

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 238**

Introduced by Cavanaugh, M., 6.

Read first time January 14, 2025

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Foster Care Review Act; to amend  
2 sections 43-1304 and 43-1308, Reissue Revised Statutes of Nebraska;  
3 to exempt local foster care review boards from the Open Meetings  
4 Act; to harmonize provisions; to eliminate obsolete provisions; to  
5 repeal the original sections; and to outright repeal section  
6 43-1306, Revised Statutes Cumulative Supplement, 2024.

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

1           **Section 1.** Section 43-1304, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           43-1304 (1) There shall be local foster care review boards to  
4 conduct the foster care file audit case reviews of children in foster  
5 care placement and carry out other powers and duties given to such boards  
6 under the Foster Care Review Act.

7           (2) The executive director of the office shall select members to  
8 serve on local boards from a list of applications submitted to the  
9 office. Each local board shall consist of not less than four and not more  
10 than ten members as determined by the executive director. The members of  
11 the local board shall reasonably represent the various social, economic,  
12 racial, and ethnic groups of the county or counties from which its  
13 members may be appointed. A person employed by the office, the Department  
14 of Health and Human Services, a residential child-caring agency, a child-  
15 placing agency, or a court shall not be appointed to a local board. A  
16 list of the members of each local board shall be sent to the department  
17 and the Office of Probation Administration.

18           (3) Local boards shall not be public bodies for purposes of the Open  
19 Meetings Act.

20           **Sec. 2.** Section 43-1308, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22           43-1308 (1) Except as otherwise provided in the Nebraska Indian  
23 Child Welfare Act, the designated local board shall:

24           (a) Conduct a foster care file audit case review at least once every  
25 six months for the case of each child in a foster care placement to  
26 determine what efforts have been made to carry out the plan or permanency  
27 plan for rehabilitation of the foster child and family unit or for  
28 permanent placement of such child pursuant to section 43-1312;

29           (b) Submit to the court having jurisdiction over such child for the  
30 purposes of foster care placement, within thirty days after the foster  
31 care file audit case review, its findings and recommendations regarding

1 the efforts and progress made to carry out the plan or permanency plan  
2 established pursuant to section 43-1312 together with any other  
3 recommendations it chooses to make regarding the child. The findings and  
4 recommendations shall include whether there is a need for continued out-  
5 of-home placement, whether the current placement is safe and appropriate,  
6 the specific reasons for the findings and recommendations, including  
7 factors, opinions, and rationale considered in the foster care file audit  
8 case review, whether the grounds for termination of parental rights under  
9 section 43-292 appear to exist, and the date of the next foster care file  
10 audit case review by the designated local board;

11 (c) If the return of the child to his or her parents is not likely,  
12 recommend referral for adoption and termination of parental rights,  
13 guardianship, placement with a relative, or, as a last resort, another  
14 planned, permanent living arrangement; and

15 (d) Promote and encourage stability and continuity in foster care by  
16 discouraging unnecessary changes in the placement of foster children and  
17 by encouraging the recruitment of foster parents who may be eligible as  
18 adoptive parents.

19 (2) When the office or designated local board determines that the  
20 interests of a child in a foster care placement would be served thereby,  
21 the office or designated local board may request a court review hearing  
22 as provided for in section 43-1313.

23 ~~(3) Due to the confidential and protected nature of child specific~~  
24 ~~and family specific information regarding mental and behavioral health~~  
25 ~~services, if such information is discussed at a local board meeting or a~~  
26 ~~portion of a meeting, the portion of the meeting at which such~~  
27 ~~information is discussed shall be exempt from the Open Meetings Act.~~

28 **Sec. 3.** Original sections 43-1304 and 43-1308, Reissue Revised  
29 Statutes of Nebraska, are repealed.

30 **Sec. 4.** The following section is outright repealed: Section  
31 43-1306, Revised Statutes Cumulative Supplement, 2024.