



To: Judiciary Committee
From: Marion Miner, Associate Director for Pro-Life & Family Policy
Nebraska Catholic Conference
Subject: LB 357 (Youth in Care Bill of Rights) (Oppose)
Date: January 28, 2021

Chairman Lathrop and Members of the Judiciary Committee,

Good afternoon. My name is Marion Miner (M-A-R-I-O-N M-I-N-E-R). I am the Associate Director for Pro-Life & Family Policy at the Nebraska Catholic Conference.

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 LB 357 because, while it purports to codify a number of rights that already exist under federal and state law, 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.

LB 357 instructs the State to ensure the child is permitted to attend religious services of his choice, to be balanced with the countervailing rights of the biological family. 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 1st and 14th Amendments to the U.S. Constitution fail to add clarity.

In addition, what it means for the State to ensure that "each child is free from discrimination on the basis of . . . gender identity or sexual orientation" is 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, the bill raises questions about conflicts with both the Free Exercise and Establishment clauses of the 1st Amendment.

Next, the requirement 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 and abortion.

These are only some of the concerns the Conference has with this bill. The foregoing is a short summary of its most pressing shortcomings from our perspective. We ask that you indefinitely postpone LB 357.