

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 839**

Introduced by Council, 11.

Read first time January 06, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Child Protection Act; to amend section  
2 28-711, Reissue Revised Statutes of Nebraska; to provide  
3 requirements for reporting sexual conduct as prescribed;  
4 to harmonize provisions; and to repeal the original  
5 section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-711, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           28-711 (1) When any physician, medical institution,  
4 nurse, school employee, social worker, or other person has reasonable  
5 cause to believe that a child has been subjected to child abuse or  
6 neglect or observes such child being subjected to conditions or  
7 circumstances which reasonably would result in child abuse or  
8 neglect, he or she shall report such incident or cause a report of  
9 child abuse or neglect to be made to the proper law enforcement  
10 agency or to the department on the toll-free number established by  
11 subsection ~~(2)~~(3) of this section. Such report may be made orally by  
12 telephone with the caller giving his or her name and address, shall  
13 be followed by a written report, and to the extent available shall  
14 contain the address and age of the abused or neglected child, the  
15 address of the person or persons having custody of the abused or  
16 neglected child, the nature and extent of the child abuse or neglect  
17 or the conditions and circumstances which would reasonably result in  
18 such child abuse or neglect, any evidence of previous child abuse or  
19 neglect including the nature and extent, and any other information  
20 which in the opinion of the person may be helpful in establishing the  
21 cause of such child abuse or neglect and the identity of the  
22 perpetrator or perpetrators. Law enforcement agencies receiving any  
23 reports of child abuse or neglect under this subsection shall notify  
24 the department pursuant to section 28-718 on the next working day by  
25 telephone or mail.

1           (2)(a) If a student reports an allegation of sexual  
2 contact or sexual penetration, as those terms are defined in section  
3 28-318, or of acts described in subdivision (2)(a)(v) or (vi) of  
4 section 28-710, on the part of a teacher or other school employee to  
5 another school employee required to report such allegation pursuant  
6 to subsection (1) of this section, the school employee to whom the  
7 allegation is reported and the superintendent of the school district  
8 shall report such misconduct pursuant to such subsection within  
9 twenty-four hours after receiving the allegation. A report made under  
10 this subsection shall be investigated in accordance with the Child  
11 Protection Act for the purpose of determining whether or not the  
12 allegation is substantiated as described in subdivision (3) of  
13 section 28-720. The school district shall not investigate the report  
14 for purposes of substantiating the allegation, but the district may  
15 investigate the allegation for purposes of making a decision  
16 regarding the employment of the teacher or school employee against  
17 whom the allegation was made.

18           (b) For purposes of this subsection, school has the  
19 definition found in section 79-101.

20           ~~(2)~~(3) The department shall establish a statewide toll-  
21 free number to be used by any person any hour of the day or night,  
22 any day of the week, to make reports of child abuse or neglect.  
23 Reports of child abuse or neglect not previously made to or by a law  
24 enforcement agency shall be made immediately to such agency by the  
25 department.

1                   Sec. 2. Original section 28-711, Reissue Revised Statutes  
2 of Nebraska, is repealed.