

AMENDMENTS TO LB975

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 7 of this act shall be known and may be
4 cited as the Child Placement Services Preservation Act.

5 Sec. 2. The Legislature finds and declares that:

6 (1) The State of Nebraska has a critical need to find and retain
7 safe, loving, and supportive homes for children, especially because the
8 number of children needing foster care and adoption placement outnumber
9 the homes available for placement;

10 (2) In order to serve the best interests of the children of this
11 state, the State of Nebraska has a longstanding public-private
12 partnership with a diverse group of faith-based and non-faith-based
13 organizations that work side by side to find and retain safe, loving, and
14 supportive homes for children. Significantly, faith-based organizations
15 have a lengthy history of providing child placement services which
16 predates government involvement;

17 (3) Having as many qualified child-placing agencies in Nebraska as
18 possible is a substantial benefit to the children of Nebraska who are in
19 need of these placement services and to all of the citizens of Nebraska
20 because the more qualified agencies taking part in this process there
21 are, the greater the likelihood that permanent placement can be achieved
22 for each child; and

23 (4) In order to preserve the support that child-placing agencies
24 offer children and families, the government should not take adverse
25 action against child-placing agencies based on their sincerely held
26 religious beliefs.

27 Sec. 3. For purposes of the Child Placement Services Preservation

1 Act:

2 (1) Adverse action includes, but is not limited to, denying a child-
3 placing agency's application for funding, refusing to renew an agency's
4 funding, canceling an agency's funding, declining to enter into a
5 contract with an agency, refusing to renew a contract with an agency,
6 canceling a contract with an agency, denying issuance of a license to an
7 agency, refusing to renew an agency's license, canceling an agency's
8 license, taking an enforcement action against an agency, treating an
9 agency less favorably than similarly situated agencies in regard to
10 participation in a government program, or taking any other action that
11 materially alters the terms or conditions of an agency's funding,
12 contract, or license;

13 (2) Child placement service means arranging the placement of
14 children with foster care and adoptive parents, including placement,
15 promoting foster care and adoption, and recruiting, screening, and
16 training the foster care and adoptive parents;

17 (3) Child-placing agency or agency has the same meaning as in
18 section 71-1926;

19 (4) Department means the Department of Health and Human Services;
20 and

21 (5) State includes the state, its agencies, and its political
22 subdivisions.

23 Sec. 4. (1) To the fullest extent permitted by state and federal
24 law, a child-placing agency shall not be required to provide or
25 facilitate any child placement service if the service conflicts with, or
26 provide or facilitate any child placement service under circumstances
27 that conflict with, the child-placing agency's sincerely held religious
28 beliefs.

29 (2) If a child-placing agency declines to provide or facilitate any
30 child placement service under subsection (1) of this section, the child-
31 placing agency shall promptly provide the person seeking such service

1 with at least one of the following:

2 (a) Contact information for another child-placing agency that is
3 capable of providing the declined service;

4 (b) A list of other child-placing agencies capable of providing the
5 declined service which includes contact information for such agencies; or

6 (c) A link to a web page on the department's web site that includes
7 a list of other child-placing agencies capable of providing the declined
8 service and contact information for the agencies.

9 Sec. 5. To the fullest extent permitted by state and federal law,
10 the state shall not take an adverse action against a child-placing agency
11 because the agency declines to provide or facilitate a child placement
12 service that conflicts with the child-placing agency's sincerely held
13 religious beliefs.

14 Sec. 6. A child-placing agency aggrieved by a violation of section
15 5 of this act may assert that violation as a defense in any
16 administrative or judicial proceeding.

17 Sec. 7. The Child Placement Services Preservation Act shall be
18 construed liberally so as to effectuate its purposes.

19 Sec. 8. If any section in this act or any part of any section is
20 declared invalid or unconstitutional, the declaration shall not affect
21 the validity or constitutionality of the remaining portions.