

LEGISLATIVE BILL 312

Approved by the Governor April 8, 1977

Introduced by Public Health and Welfare Committee, R. Lewis, 38, Chmn.; Kelly, 35; Moylan, 6; Boughn, 21; Rasmussen, 41; R. Maresh, 32, Brennan, 9

AN ACT to amend sections 43-515, 43-901, 43-902, 43-904, 43-905, 43-908, and 68-1008, Reissue Revised Statutes of Nebraska, 1943, and section 43-907, Revised Statutes Supplement, 1976, relating to public welfare; to eliminate issuance of certificates of award; to eliminate requirement for contracts; to clarify and harmonize language; to remove maximum payment for foster care; to provide for management of funds owned by state wards; to provide for notification of actions taken; to repeal the original sections, and also section 68-322.01, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-515. In each case the county board of public welfare shall make such investigation and reinvestigations as may be necessary to determine family circumstances and eligibility for assistance payments, or as may be required by the Director of Public Welfare. Findings of the county board as to eligibility for assistance payments, continuing eligibility for assistance payments, amount of payments, and any change in amount of payments, shall be transmitted to the Director of Public Welfare for his approval, disapproval, or further investigation. ~~If an application is approved by the Director of Public Welfare, he shall issue a certificate of award setting forth the name, age, and address of each recipient, together with a notice as to the effective date and original amount of assistance payments.~~ Each applicant and recipient shall be notified in writing as to the approval or disapproval of any application, as to the amount of payments awarded, as to any change in the amount of payments awarded, and as to the discontinuance of payments.

Sec. 2. That section 43-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

43-901. The Nebraska Center for Children and Youth shall be located in, or adjacent to, Lincoln, Nebraska. ~~After July 1, 1969, the~~ The home center shall be a part of the Department of Public Welfare, ~~which shall contract with the Department of Public Institutions for the operation and maintenance of the home;~~

Sec. 3. That section 43-902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-902. The Department of Public Welfare shall provide and keep in the Nebraska Center for Children and Youth a record of the names, residence and ages of all children received, the residence, occupation, habits and character of the parents, if living and known, the date of reception in the home center, ~~the date of indenture contract, and the name, occupation and residence of the person with whom the child is placed. A brief history of each child shall be maintained during its minority placement agreement, and a social summary of the person or family with whom the child is placed. A continual record of each child shall be maintained until discharge of the ward from the center.~~

Sec. 4. That section 43-904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-904. The Nebraska Center for Children and Youth shall receive the dependent or neglected children ~~of normal and sound mind~~ that are under eighteen years of age and have been committed to the home center by a juvenile court of this state. At the discretion of the Department of Public Welfare, the home center may receive for temporary care children under eighteen years of age that have not been committed to the home center. In such cases, the department shall require the parents or guardians of the children to pay the cost of their care and maintenance. If the parent or guardian of the child is unable to pay such costs, the child shall not be received until the cost, or such portion thereof as the parent or guardian cannot pay, has been provided for by the county board of the county where the child resides. ~~Indigent children~~ Children of any age that are ~~inmates residents~~ of another state institution, ~~are of sound mind~~, and are not capable of being helped by medical or surgical treatment shall be transferred to the Nebraska Center for Children and Youth at the discretion of the department. Children may be accepted for care at the Nebraska Center for Children and Youth when voluntarily

relinquished by their parents or by the mother of a child born out of wedlock.

Sec. 5. That section 43-905, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-905. (1) The Department of Public Welfare shall be the legal guardian of all children committed to it. The department shall afford temporary care and shall use special diligence to provide suitable homes for such children. The department is authorized to place such children in suitable families for adoption or, in the discretion of the department, on a written contract, ~~untill-they-are-twenty-one-years-of-age:~~

(2) The contract shall provide (a) for the children's education in the public schools or otherwise, (b) for teaching them some useful occupation, and (c) for kind and proper treatment as members of the family where they are placed.

(3) Whenever any child, who has been committed to the Nebraska Center for Children and Youth; or the Department of Public Welfare becomes self-supporting, the director shall declare that fact and the guardianship of the department shall cease. Thereafter the child shall be entitled to his or her own earnings. Guardianship of, and services by, the Department of Public Welfare shall never extend beyond the age of majority.

(4) Whenever the parents of any ward, whose parental rights have not been terminated, ~~and-which--ward is-not--indentured;~~ have become able to support and educate their child, the department shall restore the child to its parents, if the home of such parents would be a suitable home. The guardianship of the department shall then cease.

(b) Whenever permanent free homes for the children cannot be obtained, the department shall have the authority to provide and pay for the maintenance of the children in private families, boarding homes, or incorporated institutions for care of children, ~~at--a rate-not-to-exceed-one-hundred-ten-dollars-per-month--for each-of-such-children-except-that-in-cases-where-a-child is-physically--or--mentally--handicapped--or--emotionally disturbed-such-additional-amount--may--be--paid--as--the department-shall-find-necessary-to-provide-adequate-care:~~

Sec. 6. That section 43-907, Revised Statutes Supplement, 1976, be amended to read as follows:

43-907. Unless a guardian shall have been appointed by a court of competent jurisdiction, the ~~administrator of the Nebraska Center for Children and Youth~~ Director of Public Welfare shall take custody of and exercise general control over assets owned by children under his charge. Children owning assets shall at all times pay for personal items. Assets over and above a maximum of one thousand five hundred dollars and current income shall be available for reimbursement to the state for the cost of care. Assets may be deposited in a checking account, invested in United States bonds, or deposited in a savings account insured by the United States government. ~~All income received from the investment or deposit of assets shall be credited to the individual child whose assets were invested or deposited.~~ The ~~administrator of the Nebraska Center for Children and Youth~~ Director of Public Welfare shall make and maintain detailed records showing all receipts, investments, and expenditures of assets owned by children under his charge.

Sec. 7. That section 43-908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-908. An attempt shall be made by the superintendent Director of Public Welfare to locate children who arrive at the age of nineteen years majority for the purpose of delivering and transferring to any such child such funds or property as he may own. In the event that such child cannot be located within five years after he arrives at the age nineteen of majority, any funds or assets owned by him shall be transferred to the state treasury of the State of Nebraska.

Sec. 8. That section 68-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1008. Upon the filing of an application for assistance to the aged, blind or disabled, the county board of public welfare shall make such investigation as it deems necessary to determine the circumstances existing in each case. The board shall make a written finding rejecting or approving the application. Such finding shall be mailed to the Director of Public Welfare, who may make or order such additional investigation or investigations as he deems necessary. ~~If the application is approved by the Director of Public Welfare, he shall issue a certificate of award setting forth the name, age, and address of the recipient, together with a notice as to the effective date of assistance payments.~~ Each applicant and recipient shall

be notified in writing as to (1) the approval or disapproval of any application, (2) the amount of payments awarded, (3) any change in the amount of payments awarded, and (4) the discontinuance of payments.

Sec. 9. That original sections 43-515, 43-901, 43-902, 43-904, 43-905, 43-908, and 68-1008, Reissue Revised Statutes of Nebraska, 1943, and section 43-907, Revised Statutes Supplement, 1976, and also section 68-322.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.