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January 29, 2014

To: Members of the Judiciary Committee
From: Sarah Forrest, Policy Coordinator – Child Welfare & Juvenile Justice
Re: Support for LB 908 – Strengthening Guardianships in Nebraska

All of Nebraska's children deserve to grow up in safe, loving homes. In order to achieve this, our child welfare system must both strengthen families and respond quickly and thoughtfully when abuse or neglect occurs. When children cannot be safely reunited with their birth parents, it is Nebraska's job to ensure they find a loving, permanent family home where they can thrive.

Voices for Children in Nebraska supports LB 908 because it makes it easier for children to find permanency quickly and meaningfully. We are especially supportive of the portions of the bill which establish and strengthen permanent guardianship in our state.

When relatives or other close family friends want to provide a permanent, loving home to children in our child welfare system, guardianship is often the most appropriate choice. It allows family members to have a legal relationship to the child without terminating parental rights and becoming a legal parent themselves.ⁱ For these same reasons, older youth in foster care and families from certain cultural communities find guardianship is a more appropriate permanency option. In 2012, 203 children exited the child welfare system to guardianships, representing only 7% of all exits from care. 135 of those youth were age 10 or older, meaning older youth were more likely to exit to a guardianship than an adoption.ⁱⁱ

LB 908 makes a number of changes to guardianships that will better put children on the path to a safe, loving, permanent home:

1. Strengthening guardianships to parallel adoptions more closely: Nebraska currently does not have a framework in statute for permanent guardianships. While federal law first created a permanent guardianship process parallel to adoption in 1997 through the Adoption and Safe Families Act (ASFA) and made further improvements with the Fostering Connections Act in 2008, Nebraska has yet to create a strong, permanent guardianship option in state statute. LB 908 creates this framework, allowing children to join a forever family and exit the child welfare system. Strong guardianships give children a permanent, loving home when reunification or adoption is not in their best interests.

2. Creating a uniform, best-practice process in juvenile court: Without guiding statute for juvenile code guardianships, Nebraska's counties lack uniform practice and standards. Many counties handle guardianships through the Probate code, where different standards apply and subsidy opportunities for families are missed. By creating clear procedures under the juvenile code, clarifying the rights and responsibilities for guardians, and placing criteria on when guardianships are appropriate, we will better serve the best interests of children who exit the child welfare system to guardianships.

- 3. Allowing the extension of guardianships and subsidies for older youth in care:** LB 908 also provides a framework for extending guardianships for youth age 16 and up until they are 21, while not infringing on any of their rights to make their own decisions after they reach the age of majority. Last year, LB 216 created a framework for extending voluntary care to youth who would have otherwise aged out of the system until they are 21, as well as subsidies for adoptive and guardianship families. Without adopting LB 908, there is no clear legal framework for relatives and other trusted adults who provide a loving family for older youth in care to receive these subsidies and help the young person in their care successfully transition to adulthood.

As Nebraska continues to increase the rate at which we place children with relatives, godparents, and other trusted adults, it is likely that the percentage of youth exiting our child welfare system to permanent guardianship will also increase. It is important that Nebraska strengthens our process for guardianship so that these children and youth have a safe, loving, and permanent home. We urge you to advance this bill and thank you for your leadership in ensuring that our legal system serves children and families well.

ⁱ “Subsidized Guardianship – Summary and Analysis.” Casey Family Programs, American Bar Association, and Generations United.

<http://www2.grandfamilies.org/SubsidizedGuardianship/SubsidizedGuardianshipSummaryAnalysis.aspx>.

ⁱⁱ Data provided by the Nebraska Department of Health and Human Services. Reported in the *2013 Kids Count in Nebraska Report*, Voices for Children in Nebraska. Only 85 youth 10 and older were adopted in 2012.