

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 462

Introduced by McKinney, 11.

Read first time January 21, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to child abuse and neglect; amend sections
2 28-711, 28-714, 28-715, 28-729, and 43-292, Reissue Revised Statutes
3 of Nebraska, and sections 28-101, 28-707, 28-710, 28-716, 28-728,
4 43-247, and 43-2,129, Revised Statutes Cumulative Supplement, 2024;
5 to redefine terms; to change reporting requirements for persons
6 required to report suspected child abuse or neglect; to change
7 requirements for child abuse and neglect investigation teams,
8 juvenile court jurisdiction, and termination of parental rights; to
9 harmonize provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-101, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, ~~and 28-1701,~~
4 and section 2 of this act shall be known and may be cited as the Nebraska
5 Criminal Code.

6 **Sec. 2.** (1) Permitting a minor child, who is of sufficient
7 maturity, physical condition, and mental ability to avoid a substantial
8 risk of physical harm, to engage in independent activities, either alone
9 or with other children, shall not be considered child abuse under section
10 28-707 or child abuse or neglect under section 28-710.

11 (2) For purposes of this section:

12 (a) Independent activities include: (i) Traveling, including, but
13 not limited to, by walking, running, or bicycling, to and from school or
14 nearby commercial or recreational facilities; (ii) playing outdoors;
15 (iii) remaining unattended in a motor vehicle, unless it is in conditions
16 likely to cause serious harm that have not been mitigated by reasonable
17 precautionary measures; or (iv) remaining at home unattended for a
18 reasonable amount of time, if the person has made provisions for any
19 reasonably foreseeable emergencies that may arise; and

20 (b) Maturity means having adequate social, emotional, cognitive, and
21 developmental abilities to safely handle an activity or situation.

22 **Sec. 3.** Section 28-707, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 28-707 (1) Subject to section 2 of this act, a A person commits
25 child abuse if he or she knowingly, intentionally, or negligently causes
26 or permits a minor child to be:

27 (a) Placed in a situation that endangers the minor child's his or
28 her life or physical or mental health under circumstance such that the
29 danger is sufficiently obvious that a reasonable and prudent person would
30 not cause or permit the child to be placed in such situation;

31 (b) Cruelly confined or cruelly punished;

1 (c) Willfully deprived ~~Deprived~~ of necessary food, clothing,
2 shelter, or care;

3 (d) Placed in a situation to be sexually exploited through sex
4 trafficking of a minor as defined in section 28-830 or by allowing,
5 encouraging, or forcing such minor child to engage in debauchery, public
6 indecency, or obscene or pornographic photography, films, or depictions;

7 (e) Placed in a situation to be sexually abused as defined in
8 section 28-319, 28-319.01, or 28-320.01; or

9 (f) Placed in a situation to be a trafficking victim as defined in
10 section 28-830.

11 (2) The statutory privilege between patient and physician, between
12 client and professional counselor, and between husband and wife shall not
13 be available for excluding or refusing testimony in any prosecution for a
14 violation of this section.

15 (3) Child abuse is a Class I misdemeanor if the offense is committed
16 negligently and does not result in serious bodily injury as defined in
17 section 28-109 or death.

18 (4) Child abuse is a Class IIIA felony if the offense is committed
19 knowingly and intentionally and does not result in serious bodily injury
20 as defined in section 28-109 or death.

21 (5) Child abuse is a Class IIIA felony if the offense is committed
22 negligently and results in serious bodily injury as defined in section
23 28-109.

24 (6) Child abuse is a Class IIA felony if the offense is committed
25 negligently and results in the death of such child.

26 (7) Child abuse is a Class II felony if the offense is committed
27 knowingly and intentionally and results in serious bodily injury as
28 defined in such section.

29 (8) Child abuse is a Class IB felony if the offense is committed
30 knowingly and intentionally and results in the death of such child.

31 (9) For purposes of this section, negligently refers to criminal

1 negligence and means that a person knew or should have known of the
2 danger involved and acted recklessly, as defined in section 28-109, with
3 respect to the safety or health of the minor child.

4 **Sec. 4.** Section 28-710, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited
7 as the Child Protection and Family Safety Act.

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

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

17 (b) Subject to section 2 of this act, child ~~Child~~ abuse or neglect
18 means knowingly, intentionally, or negligently causing or permitting a
19 minor child to be:

20 (i) Placed in a situation that endangers the minor child's his or
21 ~~her~~ life or physical or mental health under circumstances such that the
22 danger is sufficiently obvious that a reasonable and prudent person would
23 not cause or permit the child to be placed in such situation;

24 (ii) Cruelly confined or cruelly punished;

25 (iii) Willfully deprived ~~Deprived~~ of necessary food, clothing,
26 shelter, or care;

27 (iv) Left unattended in a motor vehicle if such minor child is six
28 years of age or younger in conditions likely to cause serious harm that
29 have not been mitigated by reasonable precautionary measures;

30 (v) Placed in a situation to be sexually abused;

31 (vi) Placed in a situation to be sexually exploited through sex

1 trafficking of a minor as defined in section 28-830 or by allowing,
2 encouraging, or forcing such person to engage in debauchery, public
3 indecency, or obscene or pornographic photography, films, or depictions;
4 or

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

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

8 (i) provides an appropriate site for conducting forensic interviews as
9 defined in section 28-728 and referring victims of child abuse or neglect
10 and appropriate caregivers for such victims to needed evaluation,
11 services, and supports, (ii) assists county attorneys in facilitating
12 case reviews, developing and updating protocols, and arranging training
13 opportunities for the teams established pursuant to sections 28-728 and
14 28-729, and (iii) is a member, in good standing, of a state chapter as
15 defined in 34 U.S.C. 20302;

16 (d) Comprehensive assessment means an analysis of child safety, risk
17 of future child abuse or neglect, and family strengths and needs on a
18 report of child abuse or neglect using an evidence-informed and validated
19 tool. Comprehensive assessment does not include a finding as to whether
20 the child abuse or neglect occurred but does determine the need for
21 services and support, if any, to address the safety of children and the
22 risk of future abuse or neglect;

23 (e) Department means the Department of Health and Human Services;

24 (f) Investigation means fact gathering by the department, using an
25 evidence-informed and validated tool, or by law enforcement related to
26 the current safety of a child and the risk of future child abuse or
27 neglect that determines whether child abuse or neglect has occurred and
28 whether child protective services are needed;

29 (g) Kin caregiver means a person with whom a child in foster care
30 has been placed or with whom a child is residing pursuant to a temporary
31 living arrangement in a non-court-involved case, who has previously lived

1 with or is a trusted adult that has a preexisting, significant
2 relationship with the child or with a sibling of such child placed
3 pursuant to section 43-1311.02;

4 (h) Law enforcement agency means the police department or town
5 marshal in incorporated municipalities, the office of the sheriff in
6 unincorporated areas, and the Nebraska State Patrol;

7 (i) Mandatory reporter means any:

8 (i) Physician, doctor of osteopathy, medical resident or intern,
9 medical administrator or personnel, licensed mental health practitioner,
10 psychologist, psychiatrist, provisional mental health practitioner,
11 licensed independent mental health practitioner, marriage and family
12 therapist, alcohol and drug counselor, professional counselor, surgeon,
13 dentist, dental hygienist, physician assistant, physical therapist,
14 physical therapy assistant, occupational therapist, occupational therapy
15 assistant, acupuncturist, registered nurse, practical nurse, genetic
16 counselor, respiratory care practitioner, home health aide, nurse aide,
17 or social worker;

18 (ii) Emergency medical responder, emergency medical technician,
19 advanced emergency medical technician, or paramedic licensed under the
20 Emergency Medical Services Practice Act or practicing pursuant to the EMS
21 Personnel Licensure Interstate Compact;

22 (iii) Law enforcement officer;

23 (iv) Church employee;

24 (v) School employee;

25 (vi) Employee of a facility or program licensed under the Child Care
26 Licensing Act, the Children's Residential Facilities and Placing
27 Licensure Act, or section 71-1901 to 71-1906.01;

28 (vii) Employee of a youth rehabilitation and treatment center or
29 juvenile detention facility;

30 (viii) Employee of a youth sports, recreation, or mentorship
31 organization;

1 (ix) Employee of the office of Inspector General of Nebraska Child
2 Welfare or the office of Public Counsel; or

3 (x) Parenting Act mediator;

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

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

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

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

28 (n) ~~(m)~~ Review, Evaluate, and Decide Team means an internal team of
29 staff within the department and shall include no fewer than two
30 supervisors or administrators and two staff members knowledgeable on the
31 policies and practices of the department, including, but not limited to,

1 the structured review process. County attorneys, child advocacy centers,
2 or law enforcement agency personnel may attend team reviews upon request
3 of a party;

4 (o) ~~(n)~~ School employee means a person nineteen years of age or
5 older who is employed by a public, private, denominational, or parochial
6 school approved or accredited by the State Department of Education;

7 (p) ~~(o)~~ Student means a person less than nineteen years of age
8 enrolled in or attending a public, private, denominational, or parochial
9 school approved or accredited by the State Department of Education, or
10 who was such a person enrolled in or who attended such a school within
11 ninety days of any violation of section 28-316.01;

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

16 (r) ~~(q)~~ Subject of the report of child abuse or neglect or subject
17 of the report means the person or persons identified in the report as
18 responsible for the child abuse or neglect.

19 **Sec. 5.** Section 28-711, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 28-711 (1) When a person required to report suspected child abuse or
22 neglect, in such person's professional capacity or within the scope of
23 the person's employment, any physician, any medical institution, any
24 nurse, any school employee, any social worker, the Inspector General
25 appointed under section 43-4317, or any other person has knowledge of
26 reasonable cause to believe that a child has been subjected to child
27 abuse or neglect or observes a such child being subjected to conditions
28 or circumstances which reasonably would result in child abuse or neglect,
29 the person he or she shall report such knowledge or observation, incident
30 or cause a report of child abuse or neglect to be made, to the proper law
31 enforcement agency or to the department on the toll-free number

1 established by subsection ~~(4)~~ (2) of this section. Such report may be
2 made orally by telephone with the caller giving his or her name and
3 address, shall be followed by a written report, and to the extent
4 available shall contain the address and age of the abused or neglected
5 child, the address of the person or persons having custody of the abused
6 or neglected child, the nature and extent of the child abuse or neglect
7 or the conditions and circumstances which would reasonably result in such
8 child abuse or neglect, any evidence of previous child abuse or neglect
9 including the nature and extent, and any other information which in the
10 opinion of the person may be helpful in establishing the cause of such
11 child abuse or neglect and the identity of the perpetrator or
12 perpetrators. Law enforcement agencies receiving any reports of child
13 abuse or neglect under this subsection shall notify the department
14 pursuant to section 28-718 on the next working day by telephone or mail.

15 (2) Any other person who has knowledge of, or observes, a child
16 being subjected to conditions or circumstances which reasonably would
17 result from, or in, child abuse or neglect, may report such knowledge or
18 observation pursuant to the procedure described in subsection (1) of this
19 section. This includes, but is not limited to, a mandatory reporter who
20 is not acting in the mandatory reporter's professional capacity or within
21 the scope of the mandatory reporter's employment, and a volunteer of a
22 public or private organization that employs mandatory reporters.

23 (3)(a) For purposes of this section, institution means any public or
24 private residential institution or facility housing juveniles, medical
25 institution, or school or any religious organization, institution, or
26 facility.

27 (b) An employee of an institution required to make a report under
28 subsection (1) of this section may, after making the report pursuant to
29 the procedure described in subsection (1) of this section, notify the
30 individual in charge of such institution, or the individual's designated
31 agent, of the suspected child abuse or neglect.

1 (4) ~~(2)~~ The department shall establish a statewide toll-free number
2 to be used by any person any hour of the day or night, any day of the
3 week, to make reports of child abuse or neglect. Reports of child abuse
4 or neglect not previously made to or by a law enforcement agency shall be
5 made immediately to such agency by the department.

6 (5)(a) Beginning October 1, 2027, each person required to report
7 suspected child abuse or neglect under subsection (1) of this section
8 shall complete training provided or approved by the department regarding
9 child abuse or neglect. Such training shall be completed within the first
10 ninety days after beginning employment or service in the person's
11 official capacity as a mandatory reporter and at least every two years
12 thereafter. The training shall include: (i) Identification of child abuse
13 and neglect; (ii) reporting of child abuse or neglect; (iii) trauma-
14 informed responses to suspected child abuse and neglect; (iv) implicit
15 bias, cultural competency, and race-conscious reporting; and (v)
16 alternatives to child abuse and neglect reporting, including available
17 community resources and preventative services.

18 (b) No later than October 1, 2027, the department shall create a
19 free, publicly available online training for all persons required to
20 report suspected child abuse or neglect consistent with the requirements
21 of subdivision (5)(a) of this section. The training shall be created in
22 consultation with organizations that have expertise and experience in the
23 areas of implicit bias and culturally diverse family systems. The
24 department shall update such training at least once every five years.

25 (6) No later than October 1, 2027, the department shall adopt and
26 promulgate rules and regulations to implement this section.

27 **Sec. 6.** Section 28-714, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 28-714 The privileged communication between patient and physician,
30 between client and professional counselor, and between husband and wife
31 shall not be a ground for excluding evidence in any judicial proceeding

1 resulting from a report of child abuse or neglect made pursuant to
2 ~~required by~~ section 28-711.

3 **Sec. 7.** Section 28-715, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-715 The department shall retain all information from all reports
6 of suspected child abuse or neglect made pursuant to ~~required by~~ section
7 28-711 and all records generated as a result of such reports in a
8 tracking system of child protection cases. The tracking system shall be
9 used for statistical purposes as well as a reference for future
10 investigations if subsequent reports of child abuse or neglect are made
11 involving the same victim or subject of a report of child abuse or
12 neglect.

13 **Sec. 8.** Section 28-716, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 28-716 Any person participating in an investigation or the making of
16 a report of child abuse or neglect made pursuant to ~~required by~~ section
17 28-711 pursuant to or participating in a judicial proceeding resulting
18 therefrom or providing information or assistance, including a medical
19 evaluation or consultation in connection with an investigation, a report,
20 or a judicial proceeding pursuant to a report of child abuse or neglect,
21 shall be immune from any liability, civil or criminal, that might
22 otherwise be incurred or imposed, except for maliciously false
23 statements.

24 **Sec. 9.** Section 28-728, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 28-728 (1) The Legislature finds that child abuse and neglect are
27 community problems requiring a coordinated response by law enforcement,
28 child advocacy centers, prosecutors, the Department of Health and Human
29 Services, and other agencies or entities designed to protect children. It
30 is the intent of the Legislature to create a child abuse and neglect
31 investigation team in each county or contiguous group of counties and to

1 create a child abuse and neglect treatment team in each county or
2 contiguous group of counties.

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

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

23 (a) Mandatory reporting of child abuse and neglect as outlined in
24 section 28-711 to include training to professionals on identification and
25 reporting of abuse and the subjects listed in subdivision (5)(a) of
26 section 28-711;

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

29 (c) Outlining how reports will be shared between law enforcement and
30 the Department of Health and Human Services under sections 28-712.01 and
31 28-713;

1 (d) Coordinating the investigative response including, but not
2 limited to:

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

4 (ii) Contacting the reporting party;

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

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

12 (v) Assessing the need for and arranging, when indicated,
13 appropriate mental health services for the alleged child victim or
14 nonoffender caregiver;

15 (vi) Conducting collateral interviews with other persons with
16 information pertinent to the investigation including other potential
17 victims;

18 (vii) Collecting, processing, and preserving physical evidence
19 including photographing the crime scene as well as any physical injuries
20 as a result of the alleged child abuse and neglect; and

21 (viii) Interviewing the alleged perpetrator;

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

24 (f) Ensuring that the child is in safe surroundings, including
25 removing the perpetrator when necessary or arranging for temporary
26 custody of the child when the child is seriously endangered in his or her
27 surroundings and immediate removal appears to be necessary for the
28 child's protection as provided in section 43-248;

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

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

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

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

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

7 (4) Each county attorney or the county attorney representing a
8 contiguous group of counties is responsible for convening the child abuse
9 and neglect treatment team and ensuring that protocols are established
10 and implemented. A representative of the child advocacy center appointed
11 to the team shall assist the county attorney in facilitating case review,
12 developing and updating protocols, and arranging training opportunities
13 for the team. Each team must have protocols which, at a minimum, shall
14 include procedures for:

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

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

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

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

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

26 (5) For purposes of sections 28-728 to 28-730, forensic interview
27 means a video-recorded interview of an alleged child victim conducted at
28 a child advocacy center by a professional with specialized training
29 designed to elicit details about alleged incidents of abuse or neglect,
30 and such interview may result in intervention in criminal or juvenile
31 court.

1 **Sec. 10.** Section 28-729, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-729 (1) A child abuse and neglect investigation team shall
4 include a representative from the county attorney's office, a
5 representative from the Division of Children and Family Services of the
6 Department of Health and Human Services, a representative from each law
7 enforcement agency which has jurisdiction within the county or contiguous
8 group of counties, a representative from the child advocacy center, and
9 representatives from such other agencies as determined by the team.

10 (2) A child abuse and neglect treatment team shall include a
11 representative from the Division of Children and Family Services of the
12 Department of Health and Human Services, a juvenile probation officer, a
13 representative from each of the mental health profession and the medical
14 profession actively practicing within the county or contiguous group of
15 counties, a representative from each school district which provides
16 services within the county or contiguous group of counties, a
17 representative from the child advocacy center, and representatives from
18 such other agencies as determined by the team. For purposes of this
19 subsection, more than one school district may be represented by the same
20 individual.

21 (3) The teams established pursuant to this section and section
22 28-728 shall be encouraged to expand their membership to include the
23 various relevant disciplines which exist within the county or contiguous
24 group of counties. The additional members shall have the requisite
25 experience necessary as determined by the core members of the teams.
26 Consistent with requirements set out by the teams, all members of both
27 teams shall attend child abuse and neglect training on an annual basis.
28 Such training shall be no less than eight hours annually and consist of
29 the following components:

30 (a) Child abuse and neglect investigation procedures;

31 (b) Legal requirements and procedures for successful prosecution of

1 child abuse and neglect cases;

2 (c) Roles and responsibilities of child protective services, law
3 enforcement agencies, county attorneys, child advocacy centers, the
4 Attorney General, and judges;

5 (d) Characteristics of child development and family dynamics;

6 (e) Recognition of various types of abuse and neglect;

7 (f) Duties of a person required to report suspected child abuse or
8 neglect as required by section 28-711; Duty of public and private
9 individuals and agencies, including schools, governmental agencies,
10 physicians, and child advocates, to report suspected or known child
11 abuse;

12 (g) Multidisciplinary approaches to providing services to children;
13 and

14 (h) Continually identifying and improving weaknesses in the current
15 child protection system and developing ongoing best practices.

16 (4) The representative of the child advocacy center shall report the
17 name and address of each team member and the number of times the team met
18 within a calendar year to the Nebraska Commission on Law Enforcement and
19 Criminal Justice.

20 (5) Each team shall meet at a location agreed to by the team. The
21 number of meetings of the team shall be secondary to the caseload of the
22 team, but each team shall meet at least quarterly. Each team may
23 substitute a telephone conference call among team members in lieu of
24 meeting in person. If a team fails to convene, the commission shall
25 notify the Child Protection Division of the office of the Attorney
26 General and the division shall appoint the team members or convene the
27 team pursuant to sections 28-728 to 28-730. Nothing in this section shall
28 relieve the county attorney from ensuring that the teams meet as required
29 by this section.

30 **Sec. 11.** Section 43-247, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 43-247 The juvenile court in each county shall have jurisdiction of:

2 (1) Any juvenile who has committed an act other than a traffic
3 offense which would constitute a misdemeanor or an infraction under the
4 laws of this state, or violation of a city or village ordinance, and who
5 was eleven years of age or older at the time the act was committed;

6 (2) Any juvenile who has committed an act which would constitute a
7 felony under the laws of this state and who was eleven years of age or
8 older at the time the act was committed;

9 (3) Any juvenile:

10 (a) Subject to section 14 of this act:

11 (i) Who is homeless, or destitute, or without necessary proper
12 support through no fault of the juvenile's his or her parent, guardian,
13 or custodian;

14 (ii) Who who is abandoned by the juvenile's his or her parent,
15 guardian, or custodian;

16 (iii) Whose who lacks proper parental care by reason of the fault or
17 habits of his or her parent, guardian, or custodian; whose parent,
18 guardian, or custodian willfully neglects or refuses to provide proper or
19 necessary subsistence, education, or other care necessary for the health,
20 safety morals, or well-being of such juvenile;

21 (iv) Whose whose parent, guardian, or custodian willfully is unable
22 to provide or neglects or refuses to provide special care made necessary
23 by the mental condition of the juvenile;

24 (v) Who who is in a situation, including labor or sex trafficking of
25 a minor, as defined in section 28-830, which is or engages in an
26 occupation, including prostitution, dangerous to life or limb or
27 injurious to the health, safety, or well-being or morals of such
28 juvenile; or

29 (vi) Who who has committed an act or engaged in behavior described
30 in subdivision (1), (2), (3)(b), or (4) of this section and who was under
31 eleven years of age at the time of such act or behavior;

1 (b) Who is eleven years of age or older and who (i) by reason of
2 being wayward or habitually disobedient, is uncontrolled by his or her
3 parent, guardian, or custodian; (ii) departs himself or herself so as to
4 injure or endanger seriously the safety, or well-being ~~moral~~ or health
5 of himself, herself, or others; or (iii) is habitually truant from home
6 or school; or

7 (c) Who is mentally ill and dangerous as defined in section 71-908;

8 (4) Any juvenile who has committed an act which would constitute a
9 traffic offense as defined in section 43-245 and who was eleven years of
10 age or older at the time the act was committed;

11 (5) The parent, guardian, or custodian of any juvenile described in
12 this section;

13 (6) The proceedings for termination of parental rights;

14 (7) Any juvenile who has been voluntarily relinquished, pursuant to
15 section 43-106.01, to the Department of Health and Human Services or any
16 child placement agency licensed by the Department of Health and Human
17 Services;

18 (8) Any juvenile who was a ward of the juvenile court at the
19 inception of his or her guardianship and whose guardianship has been
20 disrupted or terminated;

21 (9) The adoption or guardianship proceedings for a child over which
22 the juvenile court already has jurisdiction under another provision of
23 the Nebraska Juvenile Code;

24 (10) The paternity or custody determination for a child over which
25 the juvenile court already has jurisdiction;

26 (11) The proceedings under the Young Adult Bridge to Independence
27 Act; and

28 (12) Except as provided in subdivision (11) of this section, any
29 individual adjudged to be within the provisions of this section until the
30 individual reaches the age of majority or the court otherwise discharges
31 the individual from its jurisdiction.

1 Notwithstanding the provisions of the Nebraska Juvenile Code, the
2 determination of jurisdiction over any Indian child as defined in section
3 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and
4 the district court shall have exclusive jurisdiction in proceedings
5 brought pursuant to section 71-510.

6 **Sec. 12.** Section 43-292, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-292 Subject to section 14 of this act, the ~~The~~ court may
9 terminate all parental rights between the parents or the mother of a
10 juvenile born out of wedlock and such juvenile when the court finds such
11 action to be in the best interests of the juvenile and it appears by the
12 evidence that one or more of the following conditions exist:

13 (1) The parents have abandoned the juvenile for six months or more
14 immediately prior to the filing of the petition;

15 (2) The parents have substantially and continuously or repeatedly
16 neglected and refused to give the juvenile or a sibling of the juvenile
17 necessary parental care and protection;

18 (3) The parents, being financially able, have willfully neglected to
19 provide the juvenile with the necessary subsistence, education, or other
20 care necessary for his or her health, morals, or welfare or have
21 neglected to pay for such subsistence, education, or other care when
22 legal custody of the juvenile is lodged with others and such payment
23 ordered by the court;

24 (4) The parents are unfit by reason of debauchery, habitual use of
25 intoxicating liquor or narcotic drugs, or repeated lewd and lascivious
26 behavior, which conduct is found by the court to be seriously detrimental
27 to the health, safety ~~morals~~, or well-being of the juvenile;

28 (5) The parents are unable to discharge parental responsibilities
29 because of mental illness or mental deficiency and there are reasonable
30 grounds to believe that such condition will continue for a prolonged
31 indeterminate period;

1 (6) Following a determination that the juvenile is one as described
2 in subdivision (3)(a) of section 43-247, reasonable efforts to preserve
3 and reunify the family if required under section 43-283.01, under the
4 direction of the court, have failed to correct the conditions leading to
5 the determination;

6 (7) The juvenile has been in an out-of-home placement for fifteen or
7 more months of the most recent twenty-two months;

8 (8) The parent has inflicted upon the juvenile, by other than
9 accidental means, serious bodily injury;

10 (9) The parent of the juvenile has subjected the juvenile or another
11 minor child to aggravated circumstances, including, but not limited to,
12 abandonment, torture, chronic abuse, or sexual abuse;

13 (10) The parent has (a) committed murder of another child of the
14 parent, (b) committed voluntary manslaughter of another child of the
15 parent, (c) aided or abetted, attempted, conspired, or solicited to
16 commit murder, or aided or abetted voluntary manslaughter of the juvenile
17 or another child of the parent, or (d) committed a felony assault that
18 resulted in serious bodily injury to the juvenile or another minor child
19 of the parent; or

20 (11) One parent has been convicted of felony sexual assault of the
21 other parent under section 28-319.01 or 28-320.01 or a comparable crime
22 in another state.

23 **Sec. 13.** Section 43-2,129, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 43-2,129 Sections 43-245 to 43-2,129 and section 14 of this act
26 shall be known and may be cited as the Nebraska Juvenile Code.

27 **Sec. 14.** (1) The fact that a person permits a juvenile, who is of
28 sufficient maturity, physical condition, and mental ability to avoid a
29 substantial risk of physical harm, to engage in independent activities,
30 either alone or with other children, shall not be a basis for the
31 juvenile court to exercise jurisdiction under subdivision (3)(a) of

1 section 43-247 or to terminate parental rights under section 43-292.

2 (2) For purposes of this section:

3 (a) Independent activities include, but are not limited to: (i)
4 Traveling, including, but not limited to, by walking, running, or
5 bicycling, to and from school or nearby commercial or recreational
6 facilities; (ii) playing outdoors; (iii) remaining unattended in a motor
7 vehicle, unless it is in conditions likely to cause serious harm that
8 have not been mitigated by reasonable precautionary measures; or (iv)
9 remaining at home unattended for a reasonable amount of time, if the
10 person has made provisions for any reasonably foreseeable emergencies
11 that may arise; and

12 (b) Maturity means having adequate social, emotional, cognitive, and
13 developmental abilities to safely handle an activity or situation.

14 **Sec. 15.** Original sections 28-711, 28-714, 28-715, 28-729, and
15 43-292, Reissue Revised Statutes of Nebraska, and sections 28-101,
16 28-707, 28-710, 28-716, 28-728, 43-247, and 43-2,129, Revised Statutes
17 Cumulative Supplement, 2024, are repealed.