

LEGISLATIVE BILL 1062

Approved by the Governor April 10, 2012

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

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

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

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

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

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

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

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

(1) The child so adopted shall have been a child for whom adoption would not have been possible without the financial aid provided for by sections 43-117 to 43-117.02 and sections 1 and 2 of this act; and

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

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

43-147 The Legislature finds that:

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

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

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