

LEGISLATURE OF NEBRASKA
 ONE HUNDREDTH LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 92

Introduced By: Cornett, 45;
 Read first time: January 5, 2007
 Committee: Judiciary

A BILL

1 FOR AN ACT relating to foreign national minors; to amend sections
 2 43-3801, 43-3802, 43-3803, 43-3804, 43-3805, 43-3806,
 3 43-3807, 48-3808, 43-3809, and 43-3810, Revised Statutes
 4 Cumulative Supplement, 2006; to change references to dual
 5 citizenship; to harmonize provisions; and to repeal the
 6 original sections.

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

1 Section 1. Section 43-3801 Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 43-3801. (1) The purpose of sections 43-3801 to 43-3812 is
4 to protect foreign national minors or minors ~~holding dual citizenship~~
5 having multiple nationalities within the State of Nebraska

6 (2) The Legislature recognizes that:

7 (a) Foreign national minors and minors ~~holding dual~~
8 ~~citizenship~~ having multiple nationalities are essential to the
9 maintenance of their culture, traditions, and values;

10 (b) The governments of foreign countries have a duty to care
11 for the interests of their nationals and citizens abroad, particularly
12 foreign national minors and minors ~~holding dual citizenship;~~ having
13 multiple nationalities;

14 (c) The governments of foreign countries have the right to
15 information and access in all cases involving minors who are children
16 of foreign nationals and minors ~~holding dual citizenship;~~ having
17 multiple nationalities; and

18 (d) The state should be able to identify foreign national
19 minors and minors ~~holding dual citizenship~~ having multiple
20 nationalities and their families in order to provide services for
21 them.

22 Sec. 2. Section 43-3802 Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 43-3802. For purposes of sections 43-3801 to 43-3812:

25 (1) Agency means the agency in a foreign country charged
26 with ensuring the welfare of minors who are nationals of that country
27 or who ~~hold dual citizenship~~ have multiple nationalities in that

1 country and the United States;

2 (2) Custodian means the nonparental caretaker of a foreign
3 national minor or minor ~~holding dual citizenship~~ having multiple
4 nationalities who has been entrusted by the parent of the minor with
5 the day-to-day care of the minor;

6 (3) Department means the Department of Health and Human
7 Services;

8 (4) Foreign national minor means an unmarried person who is
9 under the age of eighteen years and was born in a country other than
10 the United States; and

11 (5) Minor ~~holding dual citizenship~~ having multiple
12 nationalities means an unmarried person who is under the age of
13 eighteen years and who holds citizenship simultaneously in the United
14 States and one other country.

15 Sec. 3. Section 43-3803 Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 43-3803. The department, in conjunction with the appropriate
18 consulate, shall provide a method of early identification of foreign
19 national minors and minors ~~holding dual citizenship~~ having multiple
20 nationalities and their families in order to provide services which
21 assure all the protections afforded by all applicable treaties and
22 laws.

23 Sec. 4. Section 43-3804 Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 43-3804. (1) When a court makes a minor a ward of the
26 department, the department shall determine whether the minor is a
27 foreign national minor or a minor ~~holding dual citizenship.~~ having

1 multiple nationalities. If such minor is a foreign national minor or
2 a minor ~~holding dual citizenship,~~ having multiple nationalities,
3 the department shall provide such minor and his or her parent or
4 custodian with the following information:

5 (a) Written information in English and the minor's native
6 language, explaining the juvenile court process and the rights of the
7 minor and his or her parents or custodian; and

8 (b) The address and telephone number of the nearest
9 consulate serving the minor.

10 (2) The department shall notify the appropriate consulate in
11 writing within ten working days after (a) the initial date the
12 department takes custody of a foreign national minor or a minor
13 ~~holding dual citizenship~~ having multiple nationalities or the date
14 the department learns that a minor in its custody is a foreign
15 national minor or a minor ~~holding dual citizenship,~~ having multiple
16 nationalities, whichever occurs first, (b) the parent of a foreign
17 national minor or a minor ~~holding dual citizenship~~ having multiple
18 nationalities has requested that the consulate be notified, or (c)
19 the department determines that a noncustodial parent of a foreign
20 national minor or a minor ~~holding dual citizenship~~ having multiple
21 nationalities in its custody resides in the country represented by
22 the consulate.

23 (3) The department shall provide the consulate with the name
24 and date of birth of the foreign national minor or the minor ~~holding~~
25 ~~dual citizenship,~~ having multiple nationalities, the name of his or
26 her parent or custodian, and the name and telephone number of the
27 departmental caseworker directly responsible for the case.

1 (4) If the consulate needs additional specific information
2 regarding the case of the foreign national minor or the minor ~~holding~~
3 ~~dual citizenship,~~ having multiple nationalities, the consulate may
4 contact the department and the department may release any information
5 not required to be kept confidential under the Nebraska Juvenile Code
6 or other state or federal statutes.

7 Sec. 5. Section 43-3805 Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 43-3805. A consular representative may interview a foreign
10 national minor or minor ~~holding dual citizenship~~ having multiple
11 nationalities who is a citizen of the country represented by the
12 consulate. The consular representative shall contact the department
13 to arrange for an interview of a foreign national minor or a minor
14 ~~holding dual citizenship.~~ having multiple nationalities.

15 Sec. 6. Section 43-3806 Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 43-3806. If a court makes a foreign national minor or a
18 minor ~~holding dual citizenship~~ having multiple nationalities a
19 ward of the department and the minor has become eligible for special
20 immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J), the
21 consulate will assist the department in obtaining the necessary
22 documentation for completion of the application for special immigrant
23 juvenile status.

24 Sec. 7. Section 43-3807 Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

26 43-3807. The department may obtain a birth certificate from
27 the appropriate country for a foreign national minor or a minor

1 ~~holding dual citizenship~~ having multiple nationalities in the
2 custody of the department. The department may request the assistance
3 of the consulate in obtaining the necessary documentation to complete
4 the application for a birth certificate under this section.

5 Sec. 8. Section 48-3808 Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 48-3808. (1) Upon notification to a consulate pursuant to
8 section 43-3804, the department shall request that the consulate
9 obtain through the agency the appropriate home studies of potential
10 families in such country who may be involved in the case and forward
11 the information to the departmental caseworker directly responsible
12 for the case.

13 (2) When a foreign national minor is placed in his or her
14 country or a minor ~~holding dual citizenship~~ having multiple
15 nationalities is placed in the country other than the United States
16 in which he or she holds citizenship, the department shall take all
17 steps necessary to obtain the cooperation of the consulate and the
18 agency to ensure the minor's welfare and provide whatever services are
19 needed. The department shall request copies of the monitoring reports
20 prepared by the agency concerning the welfare of the minor.

21 Sec. 9. Section 43-3809 Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 43-3809. The department will request the cooperation of the
24 appropriate consulate in order to notify a person who resides in a
25 foreign country and is required to appear in a court in this state
26 regarding the case of a foreign national minor or a minor ~~holding~~
27 ~~dual~~ ~~citizenship.~~ having multiple nationalities.

1 Sec. 10. Section 43-3810 Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 43-3810. The Director of Health and Human Services or his or
4 her designee shall meet as necessary with consular officials to
5 discuss, clarify, and coordinate activities, ideas and concerns of a
6 high-profile nature, timely media attention, and joint prevention
7 efforts regarding the protection and well-being of foreign national
8 minors and minors ~~holding dual citizenship~~ having multiple
9 nationalities and families.

10 Sec. 11. Original sections 43-3801, 43-3802, 43-3803,
11 43-3804, 43-3805, 43-3806, 43-3807, 48-3808, 43-3809, and 43-3810,
12 Revised Statutes Cumulative Supplement, 2006, are repealed.