

AMENDMENTS TO LB600

Introduced by Bolz, 29.

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

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

5           43-4201 (1) The Legislature finds and declares that:

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

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

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

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

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

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

24          (d) As the primary state agency serving children and families, the  
25 Department of Health and Human Services must exemplify leadership,  
26 responsiveness, transparency, and efficiency and program managers within  
27 the agency must strive cooperatively to ensure that their programs view

1 the needs of children and families comprehensively as a system rather  
2 than individually in isolation, including pooling funding when possible  
3 and appropriate.

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

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

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

27 (2)(a) ~~(2) The Governor commission shall appoint fifteen include the~~  
28 ~~following voting members:(a) The executive director of the Foster Care~~  
29 ~~Review Office; and (b) Seventeen members appointed by the Governor. The~~  
30 members appointed pursuant to this subdivision shall represent  
31 stakeholders in the child welfare and juvenile justice systems and shall

1 include: ~~(i) A director of a child advocacy center; (ii) an administrator~~  
2 ~~of a behavioral health region established pursuant to section 71-807;~~  
3 ~~(iii) a community representative from each of the service areas~~  
4 ~~designated pursuant to section 81-3116. In the eastern service area~~  
5 ~~designated pursuant to such section, the representative may be from a~~  
6 ~~lead agency of a pilot project established under section 68-1212 or a~~  
7 ~~collaborative member; (iv) a prosecuting attorney who practices in~~  
8 ~~juvenile court; (v) a guardian ad litem; (vi) a biological parent~~  
9 ~~currently or previously involved in the child welfare system or juvenile~~  
10 ~~justice system; (ii) ~~(vii) a foster parent; (viii) a court appointed~~~~  
11 ~~special advocate volunteer; (ix) a member of a local foster care review~~  
12 ~~board; (x) a child welfare service agency that directly provides a wide~~  
13 ~~range of child welfare services and is not a member of a lead agency~~  
14 ~~collaborative; ~~(xi) a young adult previously in foster care; and (iii)~~~~  
15 ~~~~(xii) a representative of a child advocacy organization that deals with~~~~  
16 ~~legal and policy issues that include child welfare; and ~~(xiii) a~~~~  
17 ~~representative of a federally recognized Indian tribe residing within the~~  
18 ~~State of Nebraska and appointed within thirty days after June 5, 2013,~~  
19 ~~from a list of three nominees submitted by the Commission on Indian~~  
20 ~~Affairs.~~

21 (b) ~~(3)~~ The Nebraska Children's Commission shall have the following  
22 nonvoting, ex officio members: (i) ~~(a)~~ The chairperson of the Health and  
23 Human Services Committee of the Legislature or a committee member  
24 designated by the chairperson; (ii) ~~(b)~~ the chairperson of the Judiciary  
25 Committee of the Legislature or a committee member designated by the  
26 chairperson; (iii) ~~(c)~~ the chairperson of the Appropriations Committee of  
27 the Legislature or a committee member designated by the chairperson; (iv)  
28 ~~(d)~~ three persons appointed by the State Court Administrator; (v) ~~the~~  
29 executive director of the Foster Care Review Office; ~~(vi) (e) the chief~~  
30 ~~executive officer of the Department of Health and Human Services or his~~  
31 ~~or her designee; (f) the Director of Children and Family Services of the~~

1 Division of Children and Family Services of the Department of Health and  
2 Human Services or his or her designee; (vii) the Director of  
3 Developmental Disabilities of the Division of Developmental Disabilities  
4 of the Department of Health and Human Services or his or her designee;  
5 (viii) the Director of Medicaid and Long-Term Care of the Division of  
6 Medicaid and Long-Term Care of the Department of Health and Human  
7 Services or his or her designee; (ix) (g) the Commissioner of Education  
8 or his or her designee; and (x) (h) the Inspector General of Nebraska  
9 Child Welfare.

10 (3) The nonvoting, ex officio members may attend commission meetings  
11 and participate in the discussions of the commission, provide information  
12 to the commission on the policies, programs, and processes within their  
13 areas of expertise of each of their respective bodies, and gather  
14 information for the commission, and provide information back to their  
15 respective bodies from the commission. The nonvoting, ex officio members  
16 shall not vote on decisions by the commission or on the direction or  
17 development of the statewide strategic plan pursuant to section 43-4204.  
18 (4) The commission shall meet within sixty days after April 12, 2012, and  
19 shall select from among its members a chairperson and vice chairperson  
20 and conduct any other business necessary to the organization of the  
21 commission. The commission shall meet not less often than once every  
22 three months, and meetings of the commission may be held at any time on  
23 the call of the chairperson. The commission may hire staff to carry out  
24 the responsibilities of the commission.

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

31 (5) The commission, with assistance from the executive director of

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

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

20 (7) It is the intent of the Legislature to fund the operations of  
21 the commission using the Nebraska Health Care Cash Fund.

22 Sec. 3. Section 43-4203, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 43-4203 (1) The Nebraska Children's Commission shall create a  
25 committee to examine state policy regarding the prescription of  
26 psychotropic drugs for children who are wards of the state and the  
27 administration of such drugs to such children. Such committee shall  
28 review the policy and procedures for prescribing and administering such  
29 drugs and make recommendations to the commission for changes in such  
30 policy and procedures.

31 (2) The commission shall create a committee to examine the Office of

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

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

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

31 (a) Salary comparisons with other states and the current pay

1 structure based on job descriptions;

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

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

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

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

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

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

26 (8) The commission may organize subcommittees as it deems necessary.  
27 Members of the subcommittees may be members of the commission or may be  
28 individuals who have knowledge of the subcommittee's subject matter,  
29 professional expertise to assist the subcommittee in completing its  
30 assigned responsibilities, or the ability to collaborate within the  
31 subcommittee and with the commission to carry out the powers and duties

1 of the commission. A subcommittee shall meet as necessary to complete the  
2 work delegated by the commission and shall report its findings to the  
3 relevant committee within the commission.

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

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

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

26 ~~(b) The commission shall create a committee to examine the Office of~~  
27 ~~Juvenile Services and the Juvenile Services Division of the Office of~~  
28 ~~Probation Administration. Such committee shall review the role and~~  
29 ~~effectiveness of out-of-home placements utilized in the juvenile justice~~  
30 ~~system, including the youth rehabilitation and treatment centers, and~~  
31 ~~make recommendations to the commission on the juvenile justice continuum~~

1 of care, including what populations should be served in out-of-home  
2 placements and what treatment services should be provided at the centers  
3 in order to appropriately serve those populations. Such committee shall  
4 also review how mental and behavioral health services are provided to  
5 juveniles in residential placements and the need for such services  
6 throughout Nebraska and make recommendations to the commission relating  
7 to those systems of care in the juvenile justice system. The committee  
8 shall collaborate with the University of Nebraska at Omaha, Juvenile  
9 Justice Institute, the University of Nebraska Medical Center, Center for  
10 Health Policy, the behavioral health regions as established in section  
11 71-807, and state and national juvenile justice experts to develop  
12 recommendations. The recommendations shall include a plan to implement a  
13 continuum of care in the juvenile justice system to meet the needs of  
14 Nebraska families, including specific recommendations for the  
15 rehabilitation and treatment model. The recommendations shall be  
16 delivered to the commission and electronically to the Judiciary Committee  
17 of the Legislature annually by September 1.

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

28 (d) The Title IV-E Demonstration Project Committee created pursuant  
29 to section 43-4208 and the Foster Care Reimbursement Rate Committee  
30 appointed pursuant to section 43-4216 are under the jurisdiction of the  
31 commission.

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

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

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

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

29           ~~(7) The commission shall analyze case management workforce issues~~  
30 ~~and make recommendations to the Health and Human Services Committee of~~  
31 ~~the Legislature regarding:~~

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

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

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

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

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

11           43-4204   ~~(1)~~—The Nebraska Children's Commission shall determine  
12 three to five strategic child welfare priorities for research or policy  
13 development for each biennium ~~create a statewide strategic plan~~ to carry  
14 out the legislative intent stated in section 43-4201 for child welfare  
15 program and service reform in Nebraska. In determining ~~developing~~ the  
16 statewide strategic child welfare priorities plan, the commission shall  
17 consider the findings and recommendations set forth in the annual report  
18 of the Foster Care Review Board, the annual report of the Office of  
19 Inspector General for Child Welfare, and the federal Child and Family  
20 Services Reviews outcomes. ~~, but not be limited to:~~

21           ~~(a) The potential of contracting with private nonprofit entities as~~  
22 ~~a lead agency, subject to the requirements of subsection (2) of this~~  
23 ~~section. Such lead agency utilization shall be in a manner that maximizes~~  
24 ~~the strengths, experience, skills, and continuum of care of the lead~~  
25 ~~agencies. Any lead agency contracts entered into or amended after April~~  
26 ~~12, 2012, shall detail how qualified licensed agencies as part of efforts~~  
27 ~~to develop the local capacity for a community-based system of coordinated~~  
28 ~~care will implement community-based care through competitively procuring~~  
29 ~~either (i) the specific components of foster care and related services or~~  
30 ~~(ii) comprehensive services for defined eligible populations of children~~  
31 ~~and families;~~

1           ~~(b) Provision of leadership for strategies to support high-quality~~  
2 ~~evidence-based prevention and early intervention services that reduce~~  
3 ~~risk and enhance protection for children;~~

4           ~~(c) Realignment of service areas designated pursuant to section~~  
5 ~~81-3116 to be coterminous with the judicial districts described in~~  
6 ~~section 24-301.02;~~

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

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

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

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

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

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

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

1           ~~(3) The commission shall review the operations of the department~~  
2 ~~regarding child welfare programs and services and recommend, as a part of~~  
3 ~~the statewide strategic plan, options for attaining the legislative~~  
4 ~~intent stated in section 43-4201, either by the establishment of a new~~  
5 ~~division within the department or the establishment of a new state agency~~  
6 ~~to provide all child welfare programs and services which are the~~  
7 ~~responsibility of the state.~~

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

10           43-4206 The Department of Health and Human Services and the Office  
11 of Probation Administration shall fully cooperate with the activities of  
12 ~~the~~ Nebraska Children's Commission. The department shall provide to the  
13 commission all requested information on children and juveniles in  
14 Nebraska, including, but not limited to, departmental reports, data,  
15 programs, processes, finances, and policies. ~~The department shall~~  
16 ~~collaborate with the commission regarding the development of a plan for a~~  
17 ~~statewide automated child welfare information system to integrate child~~  
18 ~~welfare information into one system if the One Hundred Second~~  
19 ~~Legislature, Second Session, 2012, enacts legislation to require the~~  
20 ~~development of such a plan. The department shall coordinate and~~  
21 ~~collaborate with the commission regarding engagement of an evaluator to~~  
22 ~~provide an evaluation of the child welfare system if the One Hundred~~  
23 ~~Second Legislature, Second Session, 2012, enacts legislation to require~~  
24 ~~such evaluation.~~

25           Sec. 6. Section 43-4207, Revised Statutes Cumulative Supplement,  
26 2018, is amended to read:

27           43-4207 The Nebraska Children's Commission shall annually provide a  
28 written report to the Governor and an electronic report to the Health and  
29 Human Services Committee of the Legislature defining its strategic child  
30 welfare priorities and progress toward addressing such priorities,  
31 summarizing reports from each committee and subcommittee of the

1 ~~commission, and making recommendations of its activities during the~~  
2 ~~previous year on or before December 1, 2015. If the commission is~~  
3 ~~continued by the Legislature as provided in section 43-4202, the~~  
4 ~~commission shall provide such report on or before September 1 of each~~  
5 ~~year the commission is continued. The commission shall present a summary~~  
6 ~~of such report in an annual public hearing before the Health and Human~~  
7 ~~Services Committee of the Legislature on or before December 1 of each~~  
8 ~~year.~~

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

11       43-4216 (1) ~~The~~ On or before January 1, 2016, the Nebraska  
12 ~~Children's Commission shall appoint a Foster Care Reimbursement Rate~~  
13 ~~Committee is created. The committee shall be convened at least once~~  
14 ~~commission shall reconvene the Foster Care Reimbursement Rate Committee~~  
15 ~~every four years thereafter.~~

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

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

30       (b) The following nonvoting, ex officio members: (i) The chief  
31 executive officer of the Department of Health and Human Services or his

1 or her designee and (ii) representatives from the Division of Children  
2 and Family Services of the department from each service area designated  
3 pursuant to section 81-3116, including at least one division employee  
4 with a thorough understanding of the current foster care payment system  
5 and at least one division employee with a thorough understanding of the  
6 N-FOCUS electronic data collection system. The nonvoting, ex officio  
7 members of the committee may attend committee meetings and participate in  
8 discussions of the committee and shall gather and provide information to  
9 the committee on the policies, programs, and processes of each of their  
10 respective bodies. The nonvoting, ex officio members shall not vote on  
11 decisions or recommendations by the committee.

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

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

21 43-4217 (1) The Foster Care Reimbursement Rate Committee created in  
22 ~~appointed pursuant to~~ section 43-4216 shall review and make  
23 recommendations in the following areas: Foster care reimbursement rates,  
24 the statewide standardized level of care assessment, and adoption  
25 assistance payments as required by section 43-117. In making  
26 recommendations to the Legislature, the committee shall use the then-  
27 current foster care reimbursement rates as the beginning standard for  
28 setting reimbursement rates. The committee shall adjust the standard to  
29 reflect the reasonable cost of achieving measurable outcomes for all  
30 children in foster care in Nebraska. The committee shall (a) analyze  
31 then-current consumer expenditure data reflecting the costs of caring for

1 a child in Nebraska, (b) identify and account for additional costs  
2 specific to children in foster care, and (c) apply a geographic cost-of-  
3 living adjustment for Nebraska. The reimbursement rate structure shall  
4 comply with funding requirements related to Title IV-E of the federal  
5 Social Security Act, as amended, and other federal programs as  
6 appropriate to maximize the utilization of federal funds to support  
7 foster care.

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

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

31 (3) (4) The Foster Care Reimbursement Rate Committee shall provide

1 electronic reports with its recommendation to the Health and Human  
2 Services Committee of the Legislature on July 1, 2016, and every four  
3 years thereafter.

4 Sec. 9. Section 43-4513, Revised Statutes Cumulative Supplement,  
5 2018, is amended to read:

6 43-4513 (1) ~~The On or before July 1, 2013, the Nebraska Children's~~  
7 ~~Commission shall appoint a~~ Bridge to Independence Advisory Committee is  
8 created within the Nebraska Children's Commission to advise and make  
9 recommendations to the Legislature department and the Nebraska Children's  
10 Commission regarding ongoing implementation of the bridge to independence  
11 program, extended guardianship assistance described in section 43-4511,  
12 and extended adoption assistance described in section 43-4512. The Bridge  
13 to Independence Advisory Committee shall ~~meet on a biannual basis to~~  
14 ~~advise the department and the Nebraska Children's Commission regarding~~  
15 ~~ongoing implementation of the bridge to independence program, extended~~  
16 ~~guardianship assistance described in section 43-4511, and extended~~  
17 ~~adoption assistance described in section 43-4512 and shall provide a~~  
18 written report regarding ongoing implementation, including participation  
19 in the bridge to independence program, extended guardianship assistance  
20 described in section 43-4511, and extended adoption assistance described  
21 in section 43-4512 and early discharge rates and reasons obtained from  
22 the department, to the Nebraska Children's Commission, the Health and  
23 Human Services Committee of the Legislature, the department, and the  
24 Governor by September 1 of each year. ~~By December 15, 2015, the committee~~  
25 ~~shall develop specific recommendations for expanding to or improving~~  
26 ~~outcomes for similar groups of at-risk young adults.~~ The report to the  
27 Health and Human Services Committee of the Legislature shall be submitted  
28 electronically.

29 (2) The members of the Bridge to Independence Advisory Committee  
30 shall include, but not be limited to, (a) representatives from all three  
31 branches of government, and the representatives from the legislative and

1 judicial branches of government shall be nonvoting, ex officio members,  
2 (b) no less than three young adults currently or previously in foster  
3 care, which may be filled on a rotating basis by members of Project  
4 Everlast or a similar youth support or advocacy group, (c) one or more  
5 representatives from a child welfare advocacy organization, (d) one or  
6 more representatives from a child welfare service agency, and (e) one or  
7 more representatives from an agency providing independent living  
8 services.

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

12 Sec. 10. Section 43-4701, Revised Statutes Cumulative Supplement,  
13 2018, is amended to read:

14 43-4701 Sections 43-4701 to 43-4715 and section 11 of this act shall  
15 be known and may be cited as the Nebraska Strengthening Families Act.

16 Sec. 11. Section 43-4218, Revised Statutes Cumulative Supplement,  
17 2018, is amended to read:

18 ~~43-4218 (1) (1)(a) The Normalcy Task Force is created. On July 1,~~  
19 ~~2017, the Normalcy Task Force shall become the Nebraska Strengthening~~  
20 ~~Families Act Committee is created.~~

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

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

30 ~~(3) The (2) Until July 1, 2017, the members of the task force, and~~  
31 ~~on and after July 1, 2017, the members of the committee shall include,~~

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

18 ~~(4) (3) On or before July 1, 2016, the Nebraska Children's~~  
19 ~~Commission shall appoint the members of the task force. On July 1, 2017,~~  
20 ~~the members of the task force shall become members of the committee,~~  
21 ~~shall serve the amount of time remaining on their initial terms of~~  
22 ~~office, and are eligible for reappointment by the Nebraska Children's~~  
23 ~~Commission.~~ Members shall be appointed for terms of two years. The  
24 Nebraska Children's Commission ~~commission~~ shall appoint a chairperson or  
25 chairpersons of the committee and may fill vacancies on the committee as  
26 such vacancies occur.

27 ~~(5) (4)~~ The committee shall provide a written report with  
28 recommendations regarding the initial and ongoing implementation of the  
29 federal Preventing Sex Trafficking and Strengthening Families Act, as  
30 such act existed on January 1, 2017, and the Nebraska Strengthening  
31 Families Act and related efforts to improve normalcy for children in

1 foster care and related populations to the Nebraska Children's  
2 Commission, the Health and Human Services Committee of the Legislature,  
3 the Department of Health and Human Services, and the Governor by  
4 September 1 of each year. The report to the Health and Human Services  
5 Committee of the Legislature shall be submitted electronically.

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

8 68-1212 (1) Except as provided in subsection (2) of this section, by  
9 ~~April 1, 2012,~~ for all cases in which a court has awarded a juvenile to  
10 the care of the Department of Health and Human Services according to  
11 subsection (1) of section 43-285 and for any noncourt and voluntary  
12 cases, the case manager shall be an employee of the department. Such case  
13 manager shall be responsible for and shall directly oversee: Case  
14 planning; service authorization; investigation of compliance; monitoring  
15 and evaluation of the care and services provided to children and  
16 families; and decisionmaking regarding the determination of visitation  
17 and the care, placement, medical services, psychiatric services,  
18 training, and expenditures on behalf of each juvenile under subsection  
19 (1) of section 43-285. Such case manager shall be responsible for  
20 decisionmaking and direct preparation regarding the proposed plan for the  
21 care, placement, services, and permanency of the juvenile filed with the  
22 court required under subsection (2) of section 43-285. The health and  
23 safety of the juvenile shall be the paramount concern in the proposed  
24 plan in accordance with such subsection.

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

31 (a) The reporting and survey requirements of lead agencies described

1 in sections 43-4406 and 43-4407;

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

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

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

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

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

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

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

30 (c) Have the ability to provide directly or by contract through a  
31 local network of providers the services required of a lead agency. A lead

1 agency shall not directly provide more than thirty-five percent of direct  
2 services required under the contract; and

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

6 Sec. 13. Section 81-8,244, Revised Statutes Cumulative Supplement,  
7 2018, is amended to read:

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

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

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

23 (d) The authority of the deputy public counsel for institutions  
24 shall extend to all mental health ~~and veterans~~ institutions and  
25 facilities operated by the Department of Health and Human Services, to  
26 all veterans institutions operated by the Department of Veterans'  
27 Affairs, and to all regional behavioral health authorities that provide  
28 services and all community-based behavioral health services providers  
29 that contract with a regional behavioral health authority to provide  
30 services, for any individual who was a patient within the prior twenty-  
31 four ~~twelve~~ months of a state-owned and state-operated regional center,

1 and to all complaints pertaining to administrative acts of the  
2 department, authority, or provider when those acts are concerned with the  
3 rights and interests of individuals placed within those institutions and  
4 facilities or receiving community-based behavioral health services.

5 (e) The authority of the deputy public counsel for welfare services  
6 shall extend to all complaints pertaining to administrative acts of  
7 administrative agencies when those acts are concerned with the rights and  
8 interests of individuals involved in the welfare services system of the  
9 State of Nebraska.

10 (f) The Public Counsel may delegate to members of the staff any  
11 authority or duty under sections 81-8,240 to 81-8,254 except the power of  
12 delegation and the duty of formally making recommendations to  
13 administrative agencies or reports to the Governor or the Legislature.

14 (2) The Public Counsel shall appoint the Inspector General of  
15 Nebraska Child Welfare as provided in section 43-4317. The Inspector  
16 General of Nebraska Child Welfare shall have the powers and duties  
17 provided in the Office of Inspector General of Nebraska Child Welfare  
18 Act.

19 (3) The Public Counsel shall appoint the Inspector General of the  
20 Nebraska Correctional System as provided in section 47-904. The Inspector  
21 General of the Nebraska Correctional System shall have the powers and  
22 duties provided in the Office of Inspector General of the Nebraska  
23 Correctional System Act.

24 Sec. 14. This act becomes operative on July 1, 2019.

25 Sec. 15. Original sections 43-4201, 43-4202, 43-4204, 43-4206,  
26 43-4216, 43-4217, and 68-1212, Reissue Revised Statutes of Nebraska, and  
27 sections 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244,  
28 Revised Statutes Cumulative Supplement, 2018, are repealed.

29 Sec. 16. The following sections are outright repealed: Sections  
30 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214,  
31 Reissue Revised Statutes of Nebraska.

1           Sec. 17.   Since an emergency exists, this act takes effect when  
2   passed and approved according to law.