Appendices
LR37

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 37

Introduced by Health and Human Services Committee: Campbell, 25, Chairperson; Bloomfield, 17; Gloor, 35; Howard, 9; Krist, 10; Wallman, 30; Avery, 28; Coash, 27; Conrad, 46; Dubas, 34; Hadley, 37; Hansen, 42; McGill, 26; Mello, 5; Council, 11.

WHEREAS, in July, 2009, the Department of Health and Human Services began the child welfare reform initiative, known as Families Matter, to address the growing number of children in out-of-home placements. The department selected six separate private agencies as lead agencies to implement the reform initiatives which increased responsibilities of private agencies to provide services to children and families. The private agencies were also subject to a new reimbursement methodology that changed from fee-for-service to risk-based reimbursement. Significant changes ensued regarding how children and families are served by the child welfare and juvenile services system in Nebraska; and

WHEREAS, on October 15, 2010, the Department of Health and Human Services announced that the remaining private agencies would receive greater case management responsibility and that new lead agencies in the remaining service area would be sought. As a result, department staff that provide critical case management services and a last safety net if a private agency is unable to provide services in the future would be greatly reduced; and

WHEREAS, by November 1, 2010, only two lead agencies were still under contract with the Department of Health and Human Services to assist
with implementing the child welfare reform initiative. Departing agencies cited the loss of significant funds as they sought to carry out the terms of the contract. During hearings for Interim Study LR568, the Health and Human Services Committee of the Legislature heard additional concerns regarding lack of documentation in records, failure to pay providers and foster parents fully and promptly, confusion regarding division of responsibilities, quality of care and training, and long-term planning to sustain the child welfare reform initiative and ensure safety and protection of Nebraska's children. These difficulties have resulted in a lack of stability within the child welfare system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature be designated to review, investigate, and assess the effect of the child welfare reform initiative which the Department of Health and Human Services began implementing July, 2009.

2. That the committee shall consult with the department, service providers currently or formerly under contract to the department, the Supreme Court, the Foster Care Review Board, and stakeholders representing state and local government, provider organizations, consumers, consumer advocates, and other parties as the committee deems helpful.

3. That the committee shall utilize existing studies, reports, and past presentations of information by the department to the Legislature; the Foster Care Review Board; and current and previous lead agencies and their subcontractors for their reports relating to the effort to improve the
child welfare system. The committee shall not be limited to such studies, reports, or legislation.

4. That the committee may hold public hearings on the implementation of child welfare reforms and, pursuant to section 50-406 and the rules of the Nebraska Unicameral Legislature, may exercise its authority to administer oaths, issue subpoenas, compel attendance of witnesses and the production of documents, and cause depositions of witnesses in the manner prescribed by law for taking depositions in civil actions in the district court.

Issues to be considered may include, but shall not be limited to:

(a) The goal formation, delineation of outcome measurements, coordination, and long-term planning of the child welfare reform initiative by the Department of Health and Human Services;

(b) The effectiveness of the public-private partnership in providing services to children and families involved with the department including the number of children attaining permanency through adoption;

(c) The system of accountability, funding, and financial sustainability of the child welfare reform initiative;

(d) The effect of the child welfare reform initiative on meeting the federal Child and Family Service Reviews of outcomes and indicators, permanency and well-being; and

(e) The option of requesting the Legislative Performance Audit Committee and the Auditor of Public Accounts to conduct a joint performance and fiscal audit or separate audits of child welfare reforms.
5. That the committee shall provide the Legislature a final report no later than December 15, 2011.
LEGISLATIVE RESOLUTION SUMMARY

LR 37

LR 37 (Health and Human Services Committee) Provide the Health and Human Services Committee be designated to review, investigate, and assess the effect of the child welfare reform initiative implemented by the Department of Health and Human Services. To summarize:

- In July 2009 the department selected six private agencies as lead agencies to implement child welfare reform, recently entitled Families Matter.
- The child welfare reform increased the responsibilities of these private agencies to provide services to children and families.
- The private agencies were subject to a risk-based rather than fee for service reimbursement.
- On October 15, 2010 the department announced the remaining agencies would receive greater case management responsibilities.
- The result of the case management transfer is the reduction of department staff that provides critical case management services and a last safety net if private agencies stop providing services in the future.
- By November 1, 2010 three agencies had ended the contracts with the state citing loss of significant funds and only two lead agencies remain.
- The HHS Committee interim study hearings on LR 568 revealed additional serious concerns about the long term planning and sustainability of the child welfare reform. These included lack of documentation in records; failure to pay foster care parents and service providers; confusion regarding work responsibilities; a lack of training and quality of care to ensure the safety and protection of Nebraska’s children.
- The Legislative Resolution resolves that the Health and Human Services Committee:
  - Review, investigate and assess the effect of the child welfare reform initiative.
  - Consult with a broad array of public and private stakeholders.
  - Utilize existing and past studies, reports and information relating to the effort to improve the child welfare system.
  - Hold public hearing on the implementation of child welfare reform utilizing the authority provided by section 50-406 and the rules of the Nebraska Unicameral Legislature.
  - Consider issues surrounding the implementation of the child welfare reform including, but not limited to the goals, outcome measures, coordination, and long-term planning; effectiveness of public-private partnership to provide services; number of children attaining permanency through adoption; accountability, funding, and financial sustainability; fulfillment of the federal Child and Family Service Review outcomes and indictors; and the option of requesting the Legislative Performance Audit Committee and the Auditor of Public Accounts to conduct a joint performance and fiscal audit or separate audits of child welfare reforms.
Resource List:


Allio, Robert J., “Russell L. Ackoff, Iconoclastic Management Authority, Advocates a Systemic Approach to Innovation.”

American Federation of State County and Municipal Employees, AFL-CIO, April 2004.


Ashby, Cornelia, “States and HHS Face Challenges in Assessing and Improving State Performance,” GAO, Testimony Before the Subcommittee on Human Resources, Committee on Ways and Means, House of Representatives.

Behar, Lenore, Robert Friedman, Nancy Lynn, “A Study of Service Innovations that Enhance Systems of Care: Expanding the Array of Services Using Networks of Providers in Community-based Integrated Systems of Care,” University of South Florida, Research and Training Center for Children’s Mental Health.


Compiled by Mary Rasmussen, Legislative Research


“Education is the Lifeline for Youth in Foster Care,”


Freundlich, Madelyn, “Legislative Strategies to Safely Reduce the Number of Children in Foster Care,” National Conference of State Legislatures, July 2010.


Schultz, Dana, Anita Chandra, and Dionne Barnes, “Review of Cost Analysis Plan for Casey CBITS for Youth in Foster Care,” Casey Family Programs, 2008.


Nebraska Statutes Relating to Child Welfare

The following is a list of Nebraska statutes relating to child welfare. The list is a result of a Westlaw search of all Nebraska statutes using the query "child /p welfare" and a compilation of selected provisions pertaining to child welfare and juvenile justice compiled by Kathryn A. Olson of the University of Nebraska-Lincoln's Center on Children, Families, and the Law.

Because of the variety of words and phrases which can be used to define and describe "child welfare", this list cannot be considered to be "all inclusive"; however, I tried to identify the majority of applicable provisions, and I attached a copy of Ms. Olson's compilation for your reference.

Summary of Relevant Statutes

1. Chapter 28, Criminal provisions aimed at protecting a child or creating a separate crime classification or enhancing a penalty because the victim is a child

2. Chapter 29, Criminal procedural protections for children
   a. Neb. Rev. Stat. sec. 29-121—"Safe haven" statute, leaving a child at a hospital
   b. Neb. Rev. Stat. sec. 29-2204—Indeterminate sentence; court; duties; study of offender; when; costs; defendant under 18 years of age; disposition
   d. Neb. Rev. Stat. secs. 29-2260 and 29-2260.01—Certain juveniles; disposition of certain offenders; juvenile intake services
   e. Neb. Rev. Stat. secs. 29-2246 to 29-2269—Nebraska Probation Administration Act
   f. Neb. Rev. Stat. secs. 29-2270 to 29-2273—Individuals less than 19 years of age; certain probation conditions

Compiled by Nancy Cyr, Legislative Research
3. **Chapter 42**, Provisions aimed at protecting the child during divorce and custody proceedings  
   a. Neb. Rev. Stat. secs. 42-801 to 42-823—Conciliation Court, purposes of the conciliation court are to protect the rights of children and to promote the public welfare

4. **Chapter 43**, Provisions applicable to children  
   b. Neb. Rev. Stat. secs. 43-117 to 43-118.01—Wards and children with special needs  
   e. Neb. Rev. Stat. secs. 43-161-43-165—Communication or contact agreements  
   l. Neb. Rev. Stat. secs. 43-701 to 43-709—Placement of a child; duty of department to protect child  
   m. Neb. Rev. Stat. secs. 43-901 to 43-908—Children committed to the Department of Health and Human Services  
   p. Neb. Rev. Stat. secs. 43-1226 to 43-1266—Uniform Child Custody and Jurisdiction and Enforcement Act  
   q. Neb. Rev. Stat. secs. 43-1301 to 43-1318—Foster Care Review Act  
aa. Neb. Rev. Stat. sec. 43-3001—Child in state custody; access to information and records
cc. Neb. Rev. Stat. secs. 43-3501 to 43-3507—County Juvenile Services Plan Act
e. Neb. Rev. Stat. secs. 43-3801 to 43-3812—Protect foreign national minors having multiple nationalities

5. Chapter 68, Public Assistance
   b. Neb. Rev. Stat. secs. 68-1202 to 68-1210—Provision of social services, including child welfare services

7. Chapter 71, Public Health and Welfare

8. Chapter 79, Schools and School Districts

9. Chapter 81, State Administrative Departments  

10. Chapter 83, State Institutions  
Child Welfare Reports

Reports to be completed by Department of Health and Human Services (HHS):

- 43-405(6), OJS/costs;
- 68-1207.01, caseloads;
- 71-1904, waiver of foster care training requirements;
- 71-3407, child death review;
- 71-825, children and family support hotline;

Reports required by statute:

- 43-296, requires entities receiving juveniles under the Nebraska Juvenile Code to report information to HHS;
- 43-543, Family policy; annual statement required as part of annual budget request
- 43-1303, requires Foster Care Review Board to maintain a statewide register of all foster care placements and report this information monthly to HHS;
- 71-827, requires the Children's Behavioral Health Oversight Committee of the Legislature to annually report to Governor and Legislature.

Federal Children and Family Services Division:

- The Child and Family Services Plan (CFSP)
- The Annual Progress and Services Report (APSR)
- Child Abuse Prevention and Treatment Act (CAPTA)
- Children’s Justice Act (CJA)
- IV-E Pre-Print
- Case Worker Visitation Report
- Family Violence and Prevention Services Act Report
- Runaway and Homeless Youth Report (SSRHY)
- The Adoption and Foster Care Analysis and Reporting System (AFCARS)
- The National Child Abuse and Neglect Data System (NCANDS)
- National Youth in Transition Database (NYTD)
- AFCARS Improvement Plan Quarterly Report (AIP)
- Program Improvement Plan Quarterly Report (PIP)

DHHS Finance Division federal child welfare reports:

- CFS-101-Child Welfare
- ACF (Administration of Children & Families)-800-Child Care (caseloads)
- Pooling Factor Report-Child Care
- ACF-696: Quarterly Child Care Report/Financial; done by NFOCUS
- ACF-4125: Children in Foster Homes, Ages 5 to 17; done by NFOCUS

Compiled by Kate Gaul, Legislative Research
Listing of Research Library Documents Relating to Child Welfare/Juvenile Justice


Early Childhood Mental Health: A Report to Nebraska (2002)

Juvenile Court Report: Juvenile Cases Processed by County Courts (1988)


LR 446: A Study of Issues Relevant to the Procedure of Investigating Reports of Neglected and Abused Children (1994)

Nebraska Coalition for Juvenile Justice and the Juvenile Services Grant Committee Annual Report to the Governor and the Nebraska Legislature (various years)

Nebraska Department of Correctional Services: Juvenile Statistical Report (various years)


Governor’s Children’s Task Force: A Roadmap to Safety for Nebraska’s Children (2003)

Kids Count Data Book: State Profiles of Child Well-Being (various years)

Governor’s Children’s Task Force: A Roadmap to Safety for Nebraska’s Children (2003)


Nebraska State Senators’ Rural Caucus for Children (1993)

Compiled by Mary Rasmussen, Legislative Research
Nebraska’s Programs for Children and Their Families: A Guide for Legislators
Select Committee on Children and Families (1988)

History of Legislation Relating to the Level of Benefits Paid to Dependent Children (1986)

LR 367: Pertaining to Child Abuse and Neglect in the State of Nebraska (1990)


Case Reviews of Children in Foster Care: A Comparison of Nebraska’s Systems (1994)

Nebraska Foster Care Review Board Annual Report (various years)

Nebraska’s Foster Care Conundrum: Federal Reimbursements Hinders Reform (2009)

Children’s Behavioral Health Plan (2007)

LR 513: Nebraska Behavioral Health Services Act (2010)


Choices and Challenges: Report of the Study Commission on Programs and Services for Dependent Youth and Youth Offenders in Nebraska (1984)


Nebraska’s Foster Care Conundrum: Federal Reimbursement Hinders Reform (2009)

Juvenile Offenders in Nebraska (1995)


Disproportionate Confinement of Minority Youth in Nebraska (Summary Report – 1999)

LR 405: A Study to Examine the Placement of Juvenile Offenders (1996)

Assessing the Need for and Availability of Mental Health Services for Juvenile Offenders (2002)


LR 440: A Study to Examine the Use of Mediation for Juvenile Offenders (1996)