

January 15, 1982

LB 353

CLERK: Mr. President, LB 353 offered by Senator Nichol. (Title read.) The bill was first read on January 19. It was referred to Judiciary for public hearing. It was advanced to General File. There are committee amendments attached, Mr. President.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Mr. President, members of the Legislature, the Judiciary Committee adopted two amendments to LB 353. The purpose of these amendments is to further clarify the authority that the Department of Welfare has in the disposition of children placed with the Department. Ideally this authority is shared between the court making the placement and the Department of Public Welfare. The committee amendment striking the word "exclusive" which appears in two places in the bill attempts to make it clear that this authority is shared and not the "exclusive" province of the court or the Department. In the course of the public hearing it became apparent that the Department has responsibility for some children not directly committed to it. This is true in the area of Indian children where the Department has responsibility towards such children without having such children directly committed to it. To avoid potential conflicts with federal law, the committee thought it best to strike the words "The Department shall be given no responsibility for those children not committed to it.", where these words appear in page 3 and 4 of the bill. These are the reasons for the committee amendments and I would move for the adoption of the committee amendments and I will discuss later in the bill.

SPEAKER MARVEL: The motion is the adoption of the committee amendments as explained by Senator Nichol. Okay, I am sorry. Senator Johnson.

SENATOR V. JOHNSON: Yes, I have a couple of questions I would like to ask of Senator Nichol with respect to the amendment.

SPEAKER MARVEL: Senator Nichol, do you yield?

SENATOR V. JOHNSON: My comments are these. I think that this bill is probably generated by the juvenile court in Sarpy County and also the county judge sitting at the juvenile court in Dodge County and two cases where the juvenile court committed a youngster to the Nebraska Department of Public Welfare and ordered the Nebraska Department of Public Welfare to provide special services to that youngster which ended up being very high cost services that the Nebraska Department of Public Welfare did not want to provide. Now it is very