

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB566

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 26, 2015

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB928 changes provisions of the Indian Child Welfare Act (ICWA).

The United States Congress enacted ICWA in 1978 after recognizing that a disproportionate number of Native American children were being removed from their homes and placed into foster care. Congress recognized that maintaining ties of culture and tradition are essential to the well-being of children and families. ICWA sets forth distinct standards and additional requirements in child custody cases involving Indian children to protect.

Federal ICWA guidelines are broad in nature in order for states to develop their own versions. Nebraska adopted its version of ICWA in 1985, which basically mirrors federal statute, and has not made any significant changes since that time. Several other states have codified state ICWA statutes to address local needs. Nebraska's child welfare system is not serving native children to the best of its ability. According to statistics from the National Council for Juvenile and Family Court Judges, Nebraska has one of the highest rates of native children in foster care.

LB928 clarifies the responsibilities of child welfare stakeholders through strengthening our state law by defining key areas of ICWA, clarifying existing pieces of ICWA, and ensuring that tribes have a voice in judicial hearings involving native children

Principal Introducer: _____

Senator Colby Coash