February 19, 2015

Senator Kathy Campbell
Chair, Health and Human Services Committee
Room 1402, State Capitol
Lincoln, NE 68509

Chairwoman Campbell and members of the Health and Human Services Committee,

On behalf of Nebraska Appleseed, I am here to testify in support of LB 296. Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans. We take a systemic approach to complex issues – such as child welfare, immigration policy, affordable healthcare and poverty.

We support LB 296 because it brings Nebraska into compliance with recent federal law and is good policy.

In 2011, Nebraska Appleseed filed an amicus curiae (friend of the court) brief in a case before the Nebraska Supreme Court, In re Interest of Meridian H.1 The Meridian H. case involved two siblings who, by and through their adoptive parents in Minnesota, intervened in a Nebraska juvenile court case seeking to have their sibling, Meridian, who was in Nebraska’s foster care system, placed with them and their adoptive parents. The siblings had visitation with Meridian and a relationship with the maternal grandparents in Minnesota, who also intervened in the case. However, the Nebraska Supreme Court ultimately held that the siblings lacked standing for the appeal because they did not have rights impacted by the placement decision. As a result, Meridian and her siblings were denied the opportunity to grow up together.

However, the same week that the Meridian H. case was decided by the Nebraska Supreme Court, LB 177, introduced by Senator Campbell, was signed into law, which, in addition to other provisions, placed the sibling placement provision of the Fostering Connections to Success and Increasing Adoptions Act of 2008 into Nebraska Statute.2 The sibling placement provision of the federal law requires the state to make reasonable efforts to place children with their siblings unless such placement is contrary to the safety or well-being of any of the siblings. Among other things, LB 177 clarified that this provision applies to a broad range of siblings and specifically defined the term “siblings” for purpose of the Foster Care Review Act as “biological and legal siblings, including but not limited to, half-siblings and stepsiblings.”3 LB 177 also placed the relative notice provision of the Fostering Connections Act into

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Nebraska Statute. The relative notice provision requires the state to identify, locate and provide notice to relatives of a child upon a child’s removal from home.

LB 296 takes the next important step to protect the rights of all siblings by further clarifying that the relative notice provision applies to parents who have legal custody of a sibling of the child and that sibling includes those who would have been considered a sibling but for a termination of parental rights and those considered a sibling under Nebraska law. Significantly, LB 296 also further clarifies that, for purposes of Nebraska’s federal foster care program, this same definition of sibling applies. Together, these changes mean that the state and federal laws intended to prioritize sibling placement and contact would explicitly apply to children like Meridian and her siblings.

Both of these changes are in accordance with recent federal law, the Prevent Sex Trafficking and Protecting Families Act, which was passed with bipartisan support and was signed into law by President Obama in September 2014. We strongly support that this federal Act now specifically recognizes that the sibling relationship does not end when parental rights are terminated and that sibling relationships are critically important and must be protected for children, as does LB 296.

This is well supported by existing research and best practice. In 2006, the United States Department of Health and Human Services Administration for Children and Families (ACF) published a bulletin for child welfare professionals summarizing research and best practices regarding sibling placement. In outlining the benefits of sibling placement, the ACF bulletin indicates that, among other things, children placed with their siblings “are not burdened with wondering where their siblings are and whether or not they are safe,” “can provide natural support to each other and some sense of stability and belonging,” and are assisted in “maintaining a positive sense of identity and knowledge of their cultural, personal, and family histories.” In addition, the ACF bulletin notes that separating children from their siblings “deprives them of developing a relationship that might be expected to offer them significant support over the course of their lives.”

We also want to note our support generally for the Prevent Sex Trafficking and Strengthening Families Act and that there are additional provisions of that new federal Act that we think also merit attention by the state to implement, including provisions related to normalcy, trafficking, and transition planning. I am attaching a fact sheet from national partners that outlines the main provisions of the Strengthening Families Act with attention to state implementation and timelines of effective dates. We think LB 296 is a good first step, but we will also be advocating in the coming months that Nebraska stakeholders come together to discuss the implementation of other aspects of this new law at the local level.

We want to thank Senator Kolterman and the Committee for your ongoing dedication to improving the system for children.

Sincerely,

NEBRASKA APPLESEED

Sarah Helvey, J.D., M.S.
Child Welfare Program Director

Attachment: Implementing the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) To Benefit Children and Youth

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5 P.L. 113-183/H.R. 4980.
7 Id. at 4.