

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.

GENERAL GUIDANCE FOR OPEN MEETINGS

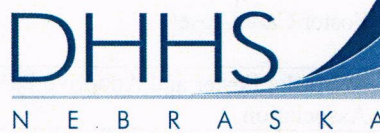
The following are some general principles and guidance for complying with the Nebraska Open Meetings Act.

- 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.

This final report includes the recommendations regarding Foster Care Reimbursement Rates and Level of Care Assessment Tools.

**LB820 Final
Legislative Report**
Division of Children and Family
Services

Department of Health & Human Services



Background

LB 820, Sections 4 & 5 requires the Department of Health and Human Services to create a committee to develop a standard statewide foster care reimbursement rate structure. This will include a statewide standardized level of care assessment and tie performance with payments to achieve permanency outcomes for children and families.

The following committee was appointed by Kerry T. Winterer, CEO, Department of Health and Human Services.

Committee Members		
Name	Position, Organization	Representation
Thomas D. Pristow	Director, Children & Family Services	Designee of the chief executive officer of the department
Debbie Silverman	Administrator, Western Service Area	Representatives from the Division of Children and Family Services of the department from each service area.
Charlie Ponec	Resource Developer, Central Service Area	
Karen Knapp	Children & Family Services Specialist, Northern Service Area	
Jodi Allen	Children & Family Services Specialist Supervisor, Southeast Service Area	
Carrie Hauschild	Children & Family Services Specialist Supervisor, Eastern Service Area	
Carol Krueger	Nebraska Children's Home Society (Eastern)	Representatives from a child welfare agency that contracts directly with foster parents, from each of such service areas.
Gregg Nicklas	Christian Heritage (Southeast)	
Jackie Meyer	Building Blocks for Community Enrichment (Northern)	
Susan Henrie	South Central Behavioral Services (Central)	
Cory Rathbun	St. Francis Community (Western)	
Lana Temple-Plotz	Foster Family-Based Treatment Association, Boys Town	A representative from an advocacy organization which deals with legal and policy issues that include child welfare.
Leigh Esau	Foster Care Closet	A representative from an advocacy organization the singular focus of which is issues impacting children.
Barb Nissen	Nebraska Foster and Adoptive Parent Association	A representative from a foster and adoptive parent association.
David Newell	Nebraska Families Collaborative	A representative from a lead agency.
Rosey Higgs	Project Everlast	A representative from a child advocacy organization that supports young adults who were in foster care as children.
Bev Stutzman	Wood River, Nebraska	A foster parent who contracts directly with the department.
Joan Kinsey	Lincoln, Nebraska	A foster parent who contracts with a child welfare agency.
Sara Goscha	Administrator, DHHS Division of Children and Family Services, Special Projects	Director appointment.

The committee met once a month from June – November 2012. Two sub-committees were established to address the committee's legislative requirements: The Level of Care Assessment Sub-Committee and the Foster Care Rate Sub-Committee. The Nebraska Public Meeting Calendar was used for meeting notices. The committee's meeting agendas, minutes and information can be viewed at:

<http://dhhs.ne.gov/ChildrensCommission/Pages/Home.aspx>

The reports submitted to the legislature can be viewed on-line at:

<http://www.nebraskalegislature.gov/agencies/view.php>

Recommended Actions for Foster Care Reimbursement Rates

Goal: The committee was instructed to adjust the standard reimbursement rate to reflect the reasonable cost of achieving measurable outcomes for all children in foster care in Nebraska.

The committee shall

(a) analyze consumer expenditure data reflecting the costs of caring for a child in Nebraska,

(b) identify and account for additional costs specific to children in foster care, and

(c) apply a geographic cost-of-living adjustment for Nebraska.

The reimbursement rate structure shall comply with funding requirements related to Title IV-E of the federal Social Security Act, as amended, and other federal programs as appropriate to maximize the utilization of federal funds to support foster care.

Rate discussion included analysis of:

- Nebraska FCPAY checklist (Foster Care Pay, currently in use)
- M.A.R.C. (Hitting the M.A.R.C. Establishing Foster Care Minimum Adequate Rates for Children) study and data, and
- USDA (US Department of Agriculture, Center for Nutrition Policy and Promotion, Expenditures on Children by Families, 2011).

These documents include similar information, although they are not directly parallel with each other. The USDA cost of raising children included additional expense categories already provided by DHHS for children in foster care (e.g. child care and medical insurance) which were excluded from the recommendation.

The sub-committee chose to use an average of two Midwest Urban two parent family categories as a baseline to calculate the minimum rate to care for a child in foster care. This average took into consideration food, clothing, shelter, normal family transportation, and miscellaneous costs related to children in a two parent family. The committee recommended a set of base foster care reimbursement rates by age grouping, which include a minimal amount of transportation. Foster care brings an additional layer of transportation needs to foster families so the committee also recommends a transportation reimbursement plan for families who use more than 100 miles extra in a month in the course of providing care.

Foster Care Reimbursement Rate Recommendations:

The following Foster Care Reimbursement rates were recommended:

<u>Age</u>	<u>Daily</u>	<u>Monthly</u>	<u>Annual</u>
0-5	\$ 20.00	\$608.33	\$7,300.00
6-11	\$ 23.00	\$699.58	\$8,395.00
12-18	\$ 25.00	\$760.42	\$9,125.00

Recommended Statewide Standardized Level of Care Assessment

Goal: The committee was instructed to develop a statewide standardized level of care assessment containing standardized criteria to determine a foster child's placement needs and to appropriately identify the foster care reimbursement rate.

The committee shall review other states' assessment models and foster care reimbursement rate structures in completing the statewide standardized level of care assessment and the standard statewide foster care reimbursement rate structure.

The statewide standardized level of care assessment shall be research-based, supported by evidence-based practices, and reflect the commitment to systems of care and a trauma-informed, child-centered, family-involved, coordinated process.

The committee shall develop the statewide standardized level of care assessment and the standard statewide foster care reimbursement rate structure in a manner that provides incentives to tie performance in achieving the goals of safety, maintaining family connection, permanency, stability, and well-being to reimbursements received.

The Level of Care sub-committee discussions centered on researching assessment tools within Nebraska and other states, evaluating their effectiveness, attributes and complications of each tool. Sub-committee members spent considerable time personally contacting experts in other states to gain insight into their assessments.

Ten tools researched and assessed from eight states. Thirteen experts were interviewed. The tools and experts are documented in committee minutes and available on the Nebraska Children's Commission webpage <http://dhhs.ne.gov/Pages/childrenscommission.aspx>.

Two assessment tools were recommended in order to better assess the level of care needs of the child, and level of responsibility required by the foster parent. Foster parents asked to provide a higher level of care which requires additional training would be paid an additional amount per day. The advanced care needs of medically fragile children who require special feeding, in-home health care, and transportation requirements would be an example. Children with severe mental health concerns which require additional programming, supervision or special services that the foster parent can be trained to provide would result in an additional payment to the foster parent.

Level of Care Assessment Tool Recommendations:

The Level of Care Assessment tool recommendations are:

- Child Needs Assessment: Child and Adolescent Needs and Strengths Comprehensive (CANS)
 - Caregiver Responsibilities: Nebraska Caregiver Responsibilities (NCR)
- Level of Care Assessment caution: Do not tie foster parent payment directly to the assessment of a child.

Potential Impact Items

The Level of Care Assessment sub-committee received strong recommendations from other states regarding the use of Level of Care Assessment tools, and their use in combination with establishing foster care reimbursement rates.

1. All states interviewed recommended not tying an assessment to foster care payments initially. Instead all states recommended a "hold harmless" phase where foster parents rates do not change for a period of time;
2. An ongoing quality assurance process is critical to success;
3. Other states recommended training, implementation, ongoing training support; and
4. Use caution when developing or choosing a tool to ensure the tool or subsequent payment methodology does not include behaviors or conditions that overlap with other services/funding streams (i.e., developmental disabilities, behavioral health, medically fragile, OJS).

LEGISLATIVE BILL 530

Approved by the Governor June 4, 2013

Introduced by Dubas, 34.

FOR AN ACT relating to foster care; to amend sections 43-4202, 43-4203, and 43-4213, Revised Statutes Cumulative Supplement, 2012; to state intent; to provide duties for the Division of Children and Family Services of the Department of Health and Human Services and the Nebraska Children's Commission; to change a termination date; to create the Foster Care Reimbursement Rate Committee; to provide powers and duties; to change provisions relating to stipends for foster parents; to eliminate a committee; to harmonize provisions; to repeal the original sections; to outright repeal section 43-4212, Revised Statutes Cumulative Supplement, 2012; and to declare an emergency.

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

Section 1. (1) The Legislature (a) finds that it was the intent of sections 43-4208 to 43-4213 to provide bridge funding to bring Nebraska's foster care reimbursement rates in line with foster care reimbursement rates in the rest of the country and (b) recognizes the importance of a stable payment to foster parents to ensure that families are able to budget for needs while caring for foster children.

(2) The Legislature further finds that Nebraska's foster care system has begun to stabilize. In recognition of the essential contributions of foster parents and foster care providers to foster children in Nebraska, it is the intent of the Legislature to continue existing contractual arrangements for payment to ensure the continued stabilization of the foster care system in Nebraska.

(3) It is the intent of the Legislature:

(a) To ensure that fair rates continue into the future to stem attrition of foster parents and to recruit, support, and maintain high-quality foster parents;

(b) That foster care reimbursement rates accurately reflect the cost of raising the child in the care of the state;

(c) To ensure that contracted foster care service provider agencies do not pay increased rates out of budgets determined in contracts with the Department of Health and Human Services prior to any change in rates;

(d) To maintain comparable foster care reimbursement rates to ensure retention and recruitment of high-quality foster parents and to ensure that foster children's best interests are served; and

(e) To appropriate funds to permanently replace the bridge funding described in subsection (1) of this section and provide the necessary additional funds to bring foster care reimbursement rates in compliance with the recommendations of the research and study completed by the Foster Care Reimbursement Rate Committee as required pursuant to section 43-4212 as such section existed before the effective date of this act.

Sec. 2. (1) On or before July 1, 2014, the Division of Children and Family Services of the Department of Health and Human Services shall implement the reimbursement rate recommendations of the Foster Care Reimbursement Rate Committee as reported to the Legislature pursuant to section 43-4212 as such section existed before the effective date of this act.

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

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

(ii) The Nebraska Children's Commission shall review and provide a progress report on the pilot project by October 1, 2013, to the department and electronically to the Health and Human Services Committee of the Legislature; shall provide to the department and electronically to the committee by December 1, 2013, a report including recommendations and any legislation necessary, including appropriations, to adopt the recommendations, regarding the adaptation or continuation of the implementation of a statewide standardized level of care assessment; and shall provide to the department and

electronically to the committee by February 1, 2014, a final report and final recommendations of the commission.

Sec. 3. (1) On or before January 1, 2016, the Nebraska Children's Commission shall appoint a Foster Care Reimbursement Rate Committee. The commission shall reconvene the Foster Care Reimbursement Rate Committee every four years thereafter.

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

(a) The following voting members: (i) Representatives from a child welfare agency that contracts directly with foster parents, from each of the service areas designated pursuant to section 81-3116; (ii) a representative from an advocacy organization which deals with legal and policy issues that include child welfare; (iii) a representative from an advocacy organization, the singular focus of which is issues impacting children; (iv) a representative from a foster and adoptive parent association; (v) a representative from a lead agency; (vi) a representative from a child advocacy organization that supports young adults who were in foster care as children; (vii) a foster parent who contracts directly with the Department of Health and Human Services; and (viii) a foster parent who contracts with a child welfare agency; and

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

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

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

(2) The committee shall review the role and effectiveness of and make recommendations on the statewide standardized level of care assessment containing standardized criteria to determine a foster child's placement needs and to identify the appropriate foster care reimbursement rate. The committee shall review other states' assessment models and foster care reimbursement rate structures in completing the statewide standardized level of care assessment review and the standard statewide foster care reimbursement rate structure. The committee shall ensure the statewide standardized level of care assessment and the standard statewide foster care reimbursement rate structure provide incentives to tie performance in achieving the goals of safety, maintaining family connection, permanency, stability, and well-being to reimbursements received. The committee shall review and make recommendations on assistance payments to adoptive parents as required by section 43-117. The committee shall make recommendations to ensure that changes in foster care reimbursement rates do not become a disincentive to permanency.

(3) The committee may organize subcommittees as it deems necessary. Members of the subcommittees may be members of the committee

or may be appointed, with the approval of the majority of the committee, from individuals with knowledge of the subcommittee's subject matter, professional expertise to assist the subcommittee in completing its assigned responsibilities, and the ability to collaborate within the subcommittee.

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

Sec. 5. Section 43-4202, Revised Statutes Cumulative Supplement, 2012, is amended to read:

43-4202 (1) The Nebraska Children's Commission is created as a high-level leadership body to (a) create a statewide strategic plan for reform of the child welfare system programs and services in the State of Nebraska and (b) review the operations of the Department of Health and Human Services regarding child welfare programs and services and recommend, as a part of the statewide strategic plan, options for attaining the legislative intent stated in section 43-4201, either by the establishment of a new division within the department or the establishment of a new state agency to provide all child welfare programs and services which are the responsibility of the state. The commission shall provide a permanent forum for collaboration among state, local, community, public, and private stakeholders in child welfare programs and services.

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

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

(b) The Director of Children and Family Services or his or her designee; and

(c) Sixteen members appointed by the Governor within thirty days after April 12, 2012. The members appointed pursuant to this subdivision shall represent stakeholders in the child welfare system and shall include: (i) A director of a child advocacy center; (ii) an administrator of a behavioral health region established pursuant to section 71-807; (iii) a community representative from each of the service areas designated pursuant to section 81-3116. In the eastern service area designated pursuant to such section, the representative may be from a lead agency of a pilot project established under Legislative Bill 961, One Hundred Second Legislature, Second Session, 2012, section 68-1212 or a collaborative member; (iv) a prosecuting attorney who practices in juvenile court; (v) a guardian ad litem; (vi) a biological parent currently or previously involved in the child welfare system; (vii) a foster parent; (viii) a court-appointed special advocate volunteer; (ix) a member of the State Foster Care Review Board or any entity that succeeds to the powers and duties of the board or a member of a local foster care review board; (x) a child welfare service agency that directly provides a wide range of child welfare services and is not a member of a lead agency collaborative; (xi) a young adult previously in foster care; and (xii) a representative of a child advocacy organization that deals with legal and policy issues that include child welfare.

(3) The commission shall have the following nonvoting, ex officio members: (a) The chairperson of the Health and Human Services Committee of the Legislature or a committee member designated by the chairperson; (b) the chairperson of the Judiciary Committee of the Legislature or a committee member designated by the chairperson; (c) the chairperson of the Appropriations Committee of the Legislature or a committee member designated by the chairperson; and (d) three persons appointed by the State Court Administrator. The nonvoting, ex officio members may attend commission meetings and participate in the discussions of the commission, provide information to the commission on the policies, programs, and processes of each of their respective bodies, gather information for the commission, and provide information back to their respective bodies from the commission. The nonvoting, ex officio members shall not vote on decisions by the commission or on the direction or development of the statewide strategic plan pursuant to section 43-4204.

(4) The commission shall meet within sixty days after April 12, 2012, and shall select from among its members a chairperson and vice-chairperson and conduct any other business necessary to the organization of the commission. The commission shall meet not less often than once every three months, and meetings of the commission may be held at any time on the call of the chairperson. The commission shall be within the office of the chief executive officer of the Department of Health and Human Services. The commission may hire staff to carry out the responsibilities of the commission. The commission shall hire a consultant with experience in facilitating strategic planning to provide neutral, independent assistance in developing the statewide strategic plan. The commission shall terminate on June 30, 2014,

2016, unless continued by the Legislature.

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

Sec. 6. Section 43-4203, Revised Statutes Cumulative Supplement, 2012, is amended to read:

43-4203 (1) The Nebraska Children's Commission shall work with administrators from each of the service areas designated pursuant to section 81-3116, the teams created pursuant to section 28-728, local foster care review boards, child advocacy centers, the teams created pursuant to the Supreme Court's Through the Eyes of the Child Initiative, community stakeholders, and advocates for child welfare programs and services to establish networks in each of such service areas. Such networks shall permit 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 of Health and Human Services shall assist in identifying the needs of each service area.

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

(b) The commission shall create a committee to examine the structure and responsibilities of the Office of Juvenile Services as they exist on April 12, 2012. Such committee shall review the role and effectiveness of the youth rehabilitation and treatment centers in the juvenile justice system and make recommendations to the commission on the future role of the youth rehabilitation and treatment centers in the juvenile justice continuum of care. Such committee shall also 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.

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

(d) ~~If the One Hundred Second Legislature, Second Session, 2012, creates the The Title IV-E Demonstration Project Committee or and the Foster Care Reimbursement Rate Committee, or both, such committees shall be under the jurisdiction of the commission.~~

(3) The commission shall work with the office of the State Court Administrator, as appropriate, and entities which coordinate facilitated conferencing as described in section 43-247.01. Facilitated conferencing shall be included in statewide strategic plan discussions by the commission. Facilitated conferencing shall continue to be utilized and maximized, as determined by the court of jurisdiction, during the development of the statewide strategic plan. Funding and contracting of facilitated conferencing entities shall continue to be provided by the Department of Health and Human Services to at least the same extent as such funding and contracting are being provided on April 12, 2012.

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

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

Sec. 7. Section 43-4213, Revised Statutes Cumulative Supplement, 2012, is amended to read:

43-4213 In recognition of Nebraska foster parents' essential contribution to the safety and well-being of Nebraska's foster children and the need for additional compensation for the services provided by Nebraska foster parents, while the Foster Care Reimbursement Rate Committee

completes its duties under section 43-4212, beginning July 1, 2012, through June 30, 2013, 2014, all foster parents providing foster care in Nebraska, including traditional, agency-based, licensed, approved, relative placement, and child-specific foster care, shall receive an additional stipend of three dollars and ten cents per day per child. The stipend shall be in addition to the current foster care reimbursement rates for relatives and foster parents contracting with the Department of Health and Human Services and in addition to the relative and tiered rate paid to a contractor for agency-based foster parents. The additional stipend shall be paid monthly through the agency that is contracting with the foster parent or, in the case of a foster parent contracting with the department, directly from the department. The contracting agency shall receive an administrative fee of twenty-five cents per child per day for processing the payments for the benefit of the foster parents and the state, which administrative fee shall be paid monthly by the state. The administrative fee shall not reduce the stipend of three dollars and ten cents provided by this section.

Sec. 8. Original sections 43-4202, 43-4203, and 43-4213, Revised Statutes Cumulative Supplement, 2012, are repealed.

Sec. 9. The following section is outright repealed: Section 43-4212, Revised Statutes Cumulative Supplement, 2012.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.

September 30, 2013

Patrick O'Donnell, Clerk of the Legislature
State Capitol, Room 2018
PO Box 94604
Lincoln, NE 68509-4604

Dear Mr. O'Donnell:

Legislative Bill 530 of the 103rd Legislative Session of 2013 requires the Nebraska Children's Commission to provide a progress report regarding the pilot project to implement the standardized level of care assessment tools recommended by the Foster Care Reimbursement Rate Committee. The report is to be provided to the Health and Human Services Committee of the Legislature and the Nebraska Department of Health and Human Services by October 1, 2013.

The attached report provides the progress that has been made from June 2013 through September 2013 on the pilot project to implement the standardized level of care assessment tools. The report was reviewed and approved by the Nebraska Children's Commission at the September 17, 2013, Commission meeting.

Sincerely,



Karen Authier
Chairperson
Nebraska Children's Commission

Enclosure:
LB 530 Pilot – Level of Care Assessments Report

**LB 530 Pilot – Level of Care Assessments
Commission Meeting
9-16-2013**

June, 2013

- The urban site selected for the pilot was Lincoln. The rural sites are Lincoln County-North Platte, Adams County-Hastings and Platte County-Columbus which represent the three service areas generally known as rural Nebraska. These sites were determined through discussion with QA and in order to reach statistical significance, a minimum of 350 assessments will be completed.

July, 2013

- John Lyons, PhD and author of the CANS completed an overview of the tool for CFS specialists, supervisors, administrators and quality assurance staff.
- CFS staff (comprised of Specialists, resource development staff, supervisors, administrators, central office staff) completed “train the trainer” certification.
- Cohort lists of children placed in foster homes for at least 90 days prior to July 15 were sent to the four sites.

August 2013

- Three webinar trainings were held to train staff in the Nebraska Caregiver Responsibility Tool. This webinar was recorded and is available to staff on an ongoing basis.

September 2013

- 75 CANS and NCRs have been completed in the four pilot areas.
- A QA tool has been developed to review the assessments completed, and a review of 100 assessments will be completed by November 10th.
- Additional lists sent to the sites of children placed in foster homes prior to July 2013, not on the original cohort list.

Currently the four areas are continuing to complete the assessment tools.

September 30, 2013

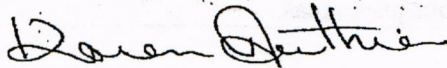
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- Cohort lists of children placed in foster homes for at least 90 days prior to July 15 were sent to the four sites.

August 2013

- Three webinar trainings were held to train staff in the Nebraska Caregiver Responsibility Tool. This webinar was recorded and is available to staff on an ongoing basis.

September 2013

- 75 CANS and NCRs have been completed in the four pilot areas.
- A QA tool has been developed to review the assessments completed, and a review of 100 assessments will be completed by November 10th.
- Additional lists sent to the sites of children placed in foster homes prior to July 2013, not on the original cohort list.

Currently the four areas are continuing to complete the assessment tools.

FFTA



Foster Family-based Treatment Association

April 10, 2013

Senator Annette Dubas
District 34
Room 1018, State Capitol
P.O. Box 94604
Lincoln, NE 68509

Dear Senator Dubas:

Thank you so much for your continued leadership on the issues facing the children and families in our state. Your continued advocacy for foster parents and quality programs to support them is very much appreciated.

With the introduction of LB530, you have done so much to ensure foster parent rates consistently reflect the cost of raising a child; that each child is assessed appropriately; and that foster parents receive reimbursement for the care they provide.

Earlier this year, FFTA came together with the Children and Family Coalition of Nebraska (CAFCON) and the Nebraska Association of Homes and Services for Children (NeAHSC) and published an issue brief outlining Agency Supported Foster Care. This Issue Brief outlines the service and supports provided to children, their families and foster parents by the many agencies across the state. As you know those services include:

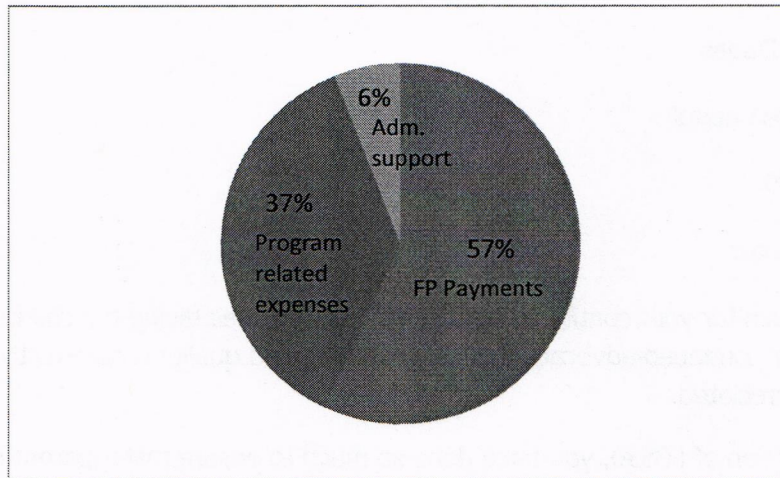
- Recruitment, Training, Support and Retention of Foster Parents
- Matching Children to Homes
- Service Planning and Case Coordination and
- Permanency

It's important to note that of the 4,045 children in out of home placement in Nebraska in December of 2012 (FC Review Office Annual Report), 70% were served by member agencies of these three associations. I have enclosed the Issue Brief for your review.

During testimony for LB530, several questions arose related to the cost to agencies to support foster parents. While there are a variety of perspectives on this issue, several FFTA member agencies including: Boys Town, Building Blocks for Community Enrichment, Child Savings Institute, Christian Heritage, KVC Behavioral HealthCare, Lutheran Family Services, Nebraska Children's Home Society, NOVA Treatment Community and South Central Behavioral Health Services came together to research this very important question.

Combined, these nine agencies provided almost a half a million care days to youth in 2012. Overall, these agencies spent more to care for youth and support our foster parents than we received from DHHS, with an average cost of \$51.00 per day and revenue of only \$47.00 per day.

Of the revenue that the above agencies received in DHHS contract payments in 2012, 57% on average was spent on Foster Parent payments, 37% on program related expenses (staff, occupancy, transportation, recruitment) and 6% on administrative support.



As you can see, the agencies who participated in this analysis spent the majority of the revenue they received (94%) from DHHS on the most important parts of this equation – foster parent payments for those who open their hearts and homes to meet the needs of the children , and program related expenses including support and recruitment. Only 6% was spent on administrative support.

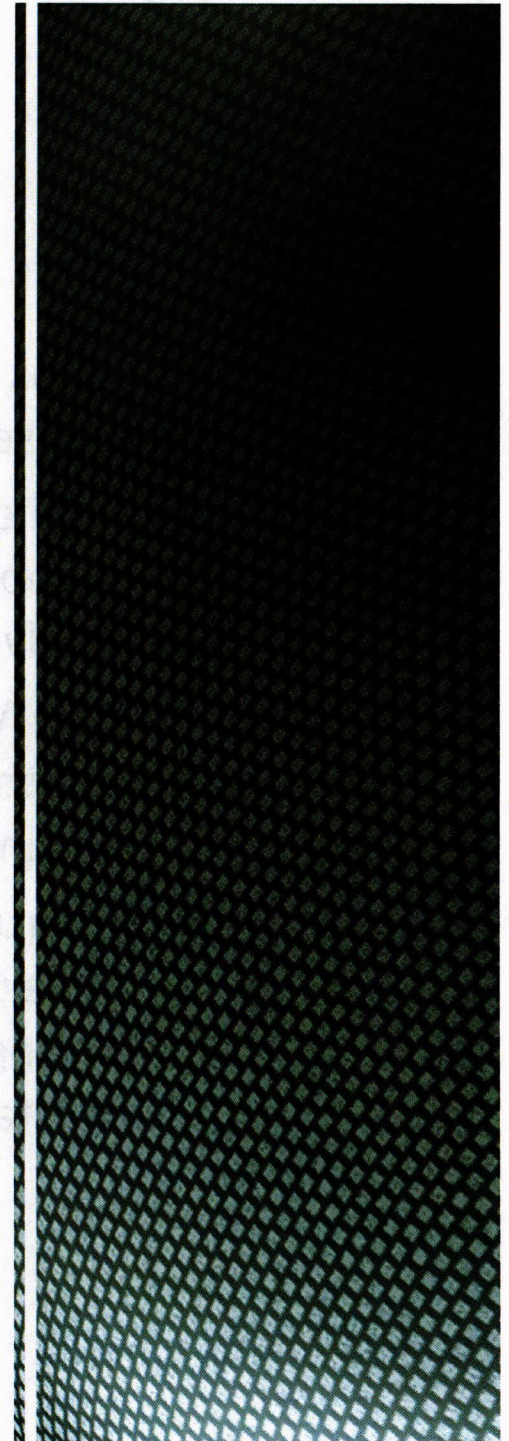
It is our hope that this information will assist you and members of the legislative body as you continue to advocate for foster parents and the children they serve. Additionally, we hope it helps to dispel the misperception that agencies utilize revenue from DHHS to cover “administrative costs” while underpaying foster parents.

Thank you again for your leadership on this very important issue and please contact me with any questions or concerns.

Respectfully,

Lana Temple-Plotz, MS
Director, NE/IA Foster Family Services
Chair, NE Chapter Foster Family-based Treatment Association

Reasonable Administrative Rates



Background

- ACF has concerns with Nebraska's Title IV-E claiming processes
 - Disallowances due to lack of source documentation to support claims likely to continue until concerns are resolved.
 - Title IV-E Waiver Proposal costs must be cost neutral and the ACF cannot determine this without the source documentation.
 - The rules for Title IV-E haven't changed -Nebraska's understanding of the rules is clearer based upon audit findings, consultation with ACF, and technical assistance.

Determining Reasonable Administrative Rates and establishment of ASFC rate using the minimum foster care rates

- Proposal:
 - Utilize the Foster Care Rate Reimbursement Subcommittee of the Commission.
 - Define ASFC and its components.
 - What does it cost for recruitment, retention, and placement stability?
 - Which costs are Title IV-E allowable?

Reason for New Required Monthly Reports

- Due to ACF Nebraska has developed reports to allocate IV-E dollars between maintenance and administrative costs.
- Title IV-E law requires “reasonable administration rates” be established.
- Maintenance payments must comply with federal Title IV-E law and regulations.

Reasonable Administrative Rate

- Review of administrative costs be will completed by October 30th for the 1st quarter.
- Administrative rates may need to be adjusted.
- Initial review of Administrative rates range from 6% to 50% depending on agency.

➤ **Base Rate for foster care payments July 1, 2014:**

Age	Daily	Monthly	Annual
0-5	\$ 20.00	\$608.33	\$7,300.00
6-11	\$ 23.00	\$699.58	\$8,395.00
12-18	\$ 25.00	\$760.42	\$9,125.00