



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 782

Chairperson: Joel Johnson
Committee: Health and Human Services
Date of Hearing: January 24, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 782 provides changes in the disclosure of child welfare information.

Current Nebraska law allows only very limited information to be released to the public by the Department of Health and Human Services. This information includes whether a child is a state ward or was previously a state ward, when a child became a ward, when custody was terminated, adjudication type, status of parental rights, and whether other children in the family are in state custody.

In the event of a death or near fatality of a child resulting from child abuse or neglect, the Department can provide additional information if a person has been criminally charged and has been convicted or acquitted, or a county attorney certifies a person would have been charged prior to that person's death. In this situation, the Department can provide a written summary containing information about actions taken and services rendered by the Department, confirmation of reports received by the Department, and information about investigations conducted by the Department.

LB 782 expands the information that the Department can release regarding cases of abuse and neglect.

- Specifically, the Chief Executive Officer (CEO) of the Department or the Division of Children and Family Services Director may disclose information regarding child abuse or neglect and the investigation of any such services if the release is in the best interests of the child and any one of the following are present:
 - the alleged abuse or neglect perpetrator has been charged with a crime relating to the child;
 - a judge, law enforcement official, county attorney or another local investigative agency or official has publicly disclosed the services related to an investigation;
 - an individual who is the parent, custodian, foster parent, provider, guardian or child victim over 14 years old has made disclosure of the abuse or neglect;
 - the information is related to a child fatality or near fatality;

- the information is released to confirm, clarify or correct information concerning an allegation of actual instance of child abuse or neglect made public by sources outside the department; or
- a child who is in custody of the department is missing from placement, in which case the CEO or Director may release the name and physical description of the child for reasons of safety for the child or for purposes of community safety.

The public has a legitimate interest in knowing more when such tragic events occur. The ability to confirm, clarify, or correct information concerning an allegation or actual instance of child abuse or neglect which has been made public by sources outside the Department will satisfy the public's need to know by providing substantive and accurate information. This greater transparency will increase confidence and accountability in the work of the Department in fulfilling its role of protecting the children of Nebraska.

Principal Introducer:

Senator Gwen Howard