

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB357

Hearing Date: Thursday January 28, 2021
Committee On: Judiciary
Introducer: Hunt
One Liner: Create the Nebraska Youth in Care Bill of Rights

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators DeBoer, Lathrop, McKinney, Morfeld, Pansing Brooks
Nay:	1	Senator Slama
Absent:		
Present Not Voting:	2	Senators Brandt, Geist

Oral Testimony:

Proponents:

Senator Megan Hunt
Sarah Helvey
Jacob McKirby
Laura Opfer

Representing:

Introducer
Nebraska Appleseed
Self
Nebraska Children's Commission

Opponents:

Representing:

Neutral:

Representing:

Submitted Written Testimony:

Proponents:

Abbi Swatsworth
Korby Gilbertson
Julie Erickson

Representing:

OutNebraska
Boys Town
Voices for Children

Opponents:

Marion Miner

Representing:

Nebraska Catholic Conference

Neutral:

Representing:

Summary of purpose and/or changes:

LB357 contains a single section, but is divided into seven subsections. Subsection (1) contains definitions. Subsection (2) contains legislative findings. Subsection (3) describes notice and information DHHS must provide. Subsection (4) contains responsibilities for DHHS. Subsection (5) contains requirements for caseworkers and a grievance process. Subsection (6) would require the rights listed in the bill to be discussed at certain juvenile court hearings. Subsection (7) would task the

Nebraska Strengthening Families Act Committee with monitoring the implementation of the bill.

Subsection (1) defines four terms. The circular definition of "child" is limited to a child placed in a foster family home, a child-care institution, or a YRTC through a (3)(a) juvenile court case.

The term "foster family home" is defined by reference to 42 U.S.C. 672(c) and Sec. 71-1901. Similarly, the term "child-care institution" is defined by reference to 42 U.S.C. 672(c) and by reference to the separate term "residential child-caring agency" in Sec. 71-1926.

Subsection (3) obligates the department to provide "information and notice" for various purposes and to protect against various harm to the juvenile. This subsection may require only notice and information.

Subsection (4) lists a number obligations of the department, largely by reference to existing state law.

Explanation of amendments:

AM54 would make several changes.

The definition of "child" in subsection (1) is replaced to only include children in a child care institution pursuant to a court proceeding and correct a reference for children placed at a YRTC.

In subsection (3), DHHS is still required to provide the listed notice and information. However, the notice and information is no longer required "to ensure" any particular outcome. References to attorneys and guardians ad litem are also clarified as is a reference to providing information in the child's primary language.

Subsection (5) would be amended to require a caseworker to discuss the child's rights with the child at home visits and simplify the requirements related to the discussion about the grievance process.

Subsection (6) would be amended to limit the discussion of a child's rights at a court hearing to hearings at which the child is present.

Steve Lathrop, Chairperson