

LEGISLATIVE BILL 853

Approved by the Governor April 2, 2014

Introduced by McGill, 26.

FOR AN ACT relating to children and families; to amend sections 28-713, 28-719, 28-720.01, 28-721, 28-722, 28-723, 28-724, 28-725, 43-146.17, 43-284.02, 43-2932, 43-3709, 71-6039.01, 71-6039.05, and 71-6502, Reissue Revised Statutes of Nebraska, sections 28-713.01, 28-718, 28-720, 28-728, and 43-107, Revised Statutes Cumulative Supplement, 2012, and sections 28-710, 28-726, 28-801, 43-247, 43-285, 43-905, 43-1311.03, 43-4318, 43-4331, 43-4501, 43-4502, 43-4503, 43-4504, 43-4505, 43-4506, 43-4507, 43-4508, 43-4509, 43-4510, 43-4511, 43-4512, 43-4513, 43-4514, 71-3405, and 81-3136, Revised Statutes Supplement, 2013; to rename the Child Protection Act; to provide for alternative response to a report of child abuse or neglect; to define terms; to state intent; to provide for demonstration projects and expansion; to provide duties for the Department of Health and Human Services and the Inspector General; to change terminology regarding the central register of child abuse and neglect; to eliminate obsolete provisions; to change and rename the Young Adult Voluntary Services and Support Act; to rename an advisory committee; to require training for case managers as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 28-710, Revised Statutes Supplement, 2013, is amended to read:

28-710 (1) Sections 28-710 to 28-727 and sections 2 to 4 of this act shall be known and may be cited as the Child Protection and Family Safety Act.

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

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

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

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

(ii) Cruelly confined or cruelly punished;

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

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

(v) Sexually abused; or

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

(c) Comprehensive assessment means an analysis of child safety, risk of future child abuse or neglect, and family strengths and needs on a report of child abuse or neglect. Comprehensive assessment does not include a determination as to whether the child abuse or neglect occurred but does determine the need for services and support to address the safety of children and the risk of future abuse or neglect;

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

(e) Investigation means fact gathering related to the current safety of a child and the risk of future child abuse or neglect that determines whether child abuse or neglect has occurred and whether child protective services are needed;

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

~~(e)~~ (g) Out-of-home child abuse or neglect means child abuse or neglect occurring in day care homes, foster homes, day care centers, residential child-caring agencies as defined in section 71-1926, and other child care facilities or institutions; and

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

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

(e) (j) Subject of the report of child abuse or neglect means the person or persons identified in the report as responsible for the child abuse or neglect.

Sec. 2. (1) The Legislature declares that the public policy of the State of Nebraska is to protect children whose health or welfare may be jeopardized by abuse or neglect. The Legislature recognizes that most families want to keep their children safe, but circumstances or conditions sometimes interfere with their ability to do so. Families and children are best served by interventions that engage their protective capacities and address immediate safety concerns and ongoing risks of child abuse or neglect. In furtherance of this public policy and the family policy and principles set forth in sections 43-532 and 43-533, it is the intent of the Legislature to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings and to provide, when necessary, a safe temporary or permanent home environment for abused or neglected children.

(2) In addition, it is the policy of this state to: Require the reporting of child abuse or neglect in home, school, and community settings; provide for alternative response to reports as permitted by rules and regulations of the department; provide for traditional response to reports as required by rules and regulations of the department; and provide protective and supportive services designed to preserve and strengthen the family in appropriate cases.

Sec. 3. (1) The department, in consultation with the Nebraska Children's Commission, shall develop an alternative response implementation plan in accordance with sections 2 to 4 of this act. The alternative response implementation plan shall include the provision of concrete supports and voluntary services, including, but not limited to: Meeting basic needs, including food and clothing assistance; housing assistance; transportation assistance; child care assistance; and mental health and substance abuse services. When the alternative response implementation plan has been developed, the department may begin using alternative response in up to five alternative response demonstration project locations that are designated by the department. The department shall provide a report of an evaluation on the status of alternative response implementation pursuant to subsection (2) of this section to the commission and electronically to the Legislature by November 15, 2015. The commission shall provide feedback on the report to the department before December 15, 2015. The department may begin using alternative response in up to five additional alternative response demonstration project locations on or after January 1, 2016. The department shall provide a report of another evaluation done pursuant to subsection (2) of this section to the commission and electronically to the Legislature by November 15, 2016. The department may continue using alternative response until July 1, 2017. Continued use of alternative response thereafter shall require approval of the Legislature. For purposes of this section, demonstration project location means any geographic region, including, but not limited to, a city, a township, a village, a county, a group of counties, or a group of counties and cities, townships, or villages.

(2) The department shall contract with an independent entity to evaluate the alternative response demonstration projects. The evaluation shall include, but not be limited to:

(a) The screening process used to determine which cases shall be assigned to alternative response;

(b) The number and proportion of repeat child abuse and neglect allegations within a specified period of time following initial intake;

(c) The number and proportion of substantiated child abuse and neglect allegations within a specified period of time following initial intake;

(d) The number and proportion of families with any child entering out-of-home care within a specified period of time following initial intake;

(e) Changes in child and family well-being in the domains of behavioral and emotional functioning and physical health and development as measured by a standardized assessment instrument to be selected by the department;

(f) The number and proportion of families assigned to the alternative response track who are reassigned to a traditional response; and

(g) A cost analysis that will examine, at a minimum, the costs of the key elements of services received.

(3) The department shall provide to the Nebraska Children's Commission regular updates on:

(a) The alternative response implementation plan, including the development of the alternative response interview protocols of children;

(b) The status of alternative response implementation;

(c) Inclusion of child welfare stakeholders, service providers, and other community partners, including families, for feedback and recommendations on the alternative response implementation plan;

(d) Any findings or recommendations made by the independent evaluator, including costs;

(e) Any alternative response programmatic modifications; and

(f) The status of the adoption and promulgation of rules and regulations.

(4) The department shall adopt and promulgate rules and regulations to carry out sections 2 to 4 of this act. Such rules and regulations shall include, but not be limited to, provisions on the transfer of cases from alternative response to traditional response; notice to families subject to a comprehensive assessment and served through alternative response of the alternative response process and their rights, including the opportunity to challenge agency determinations; the provision of services through alternative response; the collection, sharing, and reporting of data; and the alternative response ineligibility criteria. Whenever the department proposes to change the alternative response ineligibility criteria, public notice of the changes shall be given. The department shall provide public notice and time for public comment by publishing the proposed changes on its web site at least sixty days prior to the public hearing on such regulation changes. The department shall provide a copy of the proposed rules and regulations to the Nebraska Children's Commission no later than October 1, 2014.

Sec. 4. (1) This section applies to alternative response demonstration projects designated under section 3 of this act.

(2) The Review, Evaluate, and Decide Team shall convene to review intakes pursuant to the department's rules, regulations, and policies, to evaluate the information, and to determine assignment for alternative response or traditional response. The team shall utilize consistent criteria to review the severity of the allegation of child abuse or neglect, access to the perpetrator, vulnerability of the child, family history including previous reports, parental cooperation, parental or caretaker protective factors, and other information as deemed necessary. At the conclusion of the review, the intake shall be assigned to either traditional response or alternative response. Decisions of the team shall be made by consensus. If the team cannot come to consensus, the intake shall be assigned for a traditional response.

(3) In the case of an alternative response, the department shall complete a comprehensive assessment. The department shall transfer the case being given alternative response to traditional response if the department determines that a child is unsafe. Upon completion of the comprehensive assessment, if it is determined that the child is safe, participation in services offered to the family receiving an alternative response is voluntary, the case shall not be transferred to traditional response based upon the family's failure to enroll or participate in such services, and the subject of the report shall not be entered into the central registry of child protection cases maintained pursuant to section 28-718.

(4) The department shall, by the next working day after receipt of a report of child abuse and neglect, enter into the tracking system of child protection cases maintained pursuant to section 28-715 all reports of child abuse or neglect received under this section that are opened for alternative response and any action taken.

(5) The department shall make available to the appropriate investigating law enforcement agency and the county attorney a copy of all reports relative to a case of suspected child abuse or neglect. Aggregate, nonidentifying reports of child abuse or neglect receiving an alternative response shall be made available quarterly to requesting agencies outside the department. Such alternative response data shall include, but not be limited to, the nature of the initial child abuse or neglect report, the age of the child or children, the nature of services offered, the location of the cases, the number of cases per month, and the number of alternative response cases that were transferred to traditional response. No other agency or individual except the office of Inspector General of Nebraska Child Welfare, the Public Counsel, law enforcement agency personnel, and county attorneys

shall be provided specific, identifying reports of child abuse or neglect being given alternative response. The office of Inspector General of Nebraska Child Welfare shall have access to all reports relative to cases of suspected child abuse or neglect subject to traditional response and those subject to alternative response. The department and the office shall develop procedures allowing for the Inspector General's review of cases subject to alternative response. The Inspector General shall include in the report pursuant to section 43-4331 a summary of all cases reviewed pursuant to this subsection.

Sec. 5. Section 28-713, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) It is the duty of the law enforcement agency to investigate the report, to take immediate steps to protect the child, and to institute legal proceedings if appropriate. In situations of alleged out-of-home child abuse or neglect if the person or persons to be notified have not already been notified and the person to be notified is not the subject of the report of child abuse or neglect, the law enforcement agency shall immediately notify the person or persons having custody of each child who has allegedly been abused or neglected that such report of alleged child abuse or neglect has been made and shall provide such person or persons with information of the nature of the alleged child abuse or neglect. The law enforcement agency may request assistance from the department during the investigation and shall, by the next working day, notify either the hotline or the department of receipt of the report, including whether or not an investigation is being undertaken by the law enforcement agency. A copy of all reports, whether or not an investigation is being undertaken, shall be provided to the department;

(2) In situations of alleged out-of-home child abuse or neglect if the person or persons to be notified have not already been notified and the person to be notified is not the subject of the report of child abuse or neglect, the department shall immediately notify the person or persons having custody of each child who has allegedly been abused or neglected that such report of alleged child abuse or neglect has been made and shall provide such person or persons with information of the nature of the alleged child abuse or neglect and any other information that the department deems necessary. The department shall investigate for the purpose of assessing each report of child abuse or neglect to determine the risk of harm to the child involved. The department shall also provide such social services as are necessary and appropriate under the circumstances to protect and assist the child and to preserve the family;

(3) The department may make a request for further assistance from the appropriate law enforcement agency or take such legal action as may be appropriate under the circumstances;

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

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

Sec. 6. Section 28-713.01, Revised Statutes Cumulative Supplement, 2012, is amended to read:

28-713.01 (1) Upon completion of the investigation pursuant to section 28-713:

(a) In situations of alleged out-of-home child abuse or neglect, the person or persons having custody of the allegedly abused or neglected child or children shall be given written notice of the results of the investigation and any other information the law enforcement agency or department deems necessary. Such notice and information shall be sent by first-class mail; and

(b) The subject of the report of child abuse or neglect shall be given written notice of the determination of the case and whether the subject of the report of child abuse or neglect will be entered into the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718 under the criteria provided in section 28-720.

(2) If the subject of the report will be entered into the central ~~register~~, registry, the notice to the subject shall be sent by certified mail with return receipt requested or first-class mail to the last-known address of the subject of the report of child abuse or neglect and shall include:

(a) The nature of the report;

(b) The classification of the report under section 28-720; and

(c) Notification of the right of the subject of the report of child abuse or neglect to request the department to amend or expunge identifying information from the report or to remove the substantiated report from the central ~~register~~ registry in accordance with section 28-723.

(3) If the subject of the report will not be entered into the central ~~register~~, registry, the notice to the subject shall be sent by first-class mail and shall include:

(a) The nature of the report; and

(b) The classification of the report under section 28-720.

Sec. 7. Section 28-718, Revised Statutes Cumulative Supplement, 2012, is amended to read:

28-718 (1) There shall be a central ~~register~~ registry of child protection cases maintained in the department containing records of all reports of child abuse or neglect opened for investigation as provided in section 28-713 and classified as either court substantiated or agency substantiated as provided in section 28-720. The department may change records classified as inconclusive prior to August 30, 2009, to agency substantiated. The department shall give public notice of the changes made to this section and subsection (3) of section 28-720 by Laws 2009, LB 122, within thirty days after August 30, 2009, by having such notice published in a newspaper or newspapers of general circulation within the state.

(2) The department shall determine whether a name-change order received from the clerk of a district court pursuant to section 25-21,271 is for a person on the central ~~register~~ registry of child protection cases and, if so, shall include the changed name with the former name in the ~~register~~ registry and file or cross-reference the information under both names.

Sec. 8. Section 28-719, Reissue Revised Statutes of Nebraska, is amended to read:

28-719 Upon complying with identification requirements established by regulation of the department, or when ordered by a court of competent jurisdiction, any person legally authorized by section 28-722, 28-726, or 28-727 to have access to records relating to child abuse and neglect may request and shall be immediately provided the information requested in accordance with the ~~requirement~~ requirements of the Child Protection and Family Safety Act. Such information shall not include the name and address of the person making the report of child abuse or neglect. The names and other identifying data and the dates and the circumstances of any persons requesting or receiving information from the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718 shall be entered in ~~such register~~ the central registry record.

Sec. 9. Section 28-720, Revised Statutes Cumulative Supplement, 2012, is amended to read:

28-720 All cases entered into the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718 shall be classified as one of the following:

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

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

(3) Agency substantiated, if the department's determination of child abuse or neglect against the subject of the report of child abuse or neglect was supported by a preponderance of the evidence and based upon an investigation pursuant to section 28-713 or section 4 of this act.

Sec. 10. Section 28-720.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-720.01 All reports of child abuse or neglect which are not under subdivision (1), (2), or (3) of section 28-720 shall be considered unfounded and shall be maintained only in the tracking system of child protection cases pursuant to section 28-715 and not in the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718.

Sec. 11. Section 28-721, Reissue Revised Statutes of Nebraska, is amended to read:

28-721 At any time, the department may amend, expunge, or remove from the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718 any record upon good cause shown and upon notice to

the subject of the report of child abuse or neglect.

Sec. 12. Section 28-722, Reissue Revised Statutes of Nebraska, is amended to read:

28-722 Upon request, a subject of the report of child abuse or neglect or, if such subject is a minor or otherwise legally incompetent, the guardian or guardian ad litem of the subject, shall be entitled to receive a copy of all information contained in the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718 pertaining to his or her case. The department shall not release data that would be harmful or detrimental or that would identify or locate a person who, in good faith, made a report of child abuse or neglect or cooperated in a subsequent investigation unless ordered to do so by a court of competent jurisdiction.

Sec. 13. Section 28-723, Reissue Revised Statutes of Nebraska, is amended to read:

28-723 At any time subsequent to the completion of the department's investigation, the subject of the report of child abuse or neglect may request the department to amend, expunge identifying information from, or remove the record of the report from the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718. If the department refuses to do so or does not act within thirty days, the subject of the report of child abuse or neglect shall have the right to a fair hearing within the department to determine whether the record of the report of child abuse or neglect should be amended, expunged, or removed on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with the Child Protection and Family Safety Act. Such fair hearing shall be held within a reasonable time after the subject's request and at a reasonable place and hour. In such hearings, the burden of proving the accuracy and consistency of the record shall be on the department. A juvenile court finding of child abuse or child neglect shall be presumptive evidence that the report was not unfounded. The hearing shall be conducted by the head chief executive officer of the department or his or her designated agent, who is hereby authorized and empowered to order the amendment, expunction, or removal of the record to make it accurate or consistent with the requirements of the act. The decision shall be made in writing, at the close of the hearing, or within thirty days thereof, and shall state the reasons upon which it is based. Decisions of the department may be appealed under ~~the provisions of~~ the Administrative Procedure Act.

Sec. 14. Section 28-724, Reissue Revised Statutes of Nebraska, is amended to read:

28-724 Written notice of any amendment, expunction, or removal of any record in the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718 shall be served upon the subject of the report of child abuse or neglect. The department shall inform any other individuals or agencies which received such record of any amendment, expunction, or removal of such record.

Sec. 15. Section 28-725, Reissue Revised Statutes of Nebraska, is amended to read:

28-725 All information of the department concerning reports of child abuse or neglect of noninstitutional children, including information in the tracking system of child protection cases maintained pursuant to section 28-715 or records in the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718, and all information of the department generated as a result of such reports or records, shall be confidential and shall not be disclosed except as specifically authorized by the Child Protection and Family Safety Act and section 81-3126 or other applicable law. The subject of the report of child abuse or neglect may authorize any individual or organization to receive the following information from the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718 which relates or pertains to him or her: (1) The date of the alleged child abuse or neglect; and (2) the classification of the case pursuant to section 28-720. Permitting, assisting, or encouraging the unauthorized release of any information contained in such reports or records shall be a Class V misdemeanor.

Sec. 16. Section 28-726, Revised Statutes Supplement, 2013, is amended to read:

28-726 Except as provided in this section and sections 28-722 and 81-3126, no person, official, or agency shall have access to information in the tracking system of child protection cases maintained pursuant to section 28-715 or in records in the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718 unless in furtherance of purposes directly connected with the administration of the Child Protection and Family Safety Act. Such persons, officials, and agencies having access to such

information shall include, but not be limited to:

- (1) A law enforcement agency investigating a report of known or suspected child abuse or neglect;
- (2) A county attorney in preparation of a child abuse or neglect petition or termination of parental rights petition;
- (3) A physician who has before him or her a child whom he or she reasonably suspects may be abused or neglected;
- (4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child or a parent, a guardian, or other person responsible for the abused or neglected child's welfare who is the subject of the report of child abuse or neglect;
- (5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report of child abuse or neglect shall be made available to the researcher or auditor;
- (6) The Foster Care Review Office and the designated local foster care review board when the information relates to a child in a foster care placement as defined in section 43-1301. The information provided to the office and local board shall not include the name or identity of any person making a report of suspected child abuse or neglect;
- (7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act existed on January 1, 2005, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed on September 1, 2001, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness;
- (8) The person or persons having custody of the abused or neglected child in situations of alleged out-of-home child abuse or neglect;
- (9) For purposes of licensing providers of child care programs, the Department of Health and Human Services; and
- (10) A probation officer administering juvenile intake services pursuant to section 29-2260.01, conducting court-ordered predispositional investigations prior to disposition, or supervising a juvenile upon disposition.

Sec. 17. Section 28-728, Revised Statutes Cumulative Supplement, 2012, is amended to read:

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

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

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

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

(b) Assigning roles and responsibilities between law enforcement and the Department of Health and Human Services for the initial response;

(c) Outlining how reports will be shared between law enforcement and the Department of Health and Human Services under section 28-713 and section 4 of this act;

(d) Coordinating the investigative response including, but not limited to:

- (i) Defining cases that require a priority response;

- (ii) Contacting the reporting party;
- (iii) Arranging for a video-recorded forensic interview at a child advocacy center for children who are three to eighteen years of age and are alleged to be victims of sexual abuse or serious physical abuse or neglect, have witnessed a violent crime, are found in a drug-endangered environment, or have been recovered from a kidnapping;
- (iv) Assessing the need for and arranging, when indicated, a medical evaluation of the alleged child victim;
- (v) Assessing the need for and arranging, when indicated, appropriate mental health services for the alleged child victim or nonoffender caregiver;
- (vi) Conducting collateral interviews with other persons with information pertinent to the investigation including other potential victims;
- (vii) Collecting, processing, and preserving physical evidence including photographing the crime scene as well as any physical injuries as a result of the alleged child abuse and neglect; and
- (viii) Interviewing the alleged perpetrator;
- (e) Reducing the risk of harm to alleged child abuse and neglect victims;
- (f) Ensuring that the child is in safe surroundings, including removing the perpetrator when necessary or arranging for temporary custody of the child when the child is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the child's protection as provided in section 43-248;
- (g) Sharing of case information between team members; and
- (h) Outlining what cases will be reviewed by the investigation team including, but not limited to:
 - (i) Cases of sexual abuse, serious physical abuse and neglect, drug-endangered children, and serious or ongoing domestic violence;
 - (ii) Cases determined by the Department of Health and Human Services to be high or very high risk for further maltreatment; and
 - (iii) Any other case referred by a member of the team when a system-response issue has been identified.

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

- (a) Case coordination and assistance, including the location of services available within the area;
- (b) Case staffings and the coordination, development, implementation, and monitoring of treatment or safety plans particularly in those cases in which ongoing services are provided by the Department of Health and Human Services or a contracted agency but the juvenile court is not involved;
- (c) Reducing the risk of harm to child abuse and neglect victims;
- (d) Assisting those child abuse and neglect victims who are abused and neglected by perpetrators who do not reside in their homes; and
- (e) Working with multiproblem status offenders and delinquent youth.

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

Sec. 18. Section 28-801, Revised Statutes Supplement, 2013, is amended to read:

28-801 (1) Except as provided in subsection (5) of this section, any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in section 28-318, with any person not his or her spouse, in exchange for money or other thing of value, commits prostitution.

(2) Any person convicted of violating subsection (1) of this section shall be punished as follows:

- (a) If such person has had no prior convictions or has had one prior conviction, such person shall be guilty of a Class II misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional

authorized to complete such assessment; and

(b) If such person has had two or more prior convictions, such person shall be guilty of a Class I misdemeanor. If the court places such person on probation, such order of probation shall include, as one of its conditions, that such person shall satisfactorily attend and complete an appropriate mental health and substance abuse assessment conducted by a licensed mental health professional or substance abuse professional authorized to complete such assessment.

(3) It is an affirmative defense to prosecution under this section that such person was a trafficking victim as defined in section 28-830.

(4) For purposes of this section, prior conviction means any conviction on or after July 14, 2006, for violation of subsection (1) of this section or any conviction on or after July 14, 2006, for violation of a city or village ordinance relating to prostitution.

(5) If the law enforcement officer determines, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of subsection (1) of this section is a person under eighteen years of age, such person shall be immune from prosecution for a prostitution offense under this section and shall be subject to temporary custody under section 43-248 and further disposition under the Nebraska Juvenile Code. A law enforcement officer who takes a person under eighteen years of age into custody under this section shall immediately report an allegation of a violation of section 28-831 to the Department of Health and Human Services which shall commence an investigation within twenty-four hours under the Child Protection and Family Safety Act.

Sec. 19. Section 43-107, Revised Statutes Cumulative Supplement, 2012, is amended to read:

43-107 (1)(a) For adoption placements occurring or in effect prior to January 1, 1994, upon the filing of a petition for adoption, the county judge shall, except in the adoption of children by stepparents when the requirement of an investigation is discretionary, request the Department of Health and Human Services or any child placement agency licensed by the department to examine the allegations set forth in the petition and to ascertain any other facts relating to such minor child and the person or persons petitioning to adopt such child as may be relevant to the propriety of such adoption, except that the county judge shall not be required to request such an examination if the judge determines that information compiled in a previous examination or study is sufficiently current and comprehensive. Upon the request being made, the department or other licensed agency shall conduct an investigation and report its findings to the county judge in writing at least one week prior to the date set for hearing.

(b)(i) For adoption placements occurring on or after January 1, 1994, a preplacement adoptive home study shall be filed with the court prior to the hearing required in section 43-103, which study is completed by the Department of Health and Human Services or a licensed child placement agency within one year before the date on which the adoptee is placed with the petitioner or petitioners and indicates that the placement of a child for the purpose of adoption would be safe and appropriate.

(ii) An adoptive home study shall not be required when the petitioner is a stepparent of the adoptee unless required by the court, except that for petitions filed on or after January 1, 1994, the judge shall order the petitioner or his or her attorney to request the Nebraska State Patrol to file a national criminal history record information check by submitting the request accompanied by two sets of fingerprint cards or an equivalent electronic submission and the appropriate fee to the Nebraska State Patrol for a Federal Bureau of Investigation background check and to request the department to conduct and file a check of the central ~~register~~ registry created in section 28-718 for any history of the petitioner of behavior injurious to or which may endanger the health or morals of a child. An adoption decree shall not be issued until such records are on file with the court. The petitioner shall pay the cost of the national criminal history record information check and the check of the central ~~register~~ registry.

(iii) The placement of a child for foster care made by or facilitated by the department or a licensed child placement agency in the home of a person who later petitions the court to adopt the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department or a licensed child placement agency and filed with the court at least one week prior to the hearing for adoption.

(iv) A voluntary placement for purposes other than adoption made by a parent or guardian of a child without assistance from an attorney, physician, or other individual or agency which later results in a petition

for the adoption of the child shall be exempt from the requirements of a preplacement adoptive home study. The petitioner or petitioners who meet such criteria shall have a postplacement adoptive home study completed by the department or a licensed child placement agency and filed with the court at least one week prior to the hearing for adoption.

(v) The adoption of an adult child as provided in subsection (2) of section 43-101 shall be exempt from the requirements of an adoptive home study unless the court specifically orders otherwise. The court may order an adoptive home study, a background investigation, or both if the court determines that such would be in the best interests of the adoptive party or the person to be adopted.

(vi) Any adoptive home study required by this section shall be conducted by the department or a licensed child placement agency at the expense of the petitioner or petitioners unless such expenses are waived by the department or licensed child placement agency. The department or licensed agency shall determine the fee or rate for the adoptive home study.

(vii) The preplacement or postplacement adoptive home study shall be performed as prescribed in rules and regulations of the department and shall include at a minimum an examination into the facts relating to the petitioner or petitioners as may be relevant to the propriety of such adoption. Such rules and regulations shall require an adoptive home study to include a national criminal history record information check and a check of the central ~~register~~ registry created in section 28-718 for any history of the petitioner or petitioners of behavior injurious to or which may endanger the health or morals of a child.

(2) Upon the filing of a petition for adoption, the judge shall require that a complete medical history be provided on the child, except that in the adoption of a child by a stepparent the provision of a medical history shall be discretionary. On and after August 27, 2011, the complete medical history or histories required under this subsection shall include the race, ethnicity, nationality, Indian tribe when applicable and in compliance with the Nebraska Indian Child Welfare Act, or other cultural history of both biological parents, if available. A medical history shall be provided, if available, on the biological mother and father and their biological families, including, but not limited to, siblings, parents, grandparents, aunts, and uncles, unless the child is foreign born or was abandoned. The medical history or histories shall be reported on a form provided by the department and filed along with the report of adoption as provided by section 71-626. If the medical history or histories do not accompany the report of adoption, the department shall inform the court and the State Court Administrator. The medical history or histories shall be made part of the court record. After the entry of a decree of adoption, the court shall retain a copy and forward the original medical history or histories to the department. This subsection shall only apply when the relinquishment or consent for an adoption is given on or after September 1, 1988.

(3) After the filing of a petition for adoption and before the entry of a decree of adoption for a child who is committed to the Department of Health and Human Services, the person or persons petitioning to adopt the child shall be given the opportunity to read the case file on the child maintained by the department or its duly authorized agent. The department shall not include in the case file to be read any information or documents that the department determines cannot be released based upon state statute, federal statute, federal rule, or federal regulation. The department shall provide a document for such person's or persons' signatures verifying that he, she, or they have been given an opportunity to read the case file and are aware that he, she, or they can review the child's file at any time following finalization of the adoption upon making a written request to the department. The department shall file such document with the court prior to the entry of a decree of adoption in the case.

Sec. 20. Section 43-146.17, Reissue Revised Statutes of Nebraska, is amended to read:

43-146.17 (1) Notwithstanding sections 43-119 to 43-146.16 and except as otherwise provided in this section, an heir twenty-one years of age or older of an adopted person shall have access to all information on file at the Department of Health and Human Services related to such adopted person, including information contained in the original birth certificate of the adopted person, if: (a)(i) The adopted person is deceased, (ii) both biological parents of the adopted person are deceased or, if only one biological parent is known, such parent is deceased, and (iii) each spouse of the biological parent or parents of the adopted person, if any, is deceased, if such spouse is not a biological parent; or (b) at least one hundred years has passed since the birth of the adopted person.

(2) The following information relating to an adopted person shall not be released to the heir of such person under this section: (a) Tests conducted for the human immunodeficiency virus or acquired immunodeficiency syndrome; (b) the revocation of a license to practice medicine in the State of Nebraska; (c) child protective services reports or records; (d) adult protective services reports or records; (e) information from the central ~~register~~ registry of child protection cases and the Adult Protective Services Central Registry; or (f) law enforcement investigative reports.

(3) The department shall provide a form that an heir of an adopted person may use to request information under this section. The department may charge a reasonable fee in an amount established by rules and regulations of the department to recover expenses incurred by the department in carrying out this section. Such fee may be waived if the requesting party shows that the fee would work an undue financial hardship on the party. When any information is provided to an heir of an adopted person under this section, the disclosure of such information shall be recorded in the records of the adopted person, including the nature of the information disclosed, to whom the information was disclosed, and the date of the disclosure.

(4) For purposes of this section, an heir of an adopted person means a direct biological descendent of such adopted person.

(5) The department may adopt and promulgate rules and regulations to carry out this section.

Sec. 21. Section 43-247, Revised Statutes Supplement, 2013, is amended to read:

43-247 Except as provided in section 43-247.02, the juvenile court shall have exclusive original jurisdiction as to any juvenile defined in subdivision (1) of this section who is under the age of sixteen, as to any juvenile defined in subdivision (3) of this section, and as to the parties and proceedings provided in subdivisions (5), (6), and (7) of this section. As used in this section, all references to the juvenile's age shall be the age at the time the act which occasioned the juvenile court action occurred. The juvenile court shall have concurrent original jurisdiction with the district court as to any juvenile defined in subdivision (2) of this section. The juvenile court shall have concurrent original jurisdiction with the district court and county court as to any juvenile defined in subdivision (1) of this section who is age sixteen or seventeen, any juvenile defined in subdivision (4) of this section, and any proceeding under subdivision (6) or (10) of this section. The juvenile court shall have concurrent original jurisdiction with the county court as to any proceeding under subdivision (8) or (9) of this section. Notwithstanding any disposition entered by the juvenile court under the Nebraska Juvenile Code, the juvenile court's jurisdiction over any individual adjudged to be within the provisions of this section shall continue until the individual reaches the age of majority or the court otherwise discharges the individual from its jurisdiction.

The juvenile court in each county as herein provided shall have jurisdiction of:

(1) Any juvenile who has committed an act other than a traffic offense which would constitute a misdemeanor or an infraction under the laws of this state, or violation of a city or village ordinance;

(2) Any juvenile who has committed an act which would constitute a felony under the laws of this state;

(3) Any juvenile (a) who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian; who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian, or custodian; whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such juvenile; whose parent, guardian, or custodian is unable to provide or neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in a situation or engages in an occupation, including prostitution, dangerous to life or limb or injurious to the health or morals of such juvenile, (b) who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who departs himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school, or (c) who is mentally ill and dangerous as defined in section 71-908;

(4) Any juvenile who has committed an act which would constitute a traffic offense as defined in section 43-245;

(5) The parent, guardian, or custodian of any juvenile described in this section;

(6) The proceedings for termination of parental rights;

(7) Any juvenile who has been voluntarily relinquished, pursuant to section 43-106.01, to the Department of Health and Human Services or any child placement agency licensed by the Department of Health and Human Services;

(8) Any juvenile who was a ward of the juvenile court at the inception of his or her guardianship and whose guardianship has been disrupted or terminated;

(9) The adoption or guardianship proceedings for a child over which the juvenile court already has jurisdiction under another provision of the Nebraska Juvenile Code; ~~and~~

(10) The paternity or custody determination for a child over which the juvenile court already has jurisdiction; ~~and-~~

(11) The proceedings under the Young Adult Bridge to Independence Act.

Notwithstanding the provisions of the Nebraska Juvenile Code, the determination of jurisdiction over any Indian child as defined in section 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and the district court shall have exclusive jurisdiction in proceedings brought pursuant to section 71-510.

Sec. 22. Section 43-284.02, Reissue Revised Statutes of Nebraska, is amended to read:

43-284.02 The Department of Health and Human Services may make payments as needed on behalf of a child who has been a ward of the department after the appointment of a guardian for the child. Such payments to the guardian may include maintenance costs, medical and surgical expenses, and other costs incidental to the care of the child. All such payments shall terminate on or before the child's nineteenth birthday unless the child is eligible for extended guardianship assistance from the department pursuant to sections 43-4511 and 43-4514. The child under guardianship shall be a child for whom the guardianship would not be possible without the financial aid provided under this section.

The Department of Health and Human Services shall adopt and promulgate rules and regulations for the administration of this section.

Sec. 23. Section 43-285, Revised Statutes Supplement, 2013, is amended to read:

43-285 (1) When the court awards a juvenile to the care of the Department of Health and Human Services, an association, or an individual in accordance with the Nebraska Juvenile Code, the juvenile shall, unless otherwise ordered, become a ward and be subject to the guardianship of the department, association, or individual to whose care he or she is committed. Any such association and the department shall have authority, by and with the assent of the court, to determine the care, placement, medical services, psychiatric services, training, and expenditures on behalf of each juvenile committed to it. Any such association and the department shall be responsible for applying for any health insurance available to the juvenile, including, but not limited to, medical assistance under the Medical Assistance Act. Such guardianship shall not include the guardianship of any estate of the juvenile.

(2)(a) This subdivision applies until October 1, 2013. Following an adjudication hearing at which a juvenile is adjudged to be under subdivision (3) of section 43-247, the court may order the department to prepare and file with the court a proposed plan for the care, placement, services, and permanency which are to be provided to such juvenile and his or her family. The plan shall include a statement regarding the eligibility of the juvenile for any health insurance, including, but not limited to, medical assistance under the Medical Assistance Act. The health and safety of the juvenile shall be the paramount concern in the proposed plan. When the plan includes the provision of services in order that the juvenile can remain in his or her home and such services are to prevent out-of-home placement, the plan shall be prepared and shall clearly state that the services described in the plan are to prevent placement and that, absent preventive services, foster care is the planned arrangement for the child. The department shall include in the plan for a juvenile who is sixteen years of age or older and subject to the guardianship of the department a written independent living transition proposal which meets the requirements of section 43-1311.03 and, for eligible juveniles, the Young Adult Voluntary Services and Support Bridge to Independence Act. The court may approve the plan, modify the plan, order that an alternative plan be developed, or implement another plan that is in the juvenile's best interests. In its order the court shall include a finding regarding the appropriateness of the programs and services described in the proposal designed to assist the juvenile in acquiring independent living skills. Rules of evidence shall not apply at the dispositional hearing when the court considers the plan that has been presented.

(b) This subdivision applies beginning October 1, 2013. Following an

adjudication hearing at which a juvenile is adjudged to be under subdivision (3) (a) or (c) of section 43-247, the court may order the department to prepare and file with the court a proposed plan for the care, placement, services, and permanency which are to be provided to such juvenile and his or her family. The health and safety of the juvenile shall be the paramount concern in the proposed plan. The department shall include in the plan for a juvenile who is sixteen years of age or older and subject to the guardianship of the department a written independent living transition proposal which meets the requirements of section 43-1311.03 and, for eligible juveniles, the Young Adult Voluntary Services and Support Bridge to Independence Act. The court may approve the plan, modify the plan, order that an alternative plan be developed, or implement another plan that is in the juvenile's best interests. In its order the court shall include a finding regarding the appropriateness of the programs and services described in the proposal designed to assist the juvenile in acquiring independent living skills. Rules of evidence shall not apply at the dispositional hearing when the court considers the plan that has been presented.

(3) Within thirty days after an order awarding a juvenile to the care of the department, an association, or an individual and until the juvenile reaches the age of majority, the department, association, or individual shall file with the court a report stating the location of the juvenile's placement and the needs of the juvenile in order to effectuate the purposes of subdivision (1) of section 43-246. The department, association, or individual shall file a report with the court once every six months or at shorter intervals if ordered by the court or deemed appropriate by the department, association, or individual. Every six months, the report shall provide an updated statement regarding the eligibility of the juvenile for health insurance, including, but not limited to, medical assistance under the Medical Assistance Act. The department, association, or individual shall file a report and notice of placement change with the court and shall send copies of the notice to all interested parties at least seven days before the placement of the juvenile is changed from what the court originally considered to be a suitable family home or institution to some other custodial situation in order to effectuate the purposes of subdivision (1) of section 43-246. The court, on its own motion or upon the filing of an objection to the change by an interested party, may order a hearing to review such a change in placement and may order that the change be stayed until the completion of the hearing. Nothing in this section shall prevent the court on an ex parte basis from approving an immediate change in placement upon good cause shown. The department may make an immediate change in placement without court approval only if the juvenile is in a harmful or dangerous situation or when the foster parents request that the juvenile be removed from their home. Approval of the court shall be sought within twenty-four hours after making the change in placement or as soon thereafter as possible. The department shall provide the juvenile's guardian ad litem with a copy of any report filed with the court by the department pursuant to this subsection.

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

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

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

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

(8) The executive director and any agent or employee of the Foster Care Review Office or any member of any local foster care review board participating in an investigation or making any report pursuant to the Foster Care Review Act or participating in a judicial proceeding pursuant to this section shall be immune from any civil liability that would otherwise be incurred except for false statements negligently made.

Sec. 24. Section 43-905, Revised Statutes Supplement, 2013, is

amended to read:

43-905 (1) The Department of Health and Human Services shall be the legal guardian of all children committed to it. The department shall afford temporary care and shall use special diligence to provide suitable homes for such children. The department shall make reasonable efforts to accomplish joint-sibling placement or sibling visitation or ongoing interaction between siblings as provided in section 43-1311.02. The department is authorized to place such children in suitable families for adoption, foster care, or guardianship or, in the discretion of the department, on a written contract.

(2) The contract shall provide (a) for the children's education in the public schools or otherwise, (b) for teaching them some useful occupation, and (c) for kind and proper treatment as members of the family in which they are placed.

(3) Whenever any child who has been committed to the department becomes self-supporting, the department shall declare that fact and the guardianship of the department shall cease. Thereafter the child shall be entitled to his or her own earnings. Guardianship of and services by the department shall never extend beyond the age of majority, except that (a) services by the department to a child shall continue until the child reaches the age of twenty-one if the child is a student regularly attending a school, college, or university or regularly attending a course of vocational or technical training designed to prepare such child for gainful employment or the child receives extended services and support is in the bridge to independence program as provided in the Young Adult Voluntary Services and Support Bridge to Independence Act and (b) beginning January 1, 2014, coverage for health care and related services under medical assistance in accordance with section 68-911 may be extended as provided under the federal Patient Protection and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on January 1, 2013, for medicaid coverage for individuals under twenty-six years of age as allowed pursuant to such act.

(4) Whenever the parents of any ward, whose parental rights have not been terminated, have become able to support and educate their child, the department shall restore the child to his or her parents if the home of such parents would be a suitable home. The guardianship of the department shall then cease.

(5) Whenever permanent free homes for the children cannot be obtained, the department shall have the authority to provide and pay for the maintenance of the children in private families, in foster care, in guardianship, in boarding homes, or in institutions for care of children.

Sec. 25. Section 43-1311.03, Revised Statutes Supplement, 2013, is amended to read:

43-1311.03 (1) When a child placed in foster care turns sixteen years of age or enters foster care and is at least sixteen years of age, a written independent living transition proposal shall be developed by the Department of Health and Human Services at the direction and involvement of the child to prepare for the transition from foster care to adulthood. The transition proposal shall be personalized based on the child's needs. The transition proposal shall include, but not be limited to, the following needs:

- (a) Education;
- (b) Employment services and other workforce support;
- (c) Health and health care coverage, including the child's potential eligibility for medicaid coverage under the federal Patient Protection and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on January 1, 2013;
- (d) Financial assistance, including education on credit card financing, banking, and other services;
- (e) Housing;
- (f) Relationship development; and
- (g) Adult services, if the needs assessment indicates that the child is reasonably likely to need or be eligible for services or other support from the adult services system.

(2) The transition proposal shall be developed and frequently reviewed by the department in collaboration with the child's transition team. The transition team shall be comprised of the child, the child's caseworker, the child's guardian ad litem, individuals selected by the child, and individuals who have knowledge of services available to the child.

(3) The transition proposal shall be considered a working document and shall be, at the least, updated for and reviewed at every permanency or review hearing by the court.

(4) The final transition proposal prior to the child's leaving foster care shall specifically identify how the need for housing will be addressed.

(5) If the child is interested in pursuing higher education, the transition proposal shall provide for the process in applying for any applicable state, federal, or private aid.

(6) A child adjudicated to be a juvenile described in subdivision (3)(a) of section 43-247 and who is in an out-of-home placement shall receive information regarding the Young Adult ~~Voluntary Services and Support Bridge to Independence Act~~ and the ~~extended services and support bridge to independence program~~ available under the act. The department shall create a clear and developmentally appropriate written notice discussing the rights of eligible young adults to ~~receive extended services and support, participate in the program.~~ The notice shall include information about eligibility and requirements to ~~receive extended services and support, participate in the program,~~ the extended services and support that young adults are eligible to receive ~~under the program,~~ and how young adults can ~~access the extended services and support.~~ be a part of the program. The notice shall also include information about the young adult's right to request a client-directed attorney to represent the young adult pursuant to section 43-4510 and the benefits and role of an attorney. The department shall disseminate this information to all children who were adjudicated to be a juvenile described in subdivision (3)(a) of section 43-247 and who are in an out-of-home placement at sixteen years of age and yearly thereafter until nineteen years of age, and not later than ninety days prior to the child's last court review before attaining nineteen years of age or being discharged from foster care to independent living. In addition to providing the written notice, not later than ninety days prior to the child's last court review before attaining nineteen years of age or being discharged from foster care to independent living, a representative of the department shall explain the information contained in the notice to the child in person and the timeline necessary to avoid a lapse in services and support.

(7) On or before the date the child reaches nineteen years of age, the department shall provide the child with (a) a certified copy of the child's birth certificate and facilitate securing a federal social security card when the child is eligible for such card and (b) all documentation required for enrollment in medicaid coverage for former foster care children as available under the federal Patient Protection and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on January 1, 2013. All fees associated with securing the certified copy of the child's birth certificate shall be waived by the state.

Sec. 26. Section 43-2932, Reissue Revised Statutes of Nebraska, is amended to read:

43-2932 (1) When the court is required to develop a parenting plan:

(a) If a preponderance of the evidence demonstrates, the court shall determine whether a parent who would otherwise be allocated custody, parenting time, visitation, or other access to the child under a parenting plan:

(i) Has committed child abuse or neglect;

(ii) Has committed child abandonment under section 28-705;

(iii) Has committed domestic intimate partner abuse; or

(iv) Has interfered persistently with the other parent's access to the child, except in the case of actions taken for the purpose of protecting the safety of the child or the interfering parent or another family member, pending adjudication of the facts underlying that belief; and

(b) If a parent is found to have engaged in any activity specified by subdivision (1)(a) of this section, limits shall be imposed that are reasonably calculated to protect the child or child's parent from harm. The limitations may include, but are not limited to:

(i) An adjustment of the custody of the child, including the allocation of sole legal custody or physical custody to one parent;

(ii) Supervision of the parenting time, visitation, or other access between a parent and the child;

(iii) Exchange of the child between parents through an intermediary or in a protected setting;

(iv) Restraints on the parent from communication with or proximity to the other parent or the child;

(v) A requirement that the parent abstain from possession or consumption of alcohol or nonprescribed drugs while exercising custodial responsibility and in a prescribed period immediately preceding such exercise;

(vi) Denial of overnight physical custodial parenting time;

(vii) Restrictions on the presence of specific persons while the parent is with the child;

(viii) A requirement that the parent post a bond to secure return of the child following a period in which the parent is exercising physical custodial parenting time or to secure other performance required by the court;

or

(ix) Any other constraints or conditions deemed necessary to provide for the safety of the child, a child's parent, or any person whose safety immediately affects the child's welfare.

(2) A court determination under this section shall not be considered a report for purposes of inclusion in the central ~~register~~ registry of child protection cases pursuant to the Child Protection and Family Safety Act.

(3) If a parent is found to have engaged in any activity specified in subsection (1) of this section, the court shall not order legal or physical custody to be given to that parent without making special written findings that the child and other parent can be adequately protected from harm by such limits as it may impose under such subsection. The parent found to have engaged in the behavior specified in subsection (1) of this section has the burden of proving that legal or physical custody, parenting time, visitation, or other access to that parent will not endanger the child or the other parent.

Sec. 27. Section 43-3709, Reissue Revised Statutes of Nebraska, is amended to read:

43-3709 (1) The minimum qualifications for any prospective court appointed special advocate volunteer are that he or she shall:

(a) Be at least twenty-one years of age or older and have demonstrated an interest in children and their welfare;

(b) Be willing to commit to the court for a minimum of one year of service to a child;

(c) Complete an application, including providing background information required pursuant to subsection (2) of this section;

(d) Participate in a screening interview; and

(e) Participate in the training required pursuant to section 43-3708.

(2) As required background screening, the program director shall obtain the following information regarding a volunteer applicant:

(a) A check of the applicant's criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol;

(b) A check of his or her record with the central ~~register~~ registry of child protection cases maintained under section 28-718;

(c) A check of his or her driving record; and

(d) At least three references who will attest to the applicant's character, judgment, and suitability for the position of a court appointed special advocate volunteer.

(3) If the applicant has lived in Nebraska for less than twelve months, the program director shall obtain the records required in subdivisions (2)(a) through (2)(c) of this section from all other jurisdictions in which the applicant has lived during the preceding year.

Sec. 28. Section 43-4318, Revised Statutes Supplement, 2013, is amended to read:

43-4318 (1) The office shall investigate:

(a) Allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of statutes or of rules or regulations of the department by an employee of or person under contract with the department, a private agency, a licensed child care facility, a foster parent, or any other provider of child welfare services or which may provide a basis for discipline pursuant to the Uniform Credentialing Act; and

(b) Death or serious injury in foster homes, private agencies, child care facilities, juvenile detention facilities, staff secure juvenile facilities, and other programs and facilities licensed by or under contract with the department or the Office of Probation Administration and death or serious injury in any case in which services are provided by the department to a child or his or her parents or any case involving an investigation under the Child Protection and Family Safety Act, which case has been open for one year or less. The department and the Office of Probation Administration shall report all cases of death or serious injury of a child in a foster home, private agency, child care facility or program, or other program or facility licensed by the department to the Inspector General as soon as reasonably possible after the department or the Office of Probation Administration learns of such death or serious injury. For purposes of this subdivision, serious injury means an injury or illness caused by suspected abuse, neglect, or maltreatment which leaves a child in critical or serious condition.

(2) Any investigation conducted by the Inspector General shall be independent of and separate from an investigation pursuant to the Child Protection and Family Safety Act. The Inspector General and his or her staff are subject to the reporting requirements of the Child Protection and Family

Safety Act.

(3) Notwithstanding the fact that a criminal investigation, a criminal prosecution, or both are in progress, all law enforcement agencies and prosecuting attorneys shall cooperate with any investigation conducted by the Inspector General and shall, immediately upon request by the Inspector General, provide the Inspector General with copies of all law enforcement reports which are relevant to the Inspector General's investigation. All law enforcement reports which have been provided to the Inspector General pursuant to this section are not public records for purposes of sections 84-712 to 84-712.09 and shall not be subject to discovery by any other person or entity. Except to the extent that disclosure of information is otherwise provided for in the Office of Inspector General of Nebraska Child Welfare Act, the Inspector General shall maintain the confidentiality of all law enforcement reports received pursuant to its request under this section. Law enforcement agencies and prosecuting attorneys shall, when requested by the Inspector General, collaborate with the Inspector General regarding all other information relevant to the Inspector General's investigation. If the Inspector General in conjunction with the Public Counsel determines it appropriate, the Inspector General may, when requested to do so by a law enforcement agency or prosecuting attorney, suspend an investigation by the office until a criminal investigation or prosecution is completed or has proceeded to a point that, in the judgment of the Inspector General, reinstatement of the Inspector General's investigation will not impede or infringe upon the criminal investigation or prosecution. Under no circumstance shall the Inspector General interview any minor who has already been interviewed by a law enforcement agency, personnel of the Division of Children and Family Services of the department, or staff of a child advocacy center in connection with a relevant ongoing investigation of a law enforcement agency.

Sec. 29. Section 43-4331, Revised Statutes Supplement, 2013, is amended to read:

43-4331 On or before September 15 of each year, the Inspector General shall provide to the Health and Human Services Committee of the Legislature and the Governor a summary of reports and investigations made under the Office of Inspector General of Nebraska Child Welfare Act for the preceding year. The summary provided to the committee shall be provided electronically. The summaries shall detail recommendations and the status of implementation of recommendations and may also include recommendations to the committee regarding issues discovered through investigation, audits, inspections, and reviews by the office that will increase accountability and legislative oversight of the Nebraska child welfare system, improve operations of the department and the Nebraska child welfare system, or deter and identify fraud, abuse, and illegal acts. Such summary shall include summaries of alternative response cases under alternative response demonstration projects implemented in accordance with sections 2 to 4 of this act reviewed by the Inspector General. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations.

Sec. 30. Section 43-4501, Revised Statutes Supplement, 2013, is amended to read:

43-4501 Sections 43-4501 to 43-4514 and section 38 of this act shall be known and may be cited as the Young Adult Voluntary Services and Support Bridge to Independence Act.

Sec. 31. Section 43-4502, Revised Statutes Supplement, 2013, is amended to read:

43-4502 The purpose of the Young Adult ~~Voluntary Services and Support~~ Bridge to Independence Act is to support former state wards in transitioning to adulthood, becoming self-sufficient, and creating permanent relationships. The ~~extended services bridge to independence~~ program shall at all times recognize and respect the autonomy of the young adult. Nothing in the Young Adult ~~Voluntary Services and Support~~ Bridge to Independence Act shall be construed to abrogate any other rights that a person who has attained nineteen years of age may have as an adult under state law.

Sec. 32. Section 43-4503, Revised Statutes Supplement, 2013, is amended to read:

43-4503 For purposes of the Young Adult ~~Voluntary Services and Support~~ Bridge to Independence Act:

(1) Bridge to independence program means the extended services and support available to a young adult under the Young Adult Bridge to Independence Act other than the state-extended guardianship assistance program described in subdivision (3)(b) of section 43-4514;

~~(1)~~ (2) Child means an individual who has not attained twenty-one

years of age;

~~(2)~~ (3) Department means the Department of Health and Human Services;

~~(3)~~ Extended services program means the extended services and support available to a young adult under the Young Adult Voluntary Services and Support Act other than the state-extended guardianship assistance program described in subdivision ~~(3)(b)~~ of section 43-4514;

(4) Supervised independent living setting means an independent supervised setting, consistent with 42 U.S.C. 672(c). Supervised independent living settings shall include, but not be limited to, single or shared apartments, houses, host homes, college dormitories, or other postsecondary educational or vocational housing;

(5) Voluntary services and support agreement means a voluntary placement agreement as defined in 42 U.S.C. 672(f) between the department and a young adult as his or her own guardian; and

(6) Young adult means an individual who has attained nineteen years of age but who has not attained twenty-one years of age.

Sec. 33. Section 43-4504, Revised Statutes Supplement, 2013, is amended to read:

43-4504 The ~~extended services~~ bridge to independence program is available, on a voluntary basis, to a young adult:

- (1) Who has attained at least nineteen years of age;
- (2) Who was adjudicated to be a juvenile described in subdivision (3)(a) of section 43-247 and, upon attaining nineteen years of age, was in an out-of-home placement or had been discharged to independent living; and
- (3) Who is:
 - (a) Completing secondary education or an educational program leading to an equivalent credential;
 - (b) Enrolled in an institution which provides postsecondary or vocational education;
 - (c) Employed for at least eighty hours per month;
 - (d) Participating in a program or activity designed to promote employment or remove barriers to employment; or
 - (e) Incapable of doing any of the activities described in subdivisions (3)(a) through (d) of this section due to a medical condition, which incapacity is supported by regularly updated information in the case plan of the young adult.

Sec. 34. Section 43-4505, Revised Statutes Supplement, 2013, is amended to read:

43-4505 ~~Extended services and support provided under the extended services~~ bridge to independence program include, but are not limited to:

- (1) Medical care under the medical assistance program;
- (2) Housing, placement, and support in the form of continued foster care maintenance payments which shall remain at least at the rate set immediately prior to the young adult's exit from foster care. As decided by and with the young adult, young adults may reside in a foster family home, a supervised independent living setting, an institution, or a foster care facility. Placement in an institution or a foster care facility should occur only if necessary due to a young adult's developmental level or medical condition. A young adult who is residing in a foster care facility upon leaving foster care may choose to temporarily stay until he or she is able to transition to a more age-appropriate setting. For young adults residing in a supervised independent living setting:
 - (a) The department may send all or part of the foster care maintenance payments directly to the young adult. This should be decided on a case-by-case basis by and with the young adult in a manner that respects the independence of the young adult; and
 - (b) Rules and restrictions regarding housing options should be respectful of the young adult's autonomy and developmental maturity. Specifically, safety assessments of the living arrangements shall be age-appropriate and consistent with federal guidance on a supervised setting in which the individual lives independently. A clean background check shall not be required for an individual residing in the same residence as the young adult; and
 - (3) Case management services that are young-adult driven. Case management shall be a continuation of the independent living transition proposal in section 43-1311.03, including a written description of additional resources that will help the young adult in creating permanent relationships and preparing for the transition to adulthood and independent living. Case management shall include the development of a case plan, developed jointly by the department and the young adult, that includes a description of the identified housing situation or living arrangement, ~~and~~ the resources to

assist the young adult in the transition from the extended services bridge to independence program to adulthood, and the needs listed in subsection (1) of section 43-1311.03. The case plan shall incorporate the independent living transition proposal in section 43-1311.03. Case management shall also include, but not be limited to, documentation that assistance has been offered and provided that would help the young adult meet his or her individual goals, if such assistance is appropriate and if the young adult is eligible and consents to receive such assistance. This shall include, but not be limited to, assisting the young adult to:

- (a) Obtain employment or other financial support;
- (b) Obtain a government-issued identification card;
- (c) Open and maintain a bank account;
- (d) Obtain appropriate community resources, including health, mental health, developmental disability, and other disability services and support;
- (e) When appropriate, satisfy any juvenile justice system requirements and assist with sealing the young adult's juvenile court record if the young adult is eligible under section 43-2,108.01;
- (f) Complete secondary education;
- (g) Apply for admission and aid for postsecondary education or vocational courses;
- (h) Obtain the necessary state court findings and then apply for special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J) or apply for other immigration relief that the young adult may be eligible for;
- (i) Create a health care power of attorney, health care proxy, or other similar document recognized under state law, at the young adult's option, pursuant to as required by the federal Patient Protection and Affordable Care Act, Public Law 111-148;
- (j) Obtain a copy of health and education records of the young adult;
- (k) Apply for any public benefits or benefits that he or she may be eligible for or may be due through his or her parents or relatives, including, but not limited to, aid to dependent children, supplemental security income, social security disability insurance, social security survivors benefits, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Supplemental Nutrition Assistance Program, and low-income home energy assistance programs;
- (l) Maintain relationships with individuals who are important to the young adult, including searching for individuals with whom the young adult has lost contact;
- (m) Access information about maternal and paternal relatives, including any siblings;
- (n) Access young adult empowerment opportunities, such as Project Everlast and peer support groups; and
- (o) Access pregnancy and parenting resources and services.

Sec. 35. Section 43-4506, Revised Statutes Supplement, 2013, is amended to read:

43-4506 (1) If a young adult chooses to participate in the extended services bridge to independence program and is eligible under section 43-4504, the young adult and the department shall sign, and the young adult shall be provided a copy of, a voluntary services and support agreement that includes, at a minimum, information regarding all of the following:

- (a) The requirement that the young adult continue to be eligible under section 43-4504 for the duration of the voluntary services and support agreement and any other expectations of the young adult;
- (b) The services and support the young adult shall receive through the extended services bridge to independence program;
- (c) The voluntary nature of the young adult's participation and the young adult's right to terminate the voluntary services and support agreement at any time; and
- (d) Conditions that may result in the termination of the voluntary services and support agreement and the young adult's early discharge from the extended services bridge to independence program as described in section 43-4507.

(2) As soon as the young adult and the department sign the voluntary services and support agreement and the department determines that the young adult is eligible for the bridge to independence program under section 43-4504, but not longer than forty-five days after signing the agreement, the department shall provide services and support to the young adult in accordance with the voluntary services and support agreement.

(3) A young adult participating in the extended services bridge to independence program shall be assigned a support worker an independence coordinator to provide case management services for the young adult. ~~Support~~

~~workers~~ Independence coordinators and their supervisors shall be specialized in primarily providing services for young adults in the ~~extended services~~ bridge to independence program or shall, at minimum, have specialized training in providing transition services and support to young adults.

(4) The department shall provide continued efforts at achieving permanency and creating permanent connections for a young adult participating in the ~~extended services~~ bridge to independence program.

(5) The department shall fulfill all case plan obligations consistent with 42 U.S.C. 675(1).

~~(6) As soon as possible after the young adult is determined eligible under section 43-4504 and signs the voluntary services and support agreement, the department shall conduct a redetermination of income eligibility for purposes of Title IV-E of the federal Social Security Act, 42 U.S.C. 672.~~

Sec. 36. Section 43-4507, Revised Statutes Supplement, 2013, is amended to read:

43-4507 (1) A young adult may choose to terminate the voluntary services and support agreement and stop receiving services and support under the ~~extended services~~ bridge to independence program at any time. If a young adult chooses to terminate the voluntary services and support agreement, the department shall provide the young adult with a clear and developmentally appropriate written notice informing the young adult of the potential negative effects of terminating the voluntary services and support agreement early, the option to reenter the ~~extended services~~ bridge to independence program at any time before attaining twenty-one years of age, ~~and the procedures for reentering the extended services bridge to independence program, and information about and contact information for community resources that may benefit the young adult, specifically including information regarding state programs established pursuant to 42 U.S.C. 677.~~

(2) If the department determines that the young adult is no longer eligible for the bridge to independence program under section 43-4504, the department may terminate the voluntary services and support agreement and stop providing services and support to the young adult. Academic breaks in postsecondary education attendance, such as semester and seasonal breaks, and other transitions between eligibility requirements under section 43-4504, including education and employment transitions of no longer than thirty days, shall not be a basis for termination. Even if a young adult's voluntary services and support agreement has been previously terminated by either the department or the young adult, the young adult may come back into the ~~extended services~~ bridge to independence program by entering into another voluntary services and support agreement at any time, so long as he or she is eligible under section 43-4504. At least thirty days prior to the termination of the voluntary services and support agreement, the department shall provide a clear and developmentally appropriate written notice to the young adult informing the young adult of the termination of the voluntary services and support agreement and a clear and developmentally appropriate explanation of the basis for the termination. The written termination notice shall also provide information about the process for appealing the termination, information about the option to enter into another voluntary services and support agreement once the young adult reestablishes eligibility under section 43-4504, and information about and contact information for community resources that may benefit the young adult, specifically including information regarding state programs established pursuant to 42 U.S.C. 677. In addition, the independence coordinator shall make efforts to meet with the young adult in person to explain the information in the written termination notice and to assist the young adult in reestablishing eligibility if the young adult wishes to continue participating in the program. The young adult may appeal the termination of the voluntary services and support agreement and any other actions or inactions by the department administratively, and such appeal shall be in accordance with as allowed under the Administrative Procedure Act.

(3) If the young adult remains in the bridge to independence program until attaining twenty-one years of age, the department shall provide the young adult with a clear and developmentally appropriate written notice informing the young adult of the termination of the voluntary services and support agreement and information about and contact information for community resources that may benefit the young adult, specifically including information regarding state programs established pursuant to 42 U.S.C. 677.

Sec. 37. Section 43-4508, Revised Statutes Supplement, 2013, is amended to read:

43-4508 (1) Within forty-five days after the voluntary services and support agreement is signed, the department shall file a petition with the juvenile court a ~~written report or petition~~ describing the young adult's current situation, including the young adult's name, date of birth, and

current address and the reasons why it is in the young adult's best interests to ~~receive extended services and support.~~ participate in the bridge to independence program. The department shall also provide the juvenile court with a copy of the signed voluntary services and support agreement, a copy of the case plan, and any other information the department or the young adult wants the court to consider.

(2) To ensure continuity of care and eligibility, the voluntary services and support agreement should be signed prior to and filed with the court at the last court hearing before the young adult is discharged from foster care for all young adults who choose to participate in the ~~extended services~~ bridge to independence program at that time.

(3) The court has the jurisdiction to review the voluntary services and support agreement signed by the department and the young adult under section 43-4506 and to conduct permanency reviews as described in this section. Upon the filing of a ~~report or~~ petition under subsection (1) of this section, the court shall open an ~~extended services and support~~ a bridge to independence program file for the young adult for the purpose of determining whether continuing in ~~extended services and support~~ such program is in the young adult's best interests and for the purpose of conducting permanency reviews. ~~as described in subsection (5) of this section.~~

(4) The court shall make the best interests determination as described in subsection (3) of this section not later than one hundred eighty days after the young adult and the department enter into the voluntary services and support agreement.

(5) The court shall conduct a hearing for permanency review consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of this section regarding the voluntary services and support agreement at least once per year and may conduct such hearing at additional times, but not more times than is reasonably practicable, at the request of the young adult, the department, or any other party to the proceeding. The juvenile court may request the appointment of a hearing officer pursuant to section 24-230 to conduct permanency review hearings. The department is not required to have legal counsel present at such hearings. The juvenile court shall conduct the permanency reviews in an expedited manner and shall issue findings and orders, if any, as speedily as possible.

~~(6)~~ (6)(a) The primary purpose of the permanency review is to ensure that the bridge to independence program is providing the young adult is getting with the needed services and support to help the young adult move toward permanency and self-sufficiency. This shall include ~~the procedural safeguards described in 42 U.S.C. 675(5)(C),~~ including that, in all permanency reviews or hearings regarding the transition of the young adult from foster care to independent living, the court shall consult, in an age-appropriate manner, with the young adult regarding the proposed permanency or transition plan for the young adult. ~~and any other procedural safeguards that apply to children under nineteen years of age under existing state law.~~ The young adult shall have a clear self-advocacy role in the permanency review in accordance with section 43-4510, and the hearing shall support the active engagement of the young adult in key decisions. Permanency reviews shall be conducted on the record and in an informal manner and, whenever possible, outside of the courtroom.

(b) The department shall prepare and present to the juvenile court a report, at the direction of the young adult, addressing progress made in meeting the goals in the case plan, including the independent living transition proposal, and shall propose modifications as necessary to further those goals.

(c) The court shall determine whether the bridge to independence program is providing the appropriate services and support as provided in the voluntary services and support agreement to carry out the case plan. The court has the authority to determine whether the young adult is receiving the services and support he or she is entitled to receive under the Young Adult Bridge to Independence Act and the department's policies or state or federal law to help the young adult move toward permanency and self-sufficiency. If the court believes that the young adult requires additional services and support to achieve the goals documented in the case plan or under the Young Adult Bridge to Independence Act and the department's policies or state or federal law, the court may make appropriate findings or order the department to take action to ensure that the young adult receives the identified services and support.

Sec. 38. At least thirty days prior to each permanency review or case review, the independence coordinator shall meet with the young adult to notify the young adult of the date, time, and location of the review, to explain the purpose of the review, and to identify additional persons the

young adult would like to attend the review and assist in making arrangements for their attendance.

Sec. 39. Section 43-4509, Revised Statutes Supplement, 2013, is amended to read:

43-4509 (1)(a) The department shall prepare and present to the juvenile court a report, at the direction of the young adult, addressing progress made in meeting the goals in the case plan, including the independent living transition proposal, and shall propose modifications as necessary to further these goals.

(b) The court shall determine whether the department is providing the appropriate services and support as provided in the voluntary services and support agreement to carry out the case plan. If the court believes that the young adult requires additional services and support to achieve the goals documented in the case plan or under the department's policies or state or federal law, the court may order the department to take action to ensure that the young adult receives the identified services and support.

(2) (1) The department and at least one person who is not responsible for case management, in collaboration with the young adult and additional persons identified by the young adult, shall conduct periodic case reviews consistent with 42 U.S.C. 675(5)(B) not less than once every one hundred eighty days to evaluate progress made toward meeting the goals set forth in the case plan. The department is not required to have legal counsel present at such reviews. The department shall utilize a team approach in conducting such reviews and shall seek to facilitate the participation of the young adult. Reviews shall be conducted in an informal manner and, whenever possible, scheduled at times that allow for the attendance and participation of the young adult.

(2) At the end of each case review, the reviewer conducting the periodic case review shall notify the young adult of his or her right to request a client-directed attorney and an additional permanency review and shall provide the young adult with a clear and developmentally appropriate written notice regarding the young adult's right to request a client-directed attorney, the benefits and role of such attorney, the specific steps to take to request that an attorney be appointed, the young adult's right to request an additional permanency review hearing, the potential benefits and purpose of such a hearing, and the specific steps to take to request an additional permanency review hearing.

Sec. 40. Section 43-4510, Revised Statutes Supplement, 2013, is amended to read:

43-4510 (1) If desired by the young adult, the young adult shall be provided a court-appointed attorney who has received training appropriate to the role. The attorney's representation of the young adult shall be client-directed. The attorney shall protect the young adult's legal rights and vigorously advocate for the young adult's wishes and goals, including assisting the young adult as necessary to ensure that the bridge to independence program is providing the young adult receives with the services and support required under the Young Adult Voluntary Services and Support Bridge to Independence Act. For young adults who were appointed a guardian ad litem before the young adult attained nineteen years of age, the guardian ad litem's appointment may be continued, with consent from the young adult, but under a client-directed model of representation. Before entering into a voluntary services and support agreement and at least sixty days prior to each permanency and case review, the ~~support worker~~ independence coordinator shall notify the young adult of his or her right to request a client-directed attorney if the young adult would like an attorney to be appointed and shall provide the young adult with a clear and developmentally appropriate written notice regarding the young adult's right to request a client-directed attorney, the benefits and role of such attorney, and the specific steps to take to request that an attorney be appointed if the young adult would like an attorney appointed.

(2) The court has discretion to appoint a court appointed special advocate volunteer or continue the appointment of a previously appointed court appointed special advocate volunteer with the consent of the young adult.

Sec. 41. Section 43-4511, Revised Statutes Supplement, 2013, is amended to read:

43-4511 (1) The department shall provide extended guardianship assistance for a young adult who is at least nineteen years of age but less than twenty-one years of age if the young adult began receiving kinship guardianship assistance pursuant to 42 U.S.C. 673 at sixteen years of age or older or the young adult received state-funded guardianship assistance in a licensed relative placement at sixteen years of age or older and the young adult meets at least one of the following conditions for eligibility:

- ~~(1)~~ (a) The young adult is completing secondary education or an educational program leading to an equivalent credential;
- ~~(2)~~ (b) The young adult is enrolled in an institution that provides postsecondary or vocational education;
- ~~(3)~~ (c) The young adult is employed for at least eighty hours per month;
- ~~(4)~~ (d) The young adult is participating in a program or activity designed to promote employment or remove barriers to employment; or
- ~~(5)~~ (e) The young adult is incapable of doing any part of the activities in subdivisions ~~(1) through (4)~~ (1)(a) through (d) of this section due to a medical condition, which incapacity must be supported by regularly updated information in the case plan of the young adult.

(2) The guardian shall ensure that any guardianship assistance funds provided by the department and received by the guardian shall be used for the benefit of the young adult. The department shall adopt and promulgate rules and regulations defining services and supports encompassed by such benefit.

Sec. 42. Section 43-4512, Revised Statutes Supplement, 2013, is amended to read:

43-4512 (1) The department shall provide extended adoption assistance for a young adult who is at least nineteen years of age but less than twenty-one years of age if the young adult began receiving adoption assistance at sixteen years of age or older and meets at least one of the following conditions of eligibility:

- ~~(1)~~ (a) The young adult is completing secondary education or an educational program leading to an equivalent credential;
- ~~(2)~~ (b) The young adult is enrolled in an institution that provides postsecondary or vocational education;
- ~~(3)~~ (c) The young adult is employed for at least eighty hours per month;
- ~~(4)~~ (d) The young adult is participating in a program or activity designed to promote employment or remove barriers to employment; or
- ~~(5)~~ (e) The young adult is incapable of doing any part of the activities in subdivisions ~~(1) through (4)~~ (1)(a) through (d) of this section due to a medical condition, which incapacity must be supported by regularly updated information in the case plan of the young adult.

(2) The adoptive parent or parents shall ensure that any adoption assistance funds provided by the department and received by the adoptive parent shall be used for the benefit of the young adult. The department shall adopt and promulgate rules and regulations defining services and supports encompassed by such benefit.

Sec. 43. Section 43-4513, Revised Statutes Supplement, 2013, is amended to read:

43-4513 (1) On or before July 1, 2013, the Nebraska Children's Commission shall appoint a Young Adult Voluntary Services and Support Bridge to Independence Advisory Committee to make recommendations to the department and the Nebraska Children's Commission for a statewide implementation plan meeting the extended services bridge to independence program requirements of the Young Adult Voluntary Services and Support Bridge to Independence Act. The committee shall provide a written report regarding the initial implementation of the program to the Nebraska Children's Commission, the Health and Human Services Committee of the Legislature, the department, and the Governor by October 1, 2013. The report shall also specifically address recommendations for maximizing and making efficient use of funding for a state-extended guardianship assistance program described in section 43-4514. The report to the Health and Human Services Committee of the Legislature shall be submitted electronically. The Young Adult Voluntary Services and Support Bridge to Independence Advisory Committee shall meet on a biannual basis thereafter to advise the department and the Nebraska Children's Commission regarding ongoing implementation of the extended services bridge to independence program and shall provide a written report regarding ongoing implementation, including extended services bridge to independence program participation and early discharge rates and reasons obtained from the department, to the Nebraska Children's Commission, the Health and Human Services Committee of the Legislature, the department, and the Governor by December 15th of each year. By December 15, 2015, the committee shall develop specific recommendations for expanding to or improving outcomes for similar groups of at-risk young adults and for the adaptation or continuation of assistance under the state-extended guardianship assistance program described in section 43-4514. The report to the Health and Human Services Committee of the Legislature shall be submitted electronically.

(2) The members of the Young Adult Voluntary Services and Support Bridge to Independence Advisory Committee shall include, but not be limited

to, (a) representatives from all three branches of government, and the representatives from the legislative and judicial branches of government shall be nonvoting, ex officio members, (b) no less than three young adults currently or previously in foster care, which may be filled on a rotating basis by members of Project Everlast or a similar youth support or advocacy group, (c) one or more representatives from a child welfare advocacy organization, (d) one or more representatives from a child welfare service agency, and (e) one or more representatives from an agency providing independent living services.

(3) Members of the committee shall be appointed for terms of two years. The Nebraska Children's Commission shall appoint the chairperson of the committee and may fill vacancies on the committee as they occur.

Sec. 44. Section 43-4514, Revised Statutes Supplement, 2013, is amended to read:

43-4514 (1) The department shall submit a state plan amendment by October 15, 2013, to seek federal Title IV-E funding under 42 U.S.C. 672 and 42 U.S.C. 673 for the extended services bridge to independence program pursuant to the Young Adult Voluntary Services and Support Bridge to Independence Act.

(2) The extended services bridge to independence program or the state-extended guardianship assistance program under either subsection (3) or (4) of this section shall not begin prior to January 1, 2014.

(3) If the state plan amendment is approved:

(a) The department shall implement the extended services bridge to independence program in accordance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B) and in accordance with requirements necessary to obtain federal Title IV-E funding under 42 U.S.C. 672 and 42 U.S.C. 673. If the department does not contract with a private agency to implement the extended services bridge to independence program, the extended services bridge to independence program shall take effect within sixty days after the department receives the notice of approval of the state plan amendment. If the department contracts with a private agency to implement the extended services bridge to independence program, the extended services bridge to independence program shall take effect within ninety days after the department receives the notice of approval of the state plan amendment; and

(b) The department shall implement a state-extended guardianship assistance program. The state-extended guardianship assistance program shall not be construed to create an entitlement. Under the state-extended guardianship assistance program, a young adult (i) for whom the state has entered into a guardianship assistance agreement at sixteen years of age or older that is not with a licensed relative and (ii) who meets at least one of the conditions of eligibility under subdivisions ~~(1) through (5)~~ (1)(a) through (e) of section 43-4511, the department shall continue making guardianship assistance payments on behalf of such young adult until he or she attains twenty-one years of age to the extent possible within funds appropriated for the state-extended guardianship assistance program. It is the intent of the Legislature to appropriate four hundred thousand dollars for fiscal years 2013-14 and 2014-15 for the state-extended guardianship assistance program.

(4) If the state plan amendment is denied, the department shall implement the extended services bridge to independence program as a state-only pilot program within sixty days after the department receives the notice of denial. If implemented as a state-only pilot program, it is the intent of the Legislature to appropriate two million dollars for fiscal years 2013-14 and 2014-15 for such state-only pilot program. The department shall administer the state-only pilot program to serve as many eligible young adults as possible within the funds appropriated. If a state-only pilot program is established, the Young Adult Voluntary Services and Support Bridge to Independence Advisory Committee shall make recommendations to the department and the Nebraska Children's Commission regarding eligibility criteria and private or alternative funding options within thirty days after the department receives the notice of denial.

(5) Prior to January 1, 2014, the department shall adopt and promulgate rules and regulations to carry out the Young Adult Voluntary Services and Support Bridge to Independence Act.

(6) All references to the United States Code in the Young Adult Voluntary Services and Support Bridge to Independence Act refer to sections of the code as such sections existed on January 1, 2013.

Sec. 45. To facilitate consistency in training all case managers and allow for Title IV-E reimbursement for case manager training under Title IV-E of the federal Social Security Act, as amended, the same program for

initial training of case managers shall be utilized for all case managers, whether they are employed by the department or by an organization under contract with the department. The initial training of all case managers shall be provided by the department or one or more organizations under contract with the department. The department shall create a formal system for measuring and evaluating the quality of such training. All case managers shall complete a formal assessment process after initial training to demonstrate competency prior to assuming responsibilities as a case manager. The training curriculum for case managers shall include, but not be limited to: (1) An understanding of the benefits of utilizing evidence-based and promising casework practices; (2) the importance of guaranteeing service providers' fidelity to evidence-based and promising casework practices; and (3) a commitment to evidence-based and promising family-centered casework practices that utilize a least restrictive approach for children and families.

Sec. 46. Section 71-3405, Revised Statutes Supplement, 2013, is amended to read:

71-3405 For purposes of the Child and Maternal Death Review Act:

(1) Child means a person from birth to eighteen years of age;

(2) Investigation of child death means a review of existing records and other information regarding the child from relevant agencies, professionals, and providers of medical, dental, prenatal, and mental health care. The records to be reviewed may include, but not be limited to, medical records, coroner's reports, autopsy reports, social services records, records of alternative response cases under alternative response demonstration projects implemented in accordance with sections 2 to 4 of this act, educational records, emergency and paramedic records, and law enforcement reports;

(3) Investigation of maternal death means a review of existing records and other information regarding the woman from relevant agencies, professionals, and providers of medical, dental, prenatal, and mental health care. The records to be reviewed may include, but not be limited to, medical records, coroner's reports, autopsy reports, social services records, educational records, emergency and paramedic records, and law enforcement reports;

(4) Maternal death means the death of a woman during pregnancy or the death of a postpartum woman;

(5) Postpartum woman means a woman during the period of time beginning when the woman ceases to be pregnant and ending one year after the woman ceases to be pregnant;

(6) Preventable child or maternal death means the death of any child or pregnant or postpartum woman which reasonable medical, social, legal, psychological, or educational intervention may have prevented. Preventable child or maternal death includes, but is not limited to, the death of a child or pregnant or postpartum woman from (a) intentional and unintentional injuries, (b) medical misadventures, including untoward results, malpractice, and foreseeable complications, (c) lack of access to medical care, (d) neglect and reckless conduct, including failure to supervise and failure to seek medical care for various reasons, and (e) preventable premature birth;

(7) Reasonable means taking into consideration the condition, circumstances, and resources available; and

(8) Team means the State Child and Maternal Death Review Team.

Sec. 47. Section 71-6039.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-6039.01 No person shall act as a paid dining assistant in a nursing home unless such person:

(1) Is at least sixteen years of age;

(2) Is able to speak and understand the English language or a language understood by the nursing home resident being fed by such person;

(3) Has successfully completed at least eight hours of training as prescribed by the department for paid dining assistants;

(4) Has no adverse findings on the Nurse Aide Registry or the Adult Protective Services Central Registry; and

(5) Has no adverse findings on the central ~~register~~ registry created in section 28-718 if the nursing home which employs such person as a paid dining assistant has at any one time more than one resident under the age of nineteen years.

Sec. 48. Section 71-6039.05, Reissue Revised Statutes of Nebraska, is amended to read:

71-6039.05 Each nursing home shall maintain (1) a record of all paid dining assistants employed by such facility, (2) verification of successful completion of a training course for each paid dining assistant, and (3) verification that the facility has made checks with the Nurse Aide Registry,

the Adult Protective Services Central Registry, and the central ~~register~~ registry created in section 28-718, if applicable under section 71-6039.01, with respect to each paid dining assistant.

Sec. 49. Section 71-6502, Reissue Revised Statutes of Nebraska, is amended to read:

71-6502 An in-home personal services worker:

- (1) Shall be at least eighteen years of age;
- (2) Shall have good moral character;
- (3) Shall not have been convicted of a crime under the laws of Nebraska or another jurisdiction, the penalty for which is imprisonment for a period of more than one year and which crime is rationally related to the person's fitness or capacity to act as an in-home personal services worker;
- (4) Shall have no adverse findings on the Adult Protective Services Central Registry, the central ~~register~~ registry created in section 28-718, the Medication Aide Registry, the Nurse Aide Registry, or the central registry maintained by the sex offender registration and community notification division of the Nebraska State Patrol pursuant to section 29-4004;
- (5) Shall be able to speak and understand the English language or the language of the person for whom he or she is providing in-home personal services; and
- (6) Shall have training sufficient to provide the requisite level of in-home personal services offered.

Sec. 50. Section 81-3136, Revised Statutes Supplement, 2013, is amended to read:

81-3136 (1) It is the intent of the Legislature that the alternative response to reports of child abuse or neglect model developed pursuant to subsection (2) of this section be implemented in designated sites under the Child Protection and Family Safety Act no earlier than July 2014.

(2) The Department of Health and Human Services shall convene interested stakeholders and families to develop a model for alternative response to reports of child abuse or neglect under the Child Protection Act. The model shall include:

- (a) Methodology for determining the location of sites for initial implementation of alternative response;
- (b) An estimate of the percentage of reports of child abuse or neglect eligible for alternative response;
- (c) Eligibility criteria for alternative response;
- (d) The process to determine eligibility for alternative response;
- (e) The assessment protocol and tools to be used for alternative response;
- (f) The role of child abuse and neglect investigative teams and child abuse and neglect treatment teams in implementation sites;
- (g) How, with whom, and what alternative response data will be shared;
- (h) The criteria and process for transition of families from an alternative response to a traditional investigation;
- (i) The criteria and process for families who refuse an alternative response;
- (j) The plan to address the continuum of services needed for families receiving an alternative response;
- (k) An overview of critical training elements for both staff who implement and stakeholders involved with alternative response implementation;
- (l) A description of the evaluation component;
- (m) The relationship of alternative response to Title IV-E waiver applications of the Department of Health and Human Services under the federal Social Security Act;
- (n) A plan to communicate and update interested stakeholders and families with regard to the alternative response planning process;
- (o) The identification of statutory and policy changes necessary to implement the alternative response model, including a procedure that provides that reports of child abuse and neglect which receive an alternative response shall not receive a formal determination and the subject of the report shall not be entered into the central ~~register~~ registry of child protection cases maintained pursuant to section 28-718;
- (p) A budget for implementing and sustaining an alternative response model;
- (q) The mechanisms of oversight and accountability in the alternative response model; and
- (r) A determination of how alternative response service providers will be selected.

(3) The Department of Health and Human Services shall provide the model developed under subsection (2) of this section in a report to the

Nebraska Children's Commission by November 1, 2013, for the commission's review. The Nebraska Children's Commission shall electronically submit the report and review to the Legislature by December 15, 2013.

Sec. 51. Original sections 28-713, 28-719, 28-720.01, 28-721, 28-722, 28-723, 28-724, 28-725, 43-146.17, 43-284.02, 43-2932, 43-3709, 71-6039.01, 71-6039.05, and 71-6502, Reissue Revised Statutes of Nebraska, sections 28-713.01, 28-718, 28-720, 28-728, and 43-107, Revised Statutes Cumulative Supplement, 2012, and sections 28-710, 28-726, 28-801, 43-247, 43-285, 43-905, 43-1311.03, 43-4318, 43-4331, 43-4501, 43-4502, 43-4503, 43-4504, 43-4505, 43-4506, 43-4507, 43-4508, 43-4509, 43-4510, 43-4511, 43-4512, 43-4513, 43-4514, 71-3405, and 81-3136, Revised Statutes Supplement, 2013, are repealed.