

AMENDMENTS TO LB225

Introduced by Health and Human Services.

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

3 Section 1. Section 28-712, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-712 (1) The department, in consultation with the Nebraska
6 Children's Commission, shall develop an alternative response
7 implementation plan in accordance with this section and sections
8 28-710.01 and 28-712.01. The alternative response implementation plan
9 shall include the provision of concrete supports and voluntary services,
10 including, but not limited to: Meeting basic needs, including food and
11 clothing assistance; housing assistance; transportation assistance; child
12 care assistance; and mental health and substance abuse services. When the
13 alternative response implementation plan has been developed, the
14 department may begin using alternative response in up to five alternative
15 response demonstration project locations that are designated by the
16 department. The department may begin using alternative response statewide
17 on and after the operative date of this section. The department shall
18 provide a report to the commission and the Health and Human Services
19 Committee of the Legislature by November 15, 2018. The report shall
20 outline, at a minimum, the challenges, barriers, and opportunities that
21 may occur if the alternative response implementation plan is made
22 permanent ~~The department shall provide a report of an evaluation on the~~
23 ~~status of alternative response implementation pursuant to subsection (2)~~
24 ~~of this section to the commission and electronically to the Legislature~~
25 ~~by November 15, 2015. The commission shall provide feedback on the report~~
26 ~~to the department before December 15, 2015. The department may begin~~
27 ~~using alternative response in up to five additional alternative response~~

1 ~~demonstration project locations on or after January 1, 2016. The~~
2 ~~department shall provide a report of another evaluation done pursuant to~~
3 ~~subsection (2) of this section to the commission and electronically to~~
4 ~~the Legislature by November 15, 2016. The department shall may continue~~
5 ~~using alternative response until December 31, 2020 July 1, 2017.~~
6 Continued use of alternative response thereafter shall require approval
7 of the Legislature. For purposes of this section, demonstration project
8 location means any geographic region, including, but not limited to, a
9 city, a township, a village, a county, a group of counties, or a group of
10 counties and cities, townships, or villages.

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

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

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

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

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

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

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

31 ~~(g) A cost analysis that will examine, at a minimum, the costs of~~

1 ~~the key elements of services received.~~

2 ~~(2)~~ (3) The department shall provide to the Nebraska Children's
3 Commission regular updates on:

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

6 ~~(a)~~ (b) The status of alternative response implementation;

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

10 ~~(c)~~ (d) Any findings or recommendations made by the independent
11 evaluator, including costs; and

12 (d) Any alternative response programmatic modifications, including,
13 but not limited to, proposed changes in rules and regulations.

14 ~~(e) Any alternative response programmatic modifications; and~~

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

17 ~~(3)~~ (4) The department shall adopt and promulgate rules and
18 regulations to carry out this section and sections 28-710.01 and
19 28-712.01. Such rules and regulations shall include, but not be limited
20 to, provisions on the transfer of cases from alternative response to
21 traditional response; notice to families subject to a comprehensive
22 assessment and served through alternative response of the alternative
23 response process and their rights, including the opportunity to challenge
24 agency determinations; the provision of services through alternative
25 response; the collection, sharing, and reporting of data; and the
26 alternative response ineligibility criteria. ~~Whenever the department~~
27 ~~proposes to change the alternative response ineligibility criteria,~~
28 ~~public notice of the changes shall be given. The department shall provide~~
29 ~~public notice and time for public comment by publishing the proposed~~
30 ~~changes on its web site at least sixty days prior to the public hearing~~
31 ~~on such regulation changes. The department shall provide a copy of the~~

1 ~~proposed rules and regulations to the Nebraska Children's Commission no~~
2 ~~later than October 1, 2014.~~

3 Sec. 2. Section 28-712.01, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-712.01 (1) This section applies to alternative response
6 demonstration projects designated under section 28-712.

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

19 (3) In the case of an alternative response, the department shall
20 complete a comprehensive assessment. The department shall transfer the
21 case being given alternative response to traditional response if the
22 department determines that a child is unsafe. Upon completion of the
23 comprehensive assessment, if it is determined that the child is safe,
24 participation in services offered to the family receiving an alternative
25 response is voluntary, the case shall not be transferred to traditional
26 response based upon the family's failure to enroll or participate in such
27 services, and the subject of the report shall not be entered into the
28 central registry of child protection cases maintained pursuant to section
29 28-718.

30 (4) The department shall, by the next working day after receipt of a
31 report of child abuse and neglect, enter into the tracking system of

1 child protection cases maintained pursuant to section 28-715 all reports
2 of child abuse or neglect received under this section that are opened for
3 alternative response and any action taken.

4 (5) The department shall make available to the appropriate
5 investigating law enforcement agency, child advocacy center, and the
6 county attorney a copy of all reports relative to a case of suspected
7 child abuse or neglect. Aggregate, nonidentifying reports of child abuse
8 or neglect receiving an alternative response shall be made available
9 quarterly to requesting agencies outside the department. Such alternative
10 response data shall include, but not be limited to, the nature of the
11 initial child abuse or neglect report, the age of the child or children,
12 the nature of services offered, the location of the cases, the number of
13 cases per month, and the number of alternative response cases that were
14 transferred to traditional response. No other agency or individual except
15 the office of Inspector General of Nebraska Child Welfare, the Public
16 Counsel, law enforcement agency personnel, child advocacy center
17 employees, and county attorneys shall be provided specific, identifying
18 reports of child abuse or neglect being given alternative response. The
19 office of Inspector General of Nebraska Child Welfare shall have access
20 to all reports relative to cases of suspected child abuse or neglect
21 subject to traditional response and those subject to alternative
22 response. The department and the office shall develop procedures allowing
23 for the Inspector General's review of cases subject to alternative
24 response. The Inspector General shall include in the report pursuant to
25 section 43-4331 a summary of all cases reviewed pursuant to this
26 subsection.

27 Sec. 3. Section 28-718, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 28-718 (1) There shall be a central registry of child protection
30 cases maintained in the department containing records of all reports of
31 child abuse or neglect opened for investigation as provided in section

1 28-713 and classified as either court substantiated or agency
2 substantiated as provided in section 28-720.

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

8 (3) The department may charge a reasonable fee in an amount
9 established by the department in rules and regulations to recover
10 expenses in carrying out central registry records checks. The fee shall
11 be at least five dollars and not more than ten dollars for each request
12 to check the records of the central registry. The department shall remit
13 the fees to the State Treasurer for credit to the Health and Human
14 Services Cash Fund. The department shall not charge a fee for any such
15 request by a child-placing agency as defined in section 71-1926 for
16 purposes of placement of a child in foster care as defined in section
17 71-1901. The department may waive the fee if the requesting party shows
18 the fee would be an undue financial hardship. The department shall use
19 the fees to defray costs incurred to carry out such records checks. The
20 department may adopt and promulgate rules and regulations to carry out
21 this section.

22 Sec. 4. Section 43-2,108, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-2,108 (1) The juvenile court judge shall keep a minute book in
25 which he or she shall enter minutes of all proceedings of the court in
26 each case, including appearances, findings, orders, decrees, and
27 judgments, and any evidence which he or she feels it is necessary and
28 proper to record. Juvenile court legal records shall be deposited in
29 files and shall include the petition, summons, notice, certificates or
30 receipts of mailing, minutes of the court, findings, orders, decrees,
31 judgments, and motions.

1 (2) Except as provided in subsections (3) and (4) of this section,
2 the medical, psychological, psychiatric, and social welfare reports and
3 the records of juvenile probation officers as they relate to individual
4 proceedings in the juvenile court shall not be open to inspection,
5 without order of the court. Such records shall be made available to a
6 district court of this state or the District Court of the United States
7 on the order of a judge thereof for the confidential use of such judge or
8 his or her probation officer as to matters pending before such court but
9 shall not be made available to parties or their counsel; and such
10 district court records shall be made available to a county court or
11 separate juvenile court upon request of the county judge or separate
12 juvenile judge for the confidential use of such judge and his or her
13 probation officer as to matters pending before such court, but shall not
14 be made available by such judge to the parties or their counsel.

15 (3) As used in this section, confidential record information means
16 all docket records, other than the pleadings, orders, decrees, and
17 judgments; case files and records; reports and records of probation
18 officers; and information supplied to the court of jurisdiction in such
19 cases by any individual or any public or private institution, agency,
20 facility, or clinic, which is compiled by, produced by, and in the
21 possession of any court. In all cases under subdivision (3)(a) of section
22 43-247, access to all confidential record information in such cases shall
23 be granted only as follows: (a) The court of jurisdiction may, subject to
24 applicable federal and state regulations, disseminate such confidential
25 record information to any individual, or public or private agency,
26 institution, facility, or clinic which is providing services directly to
27 the juvenile and such juvenile's parents or guardian and his or her
28 immediate family who are the subject of such record information; (b) the
29 court of jurisdiction may disseminate such confidential record
30 information, with the consent of persons who are subjects of such
31 information, or by order of such court after showing of good cause, to

1 any law enforcement agency upon such agency's specific request for such
2 agency's exclusive use in the investigation of any protective service
3 case or investigation of allegations under subdivision (3)(a) of section
4 43-247, regarding the juvenile or such juvenile's immediate family, who
5 are the subject of such investigation; and (c) the court of jurisdiction
6 may disseminate such confidential record information to any court, which
7 has jurisdiction of the juvenile who is the subject of such information
8 upon such court's request.

9 (4) The court shall provide copies of predispositional reports and
10 evaluations of the juvenile to the juvenile's attorney and the county
11 attorney or city attorney prior to any hearing in which the report or
12 evaluation will be relied upon.

13 (5) In all cases under sections 43-246.01 and 43-247, the office of
14 Inspector General of Nebraska Child Welfare may submit a written request
15 to the probation administrator for access to the records of juvenile
16 probation officers in a specific case. Upon a juvenile court order, the
17 records shall be provided to the Inspector General within five days for
18 the exclusive use in an investigation pursuant to the Office of Inspector
19 General of Nebraska Child Welfare Act. Nothing in this subsection shall
20 prevent the notification of death or serious injury of a juvenile to the
21 Inspector General of Nebraska Child Welfare pursuant to section 43-4318
22 as soon as reasonably possible after the Office of Probation
23 Administration learns of such death or serious injury.

24 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
25 court shall disseminate confidential record information to the Foster
26 Care Review Office pursuant to the Foster Care Review Act.

27 (7) Nothing in subsections (3), (5), and (6) of this section shall
28 be construed to restrict the dissemination of confidential record
29 information between any individual or public or private agency,
30 institute, facility, or clinic, except any such confidential record
31 information disseminated by the court of jurisdiction pursuant to this

1 section shall be for the exclusive and private use of those to whom it
2 was released and shall not be disseminated further without order of such
3 court.

4 (8)(a) Any records concerning a juvenile court petition filed
5 pursuant to subdivision (3)(c) of section 43-247 shall remain
6 confidential except as may be provided otherwise by law. Such records
7 shall be accessible to (i) the juvenile except as provided in subdivision
8 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
9 parent or guardian, and (iv) persons authorized by an order of a judge or
10 court.

11 (b) Upon application by the county attorney or by the director of
12 the facility where the juvenile is placed and upon a showing of good
13 cause therefor, a judge of the juvenile court having jurisdiction over
14 the juvenile or of the county where the facility is located may order
15 that the records shall not be made available to the juvenile if, in the
16 judgment of the court, the availability of such records to the juvenile
17 will adversely affect the juvenile's mental state and the treatment
18 thereof.

19 (9) Nothing in subsection (3), (5), or (6) of this section shall be
20 construed to restrict the immediate dissemination of a current picture
21 and information about a child who is missing from a foster care or out-
22 of-home placement. Such dissemination by the Office of Probation
23 Administration shall be authorized by an order of a judge or court. Such
24 information shall be subject to state and federal confidentiality laws
25 and shall not include that the child is in the care, custody, or control
26 of the Department of Health and Human Services or under the supervision
27 of the Office of Probation Administration.

28 Sec. 5. (1) The Children and Juveniles Data Feasibility Study
29 Advisory Group is created. The advisory group shall oversee a feasibility
30 study to identify how existing state agency data systems currently used
31 to account for the use of all services, programs, and facilities by

1 children and juveniles in the State of Nebraska can be used to establish
2 an independent, external data warehouse. The Foster Care Review Office
3 shall provide administrative support for the feasibility study and the
4 advisory group.

5 (2) The advisory group shall include the Inspector General of
6 Nebraska Child Welfare or his or her designee, the State Court
7 Administrator or his or her designee, the probation administrator of the
8 Office of Probation Administration or his or her designee, the executive
9 director of the Nebraska Commission on Law Enforcement and Criminal
10 Justice or his or her designee, the Commissioner of Education or his or
11 her designee, the executive director of the Foster Care Review Office or
12 his or her designee, the Chief Information Officer of the office of Chief
13 Information Officer or his or her designee, and the chief executive
14 officer of the Department of Health and Human Services or his or her
15 designee.

16 (3) The advisory group shall:

17 (a) Meet at least twice a year;

18 (b) Carry out in good faith the duties provided in this section;

19 (c) Create a Data Steering Subcommittee. Each member of the advisory
20 group shall designate one representative from his or her agency with
21 specific technical knowledge of the agency's data structure, limitation,
22 and capabilities to serve on the subcommittee. The subcommittee shall
23 meet regularly to manage and discuss data-related items, including the
24 technological and system issues of each agency's current data system,
25 specific barriers that impact the implementation of a data warehouse, and
26 steps necessary to establish and sustain a data warehouse. The
27 subcommittee shall report its findings to the advisory group;

28 (d) Create an Information-Sharing Subcommittee. Each member of the
29 advisory group shall designate one representative from his or her agency
30 with specific knowledge of the agency's legal and regulatory
31 responsibilities and restrictions related to sharing data to serve on the

1 subcommittee. The subcommittee shall meet regularly to manage and discuss
2 the legal and regulatory barriers to establishing a data warehouse and to
3 identify possible solutions. The subcommittee shall report its findings
4 to the advisory group; and

5 (e) Submit a written report electronically to the Legislature on
6 October 1 of 2017 and 2018, detailing the technical and legal steps
7 necessary to establish the Children and Juveniles Data Warehouse by July
8 1, 2019. The report to be submitted on October 1, 2018, shall include the
9 final results of the feasibility study to establish the data warehouse by
10 July 1, 2019. The results of the feasibility study shall not be binding
11 on any agency.

12 (4) For purposes of this section, independent, external data
13 warehouse means a data system which allows for the collection, storage,
14 and analysis of data from multiple agencies but is not solely controlled
15 by the agencies providing the data.

16 (5) This section terminates on December 31, 2019.

17 Sec. 6. Section 43-1318, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-1318 Sections 43-1301 to 43-1321 and section 5 of this act
20 ~~43-1322~~ shall be known and may be cited as the Foster Care Review Act.

21 Sec. 7. Section 43-4218, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 43-4218 (1)(a) (1) The Normalcy Task Force is created. On July 1,
24 2017, the Normalcy Task Force shall become the Nebraska Strengthening
25 Families Act Committee.

26 (b)(i) Beginning July 1, 2016, until July 1, 2017, the Normalcy Task
27 Force shall monitor and make recommendations regarding the implementation
28 in Nebraska of the federal Preventing Sex Trafficking and Strengthening
29 Families Act, Public Law 113-183, as such act existed on January 1, 2016.

30 (ii) On and after July 1, 2017, the Nebraska Strengthening Families
31 Act Committee shall monitor and make recommendations regarding the

1 implementation in Nebraska of the federal Preventing Sex Trafficking and
2 Strengthening Families Act, Public Law 113-183, as such act existed on
3 January 1, 2017, and the Nebraska Strengthening Families Act.

4 (2) Until July 1, 2017, the ~~The~~ members of the task force, and on
5 and after July 1, 2017, the members of the committee shall include, but
6 not be limited to, (a) representatives from the legislative, executive,
7 and judicial branches of government. The representatives from the
8 legislative and judicial branches shall be nonvoting, ex officio members,
9 (b) no fewer than three young adults currently or previously in foster
10 care which may be filled on a rotating basis by members of Project
11 Everlast or a similar youth support or advocacy group, (c) a
12 representative from the juvenile probation system, (d) the executive
13 director of the Foster Care Review Office, (e) one or more
14 representatives from a child welfare advocacy organization, (f) one or
15 more representatives from a child welfare service agency, (g) one or more
16 representatives from an agency providing independent living services, (h)
17 one or more representatives of a child-care institution as defined in
18 section 43-4703, (i) one or more current or former foster parents, (j)
19 one or more parents who have experience in the foster care system, (k)
20 one or more professionals who have relevant practical experience such as
21 a caseworker, and (l) one or more guardians ad litem who practice in
22 juvenile court.

23 (3) On or before July 1, 2016, the Nebraska Children's Commission
24 shall appoint the members of the task force. On July 1, 2017, the members
25 of the task force shall become members of the committee, shall serve the
26 amount of time remaining on their initial terms of office, and are
27 eligible for reappointment by the Nebraska Children's Commission. Members
28 ~~of the task force~~ shall be appointed for terms of two years. The
29 commission shall appoint a chairperson or chairpersons of the committee
30 ~~task force~~ and may fill vacancies on the committee ~~task force~~ as such
31 vacancies occur.

1 (4) The committee task force shall provide a written report with
2 recommendations regarding the initial and ongoing implementation of the
3 federal Preventing Sex Trafficking and Strengthening Families Act, as
4 such act existed on January 1, 2017, and the Nebraska Strengthening
5 Families Act 2016, and related efforts to improve normalcy for children
6 in foster care and related populations to the Nebraska Children's
7 Commission, the Health and Human Services Committee of the Legislature,
8 the Department of Health and Human Services, and the Governor by December
9 15 of each year. The report to the Health and Human Services Committee of
10 the Legislature shall be submitted electronically.

11 Sec. 8. Section 43-4701, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-4701 Sections 43-4701 to 43-4714 and section 15 of this act shall
14 be known and may be cited as the Nebraska Strengthening Families Act.

15 Sec. 9. Section 43-4702, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 43-4702 The Legislature finds that every day a parent makes
18 important decisions about his or her child's participation in activities
19 and that a caregiver for a child in out-of-home care is faced with making
20 the same decisions for a child in his or her care.

21 The Legislature also finds that, when a caregiver makes decisions,
22 he or she must consider applicable laws, rules, and regulations to
23 safeguard the health and safety of a child in out-of-home care and that
24 those laws, rules, and regulations have commonly been interpreted to
25 prohibit children in out-of-home care from participating in
26 extracurricular, enrichment, cultural, and social activities.

27 The Legislature further finds that participation in these types of
28 activities is important to a child's well-being, not only emotionally,
29 but in developing valuable life skills.

30 It is the intent of the Legislature to recognize the importance of
31 parental rights and the different rights that exist dependent on a

1 variety of factors, including the age and maturity of the child, the
2 status of the case, and the child's placement.

3 It is the intent of the Legislature to recognize the importance of
4 race, culture, and identity for children in out-of-home care.

5 It is the intent of the Legislature to recognize the importance of
6 making every effort to normalize the lives of children in out-of-home
7 care and to empower a caregiver to approve or disapprove a child's
8 participation in activities based on the caregiver's own assessment using
9 a reasonable and prudent parent standard.

10 It is the intent of the Legislature to implement the federal
11 Preventing Sex Trafficking and Strengthening Families Act, Public Law
12 113-183, as such act existed on January 1, 2016.

13 Sec. 10. Section 43-4703, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 43-4703 For purposes of the Nebraska Strengthening Families Act:

16 (1) Age or developmentally appropriate means activities or items
17 that are generally accepted as suitable for a child of the same
18 chronological age or level of maturity or that are determined to be
19 developmentally appropriate for a child, based on the development of
20 cognitive, emotional, physical, and behavioral capacities that are
21 typical for an age or age group and, in the case of a specific child,
22 activities or items that are suitable for the child based on the
23 developmental stages attained by the child with respect to the cognitive,
24 emotional, physical, and behavioral capacities of the child;

25 (2) Caregiver means a foster parent with whom a child in foster care
26 has been placed or a designated official for a child-care institution in
27 which a child in foster care has been placed;

28 (3) Child-care institution has the definition found in 42 U.S.C.
29 672(c), as such section existed on January 1, 2016, and also includes the
30 definition of residential child-caring agency as found in section
31 71-1926;

1 (4) Department means the Department of Health and Human Services;

2 (5) Foster family home has the definition found in 42 U.S.C. 672(c),
3 as such section existed on January 1, 2017 ~~2016~~, and also includes the
4 definition as found in section 71-1901; ~~and~~

5 (6) Probation means the Office of Probation Administration; and

6 (7) (6) Reasonable and prudent parent standard means the standard
7 characterized by careful and sensible parental decisions that maintain
8 the health, safety, and best interest of a child while at the same time
9 encouraging the emotional and developmental growth of the child that a
10 caregiver shall use when determining whether to allow a child in foster
11 care under the responsibility of the state to participate in
12 extracurricular, enrichment, cultural, and social activities.

13 Sec. 11. Section 43-4704, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 43-4704 Every child placed by the department in a foster family home
16 or child-care institution shall be entitled to access to reasonable
17 opportunities to participate in age or developmentally appropriate
18 extracurricular, enrichment, cultural, and social activities.

19 Sec. 12. Section 43-4706, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-4706 (1) The department shall ensure that each foster family home
22 and child-care institution has policies consistent with this section and
23 that such foster family home and child-care institution promote and
24 protect the ability of children to participate in age or developmentally
25 appropriate extracurricular, enrichment, cultural, and social activities.

26 (2) A caregiver shall use a reasonable and prudent parent standard
27 in determining whether to give permission for a child to participate in
28 extracurricular, enrichment, cultural, and social activities. The
29 caregiver shall take reasonable steps to determine the appropriateness of
30 the activity in consideration of the child's age, maturity, and
31 developmental level.

1 (3) The department shall require, as a condition of each contract or
2 other placement agreement entered into by a child-care institution to
3 provide foster care, the presence onsite of at least one official who,
4 with respect to any child placed at the child-care institution, is
5 designated to be the caregiver who is (a) authorized to apply the
6 reasonable and prudent parent standard to decisions involving the
7 participation of the child in age or developmentally appropriate
8 activities, (b) provided with training in how to use and apply the
9 reasonable and prudent parent standard in the same manner as foster
10 parents are provided training in section 43-4707, and (c) required to
11 consult whenever possible with the child and staff members identified by
12 the child in applying the reasonable and prudent parent standard.

13 (4) The department shall also require, as a condition of each
14 contract or other placement agreement entered into by a child-care
15 institution to provide foster care, that all children placed at the
16 child-care institution be notified verbally and in writing, in an age or
17 developmentally appropriate manner, of the process for making a request
18 to participate in age or developmentally appropriate activities and that
19 a written notice of this process be posted in an accessible, public place
20 in the child-care institution.

21 (5)(a) The department shall also require, as a condition of each
22 contract or other placement agreement entered into by a child-care
23 institution to provide foster care, a written normalcy plan describing
24 how the child-care institution will ensure that all children have access
25 to age or developmentally appropriate activities to be filed with the
26 department and a normalcy report regarding the implementation of the
27 normalcy plan to be filed with the department annually by June 30.

28 (b) The normalcy plan shall specifically address:

29 (i) Efforts to address barriers to normalcy that are inherent in a
30 child-care institution setting;

31 (ii) Normalcy efforts for all children placed at the child-care

1 institution, including, but not limited to, relationships with family,
2 age or developmentally appropriate access to technology and technological
3 skills, education and school stability, access to health care and
4 information, and access to a sustainable and durable routine;

5 (iii) Procedures for developing goals and action steps in the child-
6 care institution's case plan and case planning process related to
7 participation in age or developmentally appropriate activities for each
8 child placed at the child-care institution;

9 (iv) Policies on staffing, supervision, permission, and consent to
10 age or developmentally appropriate activities consistent with the
11 reasonable and prudent parent standard;

12 (v) A list of activities that the child-care institution provides
13 onsite and a list of activities in the community regarding which the
14 child-care institution will make children aware, promote, and support
15 access;

16 (vi) Identified accommodations and support services so that children
17 with disabilities and special needs can participate in age or
18 developmentally appropriate activities to the same extent as their peers;

19 (vii) The individualized needs of all children involved in the
20 system;

21 (viii) Efforts to reduce disproportionate impact of the system and
22 services on families and children of color and other populations; and

23 (ix) Efforts to develop a youth board to assist in implementing the
24 reasonable and prudent parent standard in the child-care institution and
25 promoting and supporting normalcy.

26 (c) The normalcy report shall specifically address:

27 (i) Compliance with each of the plan requirements set forth in
28 subdivisions (b)(i) through (ix) of this subsection; and

29 (ii) Compliance with subsections (3) and (4) of this section.

30 (6) The requirements of subsections (3) through (5) of this section
31 shall also be incorporated into licensing requirements for all child-care

1 institutions.

2 (7) The department shall make normalcy plans and reports received
3 from contracting and licensed child-care institutions and juvenile
4 facilities pursuant to subsection (5) of this section available upon
5 request to the Nebraska Strengthening Families Act Committee, the
6 Nebraska Children's Commission, probation, the Governor, and
7 electronically to the Health and Human Services Committee of the
8 Legislature, by September 1 of each year.

9 (8) All youth rehabilitation and treatment centers shall meet the
10 requirements of subsections (1), (3), (4), and (5) of this section and
11 shall provide the required assurances, plans, and reports annually to the
12 Office of Juvenile Services by June 30 of each year.

13 (9) The Department of Health and Human Services shall adopt and
14 promulgate rules and regulations regarding contracting and licensure
15 consistent with this section and shall revoke any rules or regulations
16 inconsistent with this section on or before October 15, 2017.

17 Sec. 13. Section 43-4707, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-4707 The department shall adopt and promulgate rules and
20 regulations regarding training for foster parents so that foster parents
21 will be prepared adequately with the appropriate knowledge and skills
22 relating to the reasonable and prudent parent standard for the
23 participation of the child in age or developmentally appropriate
24 activities, including knowledge and skills relating to the developmental
25 stages of the cognitive, emotional, physical, and behavioral capacities
26 of the child and knowledge and skills related to applying the standard to
27 decisions such as whether to allow the child to engage in
28 extracurricular, enrichment, cultural, and social activities, including
29 sports, field trips, and overnight activities lasting one or more days
30 and to decisions involving the signing of permission slips and arranging
31 of transportation for the child to and from extracurricular, enrichment,

1 cultural, and social activities. The department shall also adopt and
2 promulgate rules and regulations regarding training for foster parents on
3 recognizing human trafficking, including both sex trafficking and labor
4 trafficking.

5 Sec. 14. Section 43-4709, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-4709 (1) Nothing in the Nebraska Strengthening Families Act or
8 the application of the reasonable and prudent parent standard shall
9 affect the parental rights of a parent whose parental rights have not
10 been terminated pursuant to section 43-292 with respect to his or her
11 child.

12 (2) To the extent possible, a parent shall be consulted about ~~his or~~
13 ~~her views on~~ the child's participation in age or developmentally
14 appropriate activities in the planning process. The department shall
15 document such consultation in the report filed pursuant to subsection (3)
16 of section 43-285.

17 (3) The child's participation in extracurricular, enrichment,
18 cultural, and social activities shall be considered at any family team
19 meeting.

20 Sec. 15. The department and probation shall establish procedures
21 for the immediate dissemination of a current picture and information
22 about a child who is missing from a foster care or out-of-home placement
23 to appropriate third parties, which may include law enforcement agencies
24 or persons engaged in procuring, gathering, writing, editing, or
25 disseminating news or other information to the public. Any information
26 released to a thirty party under this section shall be subject to state
27 and federal confidentiality laws and shall not include that the child is
28 under the care, custody, or supervision of the department or under the
29 supervision of probation. Such dissemination by probation shall be
30 authorized by an order of a judge or court.

31 Sec. 16. Section 43-4714, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-4714 The department shall adopt and promulgate rules and
3 regulations to carry out the Nebraska Strengthening Families Act and
4 shall revoke any rules or regulations inconsistent with the act by
5 October 15, 2017 ~~2016~~.

6 Sec. 17. Sections 3 and 18 of this act become operative on September
7 3, 2017. The other sections of this act become operative on their
8 effective date.

9 Sec. 18. Original section 28-718, Reissue Revised Statutes of
10 Nebraska, is repealed.

11 Sec. 19. Original sections 28-712, 28-712.01, 43-2,108, 43-1318,
12 43-4218, 43-4701, 43-4702, 43-4703, 43-4704, 43-4706, 43-4707, 43-4709,
13 and 43-4714, Reissue Revised Statutes of Nebraska, are repealed.

14 Sec. 20. The following section is outright repealed: Section
15 43-1322, Reissue Revised Statutes of Nebraska.

16 Sec. 21. Since an emergency exists, this act takes effect when
17 passed and approved according to law.