

LEGISLATIVE BILL 239

Approved by the Governor February 20, 1987

Introduced by Landis, 46; Barrett, 39; Peterson, 21;
Beyer, 3

AN ACT relating to foster care; to amend sections 43-1302 and 43-1304, Reissue Revised Statutes of Nebraska, 1943, and section 43-1301, Revised Statutes Supplement, 1986; to define terms; to change membership provisions for the state and local foster care review boards; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-1301, Revised Statutes Supplement, 1986, be amended to read as follows:

43-1301. For the purpose of sections 43-1301 to 43-1318, unless the context otherwise requires:

(1) Local board shall mean a local foster care review board created pursuant to section 43-1304;

(2) State board shall mean the State Foster Care Review Board created pursuant to section 43-1302;

(3) Foster care facility shall mean any foster home, group home, child care facility, public agency, private agency, and any other person or entity receiving and caring for foster children;

(4) Foster care placements shall mean all placements of neglected, dependent, or delinquent children including those made directly by parents or by third parties and placements of children who have been voluntarily relinquished, pursuant to section 43-106.01, to the Department of Social Services or any child placement agency licensed by the Department of Social Services;

(5) Person or court in charge of the child shall mean (a) the Department of Social Services, an association, or individual that has been made the guardian of a neglected, dependent, or delinquent child by the court and has the responsibility of the care of the child and has the authority by and with assent of the court to place such a child in a suitable family home or institution or has been entrusted with the care of the child by a voluntary placement made by a parent or legal guardian, (b) the court which has jurisdiction over the child, or (c) the entity having jurisdiction

over the child pursuant to the Nebraska Indian Child Welfare Act;

(6) Voluntary placement shall mean the placement by a parent or legal guardian who relinquishes the possession and care of a child to a third party, individual, or agency; and

(7) Family unit shall mean the social unit consisting of the foster child and the parent or parents or any person in the relationship of a parent, including a grandparent, and any siblings with whom the foster child legally resided prior to placement in foster care;

(8) Child-caring agency shall have the definition found in section 71-1902; and

(9) Child-placing agency shall have the definition found in section 71-1902.

Sec. 2. That section 43-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1302. (1) The State Foster Care Review Board is hereby established, consisting of seven members, to shall be comprised of nine members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature. Two members ; two of whom shall be from each of the three congressional districts as they existed on January 1, 1982. ; and one of whom shall be appointed at large. In addition to the six members representative of the congressional districts, three members shall be appointed by the Governor from the chairpersons of the local boards, and one such chairperson shall be appointed from each such congressional district. The appointment of a member of a local board to the state board shall not create a vacancy on the local board. Members other than those appointed from the chairpersons of the local boards shall be appointed to three-year terms, and those members appointed from the chairpersons of local boards shall be appointed to two-year terms, except that of the original members appointed, the at-large member shall serve for two years, two other members shall serve for two years, two members shall serve for one year, and two members shall serve for three years. No person shall serve on the state board for more than six consecutive years. A person employed by a child-caring agency, a child-placing agency, or a court shall not be appointed to the state board.

(2) The state board shall select a chairperson, vice-chairperson, and such other officers as the state board may deem necessary. Members of the state board shall be reimbursed for their actual and

necessary expenses in the performance of their official duties as provided in sections 84-306.01 to 84-306.05 for state employees. The state board shall employ such persons as are necessary to aid it in carrying out its duties.

Sec. 3. That section 43-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1304. The state board shall, within ninety days after July 17, 1982, establish local foster care review boards for the review of cases of children in foster care placement. The state board shall select members to serve on local boards from a list of applications submitted to the state board. Each local board shall consist of five members. The members of the board shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed. ~~No~~ A person employed by the state board, or a child welfare child-caring agency, a child-placing agency, or a court shall not be appointed to a local board. A list of the members of each local board shall be sent to the Department of Social Services.

Sec. 4. That original sections 43-1302 and 43-1304, Reissue Revised Statutes of Nebraska, 1943, and section 43-1301, Revised Statutes Supplement, 1986, are repealed.