

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 869

Introduced by Hansen, M., 26.

Read first time January 07, 2022

Committee:

- 1 A BILL FOR AN ACT relating to labor; to amend section 48-234, Reissue
- 2 Revised Statutes of Nebraska; to change a provision relating to the
- 3 rights of an adoptive parent to a leave of absence; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-234, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-234 (1) Except as provided in subsection (2) of this section,
4 whenever an employer, including a governmental agency, permits an
5 employee to take a leave of absence upon the birth of the employee's
6 child, an adoptive parent, following the commencement of the parent-child
7 relationship, is entitled to the same leave upon the same terms.

8 (2) The adoptive parent leave of absence is not required if the
9 child being adopted is a special needs child over eighteen years of age,
10 ~~a child who is over eight years of age and is not a special needs child,~~
11 a stepchild being adopted by his or her stepparent, a foster child being
12 adopted by his or her foster parent, or a child who was originally under
13 a voluntary placement for purposes other than adoption without assistance
14 from an attorney, physician, or other individual or agency which later
15 results in a petition for the adoption of the child by the person with
16 whom the voluntary placement was made.

17 (3) For purposes of this section, commencement of the parent-child
18 relationship means when the child is placed with the employee for the
19 purposes of adoption.

20 (4) Whenever an employer, including a governmental agency, refuses
21 to extend a child-care leave of absence to an adoptive parent in
22 violation of this section, an aggrieved adoptive parent may bring an
23 action for equitable relief and damages. In all actions brought pursuant
24 to this section, reasonable attorney's fees, as determined by the court,
25 shall be awarded to the prevailing party if the prevailing party is the
26 adoptive parent.

27 Sec. 2. Original section 48-234, Reissue Revised Statutes of
28 Nebraska, is repealed.