

## LEGISLATIVE BILL 402

Approved by the Governor March 29, 1995

Introduced by Health and Human Services Committee: Wesely, 26, Chairperson;  
Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Pirsch, 10;  
Schimek, 27

AN ACT relating to foster care; to amend sections 71-1902 and 71-1904, Reissue Revised Statutes of Nebraska; to change and add provisions relating to licensure; and to repeal the original sections.  
Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-1902, Reissue Revised Statutes of Nebraska, is amended to read:

71-1902. ~~No~~ Except as otherwise provided in this section, no person shall furnish or offer to furnish child care for two or more children from different families without having in full force and effect a written license issued by the department upon such terms and conditions as may be prescribed by general rules and regulations adopted and promulgated by the department. After July 10, 1990, no The department may issue a time-limited, nonrenewable provisional license to an applicant who is unable to comply with all licensure requirements and standards, is making a good faith effort to comply, and is capable of compliance within the time period stated in the license. The department may issue a time-limited, nonrenewable probationary license to a licensee who agrees to establish compliance with rules and regulations that, when violated, do not present an unreasonable risk to the health, safety, or well-being of the foster children in the care of the applicant. No license shall be issued pursuant to this section unless the applicant has completed the required hours of training in foster care as prescribed by the department.

All nonprovisional and nonprobationary licenses issued under sections 71-1901 to 71-1905 shall expire one year two years from the date of issuance and shall be subject to renewal under the same terms and conditions as the original license, except that if a licensee submits a completed renewal application thirty days or more before the license's expiration date, the license shall remain in effect until the department either renews the license or denies the renewal application. No After July 10, 1990, no license issued pursuant to this section shall be renewed unless the licensee has completed the required hours of training in foster care in the preceding twelve months as prescribed by the department. For the issuance or renewal of each nonprovisional and nonprobationary license, the department shall charge a fee of fifty dollars for a group home, fifty dollars for a child-caring agency, and fifty dollars for a child-placing agency. For the issuance or renewal of each provisional license and each probationary license, the department shall charge a fee of twenty-five dollars for a group homes home, twenty-five dollars for a child-caring agencies agency, and twenty-five dollars for a child-placing agencies agency. A license may be revoked for cause, after notice and hearing, in accordance with rules and regulations prescribed by the department.

For purposes of this section:

- (1) Foster family home shall mean any home which provides twenty-four-hour care to children who are not related to the foster parent by blood or adoption;
- (2) Group home shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four-hour care for individuals in a residential setting;
- (3) Child-caring agency shall mean an organization which is incorporated for the purpose of providing care for children in buildings maintained by the organization for that purpose; and
- (4) Child-placing agency shall mean an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.

Sec. 2. Section 71-1904, Reissue Revised Statutes of Nebraska, is amended to read:

71-1904. The department shall adopt and promulgate rules and regulations pursuant to sections 71-1901 to 71-1905 for (1) the proper care and protection of children by licensees under such sections, (2) the issuance, suspension, and revocation of licenses to carry on the business of provide child care, (3) the issuance, suspension, and revocation of probationary

licenses to provide child care, (4) the issuance, suspension, and revocation of provisional licenses to provide child care, (5) the provision of training in foster care, which training shall be directly related to the skills necessary to care for children in need of out-of-home care, including, but not limited to, abused, neglected, dependent, and delinquent children, and ~~(4)~~ (6) the proper administration of such sections. The training required by subdivision ~~(3)~~ (5) of this section shall be between twelve and twenty-four hours as determined by the department.

Sec. 3. Original sections 71-1902 and 71-1904, Reissue Revised Statutes of Nebraska, are repealed.