

AMENDMENTS TO LB519

(Amendments to Standing Committee amendments, AM1460)

Introduced by Lathrop, 12.

1 1. Strike sections 4 and 7 and insert the following new section:

2 Sec. 4. Section 28-710, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited
5 as the Child Protection and Family Safety Act.

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

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

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

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

19 (ii) Cruelly confined or cruelly punished;

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

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

23 (v) Placed in a situation to be sexually ~~Sexually~~ abused; ~~or~~

24 (vi) Placed in a situation to be sexually ~~Sexually~~ exploited through
25 sex trafficking of a minor as defined in section 28-830 or by allowing,
26 encouraging, or forcing such person to ~~solicit for~~ ~~or~~ engage in

1 ~~prostitution~~, debauchery, public indecency, or obscene or pornographic
2 photography, films, or depictions; or

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

5 (c) Comprehensive assessment means an analysis of child safety, risk
6 of future child abuse or neglect, and family strengths and needs on a
7 report of child abuse or neglect. Comprehensive assessment does not
8 include a determination as to whether the child abuse or neglect occurred
9 but does determine the need for services and support to address the
10 safety of children and the risk of future abuse or neglect;

11 (d) Department means the Department of Health and Human Services;

12 (e) Investigation means fact gathering related to the current safety
13 of a child and the risk of future child abuse or neglect that determines
14 whether child abuse or neglect has occurred and whether child protective
15 services are needed;

16 (f) Law enforcement agency means the police department or town
17 marshal in incorporated municipalities, the office of the sheriff in
18 unincorporated areas, and the Nebraska State Patrol;

19 (g) Out-of-home child abuse or neglect means child abuse or neglect
20 occurring outside of a child's family home, including in day care homes,
21 foster homes, day care centers, residential child-caring agencies as
22 defined in section 71-1926, ~~and~~ other child care facilities or
23 institutions, and the community. Out-of-home child abuse or neglect also
24 includes cases in which the subject of the report of child abuse or
25 neglect is not a member of the child's household, no longer has access to
26 the child, is unknown, or cannot be identified;

27 (h) Review, Evaluate, and Decide Team means an internal team of
28 staff within the department and shall include no fewer than two
29 supervisors or administrators and two staff members knowledgeable on the
30 policies and practices of the department, including, but not limited to,
31 the structured review process. County attorneys, child advocacy centers,

1 or law enforcement agency personnel may attend team reviews upon request
2 of a party;

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

6 (j) Subject of the report of child abuse or neglect or subject of
7 the report means the person or persons identified in the report as
8 responsible for the child abuse or neglect.

9 2. Renumber the remaining sections and correct the repealer
10 accordingly.