

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 3, 2003

LB 54

licensed, if they do that and the other things that are required for licensing. Currently, if a provider, a potential provider, refuses to do the training, then they are not licensed, but they are given an approved status. So we have two categories, approved and licensed. And as I understand it, currently the department's practice is that that approved status, where you don't...you are approved without training, only occurs when the provider is...deals only with their relatives, provides foster care services for children who are their relatives. This proposal would make some changes. It would say that if you're...wish to be a foster care provider, you can be licensed with the training. But if you choose not to accept the training, then you could be licensed rather than just approved. And with the committee amendment on the bill, that is subject to the discretion of the Health and Human Services. They can waive it on a part basis or they have some options on that. The reason for that is that the federal government, in paying...helping to pay for foster care providers for a certain group of children, those I think poverty is one of the main criteria and I think the designation is...I believe it's IV-E, that unless a provider is licensed, the federal government won't pay for that. So if we have a licensed category and an approved category, as we now do, then the approved providers can be foster care providers, but that has to be paid for with state funds because it doesn't qualify for federal funds. Federal's require licensing. So the main gist here is to get a statute in place that allows the state to collect federal funds for these IV-E foster care kids. Now keep in mind that, as I said, it is restricted down to the point where there are only relatives. Now it turns out that "relative" is not defined in the statute and, at least in the context of foster care, it's not defined in rules and regulations. So it turns out that it's inappropriate (sic) to include a definition of a relative. So if you're going to exempt a relative from the training requirement to be a foster care provider, then you need to say what a relative is, and that's in fact what this amendment does. It's a very broad definition of "relative." It states: "Relative means any person related to another by blood or marriage to the third degree of consanguinity, including stepparent and stepchild and an adoptive parent and his or her adopted child." So this is a definition of relative that gives