

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 368

Introduced by Hunt, 8.

Read first time January 16, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to state wards; to define terms; to state
- 2 intent; to create the Nebraska Youth in Care Bill of Rights; and to
- 3 provide powers and duties.
- 4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** For purposes of sections 1 to 4 of this act:

2 (a) Child means any child placed in a:

3 (i) Foster family home; or

4 (ii) Child-care institution through a court proceeding under

5 subdivision (3)(a) of section 43-247;

6 (b) Child-care institution has the same meaning as in 42 U.S.C.

7 672(c), as such section existed on January 1, 2025, and includes a

8 residential child-caring agency as defined in section 71-1926;

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

10 and

11 (d) Foster family home includes a foster family home as defined in

12 42 U.S.C. 672(c), as such section existed on January 1, 2025, and as

13 defined in section 71-1901.

14 **Sec. 2.** (1) It is the policy of the Legislature to ensure that the

15 quality of care provided to a child placed in a foster family home or

16 child-care institution is as close as possible to the care a child would

17 receive in a family setting. To carry out such policy, the State of

18 Nebraska shall aspire to treat all children placed in foster family homes

19 or child-care institutions with dignity and respect, to provide such

20 children with honest and clear communication and information to help them

21 understand the system or systems in which they are involved, to provide

22 consistent opportunities for such children to have their voices heard in

23 their cases, to successfully reunify children with their families or help

24 such children find permanency, to support lifelong family connections for

25 such children, to place such children in an environment that accepts

26 their cultures and beliefs, and to provide such children with the skills,

27 knowledge, and resources they need to become successful adults.

28 (2) The rights and duties set forth in this section and section 3 of

29 this act shall be known as the Nebraska Youth in Care Bill of Rights. In

30 order to accomplish such goals, the department shall provide

31 developmentally appropriate information and notice that:

1 (a) Each child is permitted to attend religious services and
2 activities of the child's choice, or to choose not to attend, to be
3 balanced with the countervailing rights of the child's biological
4 parents, as provided under the First and Fourteenth Amendments to the
5 Constitution of the United States;

6 (b) Each child is in a placement that shares the child's religious
7 beliefs, when possible;

8 (c) Each child is free from unreasonable search and seizure as
9 provided under the Fourth Amendment to the Constitution of the United
10 States and as defined by state and federal law;

11 (d) Each child is safe and free from exploitation by staff and
12 contractors of the department, foster family members, and other persons
13 affiliated with the department, as provided under the Fourteenth
14 Amendment to the Constitution of the United States;

15 (e) Each child receives support for basic needs as provided under
16 the Fourteenth Amendment to the Constitution of the United States and
17 section 43-290;

18 (f) Each child is free from discrimination on the basis of race,
19 ethnicity, sex, gender, national origin, tribal membership, religion,
20 mental or physical disability, gender identity, or sexual orientation;

21 (g) Each child who is also a parent is able to make decisions for
22 such parent's child as provided under the Fourteenth Amendment to the
23 Constitution of the United States;

24 (h) Each child who is also a parent of a child who is in the
25 parent's custody may provide input on the appropriateness of the
26 placement for such child;

27 (i) As required by section 43-272, a guardian ad litem is appointed
28 for each child to advocate for the interests of the child and, if
29 appropriate, legal counsel to protect the interests of such child;

30 (j) Each child has the opportunity to participate in age-appropriate
31 and developmentally appropriate extracurricular, enrichment, cultural,

1 and social activities as provided under section 43-4711;

2 (k) As required by federal law, each child, including a child that
3 is pregnant or parenting, receives a free and appropriate public
4 education and attends the same school in which the child was previously
5 enrolled unless it is contrary to the best interests of the child;

6 (l) Each child is provided timely notice of all court hearings in
7 proceedings involving the child and a youth court questionnaire, when
8 applicable, and has the ability to attend or participate in all court
9 hearings unless the court determines it is contrary to the best interests
10 of the child;

11 (m) Each child is provided all information, including the
12 information described in this section and section 3 of this act, in such
13 child's primary language as required by federal law;

14 (n) Each child with a disability is provided information in a manner
15 consistent with requirements under federal law;

16 (o) Each child has access, as determined by the child's physician,
17 to age-appropriate, developmentally appropriate, trauma-informed, and
18 medically accurate information, medical prevention services, medical
19 treatment, including an examination by a health care provider within two
20 weeks after initial removal from the home, and education on the child's
21 right to refuse or consent to medical treatment balanced with the
22 countervailing rights of the biological parents, unless contrary to the
23 best interests of the child or otherwise ordered by a court;

24 (p) Each child receives medical, dental, vision, and mental health
25 services regularly and as often as needed, while preserving the right of
26 the child to refuse or consent to treatment, unless contrary to the best
27 interests of the child or otherwise ordered by a court;

28 (q) Each child is prescribed and administered medications only as
29 necessary and is provided age-appropriate information about the
30 medications and possible side effects; and

31 (r) The assets of each child are protected and free from financial

1 and identity theft.

2 **Sec. 3.** (1) If applicable, the department shall:

3 (a) Facilitate a joint-sibling placement, unless it is contrary to
4 the safety or well-being of any of the siblings, as required by section
5 43-1311.02;

6 (b) Facilitate sibling visitation, if joint-sibling placement is not
7 possible, unless it is contrary to the safety or well-being of a sibling,
8 as required by section 43-1311.02;

9 (c) Inform a child of the child's right to joint-sibling placement
10 and visitation with siblings, including biological siblings, legal
11 siblings, half-siblings, and stepsiblings;

12 (d) Facilitate reunification with a child's biological parents as
13 required by state and federal law, unless contrary to the best interests
14 of the child or otherwise ordered by a court;

15 (e) Facilitate reasonable visitation with a child's biological
16 family and other significant individuals in the child's life as required
17 by state and federal law;

18 (f) Inform a child of the reasons for denying visitation or
19 placement;

20 (g) Inform a child who is adopted from foster care about post-
21 adoption services;

22 (h) Provide a child, including a child who is pregnant or parenting,
23 with an adequate plan to transition out of foster care and all related
24 services as required by section 43-1311.03;

25 (i) Ensure the confidentiality of information related to a child's
26 foster care case in a manner consistent with state and federal law; and

27 (j) Ensure a child has access to the child's birth certificate,
28 social security card, proof of health care coverage, medical and
29 educational records, power of attorney documents, and any other
30 information or documents as provided in section 43-1311.03.

31 (2) In order to ensure that each child is aware of the rights stated

1 in this section and section 2 of this act and is able to express a
2 grievance related to any infringement of such rights without penalty:

3 (a) Each caseworker shall be trained on the rights stated in this
4 section and section 2 of this act and how to discuss such rights in an
5 age-appropriate and developmentally appropriate manner with a child;

6 (b) Each caseworker shall provide a paper copy of the rights stated
7 in this section and section 2 of this act and shall discuss such rights
8 with each child who is at least fourteen years of age. Such discussion
9 shall occur (i) in the placement of the child within seventy-two hours
10 after initial placement and within two weeks after such placement and
11 (ii) quarterly at team meetings or at-home visits. The caseworker shall
12 request that the child sign an acknowledgment that the discussion has
13 occurred as required by section 43-4713;

14 (c) As part of the consultations required by subdivision (2)(d) of
15 section 43-272.01, each guardian ad litem appointed pursuant to section
16 43-272.01 shall discuss the rights stated in this section and section 2
17 of this act with each child within two weeks after appointment and once
18 every six months thereafter. The guardian ad litem shall discuss such
19 rights with the child again if a child discloses that the child believes
20 such rights have been infringed. The guardian ad litem shall raise such
21 infringement with the court unless it is determined by the guardian ad
22 litem to be without merit;

23 (d) A child may raise a grievance regarding the infringement of
24 rights stated in this section by filing a grievance with the department;

25 (e) Within three business days after receipt of a grievance, the
26 department shall provide acknowledgment of receipt, including contact
27 information, information on the grievance process, and obtaining review
28 under the Administrative Procedure Act; and

29 (f) The caseworker shall explain how to file a grievance and the
30 grievance process to a child in an age-appropriate manner. The caseworker
31 shall provide a child opportunities to privately discuss such rights and

1 the grievance process regularly, at intervals as determined by the
2 department.

3 (3) The rights stated in this section and 3 of this act shall be
4 discussed at every dispositional, review, and permanency planning hearing
5 at which the child is present as provided in section 43-4713.

6 **Sec. 4.** The Nebraska Strengthening Families Act Committee created
7 pursuant to section 43-4716 shall monitor the implementation of the
8 Nebraska Youth in Care Bill of Rights.