

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 92
FINAL READING

Introduced by Cornett, 45

Read first time January 5, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to foreign national minors; to amend
2 sections 43-3801, 43-3802, 43-3803, 43-3804, 43-3805,
3 43-3806, 43-3807, 43-3808, and 43-3809, Revised Statutes
4 Cumulative Supplement, 2006, and section 43-3810, Revised
5 Statutes Supplement, 2007; to change references to dual
6 citizenship; to harmonize provisions; and to repeal the
7 original sections.

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

1 Section 1. Section 43-3801, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 43-3801 (1) The purpose of sections 43-3801 to 43-3812
4 is to protect foreign national minors or minors ~~holding dual~~
5 ~~citizenship~~ having multiple nationalities within the State of
6 Nebraska.

7 (2) The Legislature recognizes that:

8 (a) Foreign national minors and minors ~~holding dual~~
9 ~~citizenship~~ having multiple nationalities are essential to the
10 maintenance of their culture, traditions, and values;

11 (b) The governments of foreign countries have a duty to
12 care for the interests of their nationals and citizens abroad,
13 particularly foreign national minors and minors ~~holding dual~~
14 ~~citizenship~~, having multiple nationalities;

15 (c) The governments of foreign countries have the right
16 to information and access in all cases involving minors who are
17 children of foreign nationals and minors ~~holding dual citizenship~~,
18 having multiple nationalities; and

19 (d) The state should be able to identify foreign
20 national minors and minors ~~holding dual citizenship~~ having multiple
21 nationalities and their families in order to provide services for
22 them.

23 Sec. 2. Section 43-3802, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 43-3802 For purposes of sections 43-3801 to 43-3812:

1 (1) Agency means the agency in a foreign country charged
2 with ensuring the welfare of minors who are nationals of that
3 country or who ~~held dual citizenship~~ have multiple nationalities in
4 that country and the United States;

5 (2) Custodian means the nonparental caretaker of a
6 foreign national minor or minor ~~holding dual citizenship~~ having
7 multiple nationalities who has been entrusted by the parent of the
8 minor with the day-to-day care of the minor;

9 (3) Department means the Department of Health and Human
10 Services;

11 (4) Foreign national minor means an unmarried person who
12 is under the age of eighteen years and was born in a country other
13 than the United States; and

14 (5) Minor ~~holding dual citizenship~~ having multiple
15 nationalities means an unmarried person who is under the age of
16 eighteen years and who holds citizenship simultaneously in the
17 United States and one other country.

18 Sec. 3. Section 43-3803, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 43-3803 The department, in conjunction with the
21 appropriate consulate, shall provide a method of early
22 identification of foreign national minors and minors ~~holding dual~~
23 ~~citizenship~~ having multiple nationalities and their families in
24 order to provide services which assure all the protections afforded
25 by all applicable treaties and laws.

1 Sec. 4. Section 43-3804, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 43-3804 (1) When a court makes a minor a ward of the
4 department, the department shall determine whether the minor is a
5 foreign national minor or a minor ~~holding dual citizenship,~~ having
6 multiple nationalities. If such minor is a foreign national minor
7 or a minor ~~holding dual citizenship,~~ having multiple nationalities,
8 the department shall provide such minor and his or her parent or
9 custodian with the following information:

10 (a) Written information in English and the minor's native
11 language, explaining the juvenile court process and the rights of
12 the minor and his or her parents or custodian; and

13 (b) The address and telephone number of the nearest
14 consulate serving the minor.

15 (2) The department shall notify the appropriate consulate
16 in writing within ten working days after (a) the initial date the
17 department takes custody of a foreign national minor or a minor
18 ~~holding dual citizenship~~ having multiple nationalities or the date
19 the department learns that a minor in its custody is a foreign
20 national minor or a minor ~~holding dual citizenship,~~ having multiple
21 nationalities, whichever occurs first, (b) the parent of a foreign
22 national minor or a minor ~~holding dual citizenship~~ having multiple
23 nationalities has requested that the consulate be notified, or (c)
24 the department determines that a noncustodial parent of a foreign
25 national minor or a minor ~~holding dual citizenship~~ having multiple

1 nationalities in its custody resides in the country represented by
2 the consulate.

3 (3) The department shall provide the consulate with the
4 name and date of birth of the foreign national minor or the minor
5 ~~holding dual citizenship,~~ having multiple nationalities, the name
6 of his or her parent or custodian, and the name and telephone
7 number of the departmental caseworker directly responsible for the
8 case.

9 (4) If the consulate needs additional specific
10 information regarding the case of the foreign national minor or the
11 minor ~~holding dual citizenship,~~ having multiple nationalities, the
12 consulate may contact the department and the department may release
13 any information not required to be kept confidential under the
14 Nebraska Juvenile Code or other state or federal statutes.

15 Sec. 5. Section 43-3805, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 43-3805 A consular representative may interview a foreign
18 national minor or minor ~~holding dual citizenship~~ having multiple
19 nationalities who is a citizen of the country represented by the
20 consulate. The consular representative shall contact the department
21 to arrange for an interview of a foreign national minor or a minor
22 ~~holding dual citizenship.~~ having multiple nationalities.

23 Sec. 6. Section 43-3806, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 43-3806 If a court makes a foreign national minor or a

1 minor ~~holding dual citizenship~~ having multiple nationalities a ward
2 of the department and the minor has become eligible for special
3 immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J),
4 the consulate will assist the department in obtaining the necessary
5 documentation for completion of the application for special
6 immigrant juvenile status.

7 Sec. 7. Section 43-3807, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 43-3807 The department may obtain a birth certificate
10 from the appropriate country for a foreign national minor or
11 a minor ~~holding dual citizenship~~ having multiple nationalities
12 in the custody of the department. The department may request
13 the assistance of the consulate in obtaining the necessary
14 documentation to complete the application for a birth certificate
15 under this section.

16 Sec. 8. Section 43-3808, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 43-3808 (1) Upon notification to a consulate pursuant to
19 section 43-3804, the department shall request that the consulate
20 obtain through the agency the appropriate home studies of potential
21 families in such country who may be involved in the case and
22 forward the information to the departmental caseworker directly
23 responsible for the case.

24 (2) When a foreign national minor is placed in his or
25 her country or a minor ~~holding dual citizenship~~ having multiple

1 nationalities is placed in the country other than the United States
2 in which he or she holds citizenship, the department shall take all
3 steps necessary to obtain the cooperation of the consulate and the
4 agency to ensure the minor's welfare and provide whatever services
5 are needed. The department shall request copies of the monitoring
6 reports prepared by the agency concerning the welfare of the minor.

7 Sec. 9. Section 43-3809, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 43-3809 The department will request the cooperation of
10 the appropriate consulate in order to notify a person who resides
11 in a foreign country and is required to appear in a court in this
12 state regarding the case of a foreign national minor or a minor
13 ~~holding dual citizenship-~~ having multiple nationalities.

14 Sec. 10. Section 43-3810, Revised Statutes Supplement,
15 2007, is amended to read:

16 43-3810 The chief executive officer of the department
17 or his or her designee shall meet as necessary with consular
18 officials to discuss, clarify, and coordinate activities, ideas
19 and concerns of a high-profile nature, timely media attention, and
20 joint prevention efforts regarding the protection and well-being of
21 foreign national minors and minors ~~holding dual citizenship~~ having
22 multiple nationalities and families.

23 Sec. 11. Original sections 43-3801, 43-3802, 43-3803,
24 43-3804, 43-3805, 43-3806, 43-3807, 43-3808, and 43-3809, Revised
25 Statutes Cumulative Supplement, 2006, and section 43-3810, Revised

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1 Statutes Supplement, 2007, are repealed.