

AMENDMENTS TO LB600
(Amendments to AM1241)

Introduced by Bolz, 29.

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

3 Section 1. Section 43-285, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 43-285 (1) When the court awards a juvenile to the care of the
6 Department of Health and Human Services, an association, or an individual
7 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
8 otherwise ordered, become a ward and be subject to the legal custody and
9 care of the department, association, or individual to whose care he or
10 she is committed. Any such association and the department shall have
11 authority, by and with the assent of the court, to determine the care,
12 placement, medical services, psychiatric services, training, and
13 expenditures on behalf of each juvenile committed to it. Any such
14 association and the department shall be responsible for applying for any
15 health insurance available to the juvenile, including, but not limited
16 to, medical assistance under the Medical Assistance Act. Such custody and
17 care shall not include the guardianship of any estate of the juvenile.

18 (2)(a) Following an adjudication hearing at which a juvenile is
19 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the
20 court may order the department to prepare and file with the court a
21 proposed plan for the care, placement, services, and permanency which are
22 to be provided to such juvenile and his or her family. The health and
23 safety of the juvenile shall be the paramount concern in the proposed
24 plan.

25 (b) The department shall provide opportunities for the child, in an
26 age or developmentally appropriate manner, to be consulted in the

1 development of his or her plan as provided in the Nebraska Strengthening
2 Families Act.

3 (c) The department shall include in the plan for a child who is
4 fourteen years of age or older and subject to the legal care and custody
5 of the department a written independent living transition proposal which
6 meets the requirements of section 43-1311.03 and, for eligible children,
7 the Young Adult Bridge to Independence Act. The juvenile court shall
8 provide a copy of the plan to all interested parties before the hearing.
9 The court may approve the plan, modify the plan, order that an
10 alternative plan be developed, or implement another plan that is in the
11 child's best interests. In its order the court shall include a finding
12 regarding the appropriateness of the programs and services described in
13 the proposal designed to help the child prepare for the transition from
14 foster care to a successful adulthood. The court shall also ask the
15 child, in an age or developmentally appropriate manner, if he or she
16 participated in the development of his or her plan and make a finding
17 regarding the child's participation in the development of his or her plan
18 as provided in the Nebraska Strengthening Families Act. Rules of evidence
19 shall not apply at the dispositional hearing when the court considers the
20 plan that has been presented.

21 (d) The last court hearing before jurisdiction pursuant to
22 subdivision (3)(a) of section 43-247 is terminated for a child who is
23 sixteen years of age or older or pursuant to subdivision (8) of section
24 43-247 for a child whose guardianship or state-funded adoption assistance
25 agreement was disrupted or terminated after he or she had attained the
26 age of sixteen years shall be called the independence hearing. In
27 addition to other matters and requirements to be addressed at this
28 hearing, the independence hearing shall address the child's future goals
29 and plans and access to services and support for the transition from
30 foster care to adulthood consistent with section 43-1311.03 and the Young
31 Adult Bridge to Independence Act. The child shall not be required to

1 attend the independence hearing, but efforts shall be made to encourage
2 and enable the child's attendance if the child wishes to attend,
3 including scheduling the hearing at a time that permits the child's
4 attendance. An independence coordinator as provided in section 43-4506
5 shall attend the hearing if reasonably practicable, but the department is
6 not required to have legal counsel present. At the independence hearing,
7 the court shall advise the child about the bridge to independence
8 program, including, if applicable, the right of young adults in the
9 bridge to independence program to request a court-appointed, client-
10 directed attorney under subsection (1) of section 43-4510 and the
11 benefits and role of such attorney and to request additional permanency
12 review hearings in the bridge to independence program under subsection
13 (5) of section 43-4508 and how to request such a hearing. The court shall
14 also advise the child, if applicable, of the rights he or she is giving
15 up if he or she chooses not to participate in the bridge to independence
16 program and the option to enter such program at any time between nineteen
17 and twenty-one years of age if the child meets the eligibility
18 requirements of section 43-4504. The department shall present information
19 to the court regarding other community resources that may benefit the
20 child, specifically information regarding state programs established
21 pursuant to 42 U.S.C. 677. The court shall also make a finding as to
22 whether the child has received the documents as required by subsection
23 (9) of section 43-1311.03.

24 (3)(a) Within thirty days after an order awarding a juvenile to the
25 care of the department, an association, or an individual and until the
26 juvenile reaches the age of majority, the department, association, or
27 individual shall file with the court a report stating the location of the
28 juvenile's placement and the needs of the juvenile in order to effectuate
29 the purposes of subdivision (1) of section 43-246. The department,
30 association, or individual shall file a report with the court once every
31 six months or at shorter intervals if ordered by the court or deemed

1 appropriate by the department, association, or individual. Every six
2 months, the report shall provide an updated statement regarding the
3 eligibility of the juvenile for health insurance, including, but not
4 limited to, medical assistance under the Medical Assistance Act. The
5 department shall also concurrently file a written sibling placement
6 report as described in subsection (3) of section 43-1311.02 at these
7 times.

8 (b) The department, association, or individual shall file a report
9 and notice of placement change with the court and shall send copies of
10 the notice to all interested parties, including all of the child's
11 siblings that are known to the department, at least seven days before the
12 placement of the juvenile is changed from what the court originally
13 considered to be a suitable family home or institution to some other
14 custodial situation in order to effectuate the purposes of subdivision
15 (1) of section 43-246. The department, association, or individual shall
16 afford a parent or an adult sibling the option of refusing to receive
17 such notifications. The court, on its own motion or upon the filing of an
18 objection to the change by an interested party, may order a hearing to
19 review such a change in placement and may order that the change be stayed
20 until the completion of the hearing. Nothing in this section shall
21 prevent the court on an ex parte basis from approving an immediate change
22 in placement upon good cause shown. The department may make an immediate
23 change in placement without court approval only if the juvenile is in a
24 harmful or dangerous situation or when the foster parents request that
25 the juvenile be removed from their home. Approval of the court shall be
26 sought within twenty-four hours after making the change in placement or
27 as soon thereafter as possible.

28 (c) The department shall provide the juvenile's guardian ad litem
29 with a copy of any report filed with the court by the department pursuant
30 to this subsection.

31 (4) The court shall also hold a permanency hearing if required under

1 section 43-1312.

2 (5) When the court awards a juvenile to the care of the department,
3 an association, or an individual, then the department, association, or
4 individual shall have standing as a party to file any pleading or motion,
5 to be heard by the court with regard to such filings, and to be granted
6 any review or relief requested in such filings consistent with the
7 Nebraska Juvenile Code.

8 (6) Whenever a juvenile is in a foster care placement as defined in
9 section 43-1301, the Foster Care Review Office or the designated local
10 foster care review board may participate in proceedings concerning the
11 juvenile as provided in section 43-1313 and notice shall be given as
12 provided in section 43-1314.

13 (7) Any written findings or recommendations of the Foster Care
14 Review Office or the designated local foster care review board with
15 regard to a juvenile in a foster care placement submitted to a court
16 having jurisdiction over such juvenile shall be admissible in any
17 proceeding concerning such juvenile if such findings or recommendations
18 have been provided to all other parties of record.

19 (8) The executive director and any agent or employee of the Foster
20 Care Review Office or any member of any local foster care review board
21 participating in an investigation or making any report pursuant to the
22 Foster Care Review Act or participating in a judicial proceeding pursuant
23 to this section shall be immune from any civil liability that would
24 otherwise be incurred except for false statements negligently made.

25 Sec. 2. Section 43-1311.03, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-1311.03 (1) When a child placed in foster care turns fourteen
28 years of age or enters foster care and is at least fourteen years of age,
29 a written independent living transition proposal shall be developed by
30 the Department of Health and Human Services at the direction and
31 involvement of the child to prepare for the transition from foster care

1 to successful adulthood. Any revision or addition to such proposal shall
2 also be made in consultation with the child. The transition proposal
3 shall be personalized based on the child's needs and shall describe the
4 services needed for the child to transition to a successful adulthood as
5 provided in the Nebraska Strengthening Families Act. The transition
6 proposal shall include, but not be limited to, the following needs and
7 the services needed for the child to transition to a successful adulthood
8 as provided in the Nebraska Strengthening Families Act:

9 (a) Education;

10 (b) Employment services and other workforce support;

11 (c) Health and health care coverage, including the child's potential
12 eligibility for medicaid coverage under the federal Patient Protection
13 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act
14 and section existed on January 1, 2013;

15 (d) Behavioral health treatment and support needs and access to such
16 treatment and support;

17 (e) Financial assistance, including education on credit card
18 financing, banking, and other services;

19 (f) Housing;

20 (g) Relationship development and permanent connections; and

21 (h) Adult services, if the needs assessment indicates that the child
22 is reasonably likely to need or be eligible for services or other support
23 from the adult services system.

24 (2) The transition proposal shall be developed and frequently
25 reviewed by the department in collaboration with the child's transition
26 team. The transition team shall be comprised of the child, the child's
27 caseworker, the child's guardian ad litem, individuals selected by the
28 child, and individuals who have knowledge of services available to the
29 child. As provided in the Nebraska Strengthening Families Act, one of the
30 individuals selected by the child may be designated as the child's
31 advisor and, as necessary, advocate for the child with respect to the

1 application of the reasonable and prudent parent standard and for the
2 child on normalcy activities. The department may reject an individual
3 selected by the child to be a member of the team if the department has
4 good cause to believe the individual would not act in the best interests
5 of the child.

6 (3) The transition proposal shall be considered a working document
7 and shall be, at the least, updated for and reviewed at every permanency
8 or review hearing by the court. The court shall determine whether the
9 transition proposal includes the services needed to assist the child to
10 make the transition from foster care to a successful adulthood.

11 (4) The transition proposal shall document what efforts were made to
12 involve and engage the child in the development of the transition
13 proposal and any revisions or additions to the transition proposal. As
14 provided in the Nebraska Strengthening Families Act, the court shall ask
15 the child, in an age or developmentally appropriate manner, about his or
16 her involvement in the development of the transition proposal and any
17 revisions or additions to such proposal. As provided in the Nebraska
18 Strengthening Families Act, the court shall make a finding as to the
19 child's involvement in the development of the transition proposal and any
20 revisions or additions to such proposal.

21 (5) The final transition proposal prior to the child's leaving
22 foster care shall specifically identify how the need for housing will be
23 addressed.

24 (6) If the child is interested in pursuing higher education, the
25 transition proposal shall provide for the process in applying for any
26 applicable state, federal, or private aid.

27 (7) The department shall provide without cost a copy of any consumer
28 report as defined in 15 U.S.C. 1681a(d), as such section existed on
29 January 1, 2016, pertaining to the child each year until the child is
30 discharged from care and assistance, including when feasible, from the
31 child's guardian ad litem, in interpreting and resolving any inaccuracies

1 in the report as provided in the Nebraska Strengthening Families Act.

2 (8)(a) Any ~~(8)~~ A child who is adjudicated to be a juvenile described
3 in (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home
4 placement or (ii) subdivision (8) of section 43-247 and whose
5 guardianship or state-funded adoption assistance agreement was disrupted
6 or terminated after the child had attained the age of sixteen years,
7 shall receive information regarding the Young Adult Bridge to
8 Independence Act and the bridge to independence program available under
9 the act.

10 (b) The department shall create a clear and developmentally
11 appropriate written notice discussing the rights of eligible young adults
12 to participate in the program. The notice shall include information about
13 eligibility and requirements to participate in the program, the extended
14 services and support that young adults are eligible to receive under the
15 program, and how young adults can be a part of the program. The notice
16 shall also include information about the young adult's right to request a
17 client-directed attorney to represent the young adult pursuant to section
18 43-4510 and the benefits and role of an attorney.

19 (c) The department shall disseminate this information to any child
20 who was ~~all children who were~~ adjudicated to be a juvenile described in
21 subdivision (3)(a) of section 43-247 and who is ~~are~~ in an out-of-home
22 placement at sixteen years of age and any child who was adjudicated to be
23 a juvenile under subdivision (8) of section 43-247 and whose guardianship
24 or state-funded adoption assistance agreement was disrupted or terminated
25 after the child had attained the age of sixteen years. The department
26 shall disseminate this information to any such child and yearly
27 thereafter until such child attains the age of nineteen years ~~of age,~~ and
28 not later than ninety days prior to the child's last court review before
29 attaining nineteen years of age or being discharged from foster care to
30 independent living. In addition to providing the written notice, not
31 later than ninety days prior to the child's last court review before

1 attaining nineteen years of age or being discharged from foster care to
2 independent living, a representative of the department shall explain the
3 information contained in the notice to the child in person and the
4 timeline necessary to avoid a lapse in services and support.

5 (9) On or before the date the child reaches eighteen or nineteen
6 years of age or twenty-one years of age if the child participates in the
7 bridge to independence program, if the child is leaving foster care, the
8 department shall provide the child with:

9 (a) A certified copy of the child's birth certificate and facilitate
10 securing a federal social security card when the child is eligible for
11 such card;

12 (b) Health insurance information and all documentation required for
13 enrollment in medicaid coverage for former foster care children as
14 available under the federal Patient Protection and Affordable Care Act,
15 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
16 January 1, 2013;

17 (c) A copy of the child's medical records;

18 (d) A driver's license or identification card issued by a state in
19 accordance with the requirements of section 202 of the REAL ID Act of
20 2005, as such section existed on January 1, 2016;

21 (e) A copy of the child's educational records;

22 (f) A credit report check;

23 (g) Contact information, with permission, for family members,
24 including siblings, with whom the child can maintain a safe and
25 appropriate relationship, and other supportive adults;

26 (h) A list of local community resources, including, but not limited
27 to, support groups, health clinics, mental and behavioral health and
28 substance abuse treatment services and support, pregnancy and parenting
29 resources, and employment and housing agencies;

30 (i) Written information, including, but not limited to, contact
31 information, for disability resources or benefits that may assist the

1 child as an adult, specifically including information regarding state
2 programs established pursuant to 42 U.S.C. 677, as such section existed
3 on January 1, 2016, and disability benefits, including supplemental
4 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
5 existed on January 1, 2016, or social security disability insurance
6 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
7 the child may be eligible as an adult;

8 (j) An application for public assistance and information on how to
9 access the system to determine public assistance eligibility;

10 (k) A letter prepared by the department that verifies the child's
11 name and date of birth, dates the child was in foster care, and whether
12 the child was in foster care on his or her eighteenth, nineteenth, or
13 twenty-first birthday and enrolled in medicaid while in foster care;

14 (l) Written information about the child's Indian heritage or tribal
15 connection, if any; and

16 (m) Written information on how to access personal documents in the
17 future.

18 All fees associated with securing the certified copy of the child's
19 birth certificate or obtaining an operator's license or a state
20 identification card shall be waived by the state.

21 The transition proposal shall document that the child was provided
22 all of the documents listed in this subsection. The court shall make a
23 finding as to whether the child has received the documents as part of the
24 independence hearing as provided in subdivision (2)(d) of section 43-285.

25 Sec. 3. Section 43-4201, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-4201 (1) The Legislature finds and declares that:

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

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

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

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

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

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

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

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

29 Sec. 4. Section 43-4202, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-4202 (1) The Nebraska Children's Commission is created as a high-

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

14 ~~(2)(a) (2) The Governor ~~commission~~ shall appoint fifteen ~~include the~~~~
15 ~~following voting members:(a) The executive director of the Foster Care~~
16 ~~Review Office; and (b) Seventeen members appointed by the Governor. The~~
17 ~~members appointed pursuant to this subdivision shall represent~~
18 ~~stakeholders in the child welfare and juvenile justice systems and shall~~
19 ~~include: (i) A director of a child advocacy center; (ii) an administrator~~
20 ~~of a behavioral health region established pursuant to section 71-807;~~
21 ~~(iii) a community representative from each of the service areas~~
22 ~~designated pursuant to section 81-3116. In the eastern service area~~
23 ~~designated pursuant to such section, the representative may be from a~~
24 ~~lead agency of a pilot project established under section 68-1212 or a~~
25 ~~collaborative member; (iv) a prosecuting attorney who practices in~~
26 ~~juvenile court; (v) a guardian ad litem; (vi) a biological parent~~
27 ~~currently or previously involved in the child welfare system or juvenile~~
28 ~~justice system; (ii) (vii) a foster parent; (viii) a court appointed~~
29 ~~special advocate volunteer; (ix) a member of a local foster care review~~
30 ~~board; (x) a child welfare service agency that directly provides a wide~~
31 ~~range of child welfare services and is not a member of a lead agency~~

1 collaborative; ~~(xi)~~ a young adult previously in foster care; and (iii)
2 ~~(xii)~~ a representative of a child advocacy organization that deals with
3 legal and policy issues that include child welfare; ~~and (xiii)~~ a
4 representative of a federally recognized Indian tribe residing within the
5 State of Nebraska and appointed ~~within thirty days after June 5, 2013,~~
6 from a list of three nominees submitted by the Commission on Indian
7 Affairs.

8 (b) ~~(3)~~ The Nebraska Children's Commission shall have the following
9 nonvoting, ex officio members: (i) ~~(a)~~ The chairperson of the Health and
10 Human Services Committee of the Legislature or a committee member
11 designated by the chairperson; (ii) ~~(b)~~ the chairperson of the Judiciary
12 Committee of the Legislature or a committee member designated by the
13 chairperson; (iii) ~~(c)~~ the chairperson of the Appropriations Committee of
14 the Legislature or a committee member designated by the chairperson; (iv)
15 ~~(d)~~ three persons appointed by the State Court Administrator; (v) ~~the~~
16 executive director of the Foster Care Review Office; (vi) ~~(e)~~ the chief
17 executive officer of the Department of Health and Human Services or his
18 or her designee; ~~(f)~~ the Director of Children and Family Services of the
19 Division of Children and Family Services of the Department of Health and
20 Human Services or his or her designee; (vii) ~~the Director of Behavioral~~
21 Health of the Division of Behavioral Health of the Department of Health
22 and Human Services or his or her designee; (viii) ~~(g)~~ the Commissioner of
23 Education or his or her designee; and (ix) ~~(h)~~ the Inspector General of
24 Nebraska Child Welfare.

25 (3) The nonvoting, ~~ex officio~~ members may attend commission meetings
26 and participate in the discussions of the commission, provide information
27 to the commission on the policies, programs, and processes within their
28 areas of expertise of each of their respective bodies, and gather
29 information for the commission, ~~and provide information back to their~~
30 ~~respective bodies from the commission. The nonvoting, ex officio members~~
31 ~~shall not vote on decisions by the commission or on the direction or~~

1 ~~development of the statewide strategic plan pursuant to section 43-4204.~~
2 ~~(4) The commission shall meet within sixty days after April 12, 2012, and~~
3 ~~shall select from among its members a chairperson and vice-chairperson~~
4 ~~and conduct any other business necessary to the organization of the~~
5 ~~commission. The commission shall meet not less often than once every~~
6 ~~three months, and meetings of the commission may be held at any time on~~
7 ~~the call of the chairperson. The commission may hire staff to carry out~~
8 the responsibilities of the commission.

9 (4) For administrative purposes, the offices of the staff of the
10 commission shall be located in the Foster Care Review Office. The
11 commission may hire a consultant with experience in facilitating
12 strategic planning to provide neutral, independent assistance in updating
13 the statewide strategic plan. ~~The commission shall terminate on June 30,~~
14 ~~2019, unless continued by the Legislature.~~

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

30 (6) Members of the commission shall be reimbursed for their actual
31 and necessary expenses as members of such commission as provided in

1 sections 81-1174 to 81-1177. No member of the commission shall have any
2 private financial interest, profit, or benefit from any work of the
3 commission.

4 (7) It is the intent of the Legislature to fund the operations of
5 the commission using the Nebraska Health Care Cash Fund for fiscal years
6 2019-20 and 2020-21.

7 Sec. 5. Section 43-4203, Revised Statutes Cumulative Supplement,
8 2018, is amended to read:

9 43-4203 (1) The Nebraska Children's Commission shall create a
10 committee to examine state policy regarding the prescription of
11 psychotropic drugs for children who are wards of the state and the
12 administration of such drugs to such children. Such committee shall
13 review the policy and procedures for prescribing and administering such
14 drugs and make recommendations to the commission for changes in such
15 policy and procedures.

16 (2) The commission shall create a committee to examine the Office of
17 Juvenile Services and the Juvenile Services Division of the Office of
18 Probation Administration. Such committee shall review the role and
19 effectiveness of out-of-home placements utilized in the juvenile justice
20 system, including the youth rehabilitation and treatment centers, and
21 make recommendations to the commission on the juvenile justice continuum
22 of care, including what populations should be served in out-of-home
23 placements and what treatment services should be provided at the centers
24 in order to appropriately serve those populations. Such committee shall
25 also review how mental and behavioral health services are provided to
26 juveniles in residential placements and the need for such services
27 throughout Nebraska and make recommendations to the commission relating
28 to those systems of care in the juvenile justice system. The committee
29 shall collaborate with the Juvenile Justice Institute at the University
30 of Nebraska at Omaha, the Center for Health Policy at the University of
31 Nebraska Medical Center, the behavioral health regions as established in

1 section 71-807, and state and national juvenile justice experts to
2 develop recommendations. The recommendations shall include a plan to
3 implement a continuum of care in the juvenile justice system to meet the
4 needs of Nebraska families, including specific recommendations for the
5 rehabilitation and treatment model. The recommendations shall be
6 delivered to the commission and electronically to the Judiciary Committee
7 of the Legislature annually by September 1.

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

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

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

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

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

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

24 (5) The Foster Care Reimbursement Rate Committee created pursuant to
25 section 43-4216, the Nebraska Strengthening Families Act Committee
26 created pursuant to section 17 of this act, and the Bridge to
27 Independence Advisory Committee created pursuant to section 43-4513 shall
28 be under the jurisdiction of the commission.

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

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

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

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

23 ~~(1) The Nebraska Children's Commission shall work with~~
24 ~~administrators from each of the service areas designated pursuant to~~
25 ~~section 81-3116, the teams created pursuant to section 28-728, local~~
26 ~~foster care review boards, child advocacy centers, the teams created~~
27 ~~pursuant to the Supreme Court's Through the Eyes of the Child Initiative,~~
28 ~~community stakeholders, and advocates for child welfare programs and~~
29 ~~services to establish networks in each of such service areas. Such~~
30 ~~networks shall permit collaboration to strengthen the continuum of~~
31 ~~services available to child welfare agencies and to provide resources for~~

1 ~~children and juveniles outside the child protection system. Each service~~
2 ~~area shall develop its own unique strategies to be included in the~~
3 ~~statewide strategic plan. The Department of Health and Human Services~~
4 ~~shall assist in identifying the needs of each service area.~~

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

11 ~~(b) The commission shall create a committee to examine the Office of~~
12 ~~Juvenile Services and the Juvenile Services Division of the Office of~~
13 ~~Probation Administration. Such committee shall review the role and~~
14 ~~effectiveness of out-of-home placements utilized in the juvenile justice~~
15 ~~system, including the youth rehabilitation and treatment centers, and~~
16 ~~make recommendations to the commission on the juvenile justice continuum~~
17 ~~of care, including what populations should be served in out-of-home~~
18 ~~placements and what treatment services should be provided at the centers~~
19 ~~in order to appropriately serve those populations. Such committee shall~~
20 ~~also review how mental and behavioral health services are provided to~~
21 ~~juveniles in residential placements and the need for such services~~
22 ~~throughout Nebraska and make recommendations to the commission relating~~
23 ~~to those systems of care in the juvenile justice system. The committee~~
24 ~~shall collaborate with the University of Nebraska at Omaha, Juvenile~~
25 ~~Justice Institute, the University of Nebraska Medical Center, Center for~~
26 ~~Health Policy, the behavioral health regions as established in section~~
27 ~~71-807, and state and national juvenile justice experts to develop~~
28 ~~recommendations. The recommendations shall include a plan to implement a~~
29 ~~continuum of care in the juvenile justice system to meet the needs of~~
30 ~~Nebraska families, including specific recommendations for the~~
31 ~~rehabilitation and treatment model. The recommendations shall be~~

1 ~~delivered to the commission and electronically to the Judiciary Committee~~
2 ~~of the Legislature annually by September 1.~~

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

13 ~~(d) The Title IV-E Demonstration Project Committee created pursuant~~
14 ~~to section 43-4208 and the Foster Care Reimbursement Rate Committee~~
15 ~~appointed pursuant to section 43-4216 are under the jurisdiction of the~~
16 ~~commission.~~

17 ~~(3) The commission shall work with the office of the State Court~~
18 ~~Administrator, as appropriate, and entities which coordinate facilitated~~
19 ~~conferencing as described in section 43-247.03. Facilitated conferencing~~
20 ~~shall be included in statewide strategic plan discussions by the~~
21 ~~commission. Facilitated conferencing shall continue to be utilized and~~
22 ~~maximized, as determined by the court of jurisdiction, during the~~
23 ~~development of the statewide strategic plan. Funding and contracting with~~
24 ~~mediation centers approved by the Office of Dispute Resolution to provide~~
25 ~~facilitated conferencing shall continue to be provided by the office of~~
26 ~~the State Court Administrator at an amount of no less than the General~~
27 ~~Fund transfer under subsection (1) of section 43-247.04.~~

28 ~~(4) The commission shall gather information and communicate with~~
29 ~~juvenile justice specialists of the Office of Probation Administration~~
30 ~~and county officials with respect to any county-operated practice model~~
31 ~~participating in the Crossover Youth Program of the Center for Juvenile~~

1 ~~Justice Reform at Georgetown University.~~

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

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

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

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

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

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

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

25 Sec. 6. Section 43-4204, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-4204 ~~(1)~~ The Nebraska Children's Commission shall determine
28 three to five strategic child welfare priorities for research or policy
29 development for each biennium ~~create a statewide strategic plan to carry~~
30 ~~out the legislative intent stated in section 43-4201 for child welfare~~
31 ~~program and service reform in Nebraska. In determining ~~developing~~ the~~

1 statewide strategic child welfare priorities plan, the commission shall
2 consider the findings and recommendations set forth in the annual report
3 of the Foster Care Review Board, the annual report of the Office of
4 Inspector General for Child Welfare, and the federal Child and Family
5 Services Reviews outcomes. , but not be limited to:

6 (a) ~~The potential of contracting with private nonprofit entities as~~
7 ~~a lead agency, subject to the requirements of subsection (2) of this~~
8 ~~section. Such lead agency utilization shall be in a manner that maximizes~~
9 ~~the strengths, experience, skills, and continuum of care of the lead~~
10 ~~agencies. Any lead agency contracts entered into or amended after April~~
11 ~~12, 2012, shall detail how qualified licensed agencies as part of efforts~~
12 ~~to develop the local capacity for a community-based system of coordinated~~
13 ~~care will implement community-based care through competitively procuring~~
14 ~~either (i) the specific components of foster care and related services or~~
15 ~~(ii) comprehensive services for defined eligible populations of children~~
16 ~~and families;~~

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

20 (c) ~~Realignment of service areas designated pursuant to section~~
21 ~~81-3116 to be coterminous with the judicial districts described in~~
22 ~~section 24-301.02;~~

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

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

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

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

31 (b) ~~Complete a readiness assessment as developed by the Department~~

~~1 of Health and Human Services to determine the lead agency's viability.
2 The readiness assessment shall evaluate organizational, operational, and
3 programmatic capabilities and performance, including review of: The
4 strength of the board of directors; compliance and oversight; financial
5 risk management; financial liquidity and performance; infrastructure
6 maintenance; funding sources, including state, federal, and external
7 private funding; and operations, including reporting, staffing,
8 evaluation, training, supervision, contract monitoring, and program
9 performance tracking capabilities;~~

~~10 (c) Have the ability to provide directly or by contract through a
11 local network of providers the services required of a lead agency. A lead
12 agency shall not directly provide more than thirty-five percent of direct
13 services required under the contract; and~~

~~14 (d) Provide accountability for meeting the outcomes and performance
15 standards related to child welfare services established by Nebraska child
16 welfare policy and the federal government.~~

~~17 (3) The commission shall review the operations of the department
18 regarding child welfare programs and services and recommend, as a part of
19 the statewide strategic plan, options for attaining the legislative
20 intent stated in section 43-4201, either by the establishment of a new
21 division within the department or the establishment of a new state agency
22 to provide all child welfare programs and services which are the
23 responsibility of the state.~~

24 Sec. 7. Section 43-4206, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 43-4206 The Department of Health and Human Services and the Office
27 of Probation Administration shall fully cooperate with the activities of
28 the Nebraska Children's Commission. The department shall provide to the
29 commission all requested information on children and juveniles in
30 Nebraska, including, but not limited to, departmental reports, data,
31 programs, processes, finances, and policies.—~~The department shall~~

1 ~~collaborate with the commission regarding the development of a plan for a~~
2 ~~statewide automated child welfare information system to integrate child~~
3 ~~welfare information into one system if the One Hundred Second~~
4 ~~Legislature, Second Session, 2012, enacts legislation to require the~~
5 ~~development of such a plan. The department shall coordinate and~~
6 ~~collaborate with the commission regarding engagement of an evaluator to~~
7 ~~provide an evaluation of the child welfare system if the One Hundred~~
8 ~~Second Legislature, Second Session, 2012, enacts legislation to require~~
9 ~~such evaluation.~~

10 Sec. 8. Section 43-4207, Revised Statutes Cumulative Supplement,
11 2018, is amended to read:

12 43-4207 The Nebraska Children's Commission shall annually provide a
13 written report to the Governor and an electronic report to the Health and
14 Human Services Committee of the Legislature defining its strategic child
15 welfare priorities and progress toward addressing such priorities,
16 summarizing reports from each committee and subcommittee of the
17 commission, and making recommendations of its activities during the
18 previous year on or before December 1, 2015. If the commission is
19 continued by the Legislature as provided in section 43-4202, the
20 commission shall provide such report on or before September 1 of each
21 year the commission is continued. The commission shall present a summary
22 of such report in an annual public hearing before the Health and Human
23 Services Committee of the Legislature on or before December 1 of each
24 year.

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

27 43-4216 (1) The On or before January 1, 2016, the Nebraska
28 Children's Commission shall appoint a Foster Care Reimbursement Rate
29 Committee is created. The committee shall be convened at least once
30 commission shall reconvene the Foster Care Reimbursement Rate Committee
31 every four years thereafter.

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

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

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

28 (3) Members of the committee shall serve for terms of four years and
29 until their successors are appointed and qualified. The Nebraska
30 Children's Commission shall appoint the members of the committee and the
31 chairperson of the committee and may fill vacancies on the committee as

1 they occur. ~~If the Nebraska Children's Commission has terminated, such~~
2 ~~appointments shall be made and vacancies filled by the Governor with the~~
3 ~~approval of a majority of the Legislature.~~

4 Sec. 10. Section 43-4217, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 43-4217 (1) The Foster Care Reimbursement Rate Committee created in
7 ~~appointed pursuant to~~ section 43-4216 shall review and make
8 recommendations in the following areas: Foster care reimbursement rates,
9 the statewide standardized level of care assessment, and adoption
10 assistance payments as required by section 43-117. In making
11 recommendations to the Legislature, the committee shall use the then-
12 current foster care reimbursement rates as the beginning standard for
13 setting reimbursement rates. The committee shall adjust the standard to
14 reflect the reasonable cost of achieving measurable outcomes for all
15 children in foster care in Nebraska. The committee shall (a) analyze
16 then-current consumer expenditure data reflecting the costs of caring for
17 a child in Nebraska, (b) identify and account for additional costs
18 specific to children in foster care, and (c) apply a geographic cost-of-
19 living adjustment for Nebraska. The reimbursement rate structure shall
20 comply with funding requirements related to Title IV-E of the federal
21 Social Security Act, as amended, and other federal programs as
22 appropriate to maximize the utilization of federal funds to support
23 foster care.

24 (2) The committee shall review the role and effectiveness of and
25 make recommendations on the statewide standardized level of care
26 assessment containing standardized criteria to determine a foster child's
27 placement needs and to identify the appropriate foster care reimbursement
28 rate. The committee shall review other states' assessment models and
29 foster care reimbursement rate structures in completing the statewide
30 standardized level of care assessment review and the standard statewide
31 foster care reimbursement rate structure. The committee shall ensure the

1 statewide standardized level of care assessment and the standard
2 statewide foster care reimbursement rate structure provide incentives to
3 tie performance in achieving the goals of safety, maintaining family
4 connection, permanency, stability, and well-being to reimbursements
5 received. The committee shall review and make recommendations on
6 assistance payments to adoptive parents as required by section 43-117.
7 The committee shall make recommendations to ensure that changes in foster
8 care reimbursement rates do not become a disincentive to permanency.

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

16 (3) (4) The Foster Care Reimbursement Rate Committee shall provide
17 electronic reports with its recommendation to the Health and Human
18 Services Committee of the Legislature on July 1, 2016, and every four
19 years thereafter.

20 Sec. 11. Section 43-4504, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-4504 The bridge to independence program is available, on a
23 voluntary basis, to a young adult:

24 (1) Who has attained at least nineteen years of age;

25 (2) Who was adjudicated to be a juvenile described in subdivision

26 (3)(a) of section 43-247 or the equivalent under tribal law or who was

27 adjudicated to be a juvenile described in subdivision (8) of section

28 43-247 or the equivalent under tribal law if the young adult's

29 guardianship or state-funded adoption assistance agreement was disrupted

30 or terminated after he or she had attained the age of sixteen years and

31 who (a) upon attaining nineteen years of age, was in an out-of-home

1 placement or had been discharged to independent living or (b) with
2 respect to whom a kinship guardianship assistance agreement or an
3 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
4 the young adult had attained sixteen years of age before the agreement
5 became effective or with respect to whom a state-funded guardianship
6 assistance agreement or a state-funded adoption assistance agreement was
7 in effect if the young adult had attained sixteen years of age before the
8 agreement became effective; ~~and~~

9 (3) Who is:

10 (a) Completing secondary education or an educational program leading
11 to an equivalent credential;

12 (b) Enrolled in an institution which provides postsecondary or
13 vocational education;

14 (c) Employed for at least eighty hours per month;

15 (d) Participating in a program or activity designed to promote
16 employment or remove barriers to employment; or

17 (e) Incapable of doing any of the activities described in
18 subdivisions (3)(a) through (d) of this section due to a medical
19 condition, which incapacity is supported by regularly updated information
20 in the case plan of the young adult; ~~or~~

21 (4) Who is a Nebraska resident, except that this requirement shall
22 not disqualify a young adult who was a Nebraska resident but was placed
23 outside Nebraska pursuant to the Interstate Compact for the Placement of
24 Children; and

25 (5) Who does not meet the level of care for a nursing facility as
26 defined in section 71-424, for a skilled nursing facility as defined in
27 section 71-429, or for an intermediate care facility for persons with
28 developmental disabilities as defined in section 71-421.

29 The changes made to subdivision (2)(b) of this section by Laws 2015,
30 LB243, become operative on July 1, 2015.

31 Sec. 12. Section 43-4508, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-4508 (1) Within fifteen days after the voluntary services and
3 support agreement is signed, the department shall file a petition with
4 the juvenile court describing the young adult's current situation,
5 including the young adult's name, date of birth, and current address and
6 the reasons why it is in the young adult's best interests to participate
7 in the bridge to independence program. The department shall also provide
8 the juvenile court with a copy of the signed voluntary services and
9 support agreement, a copy of the case plan, and any other information the
10 department or the young adult wants the court to consider.

11 (2) The department shall ensure continuity of care and eligibility
12 by working with a child who wants to participate in the bridge to
13 independence program and is likely to be eligible to participate in such
14 program immediately following the termination of the juvenile court's
15 jurisdiction pursuant to subdivision (3)(a) of section 43-247 or
16 subdivision (8) of section 43-247 if the young adult's guardianship or
17 state-funded adoption assistance agreement was disrupted or terminated
18 after he or she had attained the age of sixteen years. The voluntary
19 services and support agreement shall be signed and the petition filed
20 with the court upon the child's nineteenth birthday or within ten days
21 thereafter. There shall be no interruption in the foster care maintenance
22 payment and medical assistance coverage for a child who is eligible and
23 chooses to participate in the bridge to independence program immediately
24 following the termination of the juvenile court's jurisdiction pursuant
25 to ~~such~~ subdivision (3)(a) of section 43-247.

26 (3) The court has the jurisdiction to review the voluntary services
27 and support agreement signed by the department and the young adult under
28 section 43-4506 and to conduct permanency reviews as described in this
29 section. Upon the filing of a petition under subsection (1) of this
30 section, the court shall open a bridge to independence program file for
31 the young adult for the purpose of determining whether continuing in such

1 program is in the young adult's best interests and for the purpose of
2 conducting permanency reviews.

3 (4) The court shall make the best interests determination as
4 described in subsection (3) of this section not later than one hundred
5 eighty days after the young adult and the department enter into the
6 voluntary services and support agreement.

7 (5) The court shall conduct a hearing for permanency review
8 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of
9 this section regarding the voluntary services and support agreement at
10 least once per year and may conduct such hearing at additional times, but
11 not more times than is reasonably practicable, at the request of the
12 young adult, the department, or any other party to the proceeding. The
13 court shall make a reasonable effort finding required by subdivision (6)
14 (c) of this section within twelve months after the court makes its best
15 interests determination under subsection (4) of this section. Upon the
16 filing of the petition as provided in subsection (1) of this section or
17 anytime thereafter, the young adult may request, in the voluntary
18 services and support agreement or by other appropriate means, a timeframe
19 in which the young adult prefers to have the permanency review hearing
20 scheduled and the court shall seek to accommodate the request as
21 practicable and consistent with 42 U.S.C. 675(5)(C). The juvenile court
22 may request the appointment of a hearing officer pursuant to section
23 24-230 to conduct permanency review hearings. The department is not
24 required to have legal counsel present at such hearings. The juvenile
25 court shall conduct the permanency reviews in an expedited manner and
26 shall issue findings and orders, if any, as speedily as possible.

27 (6)(a) The primary purpose of the permanency review is to ensure
28 that the bridge to independence program is providing the young adult with
29 the needed services and support to help the young adult move toward
30 permanency and self-sufficiency. This shall include that, in all
31 permanency reviews or hearings regarding the transition of the young

1 adult from foster care to independent living, the court shall consult, in
2 an age-appropriate manner, with the young adult regarding the proposed
3 permanency or transition plan for the young adult. The young adult shall
4 have a clear self-advocacy role in the permanency review in accordance
5 with section 43-4510, and the hearing shall support the active engagement
6 of the young adult in key decisions. Permanency reviews shall be
7 conducted on the record and in an informal manner and, whenever possible,
8 outside of the courtroom.

9 (b) The department shall prepare and present to the juvenile court a
10 report, at the direction of the young adult, addressing progress made in
11 meeting the goals in the case plan, including the independent living
12 transition proposal, and shall propose modifications as necessary to
13 further those goals.

14 (c) The court shall determine whether the bridge to independence
15 program is providing the appropriate services and support as provided in
16 the voluntary services and support agreement to carry out the case plan.
17 The court shall also determine whether reasonable efforts have been made
18 to achieve the permanency goal as set forth in the case plan and the
19 department's report provided under subdivision (6)(b) of this section.
20 The court shall issue specific written findings regarding such reasonable
21 efforts. The court has the authority to determine whether the young adult
22 is receiving the services and support he or she is entitled to receive
23 under the Young Adult Bridge to Independence Act and the department's
24 policies or state or federal law to help the young adult move toward
25 permanency and self-sufficiency. If the court believes that the young
26 adult requires additional services and support to achieve the goals
27 documented in the case plan or under the Young Adult Bridge to
28 Independence Act and the department's policies or state or federal law,
29 the court may make appropriate findings or order the department to take
30 action to ensure that the young adult receives the identified services
31 and support.

1 (7) All pleadings, filings, documents, and reports filed pursuant to
2 this section and subdivision (11) of section 43-247 shall be
3 confidential. The proceedings pursuant to this section and subdivision
4 (11) of section 43-247 shall be confidential unless a young adult
5 provides a written waiver or a verbal waiver in court. Such waiver may be
6 made by the young adult in order to permit the proceedings to be held
7 outside of the courtroom or for any other reason. The Foster Care Review
8 Office shall have access to any and all pleadings, filings, documents,
9 reports, and proceedings necessary to complete its case review process.
10 This section shall not prevent the juvenile court from issuing an order
11 identifying individuals and agencies who shall be allowed to receive
12 otherwise confidential information for legitimate and official purposes
13 as authorized by section 43-3001.

14 Sec. 13. Section 43-4511.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 43-4511.01 (1)(a) ~~(1)~~ Young adults who are eligible to participate
17 under both extended guardianship assistance as provided in section
18 43-4511 and the bridge to independence program as provided in subdivision
19 (2)(b) of section 43-4504 may choose to participate in either program.

20 (b) Young adults who are eligible to participate under both extended
21 adoption assistance as provided in section 43-4512 and the bridge to
22 independence program as provided in subdivision (2)(b) of section 43-4504
23 may choose to participate in either program.

24 (2) The department shall create a clear and developmentally
25 appropriate written notice discussing the rights of young adults who are
26 eligible under both extended guardianship assistance and the bridge to
27 independence program and a notice for young adults who are eligible under
28 both extended adoption assistance and the bridge to independence program.
29 The notice shall explain the benefits and responsibilities and the
30 process to apply. The department shall provide the written notice and
31 make efforts to provide a verbal explanation to a young adult with

1 respect to whom a kinship guardianship assistance agreement or an
2 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
3 the young adult had attained sixteen years of age before the agreement
4 became effective or with respect to whom a state-funded guardianship
5 assistance agreement or state-funded adoption assistance agreement was in
6 effect if the young adult had attained sixteen years of age before the
7 agreement became effective. The department shall provide the notice
8 yearly thereafter until such young adult reaches nineteen years of age
9 and not later than ninety days prior to the young adult attaining
10 nineteen years of age.

11 Sec. 14. Section 43-4513, Revised Statutes Cumulative Supplement,
12 2018, is amended to read:

13 43-4513 (1) ~~The On or before July 1, 2013, the Nebraska Children's~~
14 ~~Commission shall appoint a~~ Bridge to Independence Advisory Committee is
15 created within the Nebraska Children's Commission to advise and make
16 recommendations to the Legislature ~~department~~ and the Nebraska Children's
17 Commission regarding ongoing implementation of the bridge to independence
18 program, extended guardianship assistance described in section 43-4511,
19 and extended adoption assistance described in section 43-4512. The Bridge
20 to Independence Advisory Committee shall ~~meet on a biannual basis to~~
21 ~~advise the department and the Nebraska Children's Commission regarding~~
22 ~~ongoing implementation of the bridge to independence program, extended~~
23 ~~guardianship assistance described in section 43-4511, and extended~~
24 ~~adoption assistance described in section 43-4512 and shall~~ provide a
25 written report regarding ongoing implementation, including participation
26 in the bridge to independence program, extended guardianship assistance
27 described in section 43-4511, and extended adoption assistance described
28 in section 43-4512 and early discharge rates and reasons obtained from
29 the department, to the Nebraska Children's Commission, the Health and
30 Human Services Committee of the Legislature, the department, and the
31 Governor by September 1 of each year. ~~By December 15, 2015, the committee~~

1 ~~shall develop specific recommendations for expanding to or improving~~
2 ~~outcomes for similar groups of at-risk young adults.~~ The report to the
3 Health and Human Services Committee of the Legislature shall be submitted
4 electronically.

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

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

19 Sec. 15. Section 43-4514, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-4514 (1) The department shall submit an amended state plan
22 amendment by October 15, 2019 ~~2015~~, to seek federal Title IV-E funding
23 under 42 U.S.C. 672 for any newly eligible young adult who was
24 adjudicated to be a juvenile described in subdivision (8) of section
25 43-247 if such young adult's guardianship or state-funded adoption
26 assistance agreement was disrupted or terminated after the young adult
27 had attained the age of sixteen years and for any newly eligible young
28 adult adults with respect to whom an adoption a kinship guardianship
29 assistance agreement was in effect pursuant to 42 U.S.C. 673 if the child
30 had attained sixteen years of age before the agreement became effective
31 or with respect to whom a state-funded adoption guardianship assistance

1 agreement was in effect if the child had attained sixteen years of age
2 before the agreement became effective pursuant to subdivision (2)(b) of
3 section 43-4504.

4 (2) The department shall implement the bridge to independence
5 program, extended guardianship assistance described in section 43-4511,
6 and extended adoption assistance described in section 43-4512 in
7 accordance with the federal Fostering Connections to Success and
8 Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B)
9 and in accordance with requirements necessary to obtain federal Title IV-
10 E funding under 42 U.S.C. 672 and 42 U.S.C. 673.

11 (3) The department shall adopt and promulgate rules and regulations
12 as needed to carry out this section by October 15, 2015.

13 (4) All references to the United States Code in the Young Adult
14 Bridge to Independence Act refer to sections of the code as such sections
15 existed on January 1, 2015.

16 Sec. 16. Section 43-4701, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 43-4701 Sections 43-4701 to 43-4715 and section 17 of this act shall
19 be known and may be cited as the Nebraska Strengthening Families Act.

20 Sec. 17. Section 43-4218, Revised Statutes Cumulative Supplement,
21 2018, is amended to read:

22 ~~43-4218 (1) (1)(a) The Normalcy Task Force is created. On July 1,~~
23 ~~2017, the Normalcy Task Force shall become the Nebraska Strengthening~~
24 Families Act Committee is created.

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

29 (2) The (ii) On and after July 1, 2017, the Nebraska Strengthening
30 Families Act Committee shall monitor and make recommendations regarding
31 the implementation in Nebraska of the federal Preventing Sex Trafficking

1 and Strengthening Families Act, Public Law 113-183, as such act existed
2 on January 1, 2017, and the Nebraska Strengthening Families Act.

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

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

31 ~~(5) (4)~~ The committee shall provide a written report with

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

10 Sec. 18. Section 68-1212, Reissue Revised Statutes of Nebraska, is
11 amended to read:

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

29 (2) The department may contract with a lead agency for a case
30 management lead agency model pilot project in the department's eastern
31 service area as designated pursuant to section 81-3116. The department

1 shall include in the pilot project the appropriate conditions,
2 performance outcomes, and oversight for the lead agency, including, but
3 not be limited to:

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

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

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

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

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

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

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

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

1 evaluation, training, supervision, contract monitoring, and program
2 performance tracking capabilities;

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

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

10 Sec. 19. Section 71-7611, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
13 Treasurer shall transfer (a) sixty million three hundred thousand dollars
14 on or before July 15, 2014, (b) sixty million three hundred fifty
15 thousand dollars on or before July 15, 2015, (c) sixty million three
16 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
17 million seven hundred thousand dollars on or before July 15, 2017, (e)
18 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one
19 million six hundred thousand dollars on or before July 15, 2018, (g)
20 sixty-one million five ~~three~~ hundred fifty thousand dollars on or before
21 July 15, 2019, and (h) sixty million six ~~four~~ hundred fifty thousand
22 dollars on or before every July 15 thereafter from the Nebraska Medicaid
23 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust
24 Fund to the Nebraska Health Care Cash Fund, except that such amount shall
25 be reduced by the amount of the unobligated balance in the Nebraska
26 Health Care Cash Fund at the time the transfer is made. The state
27 investment officer shall advise the State Treasurer on the amounts to be
28 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
29 until the fund balance is depleted and from the Nebraska Tobacco
30 Settlement Trust Fund thereafter in order to sustain such transfers in
31 perpetuity. The state investment officer shall report electronically to

1 the Legislature on or before October 1 of every even-numbered year on the
2 sustainability of such transfers. The Nebraska Health Care Cash Fund
3 shall also include money received pursuant to section 77-2602. Except as
4 otherwise provided by law, no more than the amounts specified in this
5 subsection may be appropriated or transferred from the Nebraska Health
6 Care Cash Fund in any fiscal year.

7 The State Treasurer shall transfer ten million dollars from the
8 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
9 June 28, 2018, and June 28, 2019.

10 It is the intent of the Legislature that no additional programs are
11 funded through the Nebraska Health Care Cash Fund until funding for all
12 programs with an appropriation from the fund during FY2012-13 are
13 restored to their FY2012-13 levels.

14 (2) Any money in the Nebraska Health Care Cash Fund available for
15 investment shall be invested by the state investment officer pursuant to
16 the Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act.

18 (3) The University of Nebraska and postsecondary educational
19 institutions having colleges of medicine in Nebraska and their affiliated
20 research hospitals in Nebraska, as a condition of receiving any funds
21 appropriated or transferred from the Nebraska Health Care Cash Fund,
22 shall not discriminate against any person on the basis of sexual
23 orientation.

24 (4) The State Treasurer shall transfer fifty thousand dollars on or
25 before July 15, 2016, from the Nebraska Health Care Cash Fund to the
26 Board of Regents of the University of Nebraska for the University of
27 Nebraska Medical Center. It is the intent of the Legislature that these
28 funds be used by the College of Public Health for workforce training.

29 (5) It is the intent of the Legislature that the cost of the staff
30 and operating costs necessary to carry out the changes made by Laws 2018,
31 LB439, and not covered by fees or federal funds shall be funded from the

1 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

2 Sec. 20. Section 81-8,244, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 81-8,244 (1)(a) The Public Counsel may select, appoint, and
5 compensate as he or she sees fit, within the amount available by
6 appropriation, such assistants and employees as he or she deems necessary
7 to discharge the responsibilities under sections 81-8,240 to 81-8,254. He
8 or she shall appoint and designate one assistant to be a deputy public
9 counsel, one assistant to be a deputy public counsel for corrections, one
10 assistant to be a deputy public counsel for institutions, and one
11 assistant to be a deputy public counsel for welfare services.

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

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

19 (d) The authority of the deputy public counsel for institutions
20 shall extend to all mental health ~~and veterans~~ institutions and
21 facilities operated by the Department of Health and Human Services, to
22 all veterans institutions operated by the Department of Veterans'
23 Affairs, and to all regional behavioral health authorities that provide
24 services and all community-based behavioral health services providers
25 that contract with a regional behavioral health authority to provide
26 services, for any individual who was a patient within the prior twenty-
27 four ~~twelve~~ months of a state-owned and state-operated regional center,
28 and to all complaints pertaining to administrative acts of the
29 department, authority, or provider when those acts are concerned with the
30 rights and interests of individuals placed within those institutions and
31 facilities or receiving community-based behavioral health services.

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

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

10 (2) The Public Counsel shall appoint the Inspector General of
11 Nebraska Child Welfare as provided in section 43-4317. The Inspector
12 General of Nebraska Child Welfare shall have the powers and duties
13 provided in the Office of Inspector General of Nebraska Child Welfare
14 Act.

15 (3) The Public Counsel shall appoint the Inspector General of the
16 Nebraska Correctional System as provided in section 47-904. The Inspector
17 General of the Nebraska Correctional System shall have the powers and
18 duties provided in the Office of Inspector General of the Nebraska
19 Correctional System Act.

20 Sec. 21. This act becomes operative on July 1, 2019.

21 Sec. 22. Original sections 43-1311.03, 43-4201, 43-4202, 43-4204,
22 43-4206, 43-4216, 43-4217, 43-4504, 43-4508, 43-4511.01, 43-4514,
23 68-1212, and 71-7611, Reissue Revised Statutes of Nebraska, and sections
24 43-285, 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244,
25 Revised Statutes Cumulative Supplement, 2018, are repealed.

26 Sec. 23. The following sections are outright repealed: Sections
27 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214,
28 Reissue Revised Statutes of Nebraska.

29 Sec. 24. Since an emergency exists, this act takes effect when
30 passed and approved according to law.