

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1062

Final Reading

Introduced by Nordquist, 7; Dubas, 34; Howard, 9.

Read first time January 18, 2012

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to adoption; to amend sections 43-118 and 43-147,
2 Reissue Revised Statutes of Nebraska; to provide for an
3 adoption assistance agreement and continuation of
4 adoption assistance as prescribed; to harmonize
5 provisions; to repeal the original sections.

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

1 Section 1. Before a final decree of adoption is issued,
2 the Department of Health and Human Services and the adoptive parent
3 or parents shall enter into a written adoption assistance agreement
4 stating the terms of assistance as provided for by sections 43-117 to
5 43-118 if the child is eligible for such assistance and designating a
6 guardian for the child in case of the death of the adoptive parent or
7 parents.

8 Sec. 2. Payment of adoption assistance provided for by
9 section 43-117 ceases upon the death of the adoptive parent or
10 parents except (1) in cases in which the adoption assistance
11 agreement provides for assignment to a guardian or conservator or (2)
12 for up to six months pending the appointment of a guardian or
13 conservator if the child is placed in the temporary custody of a
14 family member or other individual.

15 Payment of adoption assistance provided by section 43-117
16 ceases upon placement of the child with the Department of Health and
17 Human Services or a child placement agency.

18 Sec. 3. Section 43-118, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-118 All actions of the Department of Health and Human
21 Services under the programs authorized by sections 43-117 to
22 43-117.02 and sections 1 and 2 of this act shall be subject to the
23 following criteria:

24 (1) The child so adopted shall have been a child for whom
25 adoption would not have been possible without the financial aid

1 provided for by sections 43-117 to 43-117.02 and sections 1 and 2 of
2 this act; and

3 (2) The department shall adopt and promulgate rules and
4 regulations for the administration of sections 43-117 to 43-118 and
5 sections 1 and 2 of this act.

6 Sec. 4. Section 43-147, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 43-147 The Legislature finds that:

9 (1) Finding adoptive families for children for whom state
10 assistance is provided pursuant to sections 43-117 ~~and 43-118 to~~
11 43-118 and sections 1 and 2 of this act and assuring the protection
12 of the interests of the children affected during the entire
13 assistance period require special measures when the adoptive parents
14 move to other states or are residents of another state; and

15 (2) Providing medical and other necessary services for
16 children, with state assistance, is more difficult when the services
17 are provided in other states.

18 Sec. 5. Original sections 43-118 and 43-147, Reissue
19 Revised Statutes of Nebraska, are repealed.