

ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE RESOLUTION 157

Introduced by Johnson, 37;

PURPOSE: The Legislature finds that:

(1) Governor Dave Heineman, former Chief Justice of the Supreme Court John Hendry, and Chief Justice of the Supreme court Mike Heavican are providing leadership to foster collaboration with the goal of improving Nebraska's child welfare system;

(2) Due to the dedication and hard work of judges, prosecutors, guardians ad litem, defense lawyers, caseworkers, supervisors, and administration, the following improvements in the care of children documented by the review conducted by the Nebraska Foster Care Review Board shall be recognized:

(a) Fewer children are in out-of-home care (5,186 children were in out-of-home care on December 31, 2006, compared to 6,204 on December 31, 2005);

(b) More children's cases have written plans designated to correct problems that led to removal of children from their homes (73.7% of the cases reviewed in 2006 had written plans, compared to 58.3% in 2001);

(c) More case managers from the Department of Health and Human Services are regularly seeing the children (88.9% of the children reviewed in the last half of 2006 had been seen by the worker in the 60 days prior to review, compared to 68.5% in 2001,

and 39% in 1999); and

(d) In the last five years, there has been a decrease in the number of children who, after family reunification, return to the foster care system (41.3% of the children in care on December 31, 2001, had prior removals compared to 37.8% of those in care on December 31, 2006);

(3) The following statistics clearly demonstrate that the child welfare system has need for additional improvements:

(a) 5,186 children were in out-of-home foster care in Nebraska on December 31, 2006 (5,052 wards of the Department of Health and Human Services, plus children under the courts, or in an out-of-home placement through a child-placement agency);

(b) 1,961 of the 5,186 children (37.8%) have had at least one prior removal from the home. This is an increase in percentage from December 31, 2005, when 33.5% of the children in care had experienced multiple removals;

(c) 1,881 (36.3%) of the 5,186 children have been moved to six or more different foster placements throughout their lifetime;

(d) 947 (18.3%) of the 5,186 children have been moved to 10 or more different foster placements throughout their lifetime;

(e) 2,484 (49.2%) of the 5,052 wards of the Department of Health and Human Services in care on December 31, 2006, have had four or more caseworker changes;

(f) 1,438 (38.5%) of the 3,728 children reviewed in 2006 had been in foster care for two years or more at the time of their last review and 384 (10.3%) of the 3,728 reviewed children had been in foster care for five years or more;

(g) 195 (5.2%) of the 3,728 reviewed children were in placements that were unsafe (78 children) or inappropriate (117 children). Another 608 (16.3%) of the 3,728 reviewed children were in placements where the appropriateness of the current placement could not be determined due to a lack of documentation;

(h) The foster parents of 211 children reviewed in the last half of 2006 were not provided medical information about the child upon placement in their home;

(i) 425 (10.6%) of the 4,009 wards of the Department of Health and Human Services (excluding youth of the Office of Juvenile Services) that left out-of-home care during 2006 were adopted. Nationally, an average of 20% of social service wards are adopted annually;

(j) There were 1,333 children age birth through five in out-of-home care on December 31, 2006;

(k) 108 (11.4%) of 948 children between the ages of birth through five years in a special study conducted at the end of 2006 were in foster homes that were caring for the child reviewed plus five or more other children. 17 of the 108 children had recognized disabilities;

(l) In a special study conducted at the end of 2006, a Department of Health and Human Services contractor supervised parental visitation for 507 of the 948 children age birth through five. 174 (34.3%) of the 507 children had four or more different persons monitoring their visitation sessions;

(m) In a special study conducted at the end of 2006, a Department of Health and Human Services contractor transported 360 of the 948 children between the ages of birth through five years.

Most of this transportation was to parental visitation sessions. 85 (23.6%) of the 360 children had four or more different drivers; and (n) 142 (54.6%) of the 260 children between the ages of birth through two years reviewed during the last half of 2006 were placed in foster care due to parental substance abuse;

(4) Increases in parental substance abuse has added a new element of complexity to case demands. Methamphetamine is a highly addictive stimulant that victimized the addicted parents and the children within their care. 352 (37.1%) of the 948 children age birth through five in a special study conducted at the end of 2006 entered care due to parental methamphetamine abuse; and

(5) Regardless of the root cause for children coming into foster care, abused and neglected children create additional costs for Nebraska's taxpayers because these children are often in special education, have an increased likelihood of current and future drug and alcohol abuse, are more likely to be homeless, are more likely to enter the prison population, and when they have children of their own may perpetuate the cycle of abuse as adults.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution and work in cooperation with the Legislative Performance Audit Committee's auditor of the foster care system.

2. That the study shall include:

a. An examination of the intake system, including what services could prevent removals from the home of origin;

b. Reasons for the number of children in out-of-home care;

c. Children's number of placement changes and injuries in care;

d. The number of foster homes and group placements available in each region of the state;

e. The number of children cared for in foster homes and group placements;

f. Caseworker changes and caseloads;

g. Service provision to children, including medical, dental, and mental health services;

h. The length of time children spend in foster care and barriers to permanency;

i. A review of the care of children between the ages of birth through five years, including the number of placement changes, the effects of contracting for visitation supervision and transportation, the length of time in care, the number of other children in the foster homes, and the recruitment of foster parents; and

j. The effectiveness of the current contract system.

3. That the Health and Human Services Committee of the Legislature shall work in cooperation with the Judiciary Committee of the Legislature to address legal barriers to adoption and adherence to twelve-month court reviews as permanency markers.

4. That the committee shall, upon the conclusion of this study, make a report of its findings, together with its recommendations, to the Legislature.