

TO: Judiciary Committee  
FROM: Marion Miner, Associate Director of Pro-Life & Family Policy  
Nebraska Catholic Conference  
DATE: February 16, 2023  
RE: LB306 (Youth in Care Bill of Rights) (Oppose)

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public. The Conference opposes LB306.

Section 1(2) of this bill lays out that the State of Nebraska “shall aspire” to do much that, with respect to children in foster homes, child-care institutions, or youth centers, is certainly commendable. The problems lie in the application of those aspirations into policy. LB306 purports to codify a number of rights that already exist under federal and state law, but it makes additions that are vague, confusing, not in the best interest of a child in foster care, and not in the best interest of the child’s biological and foster families.

I will focus only on what elements of the bill cause us the most concern.

Section 1(4)(a) states that each child [shall be] permitted to attend religious services and activities of such child’s choice, “to be balanced with the countervailing rights of the child’s biological parents.” It is not clear what this means, or how the State or the foster family is to resolve a situation in which these rights collide. References to the First and Fourteenth Amendments, here as elsewhere in the bill, fail to clarify.

What it means for the State to ensure that “each child is free from discrimination on the basis of ... gender identity or sexual orientation,” as required by Section 1(4)(f), is also unclear. To the extent that involves inquiring into a foster family’s religious beliefs to ascertain the family’s position on questions of sexual orientation and gender identity, and how that bears on their eligibility to participate in the foster program, this section raises questions about conflicts with both the Free Exercise and Establishment clauses of the First Amendment.

Next, the requirement under Section 1(4)(o) that the State ensure each child has access to and information on their right to consent to various forms of medical intervention, to be “balanced with the countervailing rights of the biological parents” may in many cases unnecessarily pit the child against the family and raises questions regarding medical intervention the family considers immoral or unnecessary. This would include but certainly not be limited to contraception, abortion, and so-called “gender affirming care,” with all that entails.

These are only some of the concerns the Conference has with the bill. The foregoing is a short summary of its most pressing shortcomings from our perspective. We ask that you not advance LB306 without resolving those concerns.