

LEGISLATIVE BILL 240

Approved by the Governor May 25, 1999

Introduced by Engel, 17; Bromm, 23; Coordsen, 32; Kristensen, 37; Wehrbein, 2;
Raikes, 25

AN ACT relating to the Foster Care Review Act; to amend sections 43-1303, 43-1304, 43-1305, and 43-1314.01, Reissue Revised Statutes of Nebraska; to change provisions relating to reports and to membership on local boards; to eliminate duties of the Executive Board of the Legislative Council and provisions relating to additional employees; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 43-1303, Reissue Revised Statutes of Nebraska, is amended to read:

43-1303. (1) The state board shall meet at least twice per year. The state board shall establish a statewide register of all foster care placements occurring within the state, and there shall be a monthly report made to the state board registry of all foster care placements by the Department of Health and Human Services, any child-placing agency, or any court in a form as developed by the state board in consultation with representatives of entities required to make such reports. For each child entering and leaving foster care, such monthly report shall consist of identifying information, placement information, and the plan or permanency plan developed by the person or court in charge of the child pursuant to section 43-1312. ~~Every~~ The department and every court and child-placing agency shall report any foster care placement within three working days. The report shall contain the following information:

(a) Child identification information, including name, social security number, date of birth, gender, race, and religion;

(b) Identification information for parents and stepparents, including name, social security number, address, and status of parental rights;

(c) Placement information, including initial placement date, current placement date, and the name and address of the foster care provider;

(d) Court status information, including which court has jurisdiction, initial custody date, court hearing date, and results of the court hearing;

(e) Agency or other entity having custody of the child;

(f) Case worker; and

(g) Permanency Plan Objective.

(2) The state board shall review the activities of local boards and may adopt and promulgate its own rules and regulations. Such rules and regulations shall provide for the following:

~~(1)~~ (a) Establishment of training programs for local board members which shall include an initial training program and periodic inservice training programs;

~~(2)~~ (b) Development of procedures for local boards;

~~(3)~~ (c) Establishment of a central record-keeping facility for all local board files, including individual case reviews;

~~(4)~~ (d) Accumulation of data and the making of annual reports on children in foster care. Such reports shall include ~~(a)~~ (i) personal data on length of time in foster care, ~~(b)~~ (ii) number of placements, ~~(c)~~ (iii) frequency and results of court review, and ~~(d)~~ (iv) number of children supervised by the foster care programs in the state annually;

~~(5)~~ (e) To the extent not prohibited by section 43-1310, evaluation of the judicial and administrative data collected on foster care and the dissemination of such data to the judiciary, public and private agencies, the ~~Department of Health and Human Services~~ department, and members of the public; and

~~(6)~~ (f) Manner in which the state board shall determine the appropriateness of requesting a review hearing as provided for in section 43-1313.

(3) The state board, upon completion of a review of local board activities, shall report and make recommendations to the department and county welfare offices. Such reports and recommendations shall include, but not be limited to, the annual judicial and administrative data collected on foster care pursuant to ~~subdivision (4)~~ subsection (2) of this section and the annual evaluation of such data. In addition the state board shall provide copies of

such reports and recommendations to each court having the authority to make foster care placements. The state board may visit and observe foster care facilities in order to ascertain whether the individual physical, psychological, and sociological needs of each foster child are being met.

Sec. 2. Section 43-1304, Reissue Revised Statutes of Nebraska, is amended to read:

43-1304. The state board shall establish local foster care review boards for the review of cases of children in foster care placement. The state board shall select members to serve on local boards from a list of applications submitted to the state board. Each local board shall consist of five not less than four and not more than ten members. The members of the board shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed. A person employed by the state board, the Department of Health and Human Services, a child-caring agency, a child-placing agency, or a court shall not be appointed to a local board. A list of the members of each local board shall be sent to the ~~Department of Health and Human Services~~ department.

Sec. 3. Section 43-1305, Reissue Revised Statutes of Nebraska, is amended to read:

43-1305. ~~Of the local board members initially appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, and one shall be appointed for a term of three years. All subsequent~~ local board members shall be appointed for a ~~term~~ terms of three years. If a vacancy occurs on a local board, the state board shall appoint another person to serve the unexpired portion of the term. Appointments to fill vacancies on the local board shall be made in the same manner and subject to the same conditions as the initial appointments to such board. The term of each member shall expire on the second Monday in July of the appropriate year. Members shall continue to serve until a successor is appointed.

Sec. 4. Section 43-1314.01, Reissue Revised Statutes of Nebraska, is amended to read:

43-1314.01. (1) The State Foster Care Review Board shall be responsible for the conduct of periodic reviews which shall be identified as reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the requirements for review outlined in the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. It is the intent of the Legislature that beginning October 1, 1996, the state board shall be the only state agency with the responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(2) It is the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(3) The state board may assist the Department of Health and Human Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or aid to families with dependent children benefits, for child support orders of the court, and for medical insurance other than medicaid.

~~(4) Between January 1, 1998, and August 1, 1998, a review of the state board shall be completed by the Executive Board of the Legislative Council or its designee. This review shall include a determination of the state board's timely performance in meeting federal guidelines, a cost analysis of its case reviews, an analysis as to the quality of reviews, and the effectiveness of such reviews on the children within the state foster care system.~~

~~(5) On or before November 1, 1998, the Executive Board of the Legislative Council or its designee shall make findings and recommendations to the Legislature as to the areas noted in subsection (4) of this section.~~

~~(6) On July 1, 1996, seven full-time employees shall be added to the state board. On September 30, 1996, three full-time employees shall be added to the state board.~~

Sec. 5. Original sections 43-1303, 43-1304, 43-1305, and 43-1314.01, Reissue Revised Statutes of Nebraska, are repealed.