

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1061

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 the Child Protection and Family Safety Act;
2 to amend sections 28-710.01, 43-4331, and 71-3405, Reissue Revised
3 Statutes of Nebraska, sections 28-712 and 28-712.01, Revised
4 Statutes Cumulative Supplement, 2018, and sections 28-710 and
5 28-713, Revised Statutes Supplement, 2019; to define and redefine
6 terms; to restate intent; to change provisions relating to the
7 handling of reports of child abuse or neglect and alternative
8 response; to provide powers and duties for the Nebraska Children's
9 Commission and the Department of Health and Human Services; to
10 provide standards for the assignment or transfer of reports to
11 alternative response or traditional response and for temporary
12 living arrangements in non-court-involved cases; to harmonize
13 provisions; and to repeal the original sections.
14 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, or 28-703, or sexual exploitation as defined in
28 section 28-367.01;

29 (iv) Abandonment of the child for six months or more immediately
30 prior to a report;

31 (v) Labor trafficking of a minor as defined in section 28-830;

1 (vi) Neglect of a minor child that results in serious bodily injury
2 as defined in section 28-109, requires hospitalization of the child, or
3 results in an injury to the child that requires ongoing medical care,
4 behavioral health care, or physical or occupational therapy, including a
5 growth delay, which may be referred to as failure to thrive, that has
6 been diagnosed by a physician and is due to parental neglect;

7 (vii) Physical abuse to the head or torso of a child or physical
8 abuse that results in bodily injury;

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

12 (ix) Out-of-home child abuse or neglect; or

13 (x) An allegation being investigated by a law enforcement agency at
14 the time of the assignment.

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

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

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

24 (ii) Use of alcohol or controlled substances as defined in section
25 28-401 or 28-405 by a caregiver that impairs the caregiver's ability to
26 care and provide safety for the child; or

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

30 (2) The Review, Evaluate, and Decide Team shall convene to review
31 reports intakes pursuant to the department's rules, regulations, and

1 policies, to evaluate the information, and to determine assignment for
2 alternative response or traditional response. The team shall utilize
3 consistent criteria to review the severity of the allegation of child
4 abuse or neglect, access to the perpetrator, vulnerability of the child,
5 family history including previous reports, parental cooperation, parental
6 or caretaker protective factors, and other information as deemed
7 necessary. At the conclusion of the review, the report intake shall be
8 assigned to either traditional response or alternative response.
9 Decisions of the team shall be made by consensus. If the team cannot come
10 to consensus, the report intake shall be assigned for a traditional
11 response.

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

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

29 (5) The department shall make available to the appropriate
30 investigating law enforcement agency, child advocacy center, and county
31 attorney a copy of all reports relative to a case of suspected child

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

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

23 28-713 (1) Unless an intake is assigned to alternative response,
24 upon the receipt of a call reporting child abuse and neglect as required
25 by section 28-711, it ~~÷ (a) It~~ is the duty of the law enforcement agency
26 to investigate the report, to take immediate steps to protect the child,
27 and to institute legal proceedings consistent with section 43-247 if the
28 child is seriously endangered in the child's surroundings and immediate
29 removal is necessary for the protection of the child. if appropriate. In
30 ~~situations of alleged out-of-home child abuse or neglect if the person or~~
31 ~~persons to be notified have not already been notified and the person to~~

1 ~~be notified is not the subject of the report of child abuse or neglect,~~
2 ~~the law enforcement agency shall immediately notify the person or persons~~
3 ~~having custody of each child who has allegedly been abused or neglected~~
4 ~~that such report of alleged child abuse or neglect has been made and~~
5 ~~shall provide such person or persons with information of the nature of~~
6 ~~the alleged child abuse or neglect.~~ The law enforcement agency may
7 request assistance from the department during the investigation and
8 shall, by the next working day, notify either the hotline established
9 under section 28-711 or the department of receipt of the report,
10 including whether or not an investigation is being undertaken by the law
11 enforcement agency. A copy of all reports, whether or not an
12 investigation is being undertaken, shall be provided to the department. ÷

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

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

29 (2)(a) When a report is assigned for traditional response, the
30 department shall utilize an evidence-informed and validated tool to
31 assess the safety of the child at the time of the assessment, the risk of

1 future child abuse or neglect, the need for services to protect and
2 assist the child and to preserve the family, and whether the case shall
3 be entered into the central registry pursuant to section 28-720. As part
4 of such investigation, the department may request assistance from the
5 appropriate law enforcement agency or refer the matter to the county
6 attorney to initiate legal proceedings.

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

12 (3) When a report contains an allegation of out-of-home child abuse
13 or neglect, a law enforcement agency or the department shall immediately
14 notify each person having custody of each child who has allegedly been
15 abused or neglected that such report has been made unless the person to
16 be notified is the subject of such report. The department or the law
17 enforcement agency shall provide such person with information about the
18 nature of the alleged child abuse or neglect and any other necessary
19 information. The department shall also provide such social services as
20 are necessary and appropriate under the circumstances to protect and
21 assist the child and to preserve the family.

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

29 (5) ~~(e)~~ The department shall, upon request, make available to the
30 appropriate investigating law enforcement agency and the county attorney
31 a copy of all reports relative to a case of suspected child abuse or

1 neglect.

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

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

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

15 (iii) Use specialized screening and assessment instruments to
16 identify whether the child is a victim of sex trafficking of a minor or
17 labor trafficking of a minor or at high risk of becoming such a victim
18 and determine the needs of the child and family to prevent or respond to
19 abuse, neglect, and exploitation. On or before December 1, 2019, the
20 department shall develop and adopt these instruments in consultation with
21 knowledgeable organizations and individuals, including representatives of
22 child advocacy centers, behavioral health providers, child welfare and
23 juvenile justice service providers, law enforcement representatives, and
24 prosecutors; and

25 (iv) Provide for or refer and connect the child and family to
26 services deemed appropriate by the department in the least restrictive
27 environment, or provide for safe and appropriate placement, medical
28 services, mental health care, or other needs as determined by the
29 department based upon the department's assessment of the safety, risk,
30 and needs of the child and family to respond to or prevent abuse,
31 neglect, and exploitation.

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

6 ~~(7)~~ (3) When a preponderance of the evidence indicates that a child
7 is a victim of abuse or neglect as a result of being a trafficking victim
8 as defined in section 28-830, the department shall identify the child as
9 a victim of trafficking, regardless of whether the subject of the report
10 is a member of the child's household or family or whether the subject is
11 known or unknown. The child shall be included in the department's data
12 and reporting on the numbers of child victims of abuse, neglect, and
13 trafficking.

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

17 (a) A parent shall have the right to have his or her child returned
18 to such parent's home upon demand unless the child is seriously
19 endangered by the child's surroundings and removal is necessary for the
20 child's protection; and

21 (b) The kin caregiver or the relative caregiver shall have temporary
22 parental authority to exercise powers regarding the care, custody, and
23 property of the child except (i) the power to consent to marriage and
24 adoption of the child and (ii) for other limitations placed on the
25 delegation of parental authority to the kin caregiver or the relative
26 caregiver by the parent.

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

31 (3) The department may reimburse a kin caregiver or a relative

1 caregiver for facilitating services for the child and shall notify such
2 caregiver if such caregiver is eligible for the child-only Temporary
3 Assistance to Needy Families program established in 42 U.S.C. 601 et
4 seq., and any other public benefit for which such caregiver may be
5 eligible, and shall assist such caregiver in applying for such program or
6 benefit.

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

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

19 Sec. 7. (1) The department shall adopt and promulgate rules and
20 regulations consistent with this legislative bill and shall revoke any
21 rules and regulations inconsistent with this legislative bill by July 1,
22 2021.

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

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

6 Sec. 8. Section 43-4331, Reissue Revised Statutes of Nebraska, is
7 amended to read:

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

27 Sec. 9. Section 71-3405, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 71-3405 For purposes of the Child and Maternal Death Review Act:

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

31 (2) Investigation of child death means a review of existing records

1 and other information regarding the child from relevant agencies,
2 professionals, and providers of medical, dental, prenatal, and mental
3 health care. The records to be reviewed may include, but not be limited
4 to, medical records, coroner's reports, autopsy reports, social services
5 records, records of alternative response cases under alternative response
6 ~~demonstration projects~~ implemented in accordance with sections 28-710.01,
7 28-712, and 28-712.01, educational records, emergency and paramedic
8 records, and law enforcement reports;

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

16 (4) Maternal death means the death of a woman during pregnancy or
17 the death of a postpartum woman;

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

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

31 (7) Reasonable means taking into consideration the condition,

1 circumstances, and resources available; and

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

3 Sec. 10. Original sections 28-710.01, 43-4331, and 71-3405, Reissue
4 Revised Statutes of Nebraska, sections 28-712 and 28-712.01, Revised
5 Statutes Cumulative Supplement, 2018, and sections 28-710 and 28-713,
6 Revised Statutes Supplement, 2019, are repealed.