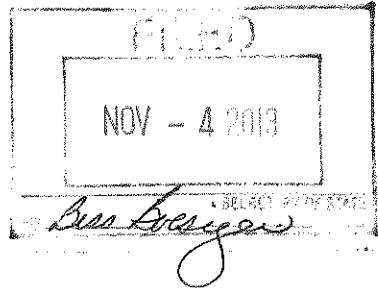


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NEBRASKA ADMINISTRATIVE CODE – TITLE 162

Last date amended: July 12, 2013

FOSTER CARE REVIEW OFFICE RULES AND REGULATIONS

Title 162 - Foster Care Review Office

Chapter 1-000 Introduction

1-001 Statutory Authority.

The Foster Care Review Act (Neb. Rev. Stat. § 43-1301 through 43-1318), L.B. 714 enacted by Nebraska's Eighty-Seventh Legislature, Second Session, 1982, established the Foster Care Review Board.

Revisions to the Foster Care Review Act by Nebraska's One Hundred Second Legislature, Second Session, 2012, resulted in the Foster Care Review Board becoming the Foster Care Review Office on July 1, 2012.

1-002 Purpose.

1-002.01 Mission Statement.

The Foster Care Review Office's mission is to ensure the best interests and safety needs of children in out-of-home care are being met through maintaining a statewide independent tracking system; conducting external citizen reviews; disseminating data, analysis, and recommendations to the public, the child welfare system, and the Legislature; and monitoring youth placements.

1-002.02 Vision Statement.

The vision of the Foster Care Review Office is that every child and youth in foster care live in a safe, permanent home, experience an enduring relationship with one or more caring adults, and have every opportunity to grow up to become a responsible and productive adult.

1-002.03 Purpose of Tracking.

The Foster Care Review Office is mandated to maintain an independent tracking system of all children in out-of-home placement in the State. The tracking system is used to provide information about the number of children entering and leaving care as well as other data regarding children's needs and trends in foster care, including data collected as part of the review process, and for internal processes.

1-002.04 Purpose of Review.

The Foster Care Review Office was established as an independent agency to review the case plans of children in foster care. The purpose of the reviews is to assure that appropriate goals have been set for the child, that realistic time limits have been set for the accomplishment of these goals, that efforts are being made by all parties to achieve these goals, that appropriate services are being delivered to the child and/or his or her family, and that long-range planning has been done to ensure a timely and appropriate permanency for the child, whether through return to a home where the conditions have changed, adoption, guardianship, or another plan.

1-003 Operating Principles.

The Foster Care Review Office operates under the following principles:

- The safety of children is a priority.
- Every child in foster care needs a safe and nurturing placement until he or she has a timely and appropriate permanency, whether through return to a home where the conditions have changed, adoption, guardianship, or another plan. Permanency should result in children being in a safe, permanent home.
- Foster care is meant to be a temporary measure that keeps children safe from harm or maltreatment. No child should have to live his or her childhood in the insecurity of foster care.
- Children and families in crisis should be treated in home as a family unit – if safe and possible. If treatment at home fails or is not possible, then the child should be placed in the least restrictive, most homelike setting possible that will meet the individual child's needs.

- Children in foster care should be helped to heal from the harmful effects of abuse and/or neglect on their lives.
- Each child in out-of-home care should have a permanency plan including a description of the services to be provided, the length of time necessary, and the person or persons responsible for implementation of the plan.
- Reasonable efforts should be made to achieve permanency in a timely manner.
- Each child placed in out-of-home care due to suspected abuse or neglect should receive a physical examination within two weeks of placement as required by statute.
- Each child involved in delinquent behavior should receive services to reduce the probability of continued delinquent behaviors, to hold the youth accountable for his or her behavior, to teach the youth how to become a responsible citizen, and to increase safety for the youth, his or her family, and the community.
- Court actions, including adjudication and reviews, should be within required timeframes and meet statutory requirements.
- Different rural and urban areas may have unique needs that need to be acknowledged and reported upon.
- The Foster Care Review Office exists to advocate for children on individual, family, and systemic levels.
- Collected data is to be shared with appropriate stakeholders, policy makers, and the public to increase understanding and measure changes.
- The Foster Care Review Office is a state agency and therefore follows all applicable statutes, policies, and procedures.
- Foster Care Review Office employees, volunteer citizen reviewers, and Advisory Committee members will adequately secure and protect confidential materials from unauthorized access.
- All Foster Care Review Office employees and contractors will avoid relationships and activities with individuals and/or organizations, both personal and for compensation, which might trigger a charge of professional conflict of interest.
- Foster Care Review Office employees will implement all roles, relationships, and responsibilities of employment in a professional manner. Likewise, volunteers will conduct themselves in a professional manner. All persons are entitled to expect FCRO employees, volunteer citizen reviewers, and Advisory Committee members to be honest, trustworthy and respectful, and to take responsibility for upholding these standards of behavior.

1-004 Review of Cases.

Per statute, the designated local board shall review the case of each child in foster care at least once every six months. Children's cases are assigned to a local foster care review board using information received from the Department of Health and Human Services, the Courts and private agencies, and other information which is housed on the FCRO's independent tracking system. Cases are prioritized for review as determined by the Director.

Annotation:

See Neb. Rev. Stat. §43-1308(1) (a); 43-1303(2).

1-005 Confidentiality.

All records and information regarding foster children, their parents or relatives and their foster care situations in the possession of the Office or local boards shall be deemed confidential. Unauthorized disclosure of such confidential records and information or any violation of confidentiality shall be a Class III Misdemeanor. Employees, Advisory Committee members, and local board members are required to adequately protect confidential materials from improper access and disclosure.

Newly hired staff, newly appointed Advisory Committee members who do not have a form on file, and prospective local board members shall sign an agreement regarding confidentiality. This agreement shall include, but not be limited to:

- A statement to the effect that confidentiality rules apply equally to verbal, written, and electronic communication.
- Agreement to adequately secure and protect confidential materials from unauthorized access while in their personal possession.
- Agreement to return all confidential information in a timely manner.
- Agreement to not disclose any information obtained from participation in local board meetings, case meetings, court hearings, facility visits, and/or any other duties performed on behalf of the FCRO, except as required to fulfill assigned duties.
- Agreement not to use any information or data for personal or monetary advantage.

Annotation:

See Neb. Rev. Stat. §43-1310.

1-006 Definitions.

1-006.01 Act.

Act means the Foster Care Review Act, Sections 43-1301 to 43-1318, R.S. Supp. 2012.

Annotation:

See Neb. Rev. Stat. §43-1301.

1-006.02 Office.

Office means the Foster Care Review Office, as created in Sections 43-1301 to 43-1318, R.S. Supp. 2012 unless context indicates otherwise.

Annotation:

See Neb. Rev. Stat. §43-1301.

1-006.03 Family Unit.

Family Unit means the social unit consisting of the foster child and the parent or parents or any person in the relationship of a parent with whom the child legally resided prior to his or her placement in foster care.

Annotation:

See Neb. Rev. Stat. §43-1301.

1-006.04 Foster Child.

Foster child means any child living in out-of-home care away from the biological or adoptive family unit.

Annotation:

See Neb. Rev. Stat. §43-1301.

1-006.05 Foster Care Facility.

Foster care facility means any foster home, group home, child care facility, child care institution, public agency, private agency, or any other person or entity receiving and caring for foster children.

Annotation:

See Neb. Rev. Stat. §43-1301.

1006.06 Foster Care Placements.

Foster care placements means all placements of neglected, dependent, delinquent, or children in need of special supervision (status offenders), including those placements made directly by parents or by third parties.

Annotation:
See Neb. Rev. Stat. §43-1301.

1-006.07 Person or Court in Charge of the Child.

Person or court in charge of the child means:

1. The Department of Health and Human Services, an association, or individual that has been made the guardian of a neglected, dependent, status offender, or delinquent child by the court and has the responsibility of the care of the child, and has the authority by and with assent of the court to place such a child in a suitable family home or institution or has been entrusted with the care of the child by a voluntary placement made by a parent or legal guardian.
2. The Court which has jurisdiction over the child.

Annotation:
See Neb. Rev. Stat. §43-1301.

1-006.08 Review Specialist.

Review specialist means a staff person employed by the Foster Care Review Office.

1-006.09 Director.

Director means the Executive Director of the Foster Care Review Office.

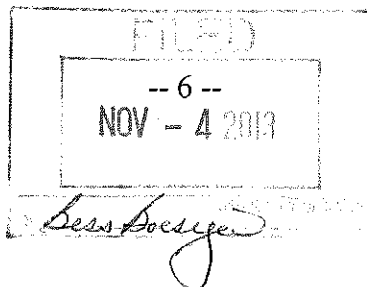
1-006.10 Committee.

Committee means the Advisory Committee of the Foster Care Review Office.
Committee member means a person holding current appointment.

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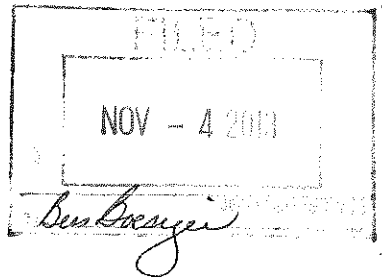
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Chapter 2-000 Foster Care Review Office Organization and Procedures

2-001 Advisory Committee.

2-001.01 Advisory Committee Membership.

The Advisory Committee shall consist of five members appointed by the Governor and approved by the Legislature.

Per Neb. Rev. Stat. 43-1302, the Governor shall appoint three members from a list of twelve local board members submitted by the Health and Human Services Committee of the Legislature, one member from a list of four persons with data analysis experience submitted by the Health and Human Services Committee of the Legislature, and one member from a list of four persons who are residents of the state and are representative of the public at large submitted by the Health and Human Services Committee of the Legislature.

The Health and Human Services Committee of the Legislature shall hold a confirmation hearing for the appointees, and the appointments shall be subject to confirmation by the Legislature, except that the initial members and members appointed while the Legislature is not in session in 2012 shall serve until the next session of the Legislature, at which time a majority of the members of the Legislature shall approve or disapprove of the appointments.

The appointment of a member of the local board to the Advisory Committee shall not create a vacancy on the local board.

Annotation:

See Neb. Rev. Stat. §43-1302 (2).

2-001.02 Pecuniary Interests/Conflicts of Interest.

Advisory Committee members shall have no pecuniary interest in the foster care system and shall not be employed by the Office, the Department of Health and Human Services, a county, a child-caring agency, a child-placing agency, or a court.

Members of the Committee will assure that the advice and recommendations of the Advisory Committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment.

Members of the Committee will endeavor to pursue a course of conduct that will not raise suspicion among the public that a member is likely to be engaged in acts that are in violations of his or her trust.

Annotation:

See Neb. Rev. Stat. §43-1302 (2).

2-001.03 Advisory Committee Terms.

Per Neb. Rev. Stat. 43-1302, the terms of the members shall be for three years, except that the Governor shall designate two of the initial appointees to serve initial terms ending on March 1, 2014, and three of the initial appointees to serve initial terms ending on March 1, 2015. The Governor shall make the initial appointments within thirty days after the operative date of the act (2012).

Members shall not serve more than two consecutive terms, except that members shall serve until their successors have been appointed and qualified. The Governor shall appoint members to fill vacancies in the same manner as the original appointments to serve for the remainder of the unexpired term.

Annotation:

See Neb. Rev. Stat. §43-1302 (2).

2-001.04 Advisory Committee Functions.

The duties of the Foster Care Advisory Committee are to:(a) hire and fire an Executive Director for the Office who has training and experience in foster care; and (b) support and facilitate the work of the Office, including the tracking of children in foster care and reviewing foster care file audit case reviews.

The Foster Care Advisory Committee will assist the Director: (a) determine key issues of the foster care system and ways to resolve the issues and to otherwise improve the system, and (b) to make policy recommendations.

In order to support and facilitate the work of the Office:

1. Committee members will embrace citizen review and a child-centered focus to agency decision making.
2. Committee members will acknowledge the statewide and regional issues affecting the child welfare system.
3. Committee members who have not served on local boards will gain understanding of the process.
4. Committee members will be or become prepared to provide information and feedback relevant to the agency or the child welfare system.
5. Committee members will acknowledge the expertise, historical knowledge, and multi-dimensional backgrounds of the Director and staff. Members will value open and honest communication and mutual respect.
6. Committee members will acknowledge the observations of the staff and local boards.
7. Committee members will work with the Director and staff in a unified collaborative spirit to strengthen and enhance the programs of the Office.
8. If requested, the Committee members will assist in working with the Director and staff to support and facilitate the work being done to address the issues staff and local board members have identified.
9. Committee members will be accountable to the public trust.

The Committee may also provide other support to the Director upon his or her request.

Annotation:

See Neb. Rev. Stat. §43-1302 (2) (e).

2-001.06 Procedures for meetings.

2-001.06.01 Parliamentary Procedure.

Robert's Rules of Order Revised Edition will be used to assure the orderly transaction of business in meetings.

Any question presented for a vote should have minimal qualifiers, not be leading, and should avoid the use of double or triple negatives, undefined pronouns, or other sources of possible confusion.

2-001.06.02 Meeting Frequency.

The Foster Care Advisory Committee shall meet at least four times each calendar year.

Annotation:

See Neb. Rev. Stat. §43-1302 (2) (d).

2-001.06.03 Attendance.

Each Advisory Committee member shall attend at least two meetings each calendar year and shall be subject to removal for failure to attend at least two meetings unless excused by a majority of the members of the committee.

Annotation:

See Neb. Rev. Stat. §43-1302 (2) (d).

2-001.06.04 Quorum.

A quorum shall consist of the majority of the members of the Committee for the transaction of business. Actions require a majority of all members present, with the exception of decisions to fire the Director, which would require at least four affirmative votes.

2-001.06.05 Officers.

At the first meeting after the start of the State fiscal year the Committee shall select a chairperson, and may select such other officers as it may deem necessary. A special election may be held whenever a vacancy occurs. Officers will hold office until their successors are elected.

The Chair and other officers, if applicable, shall preside for a term of one year. No officer may serve more than two consecutive years in a position.

The Chair will be cognizant of the differences in roles and duties of the Chair and the Executive Director.

Foster Care Review Office staff will serve as secretary.

2-001.06.06 Open Meetings Act compliance.

All meetings of the Advisory Committee shall be conducted in accordance with the Nebraska Open Meetings Act, Neb. Rev. Stat. §83-1407-84-1414.

2-001.06.07 Agendas.

The Director shall prepare a preliminary agenda after consulting with the Committee Chair. The agenda will include time for citizens to speak. The Chair may impose limits on the length of time each citizen may speak.

2-001.06.08 Sessions.

All meetings of the Advisory Committee shall be conducted pursuant to Neb. Rev. Stat. 43-1301-1318, R.R.S. 2012.

2-001.07 Authority outside of meetings.

Committee members have authority only when acting as a body in regular session. The Committee is not bound in any way by any statement or action of individual member except when such action is in pursuance of special instructions by the Committee.

2-001.08 Public Records Act compliance.

The Advisory Committee shall comply with the public records law.

2-001.09 Expense reimbursement.

Members shall be reimbursed for their actual expenses incurred in the line of duty as provided in Neb. Rev. Stat. §81-1174 to 81-1177. Each request shall be fully itemized, including the amount, date, place, and essential character of the expense incurred, and submitted on the approved form. All Advisory Committee members are volunteers and shall not be reimbursed for time spent conducting official duties.

2-002 Executive Director

2-002.01 Duties.

The Executive Director of the Office shall provide information and reporting services, provide analysis of information obtained, and oversee foster care file audit case reviews and tracking of cases of children in the foster care system.

The Executive Director of the Office shall, through information analysis and with the assistance of the Foster Care Advisory Committee, (i) determine key issues of the foster care system and ways to resolve the issues and to otherwise improve the system and (ii) make policy recommendations.

The Executive Director of the Office shall hire, fire, and supervise Office staff and shall be responsible for the duties of the Office as provided by law, including the annual report and other reporting, review, tracking, data collection and analysis, and oversight and training of local boards.

The Executive Director may contract for services and goods as necessary to facilitate the agency mission.

Annotation:

See Neb. Rev. Stat. §43-1302 (3); §43-1303 (4).

2-003 Foster Care Review Office Duties.

2-003.01 Maintain Statewide Register.

Per Neb. Rev. Stat. §43-1303 the Office shall maintain a statewide register of all foster care placements that occur within the State. Every court and child-placement agency shall report any initial out-of-home foster care placement to the register within three working days. The initial placement report shall include:

1. name and address of the foster child,
2. birth date of the child,
3. date child entered foster care, and
4. name of caseworker and agency.

For every child entering or leaving foster care, every child-placing agency or court shall make a confirmed placement report.

The confirmed placement report shall include:

1. name and address of foster child;
2. birth date, sex, and race;
3. foster parents' name and address;
4. biological parents' name and address;
5. court of commitment;
6. court of jurisdiction;
7. reason for foster care placement;
8. estimated length of time to be in foster care;
9. previous placements, if any;
10. description of services which are to be provided;
11. agency or person responsible for implementation of services;
12. date of physical examination; and
13. plan for the child and/or his family.

The court which has placed a child in foster care shall submit the following to the register:

1. child's name,
2. type of filing,
3. legal action in the courtroom,
4. results of the legal action in the courtroom,
5. date of next court review,
6. the court order, if requested,
7. the report and recommendations of the guardian ad litem.

The Office's tracking system shall be maintained on the state's SACWIS computer system.

Annotation:

Neb. Rev. Stat. §43-1303.

2-003.02 Central Record Keeping.

The Office shall establish a central record keeping facility for all local board files, including case reviews.

Annotation:

Neb. Rev. Stat. §43-1303.

2-003.03 Recommendations.

The Office shall submit to the agency and court of jurisdiction the findings and recommendations received from the local board. This must be sent within 30 days of each review. The Office shall provide copies of such reports and recommendations to each court having the authority to take legal action in a specific case. The Office shall also provide copies of such reports and recommendations to the legal parties of record to the case.

Annotation:

Neb. Rev. Stat. §43-1308 (1) (b).

2-003.04 Annual Report.

The Office shall make an annual report on children in foster care to the Legislature, Department of Health and Human Services, other agencies, courts, local board members, and members of the public including:

1. personal data on length of time in foster care,
2. number and types of placements as accumulated,
3. frequency and results of court reviews,
4. number of children supervised by the foster care programs in the State annually,
5. trend data impacting foster care, services, and placements;

6. analysis of the data;
7. recommendations for improving the foster care system in Nebraska; and
8. such other items as the Office determines.

The annual report of the Office shall be completed by December 1 each year, beginning December 1, 2012.

The Office shall report and make suggestions to the appropriate agency based on the evaluation of judicial and administrative data.

Annotation:

See Neb. Rev. Stat. §43-1303 (4).

2-003.05 Quarterly reports.

The Executive Director shall provide, at a time specified by the Health and Human Services Committee of the Legislature, regular updates regarding child welfare data and information at least quarterly, and a fourth-quarter report which shall be the annual report. The Executive Director shall include issues, policy concerns, and problems which have come to the Office and the Executive Director from analysis of the data. The Executive Director shall recommend alternatives to the identified problems and related needs of the Office and the foster care system to the committee.

Annotation:

See Neb. Rev. Stat. §43-1303 (4).

2-003.06 Employ or Contract for Services.

The Office shall employ or contract for services from such persons as are necessary to aid it in carrying out its duties.

2-003.07 Authorize facility visits.

The Office may authorize duly trained and qualified staff and local board members to visit and observe foster care facilities.

Annotation:

See Neb. Rev. Stat. §43-1303 (4).

2-003.08 Case Assignments to Local Boards for Review.

The Office shall assign cases of children in foster care placement to a local board for their review.

Annotation:

See Neb. Rev. Stat. §43-1303 (2) (a).

2-003.09 Local boards.

The Office shall establish local foster care review boards, known generally as local boards, to review the cases of children in foster care placements. The Director shall select members to serve on local boards from a list of applications submitted to the Office.

Each local board shall consist of not less than four and not more than ten members. Members of local boards shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed. No person employed by the Office, a court, or a child welfare agency shall be appointed to a local board.

The term of office shall be for three years. The Director may appoint local board members as necessary to fill a vacancy. The term of each member shall expire on the second Monday in July of the appropriate year. Members shall continue to serve until a successor is appointed. Local board members may serve unlimited consecutive terms provided they remain in good standing.

Annotation:

See Neb. Rev. Stat. §43-1308; §43-1305.

2-003.10 Procedures.

The Director shall develop procedures for the local review boards, including a policy regarding the removal of board members.

2-003.11 Training.

The Office shall establish an initial training program for local board members and periodic in-service training.

The initial training program shall include training in the following areas:

1. The local foster care review process,
2. Findings each local board is required to make on each case,
3. The juvenile court process,
4. Risk assessment,
5. Child development principles,
6. Interview of participants,
7. Protocols for visits to foster care facilities, and
8. Other child welfare topics deemed necessary.

Annotation:

See Neb. Rev. Stat. §43-1303 (2) (b); §43-1317.

2-004 Foster Care Review Office Staff.

All Foster Care Review Office staff persons are state employees, therefore applicable state statutes, policies, and procedures are followed, including recognition of the Nebraska Association of Public Employees (NAPE) contract provisions for eligible employees.

2-005 Volunteers.

All Advisory Committee and local board members are volunteers.

2-006 Immunity.

The Advisory Committee, Executive Director, any agent or employee of the Foster Care Review Office and any member of any local foster care review board participating in an investigation or making any report pursuant to the Foster Care Review Act or participating in a judicial proceeding pursuant to this section shall be immune from any civil liability that would otherwise be incurred except for false statements negligently made or violations of confidentiality statutes.

Annotation:

See Neb. Rev. Stat. §43-285 (8).

2-007 Conflict of interest.

Conflict of interest has been defined as a set of conditions in which professional judgment concerning a primary interest is, tends to be, or may be perceived to be unduly influenced by a secondary competing interest – monetary or otherwise.

All Foster Care Review Office employees and Advisory Committee members will avoid relationships and activities with individuals and/or organizations, both personal and for compensation, which might trigger a charge of professional conflict of interest.

Employees and Advisory Committee members will ensure that personal relationships do not influence professional decisions, and avoid the appearance of impropriety, bias, or conflict of interest.

Annotation:

See Neb. Rev. Stat. §43-1302 (2) (a).

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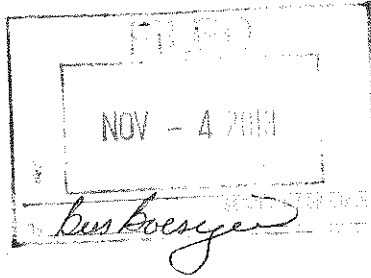
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Chapter 3-000 Local Boards Organization and Procedures.

3-001 Purpose Statement.

The purpose of the local review board is to conduct the case reviews of children in foster care on behalf of the Office and to assist in making recommendations on each case to the courts and agencies.

Annotation:

See Neb. Rev. Stat. §43-1308.

3-002 Meetings.

Local boards shall set their meetings according to the convenience of their members and the staff who facilitate the meetings. Each local board shall meet frequently enough to review all of the cases assigned to it.

3-002.01 Quorum.

A majority of the local board members shall constitute a quorum for the transaction of business.

3-002.02 Sessions.

All meetings of the local boards shall be conducted pursuant to Neb. Rev. Stat. 43-1301 through 43-1318, 2012.

3-002.03 Attendance.

Two consecutive unexcused absences shall constitute reason for removal from the local board.

Annotation:

See Neb. Rev. Stat. §43-1303 (2) (b); §43-1304.

3-003 Officers.

The local board may select a chairperson and such other officers as the local board may deem necessary. The term of the officers shall be one year and no officer shall serve for more than two consecutive terms in the same office. Election of local board chairpersons shall be at the first meeting in July. Any local board not meeting in July, shall elect a chairperson at the previously scheduled meeting.

Annotation:

See Neb. Rev. Stat. §43-1303 (2) (b).

3-004 Training.

Before serving on a local review board, a member must receive training as specified by the Office.

Annotation:

See Neb. Rev. Stat. §43-1303 (2) (b).

3-005 Duties.

The duties of the local boards shall include, but are not limited to, the following.

3-005.01 Case Reviews.

Local boards shall review at least once every six months the cases of each child in a foster care placement to determine what efforts have been made to carry out the plan or permanency plan for rehabilitation of the foster child and family or for permanent placement of such child.

The local review boards shall examine the plan as presented by the review specialist based on information he or she obtains from the agency files and/or from interested parties. Such review should also be made from the following information:

1. reason child entered care,
2. a description of the services that are to be provided in order to accomplish the purposes of the foster care placement,
3. legal findings in the case,

4. court ordered services,
5. agency and client responsiveness to services ordered, and
6. a complete record of all placements of the foster child.

Annotation:

See Neb. Rev. Stat. §43-1308.

3-005.02 Findings and Recommendations.

The review specialist assigned to the local board shall submit to the Office for transmittal to the court having jurisdiction over such child for the purposes of foster care placement, the Department of Health and Human Services, and the legal parties to the case, within 30 days after the review, the local board's findings and recommendations regarding the efforts and progress made to carry out the plan.

These recommendations shall indicate whether a plan currently exists, whether the local board concurs with the existing plans established by the court and agency, what the local board views as the barriers to the plan, whether the current placement is safe and appropriate, whether there is a need for continued out-of-home placement, and other additional observations they determine might be of benefit to the welfare of the foster children. The report shall state specific reasons for findings and recommendations, including factors, opinions and rationale that were considered in its review.

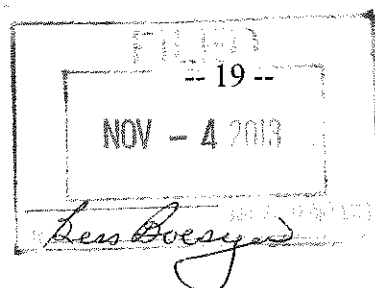
Annotation:

See Neb. Rev. Stat. §43-1308.

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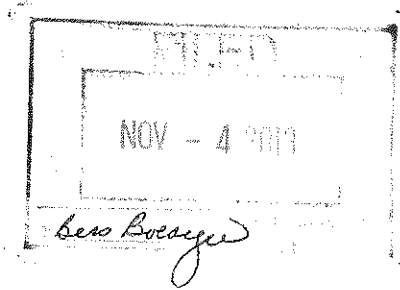
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Chapter 4-000 Legal Standing.

4-001 Legal Basis.

The Foster Care Review Office was granted legal standing to request a review hearing of a dispositional order and participate in any such hearing through counsel pursuant to L.B.1222, passed by the Ninety-First Legislature, Second Session, 1990. Any legal action using agency resources shall be regulated by the policies established by the Executive Director.

Annotation:

See Neb. Rev. Stat. §43-1308; §43-1313.

4-002 Process.

1. If a local board reviews a case and discovers that one or more of the following conditions are met, the local board may submit a request for intervention to the Executive Director or his or her designee:
 - a. reasonable efforts were not made to prevent a child from entering care, or
 - b. there is no permanency plan, or
 - c. the permanency plan is inappropriate, or
 - d. the placement is unsafe or inappropriate, or
 - e. regular court hearings are not being held, or
 - f. appropriate services are not being offered, or
 - g. the best interest of the child is not being met, or
 - h. the child is in imminent danger;

2. Upon receipt of a request for intervention, the Director or his or her designee shall determine if all administrative remedies have been utilized and may authorize the local board to utilize an attorney to intervene in a dispositional matter. If legal standing is approved, the Director or his or her designee shall submit a request for the appointment of an attorney to the Attorney General.

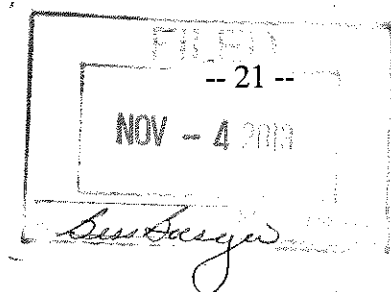
Annotation:

See Neb. Rev. Stat. §43-1303 (2) (b).

APPROVED

NOV 04 2013

David Heineman
DAVE HEINEMAN
GOVERNOR



APPROVED
JON BRUNING
ATTORNEY GENERAL

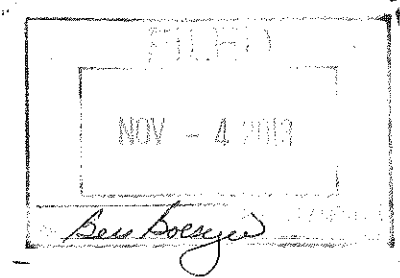
AUG 12 2013

BY *John Pittino*
ASSISTANT ATTORNEY GENERAL

APPROVED

NOV 04 2013

Dave Heineman
DAVE HEINEMAN
GOVERNOR



APPROVED
JON BRUNING
ATTORNEY GENERAL

AUG 12 2013

BY *Jody Pittman*
ASSISTANT ATTORNEY GENERAL

NEBRASKA ADMINISTRATIVE CODE – TITLE 162

Last date amended: July 12, 2013

Chapter 5-000 Visits to Foster Care Facilities.

5-001 Legal Basis.

The Executive Director of the Office or his or her designees from the Office may visit and observe foster care facilities in order to ascertain whether the individual physical, psychological, and sociological needs of each foster child are being met, pursuant to Neb. Rev. Stat. §43-1303.

Annotation:

See Neb. Rev. Stat. §43-1303 (4).

5-002 Purpose of the Visit.

Duly trained and qualified representatives of the Office may conduct visits to foster care facilities. The purpose of the visit is to ensure that the foster child is in a safe and appropriate placement and that the placement is meeting the foster child's physical, psychological and sociological needs.

Annotation:

See Neb. Rev. Stat. §43-1303 (4).

5-003 Procedures for Visits.

The Office may adopt policies and procedures necessary to carry out these rules and regulations.

The Office authorizes duly trained and qualified staff and local board members to visit and observe foster care facilities on behalf of the Office, including visiting a foster child in his or her placement.

Visits may be arranged in advance with the foster care placement or facility. The visit may be conducted at a time when the foster child will be present at the foster home, group home or other placement facility. The duly trained and qualified board members or staff may interview the foster parents or staff about the child's behaviors, needs and services. They may request file information about the child.

In the case of group facilities, they may also interview facility staff regarding the physical plant, the services and programs offered at the facility, the type of discipline used and the services/programs available to the foster children outside of the facility. The visits may include a tour of the facility's physical plant.

Upon request from the facility, a duly trained and qualified board members or staff conducting the visit may review the records of a foster child that are maintained at the foster home/facility.

Information from the visit will be presented to the local board to be considered in the review of the child's case. If a foster home or other foster care facility refuses to allow the Office or its designee to conduct a visit, a report will also be submitted to the Department of Health and Human Services.

If an Office staff member or local board member suspects abuse or neglect of the foster child or another child in the foster home/facility, they shall promptly report this to the proper law enforcement agency or the Department of Health and Human Services pursuant to Neb. Rev. Stat. §28-711.

Staff and local board members may also attend informational visits arranged with group facilities for the purpose of better understanding the care provided to the children who reside at that facility.

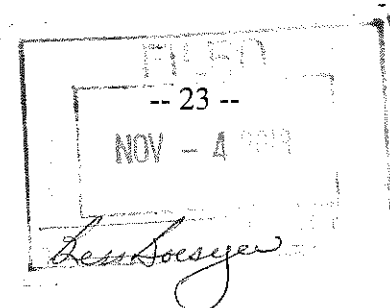
Annotation:

See Neb. Rev. Stat. §43-1303 (2) (b); §28-711.

APPROVED

NOV 04 2013

David Heineman
DAVE HEINEMAN
GOVERNOR



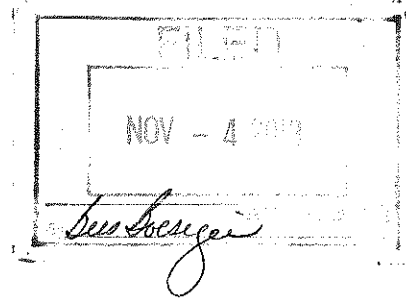
APPROVED
JON BRUNING
ATTORNEY GENERAL

AUG 12 2013

BY *Jonny Pittman*
ASSISTANT ATTORNEY GENERAL

Nebraska Administrative Code

Certificate of Adoption



State of Nebraska)
)
County of Lancaster)

I, Kim Hawekotte, current Executive Director of the Foster Care Review Office, certify that the attached are true and correct copies of the Rules and Regulations of the Foster Care Review Office, hereby certify that the attached is a true and correct copy of Title 162, Chapters 1, 2, 3, 4, and 5, which are newly revised regulations that completely supersede and replace all of the prior regulation of the Foster Care Review Office, and that were the subject of a public hearing held on July 12, 2013, after notification by publication in a newspaper having general circulation in the State of Nebraska.

Dated this 24th day of July, 2013.


Kim Hawekotte
Executive Director

TITLE 162 – FOSTER CARE REVIEW OFFICE

CHAPTER 1 – INTRODUCTION

CONCISE EXPLANATORY STATEMENT

The Foster Care Review Office is amending regulations as provided by law, and hereby submits this concise explanatory statement to accompany the regulations to describe its reasons for adopting the rule and for any changes made during the rulemaking process. The procedural rules of the Foster Care Review Office used in adopting regulations parallel the model rules. Each section will be address with a description of the section (Description), factual, legal or policy basis for adopting the rules (Basis), and changes in the final draft after published notice (Changes).

Comments on Section 001

Description: This section describes the statutory authority of the Foster Care Review Office.

Basis: Amended to include changes made by LB 998 (2012).

Changes: There were no post-hearing changes to this section.

Comments on Section 002

Description: This section describes the purpose of the Foster Care Review Office.

Basis: Amended to include changes made by LB 998 (2012).

Changes: There were no post-hearing changes to this section.

Comments on Section 003

Description: This section describes the operating principles of the Foster Care Review Office.

Basis: Amended to include changes made by LB 998 (2012), and to put an updated version of the principles document into Rules and Regulations.

Changes: There were no post-hearing changes to this section.

Title 162-Chapter 1 explanatory statement continued

Comments on Section 004

Description: This section describes the review of cases by the Foster Care Review Office.

Basis: Amended to include changes made by LB 998 (2012).

Changes: There were no post-hearing changes to this section.

Comments on Section 005

Description: This section describes how confidentiality of materials obtained by the Foster Care Review Office, the Advisory Committee, staff, and local board members will be maintained.

Basis: Amended to include changes made by LB 998 (2012) and existing practices.

Changes: There were no post-hearing changes to this section.

Comments on Section 006

Description: This section describes statutory and other definitions used by the Foster Care Review Office.

Basis: Amended to include changes made by LB 998 (2012) and conform to statutory language.

Changes: There were no post-hearing changes to this section.

Fiscal Impact Statement

Agency: Foster Care Review Office

Title: 162

Chapters: 1, 2, 3, 4, and 5

Prepared by: Kim Hawekotte, Director

Date prepared: July 24, 2013

Telephone: 402.471.4423

Type of Impact	State Agency	Political Sub.	Regulated Public
No fiscal impact	X	X	X
Increased costs			
Decreased costs			
Increased revenue			
Decreased revenue			

NOV 04 2013

AFFIDAVIT OF PUBLICATION

State of Nebraska }
LANCASTER COUNTY, } ss.

The undersigned, being first duly sworn, deposes and says that she/he is a Clerk of the Lincoln Journal Star, legal newspaper printed, published and having a general circulation in the County of Lancaster and State of Nebraska, and that the attached printed notice was published in said newspaper one successive time(s) the first insertion having been on June 6, 2013 and thereafter on _____, 20____.

and that said newspaper is the legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge and are further verified by my personal inspection of each notice in each of said issues.

Barbara Chestnut
Subscribed in my presence and sworn to before me on June 6, 2013
[Signature] Notary Public

GENERAL NOTARY - State of Nebraska
I IVA K ROONE

Notice of Public Hearing
Notice is hereby given that the Foster Care Review Office will hold a rule-making hearing pursuant to Neb. Rev. Stat. § 84-907 on the 12th day of the month of July, 2012, at 10:00 a.m. to be held at 521 S. 14th, Suite 401, Lincoln, Nebraska.

The purpose of the hearing is to take testimony and evidence about the amendment of Title 82, Chapters 1-5, with the Foster Care Review Office Rules and Regulations. This action is proposed to implement Neb. Rev. Stat. § 84-907-131A (2012), consistent with authority and constitutionality. The subject matter and scope of the rule-making action is to revise and update existing rules and regulations consistent with the same proposed rules and regulations as heard in December, 2012, with the exception of two changes in section three.

Draft or working copies of the proposed rules are available at the offices of the Secretary of State, State Regulations Division, Room 343, State Capitol, Lincoln, NE 68509, as well as the Foster Care Review Office, 521 S. 14th, Suite 401, Lincoln, NE 68508, and www.fcr.nebraska.gov. There is no expected fiscal impact on state agencies, political subdivisions, or

Regulations Check List

Agency: Foster Care Review Office

Agency Contact/Address: Kim Hawekotte, Director
 Foster Care Review Office
 521 S. 14th Suite 401
 Lincoln NE 68508
 402.471.4420

Proposed Nebraska Administrative Code: Title 162, Chapters 1, 2, 3, 4, 5

Subject Matter: Foster Care Review Office Administration and Functionality

Timetable/status

Stage	Action	Timetable	Date(s) completed
Proposed rule	Notice of rulemaking hearing	Interested stakeholders provided notice week of June 6, 2013	Published June 6, 2013
	Notice to Executive Board		June 6, 2013
	Notice to Secretary of State		June 6, 2013
	Notice to Governor's Policy Research Office		June 6, 2013
	Rulemaking hearing held		July 12, 2013
	Post hearing analysis and revisions		July 12, 2013
Final rule	Agency reviews and approval		July 24, 2013
	Attorney General submission		July 26, 2013
	Attorney General's approval		August 12, 2013
	Governor's submission		August 15, 2013
	Governor's approval		
Completion	Filing date		
	Indexing date		
	Publication		

NOV 04 2013

	Notice of termination without rulemaking		
Operating date	If later than the effective date prescribed in the APA		

Where to inspect/obtain fiscal statement: Foster Care Review Office or as attached to submission to the Attorney General's Office

Time period for written comments: June 6, 2013-July 12, 2013

Where written comments may be inspected: Foster Care Review Office

Names of persons submitting written comments: No comments were submitted