

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 598**

Introduced by Fulton, 29; Campbell, 25.

Read first time January 19, 2011

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to foster care; to amend section 43-1312, Reissue
- 2 Revised Statutes of Nebraska; to change the timing for
- 3 certain permanency hearings; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 43-1312, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   43-1312 (1) Following the investigation conducted  
4 pursuant to section 43-1311 and immediately following the initial  
5 placement of the child, the person or court in charge of the child  
6 shall cause to be established a safe and appropriate plan for the  
7 child. The plan shall contain at least the following:

8                   (a) The purpose for which the child has been placed in  
9 foster care;

10                  (b) The estimated length of time necessary to achieve the  
11 purposes of the foster care placement;

12                  (c) A description of the services which are to be  
13 provided in order to accomplish the purposes of the foster care  
14 placement;

15                  (d) The person or persons who are directly responsible  
16 for the implementation of such plan;

17                  (e) A complete record of the previous placements of the  
18 foster child; and

19                  (f) The name of the school the child shall attend as  
20 provided in section 43-1311.

21                  (2) If the return of the child to his or her parents is  
22 not likely based upon facts developed as a result of the  
23 investigation, the Department of Health and Human Services shall  
24 recommend termination of parental rights and referral for adoption,  
25 guardianship, placement with a relative, or, as a last resort,

1 another planned permanent living arrangement.

2 (3) Each child in foster care under the supervision of  
3 the state shall have a permanency hearing by a court, no later than  
4 twelve months after the date the child enters foster care and  
5 annually thereafter during the continuation of foster care, except  
6 that if the child is six years of age or younger on the date he or  
7 she enters foster care, such permanency hearing shall occur no later  
8 than three months after the date the child enters foster care. The  
9 court's order shall include a finding regarding the appropriateness  
10 of the permanency plan determined for the child and shall include  
11 whether, and if applicable when, the child will be:

12 (a) Returned to the parent;

13 (b) Referred to the state for filing of a petition for  
14 termination of parental rights;

15 (c) Placed for adoption;

16 (d) Referred for guardianship; or

17 (e) In cases where the state agency has documented to the  
18 court a compelling reason for determining that it would not be in the  
19 best interests of the child to return home, (i) referred for  
20 termination of parental rights, (ii) placed for adoption with a fit  
21 and willing relative, or (iii) placed with a guardian.

22 Sec. 2. Original section 43-1312, Reissue Revised  
23 Statutes of Nebraska, is repealed.