



Ninety-Ninth Legislature - Second Session - 2006
Committee Statement
LB 770

Hearing Date: January 18, 2006
Committee On: Judiciary

Introducer(s): (Friend, Dw. Pedersen, Cornett, Combs)
Title: Delineate the right of participation in foster care review hearings

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senators Aguilar, Bourne, Chambers, Combs, Flood, Foley, Friend
	No	
	Present, not voting	
1	Absent	Senator Pedersen

Proponents:

Sen. Mike Friend
 Kathleen Stolz
 Kendall Corrie
 Kathy Nocita
 Greg Hansen
 Lori Sheehan
 Sue Hansen
 Shelly Bonifas
 Gene Boner
 Debra Staffs
 Suzanne Day
 Deb Whitney

Representing:

Introducer
 Foster Care Review Board
 Self
 Self
 Foster and Adoptive Parents Coalition
 Self
 Foster and Adoptive Parents Coalition
 Self
 Self
 Self
 Self
 Foster and Adoptive Parents Coalition

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 770 states that providing notice to a foster parent, preadoptive parent, or relative providing care for a child does not mean that person is a necessary party to the court review. One is a necessary party if a controversy cannot be had without the presence of that party.

The bill also allows a foster parent an opportunity to be heard by oral statement in court or written statement submitted to the court prior to the hearing on relevant issues.

Under current law, a foster parent has the right to participate in hearings, but this only amounts to being present in the courtroom. A foster parent is not a party of interest and is not afforded the opportunity to participate in discovery, questioning, cross-examining, or calling witnesses beyond what is personally applicable to their qualifications for consideration of the Court. *In re Interest of Destiny S.*, 263 Neb. 255, 639 N.W.2d 400 (2002).

Explanation of amendments, if any:

The committee amendment to LB 770 allows a court to ask questions of a foster parent, preadoptive parent, or relative providing care for a foster child

Senator Patrick J. Bourne, Chairperson