

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 648

Introduced by Christensen, 44.

Read first time January 19, 2011

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to foster care; to amend section 43-1314, Reissue
- 2 Revised Statutes of Nebraska; to change review and
- 3 hearing notice and right to participate provisions; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1314, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-1314 (1) Except as otherwise provided in the Nebraska
4 Indian Child Welfare Act, notice of the court review or hearing and
5 the right of participation in all court reviews and hearings
6 pertaining to a child in a foster care placement shall be provided by
7 the court having jurisdiction over such child for the purposes of
8 foster care placement. The Department of Health and Human Services or
9 contract agency shall have the contact information for all child
10 placements available for all courts to comply with the notification
11 requirements found in this section. The department or contract agency
12 shall each have one telephone number by which any court seeking to
13 provide notice may obtain up-to-date contact information of all
14 persons listed in subdivisions (2)(a) through (h) of this section.
15 All contact information shall be up-to-date within seventy-two hours
16 of any placement change. either in court, by mail, or in such other
17 manner as the court may direct. Such notice

18 (2) Notice shall be provided to all of the following
19 parties that are applicable to the case: (1)-(a) The person charged
20 with the care of such child; (2)-(b) the child's parents or guardian
21 unless the parental rights of the parents have been terminated by
22 court action as provided in section 43-292 or 43-297; (3)-(c) the
23 foster child if age fourteen or over; (4)-(d) the foster parent or
24 parents of the foster child; (5)-(e) the guardian ad litem of the
25 foster child; (6)-(f) the state board; (7)-(g) the preadoptive

1 parent; and ~~(g)~~(h) the relative providing care for the child. Notice
2 of all court reviews and hearings shall be mailed or personally
3 delivered to the counsel or party, if the party is not represented by
4 counsel, five full days prior to the review or hearing. The use of
5 ordinary mail shall constitute sufficient compliance. Notice to the
6 foster parent, preadoptive parent, or relative providing care shall
7 not be construed to require that such foster parent, preadoptive
8 parent, or relative is a necessary party to the review or hearing,
9 except that foster parents shall have standing as necessary parties
10 in the context of a hearing regarding removal of a foster child from
11 the foster parents' home, which entitles the foster parents to call
12 and cross-examine witnesses at the hearing and appeal an adverse
13 decision.

14 (3) The court ~~may~~shall inquire into the well-being of
15 the foster child by asking questions, if present at the hearing, of
16 ~~the~~any willing foster parent, preadoptive parent, or relative
17 providing care for the child.

18 Sec. 2. Original section 43-1314, Reissue Revised
19 Statutes of Nebraska, is repealed.