

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 330

Introduced by Bolz, 29.

Read first time January 16, 2019

Committee:

1 A BILL FOR AN ACT relating to the Nebraska Children's Commission; to
2 amend sections 43-4201, 43-4202, 43-4204, 43-4206, 43-4216, 43-4217,
3 and 68-1212, Reissue Revised Statutes of Nebraska, and sections
4 43-4203, 43-4207, 43-4218, 43-4513, and 43-4701, Revised Statutes
5 Cumulative Supplement, 2018; to provide, change, and eliminate
6 administration, membership, and duties of the commission; to change
7 and eliminate reporting requirements; to harmonize provisions; to
8 eliminate obsolete provisions; to provide an operative date; to
9 repeal the original sections; to outright repeal sections 43-4205,
10 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214, Reissue
11 Revised Statutes of Nebraska; and to declare an emergency.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-4201, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-4201 (1) The Legislature finds and declares that:

4 (a) The Health and Human Services Committee of the Legislature
5 documented serious problems with the child welfare system in its 2011
6 report of the study that was conducted under Legislative Resolution 37,
7 One Hundred Second Legislature, First Session, 2011;

8 (b) Improving the safety and well-being of Nebraska's children and
9 families is a critical priority which must guide policy decisions in a
10 variety of areas;

11 (c) To improve the safety and well-being of children and families in
12 Nebraska, the legislative, judicial, and executive branches of government
13 must work together to ensure:

14 (i) The integration, coordination, and accessibility of all services
15 provided to children and families by the state, whether directly or
16 pursuant to contract;

17 (ii) Reasonable access to appropriate services statewide and
18 efficiency in service delivery; and

19 (iii) The availability of accurate and complete data as well as
20 ongoing data analysis to identify important trends and problems as they
21 arise; and

22 (d) As the primary state agency serving children and families, the
23 Department of Health and Human Services must exemplify leadership,
24 responsiveness, transparency, and efficiency and program managers within
25 the agency must strive cooperatively to ensure that their programs view
26 the needs of children and families comprehensively as a system rather
27 than individually in isolation, including pooling funding when possible
28 and appropriate.

29 (2) It is the intent of the Legislature in creating the Nebraska
30 Children's Commission to provide for the needs identified in subsection
31 (1) of this section, to provide strategic priorities for research or

1 ~~policy development within a broad restructuring of the goals of the child~~
2 ~~welfare system and juvenile justice systems,~~ and to provide a structure
3 to the commission that maintains the framework of the three branches of
4 government and their respective powers and duties.

5 Sec. 2. Section 43-4202, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-4202 (1) The Nebraska Children's Commission is created as a high-
8 level leadership body to ~~(a) create a statewide strategic plan for reform~~
9 ~~of child welfare and juvenile justice programs and services in the State~~
10 ~~of Nebraska, (b) review the operations of the Department of Health and~~
11 ~~Human Services regarding child welfare programs and services and~~
12 ~~recommend, as a part of the statewide strategic plan, options for~~
13 ~~attaining the legislative intent stated in section 43-4201, either by the~~
14 ~~establishment of a new division within the department or the~~
15 ~~establishment of a new state agency to provide all child welfare programs~~
16 ~~and services which are the responsibility of the state, and (c) monitor~~
17 and evaluate the child welfare and juvenile justice systems. The
18 commission shall provide a permanent forum for collaboration among state,
19 local, community, public, and private stakeholders in child welfare and
20 juvenile justice programs and services.

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

22 (a) The chairperson of the Health and Human Services Committee of
23 the Legislature or a member of such committee designated by such
24 chairperson;

25 (b) The chairperson of the Judiciary Committee of the Legislature or
26 a member of such committee designated by such chairperson;

27 (c) The chairperson of the Appropriations Committee of the
28 Legislature or a member of such committee designated by such chairperson;
29 and

30 (d) Two additional members of the Legislature appointed by the
31 Executive Board of the Legislative Council.

1 (3) The voting members of the commission shall meet within sixty
2 days after July 1, 2019, and shall select from among its members a
3 chairperson and vice-chairperson and conduct any other business necessary
4 to the commission. The commission shall meet not less often than once
5 every three months, and meetings of the commission may be held at any
6 time on the call of the chairperson. The commission may hire staff to
7 carry out the responsibilities of the commission.

8 (4) {2} The commission shall include the following nonvoting voting
9 members who shall serve in an advisory capacity based on their expertise
10 in child welfare related services:

11 (a) The executive director of the Foster Care Review Office or his
12 or her designee; and

13 (b) The State Court Administrator or his or her designee;

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

16 (d) The Director of Children and Family Services of the Division of
17 Children and Family Services of the Department of Health and Human
18 Services or his or her designee;

19 (e) The Director of the Division of Developmental Disabilities of
20 the Department of Health and Human Services or his or her designee;

21 (f) The Director of the Division of Medicaid and Long-Term Care of
22 the Department of Health and Human Services or his or her designee;

23 (g) The Commissioner of Education or his or her designee;

24 (h) The Inspector General of Nebraska Child Welfare or his or her
25 designee; and

26 (i) Community (b) Seventeen members appointed by the Governor. The
27 members appointed pursuant to this subdivision shall represent
28 stakeholders with experience in the child welfare and juvenile justice
29 systems as designated by the commission. and shall include: (i) A
30 director of a child advocacy center; (ii) an administrator of a
31 behavioral health region established pursuant to section 71-807; (iii) a

1 ~~community representative from each of the service areas designated~~
2 ~~pursuant to section 81-3116. In the eastern service area designated~~
3 ~~pursuant to such section, the representative may be from a lead agency of~~
4 ~~a pilot project established under section 68-1212 or a collaborative~~
5 ~~member; (iv) a prosecuting attorney who practices in juvenile court; (v)~~
6 ~~a guardian ad litem; (vi) a biological parent currently or previously~~
7 ~~involved in the child welfare system or juvenile justice system; (vii) a~~
8 ~~foster parent; (viii) a court appointed special advocate volunteer; (ix)~~
9 ~~a member of a local foster care review board; (x) a child welfare service~~
10 ~~agency that directly provides a wide range of child welfare services and~~
11 ~~is not a member of a lead agency collaborative; (xi) a young adult~~
12 ~~previously in foster care; (xii) a representative of a child advocacy~~
13 ~~organization that deals with legal and policy issues that include child~~
14 ~~welfare; and (xiii) a representative of a federally recognized Indian~~
15 ~~tribe residing within the State of Nebraska and appointed within thirty~~
16 ~~days after June 5, 2013, from a list of three nominees submitted by the~~
17 ~~Commission on Indian Affairs.~~

18 ~~(3) The Nebraska Children's Commission shall have the following~~
19 ~~nonvoting, ex officio members: (a) The chairperson of the Health and~~
20 ~~Human Services Committee of the Legislature or a committee member~~
21 ~~designated by the chairperson; (b) the chairperson of the Judiciary~~
22 ~~Committee of the Legislature or a committee member designated by the~~
23 ~~chairperson; (c) the chairperson of the Appropriations Committee of the~~
24 ~~Legislature or a committee member designated by the chairperson; (d)~~
25 ~~three persons appointed by the State Court Administrator; (e) the chief~~
26 ~~executive officer of the Department of Health and Human Services or his~~
27 ~~or her designee; (f) the Director of Children and Family Services of the~~
28 ~~Division of Children and Family Services of the Department of Health and~~
29 ~~Human Services or his or her designee; (g) the Commissioner of Education~~
30 ~~or his or her designee; and (h) the Inspector General of Nebraska Child~~
31 ~~Welfare.~~

1 (5) The nonvoting, ~~ex officio~~ members may attend commission meetings
2 and participate in the discussions of the commission, provide information
3 to the commission on the policies, programs, and processes within their
4 areas of expertise of each of their respective bodies, and gather
5 information for the commission, and provide information back to their
6 respective bodies from the commission. The nonvoting, ~~ex officio~~ members
7 shall not vote on decisions by the commission or on the direction or
8 development of the statewide strategic plan pursuant to section 43-4204.

9 (4) ~~The commission shall meet within sixty days after April 12,~~
10 ~~2012, and shall select from among its members a chairperson and vice-~~
11 ~~chairperson and conduct any other business necessary to the organization~~
12 ~~of the commission. The commission shall meet not less often than once~~
13 ~~every three months, and meetings of the commission may be held at any~~
14 ~~time on the call of the chairperson. The commission may hire staff to~~
15 ~~carry out the responsibilities of the commission.~~

16 (6) For administrative purposes, the offices of the staff of the
17 commission shall be located in the office of Public Counsel ~~Foster Care~~
18 ~~Review Office. The commission may hire a consultant with experience in~~
19 ~~facilitating strategic planning to provide neutral, independent~~
20 ~~assistance in updating the statewide strategic plan. The commission shall~~
21 ~~terminate on June 30, 2019, unless continued by the Legislature.~~

22 (7) (5) The office of Public Counsel ~~commission~~, with assistance
23 from the commission and approval of the voting members of the commission
24 ~~executive director of the Foster Care Review Office~~, shall employ a
25 policy analyst to provide research and expertise to the commission
26 relating to the child welfare system. The policy analyst shall work in
27 conjunction with the staff of the commission. His or her responsibilities
28 may include, but are not limited to: (a) Monitoring the Nebraska child
29 welfare system and juvenile justice system to provide information to the
30 commission; (b) analyzing child welfare and juvenile justice public
31 policy through research and literature reviews and drafting policy

1 reports when requested; (c) managing or leading projects or tasks and
2 providing resource support to commission members and committees as
3 determined by the chairperson of the commission; (d) serving as liaison
4 among child welfare and juvenile justice stakeholders and the public and
5 responding to information inquiries as required; and (e) other duties as
6 assigned by the commission.

7 ~~(8) (6)~~ Members of the commission shall be reimbursed for their
8 actual and necessary expenses as members of such commission as provided
9 in sections 81-1174 to 81-1177. No member of the commission shall have
10 any private financial interest, profit, or benefit from any work of the
11 commission.

12 Sec. 3. Section 43-4203, Revised Statutes Cumulative Supplement,
13 2018, is amended to read:

14 43-4203 (1) Any committee or subcommittee created by the Nebraska
15 Children's Commission shall include representatives from all three
16 branches of government, and the representatives from the executive and
17 judicial branches of government shall be nonvoting, ex officio members.
18 Committees and subcommittees may collaborate with subject matter experts
19 to assist in the work of the commission.

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

26 (3) The commission shall create a committee to examine the Office of
27 Juvenile Services and the Juvenile Services Division of the Office of
28 Probation Administration. Such committee shall review the role and
29 effectiveness of out-of-home placements utilized in the juvenile justice
30 system, including the youth rehabilitation and treatment centers, and
31 make recommendations to the commission on the juvenile justice continuum

1 of care, including what populations should be served in out-of-home
2 placements and what treatment services should be provided at the centers
3 in order to appropriately serve those populations. Such committee shall
4 also review how mental and behavioral health services are provided to
5 juveniles in residential placements and the need for such services
6 throughout Nebraska and make recommendations to the commission relating
7 to those systems of care in the juvenile justice system. The committee
8 shall collaborate with the University of Nebraska at Omaha, Juvenile
9 Justice Institute, the University of Nebraska Medical Center, Center for
10 Health Policy, the behavioral health regions as established in section
11 71-807, and state and national juvenile justice experts to develop
12 recommendations. The recommendations shall include a plan to implement a
13 continuum of care in the juvenile justice system to meet the needs of
14 Nebraska families, including specific recommendations for the
15 rehabilitation and treatment model. The recommendations shall be
16 delivered to the commission and electronically to the Judiciary Committee
17 of the Legislature annually by September 1.

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

23 (5) The commission shall analyze case management workforce issues
24 and make recommendations to the Health and Human Services Committee of
25 the Legislature regarding:

26 (a) Salary comparisons with other states and the current pay
27 structure based on job descriptions;

28 (b) Utilization of incentives for persons who work in the area of
29 child welfare;

30 (c) Evidence-based training requirements for persons who work in the
31 area of child welfare and their supervisors; and

1 (d) Collaboration with the University of Nebraska to increase and
2 sustain such workforce.

3 (6) The Foster Care Reimbursement Rate Committee created pursuant to
4 section 43-4216, the Nebraska Strengthening Families Act Committee
5 created pursuant to section 12 of this act, and the Bridge to
6 Independence Advisory Committee created pursuant to section 43-4513 are
7 under the jurisdiction of the commission.

8 (7) The commission shall work with the office of the State Court
9 Administrator, as appropriate, and entities which coordinate facilitated
10 conferencing as described in section 43-247.03.

11 (8) The Nebraska Children's Commission shall work with
12 administrators from each of the service areas designated pursuant to
13 section 81-3116, the teams created pursuant to section 28-728, local
14 foster care review boards, child advocacy centers, the teams created
15 pursuant to the Supreme Court's Through the Eyes of the Child Initiative,
16 community stakeholders, and advocates for child welfare programs and
17 services to establish networks in each of such service areas. Such
18 networks shall permit collaboration to strengthen the continuum of
19 services available to child welfare agencies and to provide resources for
20 children and juveniles outside the child protection system.

21 (9) The commission may organize subcommittees as it deems necessary.
22 Members of the subcommittees may be members of the commission or may be
23 individuals who have knowledge of the subcommittee's subject matter,
24 professional expertise to assist the subcommittee in completing its
25 assigned responsibilities, or the ability to collaborate within the
26 subcommittee and with the commission to carry out the powers and duties
27 of the commission. Subcommittees shall meet as necessary to complete the
28 work delegated by the commission and shall report its findings to the
29 relevant committee within the commission.

30 (10) No member of any committee or subcommittee created pursuant to
31 this section shall have any private financial interest, profit, or

1 benefit from any work of such committee or subcommittee.

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

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

21 ~~(b) The commission shall create a committee to examine the Office of~~
22 ~~Juvenile Services and the Juvenile Services Division of the Office of~~
23 ~~Probation Administration. Such committee shall review the role and~~
24 ~~effectiveness of out-of-home placements utilized in the juvenile justice~~
25 ~~system, including the youth rehabilitation and treatment centers, and~~
26 ~~make recommendations to the commission on the juvenile justice continuum~~
27 ~~of care, including what populations should be served in out-of-home~~
28 ~~placements and what treatment services should be provided at the centers~~
29 ~~in order to appropriately serve those populations. Such committee shall~~
30 ~~also review how mental and behavioral health services are provided to~~
31 ~~juveniles in residential placements and the need for such services~~

1 throughout Nebraska and make recommendations to the commission relating
2 to those systems of care in the juvenile justice system. The committee
3 shall collaborate with the University of Nebraska at Omaha, Juvenile
4 Justice Institute, the University of Nebraska Medical Center, Center for
5 Health Policy, the behavioral health regions as established in section
6 71-807, and state and national juvenile justice experts to develop
7 recommendations. The recommendations shall include a plan to implement a
8 continuum of care in the juvenile justice system to meet the needs of
9 Nebraska families, including specific recommendations for the
10 rehabilitation and treatment model. The recommendations shall be
11 delivered to the commission and electronically to the Judiciary Committee
12 of the Legislature annually by September 1.

13 (c) The commission may organize committees as it deems necessary.
14 Members of the committees may be members of the commission or may be
15 appointed, with the approval of the majority of the commission, from
16 individuals with knowledge of the committee's subject matter,
17 professional expertise to assist the committee in completing its assigned
18 responsibilities, and the ability to collaborate within the committee and
19 with the commission to carry out the powers and duties of the commission.
20 No member of any committee created pursuant to this section shall have
21 any private financial interest, profit, or benefit from any work of such
22 committee.

23 (d) The Title IV-E Demonstration Project Committee created pursuant
24 to section 43-4208 and the Foster Care Reimbursement Rate Committee
25 appointed pursuant to section 43-4216 are under the jurisdiction of the
26 commission.

27 (3) The commission shall work with the office of the State Court
28 Administrator, as appropriate, and entities which coordinate facilitated
29 conferencing as described in section 43-247.03. Facilitated conferencing
30 shall be included in statewide strategic plan discussions by the
31 commission. Facilitated conferencing shall continue to be utilized and

1 ~~maximized, as determined by the court of jurisdiction, during the~~
2 ~~development of the statewide strategic plan. Funding and contracting with~~
3 ~~mediation centers approved by the Office of Dispute Resolution to provide~~
4 ~~facilitated conferencing shall continue to be provided by the office of~~
5 ~~the State Court Administrator at an amount of no less than the General~~
6 ~~Fund transfer under subsection (1) of section 43-247.04.~~

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

12 ~~(5) The commission shall coordinate and gather information about the~~
13 ~~progress and outcomes of the Nebraska Juvenile Service Delivery Project~~
14 ~~established pursuant to section 43-4101.~~

15 ~~(6) The commission shall develop a system-of-care plan beginning~~
16 ~~with prevention services through treatment services for the child welfare~~
17 ~~system based on relevant data and evidence-based practices to meet the~~
18 ~~specific needs of each area of the state. Such system-of-care plan shall~~
19 ~~include services that are goal-driven and outcome-based and shall~~
20 ~~evaluate the feasibility of utilizing performance-based contracting for~~
21 ~~specific child welfare services, including the feasibility of additional~~
22 ~~contractual requirements for service providers requiring services to all~~
23 ~~children without an option to deny service.~~

24 ~~(7) The commission shall analyze case management workforce issues~~
25 ~~and make recommendations to the Health and Human Services Committee of~~
26 ~~the Legislature regarding:~~

27 ~~(a) Salary comparisons with other states and the current pay~~
28 ~~structure based on job descriptions;~~

29 ~~(b) Utilization of incentives for persons who work in the area of~~
30 ~~child welfare;~~

31 ~~(c) Evidence-based training requirements for persons who work in the~~

1 ~~area of child welfare and their supervisors; and~~

2 ~~(d) Collaboration with the University of Nebraska to increase and~~
3 ~~sustain such workforce.~~

4 Sec. 4. Section 43-4204, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 43-4204 ~~(1)~~—The Nebraska Children's Commission shall determine
7 three to five strategic child welfare priorities for research or policy
8 development for each biennium ~~create a statewide strategic plan~~ to carry
9 out the legislative intent stated in section 43-4201 for child welfare
10 program and service reform in Nebraska. In ~~determining~~ developing the
11 ~~statewide strategic child welfare priorities plan~~, the commission shall
12 consider the findings and recommendations set forth in the annual report
13 of the Foster Care Review Board, the annual report of the Office of
14 Inspector General for Child Welfare, and the federal Child and Family
15 Services Reviews outcomes. ~~, but not be limited to:~~

16 ~~(a) The potential of contracting with private nonprofit entities as~~
17 ~~a lead agency, subject to the requirements of subsection (2) of this~~
18 ~~section. Such lead-agency utilization shall be in a manner that maximizes~~
19 ~~the strengths, experience, skills, and continuum of care of the lead~~
20 ~~agencies. Any lead-agency contracts entered into or amended after April~~
21 ~~12, 2012, shall detail how qualified licensed agencies as part of efforts~~
22 ~~to develop the local capacity for a community-based system of coordinated~~
23 ~~care will implement community-based care through competitively procuring~~
24 ~~either (i) the specific components of foster care and related services or~~
25 ~~(ii) comprehensive services for defined eligible populations of children~~
26 ~~and families;~~

27 ~~(b) Provision of leadership for strategies to support high-quality~~
28 ~~evidence-based prevention and early intervention services that reduce~~
29 ~~risk and enhance protection for children;~~

30 ~~(c) Realignment of service areas designated pursuant to section~~
31 ~~81-3116 to be coterminous with the judicial districts described in~~

1 ~~section 24-301.02;~~

2 ~~(d) Identification of the type of information needed for a clear and~~
3 ~~thorough analysis of progress on child welfare indicators; and~~

4 ~~(e) Such other elements as the commission deems necessary and~~
5 ~~appropriate.~~

6 ~~(2) A lead agency used after April 12, 2012, shall:~~

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

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

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

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

27 ~~(3) The commission shall review the operations of the department~~
28 ~~regarding child welfare programs and services and recommend, as a part of~~
29 ~~the statewide strategic plan, options for attaining the legislative~~
30 ~~intent stated in section 43-4201, either by the establishment of a new~~
31 ~~division within the department or the establishment of a new state agency~~

1 ~~to provide all child welfare programs and services which are the~~
2 ~~responsibility of the state.~~

3 Sec. 5. Section 43-4206, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-4206 The Department of Health and Human Services and the Office
6 of Probation Administration shall fully cooperate with the activities of
7 the Nebraska Children's Commission. The department shall provide to the
8 commission all requested information on children and juveniles in
9 Nebraska, including, but not limited to, departmental reports, data,
10 programs, processes, finances, and policies. ~~The department shall~~
11 ~~collaborate with the commission regarding the development of a plan for a~~
12 ~~statewide automated child welfare information system to integrate child~~
13 ~~welfare information into one system if the One Hundred Second~~
14 ~~Legislature, Second Session, 2012, enacts legislation to require the~~
15 ~~development of such a plan. The department shall coordinate and~~
16 ~~collaborate with the commission regarding engagement of an evaluator to~~
17 ~~provide an evaluation of the child welfare system if the One Hundred~~
18 ~~Second Legislature, Second Session, 2012, enacts legislation to require~~
19 ~~such evaluation.~~

20 Sec. 6. Section 43-4207, Revised Statutes Cumulative Supplement,
21 2018, is amended to read:

22 43-4207 The Nebraska Children's Commission shall annually provide a
23 written report to the Governor and an electronic report to the Health and
24 Human Services Committee of the Legislature defining its strategic child
25 welfare priorities and progress toward addressing such priorities,
26 summarizing reports from each committee and subcommittee of the
27 commission, and making recommendations of its activities during the
28 previous year on or before December 1, 2015. If the commission is
29 continued by the Legislature as provided in section 43-4202, the
30 commission shall provide such report on or before September 1 of each
31 year the commission is continued. The commission shall present a summary

1 of such report in an annual public hearing before the Health and Human
2 Services Committee of the Legislature on or before December 1 of each
3 year.

4 Sec. 7. (1) Effective July 1, 2019, all duties and functions of the
5 Foster Care Review Office related to the Nebraska Children's Commission
6 shall be transferred to the office of Public Counsel.

7 (2) On July 1, 2019, all items of property, real and personal,
8 including office furniture and fixtures, books, documents, and records of
9 the Foster Care Review Office pertaining to the duties and functions
10 transferred to the office of Public Counsel pursuant to this section
11 shall become the property of the office of Public Counsel.

12 (3) On and after July 1, 2019, whenever the Foster Care Review
13 Office is referred to or designated by any contract or other document in
14 connection with the duties and functions transferred to the office of
15 Public Counsel pursuant to this section, such reference or designation
16 shall apply to the office of Public Counsel. All contracts entered into
17 by the Foster Care Review Office prior to July 1, 2019, in connection
18 with the duties and functions transferred to the office of Public Counsel
19 are hereby recognized, with the office of Public Counsel succeeding to
20 all rights and obligations under such contracts.

21 (4) On and after July 1, 2019, positions of employment in the Foster
22 Care Review Office relating to the duties and functions transferred
23 pursuant to this section are transferred to the office of Public Counsel.
24 The affected employees shall retain their rights under the state
25 personnel system and their service shall be deemed continuous. No
26 employee shall incur a loss of income due to his or her new
27 classification with the office of Public Counsel. This section does not
28 grant employees any new rights or benefits not otherwise provided by law
29 or preclude the office of Public Counsel from exercising any of the
30 prerogatives of management provided by law.

31 (5) No suit, action, or other proceeding, judicial or

1 administrative, lawfully commenced prior to July 1, 2019, or which could
2 have been commenced prior to that date, by or against the Foster Care
3 Review Office, or any employee thereof in such employee's official
4 capacity or in relation to the discharge of his or her official duties,
5 shall abate by reason of the transfer of duties and functions from the
6 Foster Care Review Office to the office of Public Counsel.

7 Sec. 8. Section 43-4216, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-4216 ~~The (1) On or before January 1, 2016, the Nebraska~~
10 ~~Children's Commission shall appoint a Foster Care Reimbursement Rate~~
11 ~~Committee is created. The committee shall be convened at least once~~
12 ~~commission shall reconvene the Foster Care Reimbursement Rate Committee~~
13 ~~every four years thereafter. Membership of the committee shall comply~~
14 ~~with the requirements in subsection (1) of section 43-4203.~~

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

17 ~~(a) The following voting members: (i) Representatives from a child~~
18 ~~welfare agency that contracts directly with foster parents, from each of~~
19 ~~the service areas designated pursuant to section 81-3116; (ii) a~~
20 ~~representative from an advocacy organization which deals with legal and~~
21 ~~policy issues that include child welfare; (iii) a representative from an~~
22 ~~advocacy organization, the singular focus of which is issues impacting~~
23 ~~children; (iv) a representative from a foster and adoptive parent~~
24 ~~association; (v) a representative from a lead agency; (vi) a~~
25 ~~representative from a child advocacy organization that supports young~~
26 ~~adults who were in foster care as children; (vii) a foster parent who~~
27 ~~contracts directly with the Department of Health and Human Services; and~~
28 ~~(viii) a foster parent who contracts with a child welfare agency; and (b)~~
29 ~~The following nonvoting, ex officio members: (i) The chief executive~~
30 ~~officer of the Department of Health and Human Services or his or her~~
31 ~~designee and (ii) representatives from the Division of Children and~~

1 ~~Family Services of the department from each service area designated~~
2 ~~pursuant to section 81-3116, including at least one division employee~~
3 ~~with a thorough understanding of the current foster care payment system~~
4 ~~and at least one division employee with a thorough understanding of the~~
5 ~~N-FOCUS electronic data collection system. The nonvoting, ex officio~~
6 ~~members of the committee may attend committee meetings and participate in~~
7 ~~discussions of the committee and shall gather and provide information to~~
8 ~~the committee on the policies, programs, and processes of each of their~~
9 ~~respective bodies. The nonvoting, ex officio members shall not vote on~~
10 ~~decisions or recommendations by the committee.~~

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

18 Sec. 9. Section 43-4217, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 43-4217 (1) The Foster Care Reimbursement Rate Committee created in
21 ~~appointed~~ pursuant to section 43-4216 shall review and make
22 recommendations in the following areas: Foster care reimbursement rates,
23 the statewide standardized level of care assessment, and adoption
24 assistance payments as required by section 43-117. In making
25 recommendations to the Legislature, the committee shall use the then-
26 current foster care reimbursement rates as the beginning standard for
27 setting reimbursement rates. The committee shall adjust the standard to
28 reflect the reasonable cost of achieving measurable outcomes for all
29 children in foster care in Nebraska. The committee shall (a) analyze
30 then-current consumer expenditure data reflecting the costs of caring for
31 a child in Nebraska, (b) identify and account for additional costs

1 specific to children in foster care, and (c) apply a geographic cost-of-
2 living adjustment for Nebraska. The reimbursement rate structure shall
3 comply with funding requirements related to Title IV-E of the federal
4 Social Security Act, as amended, and other federal programs as
5 appropriate to maximize the utilization of federal funds to support
6 foster care.

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

23 ~~(3) The committee may organize subcommittees as it deems necessary.~~
24 ~~Members of the subcommittees may be members of the committee or may be~~
25 ~~appointed, with the approval of the majority of the committee, from~~
26 ~~individuals with knowledge of the subcommittee's subject matter,~~
27 ~~professional expertise to assist the subcommittee in completing its~~
28 ~~assigned responsibilities, and the ability to collaborate within the~~
29 ~~subcommittee.~~

30 (3) (4) The Foster Care Reimbursement Rate Committee shall provide
31 electronic reports with its recommendation to the Health and Human

1 Services Committee of the Legislature on July 1, 2016, and every four
2 years thereafter.

3 Sec. 10. Section 43-4513, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 43-4513 (1) ~~The On or before July 1, 2013, the Nebraska Children's~~
6 ~~Commission shall appoint a Bridge to Independence Advisory Committee is~~
7 ~~created within the Nebraska Children's Commission to make recommendations~~
8 to the Legislature ~~department~~ and the Nebraska Children's Commission
9 regarding the bridge to independence program, extended guardianship
10 assistance described in section 43-4511, and extended adoption assistance
11 described in section 43-4512. The Bridge to Independence Advisory
12 Committee shall ~~meet on a biannual basis to advise the department and the~~
13 Nebraska Children's Commission and the Legislature regarding ongoing
14 implementation of the bridge to independence program, extended
15 guardianship assistance described in section 43-4511, and extended
16 adoption assistance described in section 43-4512 and shall provide a
17 written report regarding ongoing implementation, including participation
18 in the bridge to independence program, extended guardianship assistance
19 described in section 43-4511, and extended adoption assistance described
20 in section 43-4512 and early discharge rates and reasons obtained from
21 the department, to the Nebraska Children's Commission, the Health and
22 Human Services Committee of the Legislature, the department, and the
23 Governor by September 1 of each year. ~~By December 15, 2015, the committee~~
24 ~~shall develop specific recommendations for expanding to or improving~~
25 ~~outcomes for similar groups of at-risk young adults.~~ The report to the
26 Health and Human Services Committee of the Legislature shall be submitted
27 electronically.

28 (2) Membership of the committee shall comply with the requirements
29 in subsection (1) of section 43-4203. ~~The members of the Bridge to~~
30 ~~Independence Advisory Committee shall include, but not be limited to, (a)~~
31 ~~representatives from all three branches of government, and the~~

1 ~~representatives from the legislative and judicial branches of government~~
2 ~~shall be nonvoting, ex officio members, (b) no less than three young~~
3 ~~adults currently or previously in foster care, which may be filled on a~~
4 ~~rotating basis by members of Project Everlast or a similar youth support~~
5 ~~or advocacy group, (c) one or more representatives from a child welfare~~
6 ~~advocacy organization, (d) one or more representatives from a child~~
7 ~~welfare service agency, and (e) one or more representatives from an~~
8 ~~agency providing independent living services.~~

9 ~~(3) Members of the committee shall be appointed for terms of two~~
10 ~~years. The Nebraska Children's Commission shall appoint the chairperson~~
11 ~~of the committee and may fill vacancies on the committee as they occur.~~

12 Sec. 11. Section 43-4701, Revised Statutes Cumulative Supplement,
13 2018, is amended to read:

14 43-4701 Sections 43-4701 to 43-4715 and section 12 of this act shall
15 be known and may be cited as the Nebraska Strengthening Families Act.

16 Sec. 12. Section 43-4218, Revised Statutes Cumulative Supplement,
17 2018, is amended to read:

18 43-4218 (1) (1)(a) The Normalcy Task Force is created. On July 1,
19 2017, the Normalcy Task Force shall become the Nebraska Strengthening
20 Families Act Committee is created.

21 ~~(b)(i) Beginning July 1, 2016, until July 1, 2017, the Normalcy Task~~
22 ~~Force shall monitor and make recommendations regarding the implementation~~
23 ~~in Nebraska of the federal Preventing Sex Trafficking and Strengthening~~
24 ~~Families Act, Public Law 113-183, as such act existed on January 1, 2016.~~

25 (2) The (ii) On and after July 1, 2017, the Nebraska Strengthening
26 Families Act Committee shall monitor and make recommendations regarding
27 the implementation in Nebraska of the federal Preventing Sex Trafficking
28 and Strengthening Families Act, Public Law 113-183, as such act existed
29 on January 1, 2017, and the Nebraska Strengthening Families Act.

30 (3) Membership of the committee shall comply with the requirements
31 in subsection (1) of section 43-4203. (2) Until July 1, 2017, the members

1 of the task force, and on and after July 1, 2017, the members of the
2 committee shall include, but not be limited to, (a) representatives from
3 the legislative, executive, and judicial branches of government. The
4 representatives from the legislative and judicial branches shall be
5 nonvoting, ex officio members, (b) no fewer than three young adults
6 currently or previously in foster care which may be filled on a rotating
7 basis by members of Project Everlast or a similar youth support or
8 advocacy group, (c) a representative from the juvenile probation system,
9 (d) the executive director of the Foster Care Review Office, (e) one or
10 more representatives from a child welfare advocacy organization, (f) one
11 or more representatives from a child welfare service agency, (g) one or
12 more representatives from an agency providing independent living
13 services, (h) one or more representatives of a child-care institution as
14 defined in section 43-4703, (i) one or more current or former foster
15 parents, (j) one or more parents who have experience in the foster care
16 system, (k) one or more professionals who have relevant practical
17 experience such as a caseworker, and (l) one or more guardians ad litem
18 who practice in juvenile court.

19 (3) On or before July 1, 2016, the Nebraska Children's Commission
20 shall appoint the members of the task force. On July 1, 2017, the members
21 of the task force shall become members of the committee, shall serve the
22 amount of time remaining on their initial terms of office, and are
23 eligible for reappointment by the Nebraska Children's Commission. Members
24 shall be appointed for terms of two years. The commission shall appoint a
25 chairperson or chairpersons of the committee and may fill vacancies on
26 the committee as such vacancies occur.

27 (4) The committee shall provide a written report with
28 recommendations regarding the initial and ongoing implementation of the
29 federal Preventing Sex Trafficking and Strengthening Families Act, as
30 such act existed on January 1, 2017, and the Nebraska Strengthening
31 Families Act and related efforts to improve normalcy for children in

1 foster care and related populations to the Nebraska Children's
2 Commission, the Health and Human Services Committee of the Legislature,
3 the Department of Health and Human Services, and the Governor by
4 September 1 of each year. The report to the Health and Human Services
5 Committee of the Legislature shall be submitted electronically.

6 Sec. 13. Section 68-1212, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 68-1212 (1) Except as provided in subsection (2) of this section, by
9 April 1, 2012, for all cases in which a court has awarded a juvenile to
10 the care of the Department of Health and Human Services according to
11 subsection (1) of section 43-285 and for any noncourt and voluntary
12 cases, the case manager shall be an employee of the department. Such case
13 manager shall be responsible for and shall directly oversee: Case
14 planning; service authorization; investigation of compliance; monitoring
15 and evaluation of the care and services provided to children and
16 families; and decisionmaking regarding the determination of visitation
17 and the care, placement, medical services, psychiatric services,
18 training, and expenditures on behalf of each juvenile under subsection
19 (1) of section 43-285. Such case manager shall be responsible for
20 decisionmaking and direct preparation regarding the proposed plan for the
21 care, placement, services, and permanency of the juvenile filed with the
22 court required under subsection (2) of section 43-285. The health and
23 safety of the juvenile shall be the paramount concern in the proposed
24 plan in accordance with such subsection.

25 (2) The department may contract with a lead agency for a case
26 management lead agency model pilot project in the department's eastern
27 service area as designated pursuant to section 81-3116. The department
28 shall include in the pilot project the appropriate conditions,
29 performance outcomes, and oversight for the lead agency, including, but
30 not be limited to:

31 (a) The reporting and survey requirements of lead agencies described

1 in sections 43-4406 and 43-4407;

2 (b) Departmental monitoring and functional capacities of lead
3 agencies described in section 43-4408;

4 (c) The key areas of evaluation specified in subsection (3) of
5 section 43-4409;

6 (d) Compliance and coordination with the ~~development of the~~
7 ~~statewide strategic plan for child welfare priorities created by the~~
8 ~~Nebraska Children's Commission provided in section 43-4204 program and~~
9 ~~service reform pursuant to Laws 2012, LB821; and~~

10 (e) Assurance of financial accountability and reporting by the lead
11 agency.

12 (3) A lead agency contracted to provide community-based care for
13 children and families shall: Before June 30, 2014, the department may
14 extend the contract for the pilot project described in subsection (2) of
15 this section. The lead agency shall also comply with the requirements of
16 section 43-4204.

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

20 (b) Complete a readiness assessment as developed by the Department
21 of Health and Human Services to determine the lead agency's viability.
22 The readiness assessment shall evaluate organizational, operational, and
23 programmatic capabilities and performance, including review of: The
24 strength of the board of directors; compliance and oversight; financial
25 risk management; financial liquidity and performance; infrastructure
26 maintenance; funding sources, including state, federal, and external
27 private funding; and operations, including reporting, staffing,
28 evaluation, training, supervision, contract monitoring, and program
29 performance tracking capabilities;

30 (c) Have the ability to provide directly or by contract through a
31 local network of providers the services required of a lead agency. A lead

1 agency shall not directly provide more than thirty-five percent of direct
2 services required under the contract; and

3 (d) Provide accountability for meeting the outcomes and performance
4 standards related to child welfare services established by Nebraska child
5 welfare policy and the federal government.

6 Sec. 14. This act becomes operative on July 1, 2019.

7 Sec. 15. Original sections 43-4201, 43-4202, 43-4204, 43-4206,
8 43-4216, 43-4217, and 68-1212, Reissue Revised Statutes of Nebraska, and
9 sections 43-4203, 43-4207, 43-4218, 43-4513, and 43-4701, Revised
10 Statutes Cumulative Supplement, 2018, are repealed.

11 Sec. 16. The following sections are outright repealed: Sections
12 43-4205, 43-4208, 43-4209, 43-4210, 43-4211, 43-4213, and 43-4214,
13 Reissue Revised Statutes of Nebraska.

14 Sec. 17. Since an emergency exists, this act takes effect when
15 passed and approved according to law.