

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 926

Introduced by Dubas, 34; Campbell, 25; Gloor, 35; Howard, 9;
Lambert, 2; McGill, 26.

Read first time January 10, 2012

Committee: Health and Human Services

A BILL

- 1 FOR AN ACT relating to foster care; to state intent; to provide for
- 2 compensation; and to declare an emergency.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds:

2 (1) Surveys of foster parents demonstrate that the safety
3 net provided by foster families is fragile and damaged;

4 (2) Increased focus on recruiting and retaining high
5 quality, trained, and experienced foster parents should be a priority
6 under reform of the system of child welfare services in Nebraska;

7 (3) A 2007 study entitled Foster Care Minimum Adequate
8 Rates for Children completed by Children's Rights, the National
9 Foster Parent Association, and the University of Maryland School of
10 Social Work analyzed foster care maintenance payments under Title IV-
11 E of the federal Social Security Act, as amended, which are defined
12 as the cost of providing food, clothing, shelter, daily supervision,
13 school supplies, personal incidentals, insurance, and travel for
14 visitation with the biological family;

15 (4) The study set a basic foster care payment rate,
16 calculated by (a) analyzing consumer expenditure data reflecting the
17 costs of caring for a child, (b) identifying and accounting for
18 additional costs specific to children in foster care, and (c)
19 applying a geographic cost-of-living adjustment in order to develop
20 rates for each of the fifty states and the District of Columbia. The
21 rate includes adequate funds to meet a foster child's basic physical
22 needs and the cost of activities such as athletic and artistic
23 programs which are important for children who have been traumatized
24 or isolated by abuse, neglect, and placement in foster care;

25 (5) The study found that Nebraska's foster care payment

1 rates were the lowest in the country, with an average payment of two
2 hundred twenty-six dollars per month for a child two years of age.
3 The next lowest foster care payment rate was Missouri, paying two
4 hundred seventy-one dollars per month; and

5 (6) Foster care placements with relatives are more stable
6 and more likely to result in legal guardianship with a relative of
7 the child. Children in relative placements are less likely to reenter
8 the system after reunification with their parents and also report
9 that they feel more loved and less stigmatized when living with
10 family.

11 Sec. 2. (1) Beginning July 1, 2012, Nebraska's standard
12 minimum base rate for foster care payments shall be made directly to
13 the foster parent for the benefit of the child and not to a lead
14 agency or subcontractor and shall be the state's rate calculated in
15 the study described in subdivision (3) of section 1 of this act,
16 adjusted for inflation and the foster family's location within the
17 state, with additional compensation to provide for children with
18 special needs or special circumstances, for travel expenses unique to
19 children in foster care, and for age-appropriate clothing.

20 (2) The department shall ensure that relatives providing
21 foster care receive the minimum base rate for the first year of
22 placement if the relative is pursuing licensure or other minimum
23 requirements for relative foster care placements. Upon obtaining
24 licensure or meeting such minimum requirements, the relative
25 providing foster care shall receive the same minimum base rate as

1 nonrelative placements.

2 (3) For purposes of sections 1 and 2 of this act,
3 relative includes a grandparent, a great-grandparent, an aunt, an
4 uncle, or a cousin related by the whole blood and a sibling related
5 by the whole or half blood or by adoption.

6 Sec. 3. Since an emergency exists, this act takes effect
7 when passed and approved according to law.