

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 863

Introduced by Howard, 9.

Read first time January 05, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
- 2 section 43-292, Reissue Revised Statutes of Nebraska; to add grounds
- 3 for termination of parental rights; to harmonize provisions; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-292, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-292 The court may terminate all parental rights between the
4 parents or the mother of a juvenile born out of wedlock and such juvenile
5 when the court finds such action to be in the best interests of the
6 juvenile and it appears by the evidence that one or more of the following
7 conditions exist:

8 (1) The parents have abandoned the juvenile for six months or more
9 immediately prior to the filing of the petition;

10 (2) The parents have substantially and continuously or repeatedly
11 neglected and refused to give the juvenile or a sibling of the juvenile
12 necessary parental care and protection;

13 (3) The parents, being financially able, have willfully neglected to
14 provide the juvenile with the necessary subsistence, education, or other
15 care necessary for his or her health, morals, or welfare or have
16 neglected to pay for such subsistence, education, or other care when
17 legal custody of the juvenile is lodged with others and such payment
18 ordered by the court;

19 (4) The parents are unfit by reason of debauchery, habitual use of
20 intoxicating liquor or narcotic drugs, or repeated lewd and lascivious
21 behavior, which conduct is found by the court to be seriously detrimental
22 to the health, morals, or well-being of the juvenile;

23 (5) The parents are unable to discharge parental responsibilities
24 because of mental illness or mental deficiency and there are reasonable
25 grounds to believe that such condition will continue for a prolonged
26 indeterminate period;

27 (6) Following a determination that the juvenile is one as described
28 in subdivision (3)(a) of section 43-247, reasonable efforts to preserve
29 and reunify the family if required under section 43-283.01, under the
30 direction of the court, have failed to correct the conditions leading to
31 the determination;

1 (7) The juvenile has been in an out-of-home placement for fifteen or
2 more months of the most recent twenty-two months;

3 (8) The juvenile who is under three years of age has been in an out-
4 of-home placement for a cumulative total period of six months or longer
5 under direction of the court and the parent has substantially neglected
6 or willfully refused to remedy the circumstances that caused the juvenile
7 to be in an out-of-home placement, including refusal to participate in
8 reunification services;

9 (9) (8) The parent has inflicted upon the juvenile, by other than
10 accidental means, serious bodily injury;

11 (10) (9) The parent of the juvenile has subjected the juvenile or
12 another minor child to aggravated circumstances, including, but not
13 limited to, abandonment, torture, chronic abuse, or sexual abuse;

14 (11) (10) The parent has (a) committed murder of another child of
15 the parent, (b) committed voluntary manslaughter of another child of the
16 parent, (c) aided or abetted, attempted, conspired, or solicited to
17 commit murder, or aided or abetted voluntary manslaughter of the juvenile
18 or another child of the parent, or (d) committed a felony assault that
19 resulted in serious bodily injury to the juvenile or another minor child
20 of the parent; or

21 (12) (11) One parent has been convicted of felony sexual assault of
22 the other parent under section 28-319.01 or 28-320.01 or a comparable
23 crime in another state.

24 Sec. 2. Original section 43-292, Reissue Revised Statutes of
25 Nebraska, is repealed.