

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1034**

Introduced by Campbell, 25; Bolz, 29; Pansing Brooks, 28.

Read first time January 19, 2016

Committee:

1 A BILL FOR AN ACT relating to children; to amend section 43-4203, Revised  
2 Statutes Cumulative Supplement, 2014, and section 43-4202, Revised  
3 Statutes Supplement, 2015; to change provisions relating to the  
4 Nebraska Children's Commission; to change a termination date; to  
5 provide duties for the commission and a committee; to eliminate an  
6 annual statement; to repeal the original sections; and to outright  
7 repeal section 43-534, Revised Statutes Cumulative Supplement, 2014.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-4202, Revised Statutes Supplement, 2015, is  
2 amended to read:

3 43-4202 (1) The Nebraska Children's Commission is created as a high-  
4 level leadership body to (a) create a statewide strategic plan for reform  
5 of the juvenile justice and child welfare system programs and services in  
6 the State of Nebraska, ~~and~~ (b) review the operations of the Department of  
7 Health and Human Services regarding child welfare programs and services  
8 and recommend, as a part of the statewide strategic plan, options for  
9 attaining the legislative intent stated in section 43-4201, either by the  
10 establishment of a new division within the department or the  
11 establishment of a new state agency to provide all child welfare programs  
12 and services which are the responsibility of the state, and (c) monitor  
13 and evaluate the juvenile justice and child welfare system. The  
14 commission shall provide a permanent forum for collaboration among state,  
15 local, community, public, and private stakeholders in child welfare and  
16 juvenile justice programs and services.

17 (2) The commission shall include the following voting members:

18 (a) The executive director of the Foster Care Review Office; and

19 (b) Seventeen members appointed by the Governor. The members  
20 appointed pursuant to this subdivision shall represent stakeholders in  
21 the child welfare and juvenile justice systems ~~system~~ and shall include:

22 (i) A director of a child advocacy center; (ii) an administrator of a  
23 behavioral health region established pursuant to section 71-807; (iii) a  
24 community representative from each of the service areas designated  
25 pursuant to section 81-3116. In the eastern service area designated  
26 pursuant to such section, the representative may be from a lead agency of  
27 a pilot project established under section 68-1212 or a collaborative  
28 member; (iv) a prosecuting attorney who practices in juvenile court; (v)  
29 a guardian ad litem; (vi) a biological parent currently or previously  
30 involved in the child welfare or juvenile justice system; (vii) a foster  
31 parent; (viii) a court appointed special advocate volunteer; (ix) a

1 member of a local foster care review board; (x) a child welfare service  
2 agency that directly provides a wide range of child welfare services and  
3 is not a member of a lead agency collaborative; (xi) a young adult  
4 previously in foster care; (xii) a representative of a child advocacy  
5 organization that deals with legal and policy issues that include child  
6 welfare; and (xiii) a representative of a federally recognized Indian  
7 tribe residing within the State of Nebraska and appointed within thirty  
8 days after June 5, 2013, from a list of three nominees submitted by the  
9 Commission on Indian Affairs.

10 (3) The Nebraska Children's Commission shall have the following  
11 nonvoting, ex officio members: (a) The chairperson of the Health and  
12 Human Services Committee of the Legislature or a committee member  
13 designated by the chairperson; (b) the chairperson of the Judiciary  
14 Committee of the Legislature or a committee member designated by the  
15 chairperson; (c) the chairperson of the Appropriations Committee of the  
16 Legislature or a committee member designated by the chairperson; (d)  
17 three persons appointed by the State Court Administrator; (e) the chief  
18 executive officer of the Department of Health and Human Services or his  
19 or her designee; (f) the Director of Children and Family Services of the  
20 Division of Children and Family Services of the Department of Health and  
21 Human Services or his or her designee; (g) the Commissioner of Education  
22 or his or her designee; and (h) the Inspector General of Nebraska Child  
23 Welfare. The nonvoting, ex officio members may attend commission meetings  
24 and participate in the discussions of the commission, provide information  
25 to the commission on the policies, programs, and processes of each of  
26 their respective bodies, gather information for the commission, and  
27 provide information back to their respective bodies from the commission.  
28 The nonvoting, ex officio members shall not vote on decisions by the  
29 commission or on the direction or development of the statewide strategic  
30 plan pursuant to section 43-4204.

31 (4) The commission shall meet within sixty days after April 12,

1 2012, and shall select from among its members a chairperson and vice-  
2 chairperson and conduct any other business necessary to the organization  
3 of the commission. The commission shall meet not less often than once  
4 every three months, and meetings of the commission may be held at any  
5 time on the call of the chairperson. The commission may hire staff to  
6 carry out the responsibilities of the commission. For administrative  
7 purposes, the offices of the staff of the commission shall be located in  
8 the Foster Care Review Office. The commission ~~may shall~~ hire a consultant  
9 with experience in facilitating strategic planning to provide neutral,  
10 independent assistance in updating ~~developing~~ the statewide strategic  
11 plan. The commission shall terminate on June 30, 2019 ~~2016~~, unless  
12 continued by the Legislature.

13 (5) The commission, with assistance from the executive director of  
14 the Foster Care Review Office, shall employ a policy analyst to provide  
15 research and expertise to the commission relating to the child welfare  
16 system. The policy analyst shall work in conjunction with the staff of  
17 the commission. His or her responsibilities may include, but are not  
18 limited to: (a) Monitoring the Nebraska child welfare system and juvenile  
19 justice system to provide information to the commission; (b) analyzing  
20 child welfare and juvenile justice public policy through research and  
21 literature reviews and drafting policy reports when requested; (c)  
22 managing or leading projects or tasks and providing resource support to  
23 commission members and committees as determined by the chairperson of the  
24 commission; (d) serving as liaison among child welfare and juvenile  
25 justice stakeholders and the public and responding to information  
26 inquiries as required; and (e) other duties as assigned by the  
27 commission.

28 (6) Members of the commission shall be reimbursed for their actual  
29 and necessary expenses as members of such commission as provided in  
30 sections 81-1174 to 81-1177. No member of the commission shall have any  
31 private financial interest, profit, or benefit from any work of the

1 commission.

2       Sec. 2. Section 43-4203, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:

4       43-4203 (1) The Nebraska Children's Commission shall work with  
5 administrators from each of the service areas designated pursuant to  
6 section 81-3116, the teams created pursuant to section 28-728, local  
7 foster care review boards, child advocacy centers, the teams created  
8 pursuant to the Supreme Court's Through the Eyes of the Child Initiative,  
9 community stakeholders, and advocates for child welfare programs and  
10 services to establish networks in each of such service areas. Such  
11 networks shall permit collaboration to strengthen the continuum of  
12 services available to child welfare agencies and to provide resources for  
13 children and juveniles outside the child protection system. Each service  
14 area shall develop its own unique strategies to be included in the  
15 statewide strategic plan. The Department of Health and Human Services  
16 shall assist in identifying the needs of each service area.

17       (2)(a) The commission shall create a committee to examine state  
18 policy regarding the prescription of psychotropic drugs for children who  
19 are wards of the state and the administration of such drugs to such  
20 children. Such committee shall review the policy and procedures for  
21 prescribing and administering such drugs and make recommendations to the  
22 commission for changes in such policy and procedures.

23       (b) The commission shall create a committee to examine ~~the structure~~  
24 ~~and responsibilities of the Office of Juvenile Services and the Juvenile~~  
25 ~~Services Division of the Office of Probation Administration as they exist~~  
26 ~~on April 12, 2012.~~ Such committee shall review the role and effectiveness  
27 of out-of-home placements utilized in the juvenile justice system,  
28 including the youth rehabilitation and treatment centers, ~~in the juvenile~~  
29 ~~justice system~~ and make recommendations to the commission on the future  
30 ~~role of the youth rehabilitation and treatment centers in the juvenile~~  
31 justice continuum of care, including what populations should be served in

1 ~~out-of-home placements they should serve~~ and what treatment services  
2 should be provided at the centers in order to appropriately serve those  
3 populations. Such committee shall also review how mental and behavioral  
4 health services are provided to juveniles in ~~secure residential~~  
5 placements and the need for such services throughout Nebraska and make  
6 recommendations to the commission relating to those systems of care in  
7 the juvenile justice system. The committee shall collaborate with the  
8 University of Nebraska at Omaha, Juvenile Justice Institute, the  
9 University of Nebraska Medical Center, Center for Health Policy, the  
10 behavioral health regions as established in section 71-807, and state and  
11 national juvenile justice experts to develop recommendations. The  
12 recommendations ~~If the committee's recommendations include maintaining~~  
13 ~~the Youth Rehabilitation and Treatment Center Kearney, the recommendation~~  
14 shall include a plan to implement a continuum of care in the juvenile  
15 justice system to meet the needs of Nebraska families, including specific  
16 recommendations for the rehabilitation and treatment model by upgrading  
17 ~~the center's physical structure, staff, and staff training and the~~  
18 ~~incorporation of evidence-based treatments and programs.~~ The  
19 recommendations shall be delivered to the commission and electronically  
20 to the Judiciary Committee of the Legislature annually by December 1,  
21 ~~2013.~~

22 (c) The commission may organize committees as it deems necessary.  
23 Members of the committees may be members of the commission or may be  
24 appointed, with the approval of the majority of the commission, from  
25 individuals with knowledge of the committee's subject matter,  
26 professional expertise to assist the committee in completing its assigned  
27 responsibilities, and the ability to collaborate within the committee and  
28 with the commission to carry out the powers and duties of the commission.  
29 No member of any committee created pursuant to this section shall have  
30 any private financial interest, profit, or benefit from any work of such  
31 committee.

1 (d) The Title IV-E Demonstration Project Committee created pursuant  
2 to section 43-4208 and the Foster Care Reimbursement Rate Committee  
3 created pursuant to section 43-4212 are under the jurisdiction of the  
4 commission.

5 (3) The commission shall work with the office of the State Court  
6 Administrator, as appropriate, and entities which coordinate facilitated  
7 conferencing as described in section 43-247.03. Facilitated conferencing  
8 shall be included in statewide strategic plan discussions by the  
9 commission. Facilitated conferencing shall continue to be utilized and  
10 maximized, as determined by the court of jurisdiction, during the  
11 development of the statewide strategic plan. Funding and contracting with  
12 mediation centers approved by the Office of Dispute Resolution to provide  
13 facilitated conferencing shall continue to be provided by the office of  
14 the State Court Administrator at an amount of no less than the General  
15 Fund transfer under subsection (1) of section 43-247.04.

16 (4) The commission shall gather information and communicate with  
17 juvenile justice specialists of the Office of Probation Administration  
18 and county officials with respect to any county-operated practice model  
19 participating in the Crossover Youth Program of the Center for Juvenile  
20 Justice Reform at Georgetown University.

21 (5) The commission shall coordinate and gather information about the  
22 progress and outcomes of the Nebraska Juvenile Service Delivery Project  
23 established pursuant to section 43-4101.

24 (6) The commission shall develop a system of care plan from  
25 prevention through treatment services for the child welfare system based  
26 on relevant data and evidence-based practices to meet the specific needs  
27 of each area of the state. Such system of care plan shall include  
28 services that are goal-driven and outcome-based and shall evaluate the  
29 feasibility of utilizing performance-based contracting for specific child  
30 welfare services, including the feasibility of additional contractual  
31 requirements for service providers requiring services to all children

1 without an option to deny service.

2 (7) The commission shall analyze case management workforce issues  
3 and make recommendations to the Health and Human Services Committee of  
4 the Legislature regarding:

5 (a) Salary comparisons with other states and the current pay  
6 structure based on job descriptions;

7 (b) Utilization of incentives for persons who work in the area of  
8 child welfare;

9 (c) Evidence-based training requirements for persons who work in the  
10 area of child welfare and their supervisors; and

11 (d) Collaboration with the University of Nebraska to increase and  
12 sustain such workforce.

13 Sec. 3. Original section 43-4203, Revised Statutes Cumulative  
14 Supplement, 2014, and section 43-4202, Revised Statutes Supplement, 2015,  
15 are repealed.

16 Sec. 4. The following section is outright repealed: Section 43-534,  
17 Revised Statutes Cumulative Supplement, 2014.