



7521 Main Street, Suite 103  
Omaha, Nebraska 68127

(402) 597-3100  
www.voicesforchildren.com

#### BOARD OF DIRECTORS

Bruce Meyers  
*President*

Amy Boesen  
*Vice President*

Lorraine Chang, JD  
*Secretary*

Michael Beverly, Jr.  
*Treasurer*

Gary Bren  
Wes Cole, MBA  
Al Davis  
Noah Greenwald, JD  
Gatsby Gottsch Solheim, JD  
Eric Johnson  
Susan Mayberger, MA  
Melanie Morrissey Clark  
Edelweiss Rothe  
Dulce Sherman, MA  
John Stalnaker, JD  
Charlie Stephan  
Katie Weitz, PhD

Aubrey Mancuso, MSW  
*Executive Director*

January 31, 2020

**To:** Chairwoman Howard and Members of the HHS Committee  
**From:** Juliet Summers, Policy Coordinator for Child Welfare & Juvenile Justice  
**Re: LB 759 - Require consultation with school districts regarding placement of children**

Every child deserves the opportunity to thrive, and for children involved in our state systems, that means they are entitled to supportive services and healthy placements to meet their best interests. Though we respect and understand the issue the bill may be seeking to address, Voices for Children is opposed to LB 759 in its current form, because we are concerned it may displace, or at least, disturb the best interests of the child as the primary consideration of the court in making placement decisions.

The sections of code where LB 759 resides address possible dispositional outcomes in child welfare cases, including cases that fall under the purview of the Indian Child Welfare Act. In child welfare cases, a primary goal should be to maximize stability in a child's life. Frequent placement changes can result in frequent school changes, and all too often, children in foster care can fall behind as a result. We share a concern about ensuring districts are aware of and able to meet the sometimes challenging and costly needs of youth who may be transient in their education due to court processes and placements. Ensuring smooth transitions in education is crucial to ensuring children in foster care don't get lost in their education along the way.

However, by our reading of LB 759, it appears to prioritize the perspective of the school district over the broader court consideration of what is in the child's best interests, by allowing for a weighing of costs and benefits to school districts prior to a court's placement decision, rather than mandating a smooth and comprehensive transfer of information after the court has made a placement decision based on the best interests of the child. Furthermore, in so doing, the bill tasks the juvenile court with releasing confidential information about the child and their educational history to a potential new district, without necessarily having approval by the legal guardian or the parent with educational decision-making powers. It is unclear how this would be accomplished; it is possible it would require making a potential receiving school district a new party to any court case, as there is no functional way for a court to "consult" an entity prior to making decisions unless it is a party to the case and all other parties are present in the form of a hearing on the record. A more appropriate path would be to include this sort of information in a Department case plan or Guardian ad Litem's report and recommendations.<sup>1</sup>

---

<sup>1</sup> Both reports already contain sections pertaining to a child's educational needs, and could further elucidate questions such as: Is the prospective school district capable of meeting the particular needs of this child? Does that factor outweigh the other considerations that would make this placement in the child's best interests? Etc.

I reached out to Senator Kolterman earlier this week with these concerns, and though we have not been able to talk through LB 759 in person yet, I know that we share the goal of getting this issue right for our state's most vulnerable children and I sincerely hope we are able to help work together on this issue in the future. Thank you all for your time and consideration, and I would respectfully urge you not to advance LB 759 this session.