

ONE HUNDRED SEVENTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 167

Introduced by Day, 49.

PURPOSE: The purpose of this interim study is to examine possible solutions to address conflicts that arise between decisions made in the child welfare system and custody decisions made in civil cases, which can affect the safety of children. In some child welfare cases, one parent is found to be abusive while the other parent is not abusive. In the child welfare system, if the nonabusive parent demonstrates protective capacity and the child lives with the nonabusive parent apart from the abuser, the child may be considered safe, and the case may be closed. However, the abusive parent may still have existing legal rights to visitation and custody through a civil custody case, thereby maintaining access to the child and risking the child's safety. The nonabusive parent often cannot afford or does not have access to legal representation to alter the civil custody order to reflect the findings in the child welfare case. Bridging the gap between these two systems, particularly in non-court-involved child welfare cases, is important for child safety.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.