

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 993

Final Reading

Introduced by Ashford, 20; Avery, 28; Campbell, 25; Dubas, 34; Harr, 8; Howard, 9; Lathrop, 12; McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41; Krist, 10; Council, 11.

Read first time January 12, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to child abuse and neglect; to amend sections
2 28-728 and 28-729, Reissue Revised Statutes of Nebraska;
3 to change and eliminate provisions relating to child
4 abuse and neglect investigation teams, child abuse and
5 neglect treatment teams, and child advocacy centers; to
6 define a term; to repeal the original sections; and to
7 outright repeal sections 28-732 and 28-733, Reissue
8 Revised Statutes of Nebraska.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-728, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-728 (1) The Legislature finds that child abuse and
4 neglect are community problems requiring a ~~cooperative complementary~~
5 coordinated response by law enforcement, child advocacy centers,
6 prosecutors, the Department of Health and Human Services, and other
7 agencies or entities designed to protect children. It is the intent
8 of the Legislature to create a child abuse and neglect investigation
9 team in each county or contiguous group of counties and to create a
10 child abuse and neglect treatment team in each county or contiguous
11 group of counties.

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

25 (3) Each county attorney or the county attorney

1 representing a contiguous group of counties is responsible for
2 convening the child abuse and neglect investigation team and ensuring
3 that protocols are established and implemented. A representative of
4 the child advocacy center assigned to the team shall assist the
5 county attorney in facilitating case review, developing and updating
6 protocols, and arranging training opportunities for the team. Each
7 team must have protocols which, at a minimum, shall include
8 procedures for:

9 (a) ~~Conducting joint investigations of child abuse and~~
10 ~~other child abuse and neglect matters which the team deems necessary;~~

11 (b) ~~Ensuring that a law enforcement agency will~~
12 ~~participate in the investigation;~~

13 (c) ~~Conducting joint investigations of other child abuse~~
14 ~~and neglect matters which the team deems necessary;~~

15 (d) ~~Arranging for a videotaped forensic interview at a~~
16 ~~child advocacy center for children sixteen years of age or younger~~
17 ~~who are alleging sexual abuse or serious physical abuse or neglect or~~
18 ~~who have witnessed a violent crime, been removed from a clandestine~~
19 ~~drug lab, or been recovered from a kidnapping;~~

20 (a) Mandatory reporting of child abuse and neglect as
21 outlined in section 28-711 to include training to professionals on
22 identification and reporting of abuse;

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

1 (c) Outlining how reports will be shared between law
2 enforcement and the Department of Health and Human Services under
3 section 28-713;

4 (d) Coordinating the investigative response including,
5 but not limited to:

6 (i) Defining cases that require a priority response;
7 (ii) Contacting the reporting party;
8 (iii) Arranging for a video-recorded forensic interview
9 at a child advocacy center for children who are three to eighteen
10 years of age and are alleged to be victims of sexual abuse or serious
11 physical abuse or neglect, have witnessed a violent crime, are found
12 in a drug-endangered environment, or have been recovered from a
13 kidnapping;

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

16 (v) Assessing the need for and arranging, when indicated,
17 appropriate mental health services for the alleged child victim or
18 nonoffender caregiver;

19 (vi) Conducting collateral interviews with other persons
20 with information pertinent to the investigation including other
21 potential victims;

22 (vii) Collecting, processing, and preserving physical
23 evidence including photographing the crime scene as well as any
24 physical injuries as a result of the alleged child abuse and neglect;
25 and

1 (viii) Interviewing the alleged perpetrator;

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

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

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

10 (h) ~~How and when the team will meet; and~~

11 (i) ~~Responding to drug-endangered children.~~

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

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

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

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

22 (4) Each county attorney or the county attorney
23 representing a contiguous group of counties is responsible for
24 convening the child abuse and neglect treatment team and ensuring
25 that protocols are established and implemented. A representative of

1 the child advocacy center appointed to the team shall assist the
2 county attorney in facilitating case review, developing and updating
3 protocols, and arranging training opportunities for the team. Each
4 team must have protocols which, at a minimum, shall include
5 procedures for:

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

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

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

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

18 ~~(e) How and when the team will meet; and~~

19 ~~(f) (e)~~ Working with multiproblem status offenders and
20 delinquent youth.

21 (5) For purposes of this section, forensic interview
22 means a video-recorded interview of an alleged child victim conducted
23 at a child advocacy center by a professional with specialized
24 training designed to elicit details about alleged incidents of abuse
25 or neglect, and such interview may result in intervention in criminal

1 or juvenile court.

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

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

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

24 (3) The teams established pursuant to this section and
25 section 28-728 shall be encouraged to expand their membership to

1 include the various relevant disciplines which exist within the
2 county or contiguous group of counties. The additional members shall
3 have the requisite experience necessary as determined by the core
4 members of the teams. Consistent with requirements set out by the
5 teams, all members of both teams shall attend child abuse and neglect
6 training on an annual basis. Such training shall be no less than
7 eight hours annually and consist of the following components:

8 (a) Child abuse and neglect investigation procedures; as
9 ~~provided by law enforcement standards;~~

10 (b) Legal requirements and procedures for successful
11 prosecution of child abuse and neglect cases;

12 (c) Roles and responsibilities of child protective
13 services, law enforcement agencies, county attorneys, child advocacy
14 centers, the Attorney General, and judges;

15 (d) Characteristics of child development and family
16 dynamics;

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

18 (f) Duty of public and private individuals and agencies,
19 including schools, governmental agencies, physicians, and child
20 advocates, to report suspected or known child abuse;

21 (g) Multidisciplinary approaches to providing services to
22 children; and

23 (h) ~~Weaknesses—Continually identifying and improving~~
24 ~~weaknesses~~ in the current child protection system and developing
25 ongoing best practices.

1 (4) The representative of the county attorney child
2 advocacy center shall report the name and address of each team member
3 and the number of times the team met within a calendar year to the
4 Nebraska Commission on Law Enforcement and Criminal Justice. If more
5 than one county is part of a team, the representative of the
6 participating county attorneys shall jointly and cooperatively report
7 their results to the commission.

8 (5) Each team shall meet at a location agreed to by the
9 team. The number of meetings of the team shall be secondary to the
10 caseload of the team, but each team shall meet at least quarterly.
11 The representative from the child advocacy center assigned to the
12 team shall annually report to the commission the number of times the
13 team met within a calendar year and any changes in team membership.
14 Each team shall select a chairperson annually in the first quarter of
15 each calendar year. Each team may substitute a telephone conference
16 call among team members in lieu of meeting in person. If a team fails
17 to convene, the commission shall notify the Child Protection Division
18 of the office of the Attorney General and the division shall appoint
19 the team members or convene the team pursuant to sections 28-728 to
20 28-730. Nothing in this section shall relieve the county attorney
21 from ensuring that the teams meet as required by this section.

22 Sec. 3. Original sections 28-728 and 28-729, Reissue
23 Revised Statutes of Nebraska, are repealed.

24 Sec. 4. The following sections are outright repealed:
25 Sections 28-732 and 28-733, Reissue Revised Statutes of Nebraska.