

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.