

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 928

Introduced by von Gillern, 4.

Read first time January 09, 2026

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to children and families; to amend sections
- 2 43-1311, 43-1311.01, and 71-1901, Reissue Revised Statutes of
- 3 Nebraska; to require notifications by the Department of Health and
- 4 Human Services to fictive kin of a child who has been removed from
- 5 home; to define and redefine terms; to change provisions relating to
- 6 foster care licensure; to harmonize provisions; and to repeal the
- 7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 43-1311, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-1311 Except as otherwise provided in the Nebraska Indian Child
4 Welfare Act, immediately following removal of a child from his or her
5 home pursuant to section 43-284, the person or court in charge of the
6 child shall:

7 (1) Conduct or cause to be conducted an investigation of the child's
8 circumstances designed to establish a safe and appropriate plan for the
9 rehabilitation of the foster child and family unit or permanent placement
10 of the child;

11 (2) Require that the child receive a medical examination within two
12 weeks of his or her removal from his or her home;

13 (3) Subject the child to such further diagnosis and evaluation as is
14 necessary;

15 (4) Require that the child attend the same school as prior to the
16 foster care placement unless the person or court in charge determines
17 that attending such school would not be in the best interests of the
18 child; and

19 (5) Notify the Department of Health and Human Services to identify,
20 locate, and provide written notification to adult relatives and fictive
21 kin of the child as provided in section 43-1311.01.

22 **Sec. 2.** Section 43-1311.01, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-1311.01 (1) When notified pursuant to section 43-1311 or upon
25 voluntary placement of a child, the Department of Health and Human
26 Services shall, as provided in this section, identify, locate, and
27 provide written notification of the removal of the child from his or her
28 home, within thirty days after removal, to any noncustodial parent and to
29 all grandparents, all parents who have legal custody of a sibling of the
30 child, and all adult siblings, adult aunts, adult uncles, adult cousins,
31 ~~and adult relatives,~~ and fictive kin of the child suggested by the child,

1 ~~or the child's parents, or relatives of the child~~ except when that
2 relative's history of family or domestic violence makes notification
3 inappropriate. ~~For purposes of this section, sibling means an individual~~
4 ~~who is considered by Nebraska law to be a sibling or who would have been~~
5 ~~considered a sibling under Nebraska law but for a termination of parental~~
6 ~~rights or other disruption in parental rights such as the death of a~~
7 ~~parent.~~ If the child is an Indian child as defined in section 43-1503,
8 the child's extended family members as defined in such section shall be
9 notified. Such notification shall include all of the following
10 information:

11 (a) The child has been or is being removed from the custody of the
12 parent or parents of the child;

13 (b) An explanation of the options the relative or fictive kin has
14 under federal, state, and local law to participate in the care and
15 placement of the child, including any options that may be lost by failing
16 to respond to the notice;

17 (c) A description of the requirements for the relative or fictive
18 kin to serve as a foster care provider or other type of care provider for
19 the child and the additional services, training, and other support
20 available for children receiving such care; and

21 (d) Information concerning the option to apply for guardianship
22 assistance payments.

23 (2) The department shall investigate the names and locations of the
24 relatives and fictive kin, including, but not limited to, asking the
25 child in an age-appropriate manner about relatives and fictive kin
26 important to the child and obtaining information regarding the location
27 of the relatives and fictive kin.

28 (3) The department shall provide to the court, within thirty
29 calendar days after removal of the child, the names and relationship to
30 the child of all relatives and fictive kin contacted, the method of
31 contact, and the responses received from the relatives and fictive kin.

1 (4) For purposes of this section:

2 (a) Indian child has the same meaning as in section 43-1503;

3 (b) Fictive kin has the same meaning as in section 71-1901; and

4 (c) Sibling means an individual who is considered by Nebraska law to
5 be a sibling or who would have been considered a sibling under Nebraska
6 law but for a termination of parental rights or other disruption in
7 parental rights such as the death of a parent.

8 **Sec. 3.** Section 71-1901, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 71-1901 For purposes of sections 71-1901 to 71-1906.01:

11 ~~(1) Person includes a partnership, limited liability company, firm,~~
12 ~~agency, association, or corporation;~~

13 (1) (2) Child means an unemancipated minor;

14 (2) (3) Child-placing agency has the definition found in section
15 71-1926;

16 (3) (4) Department means the Department of Health and Human
17 Services;

18 (4) Fictive kin means an adult who is not related to a child by
19 blood, marriage, or adoption, but who:

20 (a) Has previously lived with the child; or

21 (b) Is a trusted adult that has a preexisting, significant
22 relationship with the child;

23 (5) Foster care means engaged in the service of exercising twenty-
24 four-hour daily care, supervision, custody, or control over children, for
25 compensation or hire, in lieu of the care or supervision normally
26 exercised by parents in their own home. Foster care does not include
27 casual care at irregular intervals or programs as defined in section
28 71-1910;

29 (6) Foster family home means a home which provides foster care to a
30 child or children pursuant to a foster care placement as defined in
31 section 43-1301. Foster family homes include licensed homes where the

1 primary caretaker has no significant prior relationship with the child or
2 children in his or her care and both licensed and unlicensed relative and
3 kinship homes;

4 (7) Kinship home means a home where a child or children receive
5 foster care and at least one of the primary caretakers is fictive kin of
6 ~~has previously lived with or is a trusted adult that has a preexisting,~~
7 ~~significant relationship with~~ the child or children or a sibling of such
8 child or children pursuant to section 43-1311.02;

9 (8) Native American means a person who is a member of an Indian
10 tribe or eligible for membership in an Indian tribe;

11 (9) Person includes a partnership, limited liability company, firm,
12 agency, association, or corporation;

13 (10) ~~(9)~~ Relative home means a home where a child or children
14 receive foster care and at least one of the primary caretakers is related
15 to the child or children, or to a sibling of such child or children
16 pursuant to section 43-1311.02, in his or her care by blood, marriage, or
17 adoption or, in the case of an Indian child, at least one of the primary
18 caretakers is an extended family member as defined in section 43-1503;
19 and

20 (11) ~~(10)~~ Residential child-caring agency has the definition found
21 in section 71-1926.

22 **Sec. 4.** Original sections 43-1311, 43-1311.01, and 71-1901, Reissue
23 Revised Statutes of Nebraska, are repealed.