

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 18, 2001 LB 598

that's a monumental decision to make about a child, without any oversight from the judicial process. And that concerns me. Now I've heard from people here, well, we really...this is some...this is a new and this is a big change that you're proposing, by offering this amendment. And to people who have been working in the system, it's probably not that big of a change, but probably for a Legislature, I'll admit that it is. And I know that this bill has been worked all morning by the administration, and I know that this amendment does not have the support of the Governor or the department. But I'm not going to let that cloud my view of how critical I think it is that we need to keep judicial oversight. Now there are those who think this bill is unconstitutional. And that you could just let it go, and it's going to get overturned anyway, and so what. But that process will take years. Think of the kids that are in these out-of-home placements that don't have...haven't had the ability of the court to review the plan for them, to be told of any placement changes, and don't have the ability to appeal that plan, or their parents don't have the ability, or some other party doesn't have the ability to appeal that plan, if they think it's inappropriate. And that's a check and a balance to what we do for kids in this state. This is a monumental change to give this responsibility to an administrative entity only. And I am very concerned about the state heading in this direction. And I think this bill kind of slipped along rather quickly. I'm being told it's part of a package, and I think we know that occasionally things that look like a good idea on the surface move forward, and we catch them. We catch them in the legislative debate. And we talk about them to a greater extent. And we don't shut down all of our thinking just because a particular group, or a particular individual wants it to pass the way it is. And that's why I think it's important we reconsider this motion, and look at a better way to do it. We're not making up a new idea. This idea is the way it currently is on the child welfare side. And remember that a lot of these kids have the same issues, whether it be on the child welfare side, or another side, or the juvenile justice side. There should be oversight by someone other than an administrative department. This still allows the department to make the specific placement, which I think gets to the issue of the gatekeeper. But other people need to be at the gate,