

AMENDMENTS TO LB1078

Introduced by Bolz, 29.

1           1. Insert the following new sections:

2           Section 1. Section 43-285, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           43-285 (1) When the court awards a juvenile to the care of the  
5 Department of Health and Human Services, an association, or an individual  
6 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless  
7 otherwise ordered, become a ward and be subject to the legal custody and  
8 care of the department, association, or individual to whose care he or  
9 she is committed. Any such association and the department shall have  
10 authority, by and with the assent of the court, to determine the care,  
11 placement, medical services, psychiatric services, training, and  
12 expenditures on behalf of each juvenile committed to it. Any such  
13 association and the department shall be responsible for applying for any  
14 health insurance available to the juvenile, including, but not limited  
15 to, medical assistance under the Medical Assistance Act. Such custody and  
16 care shall not include the guardianship of any estate of the juvenile.

17           (2)(a) Following an adjudication hearing at which a juvenile is  
18 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the  
19 court may order the department to prepare and file with the court a  
20 proposed plan for the care, placement, services, and permanency which are  
21 to be provided to such juvenile and his or her family. The health and  
22 safety of the juvenile shall be the paramount concern in the proposed  
23 plan.

24           (b) The department shall provide opportunities for the child, in an  
25 age or developmentally appropriate manner, to be consulted in the  
26 development of his or her plan as provided in the Nebraska Strengthening  
27 Families Act.

1 (c) The department shall include in the plan for a child who is  
2 fourteen years of age or older and subject to the legal care and custody  
3 of the department a written independent living transition proposal which  
4 meets the requirements of section 43-1311.03 and, for eligible children,  
5 the Young Adult Bridge to Independence Act. The juvenile court shall  
6 provide a copy of the plan to all interested parties before the hearing.  
7 The court may approve the plan, modify the plan, order that an  
8 alternative plan be developed, or implement another plan that is in the  
9 child's best interests. In its order the court shall include a finding  
10 regarding the appropriateness of the programs and services described in  
11 the proposal designed to help the child prepare for the transition from  
12 foster care to a successful adulthood. The court shall also ask the  
13 child, in an age or developmentally appropriate manner, if he or she  
14 participated in the development of his or her plan and make a finding  
15 regarding the child's participation in the development of his or her plan  
16 as provided in the Nebraska Strengthening Families Act. Rules of evidence  
17 shall not apply at the dispositional hearing when the court considers the  
18 plan that has been presented.

19 (d) The last court hearing before jurisdiction pursuant to  
20 subdivision (3)(a) of section 43-247 is terminated for a child who is  
21 sixteen years of age or older shall be called the independence hearing.  
22 In addition to other matters and requirements to be addressed at this  
23 hearing, the independence hearing shall address the child's future goals  
24 and plans and access to services and support for the transition from  
25 foster care to adulthood consistent with section 43-1311.03 and the Young  
26 Adult Bridge to Independence Act. The child shall not be required to  
27 attend the independence hearing, but efforts shall be made to encourage  
28 and enable the child's attendance if the child wishes to attend,  
29 including scheduling the hearing at a time that permits the child's  
30 attendance. An independence coordinator as provided in section 43-4506  
31 shall attend the hearing if reasonably practicable, but the department is

1 not required to have legal counsel present. At the independence hearing,  
2 the court shall advise the child about the bridge to independence  
3 program, including, if applicable, the right of young adults in the  
4 bridge to independence program to request a court-appointed, client-  
5 directed attorney under subsection (1) of section 43-4510 and the  
6 benefits and role of such attorney and to request additional permanency  
7 review hearings in the bridge to independence program under subsection  
8 (5) of section 43-4508 and how to request such a hearing. The court shall  
9 also advise the child, if applicable, of the rights he or she is giving  
10 up if he or she chooses not to participate in the bridge to independence  
11 program and the option to enter such program at any time between nineteen  
12 and twenty-one years of age if the child meets the eligibility  
13 requirements of section 43-4504. The department shall present information  
14 to the court regarding other community resources that may benefit the  
15 child, specifically information regarding state programs established  
16 pursuant to 42 U.S.C. 677. The court shall also make a finding as to  
17 whether the child has received the documents as required by subsection  
18 (9) of section 43-1311.03.

19 (3)(a) ~~(3)~~ Within thirty days after an order awarding a juvenile to  
20 the care of the department, an association, or an individual and until  
21 the juvenile reaches the age of majority, the department, association, or  
22 individual shall file with the court a report stating the location of the  
23 juvenile's placement and the needs of the juvenile in order to effectuate  
24 the purposes of subdivision (1) of section 43-246. The department,  
25 association, or individual shall file a report with the court once every  
26 six months or at shorter intervals if ordered by the court or deemed  
27 appropriate by the department, association, or individual. Every six  
28 months, the report shall provide an updated statement regarding the  
29 eligibility of the juvenile for health insurance, including, but not  
30 limited to, medical assistance under the Medical Assistance Act. The  
31 department shall also concurrently file a written sibling placement

1 report as described in subsection (3) of section 43-1311.02 at these  
2 times.

3 (b) The department, association, or individual shall file a report  
4 and notice of placement change with the court and shall send copies of  
5 the notice to all interested parties, including all of the child's  
6 siblings that are known to the department, at least seven days before the  
7 placement of the juvenile is changed from what the court originally  
8 considered to be a suitable family home or institution to some other  
9 custodial situation in order to effectuate the purposes of subdivision  
10 (1) of section 43-246. The department, association, or individual shall  
11 afford a parent or an adult sibling the option of refusing to receive  
12 such notifications. The court, on its own motion or upon the filing of an  
13 objection to the change by an interested party, may order a hearing to  
14 review such a change in placement and may order that the change be stayed  
15 until the completion of the hearing. Nothing in this section shall  
16 prevent the court on an ex parte basis from approving an immediate change  
17 in placement upon good cause shown. The department may make an immediate  
18 change in placement without court approval only if the juvenile is in a  
19 harmful or dangerous situation or when the foster parents request that  
20 the juvenile be removed from their home. Approval of the court shall be  
21 sought within twenty-four hours after making the change in placement or  
22 as soon thereafter as possible.

23 (c) The department shall provide the juvenile's guardian ad litem  
24 with a copy of any report filed with the court by the department pursuant  
25 to this subsection.

26 (4) The court shall also hold a permanency hearing if required under  
27 section 43-1312.

28 (5) When the court awards a juvenile to the care of the department,  
29 an association, or an individual, then the department, association, or  
30 individual shall have standing as a party to file any pleading or motion,  
31 to be heard by the court with regard to such filings, and to be granted

1 any review or relief requested in such filings consistent with the  
2 Nebraska Juvenile Code.

3 (6) Whenever a juvenile is in a foster care placement as defined in  
4 section 43-1301, the Foster Care Review Office or the designated local  
5 foster care review board may participate in proceedings concerning the  
6 juvenile as provided in section 43-1313 and notice shall be given as  
7 provided in section 43-1314.

8 (7) Any written findings or recommendations of the Foster Care  
9 Review Office or the designated local foster care review board with  
10 regard to a juvenile in a foster care placement submitted to a court  
11 having jurisdiction over such juvenile shall be admissible in any  
12 proceeding concerning such juvenile if such findings or recommendations  
13 have been provided to all other parties of record.

14 (8) The executive director and any agent or employee of the Foster  
15 Care Review Office or any member of any local foster care review board  
16 participating in an investigation or making any report pursuant to the  
17 Foster Care Review Act or participating in a judicial proceeding pursuant  
18 to this section shall be immune from any civil liability that would  
19 otherwise be incurred except for false statements negligently made.

20 Sec. 2. Section 43-1311.02, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 43-1311.02 (1)(a) Reasonable efforts shall be made to place a child  
23 and the child's siblings in the same foster care placement or adoptive  
24 placement, unless such placement is contrary to the safety or well-being  
25 of any of the siblings. This requirement applies even if the custody  
26 orders of the siblings are made at separate times and even if the  
27 children have no preexisting relationship.

28 (b) If the siblings are not placed together in a joint-sibling  
29 placement, the Department of Health and Human Services shall provide the  
30 siblings and the court with the reasons why a joint-sibling placement  
31 would be contrary to the safety or well-being of any of the siblings.

1           (2) When siblings are not placed together in a joint-sibling  
2 placement, the department shall make a reasonable effort to provide for  
3 frequent sibling visitation or ongoing interaction between the child and  
4 the child's siblings unless the department provides the siblings and the  
5 court with reasons why such sibling visitation or ongoing interaction  
6 would be contrary to the safety or well-being of any of the siblings. The  
7 court shall determine the type and frequency of sibling visitation or  
8 ongoing interaction to be implemented by the department. The court shall  
9 make a determination as to whether reasonable efforts have been made by  
10 the department to facilitate sibling placement and sibling visitation or  
11 other ongoing interaction and whether such placement and visitation or  
12 other ongoing interaction is contrary to safety or well-being of any of  
13 the siblings.

14           (3) The department shall file a written sibling placement report as  
15 required by subsection (3) of section 43-285. Such a report shall include  
16 the reasonable efforts of the department to locate the child's siblings  
17 and, if a joint-sibling placement is made, whether such placement  
18 continues to be consistent with the safety and well-being of the  
19 children. If joint-sibling placement is not possible, the report shall  
20 include the reasons why a joint-sibling placement is and continues to be  
21 contrary to the safety or well-being of any of the siblings, the  
22 department's continuing reasonable efforts to place a child with a  
23 sibling in the same foster care or adoptive placement, and the  
24 department's continuing reasonable efforts to facilitate sibling  
25 visitation.

26           (4) Parties to the case, including a child's sibling, may file a  
27 motion for joint-sibling placement, sibling visitation, or ongoing  
28 interaction between siblings.

29           (5) ~~(4)~~ The court shall periodically review and evaluate the  
30 effectiveness and appropriateness of the joint-sibling placement, sibling  
31 visitation, or ongoing interaction between siblings.

1           ~~(6)~~ (5) If an order is entered for termination of parental rights of  
2 siblings who are subject to this section, unless the court has suspended  
3 or terminated joint-sibling placement, sibling visitation, or ongoing  
4 interaction between siblings, the department shall make reasonable  
5 efforts to make a joint-sibling placement or do all of the following to  
6 facilitate frequent sibling visitation or ongoing interaction between the  
7 child and the child's siblings when the child is adopted or enters a  
8 permanent placement: (a) Include in the training provided to prospective  
9 adoptive parents information regarding the importance of sibling  
10 relationships to an adopted child and counseling methods for maintaining  
11 sibling relationships; (b) provide prospective adoptive parents with  
12 information regarding the child's siblings; and (c) encourage prospective  
13 adoptive parents to plan for facilitating post-adoption contact between  
14 the child and the child's siblings.

15           ~~(7)~~ (6) Any information regarding court-ordered or authorized joint-  
16 sibling placement, sibling visitation, or ongoing interaction between  
17 siblings shall be provided by the department to the parent or parents if  
18 parental rights have not been terminated unless the court determines that  
19 doing so would be contrary to the safety or well-being of the child and  
20 to the foster parent, relative caretaker, guardian, prospective adoptive  
21 parent, and child as soon as reasonably possible following the entry of  
22 the court order or authorization as necessary to facilitate the sibling  
23 time.

24           ~~(8)~~ (7) For purposes relative to the administration of the federal  
25 foster care program and the state plans pursuant to Title IV-B and Title  
26 IV-E of the federal Social Security Act, as such act existed on January  
27 1, 2015, the term sibling means an individual considered to be a sibling  
28 under Nebraska law or an individual who would have been considered a  
29 sibling but for a termination of parental rights or other disruption of  
30 parental rights such as death of a parent.

31           (9) A sibling of a child under the jurisdiction of the court shall

1 have the right to intervene at any point in the proceedings for the  
2 limited purpose of seeking joint-sibling placement, sibling visitation,  
3 or ongoing interaction with their sibling.

4 (10) This section shall not be construed to subordinate the rights  
5 of foster or adoptive parents of a child to the rights of the parents of  
6 a sibling of that child or to subordinate the rights of an adoptive,  
7 foster, or biological parent to the rights of a child seeking sibling  
8 placement or visitation.

9 2. Renumber the remaining sections and amend the repealer  
10 accordingly.