

AMENDMENTS TO LB503

Introduced by Coash

1           1. Strike the original sections and all amendments  
2 thereto and insert the following:

3           Section 1. Section 28-710, Revised Statutes Supplement,  
4 2013, is amended to read:

5           28-710 (1) Sections 28-710 to 28-727 and sections 2 to 4  
6 of this act shall be known and may be cited as the Child Protection  
7 and Family Safety Act.

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

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

19           ~~(a)~~ (b) Child abuse or neglect means knowingly,  
20 intentionally, or negligently causing or permitting a minor child  
21 to be:

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

1 (ii) Cruelly confined or cruelly punished;

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

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

6 (v) Sexually abused; or

7 (vi) Sexually exploited by allowing, encouraging, or  
8 forcing such person to solicit for or engage in prostitution,  
9 debauchery, public indecency, or obscene or pornographic  
10 photography, films, or depictions;

11 (c) Comprehensive assessment means an analysis of child  
12 safety, risk of future child abuse or neglect, and family strengths  
13 and needs on a report of child abuse or neglect. Comprehensive  
14 assessment does not include a determination as to whether the child  
15 abuse or neglect occurred but does determine the need for services  
16 and support to address the safety of children and the risk of  
17 future abuse or neglect;

18 ~~(b)~~ (d) Department means the Department of Health and  
19 Human Services;

20 (e) Investigation means fact gathering related to the  
21 current safety of a child and the risk of future child abuse or  
22 neglect that determines whether child abuse or neglect has occurred  
23 and whether child protective services are needed;

24 ~~(e)~~ (f) Law enforcement agency means the police  
25 department or town marshal in incorporated municipalities, the  
26 office of the sheriff in unincorporated areas, and the Nebraska  
27 State Patrol;

1           ~~(d)~~ (g) Out-of-home child abuse or neglect means child  
2 abuse or neglect occurring in day care homes, foster homes, day  
3 care centers, residential child-caring agencies as defined in  
4 section 71-1926, and other child care facilities or institutions;  
5 and

6           (h) Review, Evaluate, and Decide Team means an internal  
7 team of staff within the department and shall include no fewer  
8 than two supervisors or administrators and two staff members  
9 knowledgeable on the policies and practices of the department,  
10 including, but not limited to, the structured review process.  
11 County attorneys or law enforcement may attend team reviews upon  
12 request;

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

17           ~~(e)~~ (j) Subject of the report of child abuse or neglect  
18 means the person or persons identified in the report as responsible  
19 for the child abuse or neglect.

20           Sec. 2. (1) The Legislature declares that the public  
21 policy of the State of Nebraska is to protect children whose  
22 health or welfare may be jeopardized by abuse or neglect. The  
23 Legislature recognizes that most families want to keep their  
24 children safe, but circumstances or conditions sometimes interfere  
25 with their ability to do so. Families and children are best  
26 served by interventions that engage their protective capacities and  
27 address immediate safety concerns and ongoing risks of child abuse

1 or neglect. In furtherance of this public policy and the family  
2 policy and principles set forth in sections 43-532 and 43-533,  
3 it is the intent of the Legislature to strengthen the family  
4 and make the home, school, and community safe for children by  
5 promoting responsible child care in all settings and to provide,  
6 when necessary, a safe temporary or permanent home environment for  
7 abused or neglected children.

8 (2) In addition, it is the policy of this state  
9 to: Require the reporting of child abuse or neglect in home,  
10 school, and community settings; provide for alternative response to  
11 reports as permitted by rules and regulations of the department;  
12 provide for traditional response to reports as required by rules  
13 and regulations of the department; and provide protective and  
14 supportive services designed to preserve and strengthen the family  
15 in appropriate cases.

16 Sec. 3. (1) The department, in consultation with the  
17 Nebraska Children's Commission, shall develop an alternative  
18 response implementation plan in accordance with sections 2 to 4  
19 of this act. When the alternative response implementation plan  
20 has been developed, the department may begin using alternative  
21 response in up to five alternative response demonstration project  
22 locations that are designated by the department. The department  
23 shall provide a report of an evaluation on the status of  
24 alternative response implementation pursuant to subsection (2) of  
25 this section to the Legislature and the commission by November  
26 15, 2015. The commission shall provide feedback on the report to  
27 the department before December 15, 2015. The department may begin

1 using alternative response in up to five additional alternative  
2 response demonstration project locations on or after January 1,  
3 2016. The department shall provide a report of another evaluation  
4 done pursuant to subsection (2) of this section to the commission  
5 and electronically to the Legislature by November 15, 2016. The  
6 department may continue using alternative response until July  
7 1, 2017. Continued use of alternative response thereafter shall  
8 require approval of the Legislature. For purposes of this section,  
9 demonstration project location means any geographic region,  
10 including, but not limited to, a city, a township, a village, a  
11 county, a group of counties, or a group of counties and cities,  
12 townships, or villages.

13 (2) The department shall contract with an independent  
14 entity to evaluate the alternative response demonstration projects.  
15 The evaluation shall include, but is not limited to:

16 (a) The number and proportion of repeat child abuse and  
17 neglect allegations within a specified period of time following  
18 initial intake;

19 (b) The number and proportion of substantiated child  
20 abuse and neglect allegations within a specified period of time  
21 following initial intake;

22 (c) The number and proportion of families with any  
23 child entering out-of-home care within a specified period of time  
24 following initial intake;

25 (d) Changes in child and family well-being in the domains  
26 of behavioral and emotional functioning and physical health and  
27 development as measured by a standardized assessment instrument to

1 be selected by the department;

2 (e) The number and proportion of families assigned to  
3 the alternative response track who are reassigned to a traditional  
4 response; and

5 (f) A cost analysis that will examine, at a minimum, the  
6 costs of the key elements of services received.

7 (3) The department shall provide to the Nebraska  
8 Children's Commission regular updates on:

9 (a) The alternative response implementation plan,  
10 including the development of the alternative response interview  
11 protocols of children;

12 (b) The status of alternative response implementation;

13 (c) Inclusion of child welfare stakeholders, service  
14 providers, and other community partners, including families,  
15 for feedback and recommendations on the alternative response  
16 implementation plan;

17 (d) Any findings or recommendations made by the  
18 independent evaluator, including costs;

19 (e) Any alternative response programmatic modifications;  
20 and

21 (f) The status of the adoption and promulgation of rules  
22 and regulations.

23 (4) The department shall adopt and promulgate rules  
24 and regulations to carry out the provisions of this legislative  
25 bill. Such rules and regulations shall include, but not be  
26 limited to, provisions on the transfer of cases from alternative  
27 response to traditional response; the rights of families served

1 through alternative response; the provision of services through  
2 alternative response; the collection, sharing, and reporting  
3 of data; and the alternative response ineligibility criteria.  
4 Whenever the department proposes to change the alternative response  
5 ineligibility criteria, public notice of the changes shall be  
6 given. Public notice and time for public comment shall be provided  
7 by the department publishing the proposed changes on its web site  
8 at least sixty days prior to the public hearing on such regulation  
9 changes. The department shall provide a copy of the proposed rules  
10 and regulations to the Nebraska Children's Commission no later than  
11 October 1, 2014.

12           Sec. 4. (1) This section applies to alternative response  
13 demonstration projects designated under section 3 of this act.

14           (2) The Review, Evaluate, and Decide Team shall convene  
15 to review intakes that are not immediately assigned to traditional  
16 response based on the criteria, provide critical analysis of the  
17 information, and determine assignment for alternative response or  
18 traditional response. The team shall utilize consistent criteria  
19 to review the severity of the allegation of abuse or neglect,  
20 access to the perpetrator, vulnerability of the child, family  
21 history including previous reports, parental cooperation, parental  
22 or caretaker protective factors, and other information as deemed  
23 necessary. At the conclusion of the review, the intake shall be  
24 assigned to either traditional response or alternative response.  
25 Decisions shall be made by consensus. If the team cannot come to  
26 consensus the intake will be assigned for a traditional response.

27           (3) In the case of an alternative response, the

1 department shall complete a comprehensive assessment. The  
2 department shall transfer the case being given alternative response  
3 to traditional response if the department determines that a  
4 child is unsafe. Upon completion of the comprehensive assessment,  
5 if it is determined that the child is safe, participation in  
6 services offered to the family receiving an alternative response  
7 is voluntary and the case shall not be transferred to traditional  
8 response based upon the family's failure to enroll or participate  
9 in such services.

10 (4) The department shall, by the next working day after  
11 receipt of a report of child abuse and neglect, enter into the  
12 tracking system of child protection cases maintained pursuant to  
13 section 28-715 all reports of child abuse or neglect received  
14 under this section that are opened for alternative response and any  
15 action taken.

16 (5) The department shall, upon request, make available to  
17 the appropriate investigating law enforcement agency and the county  
18 attorney a copy of all reports relative to a case of suspected  
19 child abuse or neglect. Aggregate, non-identifying reports of child  
20 abuse or neglect receiving an alternative response shall be made  
21 available quarterly to requesting agencies outside the department.  
22 Such alternative response data shall include, but not be limited  
23 to, the nature of the initial child abuse or neglect report,  
24 the nature of services offered, the location of the cases, the  
25 number of cases per month, and the number of alternative response  
26 cases that were transferred to traditional response. No other  
27 agency or individual except the Office of the Inspector General



1 of Nebraska Child Welfare, law enforcement, and county attorneys  
2 shall be provided specific, identifying reports of child abuse  
3 or neglect being given alternative response. The Office of the  
4 Inspector General of Nebraska Child Welfare shall have access to  
5 all reports relative to cases of suspected child abuse or neglect  
6 subject to traditional response and those subject to alternative  
7 response. The department and the office shall develop procedures  
8 allowing for the Inspector General's review of cases subject to  
9 alternative response. The Inspector General shall include in the  
10 report pursuant to section 43-4331 a summary of all cases reviewed  
11 pursuant to this subsection.

12           Sec. 5. Section 28-713, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           28-713 ~~Upon~~ Unless an intake is assigned to alternative  
15 response, upon the receipt of a call reporting child abuse and  
16 neglect as required by section 28-711:

17           (1) It is the duty of the law enforcement agency to  
18 investigate the report, to take immediate steps to protect the  
19 child, and to institute legal proceedings if appropriate. In  
20 situations of alleged out-of-home child abuse or neglect if the  
21 person or persons to be notified have not already been notified and  
22 the person to be notified is not the subject of the report of child  
23 abuse or neglect, the law enforcement agency shall immediately  
24 notify the person or persons having custody of each child who has  
25 allegedly been abused or neglected that such report of alleged  
26 child abuse or neglect has been made and shall provide such person  
27 or persons with information of the nature of the alleged child

1 abuse or neglect. The law enforcement agency may request assistance  
2 from the department during the investigation and shall, by the  
3 next working day, notify either the hotline or the department of  
4 receipt of the report, including whether or not an investigation  
5 is being undertaken by the law enforcement agency. A copy of all  
6 reports, whether or not an investigation is being undertaken, shall  
7 be provided to the department;

8 (2) In situations of alleged out-of-home child abuse or  
9 neglect if the person or persons to be notified have not already  
10 been notified and the person to be notified is not the subject  
11 of the report of child abuse or neglect, the department shall  
12 immediately notify the person or persons having custody of each  
13 child who has allegedly been abused or neglected that such report  
14 of alleged child abuse or neglect has been made and shall provide  
15 such person or persons with information of the nature of the  
16 alleged child abuse or neglect and any other information that the  
17 department deems necessary. The department shall investigate for  
18 the purpose of assessing each report of child abuse or neglect to  
19 determine the risk of harm to the child involved. The department  
20 shall also provide such social services as are necessary and  
21 appropriate under the circumstances to protect and assist the child  
22 and to preserve the family;

23 (3) The department may make a request for further  
24 assistance from the appropriate law enforcement agency or take  
25 such legal action as may be appropriate under the circumstances;

26 (4) The department shall, by the next working day after  
27 receiving a report of child abuse or neglect under subdivision

1 (1) of this section, make a written report or a summary on forms  
2 provided by the department to the proper law enforcement agency in  
3 the county and enter in the tracking system of child protection  
4 cases maintained pursuant to section 28-715 all reports of child  
5 abuse or neglect opened for investigation and any action taken; and

6 (5) The department shall, upon request, make available to  
7 the appropriate investigating law enforcement agency and the county  
8 attorney a copy of all reports relative to a case of suspected  
9 child abuse or neglect.

10 Sec. 6. Section 28-713.01, Revised Statutes Cumulative  
11 Supplement, 2012, is amended to read:

12 28-713.01 (1) Upon completion of the investigation  
13 pursuant to section 28-713:

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

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

26 (2) If the subject of the report will be entered into the  
27 central ~~register~~, registry, the notice to the subject shall be sent

1 by certified mail with return receipt requested or first-class mail  
2 to the last-known address of the subject of the report of child  
3 abuse or neglect and shall include:

4 (a) The nature of the report;

5 (b) The classification of the report under section  
6 28-720; and

7 (c) Notification of the right of the subject of the  
8 report of child abuse or neglect to request the department to amend  
9 or expunge identifying information from the report or to remove  
10 the substantiated report from the central ~~register~~ registry in  
11 accordance with section 28-723.

12 (3) If the subject of the report will not be entered into  
13 the central ~~register~~, registry, the notice to the subject shall be  
14 sent by first-class mail and shall include:

15 (a) The nature of the report; and

16 (b) The classification of the report under section  
17 28-720.

18 Sec. 7. Section 28-718, Revised Statutes Cumulative  
19 Supplement, 2012, is amended to read:

20 28-718 (1) There shall be a central ~~register~~ registry  
21 of child protection cases maintained in the department containing  
22 records of all reports of child abuse or neglect opened for  
23 investigation as provided in section 28-713 and classified as  
24 either court substantiated or agency substantiated as provided in  
25 section 28-720. The department may change records classified as  
26 inconclusive prior to August 30, 2009, to agency substantiated. ~~The~~  
27 ~~department shall give public notice of the changes made to this~~

1 ~~section and subsection (3) of section 28-720 by Laws 2009, LB 122,~~  
2 ~~within thirty days after August 30, 2009, by having such notice~~  
3 ~~published in a newspaper or newspapers of general circulation~~  
4 ~~within the state.~~

5 (2) The department shall determine whether a name-change  
6 order received from the clerk of a district court pursuant to  
7 section 25-21,271 is for a person on the central ~~register~~ registry  
8 of child protection cases and, if so, shall include the changed  
9 name with the former name in the ~~register~~ registry and file or  
10 cross-reference the information under both names.

11 Sec. 8. Section 28-719, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 28-719 Upon complying with identification requirements  
14 established by regulation of the department, or when ordered by  
15 a court of competent jurisdiction, any person legally authorized  
16 by section 28-722, 28-726, or 28-727 to have access to records  
17 relating to child abuse and neglect may request and shall be  
18 immediately provided the information requested in accordance with  
19 the ~~requirement~~ requirements of the Child Protection and Family  
20 Safety Act. Such information shall not include the name and  
21 address of the person making the report of child abuse or neglect.  
22 The names and other identifying data and the dates and the  
23 circumstances of any persons requesting or receiving information  
24 from the central ~~register~~ registry of child protection cases  
25 maintained pursuant to section 28-718 shall be entered in ~~such~~  
26 ~~register~~ the central registry record.

27 Sec. 9. Section 28-720, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2           28-720 All cases entered into the central ~~register~~  
3 registry of child protection cases maintained pursuant to section  
4 28-718 shall be classified as one of the following:

5           (1) Court substantiated, if a court of competent  
6 jurisdiction has entered a judgment of guilty against the subject  
7 of the report of child abuse or neglect upon a criminal complaint,  
8 indictment, or information or there has been an adjudication of  
9 jurisdiction of a juvenile court over the child under subdivision  
10 (3)(a) of section 43-247 which relates or pertains to the report  
11 of child abuse or neglect;

12           (2) Court pending, if a criminal complaint, indictment,  
13 or information or a juvenile petition under subdivision (3)(a) of  
14 section 43-247, which relates or pertains to the subject of the  
15 report of abuse or neglect, has been filed and is pending in a  
16 court of competent jurisdiction; or

17           (3) Agency substantiated, if the department's  
18 determination of child abuse or neglect against the subject  
19 of the report of child abuse or neglect was supported by a  
20 preponderance of the evidence and based upon an investigation  
21 pursuant to section 28-713 or section 4 of this act.

22           Sec. 10. Section 28-720.01, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           28-720.01 All reports of child abuse or neglect which are  
25 not under subdivision (1), (2), or (3) of section 28-720 shall be  
26 considered unfounded and shall be maintained only in the tracking  
27 system of child protection cases pursuant to section 28-715 and

1 not in the central ~~register~~ registry of child protection cases  
2 maintained pursuant to section 28-718.

3 Sec. 11. Section 28-721, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 28-721 At any time, the department may amend, expunge, or  
6 remove from the central ~~register~~ registry of child protection cases  
7 maintained pursuant to section 28-718 any record upon good cause  
8 shown and upon notice to the subject of the report of child abuse  
9 or neglect.

10 Sec. 12. Section 28-722, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 28-722 Upon request, a subject of the report of child  
13 abuse or neglect or, if such subject is a minor or otherwise  
14 legally incompetent, the guardian or guardian ad litem of the  
15 subject, shall be entitled to receive a copy of all information  
16 contained in the central ~~register~~ registry of child protection  
17 cases maintained pursuant to section 28-718 pertaining to his or  
18 her case. The department shall not release data that would be  
19 harmful or detrimental or that would identify or locate a person  
20 who, in good faith, made a report of child abuse or neglect or  
21 cooperated in a subsequent investigation unless ordered to do so by  
22 a court of competent jurisdiction.

23 Sec. 13. Section 28-723, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 28-723 At any time subsequent to the completion of the  
26 department's investigation, the subject of the report of child  
27 abuse or neglect may request the department to amend, expunge

1 identifying information from, or remove the record of the report  
2 from the central ~~register~~ registry of child protection cases  
3 maintained pursuant to section 28-718. If the department refuses to  
4 do so or does not act within thirty days, the subject of the report  
5 of child abuse or neglect shall have the right to a fair hearing  
6 within the department to determine whether the record of the report  
7 of child abuse or neglect should be amended, expunged, or removed  
8 on the grounds that it is inaccurate or that it is being maintained  
9 in a manner inconsistent with the Child Protection and Family  
10 Safety Act. Such fair hearing shall be held within a reasonable  
11 time after the subject's request and at a reasonable place and  
12 hour. In such hearings, the burden of proving the accuracy and  
13 consistency of the record shall be on the department. A juvenile  
14 court finding of child abuse or child neglect shall be presumptive  
15 evidence that the report was not unfounded. The hearing shall be  
16 conducted by the head chief executive officer of the department or  
17 his or her designated agent, who is hereby authorized and empowered  
18 to order the amendment, expunction, or removal of the record to  
19 make it accurate or consistent with the requirements of the act.  
20 The decision shall be made in writing, at the close of the hearing,  
21 or within thirty days thereof, and shall state the reasons upon  
22 which it is based. Decisions of the department may be appealed  
23 under ~~the provisions of~~ the Administrative Procedure Act.

24 Sec. 14. Section 28-724, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 28-724 Written notice of any amendment, expunction, or  
27 removal of any record in the central ~~register~~ registry of child



1 protection cases maintained pursuant to section 28-718 shall be  
2 served upon the subject of the report of child abuse or neglect.  
3 The department shall inform any other individuals or agencies which  
4 received such record of any amendment, expunction, or removal of  
5 such record.

6 Sec. 15. Section 28-725, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 28-725 All information of the department concerning  
9 reports of child abuse or neglect of noninstitutional children,  
10 including information in the tracking system of child protection  
11 cases maintained pursuant to section 28-715 or records in the  
12 central ~~register~~ registry of child protection cases maintained  
13 pursuant to section 28-718, and all information of the department  
14 generated as a result of such reports or records, shall be  
15 confidential and shall not be disclosed except as specifically  
16 authorized by the Child Protection and Family Safety Act and  
17 section 81-3126 or other applicable law. The subject of the  
18 report of child abuse or neglect may authorize any individual  
19 or organization to receive the following information from the  
20 central ~~register~~ registry of child protection cases maintained  
21 pursuant to section 28-718 which relates or pertains to him or  
22 her: (1) The date of the alleged child abuse or neglect; and  
23 (2) the classification of the case pursuant to section 28-720.  
24 Permitting, assisting, or encouraging the unauthorized release of  
25 any information contained in such reports or records shall be a  
26 Class V misdemeanor.

27 Sec. 16. Section 28-726, Revised Statutes Supplement,

1 2013, is amended to read:

2           28-726 Except as provided in this section and sections  
3 28-722 and 81-3126, no person, official, or agency shall have  
4 access to information in the tracking system of child protection  
5 cases maintained pursuant to section 28-715 or in records in the  
6 central ~~register~~ registry of child protection cases maintained  
7 pursuant to section 28-718 unless in furtherance of purposes  
8 directly connected with the administration of the Child Protection  
9 and Family Safety Act. Such persons, officials, and agencies having  
10 access to such information shall include, but not be limited to:

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

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

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

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

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

26           (6) The Foster Care Review Office and the designated  
27 local foster care review board when the information relates to a

1 child in a foster care placement as defined in section 43-1301.  
2 The information provided to the office and local board shall not  
3 include the name or identity of any person making a report of  
4 suspected child abuse or neglect;

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

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

16 (9) For purposes of licensing providers of child care  
17 programs, the Department of Health and Human Services; and

18 (10) A probation officer administering juvenile  
19 intake services pursuant to section 29-2260.01, conducting  
20 court-ordered predispositional investigations prior to disposition,  
21 or supervising a juvenile upon disposition.

22 Sec. 17. Section 28-728, Revised Statutes Cumulative  
23 Supplement, 2012, is amended to read:

24 28-728 (1) The Legislature finds that child abuse and  
25 neglect are community problems requiring a coordinated response  
26 by law enforcement, child advocacy centers, prosecutors, the  
27 Department of Health and Human Services, and other agencies or

1 entities designed to protect children. It is the intent of the  
2 Legislature to create a child abuse and neglect investigation team  
3 in each county or contiguous group of counties and to create a  
4 child abuse and neglect treatment team in each county or contiguous  
5 group of counties.

6 (2) Each county or contiguous group of counties will  
7 be assigned by the Department of Health and Human Services to  
8 a child advocacy center. The purpose of a child advocacy center  
9 is to provide a child-focused location for conducting forensic  
10 interviews and medical evaluations for alleged child victims of  
11 abuse and neglect and for coordinating a multidisciplinary team  
12 response that supports the physical, emotional, and psychological  
13 needs of children who are alleged victims of abuse or neglect. Each  
14 child advocacy center shall meet accreditation criteria set forth  
15 by the National Children's Alliance. Nothing in this section shall  
16 prevent a child from receiving treatment or other services at a  
17 child advocacy center which has received or is in the process of  
18 receiving accreditation.

19 (3) Each county attorney or the county attorney  
20 representing a contiguous group of counties is responsible  
21 for convening the child abuse and neglect investigation team  
22 and ensuring that protocols are established and implemented.  
23 A representative of the child advocacy center assigned to the  
24 team shall assist the county attorney in facilitating case  
25 review, developing and updating protocols, and arranging training  
26 opportunities for the team. Each team must have protocols which, at  
27 a minimum, shall include procedures for:

1           (a) Mandatory reporting of child abuse and neglect as  
2 outlined in section 28-711 to include training to professionals on  
3 identification and reporting of abuse;

4           (b) Assigning roles and responsibilities between law  
5 enforcement and the Department of Health and Human Services for the  
6 initial response;

7           (c) Outlining how reports will be shared between law  
8 enforcement and the Department of Health and Human Services under  
9 section 28-713 and section 4 of this act;

10           (d) Coordinating the investigative response including,  
11 but not limited to:

12           (i) Defining cases that require a priority response;

13           (ii) Contacting the reporting party;

14           (iii) Arranging for a video-recorded forensic interview  
15 at a child advocacy center for children who are three to eighteen  
16 years of age and are alleged to be victims of sexual abuse or  
17 serious physical abuse or neglect, have witnessed a violent crime,  
18 are found in a drug-endangered environment, or have been recovered  
19 from a kidnapping;

20           (iv) Assessing the need for and arranging, when  
21 indicated, a medical evaluation of the alleged child victim;

22           (v) Assessing the need for and arranging, when indicated,  
23 appropriate mental health services for the alleged child victim or  
24 nonoffender caregiver;

25           (vi) Conducting collateral interviews with other persons  
26 with information pertinent to the investigation including other  
27 potential victims;

1           (vii) Collecting, processing, and preserving physical  
2 evidence including photographing the crime scene as well as any  
3 physical injuries as a result of the alleged child abuse and  
4 neglect; and

5           (viii) Interviewing the alleged perpetrator;

6           (e) Reducing the risk of harm to alleged child abuse and  
7 neglect victims;

8           (f) Ensuring that the child is in safe surroundings,  
9 including removing the perpetrator when necessary or arranging  
10 for temporary custody of the child when the child is seriously  
11 endangered in his or her surroundings and immediate removal appears  
12 to be necessary for the child's protection as provided in section  
13 43-248;

14           (g) Sharing of case information between team members; and

15           (h) Outlining what cases will be reviewed by the  
16 investigation team including, but not limited to:

17           (i) Cases of sexual abuse, serious physical abuse and  
18 neglect, drug-endangered children, and serious or ongoing domestic  
19 violence;

20           (ii) Cases determined by the Department of Health  
21 and Human Services to be high or very high risk for further  
22 maltreatment; and

23           (iii) Any other case referred by a member of the team  
24 when a system-response issue has been identified.

25           (4) Each county attorney or the county attorney  
26 representing a contiguous group of counties is responsible for  
27 convening the child abuse and neglect treatment team and ensuring

1 that protocols are established and implemented. A representative  
2 of the child advocacy center appointed to the team shall assist  
3 the county attorney in facilitating case review, developing and  
4 updating protocols, and arranging training opportunities for the  
5 team. Each team must have protocols which, at a minimum, shall  
6 include procedures for:

7 (a) Case coordination and assistance, including the  
8 location of services available within the area;

9 (b) Case staffings and the coordination, development,  
10 implementation, and monitoring of treatment or safety plans  
11 particularly in those cases in which ongoing services are provided  
12 by the Department of Health and Human Services or a contracted  
13 agency but the juvenile court is not involved;

14 (c) Reducing the risk of harm to child abuse and neglect  
15 victims;

16 (d) Assisting those child abuse and neglect victims who  
17 are abused and neglected by perpetrators who do not reside in their  
18 homes; and

19 (e) Working with multiproblem status offenders and  
20 delinquent youth.

21 (5) For purposes of this section, forensic interview  
22 means a video-recorded interview of an alleged child victim  
23 conducted at a child advocacy center by a professional with  
24 specialized training designed to elicit details about alleged  
25 incidents of abuse or neglect, and such interview may result in  
26 intervention in criminal or juvenile court.

27 Sec. 18. Section 28-801, Revised Statutes Supplement,

1 2013, is amended to read:

2           28-801 (1) Except as provided in subsection (5) of this  
3 section, any person who performs, offers, or agrees to perform  
4 any act of sexual contact or sexual penetration, as those terms  
5 are defined in section 28-318, with any person not his or her  
6 spouse, in exchange for money or other thing of value, commits  
7 prostitution.

8           (2) Any person convicted of violating subsection (1) of  
9 this section shall be punished as follows:

10           (a) If such person has had no prior convictions or has  
11 had one prior conviction, such person shall be guilty of a Class  
12 II misdemeanor. If the court places such person on probation, such  
13 order of probation shall include, as one of its conditions, that  
14 such person shall satisfactorily attend and complete an appropriate  
15 mental health and substance abuse assessment conducted by a  
16 licensed mental health professional or substance abuse professional  
17 authorized to complete such assessment; and

18           (b) If such person has had two or more prior convictions,  
19 such person shall be guilty of a Class I misdemeanor. If the  
20 court places such person on probation, such order of probation  
21 shall include, as one of its conditions, that such person shall  
22 satisfactorily attend and complete an appropriate mental health and  
23 substance abuse assessment conducted by a licensed mental health  
24 professional or substance abuse professional authorized to complete  
25 such assessment.

26           (3) It is an affirmative defense to prosecution under  
27 this section that such person was a trafficking victim as defined



1 in section 28-830.

2 (4) For purposes of this section, prior conviction means  
3 any conviction on or after July 14, 2006, for violation of  
4 subsection (1) of this section or any conviction on or after July  
5 14, 2006, for violation of a city or village ordinance relating to  
6 prostitution.

7 (5) If the law enforcement officer determines, after  
8 a reasonable detention for investigative purposes, that a person  
9 suspected of or charged with a violation of subsection (1) of this  
10 section is a person under eighteen years of age, such person shall  
11 be immune from prosecution for a prostitution offense under this  
12 section and shall be subject to temporary custody under section  
13 43-248 and further disposition under the Nebraska Juvenile Code.  
14 A law enforcement officer who takes a person under eighteen years  
15 of age into custody under this section shall immediately report  
16 an allegation of a violation of section 28-831 to the Department  
17 of Health and Human Services which shall commence an investigation  
18 within twenty-four hours under the Child Protection and Family  
19 Safety Act.

20 Sec. 19. Section 43-107, Revised Statutes Cumulative  
21 Supplement, 2012, is amended to read:

22 43-107 (1)(a) For adoption placements occurring or in  
23 effect prior to January 1, 1994, upon the filing of a petition  
24 for adoption, the county judge shall, except in the adoption of  
25 children by stepparents when the requirement of an investigation is  
26 discretionary, request the Department of Health and Human Services  
27 or any child placement agency licensed by the department to examine

1 the allegations set forth in the petition and to ascertain any  
2 other facts relating to such minor child and the person or persons  
3 petitioning to adopt such child as may be relevant to the propriety  
4 of such adoption, except that the county judge shall not be  
5 required to request such an examination if the judge determines  
6 that information compiled in a previous examination or study is  
7 sufficiently current and comprehensive. Upon the request being  
8 made, the department or other licensed agency shall conduct an  
9 investigation and report its findings to the county judge in  
10 writing at least one week prior to the date set for hearing.

11 (b) (i) For adoption placements occurring on or after  
12 January 1, 1994, a preplacement adoptive home study shall be filed  
13 with the court prior to the hearing required in section 43-103,  
14 which study is completed by the Department of Health and Human  
15 Services or a licensed child placement agency within one year  
16 before the date on which the adoptee is placed with the petitioner  
17 or petitioners and indicates that the placement of a child for the  
18 purpose of adoption would be safe and appropriate.

19 (ii) An adoptive home study shall not be required when  
20 the petitioner is a stepparent of the adoptee unless required by  
21 the court, except that for petitions filed on or after January  
22 1, 1994, the judge shall order the petitioner or his or her  
23 attorney to request the Nebraska State Patrol to file a national  
24 criminal history record information check by submitting the request  
25 accompanied by two sets of fingerprint cards or an equivalent  
26 electronic submission and the appropriate fee to the Nebraska State  
27 Patrol for a Federal Bureau of Investigation background check and

1 to request the department to conduct and file a check of the  
2 central ~~register~~ registry created in section 28-718 for any history  
3 of the petitioner of behavior injurious to or which may endanger  
4 the health or morals of a child. An adoption decree shall not  
5 be issued until such records are on file with the court. The  
6 petitioner shall pay the cost of the national criminal history  
7 record information check and the check of the central ~~register~~  
8 registry.

9 (iii) The placement of a child for foster care made by or  
10 facilitated by the department or a licensed child placement agency  
11 in the home of a person who later petitions the court to adopt  
12 the child shall be exempt from the requirements of a preplacement  
13 adoptive home study. The petitioner or petitioners who meet such  
14 criteria shall have a postplacement adoptive home study completed  
15 by the department or a licensed child placement agency and filed  
16 with the court at least one week prior to the hearing for adoption.

17 (iv) A voluntary placement for purposes other than  
18 adoption made by a parent or guardian of a child without assistance  
19 from an attorney, physician, or other individual or agency which  
20 later results in a petition for the adoption of the child shall be  
21 exempt from the requirements of a preplacement adoptive home study.  
22 The petitioner or petitioners who meet such criteria shall have a  
23 postplacement adoptive home study completed by the department or a  
24 licensed child placement agency and filed with the court at least  
25 one week prior to the hearing for adoption.

26 (v) The adoption of an adult child as provided  
27 in subsection (2) of section 43-101 shall be exempt from

1 the requirements of an adoptive home study unless the court  
2 specifically orders otherwise. The court may order an adoptive home  
3 study, a background investigation, or both if the court determines  
4 that such would be in the best interests of the adoptive party or  
5 the person to be adopted.

6 (vi) Any adoptive home study required by this section  
7 shall be conducted by the department or a licensed child placement  
8 agency at the expense of the petitioner or petitioners unless such  
9 expenses are waived by the department or licensed child placement  
10 agency. The department or licensed agency shall determine the fee  
11 or rate for the adoptive home study.

12 (vii) The preplacement or postplacement adoptive home  
13 study shall be performed as prescribed in rules and regulations  
14 of the department and shall include at a minimum an examination  
15 into the facts relating to the petitioner or petitioners as may  
16 be relevant to the propriety of such adoption. Such rules and  
17 regulations shall require an adoptive home study to include a  
18 national criminal history record information check and a check of  
19 the central ~~register~~ registry created in section 28-718 for any  
20 history of the petitioner or petitioners of behavior injurious to  
21 or which may endanger the health or morals of a child.

22 (2) Upon the filing of a petition for adoption, the judge  
23 shall require that a complete medical history be provided on the  
24 child, except that in the adoption of a child by a stepparent  
25 the provision of a medical history shall be discretionary. On and  
26 after August 27, 2011, the complete medical history or histories  
27 required under this subsection shall include the race, ethnicity,

1 nationality, Indian tribe when applicable and in compliance with  
2 the Nebraska Indian Child Welfare Act, or other cultural history  
3 of both biological parents, if available. A medical history shall  
4 be provided, if available, on the biological mother and father and  
5 their biological families, including, but not limited to, siblings,  
6 parents, grandparents, aunts, and uncles, unless the child is  
7 foreign born or was abandoned. The medical history or histories  
8 shall be reported on a form provided by the department and filed  
9 along with the report of adoption as provided by section 71-626.  
10 If the medical history or histories do not accompany the report of  
11 adoption, the department shall inform the court and the State Court  
12 Administrator. The medical history or histories shall be made part  
13 of the court record. After the entry of a decree of adoption, the  
14 court shall retain a copy and forward the original medical history  
15 or histories to the department. This subsection shall only apply  
16 when the relinquishment or consent for an adoption is given on or  
17 after September 1, 1988.

18           (3) After the filing of a petition for adoption and  
19 before the entry of a decree of adoption for a child who is  
20 committed to the Department of Health and Human Services, the  
21 person or persons petitioning to adopt the child shall be given the  
22 opportunity to read the case file on the child maintained by the  
23 department or its duly authorized agent. The department shall not  
24 include in the case file to be read any information or documents  
25 that the department determines cannot be released based upon state  
26 statute, federal statute, federal rule, or federal regulation. The  
27 department shall provide a document for such person's or persons'

1 signatures verifying that he, she, or they have been given an  
2 opportunity to read the case file and are aware that he, she, or  
3 they can review the child's file at any time following finalization  
4 of the adoption upon making a written request to the department.  
5 The department shall file such document with the court prior to the  
6 entry of a decree of adoption in the case.

7           Sec. 20. Section 43-146.17, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           43-146.17 (1) Notwithstanding sections 43-119 to  
10 43-146.16 and except as otherwise provided in this section, an  
11 heir twenty-one years of age or older of an adopted person shall  
12 have access to all information on file at the Department of Health  
13 and Human Services related to such adopted person, including  
14 information contained in the original birth certificate of the  
15 adopted person, if: (a) (i) The adopted person is deceased, (ii)  
16 both biological parents of the adopted person are deceased or,  
17 if only one biological parent is known, such parent is deceased,  
18 and (iii) each spouse of the biological parent or parents of the  
19 adopted person, if any, is deceased, if such spouse is not a  
20 biological parent; or (b) at least one hundred years has passed  
21 since the birth of the adopted person.

22           (2) The following information relating to an adopted  
23 person shall not be released to the heir of such person under  
24 this section: (a) Tests conducted for the human immunodeficiency  
25 virus or acquired immunodeficiency syndrome; (b) the revocation  
26 of a license to practice medicine in the State of Nebraska;  
27 (c) child protective services reports or records; (d) adult

1 protective services reports or records; (e) information from  
2 the central ~~register~~ registry of child protection cases and the  
3 Adult Protective Services Central Registry; or (f) law enforcement  
4 investigative reports.

5 (3) The department shall provide a form that an heir  
6 of an adopted person may use to request information under this  
7 section. The department may charge a reasonable fee in an amount  
8 established by rules and regulations of the department to recover  
9 expenses incurred by the department in carrying out this section.  
10 Such fee may be waived if the requesting party shows that the  
11 fee would work an undue financial hardship on the party. When any  
12 information is provided to an heir of an adopted person under this  
13 section, the disclosure of such information shall be recorded in  
14 the records of the adopted person, including the nature of the  
15 information disclosed, to whom the information was disclosed, and  
16 the date of the disclosure.

17 (4) For purposes of this section, an heir of an adopted  
18 person means a direct biological descendent of such adopted person.

19 (5) The department may adopt and promulgate rules and  
20 regulations to carry out this section.

21 Sec. 21. Section 43-2932, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 43-2932 (1) When the court is required to develop a  
24 parenting plan:

25 (a) If a preponderance of the evidence demonstrates, the  
26 court shall determine whether a parent who would otherwise be  
27 allocated custody, parenting time, visitation, or other access to

1 the child under a parenting plan:

2 (i) Has committed child abuse or neglect;

3 (ii) Has committed child abandonment under section  
4 28-705;

5 (iii) Has committed domestic intimate partner abuse; or

6 (iv) Has interfered persistently with the other parent's  
7 access to the child, except in the case of actions taken for the  
8 purpose of protecting the safety of the child or the interfering  
9 parent or another family member, pending adjudication of the facts  
10 underlying that belief; and

11 (b) If a parent is found to have engaged in any activity  
12 specified by subdivision (1)(a) of this section, limits shall be  
13 imposed that are reasonably calculated to protect the child or  
14 child's parent from harm. The limitations may include, but are not  
15 limited to:

16 (i) An adjustment of the custody of the child, including  
17 the allocation of sole legal custody or physical custody to one  
18 parent;

19 (ii) Supervision of the parenting time, visitation, or  
20 other access between a parent and the child;

21 (iii) Exchange of the child between parents through an  
22 intermediary or in a protected setting;

23 (iv) Restraints on the parent from communication with or  
24 proximity to the other parent or the child;

25 (v) A requirement that the parent abstain from possession  
26 or consumption of alcohol or nonprescribed drugs while exercising  
27 custodial responsibility and in a prescribed period immediately



1 preceding such exercise;

2 (vi) Denial of overnight physical custodial parenting  
3 time;

4 (vii) Restrictions on the presence of specific persons  
5 while the parent is with the child;

6 (viii) A requirement that the parent post a bond to  
7 secure return of the child following a period in which the parent  
8 is exercising physical custodial parenting time or to secure other  
9 performance required by the court; or

10 (ix) Any other constraints or conditions deemed necessary  
11 to provide for the safety of the child, a child's parent, or any  
12 person whose safety immediately affects the child's welfare.

13 (2) A court determination under this section shall not  
14 be considered a report for purposes of inclusion in the central  
15 ~~register~~ registry of child protection cases pursuant to the Child  
16 Protection and Family Safety Act.

17 (3) If a parent is found to have engaged in any activity  
18 specified in subsection (1) of this section, the court shall not  
19 order legal or physical custody to be given to that parent without  
20 making special written findings that the child and other parent  
21 can be adequately protected from harm by such limits as it may  
22 impose under such subsection. The parent found to have engaged in  
23 the behavior specified in subsection (1) of this section has the  
24 burden of proving that legal or physical custody, parenting time,  
25 visitation, or other access to that parent will not endanger the  
26 child or the other parent.

27 Sec. 22. Section 43-3709, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           43-3709 (1) The minimum qualifications for any  
3 prospective court appointed special advocate volunteer are that he  
4 or she shall:

5           (a) Be at least twenty-one years of age or older and have  
6 demonstrated an interest in children and their welfare;

7           (b) Be willing to commit to the court for a minimum of  
8 one year of service to a child;

9           (c) Complete an application, including providing  
10 background information required pursuant to subsection (2) of this  
11 section;

12           (d) Participate in a screening interview; and

13           (e) Participate in the training required pursuant to  
14 section 43-3708.

15           (2) As required background screening, the program  
16 director shall obtain the following information regarding a  
17 volunteer applicant:

18           (a) A check of the applicant's criminal history record  
19 information maintained by the Identification Division of the  
20 Federal Bureau of Investigation through the Nebraska State Patrol;

21           (b) A check of his or her record with the central  
22 ~~register~~ registry of child protection cases maintained under  
23 section 28-718;

24           (c) A check of his or her driving record; and

25           (d) At least three references who will attest to the  
26 applicant's character, judgment, and suitability for the position  
27 of a court appointed special advocate volunteer.

1           (3) If the applicant has lived in Nebraska for less  
2 than twelve months, the program director shall obtain the records  
3 required in subdivisions (2) (a) through (2) (c) of this section from  
4 all other jurisdictions in which the applicant has lived during the  
5 preceding year.

6           Sec. 23. Section 43-4318, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8           43-4318 (1) The office shall investigate:

9           (a) Allegations or incidents of possible misconduct,  
10 misfeasance, malfeasance, or violations of statutes or of rules  
11 or regulations of the department by an employee of or person  
12 under contract with the department, a private agency, a licensed  
13 child care facility, a foster parent, or any other provider of  
14 child welfare services or which may provide a basis for discipline  
15 pursuant to the Uniform Credentialing Act; and

16           (b) Death or serious injury in foster homes, private  
17 agencies, child care facilities, and other programs and facilities  
18 licensed by or under contract with the department and death or  
19 serious injury in any case in which services are provided by the  
20 department to a child or his or her parents or any case involving  
21 an investigation under the Child Protection and Family Safety Act,  
22 which case has been open for one year or less. The department shall  
23 report all cases of death or serious injury of a child in a foster  
24 home, private agency, child care facility or program, or other  
25 program or facility licensed by the department to the Inspector  
26 General as soon as reasonably possible after the department learns  
27 of such death or serious injury. For purposes of this subdivision,

1 serious injury means an injury or illness caused by suspected  
2 abuse, neglect, or maltreatment which leaves a child in critical or  
3 serious condition.

4 (2) Any investigation conducted by the Inspector General  
5 shall be independent of and separate from an investigation pursuant  
6 to the Child Protection and Family Safety Act. The Inspector  
7 General and his or her staff are subject to the reporting  
8 requirements of the Child Protection and Family Safety Act.

9 (3) Notwithstanding the fact that a criminal  
10 investigation, a criminal prosecution, or both are in progress, all  
11 law enforcement agencies and prosecuting attorneys shall cooperate  
12 with any investigation conducted by the Inspector General and  
13 shall, immediately upon request by the Inspector General, provide  
14 the Inspector General with copies of all law enforcement reports  
15 which are relevant to the Inspector General's investigation. All  
16 law enforcement reports which have been provided to the Inspector  
17 General pursuant to this section are not public records for  
18 purposes of sections 84-712 to 84-712.09 and shall not be subject  
19 to discovery by any other person or entity. Except to the extent  
20 that disclosure of information is otherwise provided for in the  
21 Office of Inspector General of Nebraska Child Welfare Act, the  
22 Inspector General shall maintain the confidentiality of all law  
23 enforcement reports received pursuant to its request under this  
24 section. Law enforcement agencies and prosecuting attorneys shall,  
25 when requested by the Inspector General, collaborate with the  
26 Inspector General regarding all other information relevant to the  
27 Inspector General's investigation. If the Inspector General in

1 conjunction with the Public Counsel determines it appropriate, the  
2 Inspector General may, when requested to do so by a law enforcement  
3 agency or prosecuting attorney, suspend an investigation by the  
4 office until a criminal investigation or prosecution is completed  
5 or has proceeded to a point that, in the judgment of the Inspector  
6 General, reinstatement of the Inspector General's investigation  
7 will not impede or infringe upon the criminal investigation or  
8 prosecution. Under no circumstance shall the Inspector General  
9 interview any minor who has already been interviewed by a law  
10 enforcement agency, personnel of the Division of Children and  
11 Family Services of the department, or staff of a child advocacy  
12 center in connection with a relevant ongoing investigation of a law  
13 enforcement agency.

14           Sec. 24. Section 43-4331, Revised Statutes Supplement,  
15 2013, is amended to read:

16           43-4331 On or before September 15 of each year,  
17 the Inspector General shall provide to the Health and Human  
18 Services Committee of the Legislature and the Governor a  
19 summary of reports and investigations made under the Office of  
20 Inspector General of Nebraska Child Welfare Act for the preceding  
21 year. The summary provided to the committee shall be provided  
22 electronically. The summaries shall detail recommendations and the  
23 status of implementation of recommendations and may also include  
24 recommendations to the committee regarding issues discovered  
25 through investigation, audits, inspections, and reviews by the  
26 office that will increase accountability and legislative oversight  
27 of the Nebraska child welfare system, improve operations of the

1 department and the Nebraska child welfare system, or deter and  
2 identify fraud, abuse, and illegal acts. Such summary shall include  
3 summaries of alternative response cases under alternative response  
4 demonstration projects implemented in accordance with sections 2  
5 to 4 of this act reviewed by the Inspector General. The summaries  
6 shall not contain any confidential or identifying information  
7 concerning the subjects of the reports and investigations.

8 Sec. 25. Section 71-6039.01, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 71-6039.01 No person shall act as a paid dining assistant  
11 in a nursing home unless such person:

12 (1) Is at least sixteen years of age;

13 (2) Is able to speak and understand the English language  
14 or a language understood by the nursing home resident being fed by  
15 such person;

16 (3) Has successfully completed at least eight hours  
17 of training as prescribed by the department for paid dining  
18 assistants;

19 (4) Has no adverse findings on the Nurse Aide Registry or  
20 the Adult Protective Services Central Registry; and

21 (5) Has no adverse findings on the central ~~register~~  
22 registry created in section 28-718 if the nursing home which  
23 employs such person as a paid dining assistant has at any one time  
24 more than one resident under the age of nineteen years.

25 Sec. 26. Section 71-6039.05, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 71-6039.05 Each nursing home shall maintain (1) a record

1 of all paid dining assistants employed by such facility, (2)  
2 verification of successful completion of a training course for each  
3 paid dining assistant, and (3) verification that the facility has  
4 made checks with the Nurse Aide Registry, the Adult Protective  
5 Services Central Registry, and the central ~~register~~ registry  
6 created in section 28-718, if applicable under section 71-6039.01,  
7 with respect to each paid dining assistant.

8           Sec. 27. Section 71-6502, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           71-6502 An in-home personal services worker:

11           (1) Shall be at least eighteen years of age;

12           (2) Shall have good moral character;

13           (3) Shall not have been convicted of a crime under the  
14 laws of Nebraska or another jurisdiction, the penalty for which is  
15 imprisonment for a period of more than one year and which crime is  
16 rationally related to the person's fitness or capacity to act as an  
17 in-home personal services worker;

18           (4) Shall have no adverse findings on the Adult  
19 Protective Services Central Registry, the central ~~register~~ registry  
20 created in section 28-718, the Medication Aide Registry, the Nurse  
21 Aide Registry, or the central registry maintained by the sex  
22 offender registration and community notification division of the  
23 Nebraska State Patrol pursuant to section 29-4004;

24           (5) Shall be able to speak and understand the English  
25 language or the language of the person for whom he or she is  
26 providing in-home personal services; and

27           (6) Shall have training sufficient to provide the

1 requisite level of in-home personal services offered.

2           Sec. 28. Section 81-3136, Revised Statutes Supplement,  
3 2013, is amended to read:

4           81-3136 (1) It is the intent of the Legislature that the  
5 alternative response to reports of child abuse or neglect model  
6 developed pursuant to subsection (2) of this section be implemented  
7 in designated sites under the Child Protection and Family Safety  
8 Act no earlier than July 2014.

9           (2) The Department of Health and Human Services shall  
10 convene interested stakeholders and families to develop a model for  
11 alternative response to reports of child abuse or neglect under the  
12 ~~Child Protection Act.~~ act. The model shall include:

13           (a) Methodology for determining the location of sites for  
14 initial implementation of alternative response;

15           (b) An estimate of the percentage of reports of child  
16 abuse or neglect eligible for alternative response;

17           (c) Eligibility criteria for alternative response;

18           (d) The process to determine eligibility for alternative  
19 response;

20           (e) The assessment protocol and tools to be used for  
21 alternative response;

22           (f) The role of child abuse and neglect investigative  
23 teams and child abuse and neglect treatment teams in implementation  
24 sites;

25           (g) How, with whom, and what alternative response data  
26 will be shared;

27           (h) The criteria and process for transition of families



1 from an alternative response to a traditional investigation;

2 (i) The criteria and process for families who refuse an  
3 alternative response;

4 (j) The plan to address the continuum of services needed  
5 for families receiving an alternative response;

6 (k) An overview of critical training elements for both  
7 staff who implement and stakeholders involved with alternative  
8 response implementation;

9 (l) A description of the evaluation component;

10 (m) The relationship of alternative response to Title  
11 IV-E waiver applications of the Department of Health and Human  
12 Services under the federal Social Security Act;

13 (n) A plan to communicate and update interested  
14 stakeholders and families with regard to the alternative response  
15 planning process;

16 (o) The identification of statutory and policy changes  
17 necessary to implement the alternative response model, including  
18 a procedure that provides that reports of child abuse and neglect  
19 which receive an alternative response shall not receive a formal  
20 determination and the subject of the report shall not be entered  
21 into the central ~~register~~ registry of child protection cases  
22 maintained pursuant to section 28-718;

23 (p) A budget for implementing and sustaining an  
24 alternative response model;

25 (q) The mechanisms of oversight and accountability in the  
26 alternative response model; and

27 (r) A determination of how alternative response service

1 providers will be selected.

2 (3) The Department of Health and Human Services shall  
3 provide the model developed under subsection (2) of this section  
4 in a report to the Nebraska Children's Commission by November  
5 1, 2013, for the commission's review. The Nebraska Children's  
6 Commission shall electronically submit the report and review to the  
7 Legislature by December 15, 2013.

8 Sec. 29. Original sections 28-713, 28-719, 28-720.01,  
9 28-721, 28-722, 28-723, 28-724, 28-725, 43-146.17, 43-2932,  
10 43-3709, 71-6039.01, 71-6039.05, and 71-6502, Reissue Revised  
11 Statutes of Nebraska, sections 28-713.01, 28-718, 28-720, 28-728,  
12 43-107, and 43-4318, Revised Statutes Cumulative Supplement, 2012,  
13 and sections 28-710, 28-726, 28-801, 43-4331, and 81-3136, Revised  
14 Statutes Supplement, 2013, are repealed.