

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1392

Introduced by Ballard, 21.

Read first time January 17, 2024

Committee:

1 A BILL FOR AN ACT relating to child welfare; to amend sections 43-4203,
2 43-4215, 43-4216, and 43-4217, Revised Statutes Cumulative
3 Supplement, 2022; to change the name and members of the Foster Care
4 Reimbursement Rate Committee; to change powers and duties; to
5 eliminate obsolete provisions; to harmonize provisions; and to
6 repeal the original sections.

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

1 Section 1. Section 43-4203, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 43-4203 (1) The Nebraska Children's Commission shall create a
4 committee to examine the Office of Juvenile Services and the Juvenile
5 Services Division of the Office of Probation Administration. Such
6 committee shall review the role and effectiveness of out-of-home
7 placements utilized in the juvenile justice system, including the youth
8 rehabilitation and treatment centers, and make recommendations to the
9 commission on the juvenile justice continuum of care, including what
10 populations should be served in out-of-home placements and what treatment
11 services should be provided at the centers in order to appropriately
12 serve those populations. Such committee shall also review how mental and
13 behavioral health services are provided to juveniles in residential
14 placements and the need for such services throughout Nebraska and make
15 recommendations to the commission relating to those systems of care in
16 the juvenile justice system. The committee shall collaborate with the
17 Juvenile Justice Institute at the University of Nebraska at Omaha, the
18 Center for Health Policy at the University of Nebraska Medical Center,
19 the behavioral health regions as established in section 71-807, and state
20 and national juvenile justice experts to develop recommendations. The
21 recommendations shall include a plan to implement a continuum of care in
22 the juvenile justice system to meet the needs of Nebraska families,
23 including specific recommendations for the rehabilitation and treatment
24 model. The recommendations shall be delivered to the commission and
25 electronically to the Judiciary Committee of the Legislature annually by
26 September 1.

27 (2) The commission shall collaborate with juvenile justice
28 specialists of the Office of Probation Administration and county
29 officials with respect to any county-operated practice model
30 participating in the Crossover Youth Program of the Center for Juvenile
31 Justice Reform at Georgetown University.

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

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

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

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

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

12 (4) The Child Welfare and Foster Care Reimbursement Rate Committee
13 created pursuant to section 43-4216, the Nebraska Strengthening Families
14 Act Committee created pursuant to section 43-4716, and the Bridge to
15 Independence Advisory Committee created pursuant to section 43-4513 shall
16 be under the jurisdiction of the commission.

17 (5) The commission shall work with the office of the State Court
18 Administrator, as appropriate, and entities which coordinate facilitated
19 conferencing as described in section 43-247.03.

20 (6) The commission shall work with administrators from each of the
21 service areas designated pursuant to section 81-3116, the teams created
22 pursuant to section 28-728, local foster care review boards, child
23 advocacy centers, the teams created pursuant to the Supreme Court's
24 Through the Eyes of the Child Initiative, community stakeholders, and
25 advocates for child welfare programs and services to establish networks
26 in each of such service areas. Such networks shall permit collaboration
27 to strengthen the continuum of services available to child welfare
28 agencies and to provide resources for children and juveniles outside the
29 child protection system.

30 (7) The commission may organize subcommittees as it deems necessary.
31 Members of the subcommittees may be members of the commission or may be

1 individuals who have knowledge of the subcommittee's subject matter,
2 professional expertise to assist the subcommittee in completing its
3 assigned responsibilities, or the ability to collaborate within the
4 subcommittee and with the commission to carry out the powers and duties
5 of the commission. A subcommittee shall meet as necessary to complete the
6 work delegated by the commission and shall report its findings to the
7 relevant committee within the commission.

8 (8) No member of any committee or subcommittee created pursuant to
9 this section shall have any private financial interest, profit, or
10 benefit from any work of such committee or subcommittee.

11 Sec. 2. Section 43-4215, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 ~~43-4215 (1) On or before July 1, 2014, the Division of Children and~~
14 ~~Family Services of the Department of Health and Human Services shall~~
15 ~~implement the reimbursement rate recommendations of the Foster Care~~
16 ~~Reimbursement Rate Committee as reported to the Legislature pursuant to~~
17 ~~section 43-4212 as such section existed before June 5, 2013.~~

18 (1) (2) It is the intent of the Legislature to create additional
19 levels of caregiving for youth in foster care and to create an
20 implementation plan for treatment family care services in order to expand
21 the service array for high-acuity youth in the foster care system.

22 (2) (3) The Legislature finds that (a) there is a need for
23 consistency in the implementation of additional tiers of caregiving
24 across the state, (b) additional tiers of caregiving and reimbursement
25 exist in the continuum of foster care services available in Nebraska,
26 however, there is a variation in the rates, implementation and outcomes,
27 (c) the use of rates outside of the established rate structure can create
28 barriers to permanency for children entering adoption and guardianship
29 and prohibits the state from accessing federal foster care funds that
30 would otherwise be available under Title IV-E of the federal Social
31 Security Act, and (d) additional tiers of caregiving should be utilized

1 to support the exceptional caregiving needs of children.

2 ~~(3) (4)~~ The Legislature further finds that (a) additional treatment
3 services are needed to support the behavioral and mental health needs of
4 youth who are at risk of entering, or who are stepping down from,
5 congregate treatment placement, and (b) treatment family care services
6 uses blended funding to support caregivers and prevent placement
7 disruption.

8 ~~(5) On or before October 1, 2022, the Division of Children and~~
9 ~~Family Services of the Department of Health and Human Services shall, in~~
10 ~~collaboration with the Foster Care Reimbursement Rate Committee,~~
11 ~~implement additional statewide tiers of foster care reimbursements for~~
12 ~~specialized caregiving with standardized rates for foster parents and~~
13 ~~child placing agencies.~~

14 ~~(6)(a) On or before July 1, 2013, the Division of Children and~~
15 ~~Family Services of the Department of Health and Human Services shall~~
16 ~~develop a pilot project as provided in this subsection to implement the~~
17 ~~standardized level of care assessment tools recommended by the Foster~~
18 ~~Care Reimbursement Rate Committee as reported to the Legislature pursuant~~
19 ~~to section 43-4212 as such section existed before June 5, 2013.~~

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

24 ~~(ii) The Nebraska Children's Commission shall review and provide a~~
25 ~~progress report on the pilot project by October 1, 2013, to the~~
26 ~~department and electronically to the Health and Human Services Committee~~
27 ~~of the Legislature; shall provide to the department and electronically to~~
28 ~~the committee by December 1, 2013, a report including recommendations and~~
29 ~~any legislation necessary, including appropriations, to adopt the~~
30 ~~recommendations, regarding the adaptation or continuation of the~~
31 ~~implementation of a statewide standardized level of care assessment; and~~

1 ~~shall provide to the department and electronically to the committee by~~
2 ~~February 1, 2014, a final report and final recommendations of the~~
3 ~~commission.~~

4 Sec. 3. Section 43-4216, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 43-4216 (1) The Child Welfare and Foster Care Reimbursement Rate
7 Committee is created. The committee shall be convened at least once every
8 four years.

9 (2) The Child Welfare and Foster Care Reimbursement Rate Committee
10 shall consist of no fewer than nine members, including:

11 (a) The following voting members: (i) Representatives from a child
12 welfare agency that contracts directly with foster parents, from each of
13 the service areas designated pursuant to section 81-3116; (ii) a
14 representative from a private provider that contracts with the department
15 to provide in-home services including family support, intensive family
16 preservation, intensive family reunification, and parenting time; (iii) a
17 representative from a private provider that contracts with the department
18 to provide out-of-home services including, but not limited to, group home
19 services, residential services, and shelter services; (iv) (ii) a
20 representative from an advocacy organization which deals with legal and
21 policy issues that include child welfare; (v) (iii) a representative from
22 an advocacy organization, the singular focus of which is issues impacting
23 children; (vi) (iv) a representative from a foster and adoptive parent
24 association; (vii) (v) a representative from a lead agency; (viii) (vi) a
25 representative from a child advocacy organization that supports young
26 adults who were in foster care as children; (ix) (vii) a foster parent
27 who contracts directly with the Department of Health and Human Services;
28 and (x) (viii) a foster parent who contracts with a child welfare agency;
29 and

30 (b) The following nonvoting, ex officio members: (i) The chief
31 executive officer of the Department of Health and Human Services or his

1 or her designee and (ii) representatives from the Division of Children
2 and Family Services of the department ~~from each service area designated~~
3 ~~pursuant to section 81-3116~~, including at least one division employee
4 with a thorough understanding of the current child welfare foster care
5 payment system and at least one division employee with a thorough
6 understanding of the N-FOCUS electronic data collection system. The
7 nonvoting, ex officio members of the committee may attend committee
8 meetings and participate in discussions of the committee and shall gather
9 and provide information to the committee on the policies, programs, and
10 processes of each of their respective bodies. The nonvoting, ex officio
11 members shall not vote on decisions or recommendations by the committee.

12 (3) Members of the committee shall serve for terms of four years and
13 until their successors are appointed and qualified. The Nebraska
14 Children's Commission shall appoint the members of the committee and the
15 chairperson of the committee and may fill vacancies on the committee as
16 they occur.

17 Sec. 4. Section 43-4217, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 43-4217 (1) The Child Welfare and Foster Care Reimbursement Rate
20 Committee created in section 43-4216 shall review and make
21 recommendations in the following areas: (a) Reimbursement rates for child
22 welfare services with entities that contract with the department,
23 including, but not limited to, group home services, out-of-home care
24 services, out-of-home maintenance services, agency-supported foster care,
25 emergency shelter center care, agency-supported respite care, drug
26 testing, in-home family support, out-of-home family support, supervised
27 visitation, in-home safety, family finding, options education, kinship
28 navigation, home studies, travel time and distance, intensive family
29 preservation, intensive family reunification, and any other service
30 provider who contracts with the department with one or more private
31 providers that is intended to meet the needs of children and families in

1 Nebraska; (b) foster ~~Foster~~ care reimbursement rates; (c) ~~τ~~ the statewide
2 standardized level of care assessment; ~~τ~~ and (d) adoption assistance
3 payments as required by section 43-117.

4 (2) In making recommendations to the Legislature, the committee
5 shall use the then-current foster care reimbursement rates as the
6 beginning standard for setting reimbursement rates. The committee shall
7 adjust the standard to reflect the reasonable cost of achieving
8 measurable outcomes for all children in foster care in Nebraska. The
9 committee shall (a) analyze then-current consumer expenditure data
10 reflecting the costs of caring for a child in Nebraska, (b) identify and
11 account for additional costs specific to children in foster care, and (c)
12 apply a geographic cost-of-living adjustment for Nebraska. The
13 reimbursement rate structure shall comply with funding requirements
14 related to Title IV-E of the federal Social Security Act, as amended, and
15 other federal programs as appropriate to maximize the utilization of
16 federal funds to support foster care.

17 (3) ~~(2)~~ The committee shall review the role and effectiveness of and
18 make recommendations on the statewide standardized level of care
19 assessment containing standardized criteria to determine a foster child's
20 placement needs and to identify the appropriate child welfare and foster
21 care reimbursement rate. The committee shall review other states'
22 assessment models and child welfare and foster care reimbursement rate
23 structures in completing the statewide child welfare and standardized
24 level of care assessment review and the standard statewide child welfare
25 and foster care reimbursement rate structure. The committee shall ensure
26 the statewide standardized level of care assessment and the standard
27 statewide child welfare and foster care reimbursement rate structure
28 provide incentives to tie performance in achieving the goals of safety,
29 maintaining family connection, permanency, stability, and well-being to
30 reimbursements received. The committee shall review and make
31 recommendations on assistance payments to adoptive parents as required by

1 section 43-117. The committee shall make recommendations to ensure that
2 changes in child welfare and foster care reimbursement rates do not
3 become a disincentive to permanency.

4 (4) ~~(3)~~ The Child Welfare and Foster Care Reimbursement Rate
5 Committee shall provide electronic reports with its recommendation to the
6 Health and Human Services Committee of the Legislature on July 1, 2016,
7 and every four years thereafter.

8 Sec. 5. Original sections 43-4203, 43-4215, 43-4216, and 43-4217,
9 Revised Statutes Cumulative Supplement, 2022, are repealed.