

AMENDMENTS TO LB 385

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 43-2,129, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 43-2,129 Sections 43-245 to 43-2,129 and section 2 of
6 this act shall be known and may be cited as the Nebraska Juvenile
7 Code.

8 Sec. 2. When determining the suitability of a foster
9 care placement of a juvenile in a kinship home or relative home
10 as defined in section 71-1901, the Department of Health and Human
11 Services or child-placing agency shall not discriminate on the
12 basis of race, color, religion, sex, sexual orientation, gender
13 identity, disability, marital status, or national origin. Foster
14 care placement decisions shall be made based upon the health,
15 safety, well-being, and best interests of the child, taking into
16 consideration the requirements of the federal Fostering Connections
17 to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 1305 et
18 seq., and the federal Howard M. Metzenbaum MultiEthnic Placement
19 Act of 1994, Pub.L. 103-382, as such acts, sections, and law
20 existed on January 1, 2013, and the Nebraska Indian Child Welfare
21 Act.

22 Sec. 3. Section 71-1902, Revised Statutes Cumulative
23 Supplement, 2012, as amended by section 41, Legislative Bill 265,

1 One Hundred Third Legislature, First Session, 2013, is amended to
2 read:

3 71-1902 (1) The department shall adopt and promulgate
4 rules and regulations on requirements for licenses, waivers,
5 variances, and approval of foster family homes taking into
6 consideration the health, safety, well-being, and best interests of
7 the child. An initial assessment of a foster family home shall be
8 completed and shall focus on the safety, protection, and immediate
9 health, educational, developmental, and emotional needs of the
10 child and the willingness and ability of the foster home, relative
11 home, or kinship home to provide a safe, stable, and nurturing
12 environment for a child for whom the department or child-placing
13 agency has assumed responsibility.

14 (2) (a) Except as otherwise provided in this section, no
15 person shall furnish or offer to furnish foster care for one or
16 more children without having in full force and effect a written
17 license issued by the department upon such terms and conditions
18 as may be prescribed by general rules and regulations adopted
19 and promulgated by the department. The terms and conditions for
20 licensure may allow foster family homes to meet licensing standards
21 through variances equivalent to the established standards.

22 (b) The department may issue a time-limited, nonrenewable
23 provisional license to an applicant who is unable to comply
24 with all licensure requirements and standards, is making a good
25 faith effort to comply, and is capable of compliance within the
26 time period stated in the license. The department may issue a
27 time-limited, nonrenewable probationary license to a licensee who

1 agrees to establish compliance with rules and regulations that,
2 when violated, do not present an unreasonable risk to the health,
3 safety, or well-being of the foster children in the care of the
4 applicant.

5 (3) Kinship homes and relative homes are exempt from
6 licensure, however, such homes should make efforts to be licensed
7 if such license will facilitate the permanency plan of the
8 child. The department and child-placing agencies shall, when
9 requested or as part of the child's permanency plan, provide
10 resources for and assistance with licensure, including, but
11 not limited to, information on licensure, waivers for relative
12 homes, kinship-specific and relative-specific foster care training,
13 referral to local service providers and support groups, and funding
14 and resources available to address home safety or other barriers
15 to licensure.

16 (4) Prior to placement in a nonlicensed relative home
17 or kinship home, approval shall be obtained from the department.
18 Requirements for initial approval shall include, but not be limited
19 to, the initial assessment provided for in subsection (1) of this
20 section, a home visit to assure adequate and safe housing, and a
21 criminal background check of all adult residents. Final approval
22 shall include, but not be limited to, requirements as appropriate
23 under section 71-1903. The department or child-placing agency shall
24 provide assistance to an approved relative home or kinship home to
25 support the care, protection, and nurturing of the child. Support
26 may include, but not be limited to, information on licensure,
27 waivers, and variances, kinship-specific and relative-specific

1 foster care training, mental and physical health care, options
2 for funding for needs of the child, and service providers and
3 support groups to address the needs of relative and kinship
4 parents, families, and children.

5 (5) When issuing a license, waiver, variance, or approval
6 of a kinship home or relative home pursuant to sections 71-1901
7 to 71-1906.01, the department shall not discriminate on the basis
8 of race, color, religion, sex, sexual orientation, gender identity,
9 disability, marital status, or national origin.

10 ~~(5)~~ (6) All nonprovisional and nonprobationary licenses
11 issued under sections 71-1901 to 71-1906.01 shall expire two years
12 from the date of issuance and shall be subject to renewal under the
13 same terms and conditions as the original license, except that if
14 a licensee submits a completed renewal application thirty days or
15 more before the license's expiration date, the license shall remain
16 in effect until the department either renews the license or denies
17 the renewal application. No license issued pursuant to this section
18 shall be renewed unless the licensee has completed the required
19 hours of training in foster care in the preceding twelve months as
20 prescribed by the department. A license may be revoked for cause,
21 after notice and hearing, in accordance with rules and regulations
22 adopted and promulgated by the department.

23 Sec. 4. Original section 43-2,129, Revised Statutes
24 Cumulative Supplement, 2012, and section 71-1902, Revised Statutes
25 Cumulative Supplement, 2012, as amended by section 41, Legislative
26 Bill 265, One Hundred Third Legislature, First Session, 2013, are
27 repealed.