

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 874

Introduced by Howard, 9; Pirsch, 4.

Read first time January 06, 2012

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to foster care; to amend section 71-1902, Revised
- 2 Statutes Supplement, 2011; to change provisions relating
- 3 to licensure; to provide an operative date; to repeal the
- 4 original section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1902, Revised Statutes Supplement,
2 2011, is amended to read:

3 71-1902 Except as otherwise provided in this section, no
4 person shall furnish or offer to furnish foster care for ~~two~~one or
5 more children ~~from different families~~ not related to such person by
6 blood, marriage, or adoption without having in full force and effect
7 a written license issued by the department upon such terms and
8 conditions as may be prescribed by general rules and regulations
9 adopted and promulgated by the department. The department may issue a
10 time-limited, nonrenewable provisional license to an applicant who is
11 unable to comply with all licensure requirements and standards, is
12 making a good faith effort to comply, and is capable of compliance
13 within the time period stated in the license. The department may
14 issue a time-limited, nonrenewable probationary license to a licensee
15 who agrees to establish compliance with rules and regulations that,
16 when violated, do not present an unreasonable risk to the health,
17 safety, or well-being of the foster children in the care of the
18 applicant. No license shall be issued pursuant to this section unless
19 the applicant has completed the required hours of training in foster
20 care as prescribed by the department.

21 All nonprovisional and nonprobationary licenses issued
22 under sections 71-1901 to 71-1906.01 shall expire two years from the
23 date of issuance and shall be subject to renewal under the same terms
24 and conditions as the original license, except that if a licensee
25 submits a completed renewal application thirty days or more before

1 the license's expiration date, the license shall remain in effect
2 until the department either renews the license or denies the renewal
3 application. No license issued pursuant to this section shall be
4 renewed unless the licensee has completed the required hours of
5 training in foster care in the preceding twelve months as prescribed
6 by the department. For the issuance or renewal of each nonprovisional
7 and nonprobationary license, the department shall charge a fee of
8 fifty dollars for a group home, fifty dollars for a child-caring
9 agency, and fifty dollars for a child-placing agency. For the
10 issuance of each provisional license and each probationary license,
11 the department shall charge a fee of twenty-five dollars for a group
12 home, twenty-five dollars for a child-caring agency, and twenty-five
13 dollars for a child-placing agency. A license may be revoked for
14 cause, after notice and hearing, in accordance with rules and
15 regulations adopted and promulgated by the department.

16 For purposes of this section:

17 (1) Foster family home means any home which provides
18 twenty-four-hour care to children who are not related to the foster
19 parent by blood, marriage, or adoption;

20 (2) Group home means a home which is operated under the
21 auspices of an organization which is responsible for providing social
22 services, administration, direction, and control for the home and
23 which is designed to provide twenty-four-hour care for children and
24 youth in a residential setting;

25 (3) Child-caring agency means an organization which is

1 organized as a corporation or a limited liability company for the
2 purpose of providing care for children in buildings maintained by the
3 organization for that purpose; and

4 (4) Child-placing agency means an organization which is
5 authorized by its articles of incorporation and by its license to
6 place children in foster family homes.

7 Sec. 2. This act becomes operative on July 1, 2012.

8 Sec. 3. Original section 71-1902, Revised Statutes
9 Supplement, 2011, is repealed.

10 Sec. 4. Since an emergency exists, this act takes effect
11 when passed and approved according to law.