

LB 874 - Testimony
Health and Human Services Committee
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Good afternoon Senator Campbell and members of the Health and Human Services Committee. My name is Scot Adams (S-C-O-T-A-D-A-M-S), and I am the interim Director of Children and Family Services within the Department of Health and Human Services. I am here to provide testimony in opposition to LB 874.

DHHS launched Families Matter to support the safety, permanency and well being of children in their homes and communities through prevention, diversion, treatment and aftercare services. We are working to improve our federal Children and Family Services Reviews. Our recent efforts include an Operations Plan which outlines statewide priorities, process outcomes and compliance standards and we are monitoring performance and making progress in six critical areas in order to make adjustments to achieve improvements. All case workers will soon utilize Structured Decision Making, an effective process used in more than 20 other states since the 1980s, that helps identify children's needs so we can more effectively address them. We are taking advantage of the benefits our private sector partners bring to the process, such as research resources and flexibility in services, aligning public and private goals and programs for children, increased public awareness of children's needs, improvement in the available data to evaluate our system, and lower caseloads.

If passed, LB 874 would impact DHHS practice, and potentially that of private adoption agencies, leading to a large increase in the number of homes that must be licensed. More importantly, I believe it would impact children negatively.

Currently, statute says that no person shall provide foster care to two or more children from different families, without a license. That allows for placement of one child or a sibling group with a person not related to the child or children on the basis of being approved as a child-specific home rather than being licensed. In order to be a child-specific home, the foster parent must have been known to the child or child's parent prior to the placement. Approval is for that specific child or children, on an individualized basis, after assessing if and how the foster parent can meet their needs. Examples of situations in which an approved child-specific home might be the best placement for a child are those in which the foster parent is a former teacher of the child; is a friend of the child's biological parents; knows the child and parents from church; or is a former foster parent of the child and no longer is licensed. The key element here is that there is a pre-existing relationship between the foster parent and child or child's parent, avoiding placement of the child with a stranger.

Requirements prior to placement in a child-specific home on a non-emergency basis include: An approval study, which includes a visit to the home to assure adequate housing, including sleeping accommodations and that the child's safety is not at risk; positive references; review with each adult household member of their child care practices; and background checks on each household member age 13 or older with the Central Register of Child Protection Cases and background checks on each household member age 18 or older with the Adult Protective Services Central Registry, the appropriate local law enforcement agency, the State Patrol Sexual Offenders Registry, and the State Patrol for a National Criminal History Check with the Identification Division of the Federal Bureau of Investigation.

In an emergency situation, requirements include a visit to the home to assure adequate housing prior to or at the time of placement or the next working day if law enforcement makes the placement choice; background checks on each household member age 18 or older with the Central Register of Child Protection Cases, the Adult Protective Services Central Registry, the appropriate local law enforcement agency, and the State Patrol for a Criminal History Check; and the completion of the Approval Process for unlicensed homes in no less than 30 days.

Impacts that would be experienced as a result of this bill include the following:

1. Placements for children would be lost. At the end of December, 2011, 374 children were placed in child-specific, non-relative placements. This number does not translate directly to 374 approved homes, because some of the children are siblings, placed in the same home. However, I think it is safe to state this bill has the potential to result in the loss of 300 foster homes.
2. Children would experience more placements with "strangers," increasing the trauma of removal.
3. The State would be less likely to meet federal outcome measures regarding placement stability and well-being. Even if the child-specific foster parents are willing to become licensed, that process takes time. For example, by state statute, licensure requires at least 21 hours of foster parent training. By federal statute, licensure requires a fingerprint-based national criminal history check of the prospective foster parents and other adults residing in the home. Neither of those activities can be done quickly enough to allow licensure without an interim placement. The additional placement would have negative consequences for the child because of the additional placement.

In conclusion, I would like to be clear that the Department is committed to assuring safety for children and to reducing the trauma of multiple moves on children in out of home care. We think the current statute balances these forces adequately.

Thank you. I would be happy to respond to your questions.