

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1173

FINAL READING
(SECOND)

Introduced by Health and Human Services Committee: Arch, 14, Chairperson; Cavanaugh, M., 6; Day, 49; Hansen, B., 16; Murman, 38; Walz, 15; Williams, 36; Hansen, M., 26; Wayne, 13.

Read first time January 19, 2022

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to children and families; to amend sections
2 43-907, 43-2204, 43-4215, 43-4401, 43-4402, 43-4403, 43-4407,
3 68-1207, 68-1210, and 68-1214, Reissue Revised Statutes of Nebraska,
4 and sections 28-713, 43-4406, and 68-1212, Revised Statutes
5 Cumulative Supplement, 2020; to state findings and intent; to create
6 a work group and strategic leadership group for child welfare system
7 reform; to provide duties for the Department of Health and Human
8 Services; to define terms; to change provisions relating to reports
9 of child abuse or neglect; to provide duties for the Division of
10 Children and Family Services and the Division of Medicaid and Long-
11 Term Care of the Department of Health and Human Services to
12 implement services and reimbursement rates as prescribed; to change
13 and eliminate provisions regarding lead agencies and a pilot
14 project; to harmonize provisions; to provide operative dates; to
15 repeal the original sections; to outright repeal sections 43-4408,
16 43-4409, and 81-3135, Reissue Revised Statutes of Nebraska, and
17 section 68-1213, Revised Statutes Supplement, 2021; and to declare
18 an emergency.

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

1 Section 1. (1) The Legislature finds that the State of Nebraska, in
2 order to support the well-being, permanency, and safety of children and
3 families in Nebraska's communities, needs to comprehensively transform
4 its child welfare system. The Legislature further finds that this
5 comprehensive transformation will require an integrated model addressing
6 all aspects of the system and strong partnerships among the legislative,
7 executive, and judicial branches of government and community
8 stakeholders.

9 (2) It is the intent of the Legislature to:

10 (a) Establish an intersectoral child welfare practice model work
11 group;

12 (b) Establish appropriate strategic leadership and guidance for
13 practice and finance model development from across the three branches of
14 government; and

15 (c) Appropriate funds for contractual support to build the practice
16 and finance model for Nebraska.

17 Sec. 2. For purposes of sections 1 to 6 of this act:

18 (1) Child welfare system means children and families receiving, and
19 persons providing or effecting:

20 (a) In-home and out-of-home child welfare case management services;

21 (b) Physical and behavioral health care;

22 (c) Youth rehabilitation and treatment center services;

23 (d) Adoption or guardianship assistance services;

24 (e) Prevention services;

25 (f) Post-adoption or post-guardianship related services; and

26 (g) Public or private education and training services;

27 (2) Individual with lived experience in the child welfare system
28 means an individual who has previously received services from the child
29 welfare system, currently receives such services, or is at risk of
30 needing such services and who has valuable insight to contribute;

31 (3) Practice and finance model means an evidence-based or evidence-

1 informed approach to the practice and financing of the child welfare
2 system across the state of Nebraska;

3 (4) Strategic leadership group means the child welfare strategic
4 leadership group created in section 4 of this act; and

5 (5) Work group means the child welfare practice model work group
6 created in section 3 of this act.

7 Sec. 3. (1) There is hereby established a child welfare practice
8 model work group. The work group may include, but is not limited to:

9 (a) The Director of Behavioral Health of the Division of Behavioral
10 Health or the director's designee;

11 (b) The Director of Children and Family Services of the Division of
12 Children and Family Services or the director's designee;

13 (c) The Director of Developmental Disabilities of the Division of
14 Developmental Disabilities or the director's designee;

15 (d) The Director of Medicaid and Long-Term Care of the Division of
16 Medicaid and Long-Term Care or the director's designee;

17 (e) The Director of Public Health of the Division of Public Health
18 or the director's designee;

19 (f) The Commissioner of Education or the commissioner's designee;

20 (g) The State Court Administrator;

21 (h) A representative of the state judicial branch to be appointed by
22 the Chief Justice; and

23 (i) Representatives from each federally recognized Indian tribe
24 within the State of Nebraska, appointed by each tribe's Tribal Council or
25 Executive Committee.

26 (2) The work group shall develop a practice and finance model for
27 child welfare system transformation in Nebraska, with consultation from
28 key stakeholders, judges from separate juvenile courts and judges of
29 county courts sitting as juvenile courts, private child welfare
30 providers, individuals with lived experience in the child welfare system,
31 the Nebraska Children's Commission, the Inspector General of Nebraska

1 Child Welfare, the Foster Care Review Office, child advocacy centers, law
2 enforcement, and county attorneys. The practice and finance model shall
3 include, but not be limited to:

4 (a) Development of a statewide mission and vision for the child
5 welfare system in Nebraska;

6 (b) Development of values and practice priorities for the child
7 welfare system in Nebraska;

8 (c) Development of statewide program goals and a practice and
9 finance model for child welfare system case management and service
10 delivery;

11 (d) Development of engagement strategies to support community
12 involvement in child welfare system transformation;

13 (e) Development of strategies that strengthen relationships across
14 the court system, probation, executive branch agencies, the State
15 Department of Education, and community partners;

16 (f) Development of strategies that support integration across
17 agencies;

18 (g) Development of accountabilities across the entire child welfare
19 system;

20 (h) Evaluation of the state's Title IV-E claiming practices and
21 identification of appropriate steps to optimize federal reimbursement for
22 child welfare system expenditures;

23 (i) Opportunities and financial mechanisms for providers to pilot
24 innovative solutions to meet program goals; and

25 (j) Development of a strategy for data collection and outcome
26 monitoring.

27 (3) The work group shall provide monthly updates to the strategic
28 leadership group.

29 Sec. 4. There is hereby established a child welfare strategic
30 leadership group. The strategic leadership group shall be a nonvoting
31 group that exists for purposes of receiving updates on the work group's

1 activities. The strategic leadership group shall consist of:

2 (1) The chairperson of the Judiciary Committee of the Legislature;

3 (2) The chairperson of the Health and Human Services Committee of
4 the Legislature;

5 (3) The Chief Justice or the Chief Justice's designee; and

6 (4) The chief executive officer of the Department of Health and
7 Human Services or such officer's designee.

8 Sec. 5. (1) The Department of Health and Human Services shall
9 contract with an outside consultant with expertise in child welfare
10 system transformation by December 15, 2022. The consultant shall assist
11 the work group with the development of a written framework for the
12 practice and finance model.

13 (2) On or before December 1, 2023, the work group shall
14 electronically submit the written practice and finance model framework to
15 the Health and Human Services Committee of the Legislature.

16 Sec. 6. The work group and strategic leadership group shall
17 terminate on December 31, 2023.

18 Sec. 7. Section 28-713, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 28-713 (1) Unless a report is assigned to alternative response, upon
21 the receipt of a call reporting child abuse and neglect as required by
22 section 28-711, it is the duty of the law enforcement agency to
23 investigate the report, to take immediate steps to protect the child, and
24 to institute legal proceedings consistent with section 43-247 if the
25 child is seriously endangered in the child's surroundings and immediate
26 removal is necessary for the protection of the child. The law enforcement
27 agency may request assistance from the department during the
28 investigation and shall, by the next working day, notify either the
29 hotline established under section 28-711 or the department of receipt of
30 the report, including whether or not an investigation is being undertaken
31 by the law enforcement agency. A copy of all reports, whether or not an

1 investigation is being undertaken, shall be provided to the department.

2 (2)(a) When a report is assigned for traditional response, the
3 department shall utilize an evidence-informed and validated tool to
4 assess the safety of the child at the time of the assessment, the risk of
5 future child abuse or neglect, the need for services to protect and
6 assist the child and to preserve the family, and whether the case shall
7 be entered into the central registry pursuant to section 28-720. As part
8 of such investigation, the department may request assistance from the
9 appropriate law enforcement agency or refer the matter to the county
10 attorney to initiate legal proceedings.

11 (b) If in the course of an investigation the department finds a
12 child is seriously endangered in the child's surroundings and immediate
13 removal is necessary for the protection of the child, the department
14 shall make an immediate request for the county attorney to institute
15 legal proceedings consistent with section 43-247.

16 (3) When a report contains an allegation of out-of-home child abuse
17 or neglect, a law enforcement agency or the department shall immediately
18 notify each person having custody of each child who has allegedly been
19 abused or neglected that such report has been made unless the person to
20 be notified is the subject of such report. The department or the law
21 enforcement agency shall provide such person with information about the
22 nature of the alleged child abuse or neglect and any other necessary
23 information. The department shall also provide such social services as
24 are necessary and appropriate under the circumstances to protect and
25 assist the child and to preserve the family.

26 ~~(4)(a) (4)~~ In situations of alleged out-of-home child abuse or
27 neglect, if the subject of the report of child abuse or neglect is a
28 school employee and the child is a student in the school to which such
29 school employee is assigned for work, the department shall immediately
30 notify the Commissioner of Education of receipt of the report, including
31 whether or not an investigation is being undertaken by the law

1 enforcement agency or the department.

2 (b) In situations of alleged out-of-home child abuse or neglect, if
3 the subject of the report of child abuse or neglect is a child care
4 provider or a child care staff member as defined by subdivision (5)(h) of
5 section 71-1912, the Division of Children and Family Services of the
6 Department of Health and Human Services shall immediately notify the
7 Division of Public Health of the Department of Health and Human Services
8 of receipt of the report, including whether or not an investigation is
9 being undertaken by the law enforcement agency or the department.

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

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

20 (7)(a) In addition to the responsibilities under subsections (1)
21 through (6) of this section, upon the receipt of any report that a child
22 is a reported or suspected victim of sex trafficking of a minor or labor
23 trafficking of a minor as defined in section 28-830 and without regard to
24 the subject of the report, the department shall:

25 (i) Assign the case to staff for an in-person investigation. The
26 department shall assign a report for investigation regardless of whether
27 or not the subject of the report is a member of the child's household or
28 family or whether the subject is known or unknown, including cases of
29 out-of-home child abuse and neglect;

30 (ii) Conduct an in-person investigation and appropriately coordinate
31 with law enforcement agencies, the local child advocacy center, and the

1 child abuse and neglect investigation team under section 28-729;

2 (iii) Use specialized screening and assessment instruments to
3 identify whether the child is a victim of sex trafficking of a minor or
4 labor trafficking of a minor or at high risk of becoming such a victim
5 and determine the needs of the child and family to prevent or respond to
6 abuse, neglect, and exploitation. On or before December 1, 2019, the
7 department shall develop and adopt these instruments in consultation with
8 knowledgeable organizations and individuals, including representatives of
9 child advocacy centers, behavioral health providers, child welfare and
10 juvenile justice service providers, law enforcement representatives, and
11 prosecutors; and

12 (iv) Provide for or refer and connect the child and family to
13 services deemed appropriate by the department in the least restrictive
14 environment, or provide for safe and appropriate placement, medical
15 services, mental health care, or other needs as determined by the
16 department based upon the department's assessment of the safety, risk,
17 and needs of the child and family to respond to or prevent abuse,
18 neglect, and exploitation.

19 (b) On or before July 1, 2020, the department shall adopt rules and
20 regulations on the process of investigation, screening, and assessment of
21 reports of child abuse or neglect and the criteria for opening an ongoing
22 case upon allegations of sex trafficking of a minor or labor trafficking
23 of a minor.

24 (8) When a preponderance of the evidence indicates that a child is a
25 victim of abuse or neglect as a result of being a trafficking victim as
26 defined in section 28-830, the department shall identify the child as a
27 victim of trafficking, regardless of whether the subject of the report is
28 a member of the child's household or family or whether the subject is
29 known or unknown. The child shall be included in the department's data
30 and reporting on the numbers of child victims of abuse, neglect, and
31 trafficking.

1 Sec. 8. Section 43-907, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-907 (1) Unless a guardian shall have been appointed by a court
4 of competent jurisdiction, the Department of Health and Human Services
5 shall take custody of and exercise general control over assets owned by
6 children under the charge of the department. Children owning assets shall
7 at all times pay for personal items. Assets over and above a maximum of
8 one thousand dollars and current income shall be available for
9 reimbursement to the state for the cost of care. Assets may be deposited
10 in a checking account, invested in United States bonds, or deposited in a
11 savings account insured by the United States Government. All income
12 received from the investment or deposit of assets shall be credited to
13 the individual child whose assets were invested or deposited. The
14 department shall make and maintain detailed records showing all receipts,
15 investments, and expenditures of assets owned by children under the
16 charge of the department.

17 (2) When the Department of Health and Human Services serves as
18 representative payee for a child beneficiary of social security benefits,
19 the department shall provide:

20 (a) Notice to the child beneficiary, in an age-appropriate manner,
21 and the child's guardian ad litem, that the department is acting as the
22 child's representative payee for the purposes of receiving social
23 security benefits, within thirty days after receiving the first social
24 security benefit payment on behalf of the child;

25 (b) Notice to the juvenile court, at every review hearing regarding
26 the child beneficiary after January 1, 2023, regarding the department's
27 receipt and conservation of the child's social security benefits, that
28 shall include:

29 (i) The total amount of social security benefit funds the department
30 has received on behalf of the child beneficiary as of the review hearing;
31 and

1 (ii) The total amount of social security benefit funds received on
2 behalf of the child beneficiary that are currently conserved or unspent
3 as of the review hearing; and

4 (c) All accounting records regarding the department's receipt, use,
5 and conservation of the child's social security benefits, to the child
6 beneficiary, the child's guardian ad litem or attorney, or the child's
7 parent upon:

8 (i) Request from the child beneficiary, the child's guardian ad
9 litem or attorney, or the child's parent; and

10 (ii) Termination of the department's role as the child beneficiary's
11 representative payee.

12 (3) On or before October 1, 2023, the Department of Health and Human
13 Services shall adopt and promulgate rules and regulations to carry out
14 subsection (2) of this section consistent with federal requirements
15 regarding representative payees for social security beneficiaries.

16 Sec. 9. Section 43-2204, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 43-2204 A pilot project is created to provide family finding
19 services within at least two service areas. The department shall contract
20 with providers of family finding services ~~or the case management lead~~
21 ~~agency pilot project authorized under section 68-1212~~ to carry out the
22 family finding services pilot project. A provider may contract within
23 multiple service areas. Each contracting provider shall be trained in and
24 implement the steps described in section 43-2203. The family finding
25 services pilot project shall terminate on June 30, 2019.

26 Sec. 10. Section 43-4215, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 43-4215 (1) On or before July 1, 2014, the Division of Children and
29 Family Services of the Department of Health and Human Services shall
30 implement the reimbursement rate recommendations of the Foster Care
31 Reimbursement Rate Committee as reported to the Legislature pursuant to

1 section 43-4212 as such section existed before June 5, 2013.

2 (2) It is the intent of the Legislature to create additional levels
3 of caregiving for youth in foster care and to create an implementation
4 plan for treatment family care services in order to expand the service
5 array for high-acuity youth in the foster care system.

6 (3) The Legislature finds that (a) there is a need for consistency
7 in the implementation of additional tiers of caregiving across the state,
8 (b) additional tiers of caregiving and reimbursement exist in the
9 continuum of foster care services available in Nebraska, however, there
10 is a variation in the rates, implementation and outcomes, (c) the use of
11 rates outside of the established rate structure can create barriers to
12 permanency for children entering adoption and guardianship and prohibits
13 the state from accessing federal foster care funds that would otherwise
14 be available under Title IV-E of the federal Social Security Act, and (d)
15 additional tiers of caregiving should be utilized to support the
16 exceptional caregiving needs of children.

17 (4) The Legislature further finds that (a) additional treatment
18 services are needed to support the behavioral and mental health needs of
19 youth who are at risk of entering, or who are stepping down from,
20 congregate treatment placement, and (b) treatment family care services
21 uses blended funding to support caregivers and prevent placement
22 disruption.

23 (5) On or before October 1, 2022, the Division of Children and
24 Family Services of the Department of Health and Human Services shall, in
25 collaboration with the Foster Care Reimbursement Rate Committee,
26 implement additional statewide tiers of foster care reimbursements for
27 specialized caregiving with standardized rates for foster parents and
28 child placing agencies.

29 (6)(a) ~~(2)(a)~~ On or before July 1, 2013, the Division of Children
30 and Family Services of the Department of Health and Human Services shall
31 develop a pilot project as provided in this subsection to implement the

1 standardized level of care assessment tools recommended by the Foster
2 Care Reimbursement Rate Committee as reported to the Legislature pursuant
3 to section 43-4212 as such section existed before June 5, 2013.

4 (b)(i) The pilot project shall comprise two groups: One in an urban
5 area and one in a rural area. The size of each group shall be determined
6 by the division to ensure an accurate estimate of the effectiveness and
7 cost of implementing such tools statewide.

8 (ii) The Nebraska Children's Commission shall review and provide a
9 progress report on the pilot project by October 1, 2013, to the
10 department and electronically to the Health and Human Services Committee
11 of the Legislature; shall provide to the department and electronically to
12 the committee by December 1, 2013, a report including recommendations and
13 any legislation necessary, including appropriations, to adopt the
14 recommendations, regarding the adaptation or continuation of the
15 implementation of a statewide standardized level of care assessment; and
16 shall provide to the department and electronically to the committee by
17 February 1, 2014, a final report and final recommendations of the
18 commission.

19 Sec. 11. Section 43-4401, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-4401 For purposes of sections 43-4401 to 43-4407 ~~43-4409~~:

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

24 ~~(2) N-FOCUS system means the electronic data collection system in~~
25 ~~use by the department on April 12, 2012;~~

26 ~~(3) Pilot project means a case management lead agency model pilot~~
27 ~~project established by the department pursuant to Laws 2012, LB961; and~~

28 (2) ~~(4)~~ Service area means a geographic area administered by the
29 department and designated pursuant to section 81-3116.

30 Sec. 12. Section 43-4402, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-4402 ~~The Legislature finds that:~~

2 ~~(1) Nebraska does not have the capacity to collect and analyze~~
3 ~~routinely and effectively the data required to inform policy decisions,~~
4 ~~child welfare service development, and evaluation of its child welfare~~
5 ~~system;~~

6 ~~(2) The N-FOCUS system is difficult to use and does not provide the~~
7 ~~appropriate data for meaningful monitoring of the child welfare system~~
8 ~~for children's safety, permanency, and wellness;~~

9 ~~(3) The N-FOCUS system does not easily integrate with other computer~~
10 ~~systems that have different purposes, capacities, file structures, and~~
11 ~~operating systems, resulting in silos of operation and information; and~~

12 ~~(4) The Legislature finds that the department needs leadership in~~
13 ~~developing a uniform electronic data collection system to collect and~~
14 ~~evaluate data regarding children served, the quality of child welfare~~
15 ~~services provided, and the outcomes produced by such child welfare~~
16 ~~services.~~

17 Sec. 13. Section 43-4403, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-4403 It is the intent of the Legislature:

20 (1) To provide for (a) legislative oversight of the child welfare
21 system through an improved electronic data collection system, (b)
22 improved child welfare outcome measurements through increased reporting
23 by ~~any lead agencies or the pilot project~~ and the department, and (c) an
24 independent evaluation of the child welfare system; and

25 (2) To develop an electronic data collection system to integrate
26 child welfare information into one system to more effectively manage,
27 track, and share information, especially in child welfare case
28 management.

29 Sec. 14. Section 43-4406, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 43-4406 On or before each September 15, the department shall report

1 electronically to the Health and Human Services Committee of the
2 Legislature the following information regarding child welfare services,
3 with respect to ~~children served by any lead agency or the pilot project~~
4 ~~and~~ children served by the department:

5 (1) The percentage of children served and the allocation of the
6 child welfare budget, categorized by service area ~~and by lead agency or~~
7 ~~the pilot project~~, including:

8 (a) The percentage of children served, by service area and the
9 corresponding budget allocation; and

10 (b) The percentage of children served who are wards of the state and
11 the corresponding budget allocation;

12 (2) The number of siblings in out-of-home care placed with siblings
13 as of the June 30 immediately preceding the date of the report,
14 categorized by service area ~~and by lead agency or the pilot project~~;

15 (3) The number of waivers granted under subsection (2) of section
16 71-1904;

17 (4) An update of the information in the report of the Children's
18 Behavioral Health Task Force pursuant to sections 43-4001 to 43-4003,
19 including:

20 (a) The number of children receiving mental health and substance
21 abuse services annually by the Division of Behavioral Health of the
22 department;

23 (b) The number of children receiving behavioral health services
24 annually at the Hastings Regional Center;

25 (c) The number of state wards receiving behavioral health services
26 as of September 1 immediately preceding the date of the report;

27 (d) Funding sources for children's behavioral health services for
28 the fiscal year ending on the immediately preceding June 30;

29 (e) Expenditures in the immediately preceding fiscal year by the
30 division, categorized by category of behavioral health service and by
31 behavioral health region; and

1 (f) Expenditures in the immediately preceding fiscal year from the
2 medical assistance program and CHIP as defined in section 68-969 for
3 mental health and substance abuse services, for all children and for
4 wards of the state;

5 (5) The following information as obtained for each service area ~~and~~
6 ~~lead agency or the pilot project:~~

7 (a) Case manager education, including college degree, major, and
8 level of education beyond a baccalaureate degree;

9 (b) Average caseload per case manager;

10 (c) Average number of case managers per child during the preceding
11 twelve months;

12 (d) Average number of case managers per child for children who have
13 been in the child welfare system for three months, for six months, for
14 twelve months, and for eighteen months and the consecutive yearly average
15 for children until the age of majority or permanency is attained;

16 (e) Monthly case manager turnover;

17 (f) Monthly face-to-face contacts between each case manager and the
18 children on his or her caseload;

19 (g) Monthly face-to-face contacts between each case manager and the
20 parent or parents of the children on his or her caseload;

21 (h) Case documentation of monthly consecutive team meetings per
22 quarter;

23 (i) Case documentation of monthly consecutive parent contacts per
24 quarter;

25 (j) Case documentation of monthly consecutive child contacts with
26 case manager per quarter;

27 (k) Case documentation of monthly consecutive contacts between child
28 welfare service providers and case managers per quarter;

29 (l) Timeliness of court reports; and

30 (m) Non-court-involved children, including the number of children
31 served, the types of services requested, the specific services provided,

1 the cost of the services provided, and the funding source;

2 (6) All placements in residential treatment settings made or paid
3 for by the child welfare system, the Office of Juvenile Services, the
4 State Department of Education or local education agencies, ~~any lead~~
5 ~~agency or the pilot project through letters of agreement,~~ and the medical
6 assistance program, including, but not limited to:

7 (a) Child variables;

8 (b) Reasons for placement;

9 (c) The percentage of children denied medicaid-reimbursed services
10 and denied the level of placement requested;

11 (d) With respect to each child in a residential treatment setting:

12 (i) If there was a denial of initial placement request, the length
13 and level of each placement subsequent to denial of initial placement
14 request and the status of each child before and immediately after, six
15 months after, and twelve months after placement;

16 (ii) Funds expended and length of placements;

17 (iii) Number and level of placements;

18 (iv) Facility variables; and

19 (v) Identification of specific child welfare services unavailable in
20 the child's community that, if available, could have prevented the need
21 for residential treatment; and

22 (e) Identification of child welfare services unavailable in the
23 state that, if available, could prevent out-of-state placements;

24 ~~(7) From any lead agency or the pilot project, the percentage of its~~
25 ~~accounts payable to subcontracted child welfare service providers that~~
26 ~~are thirty days overdue, sixty days overdue, and ninety days overdue;~~

27 (7) ~~(8)~~ For any individual involved in the child welfare system
28 receiving a service or a placement through the department or its agent
29 for which referral is necessary, the date when such referral was made by
30 the department or its agent and the date and the method by which the
31 individual receiving the services was notified of such referral. To the

1 extent the department becomes aware of the date when the individual
2 receiving the referral began receiving such services, the department or
3 its agent shall document such date;

4 (8) ~~(9)~~ The number of sexual abuse allegations that occurred for
5 children being served by the Division of Children and Family Services of
6 the Department of Health and Human Services and placed at a residential
7 child-caring agency and the number of corresponding (a) screening
8 decision occurrences by category, (b) open investigations by category,
9 and (c) agency substantiations, court substantiations, and court-pending
10 status cases; and

11 (9) ~~(10)~~ Information on children who are reported or suspected
12 victims of sex trafficking of a minor or labor trafficking of a minor, as
13 defined in section 28-830, including:

14 (a) The number of reports to the statewide toll-free number pursuant
15 to section 28-711 alleging sex trafficking of a minor or labor
16 trafficking of a minor and the number of children alleged to be victims;

17 (b) The number of substantiated victims of sex trafficking of a
18 minor or labor trafficking of a minor, including demographic information
19 and information on whether the children were already served by the
20 department;

21 (c) The number of children determined to be reported or suspected
22 victims of sex trafficking of a minor or labor trafficking of a minor,
23 including demographic information and information on whether the children
24 were previously served by the department;

25 (d) The types and costs of services provided to children who are
26 reported or suspected victims of sex trafficking of a minor or labor
27 trafficking of a minor; and

28 (e) The number of ongoing cases opened due to allegations of sex
29 trafficking of a minor or labor trafficking of a minor and number of
30 children and families served through these cases.

31 Sec. 15. Section 43-4407, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-4407 (1) Each service area administrator ~~and any lead agency or~~
3 ~~the pilot project~~ shall annually survey children, parents, foster
4 parents, judges, guardians ad litem, attorneys representing parents, and
5 service providers involved with the child welfare system to monitor
6 satisfaction with (a) adequacy of communication by the case manager, (b)
7 response by the department, ~~any lead agency, or the pilot project~~ to
8 requests and problems, (c) transportation issues, (d) medical and
9 psychological services for children and parents, (e) visitation
10 schedules, (f) payments, (g) support services to foster parents, (h)
11 adequacy of information about foster children provided to foster parents,
12 and (i) the case manager's fulfillment of his or her responsibilities. A
13 summary of the survey shall be reported electronically to the Health and
14 Human Services Committee of the Legislature on September 15, 2012, and
15 each September 15 thereafter.

16 (2) Each service area administrator ~~and any lead agency or the pilot~~
17 ~~project~~ shall provide monthly reports to the child advocacy center that
18 corresponds with the geographic location of the child regarding the
19 services provided through the department ~~or a lead agency or the pilot~~
20 ~~project~~ when the child is identified as a voluntary or non-court-involved
21 child welfare case. The monthly report shall include the plan implemented
22 by the department, ~~the lead agency, or the pilot project~~ for the child
23 and family and the status of compliance by the family with the plan. The
24 child advocacy center shall report electronically to the Health and Human
25 Services Committee of the Legislature on September 15, 2012, and every
26 September 15 thereafter, or more frequently if requested by the
27 committee.

28 Sec. 16. Section 68-1207, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 68-1207 (1) The Department of Health and Human Services shall
31 supervise all public child welfare services as described by law. The

1 ~~department and the pilot project described in section 68-1212~~ shall
2 maintain caseloads to carry out child welfare services which provide for
3 adequate, timely, and indepth investigations and services to children and
4 families. Caseloads shall range between twelve and seventeen cases as
5 determined pursuant to subsection (2) of this section. In establishing
6 the specific caseloads within such range, the department ~~and the pilot~~
7 ~~project~~ shall (a) include the workload factors that may differ due to
8 geographic responsibilities, office location, and the travel required to
9 provide a timely response in the investigation of abuse and neglect, the
10 protection of children, and the provision of services to children and
11 families in a uniform and consistent statewide manner and (b) utilize the
12 workload criteria of the standards established as of January 1, 2012, by
13 the Child Welfare League of America. The average caseload shall be
14 reduced by the department in all service areas as designated pursuant to
15 section 81-3116 ~~and by the pilot project~~ to comply with the caseload
16 range described in this subsection by September 1, 2012. Beginning
17 September 15, 2012, the department shall include in its annual report
18 required pursuant to section 68-1207.01 a report on the attainment of the
19 decrease according to such caseload standards. The department's annual
20 report shall also include changes in the standards of the Child Welfare
21 League of America or its successor.

22 (2) Caseload size shall be determined in the following manner: (a)
23 If children are placed in the home, the family shall count as one case
24 regardless of how many children are placed in the home; (b) if a child is
25 placed out of the home, the child shall count as one case; (c) if, within
26 one family, one or more children are placed in the home and one or more
27 children are placed out of the home, the children placed in the home
28 shall count as one case and each child placed out of the home shall count
29 as one case; and (d) any child receiving services from the department or
30 a private entity under contract with the department shall be counted as
31 provided in subdivisions (a) through (c) of this subsection whether or

1 not such child is a ward of the state. For purposes of this subsection, a
2 child is considered to be placed in the home if the child is placed with
3 his or her biological or adoptive parent or a legal guardian and a child
4 is considered to be placed out of the home if the child is placed in a
5 foster family home as defined in section 71-1901, a residential child-
6 caring agency as defined in section 71-1926, or any other setting which
7 is not the child's planned permanent home.

8 (3) To insure appropriate oversight of noncourt and voluntary cases
9 when any child welfare services are provided, ~~either by the department or~~
10 ~~by a lead agency participating in the pilot project,~~ as a result of a
11 child safety assessment, the department ~~or lead agency~~ shall develop a
12 case plan that specifies the services to be provided and the actions to
13 be taken by the department ~~or lead agency~~ and the family in each such
14 case. Such case plan shall clearly indicate, when appropriate, that
15 children are receiving services to prevent out-of-home placement and
16 that, absent preventive services, foster care is the planned arrangement
17 for the child.

18 (4) To carry out the provisions of this section, the Legislature
19 shall provide funds for additional staff.

20 Sec. 17. Section 68-1210, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 68-1210 (1) Notwithstanding any other provision of law, the
23 Department of Health and Human Services shall have the authority through
24 rule or regulation to establish payment rates for children with special
25 needs who are in foster care and in the custody of the department.

26 (2)(a) On or before October 1, 2022, the Division of Medicaid and
27 Long-Term Care and the Division of Children and Family Services of the
28 Department of Health and Human Services shall develop a plan to implement
29 treatment family care services. The plan shall be submitted to the Health
30 and Human Services Committee of the Legislature and the Nebraska
31 Children's Commission.

1 (b) On or before October 1, 2023, the Division of Medicaid and Long-
2 Term Care shall implement treatment family care services as allowed by
3 federal law. The department shall seek to maximize federal funding for
4 such program prior to utilizing state medicaid funds for eligible
5 children.

6 Sec. 18. Section 68-1212, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 68-1212 ~~For (1) Except as provided in subsection (2) of this~~
9 ~~section,~~ for all cases in which a court has awarded a juvenile to the
10 care of the Department of Health and Human Services according to
11 subsection (1) of section 43-285 and for any noncourt and voluntary
12 cases, the case manager shall be an employee of the department. Such case
13 manager shall be responsible for and shall directly oversee: Case
14 planning; service authorization; investigation of compliance; monitoring
15 and evaluation of the care and services provided to children and
16 families; and decisionmaking regarding the determination of visitation
17 and the care, placement, medical services, psychiatric services,
18 training, and expenditures on behalf of each juvenile under subsection
19 (1) of section 43-285. Such case manager shall be responsible for
20 decisionmaking and direct preparation regarding the proposed plan for the
21 care, placement, services, and permanency of the juvenile filed with the
22 court required under subsection (2) of section 43-285. The health and
23 safety of the juvenile shall be the paramount concern in the proposed
24 plan ~~in accordance with such subsection.~~

25 ~~(2) The department may contract with a lead agency for a case~~
26 ~~management lead agency model pilot project in the department's eastern~~
27 ~~service area as designated pursuant to section 81-3116. The department~~
28 ~~shall include in the pilot project the appropriate conditions,~~
29 ~~performance outcomes, and oversight for the lead agency, including, but~~
30 ~~not be limited to:~~

31 ~~(a) The reporting and survey requirements of lead agencies described~~

1 ~~in sections 43-4406 and 43-4407;~~

2 ~~(b) Departmental monitoring and functional capacities of lead~~
3 ~~agencies described in section 43-4408;~~

4 ~~(c) The key areas of evaluation specified in subsection (3) of~~
5 ~~section 43-4409;~~

6 ~~(d) Compliance and coordination with the strategic child welfare~~
7 ~~priorities determined by the Nebraska Children's Commission as provided~~
8 ~~in section 43-4204; and~~

9 ~~(e) Assurance of financial accountability and reporting by the lead~~
10 ~~agency.~~

11 ~~(3) A lead agency contracted to provide community-based care for~~
12 ~~children and families shall:~~

13 ~~(a) Have a board of directors of which at least fifty-one percent of~~
14 ~~the membership is comprised of Nebraska residents who are not employed by~~
15 ~~the lead agency or by a subcontractor of the lead agency;~~

16 ~~(b) Demonstrate readiness shown by the completion of a readiness~~
17 ~~assessment developed by the Department of Health and Human Services to~~
18 ~~determine the lead agency's viability. The assessment shall evaluate~~
19 ~~organizational, operational, and programmatic capabilities and~~
20 ~~performance, including readiness of: The board of directors; compliance~~
21 ~~and oversight; financial risk management; financial liquidity and~~
22 ~~performance; infrastructure maintenance; funding sources, including~~
23 ~~state, federal, and external private funding; and operations, including~~
24 ~~reporting, staffing, evaluation, training, supervision, contract~~
25 ~~monitoring, and program performance tracking capabilities;~~

26 ~~(c) Have the ability to provide directly or by contract through a~~
27 ~~local network of providers the services required of a lead agency. A lead~~
28 ~~agency shall not directly provide more than thirty-five percent of direct~~
29 ~~services required under the contract; and~~

30 ~~(d) Provide accountability for meeting the outcomes and performance~~
31 ~~standards related to child welfare services established by Nebraska child~~

1 welfare policy and the federal government.

2 ~~(4) Each condition of subsection (3) of this section shall be met~~
3 ~~prior to the assumption of service provision by such lead agency under~~
4 ~~this section. Nothing in this section shall prohibit the department from~~
5 ~~phasing the transition of case management services to such lead agency~~
6 ~~over a period of time.~~

7 ~~(5) The Director of Children and Family Services of the Division of~~
8 ~~Children and Family Services of the Department of Health and Human~~
9 ~~Services shall notify the Health and Human Services Committee of the~~
10 ~~Legislature when the readiness assessment required under subdivision (3)~~
11 ~~(b) of this section is complete and provide assurance that the lead~~
12 ~~agency has demonstrated full readiness, prior to the assumption of~~
13 ~~service provision by such lead agency.~~

14 Sec. 19. Section 68-1214, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 68-1214 To facilitate consistency in training all case managers and
17 allow for Title IV-E reimbursement for case manager training under Title
18 IV-E of the federal Social Security Act, as amended, the same program for
19 initial training of case managers shall be utilized for all case
20 managers, ~~whether they are employed by the department or by an~~
21 ~~organization under contract with the department.~~ The initial training of
22 all case managers shall be provided by the department or one or more
23 organizations under contract with the department. The department shall
24 create a formal system for measuring and evaluating the quality of such
25 training. All case managers shall complete a formal assessment process
26 after initial training to demonstrate competency prior to assuming
27 responsibilities as a case manager. The training curriculum for case
28 managers shall include, but not be limited to: (1) An understanding of
29 the benefits of utilizing evidence-based and promising casework
30 practices; (2) the importance of guaranteeing service providers' fidelity
31 to evidence-based and promising casework practices; and (3) a commitment

1 to evidence-based and promising family-centered casework practices that
2 utilize a least restrictive approach for children and families.

3 Sec. 20. Sections 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 21, and
4 23 of this act become operative three calendar months after the
5 adjournment of this legislative session. The other sections of this act
6 become operative on their effective date.

7 Sec. 21. Original sections 43-907, 43-2204, 43-4401, 43-4402,
8 43-4403, 43-4407, 68-1207, and 68-1214, Reissue Revised Statutes of
9 Nebraska, and sections 28-713, 43-4406, and 68-1212, Revised Statutes
10 Cumulative Supplement, 2020, are repealed.

11 Sec. 22. Original sections 43-4215 and 68-1210, Reissue Revised
12 Statutes of Nebraska, are repealed.

13 Sec. 23. The following sections are outright repealed: Sections
14 43-4408, 43-4409, and 81-3135, Reissue Revised Statutes of Nebraska, and
15 section 68-1213, Revised Statutes Supplement, 2021.

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