



# Legislative Update Sine Die Edition 2016

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## Child Welfare

*Signed into Law*

### LB 746: Adopt the Nebraska Strengthening Families Act

**As Introduced:** LB 746 implements the federal Strengthening Families and Preventing Sex Trafficking Act of 2014. The bill allows foster parents to make decisions regarding participation in age and developmentally appropriate activities based on the Reasonable and Prudent Parent Standard, requires the provision of opportunities for youth to be consulted in the development of their case plan, requires the notification and explanation of rights to foster youth, requires the provision of important documents needed for the transition to adulthood, and removes the option of independent living for foster youth under age 16. The Act also includes provisions to ensure oversight by making new reporting requirements for guardians ad litem and creates the Normalcy Task Force through the Nebraska Children’s Commission.

**As Amended:** LB 746 includes committee amendments requested by the Department of Health and Human Services to create an operative date of July 1, 2016 and include a federal reference regarding credit reports. The bill was also amended to include provisions of LB 1034, which extends the Nebraska Children’s Commission through June 30, 2019.

**Introducing Senator(s): Campbell (priority),** Bolz, Coash, Howard, Morfeld, Pansing Brooks

**Committee:** Health and Human Services

**Committee Hearing Date:** January 21, 2016

**Current Status:** Approved by Governor on April 18, 2016

**Estimated Fiscal Impact:** For FY 2016-2017, the fiscal note is \$145,000, all from Cash Funds for the Supreme Court and the Legislative Council. For FY 2017-2018, the fiscal note is \$190,000, all from the General Fund for the Legislative Council to fund the Children’s Commission.

**Voices for Children’s Position:** Support ([see our written testimony](#))

*Indefinitely Postponed*

### LB 975: Adopt the Child Welfare Services Preservation Act

**As Introduced:** LB 975 would prohibit the State of Nebraska from taking any action that would alter a child placing agency’s funding, contract, or license as the result of the agency’s refusal to provide or facilitate child welfare services based on the agency’s sincerely held religious beliefs. The bill allows child placing agencies aggrieved by a violation of the Act to claim an absolute defense in any administrative or judicial proceeding.

**As Amended:** As amended, LB 975 changes the name of the Act to the Child Placement Services Preservation Act, and replaces “child welfare service” with “child placement service,” to include foster care and adoption services. The changes would require agencies declining to provide a service to

provide referrals to other agencies, and further clarify that the restriction on any adverse actions undertaken by the state shall only be to the fullest extent permitted by state and federal law.

**Introducing Senator(s): Kolterman (priority),** Coash, Ebke, Kintner

**Committee:** Judiciary

**Committee Hearing Date:** February 17, 2016

**Current Status:** Indefinitely Postponed

**Estimated Fiscal Impact:** No fiscal impact. An original fiscal note based on an estimate provided by DHHS found that the provisions of the bill would violate federal code under the Title IV-E program, resulting in the loss of \$29,982,658 in federal funds in FYs 2016-2017 and 2017-2018. An [opinion from the Attorney General](#) was requested after the revised fiscal note was issued, which was delivered on March 16, 2016, and found that the Act did not violate state or federal law.

**Voices for Children's Position:** Oppose ([see our written testimony](#))

## Economic Stability

*Signed into Law*

### [LB 947: State intent relating to professional or commercial licenses for certain aliens](#)

**As Introduced:** LB 947 would amend current state law to include a legislative finding that a person who is not a citizen of the United States, but is work authorized by federal law is eligible to obtain a professional or commercial license in the state.

**As Amended:** As amended, the bill would provide that a person with lawful status is eligible for a credential under the Uniform Credentialing act and add an emergency clause.

**Introducing Senator(s): Mello,** Campbell, Gloor, Howard, Krist, McCollister, Morfeld, Pansing Brooks, Schumacher, Stinner, Williams, Cook, Garrett, Hansen (priority)

**Committee:** Judiciary

**Committee Hearing Date:** February 11, 2016

**Current Status:** Passed notwithstanding the objections of the Governor on April 20, 2016

**Estimated Fiscal Impact:** No fiscal impact

**Voices for Children's Position:** Support ([see our written testimony](#))

*Amended into other bills*

**LB 701: Eliminate a termination date for certain work activity requirements for the Aid to Dependent Children program**

**As Introduced:** LB 701 would eliminate the sunset date on a provision that currently allows recipients of Aid to Dependent Children (ADC) benefits to fulfill work requirements with hours spent working towards an associate's degree, diploma, or certificate.

**As Amended:** N/A

**Introducing Senator(s):** Mello, Campbell

**Committee:** Health and Human Services

**Committee Hearing Date:** January 28, 2016

**Current Status:** Amended into LB 1081

**Estimated Fiscal Impact:** No fiscal impact

**Voices for Children's Position:** Support ([see our written testimony](#))

*Indefinitely Postponed*

**LB 690: Change eligibility requirements for the Supplemental Nutrition Assistance Program**

**As Introduced:** LB 690 would change Supplemental Nutrition Assistance Program (SNAP) eligibility requirements by striking current provisions that prohibit those with three or more felony convictions for possession or use of a controlled substance or those who have been convicted of a felony involving the sale or distribution of a controlled substance.

**As Amended:** Provisions of LB 690 were amended into LB 910, a bill related to issues of parole administration, by AM 2469.

**Introducing Senator(s):** Morfeld

**Committee:** Health and Human Services

**Committee Hearing Date:** January 21, 2016

**Current Status:** Indefinitely Postponed

**Estimated Fiscal Impact:** For FY 2016-2017, the fiscal note is \$54,888 (with \$24,444 from the General Fund and \$27,444 from federal funds) for the Department of Health and Human Services. For FY 2017-2018, the fiscal note is \$52,888 (with \$26,444 from the General Fund and \$26,444 from federal funds) for the Department of Health and Human Services.

**Voices for Children's Position:** Support ([see our written testimony](#)).

### LB 951: Adopt the Affordable Housing Tax Credit Act

**As Introduced:** LB 951 creates a state nonrefundable tax credit for affordable housing that is equal to and no more than federal low-income housing tax credits. Qualified projects may utilize the credits for six years to offset personal, corporate, or fiduciary income tax, as well as insurance premiums and retaliatory taxes. Projects placed in service after January 1, 2017 may claim the credits on tax returns filed after January 1, 2018. The Department of Revenue and the Nebraska Investment Finance Authority shall adopt and promulgate rules and regulations related to the Act.

**As Amended:** N/A

**Introducing Senator(s):** Harr

**Committee:** Revenue

**Committee Hearing Date:** February 10, 2016

**Current Status:** Indefinitely Postponed

**Estimated Fiscal Impact:** For FY 2016-2017, the fiscal note is \$329,097 from the General Fund for the Department of Revenue. For FY 2017-2018, the fiscal note is \$25,746 from the General Fund for the Department of Revenue, and an additional reduction of \$4,410,000 in revenue to the General Fund. For FY 2018-2019, the fiscal note is \$26,363 from the General Fund for the Department of Revenue, and an additional reduction in revenue of \$4,530,000 to the General Fund.

**Voices for Children's Position:** Support ([see our written testimony](#))

### LB 1036: Change provisions of the Credit Services Organization Act, the Delayed Deposit Services Licensing Act, and the Nebraska Installment Loan Act

**As Introduced:** LB 1036 would require any delayed deposit lender to be licensed pursuant to the Delayed Deposit Services Licensing Act, and set consumer protection parameters on loan transactions through licensed vendors, including:

- Limiting delayed deposit loans to a maximum of one \$500 loan per licensee per borrower
- Restricting monthly payments on such loans to the greater of 5% of the borrower's verified gross, pre-tax monthly income or 6% of the borrower's verified net, post-tax monthly income, and requiring investigation by the licensed vendor of such income prior to making the loan
- Setting an interest rate for such loans of no more than 36% per annum, and limiting the total amount of fees, interest, and charges on a loan to 50% of the original loan amount
- Eliminating pre-payment penalty fees, check cashing fees, and practices of renewing or rolling over delayed deposit loans through lower-than-minimum payments
- Requiring signed, written documentation of any delayed deposit loan transaction in plain English with
  - Full disclosure of the terms, interest, fees to be charged
  - Language highlighting the maximum legal limit of \$500 for such loans
  - A declaration of the consumer's rights to rescind the loan within 24 hours and/or to revoke authorization for automatic payment at any point

- Requiring conspicuous public display of the vendor's schedule of finance charges, fees, penalties, etc.

The bill would also create reporting requirements for licensed delayed deposit vendors to the Department of Banking and Finance, which would compile an annual report for the Legislature.

It would also set a minimum term of 6 months for loans governed by the Nebraska Installment Loans Act.

**As Amended:** N/A

**Introducing Senator(s):** Campbell, Cook, Davis, Howard, Mello, Morfeld, Pansing Brooks

**Committee:** Banking, Commerce and Insurance

**Committee Hearing Date:** February 2, 2016

**Current Status:** Indefinitely postponed.

**Estimated Fiscal Impact:** The estimated fiscal impact for 2016-2017 was \$130,863 in expenditures and \$270,000 in revenue. For 2017-2018, expenditures were estimated at \$123,863 and revenue at \$270,000.

**Voices for Children's Position:** Support ([see our written testimony](#))

#### LB 1089: Change the minimum wage for persons compensated by way of gratuities

**As Introduced:** LB 1089 would increase the minimum wage for tipped workers from \$2.13 an hour to 40% of the standard minimum wage (\$9.00 an hour) beginning August 1, 2016, or \$3.60 an hour. Beginning January 1, 2017, the tipped minimum wage would increase to 50% of the standard minimum wage, or \$4.50 an hour. The bill also requires employers to post the minimum wage posters that would be furnished by the Department of Labor at no charge, and includes an emergency clause.

**As Amended:** N/A

**Introducing Senator(s):** Hansen, Bolz, Cook, Crawford, Haar, Harr, Howard, Kolowski, Mello, Morfeld, Pansing Brooks

**Committee:** Business and Labor

**Committee Hearing Date:** February 1, 2016

**Current Status:** Indefinitely Postponed

**Estimated Fiscal Impact:** No fiscal impact

**Voices for Children's Position:** Support ([see our written testimony](#))

## Education/Early Childhood

*Signed into Law*

### LB 889: Adopt the School Readiness Tax Credit Act

**As Introduced:** LB 889 creates four categories of state income tax credits related to early childhood education and care, beginning on or after January 1, 2017. The following credits would be offered in a tiered structure based upon the state Step Up to Quality program administered by the state Department of Education in coordination with the Department of Health and Human Services:

- Parents of qualified dependents aged 5 and under who attended an eligible early childhood program that has earned at least Step Two rating, thereafter tiered by rating as a percent of the state Child Care Tax Credit. This credit is partially or fully refundable for low-income taxpayers, and nonrefundable for those with a federal adjusted gross income greater than \$29,000.
- Early childhood programs serving children through the Child Care Subsidy program that have achieved at least a Step Two rating, thereafter tiered by rating based on the average monthly number of eligible children.
- Early childhood professionals with certain qualifications employed at least 6 months at an eligible early childhood program participating in the Step Up to Quality program, tiered by rating of the program.
- Business-supported child care programs participating in the Step Up to Quality program. A refundable credit shall be provided to programs receiving at least a Step Two rating, thereafter tiered by rating for certain percentages of capital construction expenses, payments made to a facility for employees, and/or the purchase of child care slots at an eligible program for children of employees.

**As Amended:** As amended, the bill would not include the business expense and parent credits, and the early childhood professional and program credits would be reduced. Additionally, amendments include a 5-year sunset provision and a \$5 million annual cap.

**Introducing Senator(s):** Mello (priority), Campbell, Cook, Kolowski, Kolterman, McCollister, Stinner, Sullivan

**Committee:** Revenue

**Committee Hearing Date:** February 3, 2016

**Current Status:** Approved by Governor on April 18, 2016

**Estimated Fiscal Impact:** For FY 2016-2017, the fiscal note is \$122,672 from the General Fund for the Department of Revenue. For FY 2017-2018, the fiscal note is \$25,746 from the General Fund for the Department of Revenue, and an additional reduction of \$945,000 in revenue to the General Fund.

**Voices for Children's Position:** Support ([see our written testimony](#))

*Amended into Other Bills***LB 1004: Change provisions relating to the Community Eligibility Provision**

**As Introduced:** LB 1004 clarifies the definition of free lunch and free milk students for the Tax Equity and Educational Opportunities Support Act (TEEOSA) to include students who are provided meals through the federal Community Eligibility Provision (CEP). The CEP allows certain high-poverty schools and districts to provide universal meal service without requiring an application or data collection. For the purposes of the poverty allowance calculation in state school funding through TEEOSA, the bill allows schools to utilize the greater of the following: the number of students who qualified for free lunch or free milk in the most recent fiscal year in which such data was collected; or the number of students who are directly certified through other means for free lunch or free milk, multiplied by 1.1. This calculation method, effective for aid distributed in FY 2017-2018, is intended to prevent impact on the adoption of CEP on state aid. The bill also requires the Department of Education to promote CEP to eligible schools, including the provision of technical assistance for implementation and options for maintaining state and federal aid.

**As Amended:** Provisions of LB 1004 and another similar bill, LB 1065, were amended into LB 1066, which including technical changes to provisions related to the Department of Education. The provisions amended from LB 1065 maintained that for CEP schools, the poverty number calculated for state aid should not exceed 100% of students enrolled.

**Introducing Senator(s):** Cook

**Committee:** Education

**Committee Hearing Date:** February 8, 2016

**Current Status:** Amended into LB 1066 and approved by Governor on April 13, 2016

**Estimated Fiscal Impact:** No fiscal impact

**Voices for Children's Position:** Support ([see our written testimony](#))

**LB 1065: Change school provisions relating to the Community Eligibility Provision**

**As Introduced:** LB 1065 clarifies the definition of free lunch and free milk students for the Tax Equity and Educational Opportunities Support Act (TEEOSA) to include students who are provided meals through the federal Community Eligibility Provision (CEP). The CEP allows certain high-poverty schools and districts to provide universal meal service without requiring an application or data collection. For the purposes of the poverty allowance calculation for state funding through TEEOSA, CEP schools may take 110% of the number of students who are directly certified through other means for free lunch or free milk. The calculation may be utilized beginning with aid distributed in FY 2017-2018 and may not exceed 100% of enrolled students.

**As Amended:** Provisions of LB 1065 and another similar bill, LB 1004, were amended into LB 1066, which including technical changes to provisions related to the Department of Education. The provisions amended from LB 1004 allowed schools to use the number of students who qualified for free lunch or

free milk in the most recent fiscal year in which such data was collected, should it exceed the number calculated using the multiplier.

**Introducing Senator(s):** Sullivan

**Committee:** Education

**Committee Hearing Date:** February 8, 2016

**Current Status:** Amended into LB 1066 and approved by Governor on April 13, 2016

**Estimated Fiscal Impact:** No fiscal impact

**Voices for Children’s Position:** Neutral ([see our written testimony](#))

*Indefinitely Postponed*

**LB 939: Adopt the Nebraska Early Childhood Advantage Act**

**As Introduced:** LB 939 would require state agencies administering home visiting programs to adopt and promulgate rules and regulations for the programs, work with community partners, researchers, model developers, and private entities on collaboration and best practices. It would establish annual state reporting requirements and allow up to 5% of the program’s annual budget to be allocated towards administrative costs in developing the report beginning December 1, 2018.

**As Amended:** As amended, the bill would allow money from the Health Care Cash Fund to be used for the purposes of the Act. The bill is also amended to identify the Department of Health and Human Services as the agency administering home visiting programs, and strikes “private entities” from the list of collaborative partners.

**Introducing Senator(s):** Mello

**Committee:** Health and Human Services

**Committee Hearing Date:** February 27, 2016

**Current Status:** Indefinitely Postponed

**Estimated Fiscal Impact:** For FY 2016-2017, the fiscal note is \$82,247 from the General Fund for the Department of Health and Human Services. For FY 2017-2018, the fiscal note is \$82,247 from the General Fund for the Department of Health and Human Services.

**Voices for Children’s Position:** Support ([see our written testimony](#))

## Health

### *Indefinitely Postponed*

#### LB 850: Adopt the Paid Family and Medical Leave Act

**As Introduced:** LB 850 would provide for a paid family and medical leave program and associated Paid Family Medical Leave Insurance Fund. The program and fund would be funded through required contributions by all employed persons of no more than one half of 1% of a covered individual's wages in a twelve month period. Funds could be accessed to cover twelve weeks of leave in any calendar year for medical leave due to personal health or disability, or eight weeks in any calendar year to care for a child or dependent adult.

Coverage would be prorated according to Nebraska's annual median wage and based on the length of time the individual had been employed in the coverage year, with a maximum weekly benefit of 65% of Nebraska's annual median wage.

**As Amended:** N/A

**Introducing Senator(s):** Crawford, Campbell, Cook, Haar, Hansen, Howard, Morfeld, Pansing Brooks

**Committee:** Business and Labor

**Committee Hearing Date:** February 1, 2016

**Current Status:** Indefinitely Postponed

**Estimated Fiscal Impact:** For 2016-2017, estimated expenditures are \$12,498,015 and for 2017-2018, \$6,795,761 from the state general fund.

**Voices for Children's Position:** Support ([see our written testimony](#))

#### LB 945: Adopt the Nebraska Healthy Food Financing Initiative Act

**As Introduced:** LB 945 would require the Community and Rural Development Division of the Department of Economic Development (DED) to establish a financing program involving public, private, and nonprofit sectors to increase access to healthy food in consultation with the Departments of Agriculture and the Health and Human Services. The bill would require the DED to contract with certified community development entities to develop and administer the financing initiative, and to contract the University of Nebraska for a study. The initiative shall be eligible in competitive, one-time funds for grocery store renovations, the establishment of food distribution projects that enable food retailers in underserved communities to regularly obtain fresh produce, or other projects that create or improve healthy food outlets. The projects shall, as defined by the bill, benefit an underserved community, demonstrate meaningful commitment, accept SNAP and WIC benefits and demonstrate commitment to affordability, and shall not compete with existing stores or services within a certain radius. The bill further defines evaluation criteria for funding selection, and appropriates \$150,000 annually to the initiative. Finally, the bill reduces the tax credit provided by the Community Development Assistance Act, lowering the maximum amount from \$350,000 to \$200,000.

**As Amended:** N/A

**Introducing Senator(s):** Hansen, Mello

**Committee:** Agriculture

**Committee Hearing Date:** February 9, 2016

**Current Status:** Indefinitely Postponed

**Estimated Fiscal Impact:** For FY 2016-2017, the fiscal note is \$150,000 from the General Fund for the Department of Economic Development, which will be offset in an increase in revenue of the same amount to the General Fund by the reduction of the tax credit provided by the Community Development Assistance Act. For FY 2017-2018, the fiscal note is \$150,000 from the General Fund for the Department of Economic Development, which will be offset in an increase in revenue of the same amount to the General Fund by the reduction of the tax credit provided by the Community Development Assistance Act

**Voices for Children's Position:** Support ([see our written testimony](#))

### LB 1032: Adopt the Transitional Health Insurance Program Act

**As Introduced:** LB 1032 would create the Transitional Health Insurance Program, and require the Department of Health and Human Services (DHHS) to submit a waiver to the federal Centers for Medicare and Medicaid Services (CMS) to implement a health insurance premium assistance program, an employer sponsored insurance premium program for those with access to health insurance through their employer, and an innovation health improvement program for the medically frail, with coverage equal to a silver plan on the exchange. The bill would require certain enrollee contributions based on monthly income, and requires the availability of certain benefits in the program. Additionally, the Transitional Health Insurance Employment program would be created to provide recipients with referral to employment and education programs. The bill would also require certain data collection and the provision of an annual report to the HHS Committee of the Legislature. The Transitional Health Insurance Program Fund is created to support Medicaid and the state's costs for the newly eligible population. Finally, the bill would immediately terminate coverage of newly eligible enrollees if federal funding levels fall below 90%.

**As Amended:** Amendments to the bill include a sunset provision set from 3 years after the establishment of the program, and requires the notification of participants of the termination. As amended, the bill would also require DHHS to contract with a consultant to conduct an evaluation of the program to be completed 6 months prior to the start of the next legislative session in the program's third year of implementation. Finally, the amendment appropriates \$63 million from the Health Care Cash Fund towards the state match in covering the newly eligible.

**Introducing Senator(s):** McCollister (HHS Committee priority), Baker, Bolz, Campbell, Chambers, Cook, Crawford, Haar, Hansen, Howard, Kolowski, Mello, Morfeld, Pansing Brooks, Schumacher, Sullivan

**Committee:** Health and Human Services

**Committee Hearing Date:** February 10, 2016

**Current Status:** Indefinitely Postponed

**Estimated Fiscal Impact:** For FY 2016-2017, the fiscal note is \$4,341,381 (\$1,338,263 from the General Fund and \$3,003,236 in federal funds) for the Department of Health and Human Services. For FY 2017-2018, the fiscal note is \$154,742,633 (\$267,369 from cash funds and \$157,529,513 in federal funds, and a savings offset of \$3,054,249 to the General Fund) for the Department of Health and Human Services, and an increase of \$4,235,931 in revenue to the Insurance Tax Fund.

**Voices for Children’s Position:** Support ([see our written testimony](#))

## Juvenile Justice

*Signed into Law*

### LB 894: Change provisions relating to juveniles

**As Introduced:** LB 894 was designed to put in place statutory protections around the constitutional right to legal counsel for children charged in the juvenile court. As initially introduced, it contained multiple provisions related to the right to representation, including:

- Children in the custody of law enforcement or other government officials must be notified in developmentally appropriate language of their right to call or consult an attorney;
- Courts must appoint counsel to represent a child at the time any delinquency or status offense petition is filed, without regard to indigency of the child or family;
- Waiver of the right to counsel is prohibited in the following situations:
  - When the child is under the age of 14
  - At a detention hearing
  - At a hearing to transfer the case to criminal court
  - At any hearing where out of home placement is sought
- The Supreme Court shall implement guidelines setting forth standards for all attorneys practicing in the juvenile court.

**As Amended:** Due to concerns raised by some senators representing rural regions of the state, the provision requiring early appointment of counsel for all children (at the time of the filing of the petition) was bifurcated based on the population of the county. That provision will apply only in counties containing 150,000 or greater inhabitants. The rest of the bill’s provisions will apply statewide.

Additionally, language which had been stricken in the initial version of the bill setting out a process for the court to ascertain a family’s ability to pay for legal services was added back in. In those counties where the early-appointment provision applies, courts will automatically appoint the lawyer, then make a later determination of whether to continue the appointment, based on the family’s ability to pay.

**Introducing Senator(s):** Pansing Brooks, Chambers, Coash, Ebke, Krist, McCollister, Morfeld, Williams

**Committee:** Judiciary

**Committee Hearing Date:** January 20, 2016

**Current Status:** Approved by Governor on April 7, 2016

**Estimated Fiscal Impact:** No fiscal impact noted.

**Voices for Children’s Position:** Support ([see our written testimony](#))

**LB 954: Change provisions relating to access to records for and investigations by the Inspector General for Nebraska Child Welfare**

**As Introduced:** LB 954 provides a compromise between the Legislature and the Courts regarding the legislative Inspector General for Nebraska Child Welfare’s (IG) oversight of cases under the purview of the Juvenile Probation Administration. It permits the IG access to records of juvenile probation officers, upon request and with a court order granting that access. The IG is directed to immediately notify the Office of Probation Administration and provide the information pertaining to potential personnel matters in any investigation in which possible employee misconduct is discovered.

- Testimony provided by the State Court Administrator and the IG at the public hearing clarified that the Administrative Office of the Courts would work with judges to ensure boilerplate language permitting this investigative access would be put in every juvenile court order.

**As Amended:** N/A

**Introducing Senator(s):** Krist

**Committee:** Executive Board

**Committee Hearing Date:** January 22, 2016

**Current Status:** Approved by Governor on March 7, 2016

**Estimated Fiscal Impact:** No fiscal impact noted.

**Voices for Children’s Position:** Support ([see our written testimony](#))

*Amended into Other Bills*

**LB 709: Provide for an alternative to detention for juveniles**

**As Introduced:** LB 709 defines the term “alternative to detention” in the juvenile code as a program or directive that increases supervision of a youth in the community in an effort to ensure the youth attends court and refrains from committing a new law violation. As initially drafted, the bill explicitly excluded facilities using any physical construction or hardware to restrain a youth’s movement from the list of possible alternatives to detention.

LB 709 creates a statutory right to a hearing within 24 hours whenever a child is placed on an alternative that infringes on his or her liberty interest. This hearing can be waived by the child through counsel if desired.

The bill also removes an outdated term, “nonsecure detention,” from the code and updates portions of statute accordingly. It brings the pre-existing definition of “staff secure juvenile facility” into the juvenile code.

**As Amended:** An amendment created a special exception to the prohibition against physical construction or hardware restraining movement: facilities which use a manually-controlled egress button that locks a door for no longer than 30 seconds can be considered an alternative to detention.

**Introducing Senator(s):** Howard, Pansing Brooks

**Committee:** Judiciary

**Committee Hearing Date:** January 20, 2016

**Current Status:** Approved by Governor on April 7, 2016

**Estimated Fiscal Impact:** No fiscal impact noted.

**Voices for Children's Position:** Support ([see our written testimony](#))

[LB 845: Provide requirements relating to confinement of juveniles and provide a duty for the Inspector General of Nebraska Child Welfare](#)

**As Introduced:** LB 845 creates a uniform statewide definition for “room confinement” as involuntary restriction of a juvenile to a room or cell, alone, during normal waking hours. It also sets reporting requirements on the use of extended room confinement for all residential facilities housing minors, including juvenile detention centers, youth rehabilitation and treatment centers, adult correctional facilities housing minors, and any other child-serving residential facilities.

If the child remains in room confinement after two hours, the confinement must be approved and documented in writing by a supervisor of the facility. Longer than three hours, it must be approved and documented by the head of the facility.

The bill requires reporting to the Legislature, through the Inspector General for Nebraska Child Welfare, on the number of minors placed in room confinement, the length of time spent in room confinement, and the reasons why. Reports will be disaggregated by race, ethnicity, gender, and age. Reports submitted on children confined longer than four hours must contain information regarding attempts made to return the child to the general population, why they were unsuccessful, and all corrective measures taken if provisions of this bill were not complied with.

**As Amended:** N/A

**Introducing Senator(s):** Pansing Brooks, McCollister, Schumacher, Williams

**Committee:** Judiciary

**Committee Hearing Date:** January 20, 2016

**Current Status:** Approved by Governor on April 7, 2016

**Estimated Fiscal Impact:** No fiscal impact noted.

**Voices for Children's Position:** Support ([see our written testimony](#))

**LB 893: Modify jurisdiction of juvenile courts and change provisions relating to temporary custody and disposition of juveniles**

**As Introduced:** LB 893 set a minimum age of 11 years old for children to be charged as delinquents or status offenders in the juvenile court. If a child age 10 or younger commits an offense or engages in behavior that would otherwise give rise to a delinquency or status offense filing, court jurisdiction will come through a family-focused court filing that achieves rehabilitative services and supports through the Department of Health and Human Services instead of Juvenile Probation Administration.

**As Amended:** N/A

**Introducing Senator(s):** Pansing Brooks, Chambers, Ebke, Krist, McCollister, Morfeld, Williams

**Committee:** Judiciary

**Committee Hearing Date:** January 22, 2016

**Current Status:** Approved by Governor on April 7, 2016

**Estimated Fiscal Impact:** No fiscal impact noted.

**Voices for Children’s Position:** Support ([see our written testimony](#))

*Indefinitely Postponed*

**LB 675: Change provisions related to detention and placement of juveniles**

**As Introduced:** LB 675 would have realigned Nebraska’s statutory rationales for the use of secure detention with best practices. As drafted, it removed “risk of harm to self” from the list of permissible rationales for secure juvenile detention. It also delineated certain impermissible reasons and situations for a child to be detained, including:

- When the child is twelve years old or younger
- To allow the parent to avoid their legal responsibility
- To punish, treat, or rehabilitate the child
- To permit more convenient administrative access to a child
- To facilitate further interrogation or investigation of the child
- Due to a lack of more appropriate facilities
- To satisfy the demands of a victim, law enforcement, or the community

**As Amended:** An amendment coming out of the Judiciary Committee would have removed the minimum age of twelve had the bill moved forward.

**Introducing Senator(s):** Krist

**Committee:** Judiciary

**Committee Hearing Date:** January 20, 2016

**Current Status:** Indefinitely postponed.

**Estimated Fiscal Impact:** No fiscal impact noted.

**Voices for Children's Position:** Support ([see our written testimony](#))

**LB 697: Provide for a Medicaid state plan waiver related to Functional Family Therapy**

**As Introduced:** LB 697 would have required the Department of Health and Human Services to apply for a state Medicaid plan waiver to cover the evidence-based treatment program Functional Family Therapy.

**As Amended:** N/A

**Introducing Senator(s):** Howard

**Committee:** Health and Human Services

**Committee Hearing Date:** March 3, 2016

**Current Status:** Indefinitely postponed: at the public hearing, the sponsoring senator and HHS officials testified that the Department was already pursuing the waiver, Functional Family Therapy services were expected to be covered beginning in January 2017, and this legislation was thus unnecessary.

**Estimated Fiscal Impact:** No fiscal impact noted.

**Voices for Children's Position:** Support ([see our written testimony](#))

**LB 866: Adopt the Transition to Adult Living Success Program Act**

**As Introduced:** LB 866 would have created the Transition to Adult Living Success Program, a system of supportive services and a flexible cash fund to support young people aging out of the juvenile justice system. To be eligible to participate, a young person would have been adjudicated on a delinquency or status offense docket that remained open on his or her nineteenth birthday, and have been in an out-of-home placement for ninety of the 180 days preceding his or her nineteenth birthday. The program would provide independent living services to participants through the age of 21. The cash fund could be accessed for critical needs such as food, shelter, and health care, up to \$1,000 per year per participant.

**As Amended:** N/A

**Introducing Senator(s):** Bolz

**Committee:** Health and Human Services

**Committee Hearing Date:** February 3, 2016

**Current Status:** Indefinitely postponed.

**Estimated Fiscal Impact:** For FY 2016-2017, the fiscal note was estimated at 1,659,490. For 2017-2018, the estimate was 1,655,667.

**Voices for Children's Position:** Support ([see our written testimony](#))