

ONE HUNDRED FIFTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE RESOLUTION 459**

Introduced by Briese, 41.

PURPOSE: The purpose of this resolution is to create legislation to assure that no person will be discriminated against on the basis of a disability in situations arising under the juvenile code in which he or she faces termination or limitation of his or her parental rights.

The study shall consider the following:

(1) Whether, when a parent's disability is alleged to have a detrimental impact on a child, the party raising the allegation should bear the burden of proving by clear and convincing evidence that the disability has endangered or will likely endanger the health, safety, or welfare of the child;

(2) If that burden is met, whether the parent with a disability should have the opportunity to demonstrate how the implementation of supportive parenting services will alleviate any concerns that have been raised;

(3) Whether the court may require that supportive parenting services be put in place, with an opportunity to review the need for continuation of such services within a reasonable period of time; and

(4) If a court determines that a disabled person's parental rights, including the right to custody or visitation, should be denied or limited in any manner, whether the court should be required to make specific written findings stating the basis for such a determination and why provision of supportive parenting services is not a reasonable accommodation to prevent such denial or limitation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND 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.