

AMENDMENTS TO LB853

Introduced by Coash

1 1. Insert the following new sections:

2 Section 1. Section 28-710, Revised Statutes Supplement,
3 2013, is amended to read:

4 28-710 (1) Sections 28-710 to 28-727 and sections 2 to 4
5 of this act shall be known and may be cited as the Child Protection
6 and Family Safety Act.

7 (2) For purposes of the Child Protection and Family
8 Safety Act:

9 (a) Alternative response means a comprehensive assessment
10 of (i) child safety, (ii) the risk of future child abuse or
11 neglect, (iii) family strengths and needs, and (iv) the provision
12 of or referral for necessary services and support. Alternative
13 response is an alternative to traditional response and does not
14 include an investigation or a formal determination as to whether
15 child abuse or neglect has occurred, and the subject of the report
16 shall not be entered into the central registry of child protection
17 cases maintained pursuant to section 28-718;

18 ~~(a)~~ (b) Child abuse or neglect means knowingly,
19 intentionally, or negligently causing or permitting a minor child
20 to be:

21 (i) Placed in a situation that endangers his or her life
22 or physical or mental health;

23 (ii) Cruelly confined or cruelly punished;

1 (iii) Deprived of necessary food, clothing, shelter, or
2 care;

3 (iv) Left unattended in a motor vehicle if such minor
4 child is six years of age or younger;

5 (v) Sexually abused; or

6 (vi) Sexually exploited by allowing, encouraging, or
7 forcing such person to solicit for or engage in prostitution,
8 debauchery, public indecency, or obscene or pornographic
9 photography, films, or depictions;

10 (c) Comprehensive assessment means an analysis of child
11 safety, risk of future child abuse or neglect, and family strengths
12 and needs on a report of child abuse or neglect. Comprehensive
13 assessment does not include a determination as to whether the child
14 abuse or neglect occurred but does determine the need for services
15 and support to address the safety of children and the risk of
16 future abuse or neglect;

17 ~~(b)~~ (d) Department means the Department of Health and
18 Human Services;

19 (e) Investigation means fact gathering related to the
20 current safety of a child and the risk of future child abuse or
21 neglect that determines whether child abuse or neglect has occurred
22 and whether child protective services are needed;

23 ~~(e)~~ (f) Law enforcement agency means the police
24 department or town marshal in incorporated municipalities, the
25 office of the sheriff in unincorporated areas, and the Nebraska
26 State Patrol;

27 ~~(d)~~ (g) Out-of-home child abuse or neglect means child

1 abuse or neglect occurring in day care homes, foster homes, day
2 care centers, residential child-caring agencies as defined in
3 section 71-1926, and other child care facilities or institutions;
4 and

5 (h) Review, Evaluate, and Decide Team means an internal
6 team of staff within the department and shall include no fewer
7 than two supervisors or administrators and two staff members
8 knowledgeable on the policies and practices of the department,
9 including, but not limited to, the structured review process.
10 County attorneys, child advocacy centers, or law enforcement may
11 attend team reviews upon request of a party;

12 (i) Traditional response means an investigation by law
13 enforcement or the department pursuant to section 28-713 which
14 requires a formal determination of whether child abuse or neglect
15 has occurred; and

16 ~~(e)~~ (j) Subject of the report of child abuse or neglect
17 means the person or persons identified in the report as responsible
18 for the child abuse or neglect.

19 Sec. 2. (1) The Legislature declares that the public
20 policy of the State of Nebraska is to protect children whose
21 health or welfare may be jeopardized by abuse or neglect. The
22 Legislature recognizes that most families want to keep their
23 children safe, but circumstances or conditions sometimes interfere
24 with their ability to do so. Families and children are best
25 served by interventions that engage their protective capacities and
26 address immediate safety concerns and ongoing risks of child abuse
27 or neglect. In furtherance of this public policy and the family

1 policy and principles set forth in sections 43-532 and 43-533,
2 it is the intent of the Legislature to strengthen the family
3 and make the home, school, and community safe for children by
4 promoting responsible child care in all settings and to provide,
5 when necessary, a safe temporary or permanent home environment for
6 abused or neglected children.

7 (2) In addition, it is the policy of this state
8 to: Require the reporting of child abuse or neglect in home,
9 school, and community settings; provide for alternative response to
10 reports as permitted by rules and regulations of the department;
11 provide for traditional response to reports as required by rules
12 and regulations of the department; and provide protective and
13 supportive services designed to preserve and strengthen the family
14 in appropriate cases.

15 Sec. 3. (1) The department, in consultation with the
16 Nebraska Children's Commission, shall develop an alternative
17 response implementation plan in accordance with sections 2 to
18 4 of this act. The alternative response implementation shall
19 include the provision of concrete supports and voluntary services,
20 including, but not limited to: Meeting basic needs, including
21 food and clothing assistance; housing assistance; transportation
22 assistance; child care assistance; and mental health and substance
23 abuse services. When the alternative response implementation plan
24 has been developed, the department may begin using alternative
25 response in up to five alternative response demonstration project
26 locations that are designated by the department. The department
27 shall provide a report of an evaluation on the status of

1 alternative response implementation pursuant to subsection (2) of
2 this section to the Legislature and the commission by November
3 15, 2015. The commission shall provide feedback on the report to
4 the department before December 15, 2015. The department may begin
5 using alternative response in up to five additional alternative
6 response demonstration project locations on or after January 1,
7 2016. The department shall provide a report of another evaluation
8 done pursuant to subsection (2) of this section to the commission
9 and electronically to the Legislature by November 15, 2016. The
10 department may continue using alternative response until July
11 1, 2017. Continued use of alternative response thereafter shall
12 require approval of the Legislature. For purposes of this section,
13 demonstration project location means any geographic region,
14 including, but not limited to, a city, a township, a village, a
15 county, a group of counties, or a group of counties and cities,
16 townships, or villages.

17 (2) The department shall contract with an independent
18 entity to evaluate the alternative response demonstration projects.
19 The evaluation shall include, but is not limited to:

20 (a) The screening process used to determine which cases
21 shall be assigned to alternative response;

22 (b) The number and proportion of repeat child abuse and
23 neglect allegations within a specified period of time following
24 initial intake;

25 (c) The number and proportion of substantiated child
26 abuse and neglect allegations within a specified period of time
27 following initial intake;

1 (d) The number and proportion of families with any
2 child entering out-of-home care within a specified period of time
3 following initial intake;

4 (e) Changes in child and family well-being in the domains
5 of behavioral and emotional functioning and physical health and
6 development as measured by a standardized assessment instrument to
7 be selected by the department;

8 (f) The number and proportion of families assigned to
9 the alternative response track who are reassigned to a traditional
10 response; and

11 (g) A cost analysis that will examine, at a minimum, the
12 costs of the key elements of services received.

13 (3) The department shall provide to the Nebraska
14 Children's Commission regular updates on:

15 (a) The alternative response implementation plan,
16 including the development of the alternative response interview
17 protocols of children;

18 (b) The status of alternative response implementation;

19 (c) Inclusion of child welfare stakeholders, service
20 providers, and other community partners, including families,
21 for feedback and recommendations on the alternative response
22 implementation plan;

23 (d) Any findings or recommendations made by the
24 independent evaluator, including costs;

25 (e) Any alternative response programmatic modifications;
26 and

27 (f) The status of the adoption and promulgation of rules

1 and regulations.

2 (4) The department shall adopt and promulgate rules
3 and regulations to carry out the provisions of this legislative
4 bill. Such rules and regulations shall include, but not be
5 limited to, provisions on the transfer of cases from alternative
6 response to traditional response; notice to families subject
7 to a comprehensive assessment and served through alternative
8 response of the alternative response process and their rights,
9 including the opportunity to challenge agency determinations; the
10 provision of services through alternative response; the collection,
11 sharing, and reporting of data; and the alternative response
12 ineligibility criteria. Whenever the department proposes to change
13 the alternative response ineligibility criteria, public notice of
14 the changes shall be given. Public notice and time for public
15 comment shall be provided by the department publishing the proposed
16 changes on its web site at least sixty days prior to the public
17 hearing on such regulation changes. The department shall provide
18 a copy of the proposed rules and regulations to the Nebraska
19 Children's Commission no later than October 1, 2014.

20 Sec. 4. (1) This section applies to alternative response
21 demonstration projects designated under section 3 of this act.

22 (2) The Review, Evaluate, and Decide Team shall convene
23 to review intakes that are not immediately assigned to traditional
24 response based on the criteria, provide critical analysis of the
25 information, and determine assignment for alternative response or
26 traditional response. The team shall utilize consistent criteria
27 to review the severity of the allegation of abuse or neglect,

1 access to the perpetrator, vulnerability of the child, family
2 history including previous reports, parental cooperation, parental
3 or caretaker protective factors, and other information as deemed
4 necessary. At the conclusion of the review, the intake shall be
5 assigned to either traditional response or alternative response.
6 Decisions shall be made by consensus. If the team cannot come to
7 consensus the intake will be assigned for a traditional response.

8 (3) In the case of an alternative response, the
9 department shall complete a comprehensive assessment. The
10 department shall transfer the case being given alternative response
11 to traditional response if the department determines that a
12 child is unsafe. Upon completion of the comprehensive assessment,
13 if it is determined that the child is safe, participation in
14 services offered to the family receiving an alternative response
15 is voluntary, the case shall not be transferred to traditional
16 response based upon the family's failure to enroll or participate
17 in such services, and the subject of the report shall not be
18 entered into the central registry of child protection cases
19 maintained pursuant to section 28-718.

20 (4) The department shall, by the next working day after
21 receipt of a report of child abuse and neglect, enter into the
22 tracking system of child protection cases maintained pursuant to
23 section 28-715 all reports of child abuse or neglect received
24 under this section that are opened for alternative response and any
25 action taken.

26 (5) The department shall make available to the
27 appropriate investigating law enforcement agency and the county

1 attorney a copy of all reports relative to a case of suspected
2 child abuse or neglect. Aggregate, non-identifying reports of child
3 abuse or neglect receiving an alternative response shall be made
4 available quarterly to requesting agencies outside the department.
5 Such alternative response data shall include, but not be limited
6 to, the nature of the initial child abuse or neglect report,
7 the nature of services offered, the location of the cases, the
8 number of cases per month, and the number of alternative response
9 cases that were transferred to traditional response. No other
10 agency or individual except the Office of the Inspector General of
11 Nebraska Child Welfare, the Public Counsel, law enforcement, and
12 county attorneys shall be provided specific, identifying reports
13 of child abuse or neglect being given alternative response. The
14 Office of the Inspector General of Nebraska Child Welfare shall
15 have access to all reports relative to cases of suspected child
16 abuse or neglect subject to traditional response and those subject
17 to alternative response. The department and the office shall
18 develop procedures allowing for the Inspector General's review of
19 cases subject to alternative response. The Inspector General shall
20 include in the report pursuant to section 43-4331 a summary of all
21 cases reviewed pursuant to this subsection.

22 Sec. 5. Section 28-713, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 28-713 ~~Upon~~ Unless an intake is assigned to alternative
25 response, upon the receipt of a call reporting child abuse and
26 neglect as required by section 28-711:

27 (1) It is the duty of the law enforcement agency to

1 investigate the report, to take immediate steps to protect the
2 child, and to institute legal proceedings if appropriate. In
3 situations of alleged out-of-home child abuse or neglect if the
4 person or persons to be notified have not already been notified and
5 the person to be notified is not the subject of the report of child
6 abuse or neglect, the law enforcement agency shall immediately
7 notify the person or persons having custody of each child who has
8 allegedly been abused or neglected that such report of alleged
9 child abuse or neglect has been made and shall provide such person
10 or persons with information of the nature of the alleged child
11 abuse or neglect. The law enforcement agency may request assistance
12 from the department during the investigation and shall, by the
13 next working day, notify either the hotline or the department of
14 receipt of the report, including whether or not an investigation
15 is being undertaken by the law enforcement agency. A copy of all
16 reports, whether or not an investigation is being undertaken, shall
17 be provided to the department;

18 (2) In situations of alleged out-of-home child abuse or
19 neglect if the person or persons to be notified have not already
20 been notified and the person to be notified is not the subject
21 of the report of child abuse or neglect, the department shall
22 immediately notify the person or persons having custody of each
23 child who has allegedly been abused or neglected that such report
24 of alleged child abuse or neglect has been made and shall provide
25 such person or persons with information of the nature of the
26 alleged child abuse or neglect and any other information that the
27 department deems necessary. The department shall investigate for

1 the purpose of assessing each report of child abuse or neglect to
2 determine the risk of harm to the child involved. The department
3 shall also provide such social services as are necessary and
4 appropriate under the circumstances to protect and assist the child
5 and to preserve the family;

6 (3) The department may make a request for further
7 assistance from the appropriate law enforcement agency or take
8 such legal action as may be appropriate under the circumstances;

9 (4) The department shall, by the next working day after
10 receiving a report of child abuse or neglect under subdivision
11 (1) of this section, make a written report or a summary on forms
12 provided by the department to the proper law enforcement agency in
13 the county and enter in the tracking system of child protection
14 cases maintained pursuant to section 28-715 all reports of child
15 abuse or neglect opened for investigation and any action taken; and

16 (5) The department shall, upon request, make available to
17 the appropriate investigating law enforcement agency and the county
18 attorney a copy of all reports relative to a case of suspected
19 child abuse or neglect.

20 Sec. 6. Section 28-713.01, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 28-713.01 (1) Upon completion of the investigation
23 pursuant to section 28-713:

24 (a) In situations of alleged out-of-home child abuse or
25 neglect, the person or persons having custody of the allegedly
26 abused or neglected child or children shall be given written notice
27 of the results of the investigation and any other information the

1 law enforcement agency or department deems necessary. Such notice
2 and information shall be sent by first-class mail; and

3 (b) The subject of the report of child abuse or neglect
4 shall be given written notice of the determination of the case and
5 whether the subject of the report of child abuse or neglect will
6 be entered into the central ~~register~~ registry of child protection
7 cases maintained pursuant to section 28-718 under the criteria
8 provided in section 28-720.

9 (2) If the subject of the report will be entered into the
10 central ~~register~~, registry, the notice to the subject shall be sent
11 by certified mail with return receipt requested or first-class mail
12 to the last-known address of the subject of the report of child
13 abuse or neglect and shall include:

14 (a) The nature of the report;

15 (b) The classification of the report under section
16 28-720; and

17 (c) Notification of the right of the subject of the
18 report of child abuse or neglect to request the department to amend
19 or expunge identifying information from the report or to remove
20 the substantiated report from the central ~~register~~ registry in
21 accordance with section 28-723.

22 (3) If the subject of the report will not be entered into
23 the central ~~register~~, registry, the notice to the subject shall be
24 sent by first-class mail and shall include:

25 (a) The nature of the report; and

26 (b) The classification of the report under section
27 28-720.

1 Sec. 7. Section 28-718, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 28-718 (1) There shall be a central ~~register~~ registry
4 of child protection cases maintained in the department containing
5 records of all reports of child abuse or neglect opened for
6 investigation as provided in section 28-713 and classified as
7 either court substantiated or agency substantiated as provided in
8 section 28-720. The department may change records classified as
9 inconclusive prior to August 30, 2009, to agency substantiated.~~The~~
10 ~~department shall give public notice of the changes made to this~~
11 ~~section and subsection (3) of section 28-720 by Laws 2009, LB 122,~~
12 ~~within thirty days after August 30, 2009, by having such notice~~
13 ~~published in a newspaper or newspapers of general circulation~~
14 ~~within the state.~~

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

21 Sec. 8. Section 28-719, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 28-719 Upon complying with identification requirements
24 established by regulation of the department, or when ordered by
25 a court of competent jurisdiction, any person legally authorized
26 by section 28-722, 28-726, or 28-727 to have access to records
27 relating to child abuse and neglect may request and shall be

1 immediately provided the information requested in accordance with
2 the ~~requirement~~ requirements of the Child Protection and Family
3 Safety Act. Such information shall not include the name and
4 address of the person making the report of child abuse or neglect.
5 The names and other identifying data and the dates and the
6 circumstances of any persons requesting or receiving information
7 from the central ~~register~~ registry of child protection cases
8 maintained pursuant to section 28-718 shall be entered in ~~such~~
9 ~~register~~ the central registry record.

10 Sec. 9. Section 28-720, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 28-720 All cases entered into the central ~~register~~
13 registry of child protection cases maintained pursuant to section
14 28-718 shall be classified as one of the following:

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

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

27 (3) Agency substantiated, if the department's

1 determination of child abuse or neglect against the subject
2 of the report of child abuse or neglect was supported by a
3 preponderance of the evidence and based upon an investigation
4 pursuant to section 28-713 or section 4 of this act.

5 Sec. 10. Section 28-720.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 28-720.01 All reports of child abuse or neglect which are
8 not under subdivision (1), (2), or (3) of section 28-720 shall be
9 considered unfounded and shall be maintained only in the tracking
10 system of child protection cases pursuant to section 28-715 and
11 not in the central ~~register~~ registry of child protection cases
12 maintained pursuant to section 28-718.

13 Sec. 11. Section 28-721, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 28-721 At any time, the department may amend, expunge, or
16 remove from the central ~~register~~ registry of child protection cases
17 maintained pursuant to section 28-718 any record upon good cause
18 shown and upon notice to the subject of the report of child abuse
19 or neglect.

20 Sec. 12. Section 28-722, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 28-722 Upon request, a subject of the report of child
23 abuse or neglect or, if such subject is a minor or otherwise
24 legally incompetent, the guardian or guardian ad litem of the
25 subject, shall be entitled to receive a copy of all information
26 contained in the central ~~register~~ registry of child protection
27 cases maintained pursuant to section 28-718 pertaining to his or

1 her case. The department shall not release data that would be
2 harmful or detrimental or that would identify or locate a person
3 who, in good faith, made a report of child abuse or neglect or
4 cooperated in a subsequent investigation unless ordered to do so by
5 a court of competent jurisdiction.

6 Sec. 13. Section 28-723, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 28-723 At any time subsequent to the completion of the
9 department's investigation, the subject of the report of child
10 abuse or neglect may request the department to amend, expunge
11 identifying information from, or remove the record of the report
12 from the central ~~register~~ registry of child protection cases
13 maintained pursuant to section 28-718. If the department refuses to
14 do so or does not act within thirty days, the subject of the report
15 of child abuse or neglect shall have the right to a fair hearing
16 within the department to determine whether the record of the report
17 of child abuse or neglect should be amended, expunged, or removed
18 on the grounds that it is inaccurate or that it is being maintained
19 in a manner inconsistent with the Child Protection and Family
20 Safety Act. Such fair hearing shall be held within a reasonable
21 time after the subject's request and at a reasonable place and
22 hour. In such hearings, the burden of proving the accuracy and
23 consistency of the record shall be on the department. A juvenile
24 court finding of child abuse or child neglect shall be presumptive
25 evidence that the report was not unfounded. The hearing shall be
26 conducted by the ~~head~~ chief executive officer of the department or
27 his or her designated agent, who is hereby authorized and empowered

1 to order the amendment, expunction, or removal of the record to
2 make it accurate or consistent with the requirements of the act.
3 The decision shall be made in writing, at the close of the hearing,
4 or within thirty days thereof, and shall state the reasons upon
5 which it is based. Decisions of the department may be appealed
6 under ~~the provisions of~~ the Administrative Procedure Act.

7 Sec. 14. Section 28-724, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 28-724 Written notice of any amendment, expunction, or
10 removal of any record in the central ~~register~~ registry of child
11 protection cases maintained pursuant to section 28-718 shall be
12 served upon the subject of the report of child abuse or neglect.
13 The department shall inform any other individuals or agencies which
14 received such record of any amendment, expunction, or removal of
15 such record.

16 Sec. 15. Section 28-725, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 28-725 All information of the department concerning
19 reports of child abuse or neglect of noninstitutional children,
20 including information in the tracking system of child protection
21 cases maintained pursuant to section 28-715 or records in the
22 central ~~register~~ registry of child protection cases maintained
23 pursuant to section 28-718, and all information of the department
24 generated as a result of such reports or records, shall be
25 confidential and shall not be disclosed except as specifically
26 authorized by the Child Protection and Family Safety Act and
27 section 81-3126 or other applicable law. The subject of the

1 report of child abuse or neglect may authorize any individual
2 or organization to receive the following information from the
3 central ~~register~~ registry of child protection cases maintained
4 pursuant to section 28-718 which relates or pertains to him or
5 her: (1) The date of the alleged child abuse or neglect; and
6 (2) the classification of the case pursuant to section 28-720.
7 Permitting, assisting, or encouraging the unauthorized release of
8 any information contained in such reports or records shall be a
9 Class V misdemeanor.

10 Sec. 16. Section 28-726, Revised Statutes Supplement,
11 2013, is amended to read:

12 28-726 Except as provided in this section and sections
13 28-722 and 81-3126, no person, official, or agency shall have
14 access to information in the tracking system of child protection
15 cases maintained pursuant to section 28-715 or in records in the
16 central ~~register~~ registry of child protection cases maintained
17 pursuant to section 28-718 unless in furtherance of purposes
18 directly connected with the administration of the Child Protection
19 and Family Safety Act. Such persons, officials, and agencies having
20 access to such information shall include, but not be limited to:

21 (1) A law enforcement agency investigating a report of
22 known or suspected child abuse or neglect;

23 (2) A county attorney in preparation of a child abuse or
24 neglect petition or termination of parental rights petition;

25 (3) A physician who has before him or her a child whom he
26 or she reasonably suspects may be abused or neglected;

27 (4) An agency having the legal responsibility or

1 authorization to care for, treat, or supervise an abused or
2 neglected child or a parent, a guardian, or other person
3 responsible for the abused or neglected child's welfare who is the
4 subject of the report of child abuse or neglect;

5 (5) Any person engaged in bona fide research or auditing.
6 No information identifying the subjects of the report of child
7 abuse or neglect shall be made available to the researcher or
8 auditor;

9 (6) The Foster Care Review Office and the designated
10 local foster care review board when the information relates to a
11 child in a foster care placement as defined in section 43-1301.
12 The information provided to the office and local board shall not
13 include the name or identity of any person making a report of
14 suspected child abuse or neglect;

15 (7) The designated protection and advocacy system
16 authorized pursuant to the Developmental Disabilities Assistance
17 and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act
18 existed on January 1, 2005, and the Protection and Advocacy for
19 Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed
20 on September 1, 2001, acting upon a complaint received from or
21 on behalf of a person with developmental disabilities or mental
22 illness;

23 (8) The person or persons having custody of the abused or
24 neglected child in situations of alleged out-of-home child abuse or
25 neglect;

26 (9) For purposes of licensing providers of child care
27 programs, the Department of Health and Human Services; and

1 (10) A probation officer administering juvenile
2 intake services pursuant to section 29-2260.01, conducting
3 court-ordered predispositional investigations prior to disposition,
4 or supervising a juvenile upon disposition.

5 Sec. 17. Section 28-728, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

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

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

1 receiving accreditation.

2 (3) Each county attorney or the county attorney
3 representing a contiguous group of counties is responsible
4 for convening the child abuse and neglect investigation team
5 and ensuring that protocols are established and implemented.

6 A representative of the child advocacy center assigned to the
7 team shall assist the county attorney in facilitating case
8 review, developing and updating protocols, and arranging training
9 opportunities for the team. Each team must have protocols which, at
10 a minimum, shall include procedures for:

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

14 (b) Assigning roles and responsibilities between law
15 enforcement and the Department of Health and Human Services for the
16 initial response;

17 (c) Outlining how reports will be shared between law
18 enforcement and the Department of Health and Human Services under
19 section 28-713 and section 4 of this act;

20 (d) Coordinating the investigative response including,
21 but not limited to:

22 (i) Defining cases that require a priority response;

23 (ii) Contacting the reporting party;

24 (iii) Arranging for a video-recorded forensic interview
25 at a child advocacy center for children who are three to eighteen
26 years of age and are alleged to be victims of sexual abuse or
27 serious physical abuse or neglect, have witnessed a violent crime,

1 are found in a drug-endangered environment, or have been recovered
2 from a kidnapping;

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

5 (v) Assessing the need for and arranging, when indicated,
6 appropriate mental health services for the alleged child victim or
7 nonoffender caregiver;

8 (vi) Conducting collateral interviews with other persons
9 with information pertinent to the investigation including other
10 potential victims;

11 (vii) Collecting, processing, and preserving physical
12 evidence including photographing the crime scene as well as any
13 physical injuries as a result of the alleged child abuse and
14 neglect; and

15 (viii) Interviewing the alleged perpetrator;

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

18 (f) Ensuring that the child is in safe surroundings,
19 including removing the perpetrator when necessary or arranging
20 for temporary custody of the child when the child is seriously
21 endangered in his or her surroundings and immediate removal appears
22 to be necessary for the child's protection as provided in section
23 43-248;

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

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

27 (i) Cases of sexual abuse, serious physical abuse and

1 neglect, drug-endangered children, and serious or ongoing domestic
2 violence;

3 (ii) Cases determined by the Department of Health
4 and Human Services to be high or very high risk for further
5 maltreatment; and

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

8 (4) Each county attorney or the county attorney
9 representing a contiguous group of counties is responsible for
10 convening the child abuse and neglect treatment team and ensuring
11 that protocols are established and implemented. A representative
12 of the child advocacy center appointed to the team shall assist
13 the county attorney in facilitating case review, developing and
14 updating protocols, and arranging training opportunities for the
15 team. Each team must have protocols which, at a minimum, shall
16 include procedures for:

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

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

24 (c) Reducing the risk of harm to child abuse and neglect
25 victims;

26 (d) Assisting those child abuse and neglect victims who
27 are abused and neglected by perpetrators who do not reside in their

1 homes; and

2 (e) Working with multiproblem status offenders and
3 delinquent youth.

4 (5) For purposes of this section, forensic interview
5 means a video-recorded interview of an alleged child victim
6 conducted at a child advocacy center by a professional with
7 specialized training designed to elicit details about alleged
8 incidents of abuse or neglect, and such interview may result in
9 intervention in criminal or juvenile court.

10 Sec. 18. Section 28-801, Revised Statutes Supplement,
11 2013, is amended to read:

12 28-801 (1) Except as provided in subsection (5) of this
13 section, any person who performs, offers, or agrees to perform
14 any act of sexual contact or sexual penetration, as those terms
15 are defined in section 28-318, with any person not his or her
16 spouse, in exchange for money or other thing of value, commits
17 prostitution.

18 (2) Any person convicted of violating subsection (1) of
19 this section shall be punished as follows:

20 (a) If such person has had no prior convictions or has
21 had one prior conviction, such person shall be guilty of a Class
22 II misdemeanor. If the court places such person on probation, such
23 order of probation shall include, as one of its conditions, that
24 such person shall satisfactorily attend and complete an appropriate
25 mental health and substance abuse assessment conducted by a
26 licensed mental health professional or substance abuse professional
27 authorized to complete such assessment; and

1 (b) If such person has had two or more prior convictions,
2 such person shall be guilty of a Class I misdemeanor. If the
3 court places such person on probation, such order of probation
4 shall include, as one of its conditions, that such person shall
5 satisfactorily attend and complete an appropriate mental health and
6 substance abuse assessment conducted by a licensed mental health
7 professional or substance abuse professional authorized to complete
8 such assessment.

9 (3) It is an affirmative defense to prosecution under
10 this section that such person was a trafficking victim as defined
11 in section 28-830.

12 (4) For purposes of this section, prior conviction means
13 any conviction on or after July 14, 2006, for violation of
14 subsection (1) of this section or any conviction on or after July
15 14, 2006, for violation of a city or village ordinance relating to
16 prostitution.

17 (5) If the law enforcement officer determines, after
18 a reasonable detention for investigative purposes, that a person
19 suspected of or charged with a violation of subsection (1) of this
20 section is a person under eighteen years of age, such person shall
21 be immune from prosecution for a prostitution offense under this
22 section and shall be subject to temporary custody under section
23 43-248 and further disposition under the Nebraska Juvenile Code.
24 A law enforcement officer who takes a person under eighteen years
25 of age into custody under this section shall immediately report
26 an allegation of a violation of section 28-831 to the Department
27 of Health and Human Services which shall commence an investigation

1 within twenty-four hours under the Child Protection and Family
2 Safety Act.

3 Sec. 19. Section 43-107, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 43-107 (1)(a) For adoption placements occurring or in
6 effect prior to January 1, 1994, upon the filing of a petition
7 for adoption, the county judge shall, except in the adoption of
8 children by stepparents when the requirement of an investigation is
9 discretionary, request the Department of Health and Human Services
10 or any child placement agency licensed by the department to examine
11 the allegations set forth in the petition and to ascertain any
12 other facts relating to such minor child and the person or persons
13 petitioning to adopt such child as may be relevant to the propriety
14 of such adoption, except that the county judge shall not be
15 required to request such an examination if the judge determines
16 that information compiled in a previous examination or study is
17 sufficiently current and comprehensive. Upon the request being
18 made, the department or other licensed agency shall conduct an
19 investigation and report its findings to the county judge in
20 writing at least one week prior to the date set for hearing.

21 (b)(i) For adoption placements occurring on or after
22 January 1, 1994, a preplacement adoptive home study shall be filed
23 with the court prior to the hearing required in section 43-103,
24 which study is completed by the Department of Health and Human
25 Services or a licensed child placement agency within one year
26 before the date on which the adoptee is placed with the petitioner
27 or petitioners and indicates that the placement of a child for the

1 purpose of adoption would be safe and appropriate.

2 (ii) An adoptive home study shall not be required when
3 the petitioner is a stepparent of the adoptee unless required by
4 the court, except that for petitions filed on or after January
5 1, 1994, the judge shall order the petitioner or his or her
6 attorney to request the Nebraska State Patrol to file a national
7 criminal history record information check by submitting the request
8 accompanied by two sets of fingerprint cards or an equivalent
9 electronic submission and the appropriate fee to the Nebraska State
10 Patrol for a Federal Bureau of Investigation background check and
11 to request the department to conduct and file a check of the
12 central ~~register~~ registry created in section 28-718 for any history
13 of the petitioner of behavior injurious to or which may endanger
14 the health or morals of a child. An adoption decree shall not
15 be issued until such records are on file with the court. The
16 petitioner shall pay the cost of the national criminal history
17 record information check and the check of the central ~~register~~.
18 registry.

19 (iii) The placement of a child for foster care made by or
20 facilitated by the department or a licensed child placement agency
21 in the home of a person who later petitions the court to adopt
22 the child shall be exempt from the requirements of a preplacement
23 adoptive home study. The petitioner or petitioners who meet such
24 criteria shall have a postplacement adoptive home study completed
25 by the department or a licensed child placement agency and filed
26 with the court at least one week prior to the hearing for adoption.

27 (iv) A voluntary placement for purposes other than

1 adoption made by a parent or guardian of a child without assistance
2 from an attorney, physician, or other individual or agency which
3 later results in a petition for the adoption of the child shall be
4 exempt from the requirements of a preplacement adoptive home study.
5 The petitioner or petitioners who meet such criteria shall have a
6 postplacement adoptive home study completed by the department or a
7 licensed child placement agency and filed with the court at least
8 one week prior to the hearing for adoption.

9 (v) The adoption of an adult child as provided
10 in subsection (2) of section 43-101 shall be exempt from
11 the requirements of an adoptive home study unless the court
12 specifically orders otherwise. The court may order an adoptive home
13 study, a background investigation, or both if the court determines
14 that such would be in the best interests of the adoptive party or
15 the person to be adopted.

16 (vi) Any adoptive home study required by this section
17 shall be conducted by the department or a licensed child placement
18 agency at the expense of the petitioner or petitioners unless such
19 expenses are waived by the department or licensed child placement
20 agency. The department or licensed agency shall determine the fee
21 or rate for the adoptive home study.

22 (vii) The preplacement or postplacement adoptive home
23 study shall be performed as prescribed in rules and regulations
24 of the department and shall include at a minimum an examination
25 into the facts relating to the petitioner or petitioners as may
26 be relevant to the propriety of such adoption. Such rules and
27 regulations shall require an adoptive home study to include a

1 national criminal history record information check and a check of
2 the central ~~register~~ registry created in section 28-718 for any
3 history of the petitioner or petitioners of behavior injurious to
4 or which may endanger the health or morals of a child.

5 (2) Upon the filing of a petition for adoption, the judge
6 shall require that a complete medical history be provided on the
7 child, except that in the adoption of a child by a stepparent
8 the provision of a medical history shall be discretionary. On and
9 after August 27, 2011, the complete medical history or histories
10 required under this subsection shall include the race, ethnicity,
11 nationality, Indian tribe when applicable and in compliance with
12 the Nebraska Indian Child Welfare Act, or other cultural history
13 of both biological parents, if available. A medical history shall
14 be provided, if available, on the biological mother and father and
15 their biological families, including, but not limited to, siblings,
16 parents, grandparents, aunts, and uncles, unless the child is
17 foreign born or was abandoned. The medical history or histories
18 shall be reported on a form provided by the department and filed
19 along with the report of adoption as provided by section 71-626.
20 If the medical history or histories do not accompany the report of
21 adoption, the department shall inform the court and the State Court
22 Administrator. The medical history or histories shall be made part
23 of the court record. After the entry of a decree of adoption, the
24 court shall retain a copy and forward the original medical history
25 or histories to the department. This subsection shall only apply
26 when the relinquishment or consent for an adoption is given on or
27 after September 1, 1988.

1 (3) After the filing of a petition for adoption and
2 before the entry of a decree of adoption for a child who is
3 committed to the Department of Health and Human Services, the
4 person or persons petitioning to adopt the child shall be given the
5 opportunity to read the case file on the child maintained by the
6 department or its duly authorized agent. The department shall not
7 include in the case file to be read any information or documents
8 that the department determines cannot be released based upon state
9 statute, federal statute, federal rule, or federal regulation. The
10 department shall provide a document for such person's or persons'
11 signatures verifying that he, she, or they have been given an
12 opportunity to read the case file and are aware that he, she, or
13 they can review the child's file at any time following finalization
14 of the adoption upon making a written request to the department.
15 The department shall file such document with the court prior to the
16 entry of a decree of adoption in the case.

17 Sec. 20. Section 43-146.17, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-146.17 (1) Notwithstanding sections 43-119 to
20 43-146.16 and except as otherwise provided in this section, an
21 heir twenty-one years of age or older of an adopted person shall
22 have access to all information on file at the Department of Health
23 and Human Services related to such adopted person, including
24 information contained in the original birth certificate of the
25 adopted person, if: (a)(i) The adopted person is deceased, (ii)
26 both biological parents of the adopted person are deceased or,
27 if only one biological parent is known, such parent is deceased,

1 and (iii) each spouse of the biological parent or parents of the
2 adopted person, if any, is deceased, if such spouse is not a
3 biological parent; or (b) at least one hundred years has passed
4 since the birth of the adopted person.

5 (2) The following information relating to an adopted
6 person shall not be released to the heir of such person under
7 this section: (a) Tests conducted for the human immunodeficiency
8 virus or acquired immunodeficiency syndrome; (b) the revocation
9 of a license to practice medicine in the State of Nebraska;
10 (c) child protective services reports or records; (d) adult
11 protective services reports or records; (e) information from
12 the central ~~register~~ registry of child protection cases and the
13 Adult Protective Services Central Registry; or (f) law enforcement
14 investigative reports.

15 (3) The department shall provide a form that an heir
16 of an adopted person may use to request information under this
17 section. The department may charge a reasonable fee in an amount
18 established by rules and regulations of the department to recover
19 expenses incurred by the department in carrying out this section.
20 Such fee may be waived if the requesting party shows that the
21 fee would work an undue financial hardship on the party. When any
22 information is provided to an heir of an adopted person under this
23 section, the disclosure of such information shall be recorded in
24 the records of the adopted person, including the nature of the
25 information disclosed, to whom the information was disclosed, and
26 the date of the disclosure.

27 (4) For purposes of this section, an heir of an adopted

1 person means a direct biological descendent of such adopted person.

2 (5) The department may adopt and promulgate rules and
3 regulations to carry out this section.

4 Sec. 25. Section 43-2932, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 43-2932 (1) When the court is required to develop a
7 parenting plan:

8 (a) If a preponderance of the evidence demonstrates, the
9 court shall determine whether a parent who would otherwise be
10 allocated custody, parenting time, visitation, or other access to
11 the child under a parenting plan:

12 (i) Has committed child abuse or neglect;

13 (ii) Has committed child abandonment under section
14 28-705;

15 (iii) Has committed domestic intimate partner abuse; or

16 (iv) Has interfered persistently with the other parent's
17 access to the child, except in the case of actions taken for the
18 purpose of protecting the safety of the child or the interfering
19 parent or another family member, pending adjudication of the facts
20 underlying that belief; and

21 (b) If a parent is found to have engaged in any activity
22 specified by subdivision (1)(a) of this section, limits shall be
23 imposed that are reasonably calculated to protect the child or
24 child's parent from harm. The limitations may include, but are not
25 limited to:

26 (i) An adjustment of the custody of the child, including
27 the allocation of sole legal custody or physical custody to one

1 parent;

2 (ii) Supervision of the parenting time, visitation, or
3 other access between a parent and the child;

4 (iii) Exchange of the child between parents through an
5 intermediary or in a protected setting;

6 (iv) Restraints on the parent from communication with or
7 proximity to the other parent or the child;

8 (v) A requirement that the parent abstain from possession
9 or consumption of alcohol or nonprescribed drugs while exercising
10 custodial responsibility and in a prescribed period immediately
11 preceding such exercise;

12 (vi) Denial of overnight physical custodial parenting
13 time;

14 (vii) Restrictions on the presence of specific persons
15 while the parent is with the child;

16 (viii) A requirement that the parent post a bond to
17 secure return of the child following a period in which the parent
18 is exercising physical custodial parenting time or to secure other
19 performance required by the court; or

20 (ix) Any other constraints or conditions deemed necessary
21 to provide for the safety of the child, a child's parent, or any
22 person whose safety immediately affects the child's welfare.

23 (2) A court determination under this section shall not
24 be considered a report for purposes of inclusion in the central
25 ~~register~~ registry of child protection cases pursuant to the Child
26 Protection and Family Safety Act.

27 (3) If a parent is found to have engaged in any activity

1 specified in subsection (1) of this section, the court shall not
2 order legal or physical custody to be given to that parent without
3 making special written findings that the child and other parent
4 can be adequately protected from harm by such limits as it may
5 impose under such subsection. The parent found to have engaged in
6 the behavior specified in subsection (1) of this section has the
7 burden of proving that legal or physical custody, parenting time,
8 visitation, or other access to that parent will not endanger the
9 child or the other parent.

10 Sec. 26. Section 43-3709, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-3709 (1) The minimum qualifications for any
13 prospective court appointed special advocate volunteer are that he
14 or she shall:

15 (a) Be at least twenty-one years of age or older and have
16 demonstrated an interest in children and their welfare;

17 (b) Be willing to commit to the court for a minimum of
18 one year of service to a child;

19 (c) Complete an application, including providing
20 background information required pursuant to subsection (2) of this
21 section;

22 (d) Participate in a screening interview; and

23 (e) Participate in the training required pursuant to
24 section 43-3708.

25 (2) As required background screening, the program
26 director shall obtain the following information regarding a
27 volunteer applicant:

1 (a) A check of the applicant's criminal history record
2 information maintained by the Identification Division of the
3 Federal Bureau of Investigation through the Nebraska State Patrol;

4 (b) A check of his or her record with the central
5 ~~register~~ registry of child protection cases maintained under
6 section 28-718;

7 (c) A check of his or her driving record; and

8 (d) At least three references who will attest to the
9 applicant's character, judgment, and suitability for the position
10 of a court appointed special advocate volunteer.

11 (3) If the applicant has lived in Nebraska for less
12 than twelve months, the program director shall obtain the records
13 required in subdivisions (2) (a) through (2) (c) of this section from
14 all other jurisdictions in which the applicant has lived during the
15 preceding year.

16 Sec. 27. Section 43-4318, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 43-4318 (1) The office shall investigate:

19 (a) Allegations or incidents of possible misconduct,
20 misfeasance, malfeasance, or violations of statutes or of rules
21 or regulations of the department by an employee of or person
22 under contract with the department, a private agency, a licensed
23 child care facility, a foster parent, or any other provider of
24 child welfare services or which may provide a basis for discipline
25 pursuant to the Uniform Credentialing Act; and

26 (b) Death or serious injury in foster homes, private
27 agencies, child care facilities, and other programs and facilities

1 licensed by or under contract with the department and death or
2 serious injury in any case in which services are provided by the
3 department to a child or his or her parents or any case involving
4 an investigation under the Child Protection and Family Safety Act,
5 which case has been open for one year or less. The department shall
6 report all cases of death or serious injury of a child in a foster
7 home, private agency, child care facility or program, or other
8 program or facility licensed by the department to the Inspector
9 General as soon as reasonably possible after the department learns
10 of such death or serious injury. For purposes of this subdivision,
11 serious injury means an injury or illness caused by suspected
12 abuse, neglect, or maltreatment which leaves a child in critical or
13 serious condition.

14 (2) Any investigation conducted by the Inspector General
15 shall be independent of and separate from an investigation pursuant
16 to the Child Protection and Family Safety Act. The Inspector
17 General and his or her staff are subject to the reporting
18 requirements of the Child Protection and Family Safety Act.

19 (3) Notwithstanding the fact that a criminal
20 investigation, a criminal prosecution, or both are in progress, all
21 law enforcement agencies and prosecuting attorneys shall cooperate
22 with any investigation conducted by the Inspector General and
23 shall, immediately upon request by the Inspector General, provide
24 the Inspector General with copies of all law enforcement reports
25 which are relevant to the Inspector General's investigation. All
26 law enforcement reports which have been provided to the Inspector
27 General pursuant to this section are not public records for

1 purposes of sections 84-712 to 84-712.09 and shall not be subject
2 to discovery by any other person or entity. Except to the extent
3 that disclosure of information is otherwise provided for in the
4 Office of Inspector General of Nebraska Child Welfare Act, the
5 Inspector General shall maintain the confidentiality of all law
6 enforcement reports received pursuant to its request under this
7 section. Law enforcement agencies and prosecuting attorneys shall,
8 when requested by the Inspector General, collaborate with the
9 Inspector General regarding all other information relevant to the
10 Inspector General's investigation. If the Inspector General in
11 conjunction with the Public Counsel determines it appropriate, the
12 Inspector General may, when requested to do so by a law enforcement
13 agency or prosecuting attorney, suspend an investigation by the
14 office until a criminal investigation or prosecution is completed
15 or has proceeded to a point that, in the judgment of the Inspector
16 General, reinstatement of the Inspector General's investigation
17 will not impede or infringe upon the criminal investigation or
18 prosecution. Under no circumstance shall the Inspector General
19 interview any minor who has already been interviewed by a law
20 enforcement agency, personnel of the Division of Children and
21 Family Services of the department, or staff of a child advocacy
22 center in connection with a relevant ongoing investigation of a law
23 enforcement agency.

24 Sec. 28. Section 43-4331, Revised Statutes Supplement,
25 2013, is amended to read:

26 43-4331 On or before September 15 of each year,
27 the Inspector General shall provide to the Health and Human

1 Services Committee of the Legislature and the Governor a
2 summary of reports and investigations made under the Office of
3 Inspector General of Nebraska Child Welfare Act for the preceding
4 year. The summary provided to the committee shall be provided
5 electronically. The summaries shall detail recommendations and the
6 status of implementation of recommendations and may also include
7 recommendations to the committee regarding issues discovered
8 through investigation, audits, inspections, and reviews by the
9 office that will increase accountability and legislative oversight
10 of the Nebraska child welfare system, improve operations of the
11 department and the Nebraska child welfare system, or deter and
12 identify fraud, abuse, and illegal acts. Such summary shall include
13 summaries of alternative response cases under alternative response
14 demonstration projects implemented in accordance with sections 2
15 to 4 of this act reviewed by the Inspector General. The summaries
16 shall not contain any confidential or identifying information
17 concerning the subjects of the reports and investigations.

18 Sec. 44. Section 71-6039.01, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-6039.01 No person shall act as a paid dining assistant
21 in a nursing home unless such person:

- 22 (1) Is at least sixteen years of age;
- 23 (2) Is able to speak and understand the English language
24 or a language understood by the nursing home resident being fed by
25 such person;
- 26 (3) Has successfully completed at least eight hours
27 of training as prescribed by the department for paid dining

1 assistants;

2 (4) Has no adverse findings on the Nurse Aide Registry or
3 the Adult Protective Services Central Registry; and

4 (5) Has no adverse findings on the central ~~register~~
5 registry created in section 28-718 if the nursing home which
6 employs such person as a paid dining assistant has at any one time
7 more than one resident under the age of nineteen years.

8 Sec. 45. Section 71-6039.05, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-6039.05 Each nursing home shall maintain (1) a record
11 of all paid dining assistants employed by such facility, (2)
12 verification of successful completion of a training course for each
13 paid dining assistant, and (3) verification that the facility has
14 made checks with the Nurse Aide Registry, the Adult Protective
15 Services Central Registry, and the central ~~register~~ registry
16 created in section 28-718, if applicable under section 71-6039.01,
17 with respect to each paid dining assistant.

18 Sec. 46. Section 71-6502, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-6502 An in-home personal services worker:

21 (1) Shall be at least eighteen years of age;

22 (2) Shall have good moral character;

23 (3) Shall not have been convicted of a crime under the
24 laws of Nebraska or another jurisdiction, the penalty for which is
25 imprisonment for a period of more than one year and which crime is
26 rationally related to the person's fitness or capacity to act as an
27 in-home personal services worker;

1 (4) Shall have no adverse findings on the Adult
2 Protective Services Central Registry, the central ~~register~~ registry
3 created in section 28-718, the Medication Aide Registry, the Nurse
4 Aide Registry, or the central registry maintained by the sex
5 offender registration and community notification division of the
6 Nebraska State Patrol pursuant to section 29-4004;

7 (5) Shall be able to speak and understand the English
8 language or the language of the person for whom he or she is
9 providing in-home personal services; and

10 (6) Shall have training sufficient to provide the
11 requisite level of in-home personal services offered.

12 Sec. 47. Section 81-3136, Revised Statutes Supplement,
13 2013, is amended to read:

14 81-3136 (1) It is the intent of the Legislature that the
15 alternative response to reports of child abuse or neglect model
16 developed pursuant to subsection (2) of this section be implemented
17 in designated sites under the Child Protection and Family Safety
18 Act no earlier than July 2014.

19 (2) The Department of Health and Human Services shall
20 convene interested stakeholders and families to develop a model for
21 alternative response to reports of child abuse or neglect under the
22 ~~Child Protection Act.~~ act. The model shall include:

23 (a) Methodology for determining the location of sites for
24 initial implementation of alternative response;

25 (b) An estimate of the percentage of reports of child
26 abuse or neglect eligible for alternative response;

27 (c) Eligibility criteria for alternative response;

1 (d) The process to determine eligibility for alternative
2 response;

3 (e) The assessment protocol and tools to be used for
4 alternative response;

5 (f) The role of child abuse and neglect investigative
6 teams and child abuse and neglect treatment teams in implementation
7 sites;

8 (g) How, with whom, and what alternative response data
9 will be shared;

10 (h) The criteria and process for transition of families
11 from an alternative response to a traditional investigation;

12 (i) The criteria and process for families who refuse an
13 alternative response;

14 (j) The plan to address the continuum of services needed
15 for families receiving an alternative response;

16 (k) An overview of critical training elements for both
17 staff who implement and stakeholders involved with alternative
18 response implementation;

19 (l) A description of the evaluation component;

20 (m) The relationship of alternative response to Title
21 IV-E waiver applications of the Department of Health and Human
22 Services under the federal Social Security Act;

23 (n) A plan to communicate and update interested
24 stakeholders and families with regard to the alternative response
25 planning process;

26 (o) The identification of statutory and policy changes
27 necessary to implement the alternative response model, including

1 a procedure that provides that reports of child abuse and neglect
2 which receive an alternative response shall not receive a formal
3 determination and the subject of the report shall not be entered
4 into the central ~~register~~ registry of child protection cases
5 maintained pursuant to section 28-718;

6 (p) A budget for implementing and sustaining an
7 alternative response model;

8 (q) The mechanisms of oversight and accountability in the
9 alternative response model; and

10 (r) A determination of how alternative response service
11 providers will be selected.

12 (3) The Department of Health and Human Services shall
13 provide the model developed under subsection (2) of this section
14 in a report to the Nebraska Children's Commission by November
15 1, 2013, for the commission's review. The Nebraska Children's
16 Commission shall electronically submit the report and review to the
17 Legislature by December 15, 2013.

18 2. Correct the repealer accordingly.

19 3. Renumber the remaining sections accordingly.