

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1041

Introduced by Wishart, 27.

Read first time January 17, 2018

Committee:

- 1 A BILL FOR AN ACT relating to foster care licensure; to amend section
- 2 71-1901, Revised Statutes Cumulative Supplement, 2016, and section
- 3 71-1904, Revised Statutes Supplement, 2017; to define a term; to
- 4 require training as prescribed; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1901, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 71-1901 For purposes of sections 71-1901 to 71-1906.01:

4 (1) Person includes a partnership, limited liability company, firm,
5 agency, association, or corporation;

6 (2) Child means an unemancipated minor;

7 (3) Child-placing agency has the definition found in section
8 71-1926;

9 (4) Department means the Department of Health and Human Services;

10 (5) Foster care means engaged in the service of exercising twenty-
11 four-hour daily care, supervision, custody, or control over children, for
12 compensation or hire, in lieu of the care or supervision normally
13 exercised by parents in their own home. Foster care does not include
14 casual care at irregular intervals or programs as defined in section
15 71-1910;

16 (6) Foster family home means a home which provides foster care to a
17 child or children pursuant to a foster care placement as defined in
18 section 43-1301. Foster family homes include licensed homes where the
19 primary caretaker has no significant prior relationship with the child or
20 children in his or her care and both licensed and unlicensed relative and
21 kinship homes;

22 (7) Kinship home means a home where a child or children receive
23 foster care and at least one of the primary caretakers has previously
24 lived with or is a trusted adult that has a preexisting, significant
25 relationship with the child or children or a sibling of such child or
26 children pursuant to section 43-1311.02;

27 (8) Native American means a person who is a member of an Indian
28 tribe or eligible for membership in an Indian tribe;

29 (9) Relative home means a home where a child or children receive
30 foster care and at least one of the primary caretakers is related to the
31 child or children, or to a sibling of such child or children pursuant to

1 section 43-1311.02, in his or her care by blood, marriage, or adoption
2 or, in the case of an Indian child, at least one of the primary
3 caretakers is an extended family member as defined in section 43-1503;
4 and

5 (10) Residential child-caring agency has the definition found in
6 section 71-1926; and -

7 (11) Specific training on sexual abuse means a program or training
8 curriculum that covers recognition of the risks children face with regard
9 to sexual abuse, minimizing the opportunity for sexual abuse to occur,
10 talking appropriately about boundaries with children, recognizing the
11 signs of child sexual abuse, and reacting to any sign or disclosure of
12 sexual abuse appropriately.

13 Sec. 2. Section 71-1904, Revised Statutes Supplement, 2017, is
14 amended to read:

15 71-1904 (1) The department shall adopt and promulgate rules and
16 regulations pursuant to sections 71-1901 to 71-1906.01 for (a) the proper
17 care and protection of children by licensees under such sections, (b) the
18 issuance, suspension, and revocation of licenses to provide foster care,
19 (c) the issuance, suspension, and revocation of probationary licenses to
20 provide foster care, (d) the issuance, suspension, and revocation of
21 provisional licenses to provide foster care, (e) the provision of
22 training in foster care, which training shall be directly related to the
23 skills necessary to care for children in need of out-of-home care,
24 including, but not limited to, abused, neglected, dependent, and
25 delinquent children, including specific training on sexual abuse, and (f)
26 the proper administration of sections 71-1901 to 71-1906.01.

27 (2) The department may issue a waiver for any licensing standard not
28 related to children's safety for a relative home that is pursuing
29 licensure, but such waiver shall not apply to specific training on sexual
30 abuse. Such waivers shall be granted on a case-by-case basis upon
31 assessment by the department based upon the best interests of the child.

1 A relative home that receives a waiver pursuant to this subsection shall
2 be considered fully licensed for purposes of federal reimbursement under
3 the federal Fostering Connections to Success and Increasing Adoptions Act
4 of 2008, Public Law 110-351.

5 (3) The department shall adopt and promulgate rules and regulations
6 establishing new foster home licensing requirements that ensure
7 children's safety, health, and well-being but minimize the use of
8 licensing mandates for nonsafety issues. Such rules and regulations shall
9 provide alternatives to address nonsafety issues regarding housing and
10 provide assistance to families in overcoming licensing barriers,
11 especially in child-specific relative and kinship placements, to maximize
12 appropriate reimbursement under Title IV-E of the federal Social Security
13 Act, as amended, including expanding the use of kinship guardianship
14 assistance payments under 42 U.S.C. 673(d), as such act and section
15 existed on January 1, 2013.

16 Sec. 3. Original section 71-1901, Revised Statutes Cumulative
17 Supplement, 2016, and section 71-1904, Revised Statutes Supplement, 2017,
18 are repealed.