

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 911

Introduced by Blood, 3; Fredrickson, 20.

Read first time January 04, 2024

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Indian Child Welfare Act; to
- 2 amend section 43-1501, Reissue Revised Statutes of Nebraska; to
- 3 provide duties for the Department of Health and Human Services and
- 4 Office of Probation Administration relating to cases under the act;
- 5 to harmonize provisions; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1501, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-1501 Sections 43-1501 to 43-1517 and section 2 of this act shall
4 be known and may be cited as the Nebraska Indian Child Welfare Act.

5 Sec. 2. (1) On or before December 1, 2025, the department shall
6 ensure records are kept on each case under the Nebraska Indian Child
7 Welfare Act and ensure that such records allow for analysis of related
8 data and delineate:

9 (a) Whether a child is an Indian child under the federal Indian
10 Child Welfare Act and Nebraska Indian Child Welfare Act;

11 (b) Whether a child is a member of, eligible for membership in, or
12 affiliated with, an Indian tribe and if so, indicate all such Indian
13 tribes; and

14 (c) Whether the federal Indian Child Welfare Act applies to the
15 child and, if so, indicate:

16 (i) The date that the state Title IV-E agency was notified by the
17 Indian tribe or state or tribal court that the federal Indian Child
18 Welfare Act applies or the date on the return receipt of the notice sent
19 under subsection (1) of section 43-1505;

20 (ii) The following regarding the qualified expert witness:

21 (A) Whether testimony was provided; and

22 (B) Under which portion of subdivision (15) of section 43-1503 the
23 person is considered a qualified expert witness;

24 (iii) Whether any tribe has intervened in the case and the date of
25 such intervention;

26 (iv) Whether the case was transferred to the tribe and, if so, who
27 requested the transfer and the reason;

28 (v) The active efforts made with Indian custodians under subsection
29 (4) of section 43-1505; and

30 (vi) The Indian child's placement pursuant to section 43-1508 and
31 the reasoning.

1 (2) On or before December 1, 2025, and on or before each December 1
2 thereafter, the department shall provide a report of deidentified data
3 collected under this section to the Commission on Indian Affairs.

4 Sec. 3. Original section 43-1501, Reissue Revised Statutes of
5 Nebraska, is repealed.