

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 443**

Introduced by Hansen, M., 26.

Read first time January 15, 2021

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Foster Care Review Act; to amend
- 2 sections 43-1304 and 43-1308, Reissue Revised Statutes of Nebraska;
- 3 to exempt local foster care review boards from the Open Meetings Act
- 4 as prescribed; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1304, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 43-1304 There shall be local foster care review boards to conduct  
4 the foster care file audit case reviews of children in foster care  
5 placement and carry out other powers and duties given to such boards  
6 under the Foster Care Review Act. The executive director of the office  
7 shall select members to serve on local boards from a list of applications  
8 submitted to the office. Each local board shall consist of not less than  
9 four and not more than ten members as determined by the executive  
10 director. The members of the local board shall reasonably represent the  
11 various social, economic, racial, and ethnic groups of the county or  
12 counties from which its members may be appointed. A person employed by  
13 the office, the Department of Health and Human Services, a residential  
14 child-caring agency, a child-placing agency, or a court shall not be  
15 appointed to a local board. A list of the members of each local board  
16 shall be sent to the department and the Office of Probation  
17 Administration. Local boards shall not be considered public bodies for  
18 purposes of the Open Meetings Act.

19 Sec. 2. Section 43-1308, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 43-1308 (1) Except as otherwise provided in the Nebraska Indian  
22 Child Welfare Act, the designated local board shall:

23 (a) Conduct a foster care file audit case review at least once every  
24 six months for the case of each child in a foster care placement to  
25 determine what efforts have been made to carry out the plan or permanency  
26 plan for rehabilitation of the foster child and family unit or for  
27 permanent placement of such child pursuant to section 43-1312;

28 (b) Submit to the court having jurisdiction over such child for the  
29 purposes of foster care placement, within thirty days after the foster  
30 care file audit case review, its findings and recommendations regarding  
31 the efforts and progress made to carry out the plan or permanency plan

1 established pursuant to section 43-1312 together with any other  
2 recommendations it chooses to make regarding the child. The findings and  
3 recommendations shall include whether there is a need for continued out-  
4 of-home placement, whether the current placement is safe and appropriate,  
5 the specific reasons for the findings and recommendations, including  
6 factors, opinions, and rationale considered in the foster care file audit  
7 case review, whether the grounds for termination of parental rights under  
8 section 43-292 appear to exist, and the date of the next foster care file  
9 audit case review by the designated local board;

10 (c) If the return of the child to his or her parents is not likely,  
11 recommend referral for adoption and termination of parental rights,  
12 guardianship, placement with a relative, or, as a last resort, another  
13 planned, permanent living arrangement; and

14 (d) Promote and encourage stability and continuity in foster care by  
15 discouraging unnecessary changes in the placement of foster children and  
16 by encouraging the recruitment of foster parents who may be eligible as  
17 adoptive parents.

18 (2) When the office or designated local board determines that the  
19 interests of a child in a foster care placement would be served thereby,  
20 the office or designated local board may request a court review hearing  
21 as provided for in section 43-1313.

22 ~~(3) Due to the confidential and protected nature of child-specific~~  
23 ~~and family-specific information regarding mental and behavioral health~~  
24 ~~services, if such information is discussed at a local board meeting or a~~  
25 ~~portion of a meeting, the portion of the meeting at which such~~  
26 ~~information is discussed shall be exempt from the Open Meetings Act.~~

27 Sec. 3. Original sections 43-1304 and 43-1308, Reissue Revised  
28 Statutes of Nebraska, are repealed.