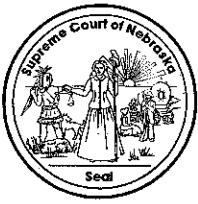


SUPREME COURT OF NEBRASKA



THROUGH THE EYES OF THE CHILD INITIATIVE

Michael G. Heavican
Chief Justice

Hon. Lawrence Gendler
Project Chair

Kelli Hauptman
Staff Attorney

2009 Legislative Bills

LB 91 Legislative Bill 91, providing for a subsidized adoption of a child who was under a subsidized guardianship was approved by Governor on March 5, 2009. The bill was passed on final reading 49-0-0. Specifically, the bill requires DHHS to make payments "after the legal completion of an adoption on behalf of a child who immediately preceding the adoption was...the subject of a state subsidized guardianship." The payments may include maintenance costs, medical and surgical expenses and other incidental costs. The fiscal note expects no fiscal impact as the cost of a subsidized adoption would equal the cost of the subsidized guardianship.

LB 345 Legislative Bill 345, which removes "truant" from 43-247(3)(b) as a basis for jurisdiction, was indefinitely postponed on March 4, 2009.

LB 346 Legislative Bill 346, which requires DHHS to a support hotline, Family Navigator program, and post-adoption/guardianship case management services, was designated as a priority bill by Sen. Howard. It was placed on General File with AM546, which lessens the staffing requirements of the hotline and specifies the content of the evaluation.

LB 356 Legislative Bill 356, which provides behavioral health services to children through the Regions without loss of parental custody, was amended (AM 529) to include an appropriation of fifteen million dollars for each of fiscal years 2009-10 and 2010-11. The bill was designated as the priority bill for Sen. Dubas.

LB 601 Legislative Bill 601, which provides a Medicaid waiver for community-based mental health services, was designated as the priority bill for Sen. Nordquist.

LB 79 Change when a county attorney files a child support order modification complaint Provides, as relating to reduction in child support, that incarceration is involuntary reduction of income unless ..."(iii) the incarceration is the result of a conviction for a crime in which the child who is the subject of the child support was victimized"

LB 82 Require notification of change in a juvenile's case manager under the Nebraska Juvenile Code Requires that "[t]he plan shall include the name of the case manager assigned to the juvenile's case", and that "[w]ithin seven days of the assignment of a new case manager to a juvenile whose care has been awarded to the department, an association, or an individual, the department shall notify the court of the name of the case manager being replaced, the name of the new case manager, and the number of times a new case manager has been assigned to such juvenile's case since his or her first case manager."

LB 91 Provide for a subsidized adoption of a child who was under a subsidized guardianship prior thereto

Requires DHHS to make payments "after the legal completion of an adoption on behalf of a child who immediately preceding the adoption was....(b) the subject of a state subsidized guardianship."

LB 147 Provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders

Requires that "[t]he clerk of the district court shall deliver a copy by hard copy or electronic means of any name-change order issued by the court pursuant to this section to the Department of Health and Human Services for use pursuant to section 28-718 and to the sex offender registration and notification division of the Nebraska State Patrol...",

Requires "[t]he department shall determine whether a name-change order received from the clerk of a district court pursuant to section 25-21,271 is for a person on the central register of child protection cases and, if so, shall include the changed name with the former name in the register and file or cross-reference the information under both names."

LB 226 Change the age of majority to eighteen years of age for certain purposes

Changes N.R.S. 43-245 to read "For purposes of the Nebraska Juvenile Code, unless the context otherwise requires: (1) age of majority means eighteen years of age"

LB 247 Require accreditation of the Division of Children and Family Services of the Department of Health and Human Services

Adds "(1) The Division of Children and Families of the Department of Health and Human Services shall become accredited by the Council on Accreditation of Services for Families and Children, Inc., on or before December 1, 2010. (2) The division shall develop a plan to achieve accreditation by the council on or before such date. The plan shall contain (a) inputs, including staffing requirements,...(b) outcomes, including an assessment based on statistical and other evidence, of the impact of accreditation on the number of abused and neglected children, the nature of their abuse and neglect, and the relationships between such children and their families."

LB 253 Adopt a new Nebraska Juvenile Code and change child abuse reporting and registry, child relinquishment and Foster Care Review Act provisions

- Creates an Administrator of Youth Services under Court Administration/Probation to receive referrals and refer for services/case management

- Provides for a Resource Specialist in each Judicial District to coordinate with Behavioral Health regions.

- Changes OJS to Office of Youth Rehabilitative Services and limits its services only to the highest need/highest risk youth.

- Provides for case management at the earliest identification of need for services

- Changes the access points in to the system to:

- Family in Need of Services (FINS)
- Child in Need of Services (CHINS)
- Child in Need of Supervision
- Child in Need of Protection
- Child in Need of Mental Health Treatment
- Child in Need of Rehabilitation

- Provides that all law violations to be filed in juvenile court with the possibility to transfer to county/district court

- Provides for trancies to be handled under FINS or CHINS

- Requires juveniles lodged under a capias or bench warrant to be brought before a judges within 72 hours

- Extends jurisdictional age to 21

- Provides for Supreme Court Chief Justice to reassign county judges to sit as Separate Juvenile Judges

- Provides for the juvenile court to have jurisdiction over the juvenile's family members and powers of contempt such as fines to family members

LB 275 Require crisis, information, and referral services relating to behavioral health

Require the Division of Behavioral Health to be responsible for "operation of a crisis, information and referral service staffed twenty-four hours each day by trained behavioral health personnel for each behavioral health region."

LB 332 Change provisions relating to courts

-Provides under N.R.S. 43-103 that, except under ICWA, upon the filing of a petition for adoption, "[t]he hearing shall be held" between four and eight weeks after the filing of the petition "unless any party for good cause shown requests a continuance of the hearing or all parties agree to a continuance."

-Clarifies under N.R.S. 43-1314.02 that the court shall provide a caregiver information form "or directions on downloading such form from the Supreme Court Internet web site" to foster parents.

-Provides under N.R.S. 43-3001(2) that individuals who the court may authorize to receive confidential information may include "court appointed special advocate volunteers...and other individuals and agencies for which the court specifically finds, in writing, that it would be in the best interest of the juvenile to receive such information."

-Requires under N.R.S. 43-3713 (1) that "school districts, [and] school personnel" must cooperate with reasonable requests of the CASA

LB 345 Change juvenile court jurisdiction to exclude school truancy

Removes "truant" and "school" from 43-247(3)(b)

LB 346 Require the Department of Health and Human Services to provide services relating to children's behavioral health and adoption and guardianship families

-Requires DHHS to provide a "Children and Family Support hotline which shall: (1) Be a single point of access for children's behavioral health triage....(2) Be staff by licensed mental health practitioners...(3) Provide screening and assessment; and (4) Provide referral to existing community-based resources."

-Requires DHHS to establish a "Family Navigator Program to respond to children's behavioral health needs. The program shall consist of individuals trained and compensated by the department who, at a minimum, will provide: (1) Peer support; and (2) Connection to existing services, including the identification of community-based services.

-Requires DHHS to provide "on a voluntary basis, post-adoption and post-guardianship case management services for the families" after adoption or guardianship has been completed

LB 356 Provide behavioral health services for children without parental relinquishment

- Under 43-247(3), under jurisdiction, add "or (d) whose parent, guardian, or custodian is requesting a voluntary service agreement made necessary by a behavioral health disorder of the juvenile".
- Behavioral health disorder to be defined as it is under 71-804.
- Behavioral health regions to provide the services
- Voluntary agreement to last 90 days
- Child shall receive immediate and expedited care, and region shall determine financial eligibility
- No transfer of custody is made under a voluntary agreement
- If services to last more than 90 days, county attorney shall file a petition for review of services by the juvenile court. Review may be done by administrative court unless any party objects
- Petition to be accompanied by full assessment of child with recommended services and placement, and treatment plan
- Not subject to adjudication and dispositional requirements of Nebraska Juvenile Code

LB 517 Change provisions relating to family reunification and termination of parental rights

- Adds to N.R.S. 43-283.01 (4)(b). that reasonable efforts are not required when parent of the juvenile has.... "(v) been convicted of felony sexual assault of the other parent of the juvenile under section 28-319.01 or 28-320.01 or a comparable crime in another state."
- Add to N.R.S. 43-292. That the court may terminate all parental rights when it is in the child's best interest and "(11) One parent has been convicted of felony sexual assault of the other parent under section 28-319.01 or 28-320.01 or a comparable crime in another state."

LB 601 Provide a medicaid waiver for community-based mental health services

Adds under N.R.S. 68-901 that "the department shall submit an application to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, amending the Medicaid state plan or seeking a waiver thereto to provide for utilization of money to allow for Medicaid payments for treatment of the following community-based mental health services: secure residential, intensive community support, dual diagnosis, intensive residential rehabilitation, emergency community support, and peer support."

LB 669 Change the number of district, county, and separate juvenile court judges

Adds a sixth judge to the Separate Juvenile Court of Douglas County

LB 679 Require certain disclosures from potential members of the State Foster Care Review Board
Requires potential members of the Foster Care Review board to disclose all funding he/she or his/her employer receives from DHHS prior to appointment