

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 600

FINAL READING

Introduced by Walz, 15.

Read first time January 23, 2019

Committee: Executive Board

1 A BILL FOR AN ACT relating to government; to amend sections 43-1311.03,
2 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217, 43-4504,
3 43-4508, 43-4511.01, 43-4514, 68-1212, and 71-7611, Reissue Revised
4 Statutes of Nebraska, and sections 43-285, 43-4203, 43-4207,
5 43-4218, 43-4513, 43-4701, and 81-8,244, Revised Statutes Cumulative
6 Supplement, 2018; to change eligibility and hearing requirements for
7 the bridge to independence program; to change and eliminate
8 legislative findings, declarations, and intent relating to the
9 Nebraska Children's Commission; to provide, change, and eliminate
10 provisions relating to the administration, membership, and duties of
11 the commission; to eliminate a termination date; to state intent
12 regarding funding; to provide, change, and eliminate duties of the
13 Department of Health and Human Services and the Office of Probation
14 Administration related to the commission; to change and eliminate
15 reporting requirements; to eliminate certain duties of the Bridge to
16 Independence Advisory Committee; to eliminate obsolete provisions;
17 to change transfers of funds affecting the Nebraska Health Care Cash
18 Fund; to change provisions relating to the authority of the deputy
19 public counsel for institutions; to eliminate provisions relating to
20 legislative findings and intent regarding foster care; to harmonize
21 provisions; to provide an operative date; to repeal the original
22 sections; to outright repeal sections 43-4205, 43-4208, 43-4209,

1 43-4210, 43-4211, 43-4213, and 43-4214, Reissue Revised Statutes of
2 Nebraska; and to declare an emergency.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-285, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 43-285 (1) When the court awards a juvenile to the care of the
4 Department of Health and Human Services, an association, or an individual
5 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
6 otherwise ordered, become a ward and be subject to the legal custody and
7 care of the department, association, or individual to whose care he or
8 she is committed. Any such association and the department shall have
9 authority, by and with the assent of the court, to determine the care,
10 placement, medical services, psychiatric services, training, and
11 expenditures on behalf of each juvenile committed to it. Any such
12 association and the department shall be responsible for applying for any
13 health insurance available to the juvenile, including, but not limited
14 to, medical assistance under the Medical Assistance Act. Such custody and
15 care shall not include the guardianship of any estate of the juvenile.

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

23 (b) The department shall provide opportunities for the child, in an
24 age or developmentally appropriate manner, to be consulted in the
25 development of his or her plan as provided in the Nebraska Strengthening
26 Families Act.

27 (c) The department shall include in the plan for a child who is
28 fourteen years of age or older and subject to the legal care and custody
29 of the department a written independent living transition proposal which
30 meets the requirements of section 43-1311.03 and, for eligible children,
31 the Young Adult Bridge to Independence Act. The juvenile court shall

1 provide a copy of the plan to all interested parties before the hearing.
2 The court may approve the plan, modify the plan, order that an
3 alternative plan be developed, or implement another plan that is in the
4 child's best interests. In its order the court shall include a finding
5 regarding the appropriateness of the programs and services described in
6 the proposal designed to help the child prepare for the transition from
7 foster care to a successful adulthood. The court shall also ask the
8 child, in an age or developmentally appropriate manner, if he or she
9 participated in the development of his or her plan and make a finding
10 regarding the child's participation in the development of his or her plan
11 as provided in the Nebraska Strengthening Families Act. Rules of evidence
12 shall not apply at the dispositional hearing when the court considers the
13 plan that has been presented.

14 (d) The last court hearing before jurisdiction pursuant to
15 subdivision (3)(a) of section 43-247 is terminated for a child who is
16 sixteen years of age or older or pursuant to subdivision (8) of section
17 43-247 for a child whose guardianship or state-funded adoption assistance
18 agreement was disrupted or terminated after he or she had attained the
19 age of sixteen years shall be called the independence hearing. In
20 addition to other matters and requirements to be addressed at this
21 hearing, the independence hearing shall address the child's future goals
22 and plans and access to services and support for the transition from
23 foster care to adulthood consistent with section 43-1311.03 and the Young
24 Adult Bridge to Independence Act. The child shall not be required to
25 attend the independence hearing, but efforts shall be made to encourage
26 and enable the child's attendance if the child wishes to attend,
27 including scheduling the hearing at a time that permits the child's
28 attendance. An independence coordinator as provided in section 43-4506
29 shall attend the hearing if reasonably practicable, but the department is
30 not required to have legal counsel present. At the independence hearing,
31 the court shall advise the child about the bridge to independence

1 program, including, if applicable, the right of young adults in the
2 bridge to independence program to request a court-appointed, client-
3 directed attorney under subsection (1) of section 43-4510 and the
4 benefits and role of such attorney and to request additional permanency
5 review hearings in the bridge to independence program under subsection
6 (5) of section 43-4508 and how to request such a hearing. The court shall
7 also advise the child, if applicable, of the rights he or she is giving
8 up if he or she chooses not to participate in the bridge to independence
9 program and the option to enter such program at any time between nineteen
10 and twenty-one years of age if the child meets the eligibility
11 requirements of section 43-4504. The department shall present information
12 to the court regarding other community resources that may benefit the
13 child, specifically information regarding state programs established
14 pursuant to 42 U.S.C. 677. The court shall also make a finding as to
15 whether the child has received the documents as required by subsection
16 (9) of section 43-1311.03.

17 (3)(a) Within thirty days after an order awarding a juvenile to the
18 care of the department, an association, or an individual and until the
19 juvenile reaches the age of majority, the department, association, or
20 individual shall file with the court a report stating the location of the
21 juvenile's placement and the needs of the juvenile in order to effectuate
22 the purposes of subdivision (1) of section 43-246. The department,
23 association, or individual shall file a report with the court once every
24 six months or at shorter intervals if ordered by the court or deemed
25 appropriate by the department, association, or individual. Every six
26 months, the report shall provide an updated statement regarding the
27 eligibility of the juvenile for health insurance, including, but not
28 limited to, medical assistance under the Medical Assistance Act. The
29 department shall also concurrently file a written sibling placement
30 report as described in subsection (3) of section 43-1311.02 at these
31 times.

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

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

24 (4) The court shall also hold a permanency hearing if required under
25 section 43-1312.

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

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

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

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

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

20 43-1311.03 (1) When a child placed in foster care turns fourteen
21 years of age or enters foster care and is at least fourteen years of age,
22 a written independent living transition proposal shall be developed by
23 the Department of Health and Human Services at the direction and
24 involvement of the child to prepare for the transition from foster care
25 to successful adulthood. Any revision or addition to such proposal shall
26 also be made in consultation with the child. The transition proposal
27 shall be personalized based on the child's needs and shall describe the
28 services needed for the child to transition to a successful adulthood as
29 provided in the Nebraska Strengthening Families Act. The transition
30 proposal shall include, but not be limited to, the following needs and
31 the services needed for the child to transition to a successful adulthood

1 as provided in the Nebraska Strengthening Families Act:

2 (a) Education;

3 (b) Employment services and other workforce support;

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

8 (d) Behavioral health treatment and support needs and access to such
9 treatment and support;

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

12 (f) Housing;

13 (g) Relationship development and permanent connections; and

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

17 (2) The transition proposal shall be developed and frequently
18 reviewed by the department in collaboration with the child's transition
19 team. The transition team shall be comprised of the child, the child's
20 caseworker, the child's guardian ad litem, individuals selected by the
21 child, and individuals who have knowledge of services available to the
22 child. As provided in the Nebraska Strengthening Families Act, one of the
23 individuals selected by the child may be designated as the child's
24 advisor and, as necessary, advocate for the child with respect to the
25 application of the reasonable and prudent parent standard and for the
26 child on normalcy activities. The department may reject an individual
27 selected by the child to be a member of the team if the department has
28 good cause to believe the individual would not act in the best interests
29 of the child.

30 (3) The transition proposal shall be considered a working document
31 and shall be, at the least, updated for and reviewed at every permanency

1 or review hearing by the court. The court shall determine whether the
2 transition proposal includes the services needed to assist the child to
3 make the transition from foster care to a successful adulthood.

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

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

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

20 (7) The department shall provide without cost a copy of any consumer
21 report as defined in 15 U.S.C. 1681a(d), as such section existed on
22 January 1, 2016, pertaining to the child each year until the child is
23 discharged from care and assistance, including when feasible, from the
24 child's guardian ad litem, in interpreting and resolving any inaccuracies
25 in the report as provided in the Nebraska Strengthening Families Act.

26 (8)(a) Any ~~(8)~~ child who is adjudicated to be a juvenile described
27 in (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home
28 placement or (ii) subdivision (8) of section 43-247 and whose
29 guardianship or state-funded adoption assistance agreement was disrupted
30 or terminated after the child had attained the age of sixteen years,
31 shall receive information regarding the Young Adult Bridge to

1 Independence Act and the bridge to independence program available under
2 the act.

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

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

29 (9) On or before the date the child reaches eighteen or nineteen
30 years of age or twenty-one years of age if the child participates in the
31 bridge to independence program, if the child is leaving foster care, the

1 department shall provide the child with:

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

5 (b) Health insurance information and all documentation required for
6 enrollment in medicaid coverage for former foster care children as
7 available under the federal Patient Protection and Affordable Care Act,
8 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
9 January 1, 2013;

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

11 (d) A driver's license or identification card issued by a state in
12 accordance with the requirements of section 202 of the REAL ID Act of
13 2005, as such section existed on January 1, 2016;

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

15 (f) A credit report check;

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

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

23 (i) Written information, including, but not limited to, contact
24 information, for disability resources or benefits that may assist the
25 child as an adult, specifically including information regarding state
26 programs established pursuant to 42 U.S.C. 677, as such section existed
27 on January 1, 2016, and disability benefits, including supplemental
28 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
29 existed on January 1, 2016, or social security disability insurance
30 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
31 the child may be eligible as an adult;

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

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

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

9 (m) Written information on how to access personal documents in the
10 future.

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

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

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

20 43-4201 (1) The Legislature finds and declares that:

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

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

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

31 (i) The integration, coordination, and accessibility of all services

1 provided to children and families by the state, whether directly or
2 pursuant to contract;

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

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

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

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

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

24 43-4202 (1) The Nebraska Children's Commission is created as a high-
25 level leadership body to ~~(a) create a statewide strategic plan for reform~~
26 ~~of child welfare and juvenile justice programs and services in the State~~
27 ~~of Nebraska, (b) review the operations of the Department of Health and~~
28 ~~Human Services regarding child welfare programs and services and~~
29 ~~recommend, as a part of the statewide strategic plan, options for~~
30 ~~attaining the legislative intent stated in section 43-4201, either by the~~
31 ~~establishment of a new division within the department or the~~

1 ~~establishment of a new state agency to provide all child welfare programs~~
2 ~~and services which are the responsibility of the state, and (c) monitor~~
3 and evaluate the child welfare and juvenile justice systems. The
4 commission shall provide a permanent forum for collaboration among state,
5 local, community, public, and private stakeholders in child welfare and
6 juvenile justice programs and services.

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

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

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

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

1 the responsibilities of the commission.

2 (4) For administrative purposes, the offices of the staff of the
3 commission shall be located in the Foster Care Review Office. The
4 commission may hire a consultant with experience in facilitating
5 strategic planning to provide neutral, independent assistance in updating
6 the statewide strategic plan. ~~The commission shall terminate on June 30,~~
7 ~~2019, unless continued by the Legislature.~~

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

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

28 (7) It is the intent of the Legislature to fund the operations of
29 the commission using the Nebraska Health Care Cash Fund for fiscal years
30 2019-20 and 2020-21.

31 Sec. 5. Section 43-4203, Revised Statutes Cumulative Supplement,

1 2018, is amended to read:

2 43-4203 (1) The Nebraska Children's Commission shall create a
3 committee to examine state policy regarding the prescription of
4 psychotropic drugs for children who are wards of the state and the
5 administration of such drugs to such children. Such committee shall
6 review the policy and procedures for prescribing and administering such
7 drugs and make recommendations to the commission for changes in such
8 policy and procedures.

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

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

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

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

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

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

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

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

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

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

1 to strengthen the continuum of services available to child welfare
2 agencies and to provide resources for children and juveniles outside the
3 child protection system.

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

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

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

29 ~~(2)(a) The commission shall create a committee to examine state~~
30 ~~policy regarding the prescription of psychotropic drugs for children who~~
31 ~~are wards of the state and the administration of such drugs to such~~

1 ~~children. Such committee shall review the policy and procedures for~~
2 ~~prescribing and administering such drugs and make recommendations to the~~
3 ~~commission for changes in such policy and procedures.~~

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

27 ~~(c) The commission may organize committees as it deems necessary.~~
28 ~~Members of the committees may be members of the commission or may be~~
29 ~~appointed, with the approval of the majority of the commission, from~~
30 ~~individuals with knowledge of the committee's subject matter,~~
31 ~~professional expertise to assist the committee in completing its assigned~~

1 ~~responsibilities, and the ability to collaborate within the committee and~~
2 ~~with the commission to carry out the powers and duties of the commission.~~
3 ~~No member of any committee created pursuant to this section shall have~~
4 ~~any private financial interest, profit, or benefit from any work of such~~
5 ~~committee.~~

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

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

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

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

29 ~~(6) The commission shall develop a system of care plan beginning~~
30 ~~with prevention services through treatment services for the child welfare~~
31 ~~system based on relevant data and evidence-based practices to meet the~~

1 ~~specific needs of each area of the state. Such system of care plan shall~~
2 ~~include services that are goal-driven and outcome-based and shall~~
3 ~~evaluate the feasibility of utilizing performance-based contracting for~~
4 ~~specific child welfare services, including the feasibility of additional~~
5 ~~contractual requirements for service providers requiring services to all~~
6 ~~children without an option to deny service.~~

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

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

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

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

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

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

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

30 ~~(a) The potential of contracting with private nonprofit entities as~~
31 ~~a lead agency, subject to the requirements of subsection (2) of this~~

1 ~~section. Such lead-agency utilization shall be in a manner that maximizes~~
2 ~~the strengths, experience, skills, and continuum of care of the lead~~
3 ~~agencies. Any lead-agency contracts entered into or amended after April~~
4 ~~12, 2012, shall detail how qualified licensed agencies as part of efforts~~
5 ~~to develop the local capacity for a community-based system of coordinated~~
6 ~~care will implement community-based care through competitively procuring~~
7 ~~either (i) the specific components of foster care and related services or~~
8 ~~(ii) comprehensive services for defined eligible populations of children~~
9 ~~and families;~~

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

13 ~~(c) Realignment of service areas designated pursuant to section~~
14 ~~81-3116 to be coterminous with the judicial districts described in~~
15 ~~section 24-301.02;~~

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

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

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

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

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

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

1 ~~Second Legislature, Second Session, 2012, enacts legislation to require~~
2 ~~such evaluation.~~

3 Sec. 8. Section 43-4207, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 43-4207 The Nebraska Children's Commission shall annually provide a
6 written report to the Governor and an electronic report to the Health and
7 Human Services Committee of the Legislature defining its strategic child
8 welfare priorities and progress toward addressing such priorities,
9 summarizing reports from each committee and subcommittee of the
10 commission, and making recommendations of its activities during the
11 previous year on or before December 1, 2015. If the commission is
12 continued by the Legislature as provided in section 43-4202, the
13 commission shall provide such report on or before September 1 of each
14 year the commission is continued. The commission shall present a summary
15 of such report in an annual public hearing before the Health and Human
16 Services Committee of the Legislature on or before December 1 of each
17 year.

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

20 43-4216 (1) ~~The~~ On or before January 1, 2016, the Nebraska
21 Children's Commission shall appoint a Foster Care Reimbursement Rate
22 Committee is created. The committee shall be convened at least once
23 commission shall reconvene the Foster Care Reimbursement Rate Committee
24 every four years thereafter.

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

27 (a) The following voting members: (i) Representatives from a child
28 welfare agency that contracts directly with foster parents, from each of
29 the service areas designated pursuant to section 81-3116; (ii) a
30 representative from an advocacy organization which deals with legal and
31 policy issues that include child welfare; (iii) a representative from an

1 advocacy organization, the singular focus of which is issues impacting
2 children; (iv) a representative from a foster and adoptive parent
3 association; (v) a representative from a lead agency; (vi) a
4 representative from a child advocacy organization that supports young
5 adults who were in foster care as children; (vii) a foster parent who
6 contracts directly with the Department of Health and Human Services; and
7 (viii) a foster parent who contracts with a child welfare agency; and

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

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

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

30 43-4217 (1) The Foster Care Reimbursement Rate Committee created in
31 ~~appointed pursuant to~~ section 43-4216 shall review and make

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

17 (2) The committee shall review the role and effectiveness of and
18 make recommendations on the statewide standardized level of care
19 assessment containing standardized criteria to determine a foster child's
20 placement needs and to identify the appropriate foster care reimbursement
21 rate. The committee shall review other states' assessment models and
22 foster care reimbursement rate structures in completing the statewide
23 standardized level of care assessment review and the standard statewide
24 foster care reimbursement rate structure. The committee shall ensure the
25 statewide standardized level of care assessment and the standard
26 statewide foster care reimbursement rate structure provide incentives to
27 tie performance in achieving the goals of safety, maintaining family
28 connection, permanency, stability, and well-being to reimbursements
29 received. The committee shall review and make recommendations on
30 assistance payments to adoptive parents as required by section 43-117.
31 The committee shall make recommendations to ensure that changes in foster

1 care reimbursement rates do not become a disincentive to permanency.

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

9 (3) (4) The Foster Care Reimbursement Rate Committee shall provide
10 electronic reports with its recommendation to the Health and Human
11 Services Committee of the Legislature on July 1, 2016, and every four
12 years thereafter.

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

15 43-4504 The bridge to independence program is available, on a
16 voluntary basis, to a young adult:

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

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

19 (3)(a) of section 43-247 or the equivalent under tribal law or who was
20 adjudicated to be a juvenile described in subdivision (8) of section

21 43-247 or the equivalent under tribal law if the young adult's
22 guardianship or state-funded adoption assistance agreement was disrupted

23 or terminated after he or she had attained the age of sixteen years and
24 who (a) upon attaining nineteen years of age, was in an out-of-home

25 placement or had been discharged to independent living or (b) with
26 respect to whom a kinship guardianship assistance agreement or an

27 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
28 the young adult had attained sixteen years of age before the agreement

29 became effective or with respect to whom a state-funded guardianship
30 assistance agreement or a state-funded adoption assistance agreement was

31 in effect if the young adult had attained sixteen years of age before the

1 agreement became effective;~~and~~

2 (3) Who is:

3 (a) Completing secondary education or an educational program leading
4 to an equivalent credential;

5 (b) Enrolled in an institution which provides postsecondary or
6 vocational education;

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

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

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

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

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

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

24 Sec. 12. Section 43-4508, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 43-4508 (1) Within fifteen days after the voluntary services and
27 support agreement is signed, the department shall file a petition with
28 the juvenile court describing the young adult's current situation,
29 including the young adult's name, date of birth, and current address and
30 the reasons why it is in the young adult's best interests to participate
31 in the bridge to independence program. The department shall also provide

1 the juvenile court with a copy of the signed voluntary services and
2 support agreement, a copy of the case plan, and any other information the
3 department or the young adult wants the court to consider.

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

19 (3) The court has the jurisdiction to review the voluntary services
20 and support agreement signed by the department and the young adult under
21 section 43-4506 and to conduct permanency reviews as described in this
22 section. Upon the filing of a petition under subsection (1) of this
23 section, the court shall open a bridge to independence program file for
24 the young adult for the purpose of determining whether continuing in such
25 program is in the young adult's best interests and for the purpose of
26 conducting permanency reviews.

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

31 (5) The court shall conduct a hearing for permanency review

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

20 (6)(a) The primary purpose of the permanency review is to ensure
21 that the bridge to independence program is providing the young adult with
22 the needed services and support to help the young adult move toward
23 permanency and self-sufficiency. This shall include that, in all
24 permanency reviews or hearings regarding the transition of the young
25 adult from foster care to independent living, the court shall consult, in
26 an age-appropriate manner, with the young adult regarding the proposed
27 permanency or transition plan for the young adult. The young adult shall
28 have a clear self-advocacy role in the permanency review in accordance
29 with section 43-4510, and the hearing shall support the active engagement
30 of the young adult in key decisions. Permanency reviews shall be
31 conducted on the record and in an informal manner and, whenever possible,

1 outside of the courtroom.

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

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

25 (7) All pleadings, filings, documents, and reports filed pursuant to
26 this section and subdivision (11) of section 43-247 shall be
27 confidential. The proceedings pursuant to this section and subdivision
28 (11) of section 43-247 shall be confidential unless a young adult
29 provides a written waiver or a verbal waiver in court. Such waiver may be
30 made by the young adult in order to permit the proceedings to be held
31 outside of the courtroom or for any other reason. The Foster Care Review

1 Office shall have access to any and all pleadings, filings, documents,
2 reports, and proceedings necessary to complete its case review process.
3 This section shall not prevent the juvenile court from issuing an order
4 identifying individuals and agencies who shall be allowed to receive
5 otherwise confidential information for legitimate and official purposes
6 as authorized by section 43-3001.

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

9 43-4511.01 (1)(a) ~~(1)~~ Young adults who are eligible to participate
10 under both extended guardianship assistance as provided in section
11 43-4511 and the bridge to independence program as provided in subdivision
12 (2)(b) of section 43-4504 may choose to participate in either program.

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

17 (2) The department shall create a clear and developmentally
18 appropriate written notice discussing the rights of young adults who are
19 eligible under both extended guardianship assistance and the bridge to
20 independence program and a notice for young adults who are eligible under
21 both extended adoption assistance and the bridge to independence program.

22 The notice shall explain the benefits and responsibilities and the
23 process to apply. The department shall provide the written notice and
24 make efforts to provide a verbal explanation to a young adult with
25 respect to whom a kinship guardianship assistance agreement or an
26 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
27 the young adult had attained sixteen years of age before the agreement
28 became effective or with respect to whom a state-funded guardianship
29 assistance agreement or state-funded adoption assistance agreement was in
30 effect if the young adult had attained sixteen years of age before the
31 agreement became effective. The department shall provide the notice

1 yearly thereafter until such young adult reaches nineteen years of age
2 and not later than ninety days prior to the young adult attaining
3 nineteen years of age.

4 Sec. 14. 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. 15. Section 43-4514, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-4514 (1) The department shall submit an amended state plan
15 amendment by October 15, 2019 ~~2015~~, to seek federal Title IV-E funding
16 under 42 U.S.C. 672 for any newly eligible young adult who was
17 adjudicated to be a juvenile described in subdivision (8) of section
18 43-247 if such young adult's guardianship or state-funded adoption
19 assistance agreement was disrupted or terminated after the young adult
20 had attained the age of sixteen years and for any newly eligible young
21 adult adults with respect to whom an adoption ~~a kinship guardianship~~
22 assistance agreement was in effect pursuant to 42 U.S.C. 673 if the child
23 had attained sixteen years of age before the agreement became effective
24 or with respect to whom a state-funded adoption ~~guardianship~~ assistance
25 agreement was in effect if the child had attained sixteen years of age
26 before the agreement became effective pursuant to subdivision (2)(b) of
27 section 43-4504.

28 (2) The department shall implement the bridge to independence
29 program, extended guardianship assistance described in section 43-4511,
30 and extended adoption assistance described in section 43-4512 in
31 accordance with the federal Fostering Connections to Success and

1 Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B)
2 and in accordance with requirements necessary to obtain federal Title IV-
3 E funding under 42 U.S.C. 672 and 42 U.S.C. 673.

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

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

9 Sec. 16. Section 43-4701, Revised Statutes Cumulative Supplement,
10 2018, is amended to read:

11 43-4701 Sections 43-4701 to 43-4715 and section 17 of this act shall
12 be known and may be cited as the Nebraska Strengthening Families Act.

13 Sec. 17. Section 43-4218, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 ~~43-4218 (1) (1)(a) The Normalcy Task Force is created. On July 1,~~
16 ~~2017, the Normalcy Task Force shall become the Nebraska Strengthening~~
17 ~~Families Act Committee is created.~~

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

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

27 ~~(3) The (2) Until July 1, 2017, the members of the task force, and~~
28 ~~on and after July 1, 2017, the members of the committee shall include,~~
29 ~~but not be limited to, (a) representatives from the legislative,~~
30 ~~executive, and judicial branches of government. The representatives from~~
31 ~~the legislative and judicial branches shall be nonvoting, ex officio~~

1 members, (b) no fewer than three young adults currently or previously in
2 foster care which may be filled on a rotating basis by members of Project
3 Everlast or a similar youth support or advocacy group, (c) a
4 representative from the juvenile probation system, (d) the executive
5 director of the Foster Care Review Office, (e) one or more
6 representatives from a child welfare advocacy organization, (f) one or
7 more representatives from a child welfare service agency, (g) one or more
8 representatives from an agency providing independent living services, (h)
9 one or more representatives of a child-care institution as defined in
10 section 43-4703, (i) one or more current or former foster parents, (j)
11 one or more parents who have experience in the foster care system, (k)
12 one or more professionals who have relevant practical experience such as
13 a caseworker, and (l) one or more guardians ad litem who practice in
14 juvenile court.

15 ~~(4) (3) On or before July 1, 2016, the Nebraska Children's~~
16 ~~Commission shall appoint the members of the task force. On July 1, 2017,~~
17 ~~the members of the task force shall become members of the committee,~~
18 ~~shall serve the amount of time remaining on their initial terms of~~
19 ~~office, and are eligible for reappointment by the Nebraska Children's~~
20 ~~Commission.~~ Members shall be appointed for terms of two years. The
21 Nebraska Children's Commission ~~commission~~ shall appoint a chairperson or
22 chairpersons of the committee and may fill vacancies on the committee as
23 such vacancies occur.

24 ~~(5) (4)~~ The committee shall provide a written report with
25 recommendations regarding the initial and ongoing implementation of the
26 federal Preventing Sex Trafficking and Strengthening Families Act, as
27 such act existed on January 1, 2017, and the Nebraska Strengthening
28 Families Act and related efforts to improve normalcy for children in
29 foster care and related populations to the Nebraska Children's
30 Commission, the Health and Human Services Committee of the Legislature,
31 the Department of Health and Human Services, and the Governor by

1 September 1 of each year. The report to the Health and Human Services
2 Committee of the Legislature shall be submitted electronically.

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

5 68-1212 (1) Except as provided in subsection (2) of this section, ~~by~~
6 ~~April 1, 2012,~~ for all cases in which a court has awarded a juvenile to
7 the care of the Department of Health and Human Services according to
8 subsection (1) of section 43-285 and for any noncourt and voluntary
9 cases, the case manager shall be an employee of the department. Such case
10 manager shall be responsible for and shall directly oversee: Case
11 planning; service authorization; investigation of compliance; monitoring
12 and evaluation of the care and services provided to children and
13 families; and decisionmaking regarding the determination of visitation
14 and the care, placement, medical services, psychiatric services,
15 training, and expenditures on behalf of each juvenile under subsection
16 (1) of section 43-285. Such case manager shall be responsible for
17 decisionmaking and direct preparation regarding the proposed plan for the
18 care, placement, services, and permanency of the juvenile filed with the
19 court required under subsection (2) of section 43-285. The health and
20 safety of the juvenile shall be the paramount concern in the proposed
21 plan in accordance with such subsection.

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

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

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

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

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

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

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

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

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

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

31 (d) Provide accountability for meeting the outcomes and performance

1 standards related to child welfare services established by Nebraska child
2 welfare policy and the federal government.

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

5 71-7611 (1) The Nebraska Health Care Cash Fund is created. The State
6 Treasurer shall transfer (a) sixty million three hundred thousand dollars
7 on or before July 15, 2014, (b) sixty million three hundred fifty
8 thousand dollars on or before July 15, 2015, (c) sixty million three
9 hundred fifty thousand dollars on or before July 15, 2016, (d) sixty
10 million seven hundred thousand dollars on or before July 15, 2017, (e)
11 five hundred thousand dollars on or before May 15, 2018, (f) sixty-one
12 million six hundred thousand dollars on or before July 15, 2018, (g)
13 sixty-one million five ~~three~~ hundred fifty thousand dollars on or before
14 July 15, 2019, and (h) sixty million six ~~four~~ hundred fifty thousand
15 dollars on or before every July 15 thereafter from the Nebraska Medicaid
16 Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust
17 Fund to the Nebraska Health Care Cash Fund, except that such amount shall
18 be reduced by the amount of the unobligated balance in the Nebraska
19 Health Care Cash Fund at the time the transfer is made. The state
20 investment officer shall advise the State Treasurer on the amounts to be
21 transferred first from the Nebraska Medicaid Intergovernmental Trust Fund
22 until the fund balance is depleted and from the Nebraska Tobacco
23 Settlement Trust Fund thereafter in order to sustain such transfers in
24 perpetuity. The state investment officer shall report electronically to
25 the Legislature on or before October 1 of every even-numbered year on the
26 sustainability of such transfers. The Nebraska Health Care Cash Fund
27 shall also include money received pursuant to section 77-2602. Except as
28 otherwise provided by law, no more than the amounts specified in this
29 subsection may be appropriated or transferred from the Nebraska Health
30 Care Cash Fund in any fiscal year.

31 The State Treasurer shall transfer ten million dollars from the

1 Nebraska Medicaid Intergovernmental Trust Fund to the General Fund on
2 June 28, 2018, and June 28, 2019.

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

7 (2) Any money in the Nebraska Health Care Cash Fund available for
8 investment shall be invested by the state investment officer pursuant to
9 the Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act.

11 (3) The University of Nebraska and postsecondary educational
12 institutions having colleges of medicine in Nebraska and their affiliated
13 research hospitals in Nebraska, as a condition of receiving any funds
14 appropriated or transferred from the Nebraska Health Care Cash Fund,
15 shall not discriminate against any person on the basis of sexual
16 orientation.

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

22 (5) It is the intent of the Legislature that the cost of the staff
23 and operating costs necessary to carry out the changes made by Laws 2018,
24 LB439, and not covered by fees or federal funds shall be funded from the
25 Nebraska Health Care Cash Fund for fiscal years 2018-19 and 2019-20.

26 Sec. 20. Section 81-8,244, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 81-8,244 (1)(a) The Public Counsel may select, appoint, and
29 compensate as he or she sees fit, within the amount available by
30 appropriation, such assistants and employees as he or she deems necessary
31 to discharge the responsibilities under sections 81-8,240 to 81-8,254. He

1 or she shall appoint and designate one assistant to be a deputy public
2 counsel, one assistant to be a deputy public counsel for corrections, one
3 assistant to be a deputy public counsel for institutions, and one
4 assistant to be a deputy public counsel for welfare services.

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

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

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

25 (e) The authority of the deputy public counsel for welfare services
26 shall extend to all complaints pertaining to administrative acts of
27 administrative agencies when those acts are concerned with the rights and
28 interests of individuals involved in the welfare services system of the
29 State of Nebraska.

30 (f) The Public Counsel may delegate to members of the staff any
31 authority or duty under sections 81-8,240 to 81-8,254 except the power of

1 delegation and the duty of formally making recommendations to
2 administrative agencies or reports to the Governor or the Legislature.

3 (2) The Public Counsel shall appoint the Inspector General of
4 Nebraska Child Welfare as provided in section 43-4317. The Inspector
5 General of Nebraska Child Welfare shall have the powers and duties
6 provided in the Office of Inspector General of Nebraska Child Welfare
7 Act.

8 (3) The Public Counsel shall appoint the Inspector General of the
9 Nebraska Correctional System as provided in section 47-904. The Inspector
10 General of the Nebraska Correctional System shall have the powers and
11 duties provided in the Office of Inspector General of the Nebraska
12 Correctional System Act.

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

14 Sec. 22. Original sections 43-1311.03, 43-4201, 43-4202, 43-4204,
15 43-4206, 43-4216, 43-4217, 43-4504, 43-4508, 43-4511.01, 43-4514,
16 68-1212, and 71-7611, Reissue Revised Statutes of Nebraska, and sections
17 43-285, 43-4203, 43-4207, 43-4218, 43-4513, 43-4701, and 81-8,244,
18 Revised Statutes Cumulative Supplement, 2018, are repealed.

19 Sec. 23. The following sections are outright repealed: Sections
20 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214,
21 Reissue Revised Statutes of Nebraska.

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