

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB80

Hearing Date: Wednesday February 09, 2011
Committee On: Judiciary
Introducer: McGill
One Liner: Change Nebraska Juvenile Code provisions relating to juvenile care plans

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	6	Senators Ashford, Coash, Council, Harr, Larson, McGill
Nay:		
Absent:	1	Senator Lathrop
Present Not Voting:	1	Senator Lautenbaugh

Proponents:
SEN. AMANDA MCGILL
KENT TURNBULL
CHRISTINE COSTANTAKOS
LARRY GENDLER
LINDA COX
HEATHER QUITMEYER

Representing:
INTRODUCER
COUNTY JUDGE - SELF
JUVENILE COURT ATTORNEY-SELF
STATE BAR ASSOCIATION
FOSTER CARE REVIEW BOARD
QUITMEYER LAW

Opponents:
TODD RECKLING

Representing:
DHHS

Neutral:
VICTORIA WEISZ

Representing:
COURT IMPROVEMENT PROJECT

Summary of purpose and/or changes:

Legislative Bill 80 would strike language in 43-285 providing that the court must disapprove the case plan submitted by the Department of Health and Human Services after adjudication if one of the parties proves by a preponderance of the evidence that the plan does not meet the standard of being the best interest of the child. Under current law, the case plan is presumed to be in the juvenile's best interest. This bill would place the burden of proof on the state to show that the case plan is in the best interest of the child rather than on the other parties to rebut the presumption.

Explanation of amendments:

Committee Amendment AM 289 is a technical amendment to make explicit the authority of the court to approve the case plan submitted by the Department.

Brad Ashford, Chairperson