

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 668

Introduced by Storer, 43; Ibach, 44; Lippincott, 34.

Read first time January 22, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Department of Health and Human
2 Services; to amend sections 28-374.01 and 28-720, Reissue Revised
3 Statutes of Nebraska, and sections 28-713.01, 28-718, and 68-1212,
4 Revised Statutes Cumulative Supplement, 2024; to change provisions
5 relating to the Adult Protective Services Central Registry and the
6 central registry of child protection cases as prescribed; to change
7 provisions relating to case managers; and to repeal the original
8 sections.
9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-374.01, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 28-374.01 (1) Upon completion of the investigation pursuant to
4 sections 28-373 and 28-374, the person who allegedly abused, neglected,
5 or exploited a vulnerable adult shall be given written notice of the
6 determination of the investigation and whether the person who allegedly
7 abused, neglected, or exploited a vulnerable adult will be entered into
8 the registry. No person shall be entered on the registry without first
9 being notified of the right to contest the determination. If a proper
10 request for appeal is made by the subject pursuant to this section, the
11 subject shall not be entered on the registry until a final order is
12 issued by the department.

13 (2) If the person who allegedly abused, neglected, or exploited a
14 vulnerable adult will be entered into the registry, the notice shall be
15 sent prior to the entry of the subject's name on the registry, by
16 certified mail with return receipt requested or first-class mail to the
17 last-known address of the person who allegedly abused, neglected, or
18 exploited a vulnerable adult and shall include:

- 19 (a) The nature of the report;
20 (b) The classification of the report; and
21 (c) The right of the person who allegedly abused, neglected, or
22 exploited a vulnerable adult to request: (i) The ~~the~~ department to amend
23 or expunge identifying information from the report; (ii) an appeal within
24 fourteen calendar days after the date of the notice of the department's
25 determination is sent to the person who allegedly abused, neglected, or
26 exploited a vulnerable adult; and (iii) the department ~~or~~ to remove the
27 substantiated report from the registry in accordance with section 28-380.

28 (3) If the person who allegedly abused, neglected, or exploited a
29 vulnerable adult will not be entered into the registry, the notice shall
30 be sent by first-class mail and shall include:

- 31 (a) The nature of the report; and

1 (b) The classification of the report.

2 **Sec. 2.** Section 28-713.01, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 28-713.01 (1) Upon completion of the investigation pursuant to
5 section 28-713:

6 (a) In situations of alleged out-of-home child abuse or neglect, the
7 person or persons having custody of the allegedly abused or neglected
8 child or children shall be given written notice of the results of the
9 investigation and any other information the law enforcement agency or
10 department deems necessary. Such notice and information shall be sent by
11 first-class mail;

12 (b) Prior to the entry of the subject's name on the central registry
13 of child protection cases maintained pursuant to section 28-718, the The
14 subject of the report of child abuse or neglect shall be given written
15 notice of the determination of the case and whether the subject of the
16 report of child abuse or neglect will be entered into the central
17 registry of child protection cases maintained pursuant to section 28-718
18 under the criteria provided in section 28-720; and

19 (c) If the subject of the report of child abuse or neglect is a
20 school employee and the child is a student in the school to which such
21 school employee is assigned for work, the notice described in subdivision
22 (1)(b) of this section shall also be sent to the Commissioner of
23 Education.

24 (2) If the subject of the report will be entered into the central
25 registry, the notice to the subject shall be sent by certified mail with
26 return receipt requested or first-class mail to the last-known address of
27 the subject of the report of child abuse or neglect and shall include:

28 (a) The nature of the report;

29 (b) The classification of the report under section 28-720;

30 (c) Notification of the right of the subject of the report of child
31 abuse or neglect to request: (i) an appeal within fourteen calendar days

1 after the date of the notice of the department's determination is sent to
2 the person who allegedly abused or neglected a child and (ii) request the
3 department to amend or expunge identifying information from the report or
4 to remove the substantiated report from the central registry in
5 accordance with section 28-723; and

6 (d) If the subject of the report of child abuse or neglect is a
7 minor child who is twelve years of age or older but younger than nineteen
8 years of age:

9 (i) Notification of the mandatory expungement hearing to be held
10 according to section 28-721, a waiver form to waive the hearing, and an
11 explanation of the hearing process;

12 (ii) An explanation of the implications of being entered in the
13 central registry as a subject;

14 (iii) Notification of any other procedures determined appropriate in
15 rules and regulations adopted and promulgated by the department; and

16 (iv) Provision of a copy of all notice materials required to be
17 provided to the subject under this subsection to the minor child's
18 attorney of record, parent or guardian, and guardian ad litem, if
19 applicable; and -

20 (e) Any notification required by this section shall be sent to the
21 subject at least fourteen days prior to the date the subject's name will
22 be entered on the central registry of child protection cases. No person
23 shall be entered on the central registry of child protection cases
24 without first being notified of the right to contest the case
25 determination.

26 (3) If the subject of the report will not be entered into the
27 central registry, the notice to the subject shall be sent by first-class
28 mail and shall include:

29 (a) The nature of the report; and

30 (b) The classification of the report under section 28-720.

31 (4) The subject of the report may appeal the decision of the

1 department under this section. The appeal shall be pursuant to the
2 Administrative Procedure Act.

3 **Sec. 3.** Section 28-718, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 28-718 (1) There shall be a central registry of child protection
6 cases maintained in the department containing records of all reports of
7 child abuse or neglect opened for investigation as provided in section
8 28-713 and classified as either court substantiated or agency
9 substantiated as provided in section 28-720.

10 (2) The department shall determine whether a name-change order
11 received from the clerk of a district court pursuant to section 25-21,271
12 is for a person on the central registry of child protection cases and, if
13 so, shall include the changed name with the former name in the registry
14 and file or cross-reference the information under both names.

15 (3) The department may charge a reasonable fee in an amount
16 established by the department in rules and regulations to recover
17 expenses in carrying out central registry records checks. The fee shall
18 not exceed five ~~three~~ dollars for each request to check the records of
19 the central registry. The department shall remit the fees to the State
20 Treasurer for credit to the Health and Human Services Cash Fund. The
21 department may waive the fee if the requesting party shows the fee would
22 be an undue financial hardship. The department shall use the fees to
23 defray costs incurred to carry out such records checks. The department
24 may adopt and promulgate rules and regulations to carry out this section.

25 **Sec. 4.** Section 28-720, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 28-720 (1) All cases entered into the central registry of child
28 protection cases maintained pursuant to section 28-718 shall be
29 classified as one of the following:

30 (a) Court substantiated, if a court of competent jurisdiction has
31 entered a judgment of guilty against the subject of the report of child

1 abuse or neglect upon a criminal complaint, indictment, or information or
2 there has been an adjudication of jurisdiction of a juvenile court over
3 the child under subdivision (3)(a) of section 43-247 which relates or
4 pertains to the report of child abuse or neglect;

5 (b) Court pending, if a criminal complaint, indictment, or
6 information or a juvenile petition under subdivision (3)(a) of section
7 43-247, which relates or pertains to the subject of the report of abuse
8 or neglect, has been filed and is pending in a court of competent
9 jurisdiction; or

10 (c) Agency substantiated, if the department's determination of child
11 abuse or neglect against the subject of the report of child abuse or
12 neglect was supported by a preponderance of the evidence and based upon
13 an investigation pursuant to section 28-712.01 or 28-713.

14 (2) If a case described in subdivision (1)(b) of this section is
15 dismissed by the court or a juvenile petition under subdivision (3)(a) of
16 section 43-247 is redesignated to indicate there is no fault on the part
17 of the parent, guardian, or custodian, the case shall be immediately
18 expunged from the central registry of child protection cases.

19 (3)(a) If the subject of the report of child abuse or neglect is a
20 minor child who is younger than twelve years of age, the case shall not
21 be entered into the central registry of child protection cases.

22 (b) If a juvenile petition is filed under subdivision (3)(a) of
23 section 43-247 indicating that the juvenile is without proper support
24 through no fault of his or her parent, guardian, or custodian, the case
25 shall not be entered into the central registry of child protection cases.

26 (4) If the subject of the report of child abuse or neglect is a
27 minor child who is twelve years of age or older but younger than nineteen
28 years of age, the case shall not be classified as court pending in the
29 central registry of child protection cases.

30 (5) The department shall report annually, on or before September 15,
31 to the Governor and electronically to the chairpersons of the Health and

1 Human Services Committee of the Legislature and the Judiciary Committee
2 of the Legislature the number of cases entered into the central registry
3 of child protection cases in which the subject is a minor child, the ages
4 of such subjects who are children, and the number of such cases
5 classified as court substantiated or agency substantiated.

6 (6) If a proper request for appeal is made by the subject after
7 receipt of the notification required by section 28-713, the subject shall
8 not be entered on the central registry of child protection cases until a
9 final order is issued by the department.

10 **Sec. 5.** Section 68-1212, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 68-1212 (1) For all cases in which a court has awarded a juvenile to
13 the care of the Department of Health and Human Services according to
14 subsection (1) of section 43-285 and for any noncourt and voluntary
15 cases, the case manager shall be an employee of the department, except
16 that the case manager may be a contracted provider for prevention cases.
17 As used in this subsection, a prevention case is a case in which (i) at
18 least one juvenile in the home meets the definition of a candidate for
19 foster care as outlined in the department's prevention plan submitted and
20 approved pursuant to section 471(e)(4) of the Families First Prevention
21 Services Act, (ii) ongoing child welfare services are not required to
22 maintain the safety of a child, and (iii) the family voluntarily engages
23 in services through community resources.

24 (2) Such case manager shall be responsible for and shall directly
25 oversee: Case planning; service authorization; investigation of
26 compliance; monitoring and evaluation of the care and services provided
27 to children and families; and decisionmaking regarding the determination
28 of visitation and the care, placement, medical services, psychiatric
29 services, training, and expenditures on behalf of each juvenile under
30 subsection (1) of section 43-285. Such case manager shall be responsible
31 for decisionmaking and direct preparation regarding the proposed plan for

1 the care, placement, services, and permanency of the juvenile filed with
2 the court required under subsection (2) of section 43-285. The health and
3 safety of the juvenile shall be the paramount concern in the proposed
4 plan.

5 **Sec. 6.** Original sections 28-374.01 and 28-720, Reissue Revised
6 Statutes of Nebraska, and sections 28-713.01, 28-718, and 68-1212,
7 Revised Statutes Cumulative Supplement, 2024, are repealed.