

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 141

Introduced by Rountree, 3; Holdcroft, 36; Sanders, 45.

Read first time January 13, 2025

Committee:

- 1 A BILL FOR AN ACT relating to the Child Protection and Family Safety Act;
- 2 to amend sections 28-710, 28-713.01, and 28-726, Revised Statutes
- 3 Cumulative Supplement, 2024; to require reports of child abuse or
- 4 neglect involving a member of a military family to be reported to
- 5 appropriate military authorities and military family advocacy
- 6 programs as prescribed; to provide powers and duties for the
- 7 Department of Health and Human Services; to define terms; to
- 8 harmonize provisions; and to repeal the original sections.
- 9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-710, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 28-710 (1) Sections 28-710 to 28-727 and section 2 of this act shall
4 be known and may be cited as the Child Protection and Family Safety Act.

5 (2) For purposes of the Child Protection and Family Safety Act:

6 (a) Alternative response means a comprehensive assessment of (i)
7 child safety, (ii) the risk of future child abuse or neglect, (iii)
8 family strengths and needs, and (iv) the provision of or referral for
9 necessary services and support. Alternative response is an alternative to
10 traditional response and does not include an investigation or a formal
11 determination as to whether child abuse or neglect has occurred, and the
12 subject of the report shall not be entered into the central registry of
13 child protection cases maintained pursuant to section 28-718;

14 (b) Child abuse or neglect means knowingly, intentionally, or
15 negligently causing or permitting a minor child to be:

16 (i) Placed in a situation that endangers his or her life or physical
17 or mental health;

18 (ii) Cruelly confined or cruelly punished;

19 (iii) Deprived of necessary food, clothing, shelter, or care;

20 (iv) Left unattended in a motor vehicle if such minor child is six
21 years of age or younger;

22 (v) Placed in a situation to be sexually abused;

23 (vi) Placed in a situation to be sexually exploited through sex
24 trafficking of a minor as defined in section 28-830 or by allowing,
25 encouraging, or forcing such person to engage in debauchery, public
26 indecency, or obscene or pornographic photography, films, or depictions;
27 or

28 (vii) Placed in a situation to be a trafficking victim as defined in
29 section 28-830;

30 (c) Child advocacy center means a community-based organization that

31 (i) provides an appropriate site for conducting forensic interviews as

1 defined in section 28-728 and referring victims of child abuse or neglect
2 and appropriate caregivers for such victims to needed evaluation,
3 services, and supports, (ii) assists county attorneys in facilitating
4 case reviews, developing and updating protocols, and arranging training
5 opportunities for the teams established pursuant to sections 28-728 and
6 28-729, and (iii) is a member, in good standing, of a state chapter as
7 defined in 34 U.S.C. 20302;

8 (d) Comprehensive assessment means an analysis of child safety, risk
9 of future child abuse or neglect, and family strengths and needs on a
10 report of child abuse or neglect using an evidence-informed and validated
11 tool. Comprehensive assessment does not include a finding as to whether
12 the child abuse or neglect occurred but does determine the need for
13 services and support, if any, to address the safety of children and the
14 risk of future abuse or neglect;

15 (e) Department means the Department of Health and Human Services;

16 (f) Investigation means fact gathering by the department, using an
17 evidence-informed and validated tool, or by law enforcement related to
18 the current safety of a child and the risk of future child abuse or
19 neglect that determines whether child abuse or neglect has occurred and
20 whether child protective services are needed;

21 (g) Kin caregiver means a person with whom a child in foster care
22 has been placed or with whom a child is residing pursuant to a temporary
23 living arrangement in a non-court-involved case, who has previously lived
24 with or is a trusted adult that has a preexisting, significant
25 relationship with the child or with a sibling of such child placed
26 pursuant to section 43-1311.02;

27 (h) Law enforcement agency means the police department or town
28 marshal in incorporated municipalities, the office of the sheriff in
29 unincorporated areas, and the Nebraska State Patrol;

30 (i) Member of a military family means an individual who is:

31 (i) Serving active duty service in the armed forces of the United

1 States, including any reserve component or the National Guard; or

2 (ii) Is a dependent, as defined in 50 U.S.C. 3911, of a person
3 described in subdivision (2)(i)(i) of this section;

4 (j) ~~(i)~~ Non-court-involved case means an ongoing case opened by the
5 department following a report of child abuse or neglect in which the
6 department has determined that ongoing services are required to maintain
7 the safety of a child or alleviate the risk of future abuse or neglect
8 and in which the family voluntarily engages in child protective services
9 without a filing in a juvenile court;

10 (k) ~~(j)~~ Out-of-home child abuse or neglect means child abuse or
11 neglect occurring outside of a child's family home, including in day care
12 homes, foster homes, day care centers, residential child-caring agencies
13 as defined in section 71-1926, other child care facilities or
14 institutions, and the community. Out-of-home child abuse or neglect also
15 includes cases in which the subject of the report of child abuse or
16 neglect is not a member of the child's household, no longer has access to
17 the child, is unknown, or cannot be identified;

18 (l) ~~(k)~~ Relative caregiver means a person with whom a child is
19 placed by the department and who is related to the child, or to a sibling
20 of such child pursuant to section 43-1311.02, by blood, marriage, or
21 adoption or, in the case of an Indian child, is an extended family member
22 as defined in section 43-1503;

23 (m) ~~(l)~~ Report means any communication received by the department or
24 a law enforcement agency pursuant to the Child Protection and Family
25 Safety Act that describes child abuse or neglect and contains sufficient
26 content to identify the child who is the alleged victim of child abuse or
27 neglect;

28 (n) ~~(m)~~ Review, Evaluate, and Decide Team means an internal team of
29 staff within the department and shall include no fewer than two
30 supervisors or administrators and two staff members knowledgeable on the
31 policies and practices of the department, including, but not limited to,

1 the structured review process. County attorneys, child advocacy centers,
2 or law enforcement agency personnel may attend team reviews upon request
3 of a party;

4 (o) ~~(n)~~ School employee means a person nineteen years of age or
5 older who is employed by a public, private, denominational, or parochial
6 school approved or accredited by the State Department of Education;

7 (p) ~~(o)~~ Student means a person less than nineteen years of age
8 enrolled in or attending a public, private, denominational, or parochial
9 school approved or accredited by the State Department of Education, or
10 who was such a person enrolled in or who attended such a school within
11 ninety days of any violation of section 28-316.01;

12 (q) ~~(p)~~ Traditional response means an investigation by a law
13 enforcement agency or the department pursuant to section 28-713 which
14 requires a formal determination of whether child abuse or neglect has
15 occurred; and

16 (r) ~~(q)~~ Subject of the report of child abuse or neglect or subject
17 of the report means the person or persons identified in the report as
18 responsible for the child abuse or neglect.

19 **Sec. 2.** (1) For purposes of this section:

20 (a) Military family advocacy program means the program established
21 by the United States Department of Defense and provided at a military
22 installation to address child abuse and neglect in military families; and

23 (b) Military installation has the same meaning as in section
24 79-2201.

25 (2) Upon receipt of a report of child abuse or neglect, the
26 department shall determine whether the subject of the report of child
27 abuse or neglect is a member of a military family. If the subject is a
28 member of the military family and the department does not determine the
29 report to be unfounded, the department shall notify the appropriate
30 military authorities and any appropriate military family advocacy program
31 of the report and share any pertinent information concerning the report.

1 (3) The department shall negotiate a memorandum of understanding
2 with any military family advocacy program at a military installation in
3 Nebraska with respect to the reporting required by this section. The
4 memorandum shall establish procedures and protocols for:

5 (a) Identifying the subject of a report of child abuse or neglect as
6 a member of a military family;

7 (b) Making the reports required by this section; and

8 (c) Maintaining confidentiality as required by state and federal
9 law.

10 (4) The department may adopt and promulgate rules and regulations to
11 carry out this section.

12 **Sec. 3.** Section 28-713.01, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 28-713.01 (1) Upon completion of the investigation pursuant to
15 section 28-713:

16 (a) In situations of alleged out-of-home child abuse or neglect, the
17 person or persons having custody of the allegedly abused or neglected
18 child or children shall be given written notice of the results of the
19 investigation and any other information the law enforcement agency or
20 department deems necessary. Such notice and information shall be sent by
21 first-class mail;

22 (b) The subject of the report of child abuse or neglect shall be
23 given written notice of the determination of the case and whether the
24 subject of the report of child abuse or neglect will be entered into the
25 central registry of child protection cases maintained pursuant to section
26 28-718 under the criteria provided in section 28-720; ~~and~~

27 (c) If the subject of the report of child abuse or neglect is a
28 school employee and the child is a student in the school to which such
29 school employee is assigned for work, the notice described in subdivision
30 (1)(b) of this section shall also be sent to the Commissioner of
31 Education; and -

1 (d) If the subject of the report of child abuse or neglect is a
2 member of a military family, the notice described in subdivision (1)(b)
3 of this section shall also be sent to the appropriate military
4 authorities and any military family advocacy program as provided in
5 section 2 of this act.

6 (2) If the subject of the report will be entered into the central
7 registry, the notice to the subject shall be sent by certified mail with
8 return receipt requested or first-class mail to the last-known address of
9 the subject of the report of child abuse or neglect and shall include:

10 (a) The nature of the report;

11 (b) The classification of the report under section 28-720;

12 (c) Notification of the right of the subject of the report of child
13 abuse or neglect to request the department to amend or expunge
14 identifying information from the report or to remove the substantiated
15 report from the central registry in accordance with section 28-723; and

16 (d) If the subject of the report of child abuse or neglect is a
17 minor child who is twelve years of age or older but younger than nineteen
18 years of age:

19 (i) Notification of the mandatory expungement hearing to be held
20 according to section 28-721, a waiver form to waive the hearing, and an
21 explanation of the hearing process;

22 (ii) An explanation of the implications of being entered in the
23 central registry as a subject;

24 (iii) Notification of any other procedures determined appropriate in
25 rules and regulations adopted and promulgated by the department; and

26 (iv) Provision of a copy of all notice materials required to be
27 provided to the subject under this subsection to the minor child's
28 attorney of record, parent or guardian, and guardian ad litem, if
29 applicable.

30 (3) If the subject of the report will not be entered into the
31 central registry, the notice to the subject shall be sent by first-class

1 mail and shall include:

2 (a) The nature of the report; and

3 (b) The classification of the report under section 28-720.

4 **Sec. 4.** Section 28-726, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 28-726 Except as provided in this section and sections 28-722 and
7 81-3126, no person, official, or agency shall have access to information
8 in the tracking system of child protection cases maintained pursuant to
9 section 28-715 or in records in the central registry of child protection
10 cases maintained pursuant to section 28-718 unless in furtherance of
11 purposes directly connected with the administration of the Child
12 Protection and Family Safety Act. Such persons, officials, and agencies
13 having access to such information shall include, but not be limited to:

14 (1) A law enforcement agency investigating a report of known or
15 suspected child abuse or neglect;

16 (2) A county attorney in preparation of a child abuse or neglect
17 petition or termination of parental rights petition;

18 (3) A physician who has before him or her a child whom he or she
19 reasonably suspects may be abused or neglected;

20 (4) An agency having the legal responsibility or authorization to
21 care for, treat, or supervise an abused or neglected child or a parent, a
22 guardian, or other person responsible for the abused or neglected child's
23 welfare who is the subject of the report of child abuse or neglect;

24 (5) Any person engaged in bona fide research or auditing. No
25 information identifying the subjects of the report of child abuse or
26 neglect shall be made available to the researcher or auditor;

27 (6) The Foster Care Review Office and the designated local foster
28 care review board when the information relates to a child in a foster
29 care placement as defined in section 43-1301. The information provided to
30 the office and local board shall not include the name or identity of any
31 person making a report of suspected child abuse or neglect;

1 (7) The designated protection and advocacy system authorized
2 pursuant to the Developmental Disabilities Assistance and Bill of Rights
3 Act of 2000, 42 U.S.C. 15001, as the act existed on January 1, 2005, and
4 the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C.
5 10801, as the act existed on September 1, 2001, acting upon a complaint
6 received from or on behalf of a person with developmental disabilities or
7 mental illness;

8 (8) The person or persons having custody of the abused or neglected
9 child in situations of alleged out-of-home child abuse or neglect;

10 (9) The department, as required or authorized by state law, federal
11 law, federal regulation, or applicable federal program provisions and in
12 furtherance of its programs;

13 (10) A probation officer administering juvenile intake services
14 pursuant to section 29-2260.01, conducting court-ordered predispositional
15 investigations prior to disposition, or supervising a juvenile upon
16 disposition; ~~and~~

17 (11) A child advocacy center pursuant to team protocols and in
18 connection with a specific case under review or investigation by a child
19 abuse and neglect investigation team or a child abuse and neglect
20 treatment team convened by a county attorney; and -

21 (12) Military authorities and military family advocacy programs as
22 provided in section 2 of this act.

23 **Sec. 5.** Original sections 28-710, 28-713.01, and 28-726, Revised
24 Statutes Cumulative Supplement, 2024, are repealed.