

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 296

FINAL READING

Introduced by Kolterman, 24; Campbell, 25; Coash, 27; Ebke, 32; Friesen,
34; Kuehn, 38; Morfeld, 46.

Read first time January 15, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to foster care; to amend sections 43-1311.01
- 2 and 43-1311.02, Revised Statutes Cumulative Supplement, 2014; to
- 3 provide notification after removal of a child as prescribed; to
- 4 define a term; to provide an operative date; to repeal the original
- 5 sections; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1311.01, Revised Statutes Cumulative
2 Supplement, 2014, is amended to read:

3 43-1311.01 (1) When notified pursuant to section 43-1311 or upon
4 voluntary placement of a child, the Department of Health and Human
5 Services shall, as provided in this section, identify, locate, and
6 provide written notification of the removal of the child from his or her
7 home, within thirty days after removal, to any noncustodial parent and to
8 all grandparents, all parents who have legal custody of a sibling of the
9 child, and all adult siblings, adult aunts, adult uncles, adult cousins,
10 and adult relatives suggested by the child or the child's parents, except
11 when that relative's history of family or domestic violence makes
12 notification inappropriate. For purposes of this section, sibling means
13 an individual who is considered by Nebraska law to be a sibling or who
14 would have been considered a sibling under Nebraska law but for a
15 termination of parental rights or other disruption in parental rights
16 such as the death of a parent. If the child is an Indian child as defined
17 in section 43-1503, the child's extended family members as defined in
18 such section shall be notified. Such notification shall include all of
19 the following information:

20 (a) The child has been or is being removed from the custody of the
21 parent or parents of the child;

22 (b) An explanation of the options the relative has under federal,
23 state, and local law to participate in the care and placement of the
24 child, including any options that may be lost by failing to respond to
25 the notice;

26 (c) A description of the requirements for the relative to serve as a
27 foster care provider or other type of care provider for the child and the
28 additional services, training, and other support available for children
29 receiving such care; and

30 (d) Information concerning the option to apply for guardianship
31 assistance payments.

1 (2) The department shall investigate the names and locations of the
2 relatives, including, but not limited to, asking the child in an age-
3 appropriate manner about relatives important to the child and obtaining
4 information regarding the location of the relatives.

5 (3) The department shall provide to the court, within thirty
6 calendar days after removal of the child, the names and relationship to
7 the child of all relatives contacted, the method of contact, and the
8 responses received from the relatives.

9 Sec. 2. Section 43-1311.02, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 43-1311.02 (1)(a) Reasonable efforts shall be made to place a child
12 and the child's siblings in the same foster care placement or adoptive
13 placement, unless such placement is contrary to the safety or well-being
14 of any of the siblings. This requirement applies even if the custody
15 orders of the siblings are made at separate times.

16 (b) If the siblings are not placed together in a joint-sibling
17 placement, the Department of Health and Human Services shall provide the
18 siblings and the court with the reasons why a joint-sibling placement
19 would be contrary to the safety or well-being of any of the siblings.

20 (2) When siblings are not placed together in a joint-sibling
21 placement, the department shall make a reasonable effort to provide for
22 frequent sibling visitation or ongoing interaction between the child and
23 the child's siblings unless the department provides the siblings and the
24 court with reasons why such sibling visitation or ongoing interaction
25 would be contrary to the safety or well-being of any of the siblings. The
26 court shall determine the type and frequency of sibling visitation or
27 ongoing interaction to be implemented by the department.

28 (3) Parties to the case may file a motion for joint-sibling
29 placement, sibling visitation, or ongoing interaction between siblings.

30 (4) The court shall periodically review and evaluate the
31 effectiveness and appropriateness of the joint-sibling placement, sibling

1 visitation, or ongoing interaction between siblings.

2 (5) If an order is entered for termination of parental rights of
3 siblings who are subject to this section, unless the court has suspended
4 or terminated joint-sibling placement, sibling visitation, or ongoing
5 interaction between siblings, the department shall make reasonable
6 efforts to make a joint-sibling placement or do all of the following to
7 facilitate frequent sibling visitation or ongoing interaction between the
8 child and the child's siblings when the child is adopted or enters a
9 permanent placement: (a) Include in the training provided to prospective
10 adoptive parents information regarding the importance of sibling
11 relationships to an adopted child and counseling methods for maintaining
12 sibling relationships; (b) provide prospective adoptive parents with
13 information regarding the child's siblings; and (c) encourage prospective
14 adoptive parents to plan for facilitating post-adoption contact between
15 the child and the child's siblings.

16 (6) Any information regarding court-ordered or authorized joint-
17 sibling placement, sibling visitation, or ongoing interaction between
18 siblings shall be provided by the department to the parent or parents if
19 parental rights have not been terminated unless the court determines that
20 doing so would be contrary to the safety or well-being of the child and
21 to the foster parent, relative caretaker, guardian, prospective adoptive
22 parent, and child as soon as reasonably possible following the entry of
23 the court order or authorization as necessary to facilitate the sibling
24 time.

25 (7) For purposes relative to the administration of the federal
26 foster care program and the state plans pursuant to Title IV-B and Title
27 IV-E of the federal Social Security Act, as such act existed on January
28 1, 2015, the term sibling means an individual considered to be a sibling
29 under Nebraska law or an individual who would have been considered a
30 sibling but for a termination of parental rights or other disruption of
31 parental rights such as death of a parent.

1 Sec. 3. This act becomes operative on July 1, 2015.

2 Sec. 4. Original sections 43-1311.01 and 43-1311.02, Revised
3 Statutes Cumulative Supplement, 2014, are repealed.

4 Sec. 5. Since an emergency exists, this act takes effect when
5 passed and approved according to law.