

E AND R AMENDMENTS TO LB 1173

Introduced by McKinney, 11, Chairman Enrollment and Review

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

3 Section 1. (1) The Legislature finds that the State of Nebraska, in
4 order to support the well-being, permanency, and safety of children and
5 families in Nebraska's communities, needs to comprehensively transform
6 its child welfare system. The Legislature further finds that this
7 comprehensive transformation will require an integrated model addressing
8 all aspects of the system and strong partnerships among the legislative,
9 executive, and judicial branches of government and community
10 stakeholders.

11 (2) It is the intent of the Legislature to:

12 (a) Establish an intersectoral child welfare practice model work
13 group;

14 (b) Establish appropriate strategic leadership and guidance for
15 practice and finance model development from across the three branches of
16 government; and

17 (c) Appropriate funds for contractual support to build the practice
18 and finance model for Nebraska.

19 Sec. 2. For purposes of sections 1 to 6 of this act:

20 (1) Child welfare system means children and families receiving, and
21 persons providing or effecting:

22 (a) In-home and out-of-home child welfare case management services;

23 (b) Physical and behavioral health care;

24 (c) Youth rehabilitation and treatment center services;

25 (d) Adoption or guardianship assistance services;

26 (e) Prevention services;

27 (f) Post-adoption or post-guardianship related services; and

1 (g) Public or private education and training services;

2 (2) Individual with lived experience in the child welfare system
3 means an individual who has previously received services from the child
4 welfare system, currently receives such services, or is at risk of
5 needing such services and who has valuable insight to contribute;

6 (3) Practice and finance model means an evidence-based or evidence-
7 informed approach to the practice and financing of the child welfare
8 system across the state of Nebraska;

9 (4) Strategic leadership group means the child welfare strategic
10 leadership group created in section 4 of this act; and

11 (5) Work group means the child welfare practice model work group
12 created in section 3 of this act.

13 Sec. 3. (1) There is hereby established a child welfare practice
14 model work group. The work group may include, but is not limited to:

15 (a) The Director of Behavioral Health of the Division of Behavioral
16 Health or the director's designee;

17 (b) The Director of Children and Family Services of the Division of
18 Children and Family Services or the director's designee;

19 (c) The Director of Developmental Disabilities of the Division of
20 Developmental Disabilities or the director's designee;

21 (d) The Director of Medicaid and Long-Term Care of the Division of
22 Medicaid and Long-Term Care or the director's designee;

23 (e) The Director of Public Health of the Division of Public Health
24 or the director's designee;

25 (f) The Commissioner of Education or the commissioner's designee;

26 (g) The State Court Administrator;

27 (h) A representative of the state judicial branch to be appointed by
28 the Chief Justice; and

29 (i) Representatives from each federally recognized Indian tribe
30 within the State of Nebraska, appointed by each tribe's Tribal Council or
31 Executive Committee.

1 (2) The work group shall develop a practice and finance model for
2 child welfare system transformation in Nebraska, with consultation from
3 key stakeholders, judges from separate juvenile courts and judges of
4 county courts sitting as juvenile courts, private child welfare
5 providers, individuals with lived experience in the child welfare system,
6 the Nebraska Children's Commission, the Inspector General of Nebraska
7 Child Welfare, the Foster Care Review Office, child advocacy centers, law
8 enforcement, and county attorneys. The practice and finance model shall
9 include, but not be limited to:

10 (a) Development of a statewide mission and vision for the child
11 welfare system in Nebraska;

12 (b) Development of values and practice priorities for the child
13 welfare system in Nebraska;

14 (c) Development of statewide program goals and a practice and
15 finance model for child welfare system case management and service
16 delivery;

17 (d) Development of engagement strategies to support community
18 involvement in child welfare system transformation;

19 (e) Development of strategies that strengthen relationships across
20 the court system, probation, executive branch agencies, the State
21 Department of Education, and community partners;

22 (f) Development of strategies that support integration across
23 agencies;

24 (g) Development of accountabilities across the entire child welfare
25 system;

26 (h) Evaluation of the state's Title IV-E claiming practices and
27 identification of appropriate steps to optimize federal reimbursement for
28 child welfare system expenditures;

29 (i) Opportunities and financial mechanisms for providers to pilot
30 innovative solutions to meet program goals; and

31 (j) Development of a strategy for data collection and outcome

1 monitoring.

2 (3) The work group shall provide monthly updates to the strategic
3 leadership group.

4 Sec. 4. There is hereby established a child welfare strategic
5 leadership group. The strategic leadership group shall be a nonvoting
6 group that exists for purposes of receiving updates on the work group's
7 activities. The strategic leadership group shall consist of:

8 (1) The chairperson of the Judiciary Committee of the Legislature;

9 (2) The chairperson of the Health and Human Services Committee of
10 the Legislature;

11 (3) The Chief Justice or the Chief Justice's designee; and

12 (4) The chief executive officer of the Department of Health and
13 Human Services or such officer's designee.

14 Sec. 5. (1) The Department of Health and Human Services shall
15 contract with an outside consultant with expertise in child welfare
16 system transformation by December 15, 2022. The consultant shall assist
17 the work group with the development of a written framework for the
18 practice and finance model.

19 (2) On or before December 1, 2023, the work group shall
20 electronically submit the written practice and finance model framework to
21 the Health and Human Services Committee of the Legislature.

22 Sec. 6. The work group and strategic leadership group shall
23 terminate on December 31, 2023.

24 Sec. 7. Section 28-713, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 28-713 (1) Unless a report is assigned to alternative response, upon
27 the receipt of a call reporting child abuse and neglect as required by
28 section 28-711, it is the duty of the law enforcement agency to
29 investigate the report, to take immediate steps to protect the child, and
30 to institute legal proceedings consistent with section 43-247 if the
31 child is seriously endangered in the child's surroundings and immediate

1 removal is necessary for the protection of the child. The law enforcement
2 agency may request assistance from the department during the
3 investigation and shall, by the next working day, notify either the
4 hotline established under section 28-711 or the department of receipt of
5 the report, including whether or not an investigation is being undertaken
6 by the law enforcement agency. A copy of all reports, whether or not an
7 investigation is being undertaken, shall be provided to the department.

8 (2)(a) When a report is assigned for traditional response, the
9 department shall utilize an evidence-informed and validated tool to
10 assess the safety of the child at the time of the assessment, the risk of
11 future child abuse or neglect, the need for services to protect and
12 assist the child and to preserve the family, and whether the case shall
13 be entered into the central registry pursuant to section 28-720. As part
14 of such investigation, the department may request assistance from the
15 appropriate law enforcement agency or refer the matter to the county
16 attorney to initiate legal proceedings.

17 (b) If in the course of an investigation the department finds a
18 child is seriously endangered in the child's surroundings and immediate
19 removal is necessary for the protection of the child, the department
20 shall make an immediate request for the county attorney to institute
21 legal proceedings consistent with section 43-247.

22 (3) When a report contains an allegation of out-of-home child abuse
23 or neglect, a law enforcement agency or the department shall immediately
24 notify each person having custody of each child who has allegedly been
25 abused or neglected that such report has been made unless the person to
26 be notified is the subject of such report. The department or the law
27 enforcement agency shall provide such person with information about the
28 nature of the alleged child abuse or neglect and any other necessary
29 information. The department shall also provide such social services as
30 are necessary and appropriate under the circumstances to protect and
31 assist the child and to preserve the family.

1 ~~(4)(a) (4)~~ In situations of alleged out-of-home child abuse or
2 neglect, if the subject of the report of child abuse or neglect is a
3 school employee and the child is a student in the school to which such
4 school employee is assigned for work, the department shall immediately
5 notify the Commissioner of Education of receipt of the report, including
6 whether or not an investigation is being undertaken by the law
7 enforcement agency or the department.

8 (b) In situations of alleged out-of-home child abuse or neglect, if
9 the subject of the report of child abuse or neglect is a child care
10 provider or a child care staff member as defined by subdivision (5)(h) of
11 section 71-1912, the Division of Children and Family Services of the
12 Department of Health and Human Services shall immediately notify the
13 Division of Public Health of the Department of Health and Human Services
14 of receipt of the report, including whether or not an investigation is
15 being undertaken by the law enforcement agency or the department.

16 (5) The department shall, by the next working day after receiving a
17 report of child abuse or neglect under this section, make a written
18 report or a summary on forms provided by the department to the proper law
19 enforcement agency in the county and enter in the tracking system of
20 child protection cases maintained pursuant to section 28-715 all reports
21 of child abuse or neglect opened for investigation and any action taken.

22 (6) The department shall, upon request, make available to the
23 appropriate investigating law enforcement agency and the county attorney
24 a copy of all reports relative to a case of suspected child abuse or
25 neglect.

26 (7)(a) In addition to the responsibilities under subsections (1)
27 through (6) of this section, upon the receipt of any report that a child
28 is a reported or suspected victim of sex trafficking of a minor or labor
29 trafficking of a minor as defined in section 28-830 and without regard to
30 the subject of the report, the department shall:

31 (i) Assign the case to staff for an in-person investigation. The

1 department shall assign a report for investigation regardless of whether
2 or not the subject of the report is a member of the child's household or
3 family or whether the subject is known or unknown, including cases of
4 out-of-home child abuse and neglect;

5 (ii) Conduct an in-person investigation and appropriately coordinate
6 with law enforcement agencies, the local child advocacy center, and the
7 child abuse and neglect investigation team under section 28-729;

8 (iii) Use specialized screening and assessment instruments to
9 identify whether the child is a victim of sex trafficking of a minor or
10 labor trafficking of a minor or at high risk of becoming such a victim
11 and determine the needs of the child and family to prevent or respond to
12 abuse, neglect, and exploitation. On or before December 1, 2019, the
13 department shall develop and adopt these instruments in consultation with
14 knowledgeable organizations and individuals, including representatives of
15 child advocacy centers, behavioral health providers, child welfare and
16 juvenile justice service providers, law enforcement representatives, and
17 prosecutors; and

18 (iv) Provide for or refer and connect the child and family to
19 services deemed appropriate by the department in the least restrictive
20 environment, or provide for safe and appropriate placement, medical
21 services, mental health care, or other needs as determined by the
22 department based upon the department's assessment of the safety, risk,
23 and needs of the child and family to respond to or prevent abuse,
24 neglect, and exploitation.

25 (b) On or before July 1, 2020, the department shall adopt rules and
26 regulations on the process of investigation, screening, and assessment of
27 reports of child abuse or neglect and the criteria for opening an ongoing
28 case upon allegations of sex trafficking of a minor or labor trafficking
29 of a minor.

30 (8) When a preponderance of the evidence indicates that a child is a
31 victim of abuse or neglect as a result of being a trafficking victim as

1 defined in section 28-830, the department shall identify the child as a
2 victim of trafficking, regardless of whether the subject of the report is
3 a member of the child's household or family or whether the subject is
4 known or unknown. The child shall be included in the department's data
5 and reporting on the numbers of child victims of abuse, neglect, and
6 trafficking.

7 Sec. 8. Section 43-2204, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-2204 A pilot project is created to provide family finding
10 services within at least two service areas. The department shall contract
11 with providers of family finding services ~~or the case management lead~~
12 ~~agency pilot project authorized under section 68-1212~~ to carry out the
13 family finding services pilot project. A provider may contract within
14 multiple service areas. Each contracting provider shall be trained in and
15 implement the steps described in section 43-2203. The family finding
16 services pilot project shall terminate on June 30, 2019.

17 Sec. 9. Section 43-4215, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-4215 (1) On or before July 1, 2014, the Division of Children and
20 Family Services of the Department of Health and Human Services shall
21 implement the reimbursement rate recommendations of the Foster Care
22 Reimbursement Rate Committee as reported to the Legislature pursuant to
23 section 43-4212 as such section existed before June 5, 2013.

24 (2) It is the intent of the Legislature to create additional levels
25 of caregiving for youth in foster care and to create an implementation
26 plan for treatment family care services in order to expand the service
27 array for high-acuity youth in the foster care system.

28 (3) The Legislature finds that (a) there is a need for consistency
29 in the implementation of additional tiers of caregiving across the state,
30 (b) additional tiers of caregiving and reimbursement exist in the
31 continuum of foster care services available in Nebraska, however, there

1 is a variation in the rates, implementation and outcomes, (c) the use of
2 rates outside of the established rate structure can create barriers to
3 permanency for children entering adoption and guardianship and prohibits
4 the state from accessing federal foster care funds that would otherwise
5 be available under Title IV-E of the federal Social Security Act, and (d)
6 additional tiers of caregiving should be utilized to support the
7 exceptional caregiving needs of children.

8 (4) The Legislature further finds that (a) additional treatment
9 services are needed to support the behavioral and mental health needs of
10 youth who are at risk of entering, or who are stepping down from,
11 congregate treatment placement, and (b) treatment family care services
12 uses blended funding to support caregivers and prevent placement
13 disruption.

14 (5) On or before October 1, 2022, the Division of Children and
15 Family Services of the Department of Health and Human Services shall, in
16 collaboration with the Foster Care Reimbursement Rate Committee,
17 implement additional statewide tiers of foster care reimbursements for
18 specialized caregiving with standardized rates for foster parents and
19 child placing agencies.

20 (6)(a) ~~(2)(a)~~ On or before July 1, 2013, the Division of Children
21 and Family Services of the Department of Health and Human Services shall
22 develop a pilot project as provided in this subsection to implement the
23 standardized level of care assessment tools recommended by the Foster
24 Care Reimbursement Rate Committee as reported to the Legislature pursuant
25 to section 43-4212 as such section existed before June 5, 2013.

26 (b)(i) The pilot project shall comprise two groups: One in an urban
27 area and one in a rural area. The size of each group shall be determined
28 by the division to ensure an accurate estimate of the effectiveness and
29 cost of implementing such tools statewide.

30 (ii) The Nebraska Children's Commission shall review and provide a
31 progress report on the pilot project by October 1, 2013, to the

1 department and electronically to the Health and Human Services Committee
2 of the Legislature; shall provide to the department and electronically to
3 the committee by December 1, 2013, a report including recommendations and
4 any legislation necessary, including appropriations, to adopt the
5 recommendations, regarding the adaptation or continuation of the
6 implementation of a statewide standardized level of care assessment; and
7 shall provide to the department and electronically to the committee by
8 February 1, 2014, a final report and final recommendations of the
9 commission.

10 Sec. 10. Section 43-4401, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 43-4401 For purposes of sections 43-4401 to 43-4407 ~~43-4409~~:

13 (1) Department means the Department of Health and Human Services;
14 and

15 ~~(2) N-FOCUS system means the electronic data collection system in~~
16 ~~use by the department on April 12, 2012;~~

17 ~~(3) Pilot project means a case management lead agency model pilot~~
18 ~~project established by the department pursuant to Laws 2012, LB961; and~~

19 (2) ~~(4)~~ Service area means a geographic area administered by the
20 department and designated pursuant to section 81-3116.

21 Sec. 11. Section 43-4402, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 43-4402 ~~The Legislature finds that:~~

24 ~~(1) Nebraska does not have the capacity to collect and analyze~~
25 ~~routinely and effectively the data required to inform policy decisions,~~
26 ~~child welfare service development, and evaluation of its child welfare~~
27 ~~system;~~

28 ~~(2) The N-FOCUS system is difficult to use and does not provide the~~
29 ~~appropriate data for meaningful monitoring of the child welfare system~~
30 ~~for children's safety, permanency, and wellness;~~

31 ~~(3) The N-FOCUS system does not easily integrate with other computer~~

1 ~~systems that have different purposes, capacities, file structures, and~~
2 ~~operating systems, resulting in silos of operation and information; and~~

3 ~~(4) The Legislature finds that the department needs leadership in~~
4 ~~developing a uniform electronic data collection system to collect and~~
5 ~~evaluate data regarding children served, the quality of child welfare~~
6 ~~services provided, and the outcomes produced by such child welfare~~
7 ~~services.~~

8 Sec. 12. Section 43-4403, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 43-4403 It is the intent of the Legislature:

11 (1) To provide for (a) legislative oversight of the child welfare
12 system through an improved electronic data collection system, (b)
13 improved child welfare outcome measurements through increased reporting
14 by ~~any lead agencies or the pilot project~~ and the department, and (c) an
15 independent evaluation of the child welfare system; and

16 (2) To develop an electronic data collection system to integrate
17 child welfare information into one system to more effectively manage,
18 track, and share information, especially in child welfare case
19 management.

20 Sec. 13. Section 43-4406, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 43-4406 On or before each September 15, the department shall report
23 electronically to the Health and Human Services Committee of the
24 Legislature the following information regarding child welfare services,
25 with respect to ~~children served by any lead agency or the pilot project~~
26 ~~and~~ children served by the department:

27 (1) The percentage of children served and the allocation of the
28 child welfare budget, categorized by service area ~~and by lead agency or~~
29 ~~the pilot project~~, including:

30 (a) The percentage of children served, by service area and the
31 corresponding budget allocation; and

1 (b) The percentage of children served who are wards of the state and
2 the corresponding budget allocation;

3 (2) The number of siblings in out-of-home care placed with siblings
4 as of the June 30 immediately preceding the date of the report,
5 categorized by service area ~~and by lead agency or the pilot project~~;

6 (3) The number of waivers granted under subsection (2) of section
7 71-1904;

8 (4) An update of the information in the report of the Children's
9 Behavioral Health Task Force pursuant to sections 43-4001 to 43-4003,
10 including:

11 (a) The number of children receiving mental health and substance
12 abuse services annually by the Division of Behavioral Health of the
13 department;

14 (b) The number of children receiving behavioral health services
15 annually at the Hastings Regional Center;

16 (c) The number of state wards receiving behavioral health services
17 as of September 1 immediately preceding the date of the report;

18 (d) Funding sources for children's behavioral health services for
19 the fiscal year ending on the immediately preceding June 30;

20 (e) Expenditures in the immediately preceding fiscal year by the
21 division, categorized by category of behavioral health service and by
22 behavioral health region; and

23 (f) Expenditures in the immediately preceding fiscal year from the
24 medical assistance program and CHIP as defined in section 68-969 for
25 mental health and substance abuse services, for all children and for
26 wards of the state;

27 (5) The following information as obtained for each service area ~~and~~
28 ~~lead agency or the pilot project~~:

29 (a) Case manager education, including college degree, major, and
30 level of education beyond a baccalaureate degree;

31 (b) Average caseload per case manager;

1 (c) Average number of case managers per child during the preceding
2 twelve months;

3 (d) Average number of case managers per child for children who have
4 been in the child welfare system for three months, for six months, for
5 twelve months, and for eighteen months and the consecutive yearly average
6 for children until the age of majority or permanency is attained;

7 (e) Monthly case manager turnover;

8 (f) Monthly face-to-face contacts between each case manager and the
9 children on his or her caseload;

10 (g) Monthly face-to-face contacts between each case manager and the
11 parent or parents of the children on his or her caseload;

12 (h) Case documentation of monthly consecutive team meetings per
13 quarter;

14 (i) Case documentation of monthly consecutive parent contacts per
15 quarter;

16 (j) Case documentation of monthly consecutive child contacts with
17 case manager per quarter;

18 (k) Case documentation of monthly consecutive contacts between child
19 welfare service providers and case managers per quarter;

20 (l) Timeliness of court reports; and

21 (m) Non-court-involved children, including the number of children
22 served, the types of services requested, the specific services provided,
23 the cost of the services provided, and the funding source;

24 (6) All placements in residential treatment settings made or paid
25 for by the child welfare system, the Office of Juvenile Services, the
26 State Department of Education or local education agencies, ~~any lead~~
27 ~~agency or the pilot project through letters of agreement,~~ and the medical
28 assistance program, including, but not limited to:

29 (a) Child variables;

30 (b) Reasons for placement;

31 (c) The percentage of children denied medicaid-reimbursed services

1 and denied the level of placement requested;

2 (d) With respect to each child in a residential treatment setting:

3 (i) If there was a denial of initial placement request, the length
4 and level of each placement subsequent to denial of initial placement
5 request and the status of each child before and immediately after, six
6 months after, and twelve months after placement;

7 (ii) Funds expended and length of placements;

8 (iii) Number and level of placements;

9 (iv) Facility variables; and

10 (v) Identification of specific child welfare services unavailable in
11 the child's community that, if available, could have prevented the need
12 for residential treatment; and

13 (e) Identification of child welfare services unavailable in the
14 state that, if available, could prevent out-of-state placements;

15 ~~(7) From any lead agency or the pilot project, the percentage of its~~
16 ~~accounts payable to subcontracted child welfare service providers that~~
17 ~~are thirty days overdue, sixty days overdue, and ninety days overdue;~~

18 (7) ~~(8)~~ For any individual involved in the child welfare system
19 receiving a service or a placement through the department or its agent
20 for which referral is necessary, the date when such referral was made by
21 the department or its agent and the date and the method by which the
22 individual receiving the services was notified of such referral. To the
23 extent the department becomes aware of the date when the individual
24 receiving the referral began receiving such services, the department or
25 its agent shall document such date;

26 (8) ~~(9)~~ The number of sexual abuse allegations that occurred for
27 children being served by the Division of Children and Family Services of
28 the Department of Health and Human Services and placed at a residential
29 child-caring agency and the number of corresponding (a) screening
30 decision occurrences by category, (b) open investigations by category,
31 and (c) agency substantiations, court substantiations, and court-pending

1 status cases; and

2 (9) ~~(10)~~ Information on children who are reported or suspected
3 victims of sex trafficking of a minor or labor trafficking of a minor, as
4 defined in section 28-830, including:

5 (a) The number of reports to the statewide toll-free number pursuant
6 to section 28-711 alleging sex trafficking of a minor or labor
7 trafficking of a minor and the number of children alleged to be victims;

8 (b) The number of substantiated victims of sex trafficking of a
9 minor or labor trafficking of a minor, including demographic information
10 and information on whether the children were already served by the
11 department;

12 (c) The number of children determined to be reported or suspected
13 victims of sex trafficking of a minor or labor trafficking of a minor,
14 including demographic information and information on whether the children
15 were previously served by the department;

16 (d) The types and costs of services provided to children who are
17 reported or suspected victims of sex trafficking of a minor or labor
18 trafficking of a minor; and

19 (e) The number of ongoing cases opened due to allegations of sex
20 trafficking of a minor or labor trafficking of a minor and number of
21 children and families served through these cases.

22 Sec. 14. Section 43-4407, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-4407 (1) Each service area administrator ~~and any lead agency or~~
25 ~~the pilot project~~ shall annually survey children, parents, foster
26 parents, judges, guardians ad litem, attorneys representing parents, and
27 service providers involved with the child welfare system to monitor
28 satisfaction with (a) adequacy of communication by the case manager, (b)
29 response by the department, ~~any lead agency, or the pilot project~~ to
30 requests and problems, (c) transportation issues, (d) medical and
31 psychological services for children and parents, (e) visitation

1 schedules, (f) payments, (g) support services to foster parents, (h)
2 adequacy of information about foster children provided to foster parents,
3 and (i) the case manager's fulfillment of his or her responsibilities. A
4 summary of the survey shall be reported electronically to the Health and
5 Human Services Committee of the Legislature on September 15, 2012, and
6 each September 15 thereafter.

7 (2) Each service area administrator ~~and any lead agency or the pilot~~
8 ~~project~~ shall provide monthly reports to the child advocacy center that
9 corresponds with the geographic location of the child regarding the
10 services provided through the department ~~or a lead agency or the pilot~~
11 ~~project~~ when the child is identified as a voluntary or non-court-involved
12 child welfare case. The monthly report shall include the plan implemented
13 by the department, ~~the lead agency, or the pilot project~~ for the child
14 and family and the status of compliance by the family with the plan. The
15 child advocacy center shall report electronically to the Health and Human
16 Services Committee of the Legislature on September 15, 2012, and every
17 September 15 thereafter, or more frequently if requested by the
18 committee.

19 Sec. 15. Section 68-1207, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 68-1207 (1) The Department of Health and Human Services shall
22 supervise all public child welfare services as described by law. The
23 department ~~and the pilot project described in section 68-1212~~ shall
24 maintain caseloads to carry out child welfare services which provide for
25 adequate, timely, and indepth investigations and services to children and
26 families. Caseloads shall range between twelve and seventeen cases as
27 determined pursuant to subsection (2) of this section. In establishing
28 the specific caseloads within such range, the department ~~and the pilot~~
29 ~~project~~ shall (a) include the workload factors that may differ due to
30 geographic responsibilities, office location, and the travel required to
31 provide a timely response in the investigation of abuse and neglect, the

1 protection of children, and the provision of services to children and
2 families in a uniform and consistent statewide manner and (b) utilize the
3 workload criteria of the standards established as of January 1, 2012, by
4 the Child Welfare League of America. The average caseload shall be
5 reduced by the department in all service areas as designated pursuant to
6 section 81-3116 ~~and by the pilot project~~ to comply with the caseload
7 range described in this subsection by September 1, 2012. Beginning
8 September 15, 2012, the department shall include in its annual report
9 required pursuant to section 68-1207.01 a report on the attainment of the
10 decrease according to such caseload standards. The department's annual
11 report shall also include changes in the standards of the Child Welfare
12 League of America or its successor.

13 (2) Caseload size shall be determined in the following manner: (a)
14 If children are placed in the home, the family shall count as one case
15 regardless of how many children are placed in the home; (b) if a child is
16 placed out of the home, the child shall count as one case; (c) if, within
17 one family, one or more children are placed in the home and one or more
18 children are placed out of the home, the children placed in the home
19 shall count as one case and each child placed out of the home shall count
20 as one case; and (d) any child receiving services from the department or
21 a private entity under contract with the department shall be counted as
22 provided in subdivisions (a) through (c) of this subsection whether or
23 not such child is a ward of the state. For purposes of this subsection, a
24 child is considered to be placed in the home if the child is placed with
25 his or her biological or adoptive parent or a legal guardian and a child
26 is considered to be placed out of the home if the child is placed in a
27 foster family home as defined in section 71-1901, a residential child-
28 caring agency as defined in section 71-1926, or any other setting which
29 is not the child's planned permanent home.

30 (3) To insure appropriate oversight of noncourt and voluntary cases
31 when any child welfare services are provided, ~~either by the department or~~

1 ~~by a lead agency participating in the pilot project,~~ as a result of a
2 child safety assessment, the department ~~or lead agency~~ shall develop a
3 case plan that specifies the services to be provided and the actions to
4 be taken by the department ~~or lead agency~~ and the family in each such
5 case. Such case plan shall clearly indicate, when appropriate, that
6 children are receiving services to prevent out-of-home placement and
7 that, absent preventive services, foster care is the planned arrangement
8 for the child.

9 (4) To carry out the provisions of this section, the Legislature
10 shall provide funds for additional staff.

11 Sec. 16. Section 68-1210, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 68-1210 (1) Notwithstanding any other provision of law, the
14 Department of Health and Human Services shall have the authority through
15 rule or regulation to establish payment rates for children with special
16 needs who are in foster care and in the custody of the department.

17 (2)(a) On or before October 1, 2022, the Division of Medicaid and
18 Long-Term Care and the Division of Children and Family Services of the
19 Department of Health and Human Services shall develop a plan to implement
20 treatment family care services. The plan shall be submitted to the Health
21 and Human Services Committee of the Legislature and the Nebraska
22 Children's Commission.

23 (b) On or before October 1, 2023, the Division of Medicaid and Long-
24 Term Care shall implement treatment family care services as allowed by
25 federal law. The department shall seek to maximize federal funding for
26 such program prior to utilizing state medicaid funds for eligible
27 children.

28 Sec. 17. Section 68-1212, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 68-1212 ~~For (1) Except as provided in subsection (2) of this~~
31 ~~section,~~ for all cases in which a court has awarded a juvenile to the

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

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

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

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

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

28 ~~(d) Compliance and coordination with the strategic child welfare~~
29 ~~priorities determined by the Nebraska Children's Commission as provided~~
30 ~~in section 43-4204; and~~

31 ~~(e) Assurance of financial accountability and reporting by the lead~~

1 agency.

2 ~~(3) A lead agency contracted to provide community-based care for~~
3 ~~children and families shall:~~

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

7 ~~(b) Demonstrate readiness shown by the completion of a readiness~~
8 ~~assessment developed by the Department of Health and Human Services to~~
9 ~~determine the lead agency's viability. The assessment shall evaluate~~
10 ~~organizational, operational, and programmatic capabilities and~~
11 ~~performance, including readiness of: The board of directors; compliance~~
12 ~~and oversight; financial risk management; financial liquidity and~~
13 ~~performance; infrastructure maintenance; funding sources, including~~
14 ~~state, federal, and external private funding; and operations, including~~
15 ~~reporting, staffing, evaluation, training, supervision, contract~~
16 ~~monitoring, and program performance tracking capabilities;~~

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

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

24 ~~(4) Each condition of subsection (3) of this section shall be met~~
25 ~~prior to the assumption of service provision by such lead agency under~~
26 ~~this section. Nothing in this section shall prohibit the department from~~
27 ~~phasing the transition of case management services to such lead agency~~
28 ~~over a period of time.~~

29 ~~(5) The Director of Children and Family Services of the Division of~~
30 ~~Children and Family Services of the Department of Health and Human~~
31 ~~Services shall notify the Health and Human Services Committee of the~~

1 ~~Legislature when the readiness assessment required under subdivision (3)~~
2 ~~(b) of this section is complete and provide assurance that the lead~~
3 ~~agency has demonstrated full readiness, prior to the assumption of~~
4 ~~service provision by such lead agency.~~

5 Sec. 18. Section 68-1214, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 68-1214 To facilitate consistency in training all case managers and
8 allow for Title IV-E reimbursement for case manager training under Title
9 IV-E of the federal Social Security Act, as amended, the same program for
10 initial training of case managers shall be utilized for all case
11 managers, ~~whether they are employed by the department or by an~~
12 ~~organization under contract with the department.~~ The initial training of
13 all case managers shall be provided by the department or one or more
14 organizations under contract with the department. The department shall
15 create a formal system for measuring and evaluating the quality of such
16 training. All case managers shall complete a formal assessment process
17 after initial training to demonstrate competency prior to assuming
18 responsibilities as a case manager. The training curriculum for case
19 managers shall include, but not be limited to: (1) An understanding of
20 the benefits of utilizing evidence-based and promising casework
21 practices; (2) the importance of guaranteeing service providers' fidelity
22 to evidence-based and promising casework practices; and (3) a commitment
23 to evidence-based and promising family-centered casework practices that
24 utilize a least restrictive approach for children and families.

25 Sec. 19. Sections 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 20, and 22
26 of this act become operative three calendar months after the adjournment
27 of this legislative session. The other sections of this act become
28 operative on their effective date.

29 Sec. 20. Original sections 43-2204, 43-4401, 43-4402, 43-4403,
30 43-4407, 68-1207, and 68-1214, Reissue Revised Statutes of Nebraska, and
31 sections 28-713, 43-4406, and 68-1212, Revised Statutes Cumulative

1 Supplement, 2020, are repealed.

2 Sec. 21. Original sections 43-4215 and 68-1210, Reissue Revised
3 Statutes of Nebraska, are repealed.

4 Sec. 22. The following sections are outright repealed: Sections
5 43-4408, 43-4409, and 81-3135, Reissue Revised Statutes of Nebraska, and
6 section 68-1213, Revised Statutes Supplement, 2021.

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

9 2. On page 1, strike beginning with "child" in line 1 through line 5
10 and insert "children and families; to amend sections 43-2204, 43-4215,
11 43-4401, 43-4402, 43-4403, 43-4407, 68-1207, 68-1210, and 68-1214,
12 Reissue Revised Statutes of Nebraska, and sections 28-713, 43-4406, and
13 68-1212, Revised Statutes Cumulative Supplement, 2020; to state findings
14 and intent; to create a work group and strategic leadership group for
15 child welfare system reform; to provide duties for the Department of
16 Health and Human Services; to define terms; to change provisions relating
17 to reports of child abuse or neglect; to provide duties for the Division
18 of Children and Family Services and the Division of Medicaid and Long-
19 Term Care of the Department of Health and Human Services to implement
20 services and reimbursement rates as prescribed; to change and eliminate
21 provisions regarding lead agencies and a pilot project; to harmonize
22 provisions; to provide operative dates; to repeal the original sections;
23 to outright repeal sections 43-4408, 43-4409, and 81-3135, Reissue
24 Revised Statutes of Nebraska, and section 68-1213, Revised Statutes
25 Supplement, 2021; and to declare an emergency."