

AMENDMENTS TO LB 998

Introduced by Krist

1 1. Strike the original sections and insert the following
2 sections:

3 Section 1. Section 28-726, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 28-726 Except as provided in this section and sections
6 28-722 and 81-3126, no person, official, or agency shall have
7 access to information in the tracking system of child protection
8 cases maintained pursuant to section 28-715 or in records in the
9 central register of child protection cases maintained pursuant to
10 section 28-718 unless in furtherance of purposes directly connected
11 with the administration of the Child Protection Act. Such persons,
12 officials, and agencies having access to such information shall
13 include, but not be limited to:

14 (1) A law enforcement agency investigating a report of
15 known or suspected child abuse or neglect;

16 (2) A county attorney in preparation of a child abuse or
17 neglect petition or termination of parental rights petition;

18 (3) A physician who has before him or her a child whom he
19 or she reasonably suspects may be abused or neglected;

20 (4) An agency having the legal responsibility or
21 authorization to care for, treat, or supervise an abused or
22 neglected child or a parent, a guardian, or other person
23 responsible for the abused or neglected child's welfare who is the

1 subject of the report of child abuse or neglect;

2 (5) Any person engaged in bona fide research or auditing.

3 No information identifying the subjects of the report of child
4 abuse or neglect shall be made available to the researcher or
5 auditor;

6 (6) The ~~State Foster Care Review Board~~ Office and
7 designated local foster care review board when the information
8 relates to a child in a foster care placement as defined in section
9 43-1301. The information provided to the ~~state board~~ office and
10 local board shall not include the name or identity of any person
11 making a report of suspected child abuse or neglect;

12 (7) The designated protection and advocacy system
13 authorized pursuant to the Developmental Disabilities Assistance
14 and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act
15 existed on January 1, 2005, and the Protection and Advocacy for
16 Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed
17 on September 1, 2001, acting upon a complaint received from or
18 on behalf of a person with developmental disabilities or mental
19 illness;

20 (8) The person or persons having custody of the abused or
21 neglected child in situations of alleged out-of-home child abuse or
22 neglect; and

23 (9) For purposes of licensing providers of child care
24 programs, the Department of Health and Human Services.

25 Sec. 2. Section 43-285, Revised Statutes Supplement,
26 2011, is amended to read:

27 43-285 (1) When the court awards a juvenile to the care

1 of the Department of Health and Human Services, an association,
2 or an individual in accordance with the Nebraska Juvenile Code,
3 the juvenile shall, unless otherwise ordered, become a ward and
4 be subject to the guardianship of the department, association,
5 or individual to whose care he or she is committed. Any such
6 association and the department shall have authority, by and
7 with the assent of the court, to determine the care, placement,
8 medical services, psychiatric services, training, and expenditures
9 on behalf of each juvenile committed to it. Such guardianship shall
10 not include the guardianship of any estate of the juvenile.

11 (2) Following an adjudication hearing at which a juvenile
12 is adjudged to be under subdivision (3) of section 43-247, the
13 court may order the department to prepare and file with the court
14 a proposed plan for the care, placement, services, and permanency
15 which are to be provided to such juvenile and his or her family.
16 The health and safety of the juvenile shall be the paramount
17 concern in the proposed plan. The department shall include in the
18 plan for a juvenile who is sixteen years of age or older and
19 subject to the guardianship of the department a written independent
20 living transition proposal which meets the requirements of section
21 43-1311.03. The court may approve the plan, modify the plan,
22 order that an alternative plan be developed, or implement another
23 plan that is in the juvenile's best interests. In its order the
24 court shall include a finding regarding the appropriateness of
25 the programs and services described in the proposal designed to
26 assist the juvenile in acquiring independent living skills. Rules
27 of evidence shall not apply at the dispositional hearing when the

1 court considers the plan that has been presented.

2 (3) Within thirty days after an order awarding a juvenile
3 to the care of the department, an association, or an individual
4 and until the juvenile reaches the age of majority, the department,
5 association, or individual shall file with the court a report
6 stating the location of the juvenile's placement and the needs of
7 the juvenile in order to effectuate the purposes of subdivision
8 (1) of section 43-246. The department, association, or individual
9 shall file a report with the court once every six months or at
10 shorter intervals if ordered by the court or deemed appropriate
11 by the department, association, or individual. The department,
12 association, or individual shall file a report and notice of
13 placement change with the court and shall send copies of the
14 notice to all interested parties at least seven days before the
15 placement of the juvenile is changed from what the court originally
16 considered to be a suitable family home or institution to some
17 other custodial situation in order to effectuate the purposes of
18 subdivision (1) of section 43-246. The court, on its own motion
19 or upon the filing of an objection to the change by an interested
20 party, may order a hearing to review such a change in placement
21 and may order that the change be stayed until the completion of
22 the hearing. Nothing in this section shall prevent the court on
23 an ex parte basis from approving an immediate change in placement
24 upon good cause shown. The department may make an immediate change
25 in placement without court approval only if the juvenile is in a
26 harmful or dangerous situation or when the foster parents request
27 that the juvenile be removed from their home. Approval of the court

1 shall be sought within twenty-four hours after making the change in
2 placement or as soon thereafter as possible. The department shall
3 provide the juvenile's guardian ad litem with a copy of any report
4 filed with the court by the department pursuant to this subsection.

5 (4) The court shall also hold a permanency hearing if
6 required under section 43-1312.

7 (5) When the court awards a juvenile to the care of the
8 department, an association, or an individual, then the department,
9 association, or individual shall have standing as a party to file
10 any pleading or motion, to be heard by the court with regard to
11 such filings, and to be granted any review or relief requested in
12 such filings consistent with the Nebraska Juvenile Code.

13 (6) Whenever a juvenile is in a foster care placement
14 as defined in section 43-1301, the ~~State Foster Care Review~~
15 ~~Board~~ Office or the designated local foster care review board may
16 participate in proceedings concerning the juvenile as provided in
17 section 43-1313 and notice shall be given as provided in section
18 43-1314.

19 (7) Any written findings or recommendations of the ~~State~~
20 ~~Foster Care Review Board~~ ~~or~~ Foster Care Review Office or the
21 designated local foster care review board with regard to a juvenile
22 in a foster care placement submitted to a court having jurisdiction
23 over such juvenile shall be admissible in any proceeding concerning
24 such juvenile if such findings or recommendations have been
25 provided to all other parties of record.

26 (8) Any member of the ~~State Foster Care Review Board,~~
27 Office, any of its agents or employees, or any member of any

1 local foster care review board participating in an investigation
2 or making any report pursuant to the Foster Care Review Act or
3 participating in a judicial proceeding pursuant to this section
4 shall be immune from any civil liability that would otherwise be
5 incurred except for false statements negligently made.

6 Sec. 3. Section 43-1301, Revised Statutes Supplement,
7 2011, is amended to read:

8 43-1301 For purposes of the Foster Care Review Act,
9 unless the context otherwise requires:

10 (1) Local board ~~shall mean~~ means a local foster care
11 review board created pursuant to section 43-1304;

12 (2) State board ~~shall mean~~ Office means the State Foster
13 Care Review Board Office created pursuant to section 43-1302;

14 (3) Foster care facility ~~shall mean~~ means any foster
15 home, group home, child care facility, public agency, private
16 agency, or any other person or entity receiving and caring for
17 foster children;

18 (4) Foster care placements ~~shall mean~~ means all
19 placements of juveniles as described in subdivision (3)(b) of
20 section 43-247, placements of neglected, dependent, or delinquent
21 children, including those made directly by parents or by third
22 parties, and placements of children who have been voluntarily
23 relinquished pursuant to section 43-106.01 to the Department of
24 Health and Human Services or any child placement agency licensed by
25 the Department of Health and Human Services;

26 (5) Person or court in charge of the child ~~shall~~
27 ~~mean~~ means (a) the Department of Health and Human Services, an

1 association, or an individual who has been made the guardian of
2 a neglected, dependent, or delinquent child by the court and has
3 the responsibility of the care of the child and has the authority
4 by and with the assent of the court to place such a child in
5 a suitable family home or institution or has been entrusted with
6 the care of the child by a voluntary placement made by a parent
7 or legal guardian, (b) the court which has jurisdiction over
8 the child, or (c) the entity having jurisdiction over the child
9 pursuant to the Nebraska Indian Child Welfare Act;

10 (6) Voluntary placement ~~shall mean~~ means the placement by
11 a parent or legal guardian who relinquishes the possession and care
12 of a child to a third party, individual, or agency;

13 (7) Family unit ~~shall mean~~ means the social unit
14 consisting of the foster child and the parent or parents or any
15 person in the relationship of a parent, including a grandparent,
16 and any siblings with whom the foster child legally resided prior
17 to placement in foster care, except that for purposes of potential
18 sibling placement, the child's family unit ~~shall also include~~
19 includes the child's siblings even if the child has not resided
20 with such siblings prior to placement in foster care;

21 (8) Child-caring agency ~~shall have~~ has the definition
22 found in section 71-1902;

23 (9) Child-placing agency ~~shall have~~ has the definition
24 found in section 71-1902; ~~and~~

25 (10) Siblings means biological siblings and legal
26 siblings, including, but not limited to, half-siblings and
27 stepsiblings; and-

1 (11) Office means the Foster Care Review Office
2 established in section 43-1302.

3 Sec. 4. Section 43-1302, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 43-1302 ~~(1)~~ The State Foster Care Review Board shall be
6 comprised of eleven members appointed by the Governor with the
7 approval of a majority of the members elected to the Legislature,
8 consisting of: Three members of local foster care review boards,
9 one from each congressional district; one practitioner of pediatric
10 medicine, licensed under the Uniform Credentialing Act; one
11 practitioner of child clinical psychology, licensed under the
12 Uniform Credentialing Act; one social worker certified under the
13 Uniform Credentialing Act, with expertise in the area of child
14 welfare; one attorney who is or has been a guardian ad litem; one
15 representative of a statewide child advocacy group; one director of
16 a child advocacy center; one director of a court appointed special
17 advocate program; and one member of the public who has a background
18 in business or finance. Prior to appointment, each potential member
19 shall disclose any and all funding he or she or his or her employer
20 receives from the Department of Health and Human Services.

21 The terms of members appointed pursuant to this
22 subsection shall be three years, except that of the initial members
23 of the state board, one-third shall be appointed for terms of
24 one year, one-third for terms of two years, and one-third for
25 terms of three years, as determined by the Governor. No person
26 appointed by the Governor to the state board shall serve more
27 than two consecutive three-year terms. An appointee to a vacancy

1 occurring from an unexpired term shall serve out the term of
2 his or her predecessor. Members whose terms have expired shall
3 continue to serve until their successors have been appointed and
4 qualified. Members serving on the state board on December 31, 2005,
5 shall continue in office until the members appointed under this
6 subsection take office. The members of the state board shall, to
7 the extent possible, represent the three congressional districts
8 equally.

9 (2) The state board shall select a chairperson,
10 vice-chairperson, and such other officers as the state board deems
11 necessary. Members of the state board shall be reimbursed for their
12 actual and necessary expenses as provided in sections 81-1174 to
13 81-1177. The state board shall employ or contract for services from
14 such persons as are necessary to aid it in carrying out its duties.

15 (1) The Foster Care Review Office is hereby established.
16 The purpose of the office is to provide information and direct
17 reporting to the courts, the Department of Health and Human
18 Services, and the Legislature regarding the foster care system
19 in Nebraska; to provide oversight of the foster care system;
20 and to make recommendations regarding foster care policy to the
21 Legislature. The office shall provide information and reporting
22 services, analysis of information obtained, and oversee file audit
23 reviews and tracking of cases of children in the foster care
24 system. The office shall, through information analysis and with
25 the assistance of the Foster Care Advisory Committee, (a) determine
26 key issues of the foster care system and ways to resolve the
27 issues and to otherwise improve the system and (b) make policy

1 recommendations. All equipment and effects of the Foster Care
2 Review Board on the effective date of this act shall be transferred
3 to the Foster Care Review Office and all staff of the board except
4 the executive director shall be transferred to the office. The
5 Foster Care Review Board shall terminate on the effective date of
6 this act.

7 (2) The Foster Care Advisory Committee is created. The
8 committee shall have five members appointed by the Governor.
9 The members shall have no pecuniary interest in the foster care
10 system and shall not be employed by the office, the Department
11 of Health and Human Services, a county, a child-caring agency,
12 a child-placing agency, or a court. The Governor shall appoint
13 three members from a list of six local board members submitted by
14 the Legislature, one member from a list of two persons with data
15 analysis experience submitted by the Legislature, and one member
16 from a list of two persons who are from the citizenry of the state
17 at large. The committee shall hold a confirmation hearing for the
18 appointees, and the appointments are subject to confirmation by the
19 Legislature. The terms of the members shall be for three years,
20 except that the Governor shall designate that the first term of two
21 initial appointees shall be for two years, and initial appointments
22 shall be made within thirty days after the effective date of this
23 act. Members shall not serve more than two consecutive terms,
24 except that members shall serve until their successors have been
25 appointed and qualified. Vacancies on the board shall be filled by
26 the Governor in the same manner as other appointments to serve for
27 the remainder of the unexpired term. Members of the committee shall

1 be reimbursed for their actual and necessary expenses as provided
2 in sections 81-1174 to 81-1177.

3 (3) The duties of the Foster Care Advisory Committee are
4 to:

5 (a) Appoint an executive director for the Foster Care
6 Review Office who has training and experience in the foster care
7 system in Nebraska;

8 (b) Review management and employee issues of the office;
9 and

10 (c) Assist the executive director in focusing on key
11 issues and resolution of those issues.

12 (4) The executive director of the Foster Care Review
13 Office shall hire, fire, and supervise office staff and is
14 responsible for the duties of the office as provided by law,
15 including the annual report and other reporting, review, tracking,
16 data collection and analysis, and oversight and training of local
17 boards.

18 Sec. 5. Section 43-1303, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-1303 (1) ~~The state board shall meet at least twice~~
21 ~~per year.~~ The state board office shall establish a maintain the
22 statewide register of all foster care placements occurring within
23 the state, and there shall be a monthly report made to the state
24 ~~board~~ registry of all foster care placements by the Department of
25 Health and Human Services, any child-placing agency, or any court
26 in a form as developed by the state board office in consultation
27 with representatives of entities required to make such reports. For

1 each child entering and leaving foster care, such monthly report
2 shall consist of identifying information, placement information,
3 and the plan or permanency plan developed by the person or court in
4 charge of the child pursuant to section 43-1312. The department and
5 every court and child-placing agency shall report any foster care
6 placement within three working days. The report shall contain the
7 following information:

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

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

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

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

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

20 (f) Case worker; and

21 (g) Permanency Plan Objective.

22 (2) (a) The office shall designate a local board to
23 conduct file audit case reviews for each case of children in foster
24 care placement.

25 (b) The state board shall review the activities of local
26 boards and office may adopt and promulgate its own rules and
27 regulations. Such rules and regulations shall provide for the

1 following:

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

5 ~~(b)~~ (ii) Development of procedures for local boards;

6 ~~(c)~~ (iii) Establishment of a central record-keeping
7 facility for all local board files, including ~~individual~~ file
8 audit case reviews;

9 ~~(d)~~ (iv) Accumulation of data and the making of annual
10 reports on children in foster care. Such reports shall include ~~(i)~~
11 (A) personal data on length of time in foster care, ~~(ii)~~ (B) number
12 of placements, ~~(iii)~~ (C) frequency and results of office file audit
13 reviews and court review hearings, and ~~(iv)~~ (D) number of children
14 supervised by the foster care programs in the state annually, (E)
15 trend data impacting foster care, services, and placements, (F)
16 analysis of the data, and (G) recommendation of the office for
17 improving the foster care system in Nebraska;

18 ~~(e)~~ (v) To the extent not prohibited by section 43-1310,
19 evaluation of the judicial and administrative data collected on
20 foster care and the dissemination of such data to the judiciary,
21 public and private agencies, the department, and members of the
22 public; and

23 ~~(f)~~ (vi) Manner in which the ~~state board~~ office shall
24 determine the appropriateness of requesting a court review hearing
25 as provided for in section 43-1313.

26 (3) A local board shall send a written report to the
27 office for each foster care file audit case review conducted by the

1 local board. A court shall send a written report to the office for
2 each foster care review hearing conducted by the court.

3 ~~(3)~~ (4) The state board, upon completion of a
4 review of local board activities, office shall report and make
5 recommendations to the Legislature, department, local boards,
6 and county welfare offices. Such reports and recommendations
7 shall include, but not be limited to, the annual judicial and
8 administrative data collected on foster care pursuant to subsection
9 subsections (2) and (3) of this section and the annual evaluation
10 of such data. In addition the state board office shall provide
11 copies of such reports and recommendations to each court having the
12 authority to make foster care placements. The state board office
13 or designees from the office may visit and observe foster care
14 facilities in order to ascertain whether the individual physical,
15 psychological, and sociological needs of each foster child are
16 being met. The office shall also provide, at a time specified by
17 the Health and Human Services Committee of the Legislature, regular
18 updates regarding child welfare data and information at least
19 quarterly, with three three-month reports and the fourth-quarter
20 report shall be the annual report. The executive director shall
21 include issues, policy concerns, and problems which have come
22 to the office and the executive director from analysis of the
23 data. The executive director shall recommend alternatives to the
24 identified problems and related needs of the office and the foster
25 care system to the committee. Data and information requests of the
26 office from members of the Legislature shall be coordinated and
27 prioritized through the committee. The annual report of the office

1 shall be completed by December 1 each year, beginning December 1,
2 2012.

3 Sec. 6. Section 43-1304, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-1304 ~~The state board shall establish~~ There shall be
6 local foster care review boards for the ~~review of cases~~ file audit
7 case reviews of children in foster care placement. Members of local
8 boards serving on the effective date of this act shall continue
9 to serve the unexpired portion of their terms. ~~The state board~~
10 office shall select members to serve on local boards from a list
11 of applications submitted to the ~~state board,~~ office. Each local
12 board shall consist of not less than four and not more than ten
13 members as determined by the office. The members of the local board
14 shall reasonably represent the various social, economic, racial,
15 and ethnic groups of the county or counties from which its members
16 may be appointed. A person employed by the ~~state board,~~ office, the
17 Department of Health and Human Services, a child-caring agency, a
18 child-placing agency, or a court shall not be appointed to a local
19 board. A list of the members of each local board shall be sent to
20 the department.

21 Sec. 7. Section 43-1305, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 43-1305 All local board members shall be appointed for
24 terms of three years. If a vacancy occurs on a local board, the
25 ~~state board~~ executive director of the office shall appoint another
26 person to serve the unexpired portion of the term. Appointments to
27 fill vacancies on the local board shall be made in the same manner

1 and subject to the same conditions as the initial appointments to
2 such board. The term of each member shall expire on the second
3 Monday in July of the appropriate year. Members shall continue to
4 serve until a successor is appointed.

5 Sec. 8. Section 43-1307, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 43-1307 (1) Each court which has placed a child in foster
8 care shall send to the state board ~~or designated local board~~ ~~(1)~~
9 office (a) a copy of the plan or permanency plan, prepared by
10 the person or court in charge of the child in accordance with
11 section 43-1312, to effectuate rehabilitation of the foster child
12 and family unit or permanent placement of the child and ~~(2)~~ (b)
13 a copy of the progress reports as they relate to the plan or
14 permanency plan, including, but not limited to, the court order and
15 the report and recommendations of the guardian ad litem.

16 (2) The office may provide the designated local board
17 with copies of the information provided by the court under
18 subsection (1) of this section.

19 Sec. 9. Section 43-1308, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-1308 (1) Except as otherwise provided in the Nebraska
22 Indian Child Welfare Act, the state board ~~or~~ designated local board
23 shall:

24 (a) ~~Review~~ Conduct a file audit case review at least
25 once every six months for the case of each child in a foster care
26 placement to determine what efforts have been made to carry out the
27 plan or permanency plan for rehabilitation of the foster child and

1 family unit or for permanent placement of such child pursuant to
2 section 43-1312;

3 (b) Submit to the court having jurisdiction over such
4 child for the purposes of foster care placement, within thirty days
5 after the file audit case review, its findings and recommendations
6 regarding the efforts and progress made to carry out the plan or
7 permanency plan established pursuant to section 43-1312 together
8 with any other recommendations it chooses to make regarding the
9 child. The findings and recommendations shall include whether
10 there is a need for continued out-of-home placement, whether the
11 current placement is safe and appropriate, the specific reasons
12 for the findings and recommendations, including factors, opinions,
13 and rationale considered in its review, whether the grounds for
14 termination of parental rights under section 43-292 appear to
15 exist, and the date of the next review by the ~~state board~~ ~~or~~
16 designated local board;

17 (c) If the return of the child to his or her parents
18 is not likely, recommend referral for adoption and termination of
19 parental rights, guardianship, placement with a relative, or, as a
20 last resort, another planned, permanent living arrangement; and

21 (d) Promote and encourage stability and continuity in
22 foster care by discouraging unnecessary changes in the placement
23 of foster children and by encouraging the recruitment of foster
24 parents who may be eligible as adoptive parents.

25 (2) When the ~~state board~~ office or designated local board
26 determines that the interests of a child in a foster care placement
27 would be served thereby, the ~~state board~~ office or designated local

1 board may request a court review hearing as provided for in section
2 43-1313.

3 Sec. 10. Section 43-1309, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-1309 Upon the request of the ~~state board~~ office or
6 ~~the~~ designated local board, any records pertaining to a case
7 assigned to such local board, or upon the request of the Department
8 of Health and Human Services, any records pertaining to a case
9 assigned to the department, shall be furnished to the ~~requesting~~
10 office or designated local board or department by the agency
11 charged with the child or any public official or employee of
12 a political subdivision having relevant contact with the child.
13 Upon the request of the ~~state board~~ office or designated local
14 board, and if such information is not obtainable elsewhere, the
15 court having jurisdiction of the foster child shall release such
16 information to the ~~state board~~ office or designated local board as
17 the court deems necessary to determine the physical, psychological,
18 and sociological circumstances of such foster child.

19 Sec. 11. Section 43-1310, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-1310 All records and information regarding foster
22 children and their parents or relatives in the possession
23 of the ~~state board~~ office or local board shall be deemed
24 confidential. Unauthorized disclosure of such confidential records
25 and information or any violation of the rules and regulations
26 ~~of~~ adopted and promulgated by the Department of Health and
27 Human Services or the ~~state board~~ office shall be a Class III

1 misdemeanor.

2 Sec. 12. Section 43-1313, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-1313 When a child is in foster care, the court having
5 jurisdiction over such child for the purposes of foster care
6 placement shall review the dispositional order for such child at
7 least once every six months. The court may reaffirm the order or
8 direct other disposition of the child. Any review hearing by a
9 court having jurisdiction over such child for purposes of foster
10 care placement shall be conducted on the record as provided in
11 sections 43-283 and 43-284, and any recommendations of the ~~state~~
12 ~~board or~~ a office or designated local board concerning such child
13 shall be included in the record. The court shall review a case
14 on the record more often than every six months and at any time
15 following the original placement of the child if the ~~state board~~
16 office or local board requests a hearing in writing specifying
17 the reasons for the review. Members of the ~~state board~~ office
18 or local board or its designated representative may attend and
19 be heard at any hearing conducted under this section and may
20 participate through counsel at the hearing with the right to call
21 and cross-examine witnesses and present arguments to the court.

22 Sec. 13. Section 43-1314, Revised Statutes Supplement,
23 2011, is amended to read:

24 43-1314 (1) Except as otherwise provided in the Nebraska
25 Indian Child Welfare Act, notice of the court review or hearing
26 and the right of participation in all court reviews and hearings
27 pertaining to a child in a foster care placement shall be provided

1 by the court having jurisdiction over such child for the purposes
2 of foster care placement. The Department of Health and Human
3 Services or contract agency shall have the contact information for
4 all child placements available for all courts to comply with the
5 notification requirements found in this section. The department
6 or contract agency shall each have one telephone number by which
7 any court seeking to provide notice may obtain up-to-date contact
8 information of all persons listed in subdivisions (2)(a) through
9 (h) of this section. All contact information shall be up-to-date
10 within seventy-two hours of any placement change.

11 (2) Notice shall be provided to all of the following
12 parties that are applicable to the case: (a) The person charged
13 with the care of such child; (b) the child's parents or guardian
14 unless the parental rights of the parents have been terminated
15 by court action as provided in section 43-292 or 43-297; (c) the
16 foster child if age fourteen or over; (d) the foster parent or
17 parents of the foster child; (e) the guardian ad litem of the
18 foster child; (f) the ~~state board~~; office and designated local
19 board; (g) the preadoptive parent; and (h) the relative providing
20 care for the child. Notice of all court reviews and hearings shall
21 be mailed or personally delivered to the counsel or party, if
22 the party is not represented by counsel, five full days prior to
23 the review or hearing. The use of ordinary mail shall constitute
24 sufficient compliance. Notice to the foster parent, preadoptive
25 parent, or relative providing care shall not be construed to
26 require that such foster parent, preadoptive parent, or relative is
27 a necessary party to the review or hearing.

1 (3) The court shall inquire into the well-being of the
2 foster child by asking questions, if present at the hearing, of any
3 willing foster parent, preadoptive parent, or relative providing
4 care for the child.

5 Sec. 14. Section 43-1314.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 43-1314.01 (1) The ~~State Foster Care Review Board~~ office
8 shall be the only entity responsible for the conduct of periodic
9 file audit case reviews which shall be identified as reviews which
10 meet the federal requirements for six-month case reviews pursuant
11 to the federal Adoption Assistance and Child Welfare Act of
12 1980, Public Law 96-272. The ~~state board~~ office shall be fiscally
13 responsible for any noncompliance sanctions imposed by the federal
14 government related to the requirements for review outlined in the
15 federal Adoption Assistance and Child Welfare Act of 1980, Public
16 Law 96-272. It is the intent of the Legislature that beginning
17 ~~October 1, 1996,~~ the state board shall be the only state agency
18 with the responsibility to conduct six-month case reviews pursuant
19 to the federal Adoption Assistance and Child Welfare Act of 1980,
20 ~~Public Law 96-272.~~

21 (2) It is the intent of the Legislature that any
22 six-month court review of a juvenile pursuant to sections 43-278
23 and 43-1313 shall be identified as a review which meets the federal
24 requirements for six-month case reviews pursuant to the federal
25 Adoption Assistance and Child Welfare Act of 1980, Public Law
26 96-272.

27 (3) The ~~state board~~ office may assist the Department

1 of Health and Human Services as to eligibility under Title IV-E
2 for state wards and eligibility for Supplemental Security Income,
3 Supplemental Security Disability Income, Veterans Administration,
4 or aid to families with dependent children benefits, for child
5 support orders of the court, and for medical insurance other than
6 medicaid.

7 Sec. 15. Section 43-1317, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 43-1317 The ~~state board~~ office shall establish compulsory
10 training for local board members which shall consist of initial
11 training programs followed by periodic inservice training programs.

12 Sec. 16. Section 43-1321, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-1321 There is hereby created the Foster Care Review
15 ~~Board~~ Office Cash Fund. The fund shall be administered by the
16 ~~State Foster Care Review Board.~~ Office. The ~~board~~ office shall
17 remit revenue from the following sources to the State Treasurer for
18 credit to the fund:

19 (1) Registration and other fees received for training,
20 seminars, or conferences fully or partially sponsored or hosted by
21 the ~~board,~~ office;

22 (2) Payments to offset printing, postage, and other
23 expenses for books, documents, or other materials printed or
24 published by the ~~board,~~ office; and

25 (3) Money received by the ~~board~~ office as gifts, grants,
26 reimbursements, or appropriations from any source intended for the
27 purposes of the fund.

1 The fund shall be used for the administration of the
2 Foster Care Review Act, Office. Any funds in the Foster Care
3 Review Board Cash Fund on the effective date of this act shall be
4 transferred to the Foster Care Review Office Cash Fund. Any money
5 in the fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act
7 and the Nebraska State Funds Investment Act.

8 Sec. 17. Section 43-3001, Revised Statutes Cumulative
9 Supplement, 2010, is amended to read:

10 43-3001 (1) Notwithstanding any other provision of law
11 regarding the confidentiality of records and when not prohibited by
12 the federal Privacy Act of 1974, as amended, juvenile court records
13 and any other pertinent information that may be in the possession
14 of school districts, school personnel, county attorneys, the
15 Attorney General, law enforcement agencies, child advocacy centers,
16 state probation personnel, state parole personnel, youth detention
17 facilities, medical personnel, treatment or placement programs,
18 the Department of Health and Human Services, the Department of
19 Correctional Services, the State Foster Care Review Board, Foster
20 Care Review Office, local foster care review boards, child abuse
21 and neglect investigation teams, child abuse and neglect treatment
22 teams, or other multidisciplinary teams for abuse, neglect, or
23 delinquency concerning a child who is in the custody of the
24 state may be shared with individuals and agencies who have been
25 identified in a court order authorized by this section.

26 (2) In any judicial proceeding concerning a child who is
27 currently, or who may become at the conclusion of the proceeding,

1 a ward of the court or state or under the supervision of the
2 court, an order may be issued which identifies individuals and
3 agencies who shall be allowed to receive otherwise confidential
4 information concerning the child for legitimate and official
5 purposes. The individuals and agencies who may be identified
6 in the court order are the child's attorney or guardian ad
7 litem, the parents' attorney, foster parents, appropriate school
8 personnel, county attorneys, the Attorney General, authorized court
9 personnel, law enforcement agencies, state probation personnel,
10 state parole personnel, youth detention facilities, medical
11 personnel, court appointed special advocate volunteers, treatment
12 or placement programs, the Department of Health and Human Services,
13 the Office of Juvenile Services, the Department of Correctional
14 Services, the ~~State Foster Care Review Board~~, Foster Care Review
15 Office, local foster care review boards, child abuse and neglect
16 investigation teams, child abuse and neglect treatment teams, other
17 multidisciplinary teams for abuse, neglect, or delinquency, and
18 other individuals and agencies for which the court specifically
19 finds, in writing, that it would be in the best interest of the
20 juvenile to receive such information. Unless the order otherwise
21 states, the order shall be effective until the child leaves the
22 custody of the state or until a new order is issued.

23 (3) All information acquired by an individual or agency
24 pursuant to this section shall be confidential and shall not
25 be disclosed except to other persons who have a legitimate and
26 official interest in the information and are identified in the
27 court order issued pursuant to this section with respect to the

1 child in question. A person who receives such information or
2 who cooperates in good faith with other individuals and agencies
3 identified in the appropriate court order by providing information
4 or records about a child shall be immune from any civil or criminal
5 liability. The provisions of this section granting immunity from
6 liability shall not be extended to any person alleged to have
7 committed an act of child abuse or neglect.

8 (4) In any proceeding under this section relating to a
9 child of school age, certified copies of school records relating to
10 attendance and academic progress of such child are admissible in
11 evidence.

12 (5) Except as provided in subsection (4) of this section,
13 any person who publicly discloses information received pursuant to
14 this section shall be guilty of a Class III misdemeanor.

15 Sec. 18. Original sections 28-726, 43-1303, 43-1304,
16 43-1305, 43-1307, 43-1308, 43-1309, 43-1310, 43-1313, 43-1314.01,
17 43-1317, and 43-1321, Reissue Revised Statutes of Nebraska,
18 sections 43-1302 and 43-3001, Revised Statutes Cumulative
19 Supplement, 2010, and sections 43-285, 43-1301, and 43-1314,
20 Revised Statutes Supplement, 2011, are repealed.

21 Sec. 19. The following section is outright repealed:
22 Section 43-1306, Reissue Revised Statutes of Nebraska.

23 Sec. 20. Since an emergency exists, this act takes effect
24 when passed and approved according to law.