

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB265

Hearing Date: Thursday January 31, 2013
Committee On: Health and Human Services
Introducer: Coash
One Liner: Change foster care licensure and kinship home and relative home provisions

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

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

Proponents:	Representing:
Senator Colby Coash	District #27
Emilio Franso	Self
Sarah Forrest	Voices for Children in Nebraska
Melanie Williams-Smotherman	Family Advocacy Movement
Lisa Bulin	Self
Thomas Pristow	DHHS Division of Children and Family Services
Jewel Schiffers	Nebraska Families Collaborative (NFC)
Sarah Caldararo	Child Saving Institute
Sarah Helvey	Nebraska Appleseed
Heidi Longe	Self
Joan Fedoris	KVC
Lana Temple-Plotz	Foster Family-based Treatment Association (FFTA)
Judi gaiashkibos	Nebraska Commission on Indian Affairs

Opponents: **Representing:**

Neutral: **Representing:**

Summary of purpose and/or changes:

LB 265 amends the definition of an "extended family member" under the Nebraska Indian Child Welfare Act or Neb. Rev. Stat. 43-1503. An "extended family member" is expanded to include the child's parents, clan members, band members, or any type of cousin.

LB 265 amends Nebr. Rev. Stat. 71-1901 to add definitions for a child-caring agency, a child-placing agency, a foster family home, a group home, a kinship home, and a relative home. Foster family home means a home which provides foster care to include licensed homes; and both licensed and unlicensed relative and kinship homes. Kinship home means a home where a child receives foster care and at least one of the primary caretakers has previously lived with or has had significant contact with the child or sibling. Relative home means home where a child receives foster care and at least one of the primary caretakers is related to the child or sibling by blood, marriage or adoption, or in the case of an Indian child is an "extended family member."

The bill amends Nebr. Rev. Stat. 71-2902 regarding licensure, removing "not related to such person by blood, marriage or adoption" and the requirement that a provisional license applicant must complete the required hours of training in foster care. The bill adds that the terms and conditions for the licensure may allow foster family homes to meet licensing standards through variances equivalent to the established standards.

Kinship and relative homes are exempt from the licensure requirement, although such homes should make efforts to be licensed. The department may provide licensure assistance including information on licensure, kinship-specific and relative-specific foster care training, referrals to local service providers and support groups, and information on funding and resources available to address home safety or other barriers to licensure. Kinship and relative homes shall be approved by the Division of Children and Family Services of the Department of Health and Human Services. The division shall adopt and promulgate rules and regulations on requirements for approval, which shall include: a home visit to assure adequate housing and criminal background checks of all adult residents.

The definitions in Nebr. Rev. Stat. 71-2902 are deleted. Nebr. Rev. Stat. 71-1903 is amended so that the department may pay a fee for a fire safety inspection in any place where foster care is provided.

Nebr. Rev. Stat. 71-1904 is amended to add that the department may issue a waiver for a licensing standard not related to children's safety for a relative home that is pursuing licensure. Waivers may be granted depending on the best-interests of the child. Moreover, a relative home that receives a waiver shall be considered fully licensed for purposes of federal reimbursement under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

Explanation of amendments:

The Committee Amendment requires that an adult is "a trusted adult that has a pre-existing, significant relationship" with the child for kinship placement.

Additionally, the Committee Amendment adds specific language that requires the department to adopt and promulgate rules and regulations on requirements for licenses, waivers, variances and approval of foster family homes (including relative and kinship homes) that take into consideration the safety, well-being, and best interests of the child. Additionally, an initial assessment of a foster family home shall be completed and focus on the needs of the child and the willingness and ability of the foster home, relative home or kinship home to provide a safe, stable, and nurturing environment for the child.

The Committee Amendment adds that foster family homes should make efforts to be licensed if such license will facilitate the permanency plan of the child. Additionally, the department shall when requested, or as part of the child's permanency plan, provide resources for and assistance with licensure, waivers, training, referral local service providers and support groups, and funding resources available to address home safety or other barriers to licensing.

Approval is required prior to placement in a nonlicensed relative or kinship home. Initial approval shall include, but not be limited to, the best interest of the child and the willingness and ability of the foster family home to meet the child's needs, as outlined above; a home visit to assure adequate and safe housing; and a criminal background check of all adult residents. Final approval shall include the requirements as currently outlined in statute. Additionally, the department shall provide assistance to an approved relative home or kinship home to support the care, protection and nurturing of the child. Support may include, but is not limited to information on licensure, waivers and variances; training; mental and physical health care; options for funding for the needs of the child; and support services to address the needs of relative and kinship parents, families and children.

