

LEGISLATIVE BILL 134

Approved by the Governor March 8, 1999

Introduced by Dw. Pedersen, 39; Crosby, 29; Schimek, 27; Suttle, 10;  
Thompson, 14

AN ACT relating to adoption; to provide commensurate child-care leave for adoptive parents.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) Except as provided in subsection (2) of this section, whenever an employer, including a governmental agency, permits an employee to take a leave of absence upon the birth of the employee's child, an adoptive parent, following the commencement of the parent-child relationship, is entitled to the same leave upon the same terms.

(2) The adoptive parent leave of absence is not required if the child being adopted is a special needs child over eighteen years of age, a child who is over eight years of age and is not a special needs child, a stepchild being adopted by his or her stepparent, a foster child being adopted by his or her foster parent, or a child who was originally under a voluntary placement for purposes other than adoption without assistance from an attorney, physician, or other individual or agency which later results in a petition for the adoption of the child by the person with whom the voluntary placement was made.

(3) For purposes of this section, commencement of the parent-child relationship means when the child is placed with the employee for the purposes of adoption.

(4) Whenever an employer, including a governmental agency, refuses to extend a child-care leave of absence to an adoptive parent in violation of this section, an aggrieved adoptive parent may bring an action for equitable relief and damages. In all actions brought pursuant to this section, reasonable attorney's fees, as determined by the court, shall be awarded to the prevailing party if the prevailing party is the adoptive parent.