

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB292

Hearing Date: Wednesday February 25, 2015
Committee On: Judiciary
Introducer: Coash
One Liner: Change provisions relating to the central registry of child protection cases

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Chambers, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams
Nay:
Absent:
Present Not Voting:

Verbal Testimony:

Proponents: SEN. COLBY COASH MARGENE TIMM ROBERT MCEWEN	Representing: INTRODUCER LANCASTER COUNTY PUBLIC DEFENDER'S OFFICE NEBRASKA APPLESEED
Opponents:	Representing:
Neutral: SHAKIL MALIK TONY GREEN	Representing: NEBRASKA COUNTY ATTORNEYS DHHS-CFS

Summary of purpose and/or changes:

LB292 would amend certain provisions related to individuals under nineteen years of age alleged to be responsible for child abuse or neglect, also known as "the subject", and entered into the central registry of child protection cases.

Section 1 of LB292 would require notice to a subject of the mandatory expungement hearing, a waiver form, an explanation of the hearing process, an explanation of the implications of being entered in the central registry and any other procedures determined appropriate by the department when the subject is twelve years of age or older but younger than nineteen years of age. The notice materials must also be provided to the minor child's attorney of record, parent or guardian, and guardian ad litem.

Section 2 would provide that when a case involving a registry entry classified as "court pending" is dismissed or when an abuse or neglect case under 43-247(3)(a) is redesignated as a no fault petition, the case shall be immediately expunged from the central registry. Section 2 would also provide that if a juvenile petition under 43-247(3)(a) is filed as a no fault petition, it shall not be included on the central registry. Section 2 also prohibits classifying a case regarding as "court pending" if the subject is twelve years of age but younger than nineteen years of age.

Section 2 would also require the department to prepare a report to the Governor, the Health and Human Services

committee and the Judiciary committee as to the number of cases entered into the central registry in which the subject is a minor child.

Section 4 outlines the procedure for the mandatory expungement hearing for subjects twelve years of age but younger than nineteen years of age. The hearing must be held within 60 days of the notice of entering the subject into the central registry and within 60 days of the subject's nineteenth birthday.

Explanation of amendments:

AM619 would amend Section 4 of LB292 to provide that the waiver of the first mandatory expungement hearing must be signed by the subject and the subject's attorney of record, parent, guardian or guardian ad litem. This section also prohibits the Department of Health and Human Services from signing the waiver for a subject in its custody. The amendment further provides that the second mandatory expungement hearing may be waived and does not need to be held if the subject is no longer on the registry

Les Seiler, Chairperson