

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 998**

Introduced by Krist, 10.

Read first time January 17, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to foster care; to amend sections 28-726,  
2 43-1303, 43-1304, 43-1305, 43-1307, 43-1308, 43-1309,  
3 43-1310, 43-1313, 43-1314.01, 43-1317, and 43-1321,  
4 Reissue Revised Statutes of Nebraska, sections 43-1302  
5 and 43-3001, Revised Statutes Cumulative Supplement,  
6 2010, and sections 43-285, 43-1301, and 43-1314, Revised  
7 Statutes Supplement, 2011; to eliminate the State Foster  
8 Care Review Board; to create the Foster Care Review  
9 Office; to rename a fund; to provide for an executive  
10 director; to provide powers and duties; to harmonize  
11 provisions; to provide an operative date; to repeal the  
12 original sections; and to outright repeal section  
13 43-1306, Reissue Revised Statutes of Nebraska.

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

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

3           28-726 Except as provided in this section and sections  
4 28-722 and 81-3126, no person, official, or agency shall have access  
5 to information in the tracking system of child protection cases  
6 maintained pursuant to section 28-715 or in records in the central  
7 register of child protection cases maintained pursuant to section  
8 28-718 unless in furtherance of purposes directly connected with the  
9 administration of the Child Protection Act. Such persons, officials,  
10 and agencies having access to such information shall include, but not  
11 be limited to:

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

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

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

18                   (4) An agency having the legal responsibility or  
19 authorization to care for, treat, or supervise an abused or neglected  
20 child or a parent, a guardian, or other person responsible for the  
21 abused or neglected child's welfare who is the subject of the report  
22 of child abuse or neglect;

23                   (5) Any person engaged in bona fide research or auditing.  
24 No information identifying the subjects of the report of child abuse  
25 or neglect shall be made available to the researcher or auditor;

1           (6) The ~~State Foster Care Review Board Office and~~  
2 designated local foster care review board when the information  
3 relates to a child in a foster care placement as defined in section  
4 43-1301. The information provided to the ~~state board office and local~~  
5 board shall not include the name or identity of any person making a  
6 report of suspected child abuse or neglect;

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

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

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

19           Sec. 2. Section 43-285, Revised Statutes Supplement,  
20 2011, is amended to read:

21           43-285 (1) When the court awards a juvenile to the care  
22 of the Department of Health and Human Services, an association, or an  
23 individual in accordance with the Nebraska Juvenile Code, the  
24 juvenile shall, unless otherwise ordered, become a ward and be  
25 subject to the guardianship of the department, association, or

1 individual to whose care he or she is committed. Any such association  
2 and the department shall have authority, by and with the assent of  
3 the court, to determine the care, placement, medical services,  
4 psychiatric services, training, and expenditures on behalf of each  
5 juvenile committed to it. Such guardianship shall not include the  
6 guardianship of any estate of the juvenile.

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

25           (3) Within thirty days after an order awarding a juvenile

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

1 placement or as soon thereafter as possible. The department shall  
2 provide the juvenile's guardian ad litem with a copy of any report  
3 filed with the court by the department pursuant to this subsection.

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

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

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

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

23 (8) Any member of the ~~State Foster Care Review Board,~~  
24 Office, any of its agents or employees, or any member of any local  
25 foster care review board participating in an investigation or making

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

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

7 43-1301 For purposes of the Foster Care Review Act,  
8 unless the context otherwise requires:

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

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

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

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

25 (5) Person or court in charge of the child ~~shall mean~~

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

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

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

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

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

1                   (10) Siblings means biological siblings and legal  
2 siblings, including, but not limited to, half-siblings and  
3 stepsiblings; and -

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

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

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

24                   ~~The terms of members appointed pursuant to this~~  
25 ~~subsection shall be three years, except that of the initial members~~

1 ~~of the state board, one third shall be appointed for terms of one~~  
2 ~~year, one third for terms of two years, and one third for terms of~~  
3 ~~three years, as determined by the Governor. No person appointed by~~  
4 ~~the Governor to the state board shall serve more than two consecutive~~  
5 ~~three year terms. An appointee to a vacancy occurring from an~~  
6 ~~unexpired term shall serve out the term of his or her predecessor.~~  
7 ~~Members whose terms have expired shall continue to serve until their~~  
8 ~~successors have been appointed and qualified. Members serving on the~~  
9 ~~state board on December 31, 2005, shall continue in office until the~~  
10 ~~members appointed under this subsection take office. The members of~~  
11 ~~the state board shall, to the extent possible, represent the three~~  
12 ~~congressional districts equally.~~

13 ~~(2) The state board shall select a chairperson, vice-~~  
14 ~~chairperson, and such other officers as the state board deems~~  
15 ~~necessary. Members of the state board shall be reimbursed for their~~  
16 ~~actual and necessary expenses as provided in sections 81-1174 to~~  
17 ~~81-1177. The state board shall employ or contract for services from~~  
18 ~~such persons as are necessary to aid it in carrying out its duties.~~

19 The Foster Care Review Office is hereby established to  
20 exercise the authority and perform the duties provided by the Foster  
21 Care Review Act. The executive director of the Foster Care Review  
22 Office shall be appointed by the Legislature, with the vote of two-  
23 thirds of the members required for approval of such appointment from  
24 nominations submitted by the Executive Board of the Legislative  
25 Council. The executive director shall report directly to the

1 chairperson of the Health and Human Services Committee of the  
2 Legislature. The structure of the office shall be determined by the  
3 Health and Human Services Committee, and the executive director and  
4 any other employees authorized by the committee shall be employees of  
5 the Legislative Council. The Foster Care Review Office is established  
6 by the Legislature for legislative oversight of the foster care  
7 system.

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

10           43-1303 (1) ~~The state board shall meet at least twice per~~  
11 ~~year. The state board~~ office shall establish a ~~maintain the~~ statewide  
12 register of all foster care placements occurring within the state,  
13 and there shall be a monthly report made to the ~~state board~~ registry  
14 of all foster care placements by the Department of Health and Human  
15 Services, any child-placing agency, or any court in a form as  
16 developed by the ~~state board~~ office in consultation with  
17 representatives of entities required to make such reports. For each  
18 child entering and leaving foster care, such monthly report shall  
19 consist of identifying information, placement information, and the  
20 plan or permanency plan developed by the person or court in charge of  
21 the child pursuant to section 43-1312. The department and every court  
22 and child-placing agency shall report any foster care placement  
23 within three working days. The report shall contain the following  
24 information:

25           (a) Child identification information, including name,

1 social security number, date of birth, gender, race, and religion;

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

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

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

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

12 (f) Case worker; and

13 (g) Permanency Plan Objective.

14 (2)(a) The office shall assign each foster care placement  
15 reported to the office under subsection (1) of this section to a  
16 local board, which is the designated local board for the placement.

17 ~~(b) The state board shall review the activities of local~~  
18 ~~boards and office may adopt and promulgate its own rules and~~  
19 ~~regulations. Such rules and regulations shall provide for the~~  
20 following:

21 ~~(a)-(i)~~ Establishment of training programs for local  
22 board members which shall include an initial training program and  
23 periodic inservice training programs;

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

25 ~~(c)-(iii)~~ Establishment of a central record-keeping

1 facility for all local board files, including individual case  
2 reviews;

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

9 ~~(e)~~ (v) To the extent not prohibited by section 43-1310,  
10 evaluation of the judicial and administrative data collected on  
11 foster care and the dissemination of such data to the judiciary,  
12 public and private agencies, the department, and members of the  
13 public; and

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

17 (3) The local boards and the courts shall send a written  
18 report to the office for each foster care review hearing conducted by  
19 the local board or court.

20 ~~(3)~~ (4) The ~~state board, upon completion of a review of~~  
21 ~~local board activities,~~ office shall report and make recommendations  
22 to the Legislature, department, local boards, and county welfare  
23 offices. Such reports and recommendations shall include, but not be  
24 limited to, the annual judicial and administrative data collected on  
25 foster care pursuant to ~~subsection~~ subsections (2) and (3) of this

1 section and the annual evaluation of such data. In addition the ~~state~~  
2 ~~board-office~~ shall provide copies of such reports and recommendations  
3 to each court having the authority to make foster care placements.  
4 The ~~state-board-office~~ may visit and observe foster care facilities  
5 in order to ascertain whether the individual physical, psychological,  
6 and sociological needs of each foster child are being met.

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

9           43-1304 ~~The state board shall establish~~ There shall be  
10 local foster care review boards for the review of cases of children  
11 in foster care placement. Members of local boards serving on the  
12 operative date of this act shall continue to serve their unexpired  
13 terms. The Governor shall appoint one member for each local foster  
14 care review board with initial appointees beginning their terms on  
15 the operative date of this act. The state-board-office shall select  
16 the other members to serve on local boards from a list of  
17 applications submitted to the ~~state-board-office~~. Each local board  
18 shall consist of not less than four and not more than ten members as  
19 determined by the office. The members of the board selected by the  
20 office shall reasonably represent the various social, economic,  
21 racial, and ethnic groups of the county or counties from which its  
22 members may be appointed. A person employed by the ~~state-board,~~  
23 office, the Department of Health and Human Services, a child-caring  
24 agency, a child-placing agency, or a court shall not be appointed to  
25 a local board. A list of the members of each local board shall be

1 sent to the department.

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

4 43-1305 All local board members shall be appointed for  
5 terms of three years. If a vacancy occurs on a local board, the ~~state~~  
6 ~~board~~ Governor or office shall appoint another person to serve the  
7 unexpired portion of the term. Appointments to fill vacancies on the  
8 local board shall be made in the same manner and subject to the same  
9 conditions as the initial appointments to such board. The term of  
10 each member shall expire on the second Monday in July of the  
11 appropriate year. Members shall continue to serve until a successor  
12 is appointed.

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

15 43-1307 (1) Each court which has placed a child in foster  
16 care shall send to the ~~state board or designated local board~~ (1)  
17 office (a) a copy of the plan or permanency plan, prepared by the  
18 person or court in charge of the child in accordance with section  
19 43-1312, to effectuate rehabilitation of the foster child and family  
20 unit or permanent placement of the child and ~~(2)~~ (b) a copy of the  
21 progress reports as they relate to the plan or permanency plan,  
22 including, but not limited to, the court order and the report and  
23 recommendations of the guardian ad litem.

24 (2) The office shall provide the designated local board  
25 with copies of the information provided by the court under subsection

1 (1) of this section.

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

4           43-1308 (1) Except as otherwise provided in the Nebraska  
5 Indian Child Welfare Act, the ~~state board or~~ designated local board  
6 shall:

7           (a) Review at least once every six months the case of  
8 each child in a foster care placement to determine what efforts have  
9 been made to carry out the plan or permanency plan for rehabilitation  
10 of the foster child and family unit or for permanent placement of  
11 such child pursuant to section 43-1312;

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

25           (c) If the return of the child to his or her parents is

1 not likely, recommend referral for adoption and termination of  
2 parental rights, guardianship, placement with a relative, or, as a  
3 last resort, another planned, permanent living arrangement; and

4 (d) Promote and encourage stability and continuity in  
5 foster care by discouraging unnecessary changes in the placement of  
6 foster children and by encouraging the recruitment of foster parents  
7 who may be eligible as adoptive parents.

8 (2) When the ~~state board~~ designated local board  
9 determines that the interests of a child in a foster care placement  
10 would be served thereby, the ~~state board~~ designated local board may  
11 request a review hearing as provided for in section 43-1313.

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

14 43-1309 Upon the request of the ~~state board~~ office or the  
15 designated local board, any records pertaining to a case assigned to  
16 such local board, or upon the request of the Department of Health and  
17 Human Services, any records pertaining to a case assigned to the  
18 department, shall be furnished to the requesting office or designated  
19 local board or department by the agency charged with the child or any  
20 public official or employee of a political subdivision having  
21 relevant contact with the child. Upon the request of the ~~state board~~  
22 office or designated local board, and if such information is not  
23 obtainable elsewhere, the court having jurisdiction of the foster  
24 child shall release such information to the ~~state board~~ office or  
25 designated local board as the court deems necessary to determine the

1 physical, psychological, and sociological circumstances of such  
2 foster child.

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

5           43-1310 All records and information regarding foster  
6 children and their parents or relatives in the possession of the  
7 ~~state board office~~ or local board shall be deemed confidential.  
8 Unauthorized disclosure of such confidential records and information  
9 or any violation of the rules and regulations ~~of adopted and~~  
10 promulgated by the Department of Health and Human Services or the  
11 ~~state board office~~ shall be a Class III misdemeanor.

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

14           43-1313 When a child is in foster care, the court having  
15 jurisdiction over such child for the purposes of foster care  
16 placement shall review the dispositional order for such child at  
17 least once every six months. The court may reaffirm the order or  
18 direct other disposition of the child. Any review hearing by a court  
19 having jurisdiction over such child for purposes of foster care  
20 placement shall be conducted on the record as provided in sections  
21 43-283 and 43-284, and any recommendations of the ~~state board or a~~  
22 designated local board concerning such child shall be included in the  
23 record. The court shall review a case on the record more often than  
24 every six months and at any time following the original placement of  
25 the child if the ~~state board office or local board~~ requests a hearing

1 in writing specifying the reasons for the review. Members of the  
2 ~~state board~~ office or local board or its designated representative  
3 may attend and be heard at any hearing conducted under this section  
4 and may participate through counsel at the hearing with the right to  
5 call and cross-examine witnesses and present arguments to the court.

6 Sec. 13. Section 43-1314, Revised Statutes Supplement,  
7 2011, is amended to read:

8 43-1314 (1) Except as otherwise provided in the Nebraska  
9 Indian Child Welfare Act, notice of the court review or hearing and  
10 the right of participation in all court reviews and hearings  
11 pertaining to a child in a foster care placement shall be provided by  
12 the court having jurisdiction over such child for the purposes of  
13 foster care placement. The Department of Health and Human Services or  
14 contract agency shall have the contact information for all child  
15 placements available for all courts to comply with the notification  
16 requirements found in this section. The department or contract agency  
17 shall each have one telephone number by which any court seeking to  
18 provide notice may obtain up-to-date contact information of all  
19 persons listed in subdivisions (2)(a) through (h) of this section.  
20 All contact information shall be up-to-date within seventy-two hours  
21 of any placement change.

22 (2) Notice shall be provided to all of the following  
23 parties that are applicable to the case: (a) The person charged with  
24 the care of such child; (b) the child's parents or guardian unless  
25 the parental rights of the parents have been terminated by court

1 action as provided in section 43-292 or 43-297; (c) the foster child  
2 if age fourteen or over; (d) the foster parent or parents of the  
3 foster child; (e) the guardian ad litem of the foster child; (f) the  
4 ~~state board; designated local board;~~ (g) the preadoptive parent; and  
5 (h) the relative providing care for the child. Notice of all court  
6 reviews and hearings shall be mailed or personally delivered to the  
7 counsel or party, if the party is not represented by counsel, five  
8 full days prior to the review or hearing. The use of ordinary mail  
9 shall constitute sufficient compliance. Notice to the foster parent,  
10 preadoptive parent, or relative providing care shall not be construed  
11 to require that such foster parent, preadoptive parent, or relative  
12 is a necessary party to the review or hearing.

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

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

19 43-1314.01 (1) The ~~State Foster Care Review Board~~ courts  
20 and designated local boards shall be responsible for the conduct of  
21 periodic reviews which shall be identified as reviews which meet the  
22 federal requirements for six-month case reviews pursuant to the  
23 federal Adoption Assistance and Child Welfare Act of 1980, Public Law  
24 96-272. The ~~state board-office~~ shall be fiscally responsible for any  
25 noncompliance sanctions imposed by the federal government related to

1 the requirements for review outlined in the federal Adoption  
2 Assistance and Child Welfare Act of 1980, Public Law 96-272. ~~It is~~  
3 ~~the intent of the Legislature that beginning October 1, 1996, the~~  
4 ~~state board shall be the only state agency with the responsibility to~~  
5 ~~conduct six month case reviews pursuant to the federal Adoption~~  
6 ~~Assistance and Child Welfare Act of 1980, Public Law 96-272.~~

7 (2) It is the intent of the Legislature that any six-  
8 month court review of a juvenile pursuant to sections 43-278 and  
9 43-1313 shall be identified as a review which meets the federal  
10 requirements for six-month case reviews pursuant to the federal  
11 Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

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

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

20 43-1317 The ~~state board office~~ shall establish compulsory  
21 training for local board members which shall consist of initial  
22 training programs followed by periodic inservice training programs.

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

25 43-1321 There is hereby created the Foster Care Review

1 ~~Board-Office~~ Cash Fund. The fund shall be administered by the State  
2 Foster Care Review ~~Board.~~ Office. The ~~board-office~~ shall remit  
3 revenue from the following sources to the State Treasurer for credit  
4 to the fund:

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

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

11 (3) Money received by the ~~board-office~~ as gifts, grants,  
12 reimbursements, or appropriations from any source intended for the  
13 purposes of the fund.

14 The fund shall be used for the administration of the  
15 Foster Care Review Act.

16 Any money in the fund available for investment shall be  
17 invested by the state investment officer pursuant to the Nebraska  
18 Capital Expansion Act and the Nebraska State Funds Investment Act.

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

21 43-3001 (1) Notwithstanding any other provision of law  
22 regarding the confidentiality of records and when not prohibited by  
23 the federal Privacy Act of 1974, as amended, juvenile court records  
24 and any other pertinent information that may be in the possession of  
25 school districts, school personnel, county attorneys, the Attorney

1 General, law enforcement agencies, child advocacy centers, state  
2 probation personnel, state parole personnel, youth detention  
3 facilities, medical personnel, treatment or placement programs, the  
4 Department of Health and Human Services, the Department of  
5 Correctional Services, the ~~State Foster Care Review Board~~, Foster  
6 Care Review Office, local foster care review boards, child abuse and  
7 neglect investigation teams, child abuse and neglect treatment teams,  
8 or other multidisciplinary teams for abuse, neglect, or delinquency  
9 concerning a child who is in the custody of the state may be shared  
10 with individuals and agencies who have been identified in a court  
11 order authorized by this section.

12 (2) In any judicial proceeding concerning a child who is  
13 currently, or who may become at the conclusion of the proceeding, a  
14 ward of the court or state or under the supervision of the court, an  
15 order may be issued which identifies individuals and agencies who  
16 shall be allowed to receive otherwise confidential information  
17 concerning the child for legitimate and official purposes. The  
18 individuals and agencies who may be identified in the court order are  
19 the child's attorney or guardian ad litem, the parents' attorney,  
20 foster parents, appropriate school personnel, county attorneys, the  
21 Attorney General, authorized court personnel, law enforcement  
22 agencies, state probation personnel, state parole personnel, youth  
23 detention facilities, medical personnel, court appointed special  
24 advocate volunteers, treatment or placement programs, the Department  
25 of Health and Human Services, the Office of Juvenile Services, the

1 Department of Correctional Services, the State ~~Foster Care Review~~  
2 ~~Board, Foster Care Review Office, local foster care review boards,~~  
3 child abuse and neglect investigation teams, child abuse and neglect  
4 treatment teams, other multidisciplinary teams for abuse, neglect, or  
5 delinquency, and other individuals and agencies for which the court  
6 specifically finds, in writing, that it would be in the best interest  
7 of the juvenile to receive such information. Unless the order  
8 otherwise states, the order shall be effective until the child leaves  
9 the custody of the state or until a new order is issued.

10 (3) All information acquired by an individual or agency  
11 pursuant to this section shall be confidential and shall not be  
12 disclosed except to other persons who have a legitimate and official  
13 interest in the information and are identified in the court order  
14 issued pursuant to this section with respect to the child in  
15 question. A person who receives such information or who cooperates in  
16 good faith with other individuals and agencies identified in the  
17 appropriate court order by providing information or records about a  
18 child shall be immune from any civil or criminal liability. The  
19 provisions of this section granting immunity from liability shall not  
20 be extended to any person alleged to have committed an act of child  
21 abuse or neglect.

22 (4) In any proceeding under this section relating to a  
23 child of school age, certified copies of school records relating to  
24 attendance and academic progress of such child are admissible in  
25 evidence.

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

4                   Sec. 18. This act becomes operative on January 1, 2013.

5                   Sec. 19. Original sections 28-726, 43-1303, 43-1304,  
6 43-1305, 43-1307, 43-1308, 43-1309, 43-1310, 43-1313, 43-1314.01,  
7 43-1317, and 43-1321, Reissue Revised Statutes of Nebraska, sections  
8 43-1302 and 43-3001, Revised Statutes Cumulative Supplement, 2010,  
9 and sections 43-285, 43-1301, and 43-1314, Revised Statutes  
10 Supplement, 2011, are repealed.

11                   Sec. 20. The following section is outright repealed:  
12 Section 43-1306, Reissue Revised Statutes of Nebraska.