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#95035

NO.
STATE OF NEBRASKA
OFFICIAL
MAY 3 1995
DEPT. OF JUSTICE

DATE: May 3, 1995

SUBJECT: Liability of Local Foster Care Review Board Members Regarding Placements.

REQUESTED BY: Senator Michael T. Avery
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
John R. Thompson, Senior Assistant Attorney General

Dear Senator Avery:

In your April 27, 1995 letter you enclosed two prior opinion letters written to Ms. Carol Stitt, Executive Director, State Foster Care Review Board, one dated September 24, 1984 and the other dated April 23, 1986. You have asked that we review those two prior Opinions and advise you whether they need to be changed at this time since you have pending as your priority bill LB 642 which transfers some review functions from the Department of Social Services to the Foster Care Review Board.

We understand from reviewing the bill, the Committee statement, and the fiscal statement, that under LB 642 either the State Foster Care Review Board or one of the local foster care review boards established and appointed by the State Board will be conducting reviews now conducted by the Department of Social Services. We understand that in the process the State Foster Care Review Board will establish 26 new local boards.

We have reviewed both of the above Opinions and submit that they accurately reflect our current opinion with respect to the questions raised in those Opinions.

David K. Arterburn
L. Jay Bartel
J. Kirk Brown
David T. Bydalek
Delores N. Coe-Barbee
Dale A. Comer
James A. Elworth
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Royce N. Harper
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Lynn A. Melson
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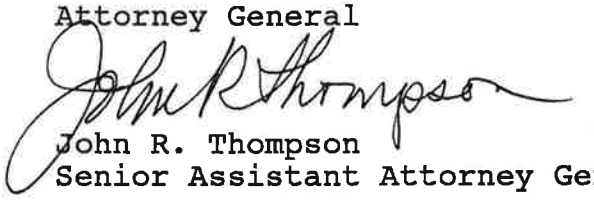
Paul N. Potadle
Hobert B. Rupe
James D. Smith
James H. Spears
Mark D. Starr
Timothy J. Texel
John R. Thompson
Barry Wald
Terri M. Weeks
Alfonza Whitaker
Melanie J. Whittamore-Mantzios
Linda L. Willard

While the liability principles will remain the same, there may be additional liability exposure for the State since 26 new local foster care review boards will be established under LB 642. The additional exposure may depend in part on the nature and extent of the supervision of the local boards and their activities by the State Foster Care Review Board.

Please let us know if you need anything further.

Very truly yours,

DON STENBERG
Attorney General



John R. Thompson
Senior Assistant Attorney General

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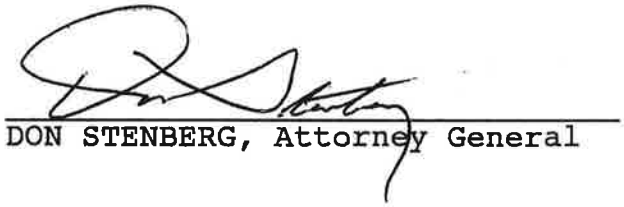

DON STENBERG, Attorney General