

**PROTECTION AND SAFETY  
ADMINISTRATIVE MEMO  
# 4-5-25-05**

Date: May 25, 2005

To: Service Area Administrators  
Protection and Safety and Resource Development Administrators  
Protection and Safety and Resource Development Staff

From: Todd Reckling, Administrator  
Office of Protection and Safety

**RE: Foster Parent Right To Notice Of and Participation in Hearings**

Foster parents, including pre-adoptive parents and relatives providing care for a child, are entitled by Federal and State Statute to have notice of court reviews for children in their care and to participate at those hearings. The responsibility for notification is with the court, and can be provided in court, by mail, or "in such other manner as the court may direct." (NE statute 43-1314)

In the spirit of collaboration and in recognition of the importance of assuring that foster parents have this opportunity, the Department must do what it can to assist courts. While there might be barriers beyond our control, there are two we can help eliminate:

1. HHS does not always report to the court on a timely basis when a child is moved, so that the court does not have a current foster parent name and address. Please be reminded that:
  - a. For children adjudicated under 43-247 (a) and (b), HHS is required by law to obtain court approval prior to moving a child, or to provide the court with notice within 24 hours of an emergency change in placement. (Please refer to 390 NAC 8-001.11).
  - b. For children adjudicated under 43-247 as delinquents, HHS is required by law to receive court approval prior to moving the child to a more restrictive setting and to notify the court when the Department makes a decision to move the child to another placement within the same category or to a less restrictive setting. (Please refer to 390 NAC 8-001.12).
  - c. Local courts may have additional notification requirements that should be honored.
2. In some cases, either a foster parent or the Department has a justifiable reason for not wanting the foster parent's name and address in the public record. When that is the case, the Protection and Safety Worker must notify the court of that fact and request that the information be maintained in the court's confidential social file.

This continued collaboration between the courts and HHS will help assure that foster and adoptive parents get appropriate notice and that their valuable input will benefit children in our care.

If you have questions, please contact Becky Henderson at (402)471-9333 or Margaret Bitz at (402)471-9457.