

# ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013

## COMMITTEE STATEMENT

### LB443

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**Hearing Date:** Wednesday February 13, 2013  
**Committee On:** Health and Human Services  
**Introducer:** Cook  
**One Liner:** Adopt the Children's Residential Facilities and Placing Licensure Act

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

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**Vote Results:**

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

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**Proponents:**

Senator Tanya Cook  
Joseph Acierno

**Representing:**

District #13  
Department of Health and Human Services, Division of  
Public Health

**Opponents:**

Carol Krueger

**Representing:**

Nebraska Adoption Agencies Association

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 443 adopts the Children's Residential Facilities and Placing Licensure Act. The purpose of the Act is to protect the public health and the health, safety, and welfare of children who reside in or who are placed in settings other than the home of their parent or legal guardian by providing for the licensing of residential child-caring agencies and child-placing agencies in the State of Nebraska. The Act also provides for the development, establishment and enforcement of basic standards for various agencies.

Definitions under the bill include: Care means the provision of room and board and the exercise of concern and responsibility for the safety and welfare of children on a 24-hour per day basis in settings that serve as the out-of-home placement for children. Child placing agency means any person other than the parent or legal guardian of a child that receives the child for placement and places or arranges for the placement of a child in a foster family home, adoptive home, residential child-caring agency, or independent living. A residential child-caring agency provides care for four or more children that is not a family foster home under Neb. Rev. Stat. 71-1901.

LB 443 states that a residential child-caring agency or child-placing agency must not be established, operated, or maintained in the state without first obtaining a license issued by the department under the Act. No person may hold itself out as a residential child-caring agency or child-placing agency or as providing such services unless licensed under the Act. The department must issue a license to residential child-caring agencies or child-placing agencies that satisfy the requirements of the Act.

The bill outlines the requirements for application, fees and licenses. An applicant for licensure must obtain a separate

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license for each type of residential child-caring agency or child-placing agency that the applicant seeks to operate. A single license may be issued for a child-caring agency operating in separate buildings or structures on the same premises under one management. An applicant for licensure must obtain a separate license for each type of placement service the applicant seeks to provide. When a child-placing agency has more than one office location, the agency must inform the department of each office location and the services provided at each location. A single license may be issued for multiple offices or the applicant may apply for individual licenses for each office location.

A provisional license, valid for up to one year, may be issued to an applicant for an initial residential child-caring agency or child-placing agency that substantially complies with requirements for licensure under the Act.

The department may inspect or provide for the inspection of agencies licensed under the Act. The bill provides for the process regarding a finding of noncompliance and for submitting a complaint for violations of the Act. The department may impose various types of punishment such as fines, probation, restrictions on new admissions, suspension of license, and a revocation of a license; the bill specifies the procedural requirements and guidelines for discipline under the Act. LB 443 provides that any person who violates this Act will be guilty of a Class I misdemeanor, additionally each day the person operates after a first conviction must be considered a subsequent offense.

All licenses issued prior to December 1, 2012 in accordance with sections 71-1901 to 71-1906.01 shall remain valid as issued for purposes of the Act unless revoked or terminated by law.

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**Explanation of amendments:**

The Committee Amendment clarifies that to be licensed as a child-placing agency, an applicant must be a corporation, nonprofit corporation, or limited liability company.

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Kathy Campbell, Chairperson