

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1061**

FINAL READING

Introduced by Crawford, 45; Howard, 9.

Read first time January 21, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to children; to amend sections 28-710.01,  
2 43-4331, and 71-3405, Reissue Revised Statutes of Nebraska, sections  
3 28-712 and 28-712.01, Revised Statutes Cumulative Supplement, 2018,  
4 and sections 28-710, 28-713, and 43-4203, Revised Statutes  
5 Supplement, 2019; to change the Child Protection and Family Safety  
6 Act; to eliminate a committee of the Nebraska Children's Commission;  
7 to harmonize provisions; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-710, Revised Statutes Supplement, 2019, is  
2 amended to read:

3 28-710 (1) Sections 28-710 to 28-727 and sections 6 and 7 of this  
4 act shall be known and may be cited as the Child Protection and Family  
5 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 abused;

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

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

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

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

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

16 (e) (d) Department means the Department of Health and Human  
17 Services;

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

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

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

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

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

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

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

25        (m) ~~(h)~~ Review, Evaluate, and Decide Team means an internal team of  
26 staff within the department and shall include no fewer than two  
27 supervisors or administrators and two staff members knowledgeable on the  
28 policies and practices of the department, including, but not limited to,  
29 the structured review process. County attorneys, child advocacy centers,  
30 or law enforcement agency personnel may attend team reviews upon request  
31 of a party;

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

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

8           Sec. 2. Section 28-710.01, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           28-710.01 (1) The Legislature declares that the public policy of the  
11 State of Nebraska is to protect children whose health or welfare may be  
12 jeopardized by abuse or neglect. The Legislature recognizes that most  
13 families want to keep their children safe, but circumstances or  
14 conditions sometimes interfere with their ability to do so. Families and  
15 children are best served by interventions that engage their protective  
16 capacities and address immediate safety concerns and ongoing risks of  
17 child abuse or neglect. In furtherance of this public policy and the  
18 family policy and principles set forth in sections 43-532 and 43-533, it  
19 is the intent of the Legislature to strengthen the family and make the  
20 home, school, and community safe for children by promoting responsible  
21 child care in all settings and to provide, when necessary, a safe  
22 temporary or permanent home environment for abused or neglected children.

23           (2) In addition, it is the policy of this state to: Require the  
24 reporting of child abuse or neglect in home, school, and community  
25 settings; provide for alternative response to reports as permitted by law  
26 and the rules and regulations of the department; provide for traditional  
27 response to reports as required by law and the rules and regulations of  
28 the department; and provide protective and supportive services designed  
29 to preserve and strengthen the family in appropriate cases.

30           Sec. 3. Section 28-712, Revised Statutes Cumulative Supplement,  
31 2018, is amended to read:

1           28-712 (1) Upon receipt of a report pursuant to section 28-711, the  
2 department shall determine whether to (a) accept the report for  
3 traditional response and an investigation pursuant to section 28-713, (b)  
4 accept the report for alternative response pursuant to section 28-712.01,  
5 (c) accept the report for screening by the Review, Evaluate, and Decide  
6 Team to determine eligibility for alternative response, or (d) classify  
7 the report as requiring no further action by the The department, in  
8 consultation with the Nebraska Children's Commission, shall develop an  
9 alternative response implementation plan in accordance with this section  
10 and sections 28-710.01 and 28-712.01. The alternative response  
11 implementation plan shall include the provision of concrete supports and  
12 voluntary services, including, but not limited to: Meeting basic needs,  
13 including food and clothing assistance; housing assistance;  
14 transportation assistance; child care assistance; and mental health and  
15 substance abuse services. When the alternative response implementation  
16 plan has been developed, the department may begin using alternative  
17 response in up to five alternative response demonstration project  
18 locations that are designated by the department. The department may begin  
19 using alternative response statewide on and after April 28, 2017. The  
20 department shall provide a report to the commission and the Health and  
21 Human Services Committee of the Legislature by November 15, 2018. The  
22 report shall outline, at a minimum, the challenges, barriers, and  
23 opportunities that may occur if the alternative response implementation  
24 plan is made permanent. The department shall continue using alternative  
25 response until December 31, 2020. Continued use of alternative response  
26 thereafter shall require approval of the Legislature. For purposes of  
27 this section, demonstration project location means any geographic region,  
28 including, but not limited to, a city, a township, a village, a county, a  
29 group of counties, or a group of counties and cities, townships, or  
30 villages.

31           (2)(a) The Nebraska Children's Commission shall appoint an advisory

1 committee to examine the department's alternative response to reports of  
2 child abuse or neglect and to make recommendations to the Legislature,  
3 the department, and the commission regarding (i) the receipt and  
4 screening of reports of child abuse or neglect by the department, (ii)  
5 the ongoing use of alternative response, (iii) the ongoing use of  
6 traditional response, and (iv) the provision of services within  
7 alternative response and non-court-involved cases to ensure child safety,  
8 to reduce the risk of child abuse or neglect, and to engage families. The  
9 advisory committee may request, receive, and review data from the  
10 department regarding such processes. (2) The department shall provide to  
11 the Nebraska Children's Commission regular updates on:

12 (a) The status of alternative response;

13 (b) The members of the advisory committee shall include, but not be  
14 limited to, a representative of (i) the department, (ii) law enforcement  
15 agencies, (iii) county attorneys or other prosecutors, (iv) the state  
16 chapter of child advocacy centers as defined in 34 U.S.C. 20302, (v)  
17 attorneys for parents, (vi) guardians ad litem, (vii) a child welfare  
18 advocacy organization, (viii) families with experience in the child  
19 welfare system, (ix) family caregivers, (x) the Foster Care Review  
20 Office, and (xi) the office of Inspector General of Nebraska Child  
21 Welfare. Members of the advisory committee shall be appointed for terms  
22 of two years. The Nebraska Children's Commission shall appoint the  
23 chairperson of the advisory committee and may fill vacancies on the  
24 advisory committee as they occur. Inclusion of child welfare  
25 stakeholders, service providers, and other community partners, including  
26 families, for feedback and recommendations on alternative response;

27 (c) Any findings or recommendations made by the independent  
28 evaluator, including costs; and

29 (d) Any alternative response programmatic modifications, including,  
30 but not limited to, proposed changes in rules and regulations.

31 (3) The department shall adopt and promulgate rules and regulations

1 to carry out this section and sections 28-710.01, ~~and 28-712.01, and~~  
2 28-713. Such rules and regulations shall include, but not be limited to,  
3 provisions on (a) the transfer of cases from alternative response to  
4 traditional response, (b) traditional response; notice to families  
5 subject to a comprehensive assessment and served through alternative  
6 response of the alternative response process and their rights, including  
7 the opportunity to challenge agency determinations, (c) ÷ the provision  
8 of services through alternative response, and (d) ÷ the collection,  
9 sharing, and reporting of data; and the alternative response  
10 ineligibility criteria.

11 Sec. 4. Section 28-712.01, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 28-712.01 (1)(a) The department may assign a report for alternative  
14 response consistent with the Child Protection and Family Safety Act (1)  
15 This section applies to alternative response demonstration projects  
16 designated under section 28-712.

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

20 (i) Murder in the first or second degree as defined in section  
21 28-303 or 28-304 or manslaughter as defined in section 28-305;

22 (ii) Assault in the first, second, or third degree or assault by  
23 strangulation or suffocation as defined in section 28-308, 28-309,  
24 28-310, or 28-310.01;

25 (iii) Sexual abuse, including acts prohibited by section 28-319,  
26 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03,  
27 28-322.04, 28-322.05, 28-703, or 28-707;

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

30 (v) Neglect of a minor child that results in serious bodily injury  
31 as defined in section 28-109, requires hospitalization of the child, or



1 results in an injury to the child that requires ongoing medical care,  
2 behavioral health care, or physical or occupational therapy, including a  
3 growth delay, which may be referred to as failure to thrive, that has  
4 been diagnosed by a physician and is due to parental neglect;

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

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

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

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

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

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

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

20 (xiii) A household member illegally manufactures methamphetamine or  
21 opioids;

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

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

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

31 (d) A report that includes any of the following may be eligible for

1 alternative response but shall first be reviewed by the Review, Evaluate,  
2 and Decide Team prior to assignment to alternative response:

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

5 (ii) Use of alcohol or controlled substances as defined in section  
6 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to  
7 care and provide safety for the child; or

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

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

24 (3) In the case of an alternative response, the department shall  
25 complete a comprehensive assessment. The department shall transfer the  
26 case being given alternative response to traditional response if the  
27 department determines that a child is unsafe or if the concern for the  
28 safety of the child is due to a temporary living arrangement. Upon  
29 completion of the comprehensive assessment, if it is determined that the  
30 child is safe, participation in services offered to the family receiving  
31 an alternative response is voluntary, the case shall not be transferred

1 to traditional response based upon the family's failure to enroll or  
2 participate in such services, and the subject of the report shall not be  
3 entered into the central registry of child protection cases maintained  
4 pursuant to section 28-718.

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

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

1 a summary of all cases reviewed pursuant to this subsection.

2 Sec. 5. Section 28-713, Revised Statutes Supplement, 2019, is  
3 amended to read:

4 28-713 (1) Unless a report ~~an intake~~ is assigned to alternative  
5 response, upon the receipt of a call reporting child abuse and neglect as  
6 required by section 28-711, it ~~:(a) It~~ is the duty of the law  
7 enforcement agency to investigate the report, to take immediate steps to  
8 protect the child, and to institute legal proceedings consistent with  
9 section 43-247 if the child is seriously endangered in the child's  
10 surroundings and immediate removal is necessary for the protection of the  
11 child. if appropriate. In situations of alleged out-of-home child abuse  
12 or neglect if the person or persons to be notified have not already been  
13 notified and the person to be notified is not the subject of the report  
14 of child abuse or neglect, the law enforcement agency shall immediately  
15 notify the person or persons having custody of each child who has  
16 allegedly been abused or neglected that such report of alleged child  
17 abuse or neglect has been made and shall provide such person or persons  
18 with information of the nature of the alleged child abuse or neglect. The  
19 law enforcement agency may request assistance from the department during  
20 the investigation and shall, by the next working day, notify either the  
21 hotline established under section 28-711 or the department of receipt of  
22 the report, including whether or not an investigation is being undertaken  
23 by the law enforcement agency. A copy of all reports, whether or not an  
24 investigation is being undertaken, shall be provided to the department. ~~;~~

25 ~~(b) In situations of alleged out-of-home child abuse or neglect if~~  
26 ~~the person or persons to be notified have not already been notified and~~  
27 ~~the person to be notified is not the subject of the report of child abuse~~  
28 ~~or neglect, the department shall immediately notify the person or persons~~  
29 ~~having custody of each child who has allegedly been abused or neglected~~  
30 ~~that such report of alleged child abuse or neglect has been made and~~  
31 ~~shall provide such person or persons with information of the nature of~~

~~1 the alleged child abuse or neglect and any other information that the  
2 department deems necessary. The department shall investigate for the  
3 purpose of assessing each report of child abuse or neglect to determine  
4 the risk of harm to the child involved. The department shall also provide  
5 such social services as are necessary and appropriate under the  
6 circumstances to protect and assist the child and to preserve the family;~~

~~7 (c) The department may make a request for further assistance from  
8 the appropriate law enforcement agency or take such legal action as may  
9 be appropriate under the circumstances;~~

10 (2)(a) When a report is assigned for traditional response, the  
11 department shall utilize an evidence-informed and validated tool to  
12 assess the safety of the child at the time of the assessment, the risk of  
13 future child abuse or neglect, the need for services to protect and  
14 assist the child and to preserve the family, and whether the case shall  
15 be entered into the central registry pursuant to section 28-720. As part  
16 of such investigation, the department may request assistance from the  
17 appropriate law enforcement agency or refer the matter to the county  
18 attorney to initiate legal proceedings.

19 (b) If in the course of an investigation the department finds a  
20 child is seriously endangered in the child's surroundings and immediate  
21 removal is necessary for the protection of the child, the department  
22 shall make an immediate request for the county attorney to institute  
23 legal proceedings consistent with section 43-247.

24 (3) When a report contains an allegation of out-of-home child abuse  
25 or neglect, a law enforcement agency or the department shall immediately  
26 notify each person having custody of each child who has allegedly been  
27 abused or neglected that such report has been made unless the person to  
28 be notified is the subject of such report. The department or the law  
29 enforcement agency shall provide such person with information about the  
30 nature of the alleged child abuse or neglect and any other necessary  
31 information. The department shall also provide such social services as

1 are necessary and appropriate under the circumstances to protect and  
2 assist the child and to preserve the family.

3 (4) ~~(d)~~ The department shall, by the next working day after  
4 receiving a report of child abuse or neglect under this ~~subsection of~~  
5 ~~this~~ section, make a written report or a summary on forms provided by the  
6 department to the proper law enforcement agency in the county and enter  
7 in the tracking system of child protection cases maintained pursuant to  
8 section 28-715 all reports of child abuse or neglect opened for  
9 investigation and any action taken. ~~;~~ ~~and~~

10 (5) ~~(e)~~ The department shall, upon request, make available to the  
11 appropriate investigating law enforcement agency and the county attorney  
12 a copy of all reports relative to a case of suspected child abuse or  
13 neglect.

14 (6)(a) ~~(2)(a)~~ In addition to the responsibilities under subsections  
15 ~~subsection~~ (1) through (5) of this section, upon the receipt of any  
16 report that a child is a reported or suspected victim of sex trafficking  
17 of a minor or labor trafficking of a minor as defined in section 28-830  
18 and without regard to the subject of the report, the department shall:

19 (i) Assign the case to staff for an in-person investigation. The  
20 department shall assign a report for investigation regardless of whether  
21 or not the subject of the report is a member of the child's household or  
22 family or whether the subject is known or unknown, including cases of  
23 out-of-home child abuse and neglect;

24 (ii) Conduct an in-person investigation and appropriately coordinate  
25 with law enforcement agencies, the local child advocacy center, and the  
26 child abuse and neglect investigation team under section 28-729;

27 (iii) Use specialized screening and assessment instruments to  
28 identify whether the child is a victim of sex trafficking of a minor or  
29 labor trafficking of a minor or at high risk of becoming such a victim  
30 and determine the needs of the child and family to prevent or respond to  
31 abuse, neglect, and exploitation. On or before December 1, 2019, the

1 department shall develop and adopt these instruments in consultation with  
2 knowledgeable organizations and individuals, including representatives of  
3 child advocacy centers, behavioral health providers, child welfare and  
4 juvenile justice service providers, law enforcement representatives, and  
5 prosecutors; and

6 (iv) Provide for or refer and connect the child and family to  
7 services deemed appropriate by the department in the least restrictive  
8 environment, or provide for safe and appropriate placement, medical  
9 services, mental health care, or other needs as determined by the  
10 department based upon the department's assessment of the safety, risk,  
11 and needs of the child and family to respond to or prevent abuse,  
12 neglect, and exploitation.

13 (b) On or before July 1, 2020, the department shall adopt rules and  
14 regulations on the process of investigation, screening, and assessment of  
15 reports of child abuse or neglect and the criteria for opening an ongoing  
16 case upon allegations of sex trafficking of a minor or labor trafficking  
17 of a minor.

18 (7) (3) When a preponderance of the evidence indicates that a child  
19 is a victim of abuse or neglect as a result of being a trafficking victim  
20 as defined in section 28-830, the department shall identify the child as  
21 a victim of trafficking, regardless of whether the subject of the report  
22 is a member of the child's household or family or whether the subject is  
23 known or unknown. The child shall be included in the department's data  
24 and reporting on the numbers of child victims of abuse, neglect, and  
25 trafficking.

26 Sec. 6. (1) In all non-court-involved cases in which a child lives  
27 temporarily with a kin caregiver or a relative caregiver until  
28 reunification can be safely achieved:

29 (a) A parent shall have the right to have his or her child returned  
30 to such parent's home upon demand unless the child is seriously  
31 endangered by the child's surroundings and removal is necessary for the

1 child's protection; and

2 (b) The kin caregiver or the relative caregiver shall have temporary  
3 parental authority to exercise powers regarding the care, custody, and  
4 property of the child except (i) the power to consent to marriage and  
5 adoption of the child and (ii) for other limitations placed on the  
6 delegation of parental authority to the kin caregiver or the relative  
7 caregiver by the parent.

8 (2) If a child is seriously endangered and removal is necessary, the  
9 department shall inform the parent that he or she may be referred for a  
10 court-involved case or for a petition to be filed pursuant to subdivision  
11 (3)(a) of section 43-247.

12 (3) The department may reimburse a kin caregiver or a relative  
13 caregiver for facilitating services for the child and shall notify such  
14 caregiver if such caregiver is eligible for the child-only Temporary  
15 Assistance for Needy Families program established in 42 U.S.C. 601 et  
16 seq., and any other public benefit for which such caregiver may be  
17 eligible, and shall assist such caregiver in applying for such program or  
18 benefit.

19 (4) In all non-court-involved cases, the department shall provide a  
20 written notice of rights to any parent, and, if applicable, to any kin  
21 caregiver or relative caregiver, that complies with due process and  
22 includes notice (a) of the specific factual basis of the department's  
23 involvement, (b) of the possibility that a petition under section 43-247  
24 could be filed in the future if it is determined that the safety of the  
25 child is not or cannot be assured, and (c) that the participation of the  
26 parent, kin caregiver, or relative caregiver in receiving prevention  
27 services could be relevant evidence presented in any future proceedings.

28 (5) Nothing in this section shall be construed to affect the  
29 otherwise existing rights of a child or parent who is involved in a non-  
30 court-involved case.

31 Sec. 7. (1) The department shall adopt and promulgate rules and



1 regulations consistent with this legislative bill and shall revoke any  
2 rules and regulations inconsistent with this legislative bill by July 1,  
3 2021.

4 (2) The department shall adopt and promulgate rules and regulations  
5 regarding (a) the maximum time allowed between receiving a report of  
6 child abuse or neglect and an assigned caseworker making contact with the  
7 affected family, (b) the maximum amount of time between receipt of a  
8 report and the completion of an assessment or investigation, (c) the  
9 transfer of cases from alternative response to traditional response, (d)  
10 the criteria and process to be used by the Review, Evaluate, and Decide  
11 Team, and (d) the process used to accept and categorize reports,  
12 including the operation of the hotline established under section 28-711.

13 (3) The department shall adopt and promulgate rules and regulations  
14 describing the process for non-court-involved cases, the right of any  
15 child, parent, kin caregiver, or relative caregiver to an administrative  
16 appeal of any department action or inaction in a non-court-involved case,  
17 and the process for finding that a child is seriously endangered.

18 Sec. 8. Section 43-4203, Revised Statutes Supplement, 2019, is  
19 amended to read:

20 ~~43-4203 (1) The Nebraska Children's Commission shall create a~~  
21 ~~committee to examine state policy regarding the prescription of~~  
22 ~~psychotropic drugs for children who are wards of the state and the~~  
23 ~~administration of such drugs to such children. Such committee shall~~  
24 ~~review the policy and procedures for prescribing and administering such~~  
25 ~~drugs and make recommendations to the commission for changes in such~~  
26 ~~policy and procedures.~~

27 (1) (2) The Nebraska Children's Commission ~~commission~~ shall create a  
28 committee to examine the Office of Juvenile Services and the Juvenile  
29 Services Division of the Office of Probation Administration. Such  
30 committee shall review the role and effectiveness of out-of-home  
31 placements utilized in the juvenile justice system, including the youth

1 rehabilitation and treatment centers, and make recommendations to the  
2 commission on the juvenile justice continuum of care, including what  
3 populations should be served in out-of-home placements and what treatment  
4 services should be provided at the centers in order to appropriately  
5 serve those populations. Such committee shall also review how mental and  
6 behavioral health services are provided to juveniles in residential  
7 placements and the need for such services throughout Nebraska and make  
8 recommendations to the commission relating to those systems of care in  
9 the juvenile justice system. The committee shall collaborate with the  
10 Juvenile Justice Institute at the University of Nebraska at Omaha, the  
11 Center for Health Policy at the University of Nebraska Medical Center,  
12 the behavioral health regions as established in section 71-807, and state  
13 and national juvenile justice experts to develop recommendations. The  
14 recommendations shall include a plan to implement a continuum of care in  
15 the juvenile justice system to meet the needs of Nebraska families,  
16 including specific recommendations for the rehabilitation and treatment  
17 model. The recommendations shall be delivered to the commission and  
18 electronically to the Judiciary Committee of the Legislature annually by  
19 September 1.

20       (2) ~~(3)~~ The commission shall collaborate with juvenile justice  
21 specialists of the Office of Probation Administration and county  
22 officials with respect to any county-operated practice model  
23 participating in the Crossover Youth Program of the Center for Juvenile  
24 Justice Reform at Georgetown University.

25       (3) ~~(4)~~ The commission shall analyze case management workforce  
26 issues and make recommendations to the Health and Human Services  
27 Committee of the Legislature regarding:

28       (a) Salary comparisons with other states and the current pay  
29 structure based on job descriptions;

30       (b) Utilization of incentives for persons who work in the area of  
31 child welfare;

1 (c) Evidence-based training requirements for persons who work in the  
2 area of child welfare and their supervisors; and

3 (d) Collaboration with the University of Nebraska to increase and  
4 sustain such workforce.

5 (4) ~~(5)~~ The Foster Care Reimbursement Rate Committee created  
6 pursuant to section 43-4216, the Nebraska Strengthening Families Act  
7 Committee created pursuant to section 43-4716, and the Bridge to  
8 Independence Advisory Committee created pursuant to section 43-4513 shall  
9 be under the jurisdiction of the commission.

10 (5) ~~(6)~~ The commission shall work with the office of the State Court  
11 Administrator, as appropriate, and entities which coordinate facilitated  
12 conferencing as described in section 43-247.03.

13 (6) ~~(7)~~ The commission shall work with administrators from each of  
14 the service areas designated pursuant to section 81-3116, the teams  
15 created pursuant to section 28-728, local foster care review boards,  
16 child advocacy centers, the teams created pursuant to the Supreme Court's  
17 Through the Eyes of the Child Initiative, community stakeholders, and  
18 advocates for child welfare programs and services to establish networks  
19 in each of such service areas. Such networks shall permit collaboration  
20 to strengthen the continuum of services available to child welfare  
21 agencies and to provide resources for children and juveniles outside the  
22 child protection system.

23 (7) ~~(8)~~ The commission may organize subcommittees as it deems  
24 necessary. Members of the subcommittees may be members of the commission  
25 or may be individuals who have knowledge of the subcommittee's subject  
26 matter, professional expertise to assist the subcommittee in completing  
27 its assigned responsibilities, or the ability to collaborate within the  
28 subcommittee and with the commission to carry out the powers and duties  
29 of the commission. A subcommittee shall meet as necessary to complete the  
30 work delegated by the commission and shall report its findings to the  
31 relevant committee within the commission.

1           (8) (9) No member of any committee or subcommittee created pursuant  
2 to this section shall have any private financial interest, profit, or  
3 benefit from any work of such committee or subcommittee.

4           Sec. 9. Section 43-4331, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6           43-4331 On or before September 15 of each year, the Inspector  
7 General shall provide to the Health and Human Services Committee of the  
8 Legislature, the Judiciary Committee of the Legislature, the Supreme  
9 Court, and the Governor a summary of reports and investigations made  
10 under the Office of Inspector General of Nebraska Child Welfare Act for  
11 the preceding year. The summary provided to the committees shall be  
12 provided electronically. The summaries shall detail recommendations and  
13 the status of implementation of recommendations and may also include  
14 recommendations to the committees regarding issues discovered through  
15 investigation, audits, inspections, and reviews by the office that will  
16 increase accountability and legislative oversight of the Nebraska child  
17 welfare system, improve operations of the department, the juvenile  
18 services division, the commission, and the Nebraska child welfare system,  
19 or deter and identify fraud, abuse, and illegal acts. Such summary shall  
20 include summaries of alternative response cases under alternative  
21 response ~~demonstration~~ projects implemented in accordance with sections  
22 28-710.01, 28-712, and 28-712.01 reviewed by the Inspector General. The  
23 summaries shall not contain any confidential or identifying information  
24 concerning the subjects of the reports and investigations.

25           Sec. 10. Section 71-3405, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27           71-3405 For purposes of the Child and Maternal Death Review Act:

28           (1) Child means a person from birth to eighteen years of age;

29           (2) Investigation of child death means a review of existing records  
30 and other information regarding the child from relevant agencies,  
31 professionals, and providers of medical, dental, prenatal, and mental

1 health care. The records to be reviewed may include, but not be limited  
2 to, medical records, coroner's reports, autopsy reports, social services  
3 records, records of alternative response cases under alternative response  
4 ~~demonstration projects~~ implemented in accordance with sections 28-710.01,  
5 28-712, and 28-712.01, educational records, emergency and paramedic  
6 records, and law enforcement reports;

7 (3) Investigation of maternal death means a review of existing  
8 records and other information regarding the woman from relevant agencies,  
9 professionals, and providers of medical, dental, prenatal, and mental  
10 health care. The records to be reviewed may include, but not be limited  
11 to, medical records, coroner's reports, autopsy reports, social services  
12 records, educational records, emergency and paramedic records, and law  
13 enforcement reports;

14 (4) Maternal death means the death of a woman during pregnancy or  
15 the death of a postpartum woman;

16 (5) Postpartum woman means a woman during the period of time  
17 beginning when the woman ceases to be pregnant and ending one year after  
18 the woman ceases to be pregnant;

19 (6) Preventable child or maternal death means the death of any child  
20 or pregnant or postpartum woman which reasonable medical, social, legal,  
21 psychological, or educational intervention may have prevented.  
22 Preventable child or maternal death includes, but is not limited to, the  
23 death of a child or pregnant or postpartum woman from (a) intentional and  
24 unintentional injuries, (b) medical misadventures, including untoward  
25 results, malpractice, and foreseeable complications, (c) lack of access  
26 to medical care, (d) neglect and reckless conduct, including failure to  
27 supervise and failure to seek medical care for various reasons, and (e)  
28 preventable premature birth;

29 (7) Reasonable means taking into consideration the condition,  
30 circumstances, and resources available; and

31 (8) Team means the State Child and Maternal Death Review Team.

1           Sec. 11. Original sections 28-710.01, 43-4331, and 71-3405, Reissue  
2 Revised Statutes of Nebraska, sections 28-712 and 28-712.01, Revised  
3 Statutes Cumulative Supplement, 2018, and sections 28-710, 28-713, and  
4 43-4203, Revised Statutes Supplement, 2019, are repealed.