



LB 746: The Nebraska Strengthening Families Act

What is normalcy?

Normalcy is about letting kids in foster care be kids, and ensuring they have access to age and developmentally appropriate activities and experiences. Research shows that many everyday experiences that kids have growing up, like getting a driver's license, sleeping over at a friend's house, or having a part-time job, are very important to their social development. It turns out that being allowed to be a kid is very important to becoming a healthy adult. But many kids in foster care face bureaucratic barriers to these growing-up experiences. Even if their foster parents wanted them to, they face a lot of red tape just to go on a class field trip or go to prom. However, with the passage of the new federal SFA and LB 746, many of these barriers can be removed making it easier for youth in foster care to do the same things as other kids that teach them how to form relationships, be responsible, and become a successful adult.



941 O STREET, SUITE 920
LINCOLN, NE 68508

P 402.438.8853
F 402.438.0263

NEAPPLESEED.ORG

Letting kids be kids

Important work is underway in Nebraska and nationally to improve “normalcy” for children and youth in foster care. In September 2014, Congress passed and President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (“Strengthening Families Act” or “SFA”). LB 746, introduced by Senator Kathy Campbell, implements best practices in this new federal law, reconciles Nebraska statute to be in compliance with federal law, and reflects the recommendations of over 200 stakeholders, with young people at the forefront. This input culminated in a report “Letting Kids Be Kids” as part of LR 248 that helped lay the groundwork for LB 746, the Nebraska Strengthening Families Act (NSFA).

What does LB 746 do?

LB 746 implements new requirements, best practices and local recommendations around six areas of the federal SFA:

1. The Reasonable and Prudent Parent Standard (RPPS): LB 746 implements the federal SFA's RPPS to allow foster parents and designated individuals at child care institutions (i.e., group homes) to use their best judgment in making day-to-day decisions regarding in what age and developmentally appropriate extracurricular, enrichment, cultural, and social activities youth in their care may participate. The Department of Health and Human Services (HHS) is required by federal law to train these caregivers and implement liability protections for them when acting within the RPPS. LB 746 also reflects the stakeholder recommendations that:

- Foster parents consider various factors, including the child's goals and input, parents' input, and the child's developmental level, when making RPPS decisions
- Children in foster care have the right to participate in normalcy activities
- The otherwise existing constitutional rights of biological parents are not impacted by the RPPS

2. Youth notice of rights: LB 746 implements the federal SFA's requirements that the case plan for youth ages 14 and older must include a document which describes their rights with respect to education, health, visitation, court participation, to receive important documents, and the right to stay safe and avoid exploitation. The case plan must also include a signed acknowledgement that the document was provided and explained to them in a developmentally appropriate way. As a result of input from youth, LB 746 also requires:

- Youth to be provided with a notice of additional rights, including the right to understand the systems in which the child is involved and have their voices heard in their case
- DHHS to provide youth with a hard copy of the document within 72 hours of placement and at every dispositional and review hearing
- Child care institutions to publicly post the document



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3. Case planning: LB 746 implements the federal SFA's requirement to create a more youth-driven process to improve transition planning by requiring that transition planning begins at age 14 (previously age 16), that youth be given the option to select up to two members of their case planning team, and that the plan is developed in consultation with the youth and describes the services needed for the transition to "a successful adulthood" (previously called "independent living"). Following stakeholder input, LB 746 also requires that:

- DHHS offer opportunities for youth of all ages to be consulted in the development of their case plan
- The juvenile court must ask the youth if they participated in the development of their case plan and make findings about whether they were involved in case planning

4. Pre-Discharge Documents: LB 746 implements the federal SFA requirement that HHS provide young people leaving foster care with vital documents, including their birth certificate, social security card, health insurance information, medical records and driver's license. These documents are essential to ensuring young people have what they need to find housing, apply for school and work and for other important aspects of a successful adulthood.

- Stakeholder recommendations in LB 746 includes the requirement that youth be provided with a comprehensive "discharge packet" including information on siblings, relatives, and after-care services and benefits.

5. Another Planned Permanent Living Arrangement (APPLA): LB 746 implements the federal SFA requirement to eliminate the use of APPLA (known as independent living in Nebraska) as a permanency plan for youth under age 16 as well as ensure permanent connections and support are pursued for youth over age 16. While APPLA was intended to meet the needs of youth for whom other permanency goals (like returning home, adoption, or guardianship) are not appropriate, the SFA limits its use because it can become an easy way out for states who often look to congregate care rather than attempting to reengage family or other adult supports to provide permanent connections.

- Stakeholder recommendations and LB 746 includes that, for youth 16 and older with a plan of APPLA, their permanency plan must include the identification of supportive adults willing to be involved in their life as they transition to adulthood.

6. Oversight of the NSFA: LB 746 will ensure the federal SFA is carried out through:

- Oversight by guardians ad litem by requiring that their written reports and recommendations to the court to include the provisions of the SFA concerning the child's access to activities, notice of rights, involvement in case planning, and participation in court
- The creation of the Normalcy Taskforce, under the Nebraska Children's Commission, to monitor and make recommendations regarding the implementation of the NSFA and normalcy for children and youth in foster care are related populations

For more information on the Strengthening Families Act and the recommendations of the normalcy stakeholder group download our full report at <https://neappleseed.org/download/19765/>

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