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**NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES**

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**TO:** MEMBERS OF CHILDREN'S COMMISSION  
**FROM:** KERRY T. WINTERER, CEO   
**SUBJECT:** FIRST COMMISSION MEETING  
**DATE:** 05/31/2012  
**CC:** GOVERNOR HEINEMAN

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Thank you for agreeing to serve on the Nebraska Children's Commission. While the Commission has much work to be done in a short period of time, the issues the Commission will address are extremely important for the wellbeing of the children and families who are depending on the state for services and for their wellbeing.

I want to confirm that the first meeting of the Commission has been set for Thursday, June 7, 2012, at the Hruska Law Center, 635 S. 14<sup>th</sup> Street in Lincoln. It is scheduled to begin at 1:00. Travel expenses including mileage, parking, and overnight lodging (if necessary) are reimbursable according to guidelines for state employees. This will be discussed further at the initial meeting.

Enclosed are materials which you may find helpful in preparing for the meeting. These items include:

- A summary of legislation passed this past session dealing with child welfare reform relevant to the Commission's work.
- An explanation of the requirements of Nebraska's Open Meetings Act.
- An explanation of the requirements of Nebraska Public Records laws
- A complete copy of LB821 which creates the Commission
- A description of the Foster Care Reimbursement Rate Committee and the Title IV-E Demonstration Project Committee which will become part of the Commission

There will be other items provided at the meeting including a complete copy of the Legislature's LR 37 report. A preliminary meeting agenda and a roster of members were mailed to you previously from the Governor's office. The agenda will be kept continually current and may be changed up to twenty-four hours prior to the meeting. It may be viewed at the Department of Health and Human Services offices on the third floor of the Nebraska State Office Building at 301 Centennial Mall South, Lincoln, Nebraska. Any changes to the agenda will also be posted on our website: [www.dhhs.ne.gov](http://www.dhhs.ne.gov). I suggest checking that site frequently in the future for meeting notices and the current agenda.

Again, thanks for agreeing to serve, and I look forward to seeing you on the 7<sup>th</sup> in Lincoln.

## GENERAL GUIDANCE FOR OPEN MEETINGS

The following are some general principles and guidance for complying with the Nebraska Open Meetings Act.

- A quorum is required for each a meeting. A majority of all members of a body, including ex officio members, is a quorum unless the Commission sets a higher requirement by its rules. A decision generally requires a majority of the voting members present in the quorum.
- The Commission cannot meet by telephone. Meetings must be in a location open to the public.
- Reasonable notice must be given of every meeting. Reasonable notice includes the date, time, location, and a copy of the agenda or a statement that a current copy of the agenda for the meeting can be viewed at the main business office of the public body.
- An agenda is required for every meeting. Members and the public can suggest agenda items to the Chair. Agendas may be modified up to twenty four hours before a meeting. Agendas items must adequately describe what will be discussed.
- At the beginning of every meeting, an announcement is made that the meeting is a public meeting and informing everyone present where a copy of the Open Meetings Act is posted in the meeting room.
- All documents used by the Commission at a meeting are public records. A copy of any document used must be available for the public at the meeting.
- Decisions by the Commission cannot be made prior to a meeting or in a closed session. Decisions must done by a vote at a meeting of the Commission. (Members cannot be contacted individually by other members to determine how they will vote prior to a meeting, to discuss agenda items to avoid an open discussion at a meeting, or to decide an action before a meeting.)
- Roll call votes are required and each member's vote must be recorded. Voting by secret ballot is permitted for choosing officers of the Commission. However, the total number of votes for each candidate must be recorded.
- Subcommittees can be used to assist in conducting the Commission's affairs. A subcommittee cannot be the whole Commission or a quorum of the Commission. A subcommittee can make a report to the Commission and provide alternatives as part of the report, but cannot make a recommendation as to how to proceed except at an open meeting of the Commission. The Commission must make all final decisions.
- Minutes are required for each meeting. Written minutes must be available for review by the public within 10 working days or before the next meeting whichever is earlier. The minutes must include the time and place of the meeting, members present or absent, and the substance of all matters discussed.
- Minutes should include how each member voted on each item or if the member was absent or did not vote.
- The public has a right to attend any meeting without identifying themselves. The Commission cannot prevent the public from participating at all meetings. Individuals who want to speak at the meeting can be required to identify themselves.
- The Commission can make reasonable rules regarding the conduct of individuals attending meetings.



## GENERAL GUIDANCE FOR PUBLIC RECORDS

The following are some general principles and guidance for complying with the Nebraska Public Record Statutes.

- Public Records include all records and documents, regardless of form, of the state, unless a statute expressly provides otherwise.
- Examples of records and documents are agendas, emails, instant messages, letters, data, policies, meeting minutes, computer files, reports, fee books, licenses, applications, briefing papers, claims, state warrants, and other financial information.
- A document on a private computer, smart telephone, or tablet of a member of a public body can be a public record if it relates to the business of the Commission. It is recommended that Commission members avoid using personal computers by either using computers provided by the body or using paper.
- Documents used at public meetings are public records. Records that otherwise could be withheld from the public can lose their protected status if disclosed at a public meeting.
- The public can review and obtain copies of public records unless there is a law allowing the custodian of the record to withhold access.
- The public does not have to provide a reason for wanting to review or obtain a copy of a public record.
- A member of the public can be charged the reasonable cost of making a copy of a public record.
- Drafts and briefing documents used by a public body at a meeting are public records.
- Any records used or created by the Commission are records of the state.
- The Commission needs to respond to any requests for records used or created by the Commission within four business days. Since Nebraska law designates that the Commission is within the office of the CEO of the Department of Health and Human Services (DHHS), records requests can be made to DHHS for Commission records.

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 821**

Final Reading

(Second)

Introduced by Health and Human Services Committee: Campbell, 25,  
Chairperson; Bloomfield, 17; Cook, 13; Gloor, 35;  
Howard, 9; Krist, 10; Lambert, 2; McGill, 26;  
Nordquist, 7; Pirsch, 4.

Read first time January 05, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend sections  
2 28-711, 73-401, 81-8,240, 81-8,241, 81-8,244, and  
3 81-8,245, Reissue Revised Statutes of Nebraska; to state  
4 intent; to create the Nebraska Children's Commission; to  
5 provide powers and duties; to adopt the Office of  
6 Inspector General of Nebraska Child Welfare Act; to  
7 change provisions relating to the Public Counsel; to  
8 harmonize provisions; to repeal the original sections;  
9 and to declare an emergency.

10 Be it enacted by the people of the State of Nebraska,



1           Section 1. (1) The Legislature finds and declares that:  
2           (a) The Health and Human Services Committee of the  
3           Legislature documented serious problems with the child welfare system  
4           in its 2011 report of the study that was conducted under Legislative  
5           Resolution 37, One Hundred Second Legislature, First Session, 2011;  
6           (b) Improving the safety and well-being of Nebraska's  
7           children and families is a critical priority which must guide policy  
8           decisions in a variety of areas;  
9           (c) To improve the safety and well-being of children and  
10          families in Nebraska, the legislative, judicial, and executive  
11          branches of government must work together to ensure;  
12          (i) The integration, coordination, and accessibility of  
13          all services provided by the state, whether directly or pursuant to  
14          contract;  
15          (ii) Reasonable access to appropriate services statewide  
16          and efficiency in service delivery; and  
17          (iii) The availability of accurate and complete data as  
18          well as ongoing data analysis to identify important trends and  
19          problems as they arise; and  
20          (d) As the primary state agency serving children and  
21          families, the Department of Health and Human Services must exemplify  
22          leadership, responsiveness, transparency, and efficiency and program  
23          managers within the agency must strive cooperatively to ensure that  
24          their programs view the needs of children and families  
25          comprehensively as a system rather than individually in isolation.

1 including pooling funding when possible and appropriate.

2 (2) It is the intent of the Legislature in creating the  
3 Nebraska Children's Commission to provide for the needs identified in  
4 subsection (1) of this section, to provide a broad restructuring of  
5 the goals of the child welfare system, and to provide a structure to  
6 the commission that maintains the framework of the three branches of  
7 government and their respective powers and duties.

8 Sec. 2. (1) The Nebraska Children's Commission is created  
9 as a high-level leadership body to (a) create a statewide strategic  
10 plan for reform of the child welfare system programs and services in  
11 the State of Nebraska and (b) review the operations of the Department  
12 of Health and Human Services regarding child welfare programs and  
13 services and recommend, as a part of the statewide strategic plan,  
14 options for attaining the legislative intent stated in section 1 of  
15 this act, either by the establishment of a new division within the  
16 department or the establishment of a new state agency to provide all  
17 child welfare programs and services which are the responsibility of  
18 the state. The commission shall provide a permanent forum for  
19 collaboration among state, local, community, public, and private  
20 stakeholders in child welfare programs and services.

21 (2) The commission shall include the following voting  
22 members:

23 (a) The chief executive officer of the Department of  
24 Health and Human Services or his or her designee;

25 (b) The Director of Children and Family Services or his

1 or her designee; and

2 (c) Sixteen members appointed by the Governor within  
3 thirty days after the effective date of this act. The members  
4 appointed pursuant to this subdivision shall represent stakeholders  
5 in the child welfare system and shall include: (i) A director of a  
6 child advocacy center; (ii) an administrator of a behavioral health  
7 region established pursuant to section 71-807; (iii) a community  
8 representative from each of the service areas designated pursuant to  
9 section 81-3116. In the eastern service area designated pursuant to  
10 such section, the representative may be from a lead agency of a pilot  
11 project established under Legislative Bill 961, One Hundred Second  
12 Legislature, Second Session, 2012, or a collaborative member; (iv) a  
13 prosecuting attorney who practices in juvenile court; (v) a guardian  
14 ad litem; (vi) a biological parent currently or previously involved  
15 in the child welfare system; (vii) a foster parent; (viii) a court-  
16 appointed special advocate volunteer; (ix) a member of the State  
17 Foster Care Review Board or any entity that succeeds to the powers  
18 and duties of the board or a member of a local foster care review  
19 board; (x) a child welfare service agency that directly provides a  
20 wide range of child welfare services and is not a member of a lead  
21 agency collaborative; (xi) a young adult previously in foster care;  
22 and (xii) a representative of a child advocacy organization that  
23 deals with legal and policy issues that include child welfare.

24 (3) The commission shall have the following nonvoting, ex  
25 officio members: (a) The chairperson of the Health and Human Services



1 Committee of the Legislature or a committee member designated by the  
2 chairperson; (b) the chairperson of the Judiciary Committee of the  
3 Legislature or a committee member designated by the chairperson; (c)  
4 the chairperson of the Appropriations Committee of the Legislature or  
5 a committee member designated by the chairperson; and (d) three  
6 persons appointed by the State Court Administrator. The nonvoting, ex  
7 officio members may attend commission meetings and participate in the  
8 discussions of the commission, provide information to the commission  
9 on the policies, programs, and processes of each of their respective  
10 bodies, gather information for the commission, and provide  
11 information back to their respective bodies from the commission. The  
12 nonvoting, ex officio members shall not vote on decisions by the  
13 commission or on the direction or development of the statewide  
14 strategic plan pursuant to section 4 of this act.

15 (4) The commission shall meet within sixty days after the  
16 effective date of this act and shall select from among its members a  
17 chairperson and vice-chairperson and conduct any other business  
18 necessary to the organization of the commission. The commission shall  
19 meet not less often than once every three months, and meetings of the  
20 commission may be held at any time on the call of the chairperson.  
21 The commission shall be within the office of the chief executive  
22 officer of the Department of Health and Human Services. The  
23 commission may hire staff to carry out the responsibilities of the  
24 commission. The commission shall hire a consultant with experience in  
25 facilitating strategic planning to provide neutral, independent

1 assistance in developing the statewide strategic plan. The commission  
2 shall terminate on June 30, 2014, unless continued by the  
3 Legislature.

4 (5) Members of the commission shall be reimbursed for  
5 their actual and necessary expenses as members of such commission as  
6 provided in sections 81-1174 to 81-1177.

7 Sec. 3. (1) The Nebraska Children's Commission shall work  
8 with administrators from each of the service areas designated  
9 pursuant to section 81-3116, the teams created pursuant to section  
10 28-728, local foster care review boards, child advocacy centers, the  
11 teams created pursuant to the Supreme Court's Through the Eyes of the  
12 Child Initiative, community stakeholders, and advocates for child  
13 welfare programs and services to establish networks in each of such  
14 service areas. Such networks shall permit collaboration to strengthen  
15 the continuum of services available to child welfare agencies and to  
16 provide resources for children and juveniles outside the child  
17 protection system. Each service area shall develop its own unique  
18 strategies to be included in the statewide strategic plan. The  
19 Department of Health and Human Services shall assist in identifying  
20 the needs of each service area.

21 (2) (a) The commission shall create a committee to examine  
22 state policy regarding the prescription of psychotropic drugs for  
23 children who are wards of the state and the administration of such  
24 drugs to such children. Such committee shall review the policy and  
25 procedures for prescribing and administering such drugs and make

1 recommendations to the commission for changes in such policy and  
2 procedures.

3 (b) The commission shall create a committee to examine  
4 the structure and responsibilities of the Office of Juvenile Services  
5 as they exist on the effective date of this act. Such committee shall  
6 review the role and effectiveness of the youth rehabilitation and  
7 treatment centers in the juvenile justice system and make  
8 recommendations to the commission on the future role of the youth  
9 rehabilitation and treatment centers in the juvenile justice  
10 continuum of care. Such committee shall also review the  
11 responsibilities of the Administrator of the Office of Juvenile  
12 Services, including oversight of the youth rehabilitation and  
13 treatment centers and juvenile parole, and make recommendations to  
14 the commission relating to the future responsibilities of the  
15 administrator.

16 (c) The commission may organize committees as it deems  
17 necessary. Members of the committees may be members of the commission  
18 or may be appointed, with the approval of the majority of the  
19 commission, from individuals with knowledge of the committee's  
20 subject matter, professional expertise to assist the committee in  
21 completing its assigned responsibilities, and the ability to  
22 collaborate within the committee and with the commission to carry out  
23 the powers and duties of the commission.

24 (d) If the One Hundred Second Legislature, Second  
25 Session, 2012, creates the Title IV-E Demonstration Project Committee



1 or the Foster Care Reimbursement Rate Committee, or both, such  
2 committees shall be under the jurisdiction of the commission.

3 (3) The commission shall work with the office of the  
4 State Court Administrator, as appropriate, and entities which  
5 coordinate facilitated conferencing as described in section  
6 43-247.01. Facilitated conferencing shall be included in statewide  
7 strategic plan discussions by the commission. Facilitated  
8 conferencing shall continue to be utilized and maximized, as  
9 determined by the court of jurisdiction, during the development of  
10 the statewide strategic plan. Funding and contracting of facilitated  
11 conferencing entities shall continue to be provided by the Department  
12 of Health and Human Services to at least the same extent as such  
13 funding and contracting are being provided on the effective date of  
14 this act.

15 (4) The commission shall gather information and  
16 communicate with juvenile justice specialists of the Office of  
17 Probation Administration and county officials with respect to any  
18 county-operated practice model participating in the Crossover Youth  
19 Program of the Center for Juvenile Justice Reform at Georgetown  
20 University.

21 (5) If the Nebraska Juvenile Service Delivery Project is  
22 enacted by the One Hundred Second Legislature, Second Session, 2012,  
23 the commission shall coordinate and gather information about the  
24 progress and outcomes of the project.

25 Sec. 4. (1) The Nebraska Children's Commission shall

1 create a statewide strategic plan to carry out the legislative intent  
2 stated in section 1 of this act for child welfare program and service  
3 reform in Nebraska. In developing the statewide strategic plan, the  
4 commission shall consider, but not be limited to:

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

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

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

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

1           (e) Such other elements as the commission deems necessary  
2 and appropriate.

3           (2) A lead agency used after the effective date of this  
4 act shall:

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

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

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

24           (d) Provide accountability for meeting the outcomes and  
25 performance standards related to child welfare services established



1 by Nebraska child welfare policy and the federal government.

2 (3) The commission shall review the operations of the  
3 department regarding child welfare programs and services and  
4 recommend, as a part of the statewide strategic plan, options for  
5 attaining the legislative intent stated in section 1 of this act,  
6 either by the establishment of a new division within the department  
7 or the establishment of a new state agency to provide all child  
8 welfare programs and services which are the responsibility of the  
9 state.

10 Sec. 5. Within three months after the effective date of  
11 this act, the Department of Health and Human Services, with direction  
12 from the Nebraska Children's Commission, shall contract with an  
13 independent entity specializing in medicaid analysis to conduct a  
14 cross-system analysis of current prevention and intervention programs  
15 and services provided by the department for the safety, health, and  
16 well-being of children and funding sources to (1) identify state  
17 General Funds being used, in order to better utilize federal funds,  
18 (2) identify resources that could be better allocated to more  
19 effective services to at-risk children and juveniles transitioning to  
20 home-based and school-based interventions, and (3) provide  
21 information which will allow the replacement of state General Funds  
22 for services to at-risk children and juveniles with federal funds,  
23 with the goal of expanding the funding base for such services while  
24 reducing overall state General Fund expenditures on such services.

25 Sec. 6. The Department of Health and Human Services shall

1 fully cooperate with the activities of the Nebraska Children's  
2 Commission. The department shall provide to the commission all  
3 requested information on children and juveniles in Nebraska,  
4 including, but not limited to, departmental reports, data, programs,  
5 processes, finances, and policies. The department shall collaborate  
6 with the commission regarding the development of a plan for a  
7 statewide automated child welfare information system to integrate  
8 child welfare information into one system if the One Hundred Second  
9 Legislature, Second Session, 2012, enacts legislation to require the  
10 development of such a plan. The department shall coordinate and  
11 collaborate with the commission regarding engagement of an evaluator  
12 to provide an evaluation of the child welfare system if the One  
13 Hundred Second Legislature, Second Session, 2012, enacts legislation  
14 to require such evaluation.

15           Sec. 7. The Nebraska Children's Commission shall provide  
16 a written report to the Health and Human Services Committee of the  
17 Legislature on the status of its activities on or before August 1,  
18 2012, September 15, 2012, and November 1, 2012. The commission shall  
19 complete the statewide strategic plan required pursuant to section 4  
20 of this act and provide a written report to the Health and Human  
21 Services Committee of the Legislature and the Governor on or before  
22 December 15, 2012.

23           Sec. 8. Sections 8 to 38 of this act shall be known and  
24 may be cited as the Office of Inspector General of Nebraska Child  
25 Welfare Act.

1                   Sec. 9. (1) It is the intent of the Legislature to:

2                   (a) Establish a full-time program of investigation and  
3 performance review to provide increased accountability and oversight  
4 of the Nebraska child welfare system;

5                   (b) Assist in improving operations of the department and  
6 the Nebraska child welfare system;

7                   (c) Provide an independent form of inquiry for concerns  
8 regarding the actions of individuals and agencies responsible for the  
9 care and protection of children in the Nebraska child welfare system.  
10 Confusion of the roles, responsibilities, and accountability  
11 structures between individuals, private contractors, and agencies in  
12 the current system make it difficult to monitor and oversee the  
13 Nebraska child welfare system; and

14                   (d) Provide a process for investigation and review to  
15 determine if individual complaints and issues of investigation and  
16 inquiry reveal a problem in the child welfare system, not just  
17 individual cases, that necessitates legislative action for improved  
18 policies and restructuring of the child welfare system.

19                   (2) It is not the intent of the Legislature in enacting  
20 the Office of Inspector General of Nebraska Child Welfare Act to  
21 interfere with the duties of the Legislative Performance Audit  
22 Section of the Legislative Performance Audit Committee or the  
23 Legislative Fiscal Analyst or to interfere with the statutorily  
24 defined investigative responsibilities or prerogatives of any  
25 officer, agency, board, bureau, commission, association, society, or



1 institution of the executive branch of state government, except that  
2 the act does not preclude an inquiry on the sole basis that another  
3 agency has the same responsibility. The act shall not be construed to  
4 interfere with or supplant the responsibilities or prerogatives of  
5 the Governor to investigate, monitor, and report on the activities of  
6 the agencies, boards, bureaus, commissions, associations, societies,  
7 and institutions of the executive branch under his or her  
8 administrative direction.

9           Sec. 10. For purposes of the Office of Inspector General  
10 of Nebraska Child Welfare Act, the definitions found in sections 11  
11 to 23 of this act apply.

12           Sec. 11. Administrator means a person charged with  
13 administration of a program, an office, or a division of the  
14 department or administration of a private agency or licensed child  
15 care facility.

16           Sec. 12. Department means the Department of Health and  
17 Human Services.

18           Sec. 13. Director means the chief executive officer of  
19 the department.

20           Sec. 14. Inspector General means the Inspector General of  
21 Nebraska Child Welfare appointed under section 24 of this act.

22           Sec. 15. Licensed child care facility means a facility or  
23 program licensed under the Child Care Licensing Act or sections  
24 71-1901 to 71-1906.01.

25           Sec. 16. Malfeasance means a wrongful act that the actor

1 has no legal right to do or any wrongful conduct that affects,  
2 interrupts, or interferes with performance of an official duty.

3           Sec. 17. Management means supervision of subordinate  
4 employees.

5           Sec. 18. Misfeasance means the improper performance of  
6 some act that a person may lawfully do.

7           Sec. 19. Obstruction means hindering an investigation,  
8 preventing an investigation from progressing, stopping or delaying  
9 the progress of an investigation, or making the progress of an  
10 investigation difficult or slow.

11           Sec. 20. Office means the office of Inspector General of  
12 Nebraska Child Welfare and includes the Inspector General and other  
13 employees of the office.

14           Sec. 21. Private agency means a child welfare agency that  
15 contracts with the department or contracts to provide services to  
16 another child welfare agency that contracts with the department.

17           Sec. 22. Record means any recording, in written, audio,  
18 electronic transmission, or computer storage form, including, but not  
19 limited to, a draft, memorandum, note, report, computer printout,  
20 notation, or message, and includes, but is not limited to, medical  
21 records, mental health records, case files, clinical records,  
22 financial records, and administrative records.

23           Sec. 23. Responsible individual means a foster parent, a  
24 relative provider of foster care, or an employee of the department, a  
25 foster home, a private agency, a licensed child care facility, or

1 another provider of child welfare programs and services responsible  
2 for the care or custody of records, documents, and files.

3           Sec. 24. (1) The office of Inspector General of Nebraska  
4 Child Welfare is created within the office of Public Counsel for the  
5 purpose of conducting investigations, audits, inspections, and other  
6 reviews of the Nebraska child welfare system. The Inspector General  
7 shall be appointed by the Public Counsel with approval from the  
8 chairperson of the Executive Board of the Legislative Council and the  
9 chairperson of the Health and Human Services Committee of the  
10 Legislature.

11           (2) The Inspector General shall be appointed for a term  
12 of five years and may be reappointed. The Inspector General shall be  
13 selected without regard to political affiliation and on the basis of  
14 integrity, capability for strong leadership, and demonstrated ability  
15 in accounting, auditing, financial analysis, law, management  
16 analysis, public administration, investigation, or criminal justice  
17 administration or other closely related fields. No former or current  
18 executive or manager of the department may be appointed Inspector  
19 General within five years after such former or current executive's or  
20 manager's period of service with the department. Not later than two  
21 years after the date of appointment, the Inspector General shall  
22 obtain certification as a Certified Inspector General by the  
23 Association of Inspectors General, its successor, or another  
24 nationally recognized organization that provides and sponsors  
25 educational programs and establishes professional qualifications.



1 certifications, and licensing for inspectors general. During his or  
2 her employment, the Inspector General shall not be actively involved  
3 in partisan affairs.

4 (3) The Inspector General shall employ such investigators  
5 and support staff as he or she deems necessary to carry out the  
6 duties of the office within the amount available by appropriation  
7 through the office of Public Counsel for the office of Inspector  
8 General of Nebraska Child Welfare. The Inspector General shall be  
9 subject to the control and supervision of the Public Counsel, except  
10 that removal of the Inspector General shall require approval of the  
11 chairperson of the Executive Board of the Legislative Council and the  
12 chairperson of the Health and Human Services Committee of the  
13 Legislature.

14 Sec. 25. (1) The office shall investigate:

15 (a) Allegations or incidents of possible misconduct,  
16 misfeasance, malfeasance, or violations of statutes or of rules or  
17 regulations of the department by an employee of or person under  
18 contract with the department, a private agency, a licensed child care  
19 facility, a foster parent, or any other provider of child welfare  
20 services or which may provide a basis for discipline pursuant to the  
21 Uniform Credentialing Act; and

22 (b) Death or serious injury in foster homes, private  
23 agencies, child care facilities, and other programs and facilities  
24 licensed by or under contract with the department and death or  
25 serious injury in any case in which services are provided by the

1 department to a child or his or her parents or any case involving an  
2 investigation under the Child Protection Act, which case has been  
3 open for one year or less. The department shall report all cases of  
4 death or serious injury of a child in a foster home, private agency,  
5 child care facility or program, or other program or facility licensed  
6 by the department to the Inspector General as soon as reasonably  
7 possible after the department learns of such death or serious injury.  
8 For purposes of this subdivision, serious injury means an injury or  
9 illness caused by suspected abuse, neglect, or maltreatment which  
10 leaves a child in critical or serious condition.

11 (2) Any investigation conducted by the Inspector General  
12 shall be independent of and separate from an investigation pursuant  
13 to the Child Protection Act. The Inspector General and his or her  
14 staff are subject to the reporting requirements of the Child  
15 Protection Act.

16 (3) Notwithstanding the fact that a criminal  
17 investigation, a criminal prosecution, or both are in progress, all  
18 law enforcement agencies and prosecuting attorneys shall cooperate  
19 with any investigation conducted by the Inspector General and shall,  
20 immediately upon request by the Inspector General, provide the  
21 Inspector General with copies of all law enforcement reports which  
22 are relevant to the Inspector General's investigation. All law  
23 enforcement reports which have been provided to the Inspector General  
24 pursuant to this section are not public records for purposes of  
25 sections 84-712 to 84-712.09 and shall not be subject to discovery by

1 any other person or entity. Except to the extent that disclosure of  
2 information is otherwise provided for in the Office of Inspector  
3 General of Nebraska Child Welfare Act, the Inspector General shall  
4 maintain the confidentiality of all law enforcement reports received  
5 pursuant to its request under this section. Law enforcement agencies  
6 and prosecuting attorneys shall, when requested by the Inspector  
7 General, collaborate with the Inspector General regarding all other  
8 information relevant to the Inspector General's investigation. If the  
9 Inspector General in conjunction with the Public Counsel determines  
10 it appropriate, the Inspector General may, when requested to do so by  
11 a law enforcement agency or prosecuting attorney, suspend an  
12 investigation by the office until a criminal investigation or  
13 prosecution is completed or has proceeded to a point that, in the  
14 judgment of the Inspector General, reinstatement of the Inspector  
15 General's investigation will not impede or infringe upon the criminal  
16 investigation or prosecution. Under no circumstance shall the  
17 Inspector General interview any minor who has already been  
18 interviewed by a law enforcement agency, personnel of the Division of  
19 Children and Family Services of the department, or staff of a child  
20 advocacy center in connection with a relevant ongoing investigation  
21 of a law enforcement agency.

22           Sec. 26. (1) The office shall have access to all  
23 information and personnel necessary to perform the duties of the  
24 office.

25           (2) A full investigation conducted by the office shall



1 consist of retrieval of relevant records through subpoena, request,  
2 or voluntary production, review of all relevant records, and  
3 interviews of all relevant persons.

4           Sec. 27. (1) Complaints to the office may be made in  
5 writing. The office shall also maintain a toll-free telephone line  
6 for complaints. A complaint shall be evaluated to determine if it  
7 alleges possible misconduct, misfeasance, malfeasance, or violation  
8 of a statute or of rules and regulations of the department by an  
9 employee of or a person under contract with the department, a private  
10 agency, or a licensed child care facility, a foster parent, or any  
11 other provider of child welfare services or alleges a basis for  
12 discipline pursuant to the Uniform Credentialing Act. All complaints  
13 shall be evaluated to determine whether a full investigation is  
14 warranted.

15           (2) The office shall not conduct a full investigation of  
16 a complaint unless:

17           (a) The complaint alleges misconduct, misfeasance,  
18 malfeasance, violation of a statute or of rules and regulations of  
19 the department, or a basis for discipline pursuant to the Uniform  
20 Credentialing Act;

21           (b) The complaint is against a person within the  
22 jurisdiction of the office; and

23           (c) The allegations can be independently verified through  
24 investigation.

25           (3) The Inspector General shall determine within fourteen

1 days after receipt of a complaint whether it will conduct a full  
2 investigation. A complaint alleging facts which, if verified, would  
3 provide a basis for discipline under the Uniform Credentialing Act  
4 shall be referred to the appropriate credentialing board under the  
5 act.

6           Sec. 28. All employees of the department, all foster  
7 parents, and all owners, operators, managers, supervisors, and  
8 employees of private agencies, licensed child care facilities, and  
9 other providers of child welfare services shall cooperate with the  
10 office. Cooperation includes, but is not limited to, the following:

11           (1) Provision of full access to and production of records  
12 and information. Providing access to and producing records and  
13 information for the office is not a violation of confidentiality  
14 provisions under any law, statute, rule, or regulation if done in  
15 good faith for purposes of an investigation under the Office of  
16 Inspector General of Nebraska Child Welfare Act;

17           (2) Fair and honest disclosure of records and information  
18 reasonably requested by the office in the course of an investigation  
19 under the act;

20           (3) Encouraging employees to fully comply with reasonable  
21 requests of the office in the course of an investigation under the  
22 act;

23           (4) Prohibition of retaliation by owners, operators, or  
24 managers against employees for providing records or information or  
25 filing or otherwise making a complaint to the office;

1           (5) Not requiring employees to gain supervisory approval  
2 prior to filing a complaint with or providing records or information  
3 to the office;

4           (6) Provision of complete and truthful answers to  
5 questions posed by the office in the course of an investigation; and

6           (7) Not willfully interfering with or obstructing the  
7 investigation.

8           Sec. 29. Failure to cooperate with an investigation by  
9 the office may result in discipline or other sanctions.

10           Sec. 30. The Inspector General may issue a subpoena,  
11 enforceable by action in an appropriate court, to compel any person  
12 to appear, give sworn testimony, or produce documentary or other  
13 evidence deemed relevant to a matter under his or her inquiry. A  
14 person thus required to provide information shall be paid the same  
15 fees and travel allowances and shall be accorded the same privileges  
16 and immunities as are extended to witnesses in the district courts of  
17 this state and shall also be entitled to have counsel present while  
18 being questioned.

19           Sec. 31. (1) In conducting investigations, the office  
20 shall access all relevant records through subpoena, compliance with a  
21 request of the office, and voluntary production. The office may  
22 request or subpoena any record necessary for the investigation from  
23 the department, a foster parent, a licensed child care facility, or a  
24 private agency that is pertinent to an investigation. All case files,  
25 licensing files, medical records, financial and administrative



1 records, and records required to be maintained pursuant to applicable  
2 licensing rules shall be produced for review by the office in the  
3 course of an investigation.

4 (2) Compliance with a request of the office includes:

5 (a) Production of all records requested;

6 (b) A diligent search to ensure that all appropriate  
7 records are included; and

8 (c) A continuing obligation to immediately forward to the  
9 office any relevant records received, located, or generated after the  
10 date of the request.

11 (3) The office shall seek access in a manner that  
12 respects the dignity and human rights of all persons involved,  
13 maintains the integrity of the investigation, and does not  
14 unnecessarily disrupt child welfare programs or services. When  
15 advance notice to a foster parent or to an administrator or his or  
16 her designee is not provided, the office investigator shall, upon  
17 arrival at the departmental office, bureau, or division, the private  
18 agency, the licensed child care facility, or the location of another  
19 provider of child welfare services, request that an onsite employee  
20 notify the administrator or his or her designee of the investigator's  
21 arrival.

22 (4) When circumstances of an investigation require, the  
23 office may make an unannounced visit to a foster home, a departmental  
24 office, bureau, or division, a licensed child care facility, a  
25 private agency, or another provider to request records relevant to an

1 investigation.

2 (5) A responsible individual or an administrator may be  
3 asked to sign a statement of record integrity and security when a  
4 record is secured by request as the result of a visit by the office,  
5 stating:

6 (a) That the responsible individual or the administrator  
7 has made a diligent search of the office, bureau, division, private  
8 agency, licensed child care facility, or other provider's location to  
9 determine that all appropriate records in existence at the time of  
10 the request were produced;

11 (b) That the responsible individual or the administrator  
12 agrees to immediately forward to the office any relevant records  
13 received, located, or generated after the visit;

14 (c) The persons who have had access to the records since  
15 they were secured; and

16 (d) Whether, to the best of the knowledge of the  
17 responsible individual or the administrator, any records were removed  
18 from or added to the record since it was secured.

19 (6) The office shall permit a responsible individual, an  
20 administrator, or an employee of a departmental office, bureau, or  
21 division, a private agency, a licensed child care facility, or  
22 another provider to make photocopies of the original records within a  
23 reasonable time in the presence of the office for purposes of  
24 creating a working record in a manner that assures confidentiality.

25 (7) The office shall present to the responsible

1 individual or the administrator or other employee of the departmental  
2 office, bureau, or division, private agency, licensed child care  
3 facility, or other service provider a copy of the request, stating  
4 the date and the titles of the records received.

5 (8) If an original record is provided during an  
6 investigation, the office shall return the original record as soon as  
7 practical but no later than ten working days after the date of the  
8 compliance request.

9 (9) All investigations conducted by the office shall be  
10 conducted in a manner designed to ensure the preservation of evidence  
11 for possible use in a criminal prosecution.

12 Sec. 32. (1) Reports of investigations conducted by the  
13 office shall not be distributed beyond the entity that is the subject  
14 of the report without the consent of the Inspector General.

15 (2) Except when a report is provided to a guardian ad  
16 litem or an attorney in the juvenile court pursuant to subsection (2)  
17 of section 34 of this act, the office shall redact confidential  
18 information before distributing a report of an investigation. The  
19 office may disclose confidential information to the chairperson of  
20 the Health and Human Services Committee of the Legislature when such  
21 disclosure is, in the judgment of the Public Counsel, desirable to  
22 keep the chairperson informed of important events, issues, and  
23 developments in the Nebraska child welfare system.

24 (3) Records and documents, regardless of physical form,  
25 that are obtained or produced by the office in the course of an



1 investigation are not public records for purposes of sections 84-712  
2 to 84-712.09. Reports of investigations conducted by the office are  
3 not public records for purposes of sections 84-712 to 84-712.09.

4 (4) The office may withhold the identity of sources of  
5 information to protect from retaliation any person who files a  
6 complaint or provides information in good faith pursuant to the  
7 Office of Inspector General of Nebraska Child Welfare Act.

8 Sec. 33. The department shall provide the Public Counsel  
9 and the Inspector General with direct computer access to all  
10 computerized records, reports, and documents maintained by the  
11 department in connection with administration of the Nebraska child  
12 welfare system.

13 Sec. 34. (1) The Inspector General's report of an  
14 investigation shall be in writing to the Public Counsel and shall  
15 contain recommendations. The report may recommend systemic reform or  
16 case-specific action, including a recommendation for discharge or  
17 discipline of employees or for sanctions against a foster parent,  
18 private agency, licensed child care facility, or other provider of  
19 child welfare services. All recommendations to pursue discipline  
20 shall be in writing and signed by the Inspector General. A report of  
21 an investigation shall be presented to the director within fifteen  
22 days after the report is presented to the Public Counsel.

23 (2) Any person receiving a report under this section  
24 shall not further distribute the report or any confidential  
25 information contained in the report. The Inspector General, upon

1 notifying the Public Counsel and the director, may distribute the  
2 report, to the extent that it is relevant to a child's welfare, to  
3 the guardian ad litem and attorneys in the juvenile court in which a  
4 case is pending involving the child or family who is the subject of  
5 the report. The report shall not be distributed beyond the parties  
6 except through the appropriate court procedures to the judge.

7 (3) A report that identifies misconduct, misfeasance,  
8 malfeasance, or violation of statute, rules, or regulations by an  
9 employee of the department, a private agency, a licensed child care  
10 facility, or another provider that is relevant to providing  
11 appropriate supervision of an employee may be shared with the  
12 employer of such employee. The employer may not further distribute  
13 the report or any confidential information contained in the report.

14 Sec. 35. (1) Within fifteen days after a report is  
15 presented to the director under section 34 of this act, he or she  
16 shall determine whether to accept, reject, or request in writing  
17 modification of the recommendations contained in the report. The  
18 Inspector General, with input from the Public Counsel, may consider  
19 the director's request for modifications but is not obligated to  
20 accept such request. Such report shall become final upon the decision  
21 of the director to accept or reject the recommendations in the report  
22 or, if the director requests modifications, within fifteen days after  
23 such request or after the Inspector General incorporates such  
24 modifications, whichever occurs earlier.

25 (2) Within fifteen days after the report is presented to

1 the director, the report shall be presented to the foster parent,  
2 private agency, licensed child care facility, or other provider of  
3 child welfare services that is the subject of the report and to  
4 persons involved in the implementation of the recommendations in the  
5 report. Within forty-five days after receipt of the report, the  
6 foster parent, private agency, licensed child care facility, or other  
7 provider may submit a written response to the office to correct any  
8 factual errors in the report. The Inspector General, with input from  
9 the Public Counsel, shall consider all materials submitted under this  
10 subsection to determine whether a corrected report shall be issued.  
11 If the Inspector General determines that a corrected report is  
12 necessary, the corrected report shall be issued within fifteen days  
13 after receipt of the written response.

14 (3) If the Inspector General does not issue a corrected  
15 report pursuant to subsection (2) of this section, or if the  
16 corrected report does not address all issues raised in the written  
17 response, the foster parent, private agency, licensed child care  
18 facility, or other provider may request that its written response, or  
19 portions of the response, be appended to the report or corrected  
20 report.

21 (4) A report which raises issues related to credentialing  
22 under the Uniform Credentialing Act shall be submitted to the  
23 appropriate credentialing board under the act.

24 Sec. 36. No report or other work product of an  
25 investigation by the Inspector General shall be reviewable in any



1 court. Neither the Inspector General nor any member of his or her  
2 staff shall be required to testify or produce evidence in any  
3 judicial or administrative proceeding concerning matters within his  
4 or her official cognizance except in a proceeding brought to enforce  
5 the Office of Inspector General of Nebraska Child Welfare Act.

6           Sec. 37. The Office of Inspector General of Nebraska  
7 Child Welfare Act does not require the Inspector General to  
8 investigate all complaints. The Inspector General, with input from  
9 the Public Counsel, shall prioritize and select investigations and  
10 inquiries that further the intent of the act and assist in  
11 legislative oversight of the Nebraska child welfare system. If the  
12 Inspector General determines that he or she will not investigate a  
13 complaint, the Inspector General may recommend to the parties  
14 alternative means of resolution of the issues in the complaint.

15           Sec. 38. On or before September 15 of each year, the  
16 Inspector General shall provide to the Health and Human Services  
17 Committee of the Legislature and the Governor a summary of reports  
18 and investigations made under the Office of Inspector General of  
19 Nebraska Child Welfare Act for the preceding year. The summaries  
20 shall detail recommendations and the status of implementation of  
21 recommendations and may also include recommendations to the committee  
22 regarding issues discovered through investigation, audits,  
23 inspections, and reviews by the office that will increase  
24 accountability and legislative oversight of the Nebraska child  
25 welfare system, improve operations of the department and the Nebraska

1 child welfare system, or deter and identify fraud, abuse, and illegal  
2 acts. The summaries shall not contain any confidential or identifying  
3 information concerning the subjects of the reports and  
4 investigations.

5           Sec. 39. Section 28-711, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           28-711 (1) When any physician, any medical institution,  
8 any nurse, any school employee, any social worker, the Inspector  
9 General appointed under section 24 of this act, or any other person  
10 has reasonable cause to believe that a child has been subjected to  
11 child abuse or neglect or observes such child being subjected to  
12 conditions or circumstances which reasonably would result in child  
13 abuse or neglect, he or she shall report such incident or cause a  
14 report of child abuse or neglect to be made to the proper law  
15 enforcement agency or to the department on the toll-free number  
16 established by subsection (2) of this section. Such report may be  
17 made orally by telephone with the caller giving his or her name and  
18 address, shall be followed by a written report, and to the extent  
19 available shall contain the address and age of the abused or  
20 neglected child, the address of the person or persons having custody  
21 of the abused or neglected child, the nature and extent of the child  
22 abuse or neglect or the conditions and circumstances which would  
23 reasonably result in such child abuse or neglect, any evidence of  
24 previous child abuse or neglect including the nature and extent, and  
25 any other information which in the opinion of the person may be

1 helpful in establishing the cause of such child abuse or neglect and  
2 the identity of the perpetrator or perpetrators. Law enforcement  
3 agencies receiving any reports of child abuse or neglect under this  
4 subsection shall notify the department pursuant to section 28-718 on  
5 the next working day by telephone or mail.

6 (2) The department shall establish a statewide toll-free  
7 number to be used by any person any hour of the day or night, any day  
8 of the week, to make reports of child abuse or neglect. Reports of  
9 child abuse or neglect not previously made to or by a law enforcement  
10 agency shall be made immediately to such agency by the department.

11 Sec. 40. Section 73-401, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 73-401 Except for long-term care facilities subject to  
14 the jurisdiction of the state long-term care ombudsman pursuant to  
15 the Long-Term Care Ombudsman Act, the contracting agency shall ensure  
16 that any contract which a state agency enters into or renews which  
17 agrees that a corporation, partnership, business, firm, governmental  
18 entity, or person shall provide health and human services to  
19 individuals or service delivery, service coordination, or case  
20 management on behalf of the State of Nebraska shall contain a clause  
21 requiring the corporation, partnership, business, firm, governmental  
22 entity, or person to submit to the jurisdiction of the Public Counsel  
23 under sections 81-8,240 to 81-8,254 with respect to the provision of  
24 services under the contract.

25 Sec. 41. Section 81-8,240, Reissue Revised Statutes of



1 Nebraska, is amended to read:

2 81-8,240 As used in sections 81-8,240 to 81-8,254, unless  
3 the context otherwise requires:

4 (1) Administrative agency shall mean any department,  
5 board, commission, or other governmental unit, any official, any  
6 employee of the State of Nebraska acting or purporting to act by  
7 reason of connection with the State of Nebraska, any corporation,  
8 partnership, business, firm, governmental entity, or person who is  
9 providing health and human services to individuals or service  
10 delivery, service coordination, or case management under contract  
11 with the State of Nebraska and who is subject to the jurisdiction of  
12 the office of Public Counsel as required by section 73-401, any  
13 regional behavioral health authority, any community-based behavioral  
14 health services provider that contracts with a regional behavioral  
15 health authority, and any county or municipal correctional or jail  
16 facility and employee thereof acting or purporting to act by reason  
17 of connection with the county or municipal correctional or jail  
18 facility; but shall not include (a) any court, (b) any member or  
19 employee of the Legislature or the Legislative Council, (c) the  
20 Governor or his or her personal staff, (d) any political subdivision  
21 or entity thereof except a county or municipal correctional or jail  
22 facility or a regional behavioral health authority, (e) any  
23 instrumentality formed pursuant to an interstate compact and  
24 answerable to more than one state, or (f) any entity of the federal  
25 government; and

1                   (2) Administrative act shall include every action, rule,  
2 regulation, order, omission, decision, recommendation, practice, or  
3 procedure of an administrative agency.

4                   Sec. 42. Section 81-8,241, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6                   81-8,241 The office of Public Counsel is hereby  
7 established to exercise the authority and perform the duties provided  
8 by sections 81-8,240 to 81-8,254 and the Office of Inspector General  
9 of Nebraska Child Welfare Act. The Public Counsel shall be appointed  
10 by the Legislature, with the vote of two-thirds of the members  
11 required for approval of such appointment from nominations submitted  
12 by the Executive Board of the Legislative Council.

13                   Sec. 43. Section 81-8,244, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15                   81-8,244 (1)(a) The Public Counsel may select, appoint,  
16 and compensate as he or she sees fit, within the amount available by  
17 appropriation, such assistants and employees as he or she deems  
18 necessary to discharge the responsibilities under sections 81-8,240  
19 to 81-8,254. He or she shall appoint and designate one assistant to  
20 be a deputy public counsel, one assistant to be a deputy public  
21 counsel for corrections, one assistant to be a deputy public counsel  
22 for institutions, and one assistant to be a deputy public counsel for  
23 welfare services.

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

1           (c) The authority of the deputy public counsel for  
2 corrections shall extend to all facilities and parts of facilities,  
3 offices, houses of confinement, and institutions which are operated  
4 by the Department of Correctional Services and all county or  
5 municipal correctional or jail facilities.

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

19           (e) The authority of the deputy public counsel for  
20 welfare services shall extend to all complaints pertaining to  
21 administrative acts of administrative agencies when those acts are  
22 concerned with the rights and interests of individuals involved in  
23 the welfare services system of the State of Nebraska.

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



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

4 (2) The Public Counsel shall appoint the Inspector  
5 General of Nebraska Child Welfare as provided in section 24 of this  
6 act. The Inspector General of Nebraska Child Welfare shall have the  
7 powers and duties provided in the Office of Inspector General of  
8 Nebraska Child Welfare Act.

9 Sec. 44. Section 81-8,245, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 81-8,245 The Public Counsel shall have the power to:

12 (1) Investigate, on complaint or on his or her own  
13 motion, any administrative act of any administrative agency;

14 (2) Prescribe the methods by which complaints are to be  
15 made, received, and acted upon; determine the scope and manner of  
16 investigations to be made; and, subject to the requirements of  
17 sections 81-8,240 to 81-8,254, determine the form, frequency, and  
18 distribution of his or her conclusions, recommendations, and  
19 proposals;

20 (3) Conduct inspections of the premises, or any parts  
21 thereof, of any administrative agency or any property owned, leased,  
22 or operated by any administrative agency as frequently as is  
23 necessary, in his or her opinion, to carry out duties prescribed  
24 under sections 81-8,240 to 81-8,254;

25 (4) Request and receive from each administrative agency,

1 and such agency shall provide, the assistance and information the  
2 counsel deems necessary for the discharge of his or her  
3 responsibilities; inspect and examine the records and documents of  
4 all administrative agencies notwithstanding any other provision of  
5 law; and enter and inspect premises within any administrative  
6 agency's control;

7 (5) Issue a subpoena, enforceable by action in an  
8 appropriate court, to compel any person to appear, give sworn  
9 testimony, or produce documentary or other evidence deemed relevant  
10 to a matter under his or her inquiry. A person thus required to  
11 provide information shall be paid the same fees and travel allowances  
12 and shall be accorded the same privileges and immunities as are  
13 extended to witnesses in the district courts of this state and shall  
14 also be entitled to have counsel present while being questioned;

15 (6) Undertake, participate in, or cooperate with general  
16 studies or inquiries, whether or not related to any particular  
17 administrative agency or any particular administrative act, if he or  
18 she believes that they may enhance knowledge about or lead to  
19 improvements in the functioning of administrative agencies; and

20 (7) Make investigations, reports, and recommendations  
21 necessary to carry out his or her duties under the State Government  
22 Effectiveness Act; and -

23 (8) Carry out his or her duties under the Office of  
24 Inspector General of Nebraska Child Welfare Act. If any of the  
25 provisions of sections 81-8,240 to 81-8,254 conflict with provisions

1 of the Office of Inspector General of Nebraska Child Welfare Act, the  
2 provisions of such act shall control.

3           Sec. 45. Original sections 28-711, 73-401, 81-8,240,  
4 81-8,241, 81-8,244, and 81-8,245, Reissue Revised Statutes of  
5 Nebraska, are repealed.

6           Sec. 46. Since an emergency exists, this act takes effect  
7 when passed and approved according to law.



## LB 820

**Provides for the Title IV-E Demonstration Project Committee; the Foster Care Reimbursement Rate Committee; a stipend for foster care parents; and defines the exception to foster care licensing.**

### 1) Title IV-E Demonstration Project

- The application date is September 30, 2013 for the Department of Health and Human Services to apply for approval of a Title IV-E demonstration project.
- The Title IV-E Demonstration Project Committee is created.
  - Members shall be appointed by Director of CFS-
    - Representatives of the department,
    - At least five child welfare stakeholder entities:
      - One advocate for legal and policy issues including child welfare
      - One advocate that singularly focuses on children's issues
      - Two child welfare service agencies
      - Lead agency
    - One ex-officio member representing the court system
    - Convene within thirty days by director
  - The committee shall review, report, and provide recommendations regarding the Title IV-E demonstration application.
  - The committee may engage a consultant with expertise in Title IV-E demonstration project applications and requirements.
  - The committee will review:
    - Nebraska's Title IV-E participation and penetration rates;
    - Review strategies and solutions for raising participation rates and reimbursement;
    - Recommend specific actions for addressing barriers to participation and reimbursement.
  - The committee shall provide an implementation plan and a time-line for applying for a Title IV-E waiver.
    - Within goals of strategic plan
    - Maximize federal funding
  - As the Nebraska Children's Commission is created the Title IV-E Demonstration Project Committee shall come under the commission's jurisdiction
    - The commission may appoint additional members and make any changes it deems necessary to comply with this act.
  - Committee shall report to the HHS Committee on its activities-
    - July 1, 2012
    - September 1, 2012
    - November 1, 2012
    - Final Report December 15, 2012
    - To include the status of the application by September 15, 2012
  - Committee's implementation plan regarding the demonstration project shall meet the requirements of 42 U.S.C. 1320a-9 including at least two of the child welfare program improvements policies described in 42 U.S.C. 1320A9 (a) (7)



- 2) LB 820 provides for the creation of the a **Foster Care Reimbursement Rate Committee**:
- To develop a standard statewide foster care reimbursement rate structure for children in foster care in Nebraska
  - The Committee shall include:
    - The CEO of the department or his/her designee;
    - Representatives of an array of stakeholders involved in the foster care system.
  - The committee shall use the 2007 national foster care compensation study as a beginning standard for setting reimbursement rates and adjust the standard to reflect the reasonable cost of achieving measurable outcomes for foster care in Nebraska.
  - The committee shall:
    - Analyze consumer expenditure data for the costs of caring for children in Nebraska;
    - Identify and account for additional costs specific to foster children;
    - Apply a geographic cost-of-living adjustment for Nebraska;
    - Maximize the utilization of federal funds by supporting compliance with Title IV-E and TANF funding.
  - The committee will develop a **statewide level of care assessment system** to standardize criteria to determine a foster child's placement needs to appropriately identify the foster care reimbursement rate.
    - Review other states' assessment models and reimbursement rate structures;
    - The state wide level of care assessment system will be research based, supported by evidence-based practices, and reflect the commitment to a systems of care, trauma-informed, child-centered, family-involved, coordinated process.
  - The committee shall develop the statewide level of care assessment and foster care reimbursement rate structure to provide incentives to tie performance in achieving the goals of safety, maintaining family connection, permanency, stability, and well-being to reimbursements.
  - The committee will report
    - to the Health and Human Services Committee of the Legislature on July 1, 2012; September 1, 2012; November 1, 2012 and
    - a final report will be provided to the HHS committee and the Governor with recommendations for the statewide level of care assessment system and the foster care reimbursement rate structure on December 15, 2012.
  - As the Nebraska Children's Commission is created the committee shall immediately come under the commission's jurisdiction. The commission may change the members and make any changes necessary to comply with the act.
  - **Foster Care stipend**
    - Nebraska foster parents make an essential contribution to the safety and well being of Nebraska's foster children, and
    - Additional compensation, during the determination of a standard state wide foster care reimbursement structure, is needed;
    - Beginning July 1, 2012 and continuing through June 30, 2013, foster parents will be provided an additional stipend.
  - The stipend will be three dollars and ten cents per day per child and will be in addition to the current tiered rate paid to foster parents;
    - The stipend will be paid monthly through the agency or the department contracting with the

foster parent;

- The contracting agency shall receive an administrative fee
  - Twenty-five cents per child per day for processing the stipend,
  - Paid monthly by the state;
  - In addition to the stipend, not funded from it.
- **Licensing of foster parents**
  - No person shall furnish or offer to furnish foster care for one or more children not related to such person by blood, marriage, or adoption
  - Without having in full force and effect a written license issued by the department except as otherwise provided in the section.



## **LB 821**

### **Provides for the Nebraska Children's Commission and the Office of Inspector General of Nebraska's Child Welfare Act**

The Legislature finds and declares that:

- The Health and Human Services Committee of the Legislature documented serious problems with the child welfare system in its 2011 report on the LR 37 study;
- Improving the safety and well-being of Nebraska's children and families is a critical priority which must guide policy decisions in a variety of areas;
- To improve the safety and well-being of children and families in Nebraska, the legislative, judicial, and executive branches of government must work together to ensure:
  - The integration, coordination, and accessibility of all services provided by the state, whether directly or through contracting;
  - Reasonable access to appropriate services statewide, and efficiency in service delivery; and
  - Availability of accurate and complete data and ongoing data analysis to identify important trends and problems as they arise; and
  - As the primary state agency serving children and families, the Department of Health and Human Services must:
    - Exemplify leadership, responsiveness, transparency, and efficiency;
    - Program managers must strive cooperatively to ensure programs view the needs of children and families comprehensively as a system rather than individually in isolation, including pooling funding when possible and appropriate.

It is the intent of the Legislature that the Nebraska Children's Commission provide a broad restructuring of the goals of the child welfare system and provide a structure for the Commission that maintains the framework of the three branches of government and their respective powers and duties.

The Nebraska Children's Commission is created as a high-level leadership body to:

- Create a system-wide strategic plan for child welfare reform of programs and services;
- Review the operations of the department regarding child welfare and recommend as a part of the strategic plan either the establishment of a new division within the department or a new state agency; and
- Provide a permanent forum for collaboration among state, local, community, public, and private stakeholders in child welfare programs.

The Commission voting members shall include:

- The CEO of the department or his/her designee;
- The Director of CFS or his/her designee; and
- Sixteen members appointed by the Governor representing:
  - A director of a child advocacy center;
  - A regional administrator of a behavioral health authority;
  - Community members from each service area (the representative from the eastern service area may be from a Pilot Project lead agency or collaborative member);
  - A prosecuting attorney who practices in juvenile court;
  - A guardian ad litem;
  - A biological parent currently or previously involved in the child welfare system;



- A foster parent;
- A CASA volunteer;
- A Foster Care Advisory Committee member or a member of a local foster care review board;
- A child welfare services agency that directly provides a wide range of child welfare services, that is not a member of a lead agency collaborative;
- A young adult previously in foster care; and
- A representative of a child advocacy organization representing legal and policy issues that include child welfare.
- The Commission non-voting ex officio members shall include:
  - The Chair of the Health and Human Services Committee or a committee member designee;
  - The Chair of the Judiciary Committee or a committee member designee;
  - The Chair of the Appropriations Committee or a committee member designee;
  - Three persons appointed by the State Court Administrator
- Non-voting ex officio members may:
  - Attend meetings and participate in discussions of the commission
  - Provide information to the commission on the policies, programs, and process of each of their respective bodies;
  - Gather information for the commission; and
  - Provide information back to their respective bodies from the commission.
  - The non-voting ex officio members shall not vote on decisions or on the direction of the development of the strategic plan.

The Commission shall

- Meet within sixty days after the effective date of the act
- Select from its members a chairperson and vice-chairperson
- Meet not less than once every three months
- Meetings may be held at any time on the call of the chairperson
- Be within the CEO of the department office
- Hire a staff to carry out the responsibilities of the commission.
- Hire a consultant with experience in facilitating strategic planning to provide neutral, independent assistance in developing the statewide child welfare strategic plan
- Terminate June 30, 2014, unless continued by the Legislature.

The Nebraska Children's Commission shall work with:

- Service area administrators, the 1184 teams, local foster care review boards, child advocacy centers, the teams created pursuant to the Nebraska Supreme Court's Through the Eyes of the Child Initiative, community stakeholders, and advocates for child welfare services and programs to establish networks in each service area.
- Networks shall permit community collaboration to strengthen the continuum of services available to child welfare agencies and to provide resources for children and juveniles outside the child protection system.
- Each service area shall develop its own unique strategies to be included in the statewide strategic plan.
- The department shall assist in identifying the needs of each service area.



The Commission will create and/or oversee committees as it deems necessary to include, but not be limited to:

- A committee to examine state policy regarding prescription of psychotropic drugs for state wards;
- Title IV-E Demonstration Project Committee;
- Foster Care Reimbursement Rate Committee;
- Members of the committees may be
  - Members of the Commission or
  - May be a non-member of the Commission who is assigned, with the approval of the majority of the Commission, for their subject matter.
- Committee to examine the structure and responsibilities of the Office of Juvenile Services, the committee shall:
  - Review the role and effectiveness of the youth rehabilitation and treatment centers and
  - Make recommendations to the commission on the future role of the youth rehabilitation and treatment centers in the juvenile justice continuum of care.
  - Review the responsibilities of the Administrator of the Office of Juvenile Services, including
    - Oversight of the youth rehabilitation and treatment centers and juvenile parole, and
    - Make recommendations to the commission relating to the future responsibilities of the administrator.

The Commission will work with other child welfare and juvenile entities including, but not limited to:

- State Court Administrator
  - Facilitated Conferencing shall:
    - Be included in strategic plan discussion;
    - Continue to be utilized as determined by the court of jurisdiction;
  - Be funded and contracted through entities at least to the same extent as provided on the effective date of the act
- Douglas County Crossover Youth Practice Model; and
- Nebraska Juvenile Services Delivery Project.

The Nebraska Children's Commission shall create a statewide strategic plan for child welfare program and service reform in Nebraska considering, but not limited to:

- The potential of contracting with private, nonprofit entities as lead agencies in a manner that maximizes the strengths, experience, skills, and continuum of care of the lead agency.
- Any lead-agency contracts entered into or amended after the effective date of this action shall detail how the qualified licensed agencies, as part of their efforts to develop the local capacity for a community-based system of coordinated care, will implement community based care through competitively procuring either:
  - Contracting for specific components of foster care and related services or;
  - Comprehensive services for a defined eligible population of children and families.
- Intentional strategies for high-quality evidence-based prevention and early intervention services;
- Realignment of services areas to coterminous with the judicial districts;
- Identification of the type of information needed for a clear and thorough analysis of progress on child welfare indicators.



- A lead agency after the effective date of this act shall:
  - Have a board of directors of which a least fifty-one percent of the membership is comprised of Nebraska residents who are not employed by the lead agency or a subcontractor of the lead agency;
  - Complete a readiness assessment as developed by the department to determine viability
  - Not more provide more than thirty-five percent of direct services; and
  - Provide accountability for meeting the outcomes and performance standards related to child welfare services established by NE child welfare policy and the federal government.

The Commission shall review the operations regarding child welfare programs and services and recommend as a part of the strategic plan and make a choice regarding the establishment of a new division within the department or the establishment of a new state agency

The department shall, with direction from the Commission, within three months after the effective date of this act, contract with an independent entity specializing in medicaid analysis to conduct a cross-system analysis of current prevention and intervention programs and services provided by the department for the safety, health, and well-being of children and funding sources to:

- Identify resources that could be better allocated for services to at-risk children and juveniles transitioning to home-based and school-based interventions, and
- Provide info to expand services to reduce GF and expand federal funds;

The department shall:

- Fully cooperate with the Commission;
  - Provide info on child including reports, data, programs, process, finances and polices;
- Collaborate regarding the development of a plan for a state wide automated child welfare information system and
- Coordinate and collaborate with the Commission regarding the engagement of an evaluator to provide a child welfare system evaluation.

The Commission shall provide a written report the the Health and Human Services Committee of the Legislature on the status of its activities on or before:

- August 1, 2012, September 15, 2012, and November 1, 2012.
- The statewide strategic plan and written report shall be provided to the HHS Committee and the Governor on or before December 15, 2012.

The Office of Inspector General of Nebraska Child Welfare is created within the Office of Public Counsel.

It is the intent of the Legislature to:

- Establish a full time program of investigation and performance review to provide increased accountability and oversight of the Nebraska child welfare system;
- Assist in improving operations of the department and the Nebraska child welfare system;
- Provide an independent form of inquiry for concerns regarding the actions of individuals and agencies responsible for the care and protection of children; and
- Provide a mechanism for investigation and review to determine if individual complaints and issues of inquiry reveal problems in the system that necessitate legislative action for improved policies and restructuring of the child welfare system.



It is not the intent of the Legislature in enacting the Office of Inspector General of Nebraska Child Welfare Act to:

- Interfere with the duties of the Legislative Performance Audit, Legislative Fiscal Analyst, or
- Interfere with the statutorily defined investigative responsibilities or prerogatives of any officer, agency, board, bureau, commission, association, society, or institution of the executive branch of state government.

The Inspector General shall:

- Be appointed by the Public Council with approval from the Chairman of the Executive Board and the Chairman of the Health and Human Services Committee of the Legislature.
- Carry out the duties of the office within the amount available by appropriation through the Office of Public Council for the Office of Inspector General.
- Be subject to the control and supervision of the Public Counsel; however, removal of the Inspector General will require approval of the Chairmen of the Executive Board and Chairman of the Health and Human Services Committee of the Legislature.
- Be a person well equipped to analyze problems of law, administration, and public policy and during his employment not be actively involved in partisan affairs.
  - No former or current executive or manager of the department may be appointed Inspector General within five years of service to the department
  - Not later than two years after the date of appointment the Inspector General shall obtain certification as a Certified Inspector General

The Office shall investigate:

- Allegations of possible misconduct, misfeasance, malfeasance, or violations of statutes or of rules or regulations of the department by an employee of, or a person under contract with, the department, a private agency, a child care facility, a foster parent, or any other provider of child welfare services or which may provide a basis for discipline pursuant to the Uniform Credentialing Act; and
- Death or serious injury in foster homes, private agencies, child care facilities, and other programs and facilities licensed by, or under contract with, the department and death or serious injury in any case in which services are provided by the department to a child or his or her parents.
- Any case involving an investigation under the Child Protection Act, which case has been open for one year or less.
- The department shall report all cases of death or serious injury to the Office.

Investigations by the Inspector General shall be independent of and separate from an investigation pursuant to the Child Protection Act.

- Notwithstanding the fact that a criminal investigation, a criminal prosecution, or both are in progress, all law enforcement agencies and prosecuting attorneys shall:
  - Cooperate with any investigation conducted by the Inspector General;
  - Immediately upon request by the Inspector General, provide copies of all law enforcement reports relevant to the Inspector General's investigation;
    - All law enforcement reports provided pursuant to this section are not public records;
    - Shall not be subject to discovery by any other person or entity; and
    - Except to the extent otherwise provided in the Office of Inspector General of Nebraska



- Child Welfare Act the confidentiality of all law enforcement reports shall be maintained
- Collaborate with the Inspector General regarding all other information relevant to the Inspector General's investigation.
  - If the Inspector General in conjunction with the Public Counsel determines appropriate, may suspend an investigation by the office until:
    - A criminal investigation or prosecution is completed; or
    - Has proceeded to a point that, in the judgment of the Inspector General, the investigation will not impede or infringe upon the criminal investigation or prosecution.
  - Under no circumstance shall the Inspector General interview any minor who has already been interviewed by a law enforcement agency, personnel of the Division of Children and Family Services of the department, or staff of a child advocacy center in connection with a relevant ongoing investigation of a law enforcement agency.

The office shall have access to all information and personnel necessary to perform the duties of the office.

- A full investigation conducted by the Office shall consist of retrieval of relevant records through subpoena, compliance with a request of the Office, or voluntary production, review of all relevant records, and interviews of all relevant persons.

Complaints to the office may be made in writing. The Office shall also maintain a toll-free telephone line for complaints. A complaint shall be evaluated to determine if it is within the functions of the Office and whether a full investigation is warranted.

The Office shall not conduct a full investigation of a complaint unless:

- The complaint alleges malfeasance, misconduct, misfeasance, violation of a statute or of rules and regulations of the department, or there is a basis for discipline pursuant to the Uniform Credentialing Act;
- The complaint is against a person within the jurisdiction of the Office; and
- The allegations can be independently verified through investigation.

The Inspector General shall determine within fourteen days after receipt of a complaint whether it will conduct a full investigation.

- A complaint for discipline under the Uniform Credentialing Act shall be referred to the appropriate credentialing board under the act.

All employees of the department, all foster parents, and all owners, operators, managers, supervisors, and employees of private agencies, licensed child care facilities, and other providers of child welfare services shall cooperate with the office re full access to and production of records and information within the confidentiality and protection outlined in the act.

The office may:

- Issue subpoenas, enforceable by action in an appropriate court, to compel any person to appear, give sworn testimony, or produce documentary or other evidence .
- Allowed Counsel to be present; the same privileges and immunities are extended the individuals as in the district court.
- Access all relevant records through subpoena, compliance with a request of the office, and voluntary production.



All investigations conducted by the office shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

- Reports of investigations conducted by the office shall not be distributed beyond the entity that is the subject of the report without the consent of the Inspector General.
- Except when a report is provided to a guardian ad litem or an attorney in the juvenile court pursuant to subsection (2) of section 34 of this act, the office shall redact confidential information before distributing a report of an investigation.
- The office may disclose confidential information to the Chairperson of the Health and Human Services Committee of the Legislature when such disclosure is, in the judgment of the Public Counsel, desirable to keep the chairperson informed of important events, issues, and developments in the Nebraska child welfare system.
- Records and documents obtained or reports produced by the office in the course of an investigation are not public records.

The Inspector General's report of an investigation shall be in writing to the Public Counsel and shall contain recommendations. The report may recommend:

- Systemic reform or case-specific action, including a recommendation
  - For discharge or discipline of employees or
  - For sanctions against a foster parent, private agency, licensed child care facility, or other provider of child welfare services.
- All recommendations to pursue discipline shall be in writing and signed by the Inspector General.
- A report of an investigation shall be presented to the director within fifteen days after the report is presented to the Public Counsel.
- Any person receiving a report under this section shall not further distribute the report or any confidential information contained in the report.
  - The Inspector General, upon notifying the Public Counsel and the director, may distribute the report, to the extent that it is relevant to a child's welfare, to the guardian ad litem and attorneys in juvenile court in which a case is pending.
- The report shall not be distributed beyond the parties except through the appropriate court procedures to the judge.

Within fifteen days after a report is presented to the director under this act, he or she shall determine whether:

- To accept, reject, or request in writing modification of the recommendations contained in the report.

The Inspector General may consider the director's request for modifications, but is not obligated to accept such request. Such report shall become final upon the decision of the director to accept or reject the recommendations in the report or, if the director requests modifications, within fifteen days after such request or after the Inspector General incorporates such modifications, whichever occurs earlier.

In accordance with the Public Counsel statutes, no report or other work product by the Inspector General shall be reviewable in any court. Neither shall the office be required to testify or produce evidence.

The act does not require the office to investigate all complaints. The Inspector General with input from the Public Counsel shall prioritize activities as necessary to further the intent of the act and assist

legislative oversight of the Nebraska child welfare system.

On or before September 15 of each year, the Inspector General shall provide to the Health and Human Services Committee of Legislature and the Governor a summary of reports and investigations made under the Office of Inspector General Act for the preceding year.

- The summaries shall detail recommendations regarding issues that will increase accountability and legislative oversight of the Nebraska Child welfare system and improve operations of the department.
- The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations.



## Nebraska Children's Commission

### Purpose-

- Provide a broad restructuring of the goals of the child welfare system, and
- Provide a structure to the commission that maintains the framework of the three branches of government and their respective powers and duties

### Members-

- Voting
  - Chief executive officer of the department (or his designee);
  - Director of CFS;
  - Sixteen members appointed by the *Governor*:
    - Director of a child advocacy center;
    - Administrator of a Behavioral Health Region;
    - Community representative from each of the service areas;
      - Eastern service area may be from NFC or member of the collaborative;
    - Prosecuting attorney from juvenile court;
    - Guardian ad litem;
    - Biological parent currently or previously involved in the child welfare system;
    - Foster parent;
    - CASA volunteer;
    - Member of the Foster Care Advisory Committee or local board member;
    - Child welfare service agency that directly provides a wide range of child welfare services (not a lead agency collaborative member);
    - Young adult previously in foster care;
    - Representative of a child advocacy organization that deals with legal and policy issues that include child welfare.
- Non-voting ex officio members:
  - Chair of Health and Human Services Committee (or committee member designee)
  - Chair of the Judiciary Committee (or committee member designee)
  - Chair of the Appropriations Committee (or committee member designee)
  - Three persons appointed by the *State Court Administrator (Janice Walker)*

### Responsibilities-

- Create a statewide strategic plan for reform of the child welfare system programs and services according to Legislative intent and as outlined in LB 821;
- Review operations of the Department of Health and Human Services child welfare system and make a recommendation regarding:
  - A new agency or a new division to provide child welfare programs and services; and
  - The Lead Agency pilot project in the eastern service area;
- Provide a permanent forum for collaboration among state, local, community, public and private stakeholders in child welfare;
- Meet within 60 days after the effective date of this act (before June 11);
- Select a chairperson and vice-chairperson;



- Meet not less than every three months;
- May hire staff to carry out responsibilities;
- Shall hire a consultant with experience in facilitating strategic planning;
- Collaborate with service areas and community stakeholders to establish networks to strengthen the continuum of services available to child welfare and strategies to be included in the statewide strategic plan.
- Create a committee to examine state policy regarding prescription psychotropic drugs.
- Create a committee to examine the structure and responsibilities of OJS, youth rehabilitation and treatment centers.
- Oversee the Title IV-E Demonstration Project Committee
- Oversee the Foster Care Reimbursement Rate Committee
- Collaborate to utilize facilitated conferencing and include such in the statewide strategic plan
- Gather information and communicate with juvenile justice specialists regarding the Crossover Youth Program of the Center for Juvenile Justice Reform at Georgetown University;
- Gather information regarding the Juvenile Service Delivery Project;
- Within three months of the effective date of the bill (before July 11) direct the department regarding the contracting of an independent entity specializing in medicaid analysis to conduct a cross-system analysis of programs to:
  - Identify General Fund expenditures on Medicaid services;
  - Identify resources to provide more effective services for at-risk children and juveniles through home and school-based interventions; and
  - Provide information towards replacing general funds for at risk children with federal funds to expand the funding base.
- The Commission and the department will collaborate in the development of a plan for a statewide automated child welfare information system as specified in LB 1160;
- The Commission and department shall coordinate and collaborate regarding engagement of an evaluator to provide an evaluation of the child welfare system as specified in LB 1160;
- Provide a written report on the status of the Committee's activities to the HHS Committee August 1 2012; September 15, 2012; and November 1, 2012.
- Report on the completed statewide strategic plan to the HHS Committee and the Governor on or before December 15, 2012.

## Foster Care Reimbursement Rate Committee

### Appointments

- The chief executive officer of DHHS (or his or her designee)
- Representatives from the DHHS Division of Children and Family Services and from child welfare stakeholders named by the chief executive officer of the department (Kerry Winterer)

### Criteria

- Criteria for representatives from the DHHS Division of Children and Family Services
  - one from each service area
  - at least one division employee with a thorough understanding of the current foster care payment system
  - at least one division employee with a thorough understanding of the N-FOCUS electronic data collection system
- Criteria for representatives from among stakeholders
  - a representative from a child welfare agency that contracts directly with foster parents, from each service area
  - a representative from an advocacy organization which deals with legal and policy issues that include child welfare
  - a representative from an advocacy organization the singular focus of which is issues impacting children
  - a representative from a foster and adoptive parent association
  - a representative from a lead agency
  - a representative from a child advocacy organization that supports young adults who were in foster care as children
  - a foster parent who contracts directly with the department
  - a foster parent who contracts with a child welfare agency

### Responsibilities

- Develop a standard statewide foster care reimbursement rate structure for children in foster care in Nebraska
- Develop a statewide standardized level of care assessment
- Provide written reports to the Legislature's Health and Human Services Committee on July 1, 2012 and September 15, 2012.
- Provide a final report to the Legislature's Health and Human Services Committee and the Governor with recommendations for the statewide level of care assessment system and the foster care reimbursement rate structure on December 15, 2012.



## Title IV-E Demonstration Project Committee

### Appointments

- The majority by the DHHS Director of Children and Family Services (Thomas Pristow) or his designee
  - Representatives of the Department of Health and Human Services
  - Representatives from child welfare stakeholder entities
    - one advocacy organization which deals with legal and policy issues that include child welfare
    - one advocacy organization the singular focus of which is issues impacting children
    - two child welfare service agencies that provide a wide range of child welfare services
    - one entity which is a lead agency as of March 1, 2012
- At least one ex officio member of the committee appointed by the State Court Administrator (Janice Walker)

### Criteria

- Members shall have experience or knowledge in the area of child welfare that involve Title IV-E eligibility criteria and activities

### Responsibilities

- Review, report, and provide recommendations regarding the application of the Department of Health and Human Services for a Title IV-E demonstration project
  - May engage a consultant with expertise in Title IV-E demonstration project applications and requirements;
  - Review Nebraska's current status of Title IV-E participation and penetration rates and recommend specific actions for addressing barriers to participation and reimbursement;
  - Provide an implementation plan and a time line for making application for a Title IV-E waiver;
  - Report activities to the Legislature's Health and Human Services Committee on or before July 1, 2012; September 1, 2012; and November 1, 2012;
  - Submit a final written report to the department, the Legislature's Health and Human Services Committee, and the Governor by December 15, 2012.