, Reissue Revised Statutes of Nebraska, is amended to read:

43-4216 (1) The on or before January 1, 2016, the Nebraska Children's Commission shall appoint a Foster Care Reimbursement Rate Committee is created. The committee shall be convened at least once commission shall reconvene the Foster Care Reimbursement Rate Committee every four years thereafter.

(2) The Foster Care Reimbursement Rate Committee shall consist of no fewer than nine members, including:

(a) The following voting members: (i) Representatives from a child welfare agency that contracts directly with foster parents, from each of the service areas designated pursuant to section 81-3116; (ii) a representative from an advocacy organization which deals with legal and policy issues that include child welfare; (iii) a representative from an advocacy organization, the singular focus of which is issues impacting children; (iv) a representative from a foster and adoptive parent association; (v) a representative from a lead agency; (vi) a representative from a child advocacy organization that supports young adults who were in foster care as children; (vii) a foster parent who contracts directly with the Department of Health and Human Services; and (viii) a foster parent who contracts with a child welfare agency; and

(b) The following nonvoting, ex officio members: (i) The chief executive officer of the Department of Health and Human Services or his
or her designee and (ii) representatives from the Division of Children
and Family Services of the department from each service area designated
pursuant to section 81-3116, including at least one division employee
with a thorough understanding of the current foster care payment system
and at least one division employee with a thorough understanding of the
N-FOCUS electronic data collection system. The nonvoting, ex officio
members of the committee may attend committee meetings and participate in
discussions of the committee and shall gather and provide information to
the committee on the policies, programs, and processes of each of their
respective bodies. The nonvoting, ex officio members shall not vote on
decisions or recommendations by the committee.

(3) Members of the committee shall serve for terms of four years and
until their successors are appointed and qualified. The Nebraska
Children's Commission shall appoint the chairperson of the committee and
may fill vacancies on the committee as they occur. If the Nebraska
Children's Commission has terminated, such appointments shall be made and
vacancies filled by the Governor with the approval of a majority of the
Legislature.

Sec. 8. Section 43-4217, Reissue Revised Statutes of Nebraska, is
amended to read:

43-4217 (1) The Foster Care Reimbursement Rate Committee created in
appointed pursuant to section 43-4216 shall review and make
recommendations in the following areas: Foster care reimbursement rates,
the statewide standardized level of care assessment, and adoption
assistance payments as required by section 43-117. In making
recommendations to the Legislature, the committee shall use the then-
current foster care reimbursement rates as the beginning standard for
setting reimbursement rates. The committee shall adjust the standard to
reflect the reasonable cost of achieving measurable outcomes for all
children in foster care in Nebraska. The committee shall (a) analyze
then-current consumer expenditure data reflecting the costs of caring for
a child in Nebraska, (b) identify and account for additional costs specific to children in foster care, and (c) apply a geographic cost-of-living adjustment for Nebraska. The reimbursement rate structure shall comply with funding requirements related to Title IV-E of the federal Social Security Act, as amended, and other federal programs as appropriate to maximize the utilization of federal funds to support foster care.

(2) The committee shall review the role and effectiveness of and make recommendations on the statewide standardized level of care assessment containing standardized criteria to determine a foster child's placement needs and to identify the appropriate foster care reimbursement rate. The committee shall review other states' assessment models and foster care reimbursement rate structures in completing the statewide standardized level of care assessment review and the standard statewide foster care reimbursement rate structure. The committee shall ensure the statewide standardized level of care assessment and the standard statewide foster care reimbursement rate structure provide incentives to tie performance in achieving the goals of safety, maintaining family connection, permanency, stability, and well-being to reimbursements received. The committee shall review and make recommendations on assistance payments to adoptive parents as required by section 43-117. The committee shall make recommendations to ensure that changes in foster care reimbursement rates do not become a disincentive to permanency.

(3) The committee may organize subcommittees as it deems necessary. Members of the subcommittees may be members of the committee or may be appointed, with the approval of the majority of the committee, from individuals with knowledge of the subcommittee's subject matter, professional expertise to assist the subcommittee in completing its assigned responsibilities, and the ability to collaborate within the subcommittee.

(3) (4) The Foster Care Reimbursement Rate Committee shall provide
electronic reports with its recommendation to the Health and Human Services Committee of the Legislature on July 1, 2016, and every four years thereafter.

Sec. 9. Section 43-4513, Revised Statutes Cumulative Supplement, 2018, is amended to read:

43-4513 (1) The On or before July 1, 2013, the Nebraska Children's Commission shall appoint a Bridge to Independence Advisory Committee is created within the Nebraska Children's Commission to advise and make recommendations to the Legislature department and the Nebraska Children's Commission regarding ongoing implementation of the bridge to independence program, extended guardianship assistance described in section 43-4511, and extended adoption assistance described in section 43-4512. The Bridge to Independence Advisory Committee shall meet on a biannual basis to advise the department and the Nebraska Children's Commission regarding ongoing implementation of the bridge to independence program, extended guardianship assistance described in section 43-4511, and extended adoption assistance described in section 43-4512 and shall provide a written report regarding ongoing implementation, including participation in the bridge to independence program, extended guardianship assistance described in section 43-4511, and extended adoption assistance described in section 43-4512 and early discharge rates and reasons obtained from the department, to the Nebraska Children's Commission, the Health and Human Services Committee of the Legislature, the department, and the Governor by September 1 of each year. By December 15, 2015, the committee shall develop specific recommendations for expanding to or improving outcomes for similar groups of at-risk young adults. The report to the Health and Human Services Committee of the Legislature shall be submitted electronically.

(2) The members of the Bridge to Independence Advisory Committee shall include, but not be limited to, (a) representatives from all three branches of government, and the representatives from the legislative and
judicial branches of government shall be nonvoting, ex officio members, (b) no less than three young adults currently or previously in foster care, which may be filled on a rotating basis by members of Project Everlast or a similar youth support or advocacy group, (c) one or more representatives from a child welfare advocacy organization, (d) one or more representatives from a child welfare service agency, and (e) one or more representatives from an agency providing independent living services.

(3) Members of the committee shall be appointed for terms of two years. The Nebraska Children's Commission shall appoint the chairperson of the committee and may fill vacancies on the committee as they occur.

Sec. 10. Section 43-4701, Revised Statutes Cumulative Supplement, 2018, is amended to read:

43-4701 Sections 43-4701 to 43-4715 and section 11 of this act shall be known and may be cited as the Nebraska Strengthening Families Act.

Sec. 11. Section 43-4218, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

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

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

(3) The (2) Until July 1, 2017, the members of the task force, and on and after July 1, 2017, the members of the committee shall include,
but not be limited to, (a) representatives from the legislative, executive, and judicial branches of government. The representatives from the legislative and judicial branches shall be nonvoting, ex officio members, (b) no fewer than three young adults currently or previously in foster care which may be filled on a rotating basis by members of Project Everlast or a similar youth support or advocacy group, (c) a representative from the juvenile probation system, (d) the executive director of the Foster Care Review Office, (e) one or more representatives from a child welfare advocacy organization, (f) one or more representatives from a child welfare service agency, (g) one or more representatives from an agency providing independent living services, (h) one or more representatives of a child-care institution as defined in section 43-4703, (i) one or more current or former foster parents, (j) one or more parents who have experience in the foster care system, (k) one or more professionals who have relevant practical experience such as a caseworker, and (l) one or more guardians ad litem who practice in juvenile court.

(4) On or before July 1, 2016, the Nebraska Children’s Commission shall appoint the members of the task force. On July 1, 2017, the members of the task force shall become members of the committee, shall serve the amount of time remaining on their initial terms of office, and are eligible for reappointment by the Nebraska Children’s Commission. Members shall be appointed for terms of two years. The Nebraska Children's Commission shall appoint a chairperson or chairpersons of the committee and may fill vacancies on the committee as such vacancies occur.

(5) The committee shall provide a written report with recommendations regarding the initial and ongoing implementation of the federal Preventing Sex Trafficking and Strengthening Families Act, as such act existed on January 1, 2017, and the Nebraska Strengthening Families Act and related efforts to improve normalcy for children in
foster care and related populations to the Nebraska Children's Commission, the Health and Human Services Committee of the Legislature, the Department of Health and Human Services, and the Governor by September 1 of each year. The report to the Health and Human Services Committee of the Legislature shall be submitted electronically.

Sec. 12. Section 68-1212, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) The department may contract with a lead agency for a case management lead agency model pilot project in the department's eastern service area as designated pursuant to section 81-3116. The department shall include in the pilot project the appropriate conditions, performance outcomes, and oversight for the lead agency, including, but not be limited to:

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

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

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

(d) Compliance and coordination with the development of the statewide strategic plan for child welfare priorities determined by the Nebraska Children's Commission as provided in section 43-4204 program and service reform pursuant to Laws 2012, LB821; and

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

(3) A lead agency contracted to provide community-based care for children and families shall: Before June 30, 2014, the department may extend the contract for the pilot project described in subsection (2) of this section. The lead agency shall also comply with the requirements of section 43-4204.

(a) Have a board of directors of which at least fifty-one percent of the membership is comprised of Nebraska residents who are not employed by the lead agency or by a subcontractor of the lead agency;

(b) Complete a readiness assessment as developed by the Department of Health and Human Services to determine the lead agency's viability. The readiness assessment shall evaluate organizational, operational, and programmatic capabilities and performance, including review of: The strength of the board of directors; compliance and oversight; financial risk management; financial liquidity and performance; infrastructure maintenance; funding sources, including state, federal, and external private funding; and operations, including reporting, staffing, evaluation, training, supervision, contract monitoring, and program performance tracking capabilities;

(c) Have the ability to provide directly or by contract through a local network of providers the services required of a lead agency. A lead
agency shall not directly provide more than thirty-five percent of direct services required under the contract; and

(d) Provide accountability for meeting the outcomes and performance standards related to child welfare services established by Nebraska child welfare policy and the federal government.

Sec. 13. Section 81-8,244, Revised Statutes Cumulative Supplement, 2018, is amended to read:

81-8,244 (1)(a) The Public Counsel may select, appoint, and compensate as he or she sees fit, within the amount available by appropriation, such assistants and employees as he or she deems necessary to discharge the responsibilities under sections 81-8,240 to 81-8,254. He or she shall appoint and designate one assistant to be a deputy public counsel, one assistant to be a deputy public counsel for corrections, one assistant to be a deputy public counsel for institutions, and one assistant to be a deputy public counsel for welfare services.

(b) Such deputy public counsels shall be subject to the control and supervision of the Public Counsel.

(c) The authority of the deputy public counsel for corrections shall extend to all facilities and parts of facilities, offices, houses of confinement, and institutions which are operated by the Department of Correctional Services and all county or municipal correctional or jail facilities.

(d) The authority of the deputy public counsel for institutions shall extend to all mental health and veterans institutions and facilities operated by the Department of Health and Human Services, to all veterans institutions operated by the Department of Veterans' Affairs, and to all regional behavioral health authorities that provide services and all community-based behavioral health services providers that contract with a regional behavioral health authority to provide services, for any individual who was a patient within the prior twenty-four twelve months of a state-owned and state-operated regional center,
and to all complaints pertaining to administrative acts of the
department, authority, or provider when those acts are concerned with the
rights and interests of individuals placed within those institutions and
facilities or receiving community-based behavioral health services.
(e) The authority of the deputy public counsel for welfare services
shall extend to all complaints pertaining to administrative acts of
administrative agencies when those acts are concerned with the rights and
interests of individuals involved in the welfare services system of the
State of Nebraska.
(f) The Public Counsel may delegate to members of the staff any
authority or duty under sections 81-8,240 to 81-8,254 except the power of
delegation and the duty of formally making recommendations to
administrative agencies or reports to the Governor or the Legislature.
(2) The Public Counsel shall appoint the Inspector General of
Nebraska Child Welfare as provided in section 43-4317. The Inspector
General of Nebraska Child Welfare shall have the powers and duties
provided in the Office of Inspector General of Nebraska Child Welfare
Act.
(3) The Public Counsel shall appoint the Inspector General of the
Nebraska Correctional System as provided in section 47-904. The Inspector
General of the Nebraska Correctional System shall have the powers and
duties provided in the Office of Inspector General of the Nebraska
Correctional System Act.
Sec. 14. This act becomes operative on July 1, 2019.
Sec. 15. Original sections 43-4201, 43-4202, 43-4204, 43-4206,
43-4216, 43-4217, and 68-1212, Reissue Revised Statutes of Nebraska, and
sections 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244,
Revised Statutes Cumulative Supplement, 2018, are repealed.
Sec. 16. The following sections are outright repealed: Sections
43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214,
Reissue Revised Statutes of Nebraska.
Sec. 17. Since an emergency exists, this act takes effect when passed and approved according to law.