

February 9, 2012

Senator Brad Ashford, Chair
Judiciary Committee
State Capitol

Dear Senator Ashford and members of the Judiciary Committee:

I am writing in support of LB 1172 because it may help secure a permanent home for some children.

The bill shortens the window of opportunity for parental change and rehabilitation as a general rule, but it also provides a balance by allowing a decision not to file when such a filing would not be in the child's best interests. I think we all agree that if any way possible, children should be raised by their own parents. However, when a person has not been able to parent well and cannot or does not make the necessary changes within a reasonable length of time, it is important to provide a new permanent situation for the welfare of the child. This bill sends a clear message to parents that they must make this rehabilitation a priority sooner rather than later, especially for a young child, and that permanency is crucial to children's futures.

With regards to the fiscal note on the bill, the Department is required to file the petition under current law. LB 1172 does not place new duties on the Department but does require the petition to be filed earlier in the process. This may increase our workload slightly but we believe we can handle the additional work with existing resources.

I am attaching a brief list of technical issues on the reverse of this letter that may need to be addressed regarding specific language in the bill.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Scot L. Adams, Ph.D., Interim Director
Division of Children and Family Services

Technical Considerations – LB 1172
Scot Adams, Interim Director
Division of Children and Family Services

I would like to point out some language in the bill that may benefit from clarification:

1. Current statute requires filing a petition for termination of parental rights for a child in foster care under the responsibility of the state for 15 of the most recent 22 months. The language in LB 1172 is a little different. It does not include the phrase, “under the responsibility of the state,” which could be interpreted to mean that the state must file the petition even when a child is not in state custody. This potential interpretation is even more likely because of the use in LB1172 of the term “out of home care” rather than the term “foster care” as used in current statute.
2. Current statute at 43-292 lists the grounds for termination of parental rights. LB 1172 does not add a child ages 1-5 being in out of home care for 12 or more consecutive months to that section.