

LEGISLATIVE BILL 122

Approved by the Governor May 26, 2009

Introduced by Coash, 27; Howard, 9.

FOR AN ACT relating to children; to amend sections 28-718 and 28-720, Reissue Revised Statutes of Nebraska; to change terminology in the central register of child protection cases; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 28-718, Reissue Revised Statutes of Nebraska, is amended to read:

28-718 There shall be a central register of child protection cases maintained in the department containing records of all reports of child abuse or neglect opened for investigation as provided in section 28-713 and classified as either court substantiated or ~~inconclusive~~ agency substantiated as provided in section 28-720. The department may change records classified as inconclusive prior to the effective date of this act to agency substantiated. The department shall give public notice of the changes made to this section and subsection (3) of section 28-720 by this legislative bill within thirty days after the effective date of this act by having such notice published in a newspaper or newspapers of general circulation within the state.

Sec. 2. Section 28-720, Reissue Revised Statutes of Nebraska, is amended to read:

28-720 All cases entered into the central register of child protection cases maintained pursuant to section 28-718 shall be classified as one of the following:

(1) Court substantiated, if a court of competent jurisdiction has entered a judgment of guilty against the subject of the report of child abuse or neglect upon a criminal complaint, indictment, or information or there has been an adjudication of jurisdiction of a juvenile court over the child under subdivision (3)(a) of section 43-247 which relates or pertains to the report of child abuse or neglect;

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

(3) ~~Inconclusive,~~ Agency substantiated, if the department's determination of child abuse or neglect against the subject of the report of child abuse or neglect was ~~made,~~ supported by a preponderance of the evidence, ~~and based upon an investigation pursuant to section 28-713.~~

Sec. 3. Original sections 28-718 and 28-720, Reissue Revised Statutes of Nebraska, are repealed.