

LEGISLATIVE BILL 840

Approved by the Governor April 11, 2018

Introduced by Riepe, 12.

A BILL FOR AN ACT relating to the Foster Care Review Act; to amend section 43-1303, Revised Statutes Supplement, 2017; to change reporting requirements for the Foster Care Review Office; to harmonize provisions; and to repeal the original section.

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

Section 1. Section 43-1303, Revised Statutes Supplement, 2017, is amended to read:

43-1303 (1) The office shall maintain the statewide register of all foster care placements occurring within the state, and there shall be a weekly report made to the registry of all foster care placements by the Department of Health and Human Services, any child-placing agency, or any court in a form as developed by the office in consultation with representatives of entities required to make such reports. For each child entering and leaving foster care, such report shall consist of identifying information, placement information, the plan or permanency plan developed by the person or court in charge of the child pursuant to section 43-1312, and information on whether any such child was a person immune from criminal prosecution under subsection (5) of section 28-801 or was considered a trafficking victim as defined in section 28-830. The department, the Office of Probation Administration, and every court and child-placing agency shall report any foster care placement within three working days. The report shall contain the following information:

- (a) Child identification information, including name, date of birth, gender, race, religion, and ethnicity;
- (b) Identification information for parents and stepparents, including name, address, and status of parental rights;
- (c) Placement information, including initial placement date, current placement date, and the name and address of the foster care placement;
- (d) Court status information, including which court has jurisdiction, initial custody date, court hearing date, and results of the court hearing;
- (e) Agency or other entity having custody of the child; and
- (f) Case worker, probation officer, or person providing direct case management or supervision functions.

(2)(a) The Foster Care Review Office shall designate a local board to conduct foster care file audit case reviews for each case of children in foster care placement.

(b) The office may adopt and promulgate rules and regulations for the following:

- (i) Establishment of training programs for local board members which shall include an initial training program and periodic inservice training programs;
- (ii) Development of procedures for local boards;
- (iii) Establishment of a central record-keeping facility for all local board files, including foster care file audit case reviews;
- (iv) Accumulation of data and the making of annual reports on children in foster care placements. Such reports shall include, but not be limited to, (A) personal data on length of time in foster care, (B) number of placements, (C) frequency and results of foster care file audit case reviews and court review hearings, (D) number of children supervised by the foster care programs in the state annually, (E) trend data impacting foster care, services, and placements, (F) analysis of the data, and (G) recommendations for improving the foster care system in Nebraska;

(v) Accumulation of data and the making of quarterly reports regarding the children in foster care placements;

(vi) To the extent not prohibited by section 43-1310, evaluation of the judicial and administrative data collected on foster care and the dissemination of such data to the judiciary, public and private agencies, the department, and members of the public; and

(vii) Manner in which the office shall determine the appropriateness of requesting a court review hearing as provided for in section 43-1313.

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

(4)(a) (4) The office shall report and make recommendations to the Legislature, the department, the Office of Probation Administration, the courts, local boards, and county welfare offices.

(b) Such reports and recommendations shall include, but not be limited to, the annual judicial and administrative data collected on foster care pursuant to subsections (2) and (3) of this section and the annual evaluation of such data.

(c) ~~The report and recommendations submitted to the Legislature shall be submitted electronically. In addition, the Foster Care Review Office shall provide copies of such reports and recommendations to each court having the~~

authority to make foster care placements.

~~(d) The executive director of the office shall also provide reports, at a time specified by the Health and Human Services Committee of the Legislature, regular electronic updates regarding child welfare and juvenile justice data and information on March 1, June 1, September 1, and December 1. The September 1 report at least quarterly, and a fourth-quarter report which shall be the annual report. The executive director shall provide additional reports at a time specified by the Health and Human Services Committee of the Legislature. The reports shall include issues, policy concerns, and problems which have come to the attention of the office, and the executive director from analysis of the data. The reports executive director shall recommend alternatives to the identified problems and related needs of the office and the foster care system to the committee. The reports and recommendations submitted to the Legislature shall be submitted electronically.~~

~~(e) The Health and Human Services Committee shall coordinate and prioritize data and information requests submitted to the office by members of the Legislature. The annual report of the office shall be completed by December 1 each year and shall be submitted electronically to the committee.~~

(5) The executive director of the office or his or her designees from the office may visit and observe foster care facilities in order to ascertain whether the individual physical, psychological, and sociological needs of each foster child are being met.

(6) At the request of any state agency, the executive director of the office or his or her designees from the office may conduct a case file review process and data analysis regarding any state ward or ward of the court whether placed in-home or out-of-home at the time of the case file review.

Sec. 2. Original section 43-1303, Revised Statutes Supplement, 2017, is repealed.