

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 461

Introduced by Dubas, 34; Erdman, 47; Nantkes, 46;

Read first time January 16, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to foster care placements; to provide rights
2 for foster parents; and to provide powers and duties for
3 the Department of Health and Human Services.
4 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Department of Health and Human
2 Services shall extend the following rights to foster parents
3 with respect to the placement of any foster child with a foster
4 parent if the placement is contracted directly with the department
5 or through an agency which contracts with the department to place
6 children in foster care:

7 (a) The right to be treated with dignity, respect, trust,
8 value, and consideration as a primary provider of foster care and a
9 member of the professional team caring for foster children;

10 (b) The right to provide input to the department for
11 purposes of identifying the types of resources and services that
12 would meet the needs of children in their care and of their
13 families and advocate for the same without threat of reprisal;

14 (c) The right to training and support for the purpose of
15 improving skills in providing daily care and meeting the needs of
16 the children in foster care;

17 (d) The right to communicate with professionals who work
18 with a foster child, including, but not limited to, therapists,
19 physicians, and teachers who work directly with the child;

20 (e) When appropriate, the right to communicate with
21 the child's birth family, other foster parents of the child,
22 and prospective and finalized adoptive parents of the child
23 with individualized case plan approval and without the threat
24 of reprisal;

25 (f) The right to necessary information on an ongoing

1 basis which is relevant to the care of the child, including timely
2 information on changes in the case plan or termination of the
3 placement and reasons for the changes of termination of placement
4 to the foster parent except in instances of immediate response of
5 child protective services;

6 (g) The right to be considered, when appropriate, as a
7 preferential placement option when a child who was formerly placed
8 with the foster parents has reentered the foster care system;

9 (h) The right to receive, prior to a child being placed
10 in the foster home, information relating to the child's behavior,
11 family background, or health history that may jeopardize the health
12 or safety of any member of the foster family's household, including
13 other foster children, and similar information that may affect the
14 manner in which foster care services are provided. In an emergency
15 situation, the department shall provide information as soon as it
16 is available; and

17 (i) The right to accept or refuse placement within their
18 home or to request, upon reasonable notice to the department, the
19 removal of a child from their home for good cause without threat of
20 reprisal for acting on such good cause.

21 (2) The department shall encourage the development of
22 a working relationship between a foster family and the child's
23 family. The foster family shall cooperate with the department
24 and act appropriately to develop a positive relationship with the
25 child's family. The department and the foster family shall act in

1 the best interest of the child in foster care in developing and
2 encouraging a working relationship with the child's family.

3 (3) The department shall permit the foster parent or
4 parents a period of respite during which they are free from
5 placement of foster children in the family home.