

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL

Introduced by

Read first time

Committee:

A BILL

1 FOR AN ACT relating to foster care; to amend section 71-1903,
2 Revised Statutes Cumulative Supplement, 2008; to prohibit
3 foster care placement in homes where tobacco is used; and
4 to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-1903, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 71-1903 (1) Before issuance of a license under
4 sections 71-1901 to 71-1906.01, the department shall cause such
5 investigation to be made as it deems necessary to determine if
6 the character of the applicant, any member of the applicant's
7 household, or the person in charge of the service and the place
8 where the foster care is to be furnished are such as to ensure
9 the proper care and treatment of children. The department may
10 request the State Fire Marshal to inspect such places for fire
11 safety pursuant to section 81-502. The State Fire Marshal shall
12 assess a fee for such inspection pursuant to section 81-505.01,
13 payable by the licensee or applicant for a license, except that
14 the department may pay the fee for inspection for fire safety of
15 foster family homes as defined in section 71-1902. The department
16 may conduct sanitation and health standards investigations pursuant
17 to subsection (2) of this section. The department may also, at any
18 time it sees fit, cause an inspection to be made of the place where
19 any licensee is furnishing foster care to see that such service
20 is being properly conducted.

21 (2) The department shall make an investigation and report
22 of all facilities and programs of licensed providers of foster
23 care programs subject to this section or applicants for licenses
24 to provide such programs to determine if the place or places to be
25 covered by such licenses meet standards of health and sanitation
26 set by the department for the care and protection of the child or
27 children who may be placed in such facilities and programs. The

1 department may delegate the investigation authority to qualified
2 local environmental health personnel.

3 (3) Before the foster care placement of any child in
4 Nebraska by the department, the department shall require a national
5 criminal history record information check of the prospective foster
6 parent of such child and each member of such prospective foster
7 parent's household who is eighteen years of age or older. The
8 department shall provide two sets of legible fingerprints for such
9 persons to the Nebraska State Patrol for submission to the Federal
10 Bureau of Investigation. The Nebraska State Patrol shall conduct a
11 criminal history record information check of such persons and shall
12 submit such fingerprints to the Federal Bureau of Investigation
13 for a national criminal history record information check. The
14 criminal history record information check shall include information
15 from federal repositories of such information and repositories of
16 such information in other states if authorized by federal law.
17 The Nebraska State Patrol shall issue a report of the results of
18 such criminal history record information check to the department.
19 The department shall pay a fee to the Nebraska State Patrol
20 for conducting such check. Information received from the criminal
21 history record information check required under this subsection
22 shall be used solely for the purpose of evaluating and confirming
23 information provided by such persons for providing foster care or
24 for the finalization of an adoption. A child may be placed in
25 foster care by the department prior to the completion of a criminal
26 history record information check under this subsection in emergency
27 situations as determined by the department.

1 (4) The department shall not place any child in a foster
2 family home as defined in section 71-1902 if tobacco products are
3 used in such foster family home or in vehicles operated by the
4 foster care provider.

5 Sec. 2. Original section 71-1903, Revised Statutes
6 Cumulative Supplement, 2008, is repealed.