

## LEGISLATIVE BILL 1001

Approved by the Governor March 19, 1996

Introduced by Schimek, 27; Wesely, 26

AN ACT relating to children; to amend section 43-246, Reissue Revised Statutes of Nebraska, and sections 43-102 and 43-533, Revised Statutes Supplement, 1995; to change provisions relating to adoption filing requirements and out-of-home placement; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 43-102, Revised Statutes Supplement, 1995, is amended to read:

43-102. Except as otherwise provided in the Nebraska Indian Child Welfare Act, any person or persons desiring to adopt a minor child or an adult child of such person's spouse shall file, in the county court of the county in which the person or persons desiring to adopt such child reside, a petition for adoption signed and sworn to by the person or persons desiring to adopt, the consent or consents required by section 43-104 or 43-104.07, the documents required by section 43-104.07 or the documents required by sections 43-104.08 to 43-104.24, and a completed preplacement adoptive home study if required by section 43-107.

Except as set out in subdivisions (1)(b)(ii), (iii), and (iv) of section 43-107, an adoption decree shall not be issued until at least six months after an adoptive home study has been completed by the department or a licensed child placement agency.

Sec. 2. Section 43-246, Reissue Revised Statutes of Nebraska, is amended to read:

43-246. Acknowledging the responsibility of the juvenile court to act to preserve the public peace and security, the Nebraska Juvenile Code shall be construed to effectuate the following:

(1) To assure the rights of all juveniles to care and protection and a stable living environment and to development of their capacities for a healthy personality, physical well-being, and useful citizenship and to protect the public interest;

(2) To provide for the intervention of the juvenile court in the interest of any juvenile who is within the provisions of the Nebraska Juvenile Code, with due regard to parental rights and capacities and the availability of nonjudicial resources;

(3) To remove juveniles who are within the Nebraska Juvenile Code from the criminal justice system whenever possible and to reduce the possibility of their committing future law violations through the provision of social and rehabilitative services to such juveniles and their families;

(4) To achieve the foregoing purposes in the juvenile's own home whenever possible, separating the juvenile from his or her parent only when necessary for his or her welfare or in the interest of public safety and, when temporary separation is necessary, to consider the developmental needs of the individual juvenile in all placements, to consider relatives as a preferred potential placement resource, and to assure every reasonable effort possible to reunite the juvenile and his or her family;

(5) To provide a judicial procedure through which these purposes and goals are accomplished and enforced in which the parties are assured a fair hearing and their constitutional and other legal rights are recognized and enforced; and

(6) To assure compliance, in cases involving Indian children, with the Nebraska Indian Child Welfare Act.

Sec. 3. Section 43-533, Revised Statutes Supplement, 1995, is amended to read:

43-533. The following principles shall guide the actions of state government and departments, agencies, institutions, committees, courts, and commissions which become involved with families and children in need of assistance or services:

(1) Prevention, early identification of problems, and early intervention shall be guiding philosophies when the state or a department, agency, institution, committee, court, or commission plans or implements services for families or children when such services are in the best interests of the child;

(2) When families or children request assistance, state and local government resources shall be utilized to complement community efforts to help

meet the needs of such families or the needs and the best interests of such children. The state shall encourage community involvement in the provision of services to families and children, including as an integral part, local government and public and private group participation, in order to encourage and provide innovative strategies in the development of services for families and children;

(3) To maximize resources the state shall develop methods to coordinate services and resources for families and children. Every child-serving department, agency, institution, committee, court, or commission shall recognize that the jurisdiction of such department, agency, institution, committee, court, or commission in serving multiple-need children is not mutually exclusive;

(4) When children are removed from their home, permanency planning shall be the guiding philosophy. It shall be the policy of the state ~~to~~ (a) to reunite the child with his or her family in a timeframe appropriate to the age and developmental needs of the child so long as the best interests of the child, including the needs and safety of the child, have been given primary consideration in making a determination whether or not reunification is possible, and (b) when a child cannot remain with parents, to give preference to relatives as a placement resource, and (c) to minimize the number of placement changes for children in out-of-home care so long as the best interests of the child in care, including the needs and safety of the child, are considered; and

(5) When families cannot be reunited and when active parental involvement is absent, adoption shall be aggressively pursued. Absent the possibility of adoption other permanent settings shall be pursued. In either situation, the best interests of the child shall be the overriding concern. Within that context, preference shall be given to relatives for the permanent placement of the child.

Sec. 4. Sections 1, 4, 5, and 7 of this act become operative on their effective date. The other sections of this act become operative three calendar months after the adjournment of this legislative session.

Sec. 5. Original section 43-102, Revised Statutes Supplement, 1995, is repealed.

Sec. 6. Original section 43-246, Reissue Revised Statutes of Nebraska, and section 43-533, Revised Statutes Supplement, 1995, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.