

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1213

Introduced by McKinney, 11.

Read first time January 21, 2026

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to foster care; to adopt the Case Management
- 2 Licensure Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 10 of this act shall be known and may be
2 cited as the Case Management Licensure Act.

3 **Sec. 2.** (1) The Legislature finds that:

4 (a) Inconsistent and ineffective case management within child
5 welfare systems can cause irreversible harm to children and families;
6 (b) Data from the department demonstrates that inefficient case
7 management has contributed to: (i) The loss or jeopardization of federal
8 Title IV-E funding administered through the Children's Bureau of the
9 United States Department of Labor; (ii) increased and unnecessary public
10 expenditures related to mental health services and trauma responses
11 arising from unsubstantiated abuse and neglect investigations; and (iii)
12 prolonged neglect of children and families due to excessive caseloads and
13 inadequate oversight;

14 (c) Existing complaint and accountability mechanisms are laborious
15 and insufficient and may expose complainants to retaliation; and

16 (d) Establishing a licensure, oversight, and accountability
17 framework for individuals performing case management functions will
18 promote professionalism, consistency, and public trust.

19 (2) It is the intent of the Legislature to improve child welfare
20 outcomes by strengthening accountability, improving compliance,
21 protecting due process, and safeguarding federal funding streams.

22 **Sec. 3.** For purposes of the Case Management Licensure Act:

23 (1) Case manager means a social worker, investigator, supervisor, or
24 other individual employed by, or contracted with, the department who
25 performs case management, investigative, or supervisory functions related
26 to child welfare, child protective services, or foster care;

27 (2) Complainant means an individual affected by, or reporting
28 conduct subject to, review under the Case Management Licensure Act;

29 (3) Department means the Department of Health and Human Services;

30 (4) Licensure means the certification granted under the Case
31 Management Licensure Act authorizing an individual to perform case

1 management duties in the state;

2 (5) Malfeasance means intentional misconduct or wrongful conduct,
3 including falsification of records or abuse of authority;

4 (6) Negligence means a failure to exercise reasonable care
5 consistent with professional standards; and

6 (7) Office means the Foster Care Review Office.

7 **Sec. 4.** (1) No individual shall perform case management in the
8 child welfare system unless licensed pursuant to the Case Management
9 Licensure Act.

10 (2) Licensure shall be valid for a period of two years and shall be
11 subject to renewal upon compliance with standards established by the
12 office.

13 (3) The licensure requirement shall apply to all case managers
14 regardless of employment classification, including employees,
15 contractors, or subcontractors.

16 **Sec. 5.** (1) The office shall serve as the licensure and oversight
17 authority under the Case Management Licensure Act.

18 (2) The office may: (a) Adopt and promulgate rules and regulations
19 necessary to administer and enforce the Case Management Licensure Act;
20 (b) establish professional standards and standard operating procedures
21 for licensed case managers; (c) receive, investigate, and adjudicate
22 complaints; (d) impose disciplinary actions, including suspension or
23 revocation of licensure; and (e) develop and administer the appeal
24 process described in section 6 of this act.

25 **Sec. 6.** (1) The office shall establish a formal process for
26 reviewing complaints and licensure infractions, suspensions, and
27 revocations.

28 (2) An appeal of an initial office finding shall be reviewed within
29 sixty days after the date the appeal is filed.

30 (3) The office shall issue a written decision within thirty days
31 after the date the appeal review is completed, which may include (a)

1 affirmation of the original finding, (b) amendment of the finding, or (c)
2 a determination that the complaint is unfounded.

3 (4) A request for amendment of an office decision shall be filed
4 within ten days after the date the decision is issued.

5 (5) Amendments shall be granted only upon submission of additional
6 evidence demonstrating that (a) the scope of harm or impact is less than
7 originally determined or (b) the case manager has rectified or reversed
8 the impact of the conduct to the satisfaction of affected parties.

9 Sec. 7. (1) If the office determines that a licensed case manager
10 has engaged in misconduct, including, but not limited to (a)
11 falsification or alteration of documents, (b) submission or use of
12 inaccurate, misleading, or incomplete information, whether verbal or
13 written, (c) knowingly providing false statements through emails, text
14 messages, reports, or other case-related materials, or (d) any act or
15 omission intended to improperly influence, delay, or affect the outcome
16 of an open or closed case, the office shall impose disciplinary action.

17 (2) Disciplinary action under this section may include (a)
18 suspension of licensure for a defined period, (b) revocation of
19 licensure, (c) conditions for reinstatement, including additional
20 training, supervision, or a corrective action plan, or (d) permanent
21 disqualification from licensure.

22 (3) Revocation of licensure shall be mandatory when the office finds
23 that the misconduct was intentional, reckless, or resulted in substantial
24 harm to a child, a family, a foster parent, or the integrity of the child
25 welfare system.

26 (4) Loss of licensure under this section shall prohibit the
27 individual from serving in any case management, investigative, or
28 supervisory capacity in the child welfare system.

29 (5) Nothing in this section shall be construed to limit the
30 authority of any other state entity to act within its lawful
31 jurisdiction.

1 **Sec. 8.** (1) Nothing in the Case Management Licensure Act shall be
2 construed to create state liability for acts or omissions of licensed
3 case managers.

4 (2) Each licensed case manager, investigator, and supervisor shall
5 have an independent duty to act with prudence, diligence, integrity, and
6 fairness as a representative of the state and the department.

7 **Sec. 9.** The office, in consultation with the department, shall
8 adopt standards to: (1) Reduce the duration of investigations; (2)
9 require timely notice to families and foster parents of investigations,
10 except where prohibited by law; (3) require weekly updates and clear
11 expectations during the life cycle of an investigation; (4) clearly
12 define conditions under which investigations may remain open; (5)
13 prohibit placing foster homes on hold during investigations unless there
14 is definitive evidence of violence or malfeasance, while allowing respite
15 care where appropriate; and (6) require consideration and documentation
16 of foster parent input.

17 **Sec. 10.** The office shall electronically submit an annual report to
18 the Legislature and publish the report on the department's website. The
19 report shall include: (1) Licensure activity and disciplinary actions;
20 (2) trends in complaints and investigations; (3) estimated fiscal impacts
21 of unsubstantiated removals, malicious prosecution, or case management
22 misconduct; and (4) progress toward improving efficiency, compliance, and
23 federal Title IV-E funding eligibility.