

AMENDMENTS TO LB 648

Introduced by McGill

1 1. Insert the following section:

2 Section 1. Section 43-285, Revised Statutes Cumulative
3 Supplement, 2010, is amended to read:

4 43-285 (1) When the court awards a juvenile to the care
5 of the Department of Health and Human Services, an association,
6 or an individual in accordance with the Nebraska Juvenile Code,
7 the juvenile shall, unless otherwise ordered, become a ward and
8 be subject to the guardianship of the department, association,
9 or individual to whose care he or she is committed. Any such
10 association and the department shall have authority, by and
11 with the assent of the court, to determine the care, placement,
12 medical services, psychiatric services, training, and expenditures
13 on behalf of each juvenile committed to it. Such guardianship shall
14 not include the guardianship of any estate of the juvenile.

15 (2) Following an adjudication hearing at which a juvenile
16 is adjudged to be under subdivision (3) of section 43-247, the
17 court may order the department to prepare and file with the
18 court a proposed plan for the care, placement, services, and
19 permanency which are to be provided to such juvenile and his
20 or her family. The health and safety of the juvenile shall be
21 the paramount concern in the proposed plan. The department shall
22 include in the plan for a juvenile who is sixteen years of
23 age or older and subject to the guardianship of the department

1 a written proposal describing programs and services designed to
2 assist the juvenile in acquiring independent living skills. ~~If any~~
3 ~~other party, including, but not limited to, the guardian ad litem,~~
4 ~~parents, county attorney, or custodian, proves by a preponderance~~
5 ~~of the evidence that the department's plan is not in the juvenile's~~
6 ~~best interests, the court shall disapprove the department's plan.~~
7 The court may approve the plan, modify the plan, order that an
8 alternative plan be developed, or implement another plan that is
9 in the juvenile's best interests. In its order the court shall
10 include a finding regarding the appropriateness of the programs and
11 services described in the proposal designed to assist the juvenile
12 in acquiring independent living skills. Rules of evidence shall not
13 apply at the dispositional hearing when the court considers the
14 plan that has been presented.

15 (3) Within thirty days after an order awarding a juvenile
16 to the care of the department, an association, or an individual
17 and until the juvenile reaches the age of majority, the department,
18 association, or individual shall file with the court a report
19 stating the location of the juvenile's placement and the needs of
20 the juvenile in order to effectuate the purposes of subdivision
21 (1) of section 43-246. The department, association, or individual
22 shall file a report with the court once every six months or at
23 shorter intervals if ordered by the court or deemed appropriate
24 by the department, association, or individual. The department,
25 association, or individual shall file a report and notice of
26 placement change with the court and shall send copies of the
27 notice to all interested parties at least seven days before the

1 placement of the juvenile is changed from what the court originally
2 considered to be a suitable family home or institution to some
3 other custodial situation in order to effectuate the purposes of
4 subdivision (1) of section 43-246. The court, on its own motion
5 or upon the filing of an objection to the change by an interested
6 party, may order a hearing to review such a change in placement
7 and may order that the change be stayed until the completion of
8 the hearing. Nothing in this section shall prevent the court on
9 an ex parte basis from approving an immediate change in placement
10 upon good cause shown. The department may make an immediate change
11 in placement without court approval only if the juvenile is in a
12 harmful or dangerous situation or when the foster parents request
13 that the juvenile be removed from their home. Approval of the court
14 shall be sought within twenty-four hours after making the change in
15 placement or as soon thereafter as possible. The department shall
16 provide the juvenile's guardian ad litem with a copy of any report
17 filed with the court by the department pursuant to this subsection.

18 (4) The court shall also hold a permanency hearing if
19 required under section 43-1312.

20 (5) When the court awards a juvenile to the care of the
21 department, an association, or an individual, then the department,
22 association, or individual shall have standing as a party to file
23 any pleading or motion, to be heard by the court with regard to
24 such filings, and to be granted any review or relief requested in
25 such filings consistent with the Nebraska Juvenile Code.

26 (6) Whenever a juvenile is in a foster care placement as
27 defined in section 43-1301, the State Foster Care Review Board may

1 participate in proceedings concerning the juvenile as provided in
2 section 43-1313 and notice shall be given as provided in section
3 43-1314.

4 (7) Any written findings or recommendations of the State
5 Foster Care Review Board or any designated local foster care
6 review board with regard to a juvenile in a foster care placement
7 submitted to a court having jurisdiction over such juvenile shall
8 be admissible in any proceeding concerning such juvenile if such
9 findings or recommendations have been provided to all other parties
10 of record.

11 (8) Any member of the State Foster Care Review Board,
12 any of its agents or employees, or any member of any local foster
13 care review board participating in an investigation or making any
14 report pursuant to the Foster Care Review Act or participating in a
15 judicial proceeding pursuant to this section shall be immune from
16 any civil liability that would otherwise be incurred except for
17 false statements negligently made.

18 2. Renumber the remaining sections and correct the
19 repealer section accordingly.