

AMENDMENTS TO LB1059

Introduced by Howard, 9.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-710, Revised Statutes Supplement, 2019, is
4 amended to read:

5 28-710 (1) Sections 28-710 to 28-727 and section 3 of this act shall
6 be known and may be cited as the Child Protection and Family Safety Act.

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

8 (a) Alcohol and drug testing means the use of biological sources,
9 including, but not limited to, urine, saliva, sweat, hair, breath, blood,
10 and meconium, to identify the concentration or presence of specific
11 substances or their metabolites in an individual's system;

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

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

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

24 (ii) Cruelly confined or cruelly punished;

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

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

1 (v) Placed in a situation to be sexually abused;

2 (vi) Placed in a situation to be sexually exploited through sex
3 trafficking of a minor as defined in section 28-830 or by allowing,
4 encouraging, or forcing such person to engage in debauchery, public
5 indecency, or obscene or pornographic photography, films, or depictions;
6 or

7 (vii) Placed in a situation to be a trafficking victim as defined in
8 section 28-830;

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

15 (e) ~~(d)~~ Department means the Department of Health and Human
16 Services;

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

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

24 (h) ~~(g)~~ Out-of-home child abuse or neglect means child abuse or
25 neglect occurring outside of a child's family home, including in day care
26 homes, foster homes, day care centers, residential child-caring agencies
27 as defined in section 71-1926, other child care facilities or
28 institutions, and the community. Out-of-home child abuse or neglect also
29 includes cases in which the subject of the report of child abuse or
30 neglect is not a member of the child's household, no longer has access to
31 the child, is unknown, or cannot be identified;

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

8 (j) ~~(i)~~ Traditional response means an investigation by a law
9 enforcement agency or the department pursuant to section 28-713 which
10 requires a formal determination of whether child abuse or neglect has
11 occurred; and

12 (k) ~~(j)~~ Subject of the report of child abuse or neglect or subject
13 of the report means the person or persons identified in the report as
14 responsible for the child abuse or neglect.

15 Sec. 2. Section 28-710.01, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 28-710.01 (1) The Legislature declares that the public policy of the
18 State of Nebraska is to protect children whose health or welfare may be
19 jeopardized by abuse or neglect. The Legislature recognizes that most
20 families want to keep their children safe, but circumstances or
21 conditions sometimes interfere with their ability to do so. Families and
22 children are best served by interventions that engage their protective
23 capacities and address immediate safety concerns and ongoing risks of
24 child abuse or neglect. In furtherance of this public policy and the
25 family policy and principles set forth in sections 43-532 and 43-533, it
26 is the intent of the Legislature to strengthen the family and make the
27 home, school, and community safe for children by promoting responsible
28 child care in all settings and to provide, when necessary, a safe
29 temporary or permanent home environment for abused or neglected children.

30 (2) In addition, it is the policy of this state to: Require the
31 reporting of child abuse or neglect in home, school, and community

1 settings; provide for alternative response to reports as permitted by law
2 and the rules and regulations of the department; provide for traditional
3 response to reports as required by law and the rules and regulations of
4 the department; and provide protective and supportive services designed
5 to preserve and strengthen the family in appropriate cases.

6 Sec. 3. (1) The department shall recognize that:

7 (a) Alcohol and other drugs are often contributing factors in child
8 abuse and neglect;

9 (b) Alcohol and other drugs can impair a parent or caretaker's
10 judgment and ability to provide consistent care, supervision, and
11 protection; and

12 (c) Effective alcohol and drug testing is often necessary as one
13 tool to provide evidence of or rule out substance abuse as part of an
14 investigation or assessment of a child's safety or risk, to monitor
15 whether a parent or caretaker is continuing to use substances, and to
16 ensure treatment compliance.

17 (2) Alcohol and drug testing shall be a service available for all
18 court, non-court-involved, traditional response, or alternative response
19 cases. Alcohol and drug testing shall be one component of initial
20 assessment and ongoing case management to identify or eliminate substance
21 abuse as a contributing factor to child abuse and neglect in cases in
22 which drug or alcohol use or exposure is suspected.

23 (3) The department shall adopt and promulgate rules and regulations
24 or policies consistent with this section and shall revoke any rules and
25 regulations or policies inconsistent with this section by July 1, 2020.

26 Sec. 4. Original section 28-710.01, Reissue Revised Statutes of
27 Nebraska, and section 28-710, Revised Statutes Supplement, 2019, are
28 repealed.

29 Sec. 5. Since an emergency exists, this act takes effect when
30 passed and approved according to law.