

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1062**

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 or the child placement  
3 agency and the adoptive parent or parents shall enter into a written  
4 adoption assistance agreement stating the terms of assistance as  
5 provided for by sections 43-117 to 43-118 if the child is eligible  
6 for such assistance.

7           Sec. 2. Payment of adoption assistance provided for by  
8 sections 43-117 to 43-117.02 ceases upon the death of the adoptive  
9 parents except (1) in cases in which the need for the assistance  
10 continues and the adoption assistance agreement provides for  
11 assignment to a guardian or conservator or (2) for up to six months  
12 pending the appointment of a guardian or conservator if the child is  
13 placed in the temporary custody of a family member or other  
14 individual.

15           Payment of adoption assistance provided by such sections  
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.