

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 328

Introduced by Bolz, 29.

Read first time January 16, 2019

Committee:

1 A BILL FOR AN ACT relating to children and families; to amend sections
2 28-710, 28-713, 28-720, 28-728, 28-729, 43-1301, 43-2201, 43-2203,
3 43-2204, 43-2205, 43-2209, 68-1207, and 68-1212, Reissue Revised
4 Statutes of Nebraska; to adopt the Nebraska Family First Act; to
5 define and redefine terms; to create, change, and eliminate
6 provisions relating non-court-involved responses to reports of child
7 abuse or neglect, the central registry of child protection cases,
8 and foster care placement; to create the kinship navigator program
9 and the family finding services project; to repeal the original
10 sections; and to outright repeal sections 43-2206, 43-2208, and
11 81-3136, Reissue Revised Statutes of Nebraska.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 19 of this act shall be known and may be
2 cited as the Nebraska Family First Act.

3 Sec. 2. (1) The Legislature finds that children do best with their
4 own family, when safety can be assured, or with relatives or kin, and in
5 the least restrictive environment. The Legislature also finds that
6 enhanced support to children and families can prevent foster care
7 placement through the provision of mental health and substance abuse
8 prevention and treatment services, in-home parent skill-based programs,
9 and kinship navigator services.

10 (2) It is the intent of the Legislature to:

11 (a) Provide services for all children who are at risk of or who have
12 already experienced abuse and neglect, regardless of their eligibility
13 for federal funding. Such services should be available in the right
14 place, at home or in the community whenever possible, at the right time,
15 preferably before children and families are in crisis, with the most
16 appropriate duration, intensity, and mix of services to meet the needs of
17 children and their families;

18 (b) Align state child welfare funding with the primary outcomes of
19 safety, permanency, and well-being;

20 (c) Equitably distribute state child welfare funding to support a
21 continuum of interventions for children and families, including early
22 intervention to prevent abuse and neglect from occurring, timely and
23 effective response to children at risk of abuse and neglect to help keep
24 families together, and urgent attention to safety, timely permanency, and
25 well-being for children in out-of-home placement;

26 (d) Maximize federal funding for child welfare, including, but not
27 limited to, funding from Title IV-E of the federal Social Security Act,
28 and the medical assistance program established pursuant to the federal
29 medicaid program;

30 (e) Provide services to children and families that follow best
31 practices, promising practices, and well-supported practices; and

1 (f) Implement the federal Family First Prevention Services Act, as
2 such act existed on January 1, 2019, and the following sections
3 consistent with the intent stated in this section.

4 Sec. 3. For purposes of the Nebraska Family First Act:

5 (1) Candidate for foster care means a child who is identified in a
6 prevention plan as being in imminent risk of entering foster care but who
7 can remain safely in the child's home or in a kinship placement as long
8 as services and programs are provided that are necessary to prevent the
9 entry of the child into foster care. Candidate for foster care includes a
10 child whose adoption or guardianship arrangement is at risk of a
11 disruption or dissolution that would result in foster care placement.
12 Candidate for foster care includes a child with an open juvenile court
13 proceeding pursuant to subdivision (3)(a) of section 43-247 who has not
14 been removed from his or her home or is residing in his or her home, a
15 child with a non-court-involved case or an alternative response case, a
16 child whose juvenile court proceeding has closed within the past six
17 months, a child who is a victim of or is at risk of becoming a victim of
18 sex trafficking or labor trafficking as defined in section 28-830, and a
19 child for whom an initial assessment finding has been made pursuant to
20 subdivision (2)(b), (c), or (f) of section 43-272.01;

21 (2) Department means the Department of Health and Human Services;

22 (3) Kin caregiver means a person with whom a child in foster care
23 has been placed or with whom a child is residing pursuant to a temporary
24 living arrangement in a non-court-involved case when at least one of the
25 primary caretakers has previously lived with or is a trusted adult that
26 has a preexisting, significant relationship with the child or a sibling
27 of such child placed pursuant to section 43-1311.02;

28 (4) Licensed residential family-based treatment facility for
29 substance abuse means a treatment facility that provides, as part of the
30 treatment for substance abuse, trauma-informed parenting skills training,
31 parent education, and individual and family counseling;

1 (5) Non-court-involved case means a case in which the department has
2 determined that ongoing services are required to address or alleviate the
3 safety risk or other risk identified in the initial assessment and the
4 family is willing to voluntarily engage in child protective services;

5 (6) Pregnant or parenting foster child means a pregnant or parenting
6 individual who is either a child under the age of majority in foster care
7 or a young adult in the bridge to independence program established
8 pursuant to the Young Adult Bridge to Independence Act;

9 (7) Prevention plan means a case plan that (a) identifies a foster
10 care prevention strategy for a child so that the child may remain safely
11 at home, live temporarily with a relative or kin caregiver until
12 reunification can be safely achieved, or live permanently with a relative
13 or kin caregiver and (b) lists the services or programs to be provided to
14 or on behalf of the child to ensure the success of that prevention
15 strategy;

16 (8) Qualified individual means a trained professional or licensed
17 clinician who is not an employee of the department and who is not
18 connected to, or affiliated with, any placement setting in which children
19 are placed by the state;

20 (9) Qualified residential treatment program means a residential
21 treatment program that is trauma-informed, has registered or licensed
22 nursing and other clinical staff, facilitates outreach to and
23 participation of family members of the child to the extent appropriate
24 and in accordance with the best interests of the child, documents and
25 maintains contact information for any known biological family and kin
26 caregiver, documents how family members are integrated into the treatment
27 process and how sibling connections are maintained, provides discharge
28 planning and family-based aftercare support for at least six months post-
29 discharge, and is licensed and accredited; and

30 (10) Temporary living arrangement means a short-term out-of-home
31 living and care arrangement with a relative or kin caregiver for a child

1 in a non-court-involved case, or when such arrangement is made during an
2 initial assessment, when necessary to facilitate services provided by the
3 department under the Nebraska Family First Act in which the parent
4 temporarily delegates parental authority to the relative or kin caregiver
5 and which is approved by the department following a home visit and
6 background check.

7 Sec. 4. (1) The department shall provide prevention and family
8 services and programs in accordance with the requirements of the Nebraska
9 Family First Act for children who are determined to be candidates for
10 foster care or who are pregnant or parenting foster children and the
11 parents or relative or kin caregivers of the children. Such services and
12 programs shall be specified in advance in a prevention plan.

13 (2) The department shall provide the following services for up to
14 twelve months, unless renewed by the department, when the needs of the
15 child, parent, or caregiver are directly related to the safety,
16 permanence, or well-being of the child or to prevent the child from
17 entering foster care:

18 (a) Mental health and substance abuse prevention and treatment
19 services provided by a qualified individual that begins on the date a
20 child is identified in a prevention plan as a child who is a candidate
21 for foster care or a pregnant or parenting foster child; and

22 (b) In-home, parent-skill-based programs including parenting-skills
23 training, parent education, and individual and family counseling.

24 (3) The services or programs provided under this section shall be
25 trauma-informed and in accordance with best, promising, supported, or
26 well-supported practices listed in the federal prevention services
27 clearinghouse consistent with the federal Family First Prevention
28 Services Act, as such act existed on January 1, 2019. The department
29 shall comply with the requirements and protections of the Nebraska Family
30 First Act in all non-court-involved and alternative response cases.

31 Sec. 5. (1) The department shall maintain a written prevention plan

1 for each candidate for foster care that shall:

2 (a) Identify the foster care prevention strategy for the child so
3 that the child may remain safely at home, live temporarily with a
4 relative or kin caregiver until reunification can be safely achieved, or
5 live permanently with a relative or kin caregiver;

6 (b) List the services or programs to be provided to or on behalf of
7 the child to ensure the safety of the child and success of that
8 prevention strategy;

9 (c) Indicate, when appropriate, that the child is receiving such
10 services or programs to prevent out-of-home placement and that absent
11 preventative services, foster care is the planned arrangement for the
12 child; and

13 (d) Include a document signed by the parents and, if applicable, kin
14 caregivers, acknowledging that a written copy of the prevention plan was
15 provided to them as well as a notice of the rights of the child, parents,
16 and applicable relative or kin caregivers.

17 (2) The department shall maintain a written prevention plan for each
18 pregnant or parenting foster child. The services or programs contained in
19 such plan do not need to pertain to parenting or pregnancy exclusively.
20 The prevention plan shall:

21 (a) Be included in a child's permanency plan if required under
22 subsection (2) of section 43-285;

23 (b) List the services or programs to ensure the safety of the child
24 and that the child is prepared and able to be a parent;

25 (c) Describe the foster care prevention strategy for any child born
26 to the pregnant or parenting foster child; and

27 (d) Include a document signed by the pregnant or parenting foster
28 child acknowledging that a written copy of the prevention plan was
29 provided to him or her as well as a notice regarding the rights of the
30 pregnant or parenting foster child as a parent to his or her child.

31 Sec. 6. (1) Nothing in the Nebraska Family First Act shall be

1 construed to prevent law enforcement from taking temporary custody of a
2 candidate for foster care or a pregnant or parenting foster child if the
3 child is seriously endangered and immediate removal is necessary for the
4 protection of the child.

5 (2) In all non-court-involved cases and cases involving a candidate
6 for foster care where the child lives temporarily with a relative or kin
7 caregiver until reunification can be safely achieved or permanently with
8 a relative or kin caregiver, a parent shall have the right to have his or
9 her children returned to his or her home upon demand unless the child is
10 seriously endangered by his or her surroundings and immediate removal is
11 necessary for the child's protection. If the child is seriously
12 endangered and immediate removal is necessary, the department shall
13 inform the parent that he or she may be referred for a court-involved
14 case or for a petition to be filed pursuant to subdivision (3)(a) of
15 section 43-247.

16 (3) In all non-court-involved cases and cases involving a candidate
17 for foster care where the child lives temporarily with a relative or kin
18 caregiver until reunification can be safely achieved or permanently with
19 a relative or kin caregiver, the relative or kin caregiver shall have
20 temporary parental authority to exercise powers regarding the care,
21 custody, and property of the child except (a) the power to consent to
22 marriage and adoption of the child or (b) for other limitations placed on
23 the delegation of parental authority to the relative or kin caregiver
24 described in the prevention plan. The department shall reimburse such
25 relative or kin caregiver for facilitating services for the child
26 necessary to complete the prevention plan and shall notify the relative
27 or kin caregiver if he or she is eligible for the child-only Temporary
28 Assistance to Needy Families program established in 42 U.S.C. 601 et
29 seq., and assist the relative or kin caregiver in applying for such
30 program.

31 (4) The department shall provide a written notice of rights to

1 parents and, if applicable, to relative or kin caregivers that complies
2 with due process and includes notice (a) of the possibility that a
3 petition under section 43-247 could be filed in the future if it is
4 determined that the safety of the child is not or cannot be assured and
5 (b) that their participation in receiving prevention services could be
6 relevant evidence presented in any future proceedings. The notice of
7 rights shall also include the parent's or relative or kin caregiver's
8 right to refuse any or all voluntary services without any referral for a
9 court-involved case or for a petition to be filed pursuant to section
10 43-247 if the child is not seriously endangered in his or her
11 surroundings and immediate removal is not necessary for the protection of
12 the child.

13 Sec. 7. (1) If a child is seriously endangered in his or her
14 surroundings and immediate removal appears to be necessary for the
15 protection of the child, the department shall not pursue a non-court-
16 involved case and shall immediately terminate voluntary services if such
17 endangerment and need for removal becomes apparent in the course of a
18 non-court-involved case. The department shall immediately notify law
19 enforcement and refer the case to the county attorney within twenty-four
20 hours.

21 (2) If a child is seriously endangered and the county attorney
22 declines to file a petition for juvenile court jurisdiction pursuant to
23 subdivision (3)(a) of section 43-247, the department shall offer or
24 continue to provide services as part of a non-court-involved case and
25 consistent with the Nebraska Family First Act if the parent is willing to
26 voluntarily participate.

27 (3) If a child is not seriously endangered and the child is within
28 the meaning of subdivision (3)(a) of section 43-247, the department in
29 its discretion may either pursue diversion in the form of a non-court-
30 involved case with parent or relative or kin caregiver, if the safety
31 risk or other risk identified in the investigation can be addressed or

1 alleviated with services, or refer the case to the county attorney for
2 initiation of legal proceedings.

3 (4) If a child is not seriously endangered and the child is within
4 the meaning of subdivision (3)(a) of section 43-247, or a county attorney
5 declines to file a case referred to the county attorney, the department
6 may offer the parent foster care diversion services in the form of a non-
7 court-involved case but shall not threaten or coerce the parent with a
8 potential referral for a court-involved case or for a petition pursuant
9 to subdivision (3)(a) of section 43-247 in order to entice the parent to
10 accept the voluntary placement of his or her child with a relative or kin
11 caregiver or to accept services.

12 Sec. 8. In addition to the prevention and family services and
13 programs specified in the Nebraska Family First Act, the department shall
14 assess the eligibility of a family for and assist in application for any
15 public benefits, including, but not limited to, aid to dependent children
16 described in section 43-512, Supplemental Security Income administered
17 pursuant to 42 U.S.C. 1381 et seq., social security disability insurance
18 administered pursuant to 42 U.S.C. 423, social security survivors
19 benefits administered pursuant to 42 U.S.C. 402, the Special Supplemental
20 Nutrition Program for Women, Infants, and Children, the Supplemental
21 Nutrition Assistance Program administered by the State of Nebraska
22 pursuant to 7 U.S.C. 2011 et seq., and the low-income home energy
23 assistance program administered by the State of Nebraska pursuant to 42
24 U.S.C. 8621 to 8630. The department may also connect the family with
25 community response services and additional services and supports based on
26 identified need.

27 Sec. 9. In all non-court-involved cases involving candidates for
28 foster care in which the child lives temporarily with a relative or kin
29 caregiver until reunification can be safely achieved or lives permanently
30 with a relative or kin caregiver, the department shall assess to
31 determine if the Nebraska Indian Child Welfare Act applies. If a child is

1 identified as an Indian child or the department has reason to believe the
2 child is an Indian child, the department shall comply with the Nebraska
3 Indian Child Welfare Act and provide protections as provided in
4 subsection (4) of section 43-1505 and sections 43-1506 and 43-1508.

5 Sec. 10. The department shall provide and contract with providers
6 to create a full array of services described in this section statewide. A
7 child in foster care may be placed in one of the following placements:

8 (1) A foster family home that:

9 (a) Is licensed or approved pursuant to section 71-1902 including an
10 approved home that has received a waiver of licensure under subsection
11 (2) of section 71-1904;

12 (b) The department deems capable of adhering to the reasonable and
13 prudent parent standard as defined in subdivision (7) of section 43-4703;

14 (c) Provides twenty-four-hour substitute care for children placed
15 away from their parents or other caretakers; and

16 (d) Provides care for not more than six children in foster care,
17 except that such numerical limitation may be exceeded:

18 (i) To allow a pregnant or parenting foster child to remain with his
19 or her child;

20 (ii) To allow siblings to be placed together with his or her sibling
21 or siblings pursuant to section 43-1311.02;

22 (iii) To allow a child with an established meaningful relationship
23 with the family to remain with the family; or

24 (iv) To allow a family with special training or skills to provide
25 care to a child who has a severe disability;

26 (2) A licensed residential family-based treatment facility for
27 substance abuse with a parent residing in the facility in accordance with
28 section 12 of this act;

29 (3) A qualified residential treatment program in accordance with
30 section 13 of this act;

31 (4) A setting specializing in providing prenatal, postpartum, or

1 parenting supports for parenting foster children; or

2 (5) A setting providing high-quality residential care and supportive
3 services to children who are, or are at risk of becoming, victims of sex
4 trafficking as defined in section 29-3005.

5 Sec. 11. The department shall seek coverage under the federal
6 medicaid program for all eligible services or placement under the Family
7 First Act, without delay, following a recommendation for such services or
8 placement for eligible persons. If coverage is denied, the guardian ad
9 litem or the provider or, if the guardian ad litem is unable or
10 unwilling, the child, through a client-directed attorney, who may be
11 appointed by the juvenile court may appeal the denial of services under
12 the Administrative Procedure Act, in the district court, or in the
13 juvenile court. The guardian ad litem may appeal such denial within the
14 scope of his or her court appointment. If coverage under the federal
15 medicaid program is not provided within thirty days after application for
16 assistance, the department shall provide such services and seek
17 reimbursement under Title IV-E of the federal Social Security Act.

18 Sec. 12. A child in foster care may be placed with a parent
19 residing in a licensed residential family-based treatment facility for
20 substance abuse. Whenever possible the recommendation for the placement
21 shall be specified in the prevention plan prior to placement. Placement
22 of a child with a parent residing in a licensed residential family-based
23 treatment facility for substance abuse does not constitute an out-of-home
24 placement for the purpose of subdivision (7) of section 43-292.

25 Sec. 13. (1) An assessment of the child shall be completed within
26 thirty days after placement at a qualified residential treatment program.
27 Such assessment shall:

28 (a) Assess the strengths and needs of the child using an age-
29 appropriate, evidence-informed tool;

30 (b) Determine whether the needs of the child can be met with family
31 members or through placement in a foster family home or, if not, specify

1 in writing why the recommended placement in a qualified residential
2 treatment program is the setting that will provide the child with the
3 most effective and appropriate level of care in the least restrictive
4 environment and how that placement is consistent with the short-term and
5 long-term goals for the child, as specified in the permanency plan for
6 the child;

7 (c) Develop a list of child-specific short-term and long-term mental
8 and behavioral health goals; and

9 (d) Work in conjunction with the family of, and the permanency team
10 for, the child while conducting and making the assessment.

11 (2) When the assessment determines that the child should not be
12 placed in a foster family home, the reasons why the needs of the child
13 cannot be met by the family of the child or in a foster family home shall
14 be specified in writing. A shortage or lack of foster family homes shall
15 not be a reason for determining that the needs of the child cannot be met
16 in a foster family home. The department shall specify in writing why the
17 recommended placement in a qualified residential treatment program is the
18 setting that will provide the child with the most effective and
19 appropriate level of care in the least restrictive environment and how
20 that placement is consistent with the short-term and long-term goals for
21 the child, as specified in the assessment for the child.

22 Sec. 14. (1) A review of the child shall be completed by the
23 department or the juvenile court within sixty days after placement at a
24 qualified residential treatment program. Such review shall:

25 (a) Consider the assessment, determination, and documentation made
26 by the qualified individual conducting the assessment;

27 (b) Determine whether the needs of the child can be met through
28 placement in a foster family home or, if not, whether placement of the
29 child in a qualified residential treatment program provides the most
30 effective and appropriate level of care for the child in the least
31 restrictive environment and whether that placement is consistent with the

1 short-term and long-term goals for the child, as specified in the
2 assessment described in section 13 of this act; and

3 (c) Approve or disapprove the placement.

4 (2) The written documentation and approval or disapproval of the
5 placement in a qualified residential treatment program shall be included
6 in and made part of the permanency plan under subsection (2) of section
7 43-285 of the child pursuant to section 13 of this act. As long as a
8 child remains placed in a qualified residential treatment program, the
9 department shall submit evidence at each status review and each
10 permanency hearing held with respect to the child:

11 (a) Demonstrating that ongoing assessment of the strengths and needs
12 of the child continues to support the determination that the needs of the
13 child cannot be met through placement in a foster family home, that the
14 placement in a qualified residential treatment program provides the most
15 effective and appropriate level of care for the child in the least
16 restrictive environment, and that the placement is consistent with the
17 short-term and long-term goals for the child, as specified in the
18 permanency plan for the child;

19 (b) Documenting the specific treatment or service needs that will be
20 met for the child in the placement and the length of time the child is
21 expected to need the treatment or service; and

22 (c) Documenting the efforts made by the department to prepare the
23 child to (i) return home, (ii) be placed with a fit and willing relative
24 or kin caregiver, a legal guardian, or an adoptive parent, or (iii) be
25 placed in a foster family home.

26 (3) In the case of any child who is at least thirteen years of age
27 and who is placed in a qualified residential treatment program for more
28 than twelve consecutive months or eighteen nonconsecutive months, or, in
29 the case of a child who is younger than thirteen years of age, for more
30 than six consecutive or nonconsecutive months, the department shall
31 obtain signed approval of the chief executive officer of the department

1 for the continued placement of the child in that setting.

2 Sec. 15. (1) For a child placed in a qualified residential
3 treatment program the department shall assemble a family and permanency
4 team for such child. The family and permanency team shall consist of all
5 appropriate biological family members, relative or kin caregivers of the
6 child, and, as appropriate, professionals who are a resource to the
7 family of the child, such as teachers, medical or mental health providers
8 who have treated the child, a representative of the child's culture or
9 clergy, and members of the family's informal support network. In the case
10 of a child who is younger than fourteen years of age, the family and
11 permanency team shall include members selected by the child. The family
12 and permanency team shall meet within thirty days of the start of each
13 placement in a qualified residential treatment program and every sixty
14 days thereafter for the duration of such placement.

15 (2) The department shall document in the child's prevention plan:

16 (a) The reasonable and good faith effort of the department to
17 identify and include all the individuals described in subsection (1) of
18 this section on the child's family and permanency team;

19 (b) All contact information for members of the family and permanency
20 team, as well as contact information for other family members and
21 relative or kin caregivers who are not part of the family and permanency
22 team;

23 (c) Evidence that meetings of the family and permanency team,
24 including meetings relating to the assessment required under section 13
25 of this act, are held at a time and place convenient for family;

26 (d) If reunification is the goal, evidence demonstrating that the
27 parent from whom the child was removed provided input on the members of
28 the family and permanency team;

29 (e) Evidence that the assessment required under section 13 of this
30 act is made in conjunction with the family and permanency team;

31 (f) The placement preferences of the family and permanency team

1 relating to the assessment that recognizes children should be placed with
2 their siblings unless there is a finding by the court that such placement
3 is contrary to their best interest; and

4 (g) If the placement preferences of the family and permanency team
5 and child are not the placement setting recommended by the individual
6 conducting the assessment under section 13 of this act, the reasons why
7 the preferences of the team and of the child were not recommended.

8 Sec. 16. The department shall report annually to the Health and
9 Human Services Committee of the Legislature. The report to the
10 Legislature shall be made electronically and shall include the following:

11 (1) For prevention services under section 4 of this act:

12 (a) The specific services provided and expenditures, including per-
13 child spending;

14 (b) The duration of services; and

15 (c) The child's placement at the beginning and end of the one-year
16 period and whether the child entered foster care within two years after
17 being determined to be a candidate for foster care;

18 (2) The age, race, ethnicity, and gender of each child provided
19 prevention services under section 4 of this act; and

20 (3) For each type of placement setting, including shelter care, a
21 group home, a residential treatment facility, a hospital or institution
22 providing medical, rehabilitative, or psychiatric care, a setting
23 specializing in providing prenatal, postpartum, or parenting supports, or
24 other child-care institution as defined in section 43-4703:

25 (a) The number of children in the placement setting and the age,
26 race, ethnicity, and gender of each of the children;

27 (b) The length of the placement of the child in the setting, whether
28 the placement of the child in the setting is the first placement of the
29 child and, if not, the number and type of previous placements of the
30 child, and whether the child has special needs or another diagnosed
31 mental or physical illness or condition; and

1 (c) The extent of any specialized education, treatment, counseling,
2 or other services provided in the setting.

3 Sec. 17. (1) The department shall submit an amended state plan
4 amendment consistent with the Nebraska Family First Act by October 15,
5 2019, to seek funding under Title IV-E of the federal Social Security
6 Act.

7 (2) The department shall implement the Nebraska Family First Act in
8 accordance with the federal Family First Prevention Services Act and in
9 accordance with requirements necessary to obtain federal Title IV-E
10 funding under 42 U.S.C. 672 and 673, as such sections existed on January
11 1, 2019.

12 (3) The department shall adopt and promulgate rules and regulations
13 necessary to carry out the Nebraska Family First Act and shall revoke any
14 rules or regulations inconsistent with the act by October 1, 2019.

15 Sec. 18. The department shall create a kinship navigator program
16 pursuant to the federal Family First Prevention Services Act. The purpose
17 of the program is to provide support to a relative or kin caregiver or
18 legal guardian of a candidate for foster care or a child being cared for
19 by kin outside of the child welfare system. The program shall establish
20 information and referral systems that link relative or kin caregivers,
21 kinship support group facilitators, and kinship service providers with
22 toll-free access to each other, to information on eligibility and
23 enrollment for federal, state, and local benefits, to relevant training
24 on benefits, caregiving, and services, and to relevant legal assistance
25 or help in obtaining legal services. The program shall use a model
26 included in the federal Title IV-E Prevention Services Clearinghouse. The
27 department shall pursue federal matching funds available through the
28 Title IV-E Kinship Navigator Program.

29 Sec. 19. (1) Nothing in the Nebraska Family First Act shall be
30 construed to affect the otherwise existing rights of children who are
31 determined to be candidates for foster care.

1 (2) Nothing in the Nebraska Family First Act shall be construed to
2 affect the otherwise existing rights of parents of children who are
3 determined to be candidates for foster care.

4 (3) Nothing in the Nebraska Family First Act shall be construed to
5 affect the otherwise existing rights of a pregnant or parenting foster
6 youth regarding her or his child.

7 (4) Nothing in the Nebraska Family First Act shall be construed to
8 affect the otherwise existing rights of children or parents who are
9 involved in a non-court-involved case.

10 Sec. 20. Section 28-710, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-710 (1) Sections 28-710 to 28-727 and section 24 of this act
13 shall be known and may be cited as the Child Protection and Family Safety
14 Act.

15 (2) For purposes of the Child Protection and Family Safety Act:

16 (a) Alternative response means a comprehensive assessment of (i)
17 child safety, (ii) the risk of future child abuse or neglect, (iii)
18 family strengths and needs, and (iv) the provision of or referral for
19 necessary services and support. Alternative response is an alternative to
20 traditional response and does not include an investigation or a formal
21 determination as to whether child abuse or neglect has occurred, and the
22 subject of the report shall not be entered into the central registry of
23 child protection cases maintained pursuant to section 28-718;

24 (b) Child abuse or neglect means knowingly, intentionally, or
25 negligently causing or permitting a minor child to be:

26 (i) Placed in a situation that endangers his or her life or physical
27 or mental health;

28 (ii) Cruelly confined or cruelly punished;

29 (iii) Deprived of necessary food, clothing, shelter, or care;

30 (iv) Left unattended in a motor vehicle if such minor child is six
31 years of age or younger;

1 (v) Sexually abused; or

2 (vi) Sexually exploited by allowing, encouraging, or forcing such
3 person to solicit for or engage in prostitution, debauchery, public
4 indecency, or obscene or pornographic photography, films, or depictions;

5 (c) Comprehensive assessment means an analysis of child safety, risk
6 of future child abuse or neglect, and family strengths and needs on a
7 report of child abuse or neglect using an evidence-informed, validated
8 tool. Comprehensive assessment does not include a finding determination
9 as to whether the child abuse or neglect occurred but does determine the
10 need for services and support, if any, to address the safety of children
11 and the risk of future abuse or neglect;

12 (d) Department means the Department of Health and Human Services;

13 (e) Initial assessment worker means a child protective services
14 worker who has either a bachelor's degree in social work or five years'
15 employment experience at the department in protective services, who meets
16 caseload requirements as provided in section 68-1207, and who is
17 responsible for conducting the investigation and making a finding
18 regarding reports made pursuant to section 28-711 and determining what
19 services and supports, if any, are needed to address the safety of
20 children and the risk of future abuse or neglect;

21 (f) ~~(e)~~ Investigation means fact gathering related to the current
22 safety of a child and the risk of future child abuse or neglect, using an
23 evidence-informed tool, that determines whether child abuse or neglect
24 has occurred and whether child protective services are needed as
25 determined by the evidence-informed tool;

26 (g) ~~(f)~~ Law enforcement agency means the police department or town
27 marshal in incorporated municipalities, the office of the sheriff in
28 unincorporated areas, and the Nebraska State Patrol;

29 (h) Non-court-involved case means a case in which the department has
30 determined that ongoing services are required to address or alleviate the
31 safety risk identified in the initial assessment and the family is

1 willing to voluntarily engage in child protective services;

2 (i) ~~(g)~~ Out-of-home child abuse or neglect means child abuse or
3 neglect occurring in day care homes, foster homes, day care centers,
4 residential child-caring agencies as defined in section 71-1926, and
5 other child care facilities or institutions, including a temporary living
6 arrangement as defined in section 3 of this act;

7 (j) ~~(h)~~ Review, Evaluate, and Decide Team means an internal team of
8 staff within the department and shall include no fewer than two
9 supervisors or administrators and two staff members knowledgeable on the
10 policies and practices of the department, including, but not limited to,
11 the structured review process. County attorneys, child advocacy centers,
12 or law enforcement agency personnel may attend team reviews upon request
13 of a party;

14 (k) ~~(i)~~ Traditional response means an investigation by a law
15 enforcement agency or the department pursuant to section 28-713 which
16 requires a formal determination of whether child abuse or neglect has
17 occurred; ~~and~~

18 (l) ~~(j)~~ Subject of the report of child abuse or neglect means the
19 person or persons identified in the report as responsible for the child
20 abuse or neglect; ~~-~~

21 (m) Voluntary placement means an out-of-home placement of a minor,
22 by or with participation of the department, after the parents or
23 guardians of the minor have requested the assistance of the department
24 and signed a voluntary placement agreement. A voluntary placement may
25 also be made with respect to a young adult participating in the bridge to
26 independence program established pursuant to the Young Adult Bridge to
27 Independence Act who has requested the assistance of the department and
28 signed a voluntary placement agreement; and

29 (n) Voluntary placement agreement means a written agreement between
30 the department and the parents or guardian of a minor child, which
31 specifies, at a minimum, the legal status of the child and the rights and

1 obligations of the parents or guardians, the child, and the department
2 while the child is in voluntary placement. Such an agreement may also
3 exist between the department and a young adult participating in the
4 bridge to independence program established pursuant to the Young Adult
5 Bridge to Independence Act.

6 Sec. 21. Section 28-713, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 28-713 Unless an intake is assigned to alternative response, upon
9 the receipt of a call reporting child abuse and neglect as required by
10 section 28-711:

11 (1) It is the duty of the law enforcement agency to investigate the
12 report, to take immediate steps to protect the child, and to institute
13 legal proceedings consistent with section 43-247 if the child is
14 seriously endangered in his or her surroundings and immediate removal is
15 necessary for the protection of the child if appropriate. In situations
16 of alleged out-of-home child abuse or neglect if the person or persons to
17 be notified have not already been notified and the person to be notified
18 is not the subject of the report of child abuse or neglect, the law
19 enforcement agency shall immediately notify the person or persons having
20 custody of each child who has allegedly been abused or neglected that
21 such report of alleged child abuse or neglect has been made and shall
22 provide such person or persons with information of the nature of the
23 alleged child abuse or neglect. The law enforcement agency may request
24 assistance from the department during the investigation and shall, by the
25 next working day, notify either the hotline or the department of receipt
26 of the report, including whether or not an investigation is being
27 undertaken by the law enforcement agency. A copy of all reports, whether
28 or not an investigation is being undertaken, shall be provided to the
29 department;

30 ~~(2) In situations of alleged out-of-home child abuse or neglect if~~
31 ~~the person or persons to be notified have not already been notified and~~

1 ~~the person to be notified is not the subject of the report of child abuse~~
2 ~~or neglect, the department shall immediately notify the person or persons~~
3 ~~having custody of each child who has allegedly been abused or neglected~~
4 ~~that such report of alleged child abuse or neglect has been made and~~
5 ~~shall provide such person or persons with information of the nature of~~
6 ~~the alleged child abuse or neglect and any other information that the~~
7 ~~department deems necessary. The department shall investigate for the~~
8 ~~purpose of assessing each report of child abuse or neglect to determine~~
9 ~~the risk of harm to the child involved. The department shall also provide~~
10 ~~such social services as are necessary and appropriate under the~~
11 ~~circumstances to protect and assist the child and to preserve the family;~~

12 (2) (3) The department shall may make an immediate a request to the
13 county attorney and institute legal proceedings consistent with section
14 43-247 if the child is seriously endangered in his or her surroundings
15 and immediate removal is necessary for the protection of the child. If
16 the child is not seriously endangered and immediate removal is not
17 necessary for the protection of the child, the department shall
18 investigate and, if required under the Child Protection and Family Safety
19 Act, conduct an initial assessment. As part of such initial assessment
20 the department may request assistance from the appropriate law
21 enforcement agency or refer to the county attorney to initiate legal
22 proceedings for further assistance from the appropriate law enforcement
23 agency or take such legal action as may be appropriate under the
24 circumstances;

25 (3) In situations of alleged out-of-home child abuse or neglect, the
26 department shall immediately notify the person or persons having custody
27 of each child who has allegedly been abused or neglected that such report
28 has been made if the person to be notified is not the subject of the
29 report. The department shall provide such person or persons with
30 information about the nature of the alleged child abuse or neglect and
31 any other necessary information. The department shall also provide such

1 social services as are necessary and appropriate under the circumstances
2 to protect and assist the child and to preserve the family;

3 (4) The department shall, by the next working day after receiving a
4 report of child abuse or neglect under subdivision (1)(a) ~~(1)~~ of this
5 section, make a written report or a summary on forms provided by the
6 department to the proper law enforcement agency in the county and enter
7 in the tracking system of child protection cases maintained pursuant to
8 section 28-715 all reports of child abuse or neglect opened for
9 investigation and any action taken; and

10 (5) The department shall, upon request, make available to the
11 appropriate investigating law enforcement agency and the county attorney
12 a copy of all reports relative to a case of suspected child abuse or
13 neglect.

14 Sec. 22. Section 28-720, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 28-720 (1) All cases entered into the central registry of child
17 protection cases maintained pursuant to section 28-718 shall be
18 classified as one of the following:

19 (a) Court substantiated, if a court of competent jurisdiction has
20 entered a judgment of guilty against the subject of the report of child
21 abuse or neglect upon a criminal complaint, indictment, or information or
22 there has been an adjudication of jurisdiction of a juvenile court over
23 the child under subdivision (3)(a) of section 43-247 which relates or
24 pertains to the report of child abuse or neglect;

25 (b) Court pending, if a criminal complaint, indictment, or
26 information or a juvenile petition under subdivision (3)(a) of section
27 43-247, which relates or pertains to the subject of the report of abuse
28 or neglect, has been filed and is pending in a court of competent
29 jurisdiction; or

30 (c) Agency substantiated, if the department's determination of child
31 abuse or neglect against the subject of the report of child abuse or

1 neglect was supported by a preponderance of the evidence and based upon
2 an investigation pursuant to section 28-712.01 or 28-713.

3 (2) If a case described in subdivision (1)(b) of this section is
4 dismissed by the court or a juvenile petition under subdivision (3)(a) of
5 section 43-247 is redesignated to indicate there is no fault on the part
6 of the parent, guardian, or custodian, the case shall be immediately
7 expunged from the central registry of child protection cases.

8 (3)(a) If the subject of the report of child abuse or neglect is a
9 minor child who is younger than twelve years of age, the case shall not
10 be entered into the central registry of child protection cases.

11 (b) If a juvenile petition is filed under subdivision (3)(a) of
12 section 43-247 indicating that the juvenile is without proper support
13 through no fault of his or her parent, guardian, or custodian, the case
14 shall not be entered into the central registry of child protection cases.

15 (4) If the subject of the report of child abuse or neglect is a
16 minor child who is twelve years of age or older but younger than nineteen
17 years of age, the case shall not be classified as court pending in the
18 central registry of child protection cases.

19 (5) If a parent or custodian in a non-court-involved case is entered
20 into the central registry of child protection cases and the department
21 finds the parent or custodian no longer presents a safety risk to the
22 child, the case shall be expunged from the central registry of child
23 protection cases within ninety days after the non-court-involved case is
24 successfully closed by the department unless the case is described in
25 subdivision (1)(b) of this section.

26 ~~(6)~~ (5) The department shall report annually, on or before September
27 15, to the Governor and electronically to the chairpersons of the Health
28 and Human Services Committee of the Legislature and the Judiciary
29 Committee of the Legislature the number of cases entered into the central
30 registry of child protection cases in which the subject is a minor child,
31 the ages of such subjects who are children, and the number of such cases

1 classified as court substantiated or agency substantiated.

2 Sec. 23. (1) Based on the investigation, the initial assessment
3 worker shall make one of the following findings regarding the report of
4 child abuse or neglect made pursuant to section 28-711:

5 (a) No further intervention is needed and the case will be closed
6 following notification to the family;

7 (b) Need for further services can be provided through a community
8 agency or other department service program and the case will be closed
9 following family engagement with the community agency or service program
10 consistent with the Nebraska Family First Act;

11 (c) Ongoing services are required to address or alleviate the risk
12 identified in the investigation and the family is willing to voluntarily
13 engage in protective services as part of a non-court-involved case and
14 consistent with the Nebraska Family First Act;

15 (d) Ongoing services are required to resolve or alleviate the
16 maltreatment and risk identified in the investigation and the family is
17 unwilling to voluntarily engage in services identified as necessary;

18 (e) Ongoing services are needed, the family is willing to engage in
19 the services identified as necessary, but court involvement is needed to
20 resolve the identified problem; or

21 (f) Ongoing services are needed as identified by the initial
22 assessment, and the county attorney has determined there is inadequate
23 factual information to pursue court action.

24 (2) If the initial assessment worker determines that ongoing
25 services are required to resolve or alleviate the maltreatment and risk
26 identified in the initial assessment and the family is unwilling to
27 voluntarily engage in services identified as necessary, the initial
28 assessment worker shall refer the case to the county attorney and shall
29 notify the parent or custodian of such referral.

30 (3) If the county attorney refuses to initiate legal proceedings and
31 an initial assessment worker finds that ongoing protective services are

1 needed to resolve or alleviate the maltreatment or risk identified in the
2 initial assessment, the department shall attempt to engage the family in
3 services pursuant to the Nebraska Family First Act.

4 Sec. 24. The department shall adopt and promulgate rules and
5 regulations to carry out the Child Protection and Family Safety Act,
6 describing the process for non-court-involved cases, for diversion in the
7 form of a non-court-involved case, and for finding that a child is
8 seriously endangered, and shall revoke any rules or regulations
9 inconsistent with the act by October 15, 2019.

10 Sec. 25. Section 28-728, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-728 (1) The Legislature finds that child abuse and neglect are
13 community problems requiring a coordinated response by law enforcement,
14 child advocacy centers, prosecutors, the Department of Health and Human
15 Services, and other agencies or entities designed to protect children. It
16 is the intent of the Legislature to create a child abuse and neglect
17 investigation team in each county or contiguous group of counties and to
18 create a child abuse and neglect treatment team in each county or
19 contiguous group of counties.

20 (2) Each county or contiguous group of counties will be assigned by
21 the Department of Health and Human Services to a child advocacy center.
22 The purpose of a child advocacy center is to provide a child-focused
23 location for conducting forensic interviews and medical evaluations for
24 alleged child victims of abuse and neglect and for coordinating a
25 multidisciplinary team response that supports the physical, emotional,
26 and psychological needs of children who are alleged victims of abuse or
27 neglect. Each child advocacy center shall meet accreditation criteria set
28 forth by the National Children's Alliance. Nothing in this section shall
29 prevent a child from receiving treatment or other services or supports at
30 a child advocacy center which has received or is in the process of
31 receiving accreditation.

1 (3) Each county attorney or the county attorney representing a
2 contiguous group of counties is responsible for convening the child abuse
3 and neglect investigation team and ensuring that protocols are
4 established and implemented. A representative of the child advocacy
5 center assigned to the team shall assist the county attorney in
6 facilitating case review, developing and updating protocols, and
7 arranging training opportunities for the team. Each team must have
8 protocols which, at a minimum, shall include procedures for:

9 ~~(a) Mandatory reporting of child abuse and neglect as outlined in~~
10 ~~section 28-711 to include training to professionals on identification and~~
11 ~~reporting of abuse;~~

12 (a) Clarifying ~~(b) Assigning~~ roles and responsibilities between law
13 enforcement and the Department of Health and Human Services for the
14 initial response consistent with the Child Protection and Family Safety
15 Act;

16 ~~(b) (e)~~ Outlining how reports will be shared between law enforcement
17 and the Department of Health and Human Services under sections 28-712.01
18 and 28-713 consistent with the Child Protection and Family Safety Act;

19 ~~(c) (d)~~ Coordinating the investigative response including, but not
20 limited to:

21 (i) Defining cases that require a priority response consistent with
22 subdivision (g) of this subsection;

23 (ii) Contacting the reporting party;

24 (iii) Arranging for a video-recorded forensic interview at a child
25 advocacy center for children who are three to eighteen years of age and
26 are alleged to be victims of sexual abuse or serious physical abuse or
27 neglect, have witnessed a violent crime, are found in a drug-endangered
28 environment, or have been recovered from a kidnapping;

29 (iv) Assessing the need for and arranging, when indicated, a medical
30 evaluation of the alleged child victim;

31 (v) Assessing the need for and arranging, when indicated,

1 appropriate mental health services for the alleged child victim or
2 nonoffender caregiver;

3 (vi) Conducting collateral interviews with other persons with
4 information pertinent to the investigation including other potential
5 victims;

6 (vii) Collecting, processing, and preserving physical evidence
7 including photographing the crime scene as well as any physical injuries
8 as a result of the alleged child abuse and neglect; and

9 (viii) Interviewing the alleged perpetrator;

10 (d) ~~(e)~~ Reducing the risk of harm to alleged child abuse and neglect
11 victims;

12 (e) ~~(f)~~ Ensuring that the child is in safe surroundings, including
13 removing the perpetrator when necessary or arranging for temporary
14 custody of the child when the child is seriously endangered in his or her
15 surroundings and immediate removal appears to be necessary for the
16 child's protection as provided in section 43-248;

17 (f) ~~(g)~~ Sharing of case information between team members consistent
18 with section 28-730; ~~and~~

19 (g) ~~(h)~~ Outlining what cases will be reviewed by the investigation
20 team including, but not limited to:

21 (i) Abuse or neglect resulting in the death of a child;

22 (ii) Abuse or neglect that results in serious bodily injury, as
23 defined in section 28-109, of a minor child, requires hospitalization of
24 a child, or results in an injury to a child that requires ongoing medical
25 care, behavioral health care, or physical or occupational therapy;

26 (iii) Sexual abuse of a child, including acts described in sections
27 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02,
28 28-322.03, and 28-322.04;

29 (iv) Sexual exploitation of a child;

30 (v) Sex trafficking of a minor or labor trafficking of a minor as
31 such terms are defined in section 28-830;

1 (vi) A child recovered from a kidnapping as defined in section
2 28-313;

3 (vii) A child witness to domestic assault resulting in bodily
4 injury; or

5 (viii) A child witness to a violent crime classified as a Class I,
6 IA, IB, IC, ID, II, or IIA felony; and

7 (h) Providing relevant information to and including the input of
8 appropriate family members in the investigation process and at the
9 conclusion of the investigation, consistent with confidentiality
10 requirements.

11 ~~(i) Cases of sexual abuse, serious physical abuse and neglect, drug-~~
12 ~~endangered children, and serious or ongoing domestic violence;~~

13 ~~(ii) Cases determined by the Department of Health and Human Services~~
14 ~~to be high or very high risk for further maltreatment; and~~

15 ~~(iii) Any other case referred by a member of the team when a system-~~
16 ~~response issue has been identified.~~

17 (4) Each county attorney or the county attorney representing a
18 contiguous group of counties is responsible for convening the child abuse
19 and neglect treatment team and ensuring that protocols are established
20 and implemented. A representative of the child advocacy center appointed
21 to the team shall assist the county attorney in facilitating case review,
22 developing and updating protocols, and arranging training opportunities
23 for the team. Each team must have protocols which, at a minimum, shall
24 include procedures for:

25 (a) Case coordination and assistance, including the location of
26 services and supports available within the area;

27 (b) Case staffings and the coordination, development,
28 implementation, and monitoring of treatment or safety plans particularly
29 in those cases in which ongoing services are provided by the Department
30 of Health and Human Services or a contracted agency but the juvenile
31 court is not involved;

1 (c) Reducing the risk of harm to child abuse and neglect victims;

2 (d) Assisting those child abuse and neglect victims who are abused
3 and neglected by perpetrators who do not reside in their homes; ~~and~~

4 (e) Working with multiproblem status offenders and delinquent youth;
5 and -

6 (f) Recruiting, supporting, and training parent or peer advocates
7 that reasonably represent the various social, economic, racial, and
8 ethnic groups of the county or contiguous group of counties to
9 participate as part of the child abuse and neglect treatment team.

10 (5) While maintaining confidentiality of juvenile court records as
11 required in sections 43-2,108 and 28-730, all protocols developed under
12 this section shall be made publicly available upon request to the child
13 advocacy center and such protocols shall be submitted annually and
14 electronically to the Health and Human Services Committee of the
15 Legislature.

16 (6) (5) For purposes of this section, forensic interview means a
17 video-recorded interview of an alleged child victim conducted at a child
18 advocacy center by a professional with specialized training designed to
19 elicit details about alleged incidents of abuse or neglect, and such
20 interview may result in intervention in criminal or juvenile court.

21 Sec. 26. Section 28-729, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 28-729 (1) A child abuse and neglect investigation team shall
24 include a representative from the county attorney's office, a
25 representative from the Division of Children and Family Services of the
26 Department of Health and Human Services, a representative from each law
27 enforcement agency which has jurisdiction within the county or contiguous
28 group of counties, a representative from the child advocacy center, and
29 representatives from such other agencies as determined by the team.

30 (2) A child abuse and neglect treatment team shall include a
31 representative from the Division of Children and Family Services of the

1 Department of Health and Human Services, a juvenile probation officer, a
2 representative from each of the mental health profession and the medical
3 profession actively practicing within the county or contiguous group of
4 counties, a representative from each school district which provides
5 services within the county or contiguous group of counties, a
6 representative from the child advocacy center, a parent or peer advocate
7 representing the social, economic, racial, and ethnic groups of the
8 county or contiguous group of counties, and representatives from such
9 other agencies as determined by the team. For purposes of this
10 subsection, more than one school district may be represented by the same
11 individual.

12 (3) The teams established pursuant to this section and section
13 28-728 shall be encouraged to expand their membership to include the
14 various relevant disciplines which exist within the county or contiguous
15 group of counties and teams established pursuant to this section shall
16 actively recruit, support, and train parents or peer advocates that
17 reasonably represent the various social, economic, racial, and ethnic
18 groups of the county or contiguous group of counties to be members. The
19 ~~additional members shall have the requisite experience necessary as~~
20 ~~determined by the core members of the teams.~~ Consistent with requirements
21 set out by the teams, all members of both teams shall attend child abuse
22 and neglect training on an annual basis. Such training shall be no less
23 than eight hours annually and consist of the following components:

- 24 (a) Child abuse and neglect investigation procedures;
- 25 (b) Legal requirements and procedures for successful prosecution of
26 child abuse and neglect cases;
- 27 (c) Roles and responsibilities of child protective services, law
28 enforcement agencies, county attorneys, child advocacy centers, the
29 Attorney General, and judges;
- 30 (d) Characteristics of child development and family dynamics;
- 31 (e) Recognition of various types of abuse and neglect;

1 (f) Duty of public and private individuals and agencies, including
2 schools, governmental agencies, physicians, and child advocates, to
3 report suspected or known child abuse;

4 (g) Multidisciplinary approaches to providing services to children;
5 and

6 (h) Continually identifying and improving weaknesses in the current
7 child protection system and developing ongoing best practices.

8 (4) The representative of the child advocacy center shall report the
9 name and address of each team member and the number of times the team met
10 within a calendar year to the Nebraska Commission on Law Enforcement and
11 Criminal Justice and electronically to the Health and Human Services
12 Committee of the Legislature.

13 (5) Each team shall meet at a location agreed to by the team. The
14 number of meetings of the team shall be secondary to the caseload of the
15 team, but each team shall meet at least quarterly. Each team may
16 substitute a telephone conference call among team members in lieu of
17 meeting in person. If a team fails to convene, the commission shall
18 notify the Child Protection Division of the office of the Attorney
19 General and the division shall appoint the team members or convene the
20 team pursuant to sections 28-728 to 28-730. Nothing in this section shall
21 relieve the county attorney from ensuring that the teams meet as required
22 by this section.

23 Sec. 27. Section 43-1301, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 43-1301 For purposes of the Foster Care Review Act, unless the
26 context otherwise requires:

27 (1) Local board means a local foster care review board created
28 pursuant to section 43-1304;

29 (2) Office means the Foster Care Review Office created pursuant to
30 section 43-1302;

31 (3) Foster care facility means any foster family home as defined in

1 section 71-1901, residential child-caring or child-placing agency as such
2 terms are defined in section 71-1926, public agency, private agency, or
3 any other person or entity receiving and caring for foster children;

4 (4) Foster care placements means (a) all types of placements of
5 juveniles described in sections 43-245 and 43-247, (b) all types of
6 placements of neglected, dependent, or delinquent children, including
7 those made by the Department of Health and Human Services, by the court,
8 by parents, or by third parties, (c) all types of placements of children
9 who have been voluntarily relinquished pursuant to section 43-106.01 to
10 the department or any child-placing agency as defined in section 71-1926
11 licensed by the department, and (d) all types of placements that are
12 considered to be a trial home visit, including those made directly by the
13 department or office;

14 (5) Person or court in charge of the child means (a) the Department
15 of Health and Human Services, an association, or an individual who has
16 been made the guardian of a neglected, dependent, or delinquent child by
17 the court and has the responsibility of the care of the child and has the
18 authority by and with the assent of the court to place such a child in a
19 suitable family home or institution or has been entrusted with the care
20 of the child by a voluntary placement made by a parent or legal guardian,
21 (b) the court which has jurisdiction over the child, or (c) the entity
22 having jurisdiction over the child pursuant to the Nebraska Indian Child
23 Welfare Act;

24 (6) Voluntary placement means the placement by a parent or legal
25 guardian who relinquishes the possession and care of a child to a third
26 party, individual, or agency;

27 (7) Family unit means the social unit consisting of the foster child
28 and the parent or parents or any person in the relationship of a parent,
29 including a grandparent, and any siblings with whom the foster child
30 legally resided prior to placement in foster care, except that for
31 purposes of potential sibling placement, the child's family unit also

1 includes the child's siblings even if the child has not resided with such
2 siblings prior to placement in foster care;

3 (8) Residential child-caring agency has the definition found in
4 section 71-1926;

5 (9) Child-placing agency has the definition found in section
6 71-1926;

7 (10) Siblings means biological siblings and legal siblings,
8 including, but not limited to, half-siblings and stepsiblings; and

9 (11) Trial home visit means a placement of a court-involved juvenile
10 who goes from a foster care placement back to his or her legal parent or
11 parents or guardian but remains as a ward of the state.

12 Sec. 28. Section 43-2201, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-2201 It is the intent of the Legislature to:

15 (1) Promote kinship care and lifelong connections through the
16 process of family finding when a child has been removed from the legal
17 custody of the child's parents;

18 (2) Prevent recurrence of abuse, neglect, exploitation, or other
19 maltreatment of children;

20 (3) Reduce the length of time children spend in foster care;

21 (4) Reduce multiple placements of children in foster care;

22 (5) Remain in compliance with the federal Fostering Connections to
23 Success and Increasing Adoptions Act of 2008, Public Law 110-351; and

24 (6) Create a ~~pilot~~ project for the process of locating and engaging
25 family members in the life of a child who is a ward of the state or is
26 participating in the bridge to independence program as defined in section
27 43-4503, or both, and in need of permanency through a lifelong network of
28 support.

29 Sec. 29. Section 43-2203, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-2203 The department, its contracted providers of family finding

1 services, and family members of children involved in cases which are part
2 of the ~~pilot~~ project created in section 43-2204 shall participate in
3 family finding. Family finding is the process of engagement, searching,
4 preparation, planning, decisionmaking, lifetime network creation,
5 healing, and permanency in order to:

6 (1) Search for and identify family members and engage them in
7 planning and decisionmaking;

8 (2) Gain commitments from family members to support a child through
9 nurturing relationships and to support the parent or parents, when
10 appropriate; and

11 (3) Achieve a safe, permanent legal home or lifelong connection for
12 the child, either through reunification or through permanent placement
13 through legal guardianship or adoption.

14 Sec. 30. Section 43-2204, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 43-2204 The family finding services ~~A pilot~~ project is created ~~to~~
17 ~~provide family finding services within at least two service areas.~~ The
18 department shall contract with providers of family finding services or
19 the case management lead agency pilot project authorized under section
20 68-1212 to carry out the family finding services ~~pilot~~ project. A
21 provider may contract within multiple service areas. Each contracting
22 provider shall be trained in and implement the steps described in section
23 43-2203. ~~The family finding services pilot project shall terminate on~~
24 ~~June 30, 2019.~~

25 Sec. 31. Section 43-2205, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-2205 (1) Under the ~~pilot~~ project created under section 43-2204,
28 the department shall refer a portion of all cases involving children who
29 are wards of the state in foster care or participating in the bridge to
30 independence program as defined in section 43-4503, or both, to providers
31 of family finding services who or which shall (a) locate family members

1 of the children, (b) engage and empower family members, and (c) create an
2 individualized plan to achieve a safe, permanent legal home for the
3 children when possible.

4 (2) The department shall provide administrative oversight of the
5 contracts entered into pursuant to the ~~pilot~~ project created under
6 section 43-2204.

7 (3) A child's departmental case manager, the child's foster parents,
8 and the provider of family finding services shall collaborate together to
9 maximize success throughout the family finding process.

10 (4) The department shall carry out the requirements of the
11 Interstate Compact for the Placement of Children when achieving out-of-
12 state placement of a ward of the court, including prompt submission of
13 required paperwork to ensure that the family finding process moves
14 forward in a timely manner.

15 Sec. 32. Section 43-2209, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 43-2209 The department may adopt and promulgate rules and
18 regulations to carry out sections 43-2201 to 43-2207 ~~43-2208~~.

19 Sec. 33. Section 68-1207, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 68-1207 (1) The Department of Health and Human Services shall
22 supervise all public child welfare services as described by law. The
23 department and the pilot project described in section 68-1212 shall
24 maintain caseloads to carry out child welfare services which provide for
25 adequate, timely, and indepth investigations and services to children and
26 families. Caseloads shall range between twelve and seventeen cases as
27 determined pursuant to subsection (2) of this section. In establishing
28 the specific caseloads within such range, the department and the pilot
29 project shall (a) include the workload factors that may differ due to
30 geographic responsibilities, office location, and the travel required to
31 provide a timely response in the investigation of abuse and neglect, the

1 protection of children, and the provision of services to children and
2 families in a uniform and consistent statewide manner and (b) utilize the
3 workload criteria of the standards established as of January 1, 2012, by
4 the Child Welfare League of America. The average caseload shall be
5 reduced by the department in all service areas as designated pursuant to
6 section 81-3116 and by the pilot project to comply with the caseload
7 range described in this subsection by September 1, 2012. Beginning
8 September 15, 2012, the department shall include in its annual report
9 required pursuant to section 68-1207.01 a report on the attainment of the
10 decrease according to such caseload standards. The department's annual
11 report shall also include changes in the standards of the Child Welfare
12 League of America or its successor.

13 (2) Caseload size shall be determined in the following manner: (a)
14 If children are placed in the home, the family shall count as one case
15 regardless of how many children are placed in the home; (b) if a child is
16 placed out of the home, the child shall count as one case; (c) if, within
17 one family, one or more children are placed in the home and one or more
18 children are placed out of the home, the children placed in the home
19 shall count as one case and each child placed out of the home shall count
20 as one case; and (d) any child receiving services from the department or
21 a private entity under contract with the department shall be counted as
22 provided in subdivisions (a) through (c) of this subsection whether or
23 not such child is a ward of the state. For purposes of this subsection, a
24 child is considered to be placed in the home if the child is placed with
25 his or her biological or adoptive parent or a legal guardian and a child
26 is considered to be placed out of the home if the child is placed in a
27 foster family home as defined in section 71-1901, a residential child-
28 caring agency as defined in section 71-1926, or any other setting which
29 is not the child's planned permanent home.

30 ~~(3) To insure appropriate oversight of noncourt and voluntary cases~~
31 ~~when any child welfare services are provided, either by the department or~~

1 ~~by a lead agency participating in the pilot project, as a result of a~~
2 ~~child safety assessment, the department or lead agency shall develop a~~
3 ~~case plan that specifies the services to be provided and the actions to~~
4 ~~be taken by the department or lead agency and the family in each such~~
5 ~~case. Such case plan shall clearly indicate, when appropriate, that~~
6 ~~children are receiving services to prevent out-of-home placement and~~
7 ~~that, absent preventive services, foster care is the planned arrangement~~
8 ~~for the child.~~

9 ~~(3) (4)~~ To carry out the provisions of this section, the Legislature
10 shall provide funds for additional staff.

11 Sec. 34. Section 68-1212, Reissue Revised Statutes of Nebraska, is
12 amended to read:

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

30 (2) The department may contract with a lead agency for a case
31 management lead agency model pilot project in the department's eastern

1 service area as designated pursuant to section 81-3116. The department
2 shall include in the pilot project the appropriate conditions,
3 performance outcomes, and oversight for the lead agency, including, but
4 not be limited to:

5 (a) The reporting and survey requirements of lead agencies described
6 in sections 43-4406 and 43-4407;

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

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

11 (d) Compliance and coordination with the development of the
12 statewide strategic plan for child welfare program and service reform
13 pursuant to Laws 2012, LB821; and

14 (e) Assurance of financial accountability and reporting by the lead
15 agency.

16 (3) Before June 30, 2014, the department may extend the contract for
17 the pilot project described in subsection (2) of this section. The lead
18 agency shall also comply with the requirements of section 43-4204.

19 Sec. 35. Original sections 28-710, 28-713, 28-720, 28-728, 28-729,
20 43-1301, 43-2201, 43-2203, 43-2204, 43-2205, 43-2209, 68-1207, and
21 68-1212, Reissue Revised Statutes of Nebraska, are repealed.

22 Sec. 36. The following sections are outright repealed: Sections
23 43-2206, 43-2208, and 81-3136, Reissue Revised Statutes of Nebraska.