

AMENDMENTS TO LB1061

Introduced by Crawford, 45.

1           1. Strike original section 4 and all amendments thereto and insert  
2 the following new section:

3           Sec. 4. Section 28-712.01, Revised Statutes Cumulative Supplement,  
4 2018, is amended to read:

5           28-712.01 ~~(1)(a) The department may assign a report for alternative~~  
6 ~~response consistent with the Child Protection and Family Safety Act (1)~~  
7 ~~This section applies to alternative response demonstration projects~~  
8 ~~designated under section 28-712.~~

9           (b) No report involving any of the following shall be assigned to  
10 alternative response but shall be immediately forwarded to law  
11 enforcement or the county attorney:

12           (i) Murder in the first or second degree as defined in section  
13 28-303 or 28-304 or manslaughter as defined in section 28-305;

14           (ii) Assault in the first, second, or third degree or assault by  
15 strangulation or suffocation as defined in section 28-308, 28-309,  
16 28-310, or 28-310.01;

17           (iii) Sexual abuse, including acts prohibited by section 28-319,  
18 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,  
19 28-322.04, 28-322.05, 28-703, or 28-707;

20           (iv) Labor trafficking of a minor or sex trafficking of a minor as  
21 defined in section 28-830;

22           (v) Neglect of a minor child that results in serious bodily injury  
23 as defined in section 28-109, requires hospitalization of the child, or  
24 results in an injury to the child that requires ongoing medical care,  
25 behavioral health care, or physical or occupational therapy, including a  
26 growth delay, which may be referred to as failure to thrive, that has  
27 been diagnosed by a physician and is due to parental neglect;

1           (vi) Physical abuse to the head or torso of a child or physical  
2 abuse that results in bodily injury;

3           (vii) An allegation that requires a forensic interview at a child  
4 advocacy center or coordination with the child abuse and neglect  
5 investigation team pursuant to section 28-728;

6           (viii) Out-of-home child abuse or neglect;

7           (ix) An allegation being investigated by a law enforcement agency at  
8 the time of the assignment;

9           (x) A history of termination of parental rights;

10           (xi) Absence of a caretaker without having given an alternate  
11 caregiver authority to make decisions and grant consents for necessary  
12 care, treatment, and education of a child or without having made  
13 provision to be contacted to make such decisions or grant such consents;

14           (xii) Domestic violence involving a caretaker in situations in which  
15 the alleged perpetrator has access to the child or caretaker;

16           (xiii) A household member illegally manufactures methamphetamine or  
17 opioids;

18           (xiv) A child has had contact with methamphetamine or other  
19 nonprescribed opioids, including a positive drug screening or test; or

20           (xv) For a report involving an infant, a household member tests  
21 positive for methamphetamine or nonprescribed opioids at the birth of  
22 such infant.

23           (c) The department may adopt and promulgate rules and regulations to  
24 (i) provide additional ineligibility criteria for assignment to  
25 alternative response and (ii) establish additional criteria requiring  
26 review by the Review, Evaluate, and Decide Team.

27           (d) A report that includes any of the following may be eligible for  
28 alternative response but shall first be reviewed by the Review, Evaluate,  
29 and Decide Team prior to assignment to alternative response:

30           (i) Domestic assault as defined in section 28-323 or domestic  
31 violence in the family home;

1           (ii) Use of alcohol or controlled substances as defined in section  
2 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to  
3 care and provide safety for the child; or

4           (iii) A family member residing in the home or a caregiver that has  
5 been the subject of a report accepted for traditional response or  
6 assigned to alternative response in the past six months.

7           (2) The Review, Evaluate, and Decide Team shall convene to review  
8 reports ~~intakes~~ pursuant to the department's rules, regulations, and  
9 policies, to evaluate the information, and to determine assignment for  
10 alternative response or traditional response. The team shall utilize  
11 consistent criteria to review the severity of the allegation of child  
12 abuse or neglect, access to the perpetrator, vulnerability of the child,  
13 family history including previous reports, parental cooperation, parental  
14 or caretaker protective factors, and other information as deemed  
15 necessary. At the conclusion of the review, the report ~~intake~~ shall be  
16 assigned to either traditional response or alternative response.  
17 Decisions of the team shall be made by consensus. If the team cannot come  
18 to consensus, the report ~~intake~~ shall be assigned for a traditional  
19 response.

20           (3) In the case of an alternative response, the department shall  
21 complete a comprehensive assessment. The department shall transfer the  
22 case being given alternative response to traditional response if the  
23 department determines that a child is unsafe or if the concern for the  
24 safety of the child is due to a temporary living arrangement. Upon  
25 completion of the comprehensive assessment, if it is determined that the  
26 child is safe, participation in services offered to the family receiving  
27 an alternative response is voluntary, the case shall not be transferred  
28 to traditional response based upon the family's failure to enroll or  
29 participate in such services, and the subject of the report shall not be  
30 entered into the central registry of child protection cases maintained  
31 pursuant to section 28-718.

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

6 (5) The department shall make available to the appropriate  
7 investigating law enforcement agency, child advocacy center, and county  
8 attorney a copy of all reports relative to a case of suspected child  
9 abuse or neglect. Aggregate, nonidentifying data regarding reports of  
10 child abuse or neglect receiving an alternative response shall be made  
11 available quarterly to requesting agencies outside the department. Such  
12 alternative response data shall include, but not be limited to, the  
13 nature of the initial child abuse or neglect report, the age of the child  
14 or children, the nature of services offered, the location of the cases,  
15 the number of cases per month, and the number of alternative response  
16 cases that were transferred to traditional response. Other than ~~No other~~  
17 ~~agency or individual except~~ the office of Inspector General of Nebraska  
18 Child Welfare, the Public Counsel, law enforcement agency personnel,  
19 child advocacy center employees, and county attorneys, no other agency or  
20 individual shall be provided specific, identifying reports of child abuse  
21 or neglect being given alternative response. The office of Inspector  
22 General of Nebraska Child Welfare shall have access to all reports  
23 relative to cases of suspected child abuse or neglect subject to  
24 traditional response and those subject to alternative response. The  
25 department and the office shall develop procedures allowing for the  
26 Inspector General's review of cases subject to alternative response. The  
27 Inspector General shall include in the report pursuant to section 43-4331  
28 a summary of all cases reviewed pursuant to this subsection.