

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB177

Hearing Date: Wednesday February 16, 2011
Committee On: Health and Human Services
Introducer: Campbell
One Liner: Change foster care provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Bloomfield, Campbell, Cook, Gloor, Howard, Krist, Wallman
Nay:
Absent:
Present Not Voting:

Proponents: Senator Kathy Campbell Kelli Hauptman AnDrea Washington Casey Karges Doug Peters Georgie Scurfield Melanie Williams-Smotherman Sarah Helvey	Representing: District #25 Court Improvement Project Self The Mediation Center Voices for Children Foster Care Review Board Family Advocacy Movement Nebraska Appleseed Center for Law in the Public Interest
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

LB 177 is intended to assist the Department of Health and Human Services to implement three specific requirements of the federal "Fostering Connections to Success and Increasing Adoptions Act of 2008":

- 1) Using due diligence to notify adult relatives when a child is removed from parental custody;
- 2) Making efforts to place siblings together, or provide for sibling time if placement together is not possible; and
- 3) Creating transition plans for children aging out of foster care.

1. Using due diligence to notify adult relatives when a child is removed from parental custody:

The bill requires the department, within thirty days after removal of the child from his or her home, to identify, locate and provide written notification of the removal to any non-custodial parents and adult extended family members, unless that relative's history of family or domestic violence makes notification inappropriate.

The notification shall include:

- The child has been removed from the custody of parent(s);
 - An explanation of the options the relative has under the law to participate in the care and placement of the child, including consequences of lost options by failure to respond to the notice;
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- A description of the requirements for the relative to serve as a foster care provider or care provider and the services, training, and support available for children receiving such care; and
- Information concerning the option to apply for kinship guardianship assistance payments.

The department shall investigate the names and locations of the relatives and shall provide to the court the names and relationship to the child of all relatives contacted, method of contact and responses received.

2. Making efforts to place siblings together, or provide for sibling time if placement together is not possible:

LB 177 requires reasonable efforts be made to place a child and siblings, who have been removed from their home, together- unless placement is contrary to the safety or well-being of any siblings. If not jointly placed the department will provide the siblings and the court with the reasons why such placement would be contrary to the safety or well-being of any siblings. When joint placement does not occur the department shall make reasonable efforts to provide for frequent siblings visitation or ongoing interaction between the child and siblings. The court will determine the type and frequency of sibling visitation, or ongoing interaction, to be implemented by the department.

The following factors will be determined:

- o The nature of the relationship between the child and siblings including whether the siblings were raised in the same home, have significant common experiences or existing close and strong bonds, whether the sibling expresses a desire to live or have contact with the other sibling; and
- o The appropriateness of developing or maintain the sibling relations including whether placement and visitation would be contrary to the safety or well-being of any sibling.

- For children in foster care a child, sibling, parent, legal guardian or the department may file a petition for joint-sibling placement, sibling visitation or ongoing interaction between siblings.

- The court will periodically review the issue of sibling joint placement and visitation. Information regarding the child and sibling placement, visitation and interaction will be provided to parents, foster parent, prospective adoptive parent and child as soon as reasonably possible.

- If parental termination occurs, unless the court has suspended or terminated joint-sibling placement, visitation or interaction, the department shall make reasonable efforts to make joint-sibling placement, visitation or ongoing interaction occur after the child is adopted or enters a permanent placement. This includes: training of prospective adoptive parents regarding the importance of sibling relationships to an adopted child and counseling methods for maintaining sibling relationships; information regarding the child's siblings; and encouraging the adoptive parents to plan for post adoption contact between the child and the child's siblings.

3. Creating transition plans for children aging out of foster care:

LB 177 provides that when a child in foster care is sixteen years of age a written independent living transition proposal shall be developed to prepare for the transition from foster care to adulthood.

- The transition proposal shall be individualized and include the child's following needs: education; employment services and workforce support; health and health care coverage; financial assistance including education on credit card financing, banking and other services; housing; relationship development; and other adult services available at eighteen.

- The transition proposal shall be developed and reviewed by the department in collaboration with the child's transition team, comprised of the child's caseworker, guardian ad litem, individuals selected by the child and individuals who have knowledge of services available to the child.

- The transition plan shall be updated after court reviews.

- The final transition proposal, prior to the child leaving foster care, shall specifically address the child's housing needs. Information on the process of applying for higher education and aid available shall also be addressed.

- On or before the child reaches nineteen years of age the department shall provide a certified copy of the child's birth certificate and social security card.

Explanation of amendments:

AM 713 to LB 177 replaces the bill.

The Committee Amendment:

- Strikes Sections 12 and 13 of the green copy;
- Strikes references to 'kinship guardianship';
- Clarifies the definition of 'siblings' to include half siblings and step siblings;
- Clarifies language on joint-sibling placement;
- Strikes the list of factors to be used for determining joint-sibling placement and frequency and type of visitation or interaction;
- Strikes language on who may bring petitions on joint-sibling placement and replaces that language with the provision that parties may file motions for joint-sibling placement;
- Provides that a court may not notify parents of joint-sibling placement, sibling visitation, or ongoing interaction between siblings if it determines that doing so would be contrary to the safety or well-being of the child;
- Clarifies when the transition proposal will include information on adult services;
- Adds the child to the membership of the transition team; and
- Clarifies the department's responsibility to provide a document to the child transitioning out of foster care.

Kathy Campbell, Chairperson