

AMENDMENTS TO LB741

(Amendments to Standing Committee amendments, AM1683)

Introduced by Brandt, 32.

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

3 Section 1. Sections 1 to 10 of this act shall be known and may be
4 cited as the Domestic Abuse Death Review Act.

5 Sec. 2. (1) The Legislature finds and declares that it is in the
6 best interests of the state, its residents, and especially the families
7 of this state, that the number and causes of death related to domestic
8 abuse be examined. There is a need for a comprehensive integrated review
9 of all domestic abuse deaths in Nebraska and a system for statewide
10 retrospective review of existing records relating to each domestic abuse
11 death.

12 (2) The purpose of the Domestic Abuse Death Review Act is to prevent
13 future domestic abuse deaths by:

14 (a) Providing for the examination of the incidence, causes, and
15 contributing factors of domestic abuse deaths in Nebraska; and

16 (b) Developing recommendations for changes within communities,
17 public and private agencies, institutions, and systems, based on an
18 analysis of these causes and contributing factors which may serve to
19 prevent future domestic abuse deaths.

20 Sec. 3. For purposes of the Domestic Abuse Death Review Act:

21 (1) Associated victim means a family or household member of the
22 decendent victim who also experienced abuse committed by the perpetrator;

23 (2) Decendent victim means a person who died by homicide or suicide
24 as a result of domestic abuse;

25 (3) Domestic abuse means abuse as defined in section 42-903;

26 (4) Domestic abuse death means:

1 (a) A homicide that involves, or is a result of, domestic abuse;

2 (b) The death of a decedent victim who was a member of a law
3 enforcement agency, emergency medical service, or other agency responding
4 to a domestic abuse incident;

5 (c) The death of a decedent victim who was responding to a domestic
6 abuse incident; or

7 (d) A suicide of a decedent victim if there are circumstances
8 indicating the suicide involved, or was the result of, domestic abuse
9 within two years prior to the suicide, including: (i) The decedent victim
10 had applied for or received a protection order against the perpetrator
11 within two years prior to the suicide; (ii) the decedent victim had
12 received counseling, treatment, or sought other supportive services as a
13 result of the domestic abuse within two years prior to the suicide; or
14 (iii) the decedent victim had reported domestic abuse to law enforcement
15 within two years prior to the suicide;

16 (5) Family or household member has the same meaning as in section
17 42-903;

18 (6) Investigation means a domestic abuse death investigation as
19 described in section 4 of this act;

20 (7) Law enforcement agency means the police department or town
21 marshal in incorporated municipalities, the office of the county sheriff,
22 and the Nebraska State Patrol;

23 (8) Perpetrator means the person who has been the predominant
24 aggressor of domestic abuse;

25 (9) Survivor of domestic abuse means a person who is a current or
26 prior victim of domestic abuse; and

27 (10) Team means the State Domestic Abuse Death Review Team as
28 provided in section 5 of this act.

29 Sec. 4. (1) A domestic abuse death investigation shall involve a
30 review of existing records, documents, and other information regarding
31 the decedent victim and perpetrator from relevant agencies,

1 professionals, providers of health care, and family and household members
2 of the decedent victim or perpetrator. The records to be reviewed may
3 include: Protection orders; dissolution, mediation, custody, and support
4 agreements and related court records; medical records; mental health
5 records; therapy records; autopsy reports; birth and death certificates;
6 court records, including juvenile cases and dismissed criminal cases;
7 social services records, including juvenile records; educational records;
8 emergency medical services records; Department of Correctional Services
9 information and records; parole and probation information and records;
10 and law enforcement agency investigative information and reports.

11 (2) Records shall not be made available to the team until the
12 criminal or juvenile legal system response is completed due to:

13 (a) The death of the perpetrator;

14 (b) The criminal conviction or acquittal of the perpetrator and any
15 codefendants;

16 (c) The conclusion of grand jury proceedings resulting in a no true
17 bill;

18 (d) Adjudication in a juvenile court proceeding pursuant to
19 subdivision (1), (2), or (4) of section 43-247;

20 (e) Completion of a criminal investigation in which the county
21 attorney declines to file charges; or

22 (f) Completion of the investigation of the suicide of the decedent
23 victim.

24 Sec. 5. (1) The State Domestic Abuse Death Review Team is created.

25 (2) The Attorney General shall appoint the following members to the
26 State Domestic Abuse Death Review Team:

27 (a) At least two survivors of domestic abuse;

28 (b) A representative who is an employee of a statewide coalition
29 representing nonprofit organizations that have an affiliation agreement
30 with the Department of Health and Human Services to provide services to
31 victims of domestic abuse under the Protection from Domestic Abuse Act;

1 (c) A representative who is an employee of a nonprofit organization
2 that primarily provides services and support to victims of domestic abuse
3 in metropolitan areas;

4 (d) A representative who is an employee of a nonprofit organization
5 that primarily provides services and support to victims of domestic abuse
6 in rural areas;

7 (e) A representative who is an employee of child advocacy centers;

8 (f) A representative who is a member of a federally recognized
9 Indian tribe residing within the State of Nebraska with preference given
10 to a person with experience in domestic abuse;

11 (g) A licensed physician or nurse with experience in forensics who
12 is knowledgeable concerning domestic abuse injuries and deaths in
13 Nebraska;

14 (h) A licensed mental health professional who is knowledgeable
15 concerning domestic abuse in Nebraska;

16 (i) An officer of a law enforcement agency from a metropolitan
17 jurisdiction with experience investigating domestic abuse in Nebraska;

18 (j) An officer of a law enforcement agency from a rural jurisdiction
19 with experience investigating domestic abuse in Nebraska;

20 (k) An active county attorney or active deputy county attorney with
21 experience prosecuting domestic abuse cases in Nebraska;

22 (l) An attorney from the office of the Attorney General; and

23 (m) The team coordinator pursuant to subsection (4) of this section.

24 (3) The remaining members of the State Domestic Abuse Death Review
25 Team shall be appointed as follows: (a) The Superintendent of Law
26 Enforcement and Public Safety or designee shall appoint an employee
27 representative of the Nebraska State Patrol; (b) the chief executive
28 officer of the Department of Health and Human Services shall appoint an
29 employee representative of the department; and (c) the probation
30 administrator shall appoint an employee representative of the Office of
31 Probation Administration.

1 (4) The Attorney General shall be responsible for the general
2 administration of the activities of the team and shall employ or contract
3 with a team coordinator to provide administrative support for the team.

4 (5) Members of the team appointed by the Attorney General shall
5 serve four-year terms. The remaining members shall serve two-year terms.

6 (6) The team shall not be considered a public body for purposes of
7 the Open Meetings Act. Members of the team shall be reimbursed for
8 expenses as provided in sections 81-1174 to 81-1177.

9 (7) In appointing members to the team, the Attorney General shall
10 consider persons working in and representing communities that are diverse
11 with regard to race, ethnicity, immigration status, and English
12 proficiency and shall include members from differing geographic regions
13 of the state, including both rural and urban areas.

14 Sec. 6. (1) The purpose of the team shall be to prevent future
15 domestic abuse deaths by:

16 (a) Conducting investigations to understand the contributing factors
17 in domestic abuse deaths;

18 (b) Examining the incidence, causes, and contributing factors of
19 domestic abuse deaths; and

20 (c) Developing recommendations for changes within communities,
21 public and private agencies, institutions, and systems, based on an
22 analysis of the causes and contributing factors of domestic abuse deaths.

23 (2) The team shall:

24 (a) Develop protocols for investigations and to maintain the
25 confidentiality of information made available to the team;

26 (b) Meet a minimum of four times per year and upon the call of the
27 team coordinator selected under section 5 of this act, the request of a
28 state agency, or as determined by a majority of the team;

29 (c) Provide the Governor, the Legislature, and the Attorney General
30 with an annual electronic report on or before August 15 each year
31 beginning with the fiscal year ending June 30, 2024. The report shall not

1 contain personal identifying information of any decedent victim,
2 associated victim, or perpetrator. The report shall be available to the
3 public and include the following:

4 (i) The causes, manner, and contributing factors of domestic abuse
5 deaths in Nebraska, including trends and patterns and an analysis of
6 information obtained through investigations; and

7 (ii) Recommendations regarding the prevention of future domestic
8 abuse deaths for changes within communities, public and private agencies,
9 institutions, and systems, based on an analysis of such causes and
10 contributing factors. Such recommendations shall include recommended
11 changes to laws, rules and regulations, policies, training needs, or
12 service gaps to prevent future domestic abuse deaths;

13 (d) When appropriate, advise and consult with relevant agencies and
14 organizations represented on the team or involved in domestic abuse
15 deaths regarding the recommendations to prevent future domestic abuse
16 deaths; and

17 (e) When appropriate, educate the public regarding the incidence of
18 domestic abuse deaths, the public role in preventing domestic abuse
19 deaths, and specific steps the public can take to prevent domestic abuse
20 deaths. The team may enlist the support of civic, philanthropic, and
21 public service organizations in the performance of its educational
22 duties.

23 (3) The team may invite other individuals to participate on the team
24 on an ad-hoc basis for a particular investigation. Such individuals may
25 include those with expertise that would aid in the investigation and
26 representatives from organizations or agencies that had contact with, or
27 provided services to, the decedent victim or associated victim. If the
28 domestic abuse death occurred on tribal lands or if the domestic abuse
29 death involves a member of a federally recognized Indian tribe,
30 additional agencies and tribal representatives may be invited to
31 participate.

1 (4) The team shall require any person appearing before it to sign a
2 confidentiality agreement to ensure that all the confidentiality
3 provisions of section 10 of this act are satisfied.

4 (5) The team shall enter into confidentiality agreements with social
5 service agencies, nonprofit organizations, and private agencies to obtain
6 otherwise confidential information and to ensure that all confidentiality
7 provisions of section 10 of this act are satisfied.

8 (6) The team may enter into consultation agreements with relevant
9 experts to evaluate the information and records collected by the team.
10 All of the confidentiality provisions of section 10 of this act shall
11 apply to the activities of a consulting expert.

12 (7) The team may enter into written agreements with entities to
13 provide for the secure storage of electronic data based on information
14 and records collected by the team as part of an investigation, including
15 data that contains personal or incident identifiers. Such agreements
16 shall provide for the protection of the security and confidentiality of
17 the information, including access limitations, storage, and destruction
18 of the information. The confidentiality provisions of section 10 of this
19 act shall apply to the activities of the data storage entity.

20 (8) The team may consult and share information with the State Child
21 Death Review Team or the State Maternal Death Review Team when the
22 decedent victim or any associated victim is also the subject of an
23 investigation of a child death or investigation of a maternal death under
24 the Child and Maternal Death Review Act. The confidentiality provisions
25 of section 10 of this act and section 71-3411 shall apply to the sharing
26 of information between these teams.

27 Sec. 7. (1) The team coordinator selected under section 5 of this
28 act shall (a) convene and lead meetings of the team and (b) ensure the
29 team provides recommendations to prevent domestic abuse deaths.

30 (2) The team coordinator shall (a) gather, store, and distribute the
31 necessary records and information for investigations made available to

1 the team, (b) ensure timely notification of the team members of upcoming
2 meetings, (c) ensure that all team reporting and data collection
3 requirements are met, (d) oversee adherence to the review process
4 established by the Domestic Abuse Death Review Act and the protocols
5 developed by the team, and (e) perform such other duties as the team
6 deems appropriate.

7 Sec. 8. The team shall conduct investigations in accordance with
8 best practices and shall review all relevant records and information in
9 an investigation to understand the relationship between the decedent
10 victim and the perpetrator in order to determine:

11 (1) Whether a correlation exists between certain events in the
12 relationship and any escalation of abuse;

13 (2) The factors that contributed to the domestic abuse death;

14 (3) The public and private systemic response to the decedent victim,
15 an associated victim, and the perpetrator; and

16 (4) Recommendations and actions that address the contributing
17 factors in the domestic abuse death for change within individuals,
18 communities, public and private agencies, institutions, and systems based
19 on an analysis of the causes and contributing factors of domestic abuse
20 deaths.

21 Sec. 9. (1) For purposes of conducting an investigation, and as
22 necessary to fulfill the purposes of the Domestic Abuse Death Review Act,
23 the team shall be immediately provided the following upon request:

24 (a) Records, documents, or other information maintained by a health
25 care provider, mental health provider, or other medical professional,
26 including medical records, mental health records, therapy records, and
27 emergency medical services records; and

28 (b) All information and records maintained by any state agency,
29 county or local government, political subdivision, school district, or
30 public or private educational institution, including birth and death
31 certificates; protection orders; dissolution, mediation, custody, and

1 child support agreements; court records, including juvenile cases and
2 dismissed criminal cases; law enforcement agency investigative
3 information and reports; autopsy reports; educational records; Department
4 of Correctional Services information and records; parole and probation
5 information and records; and information and records of any social
6 services agency, including juvenile records, that provided services to
7 the decedent victim, an associated victim, or the perpetrator.

8 (2) Except as provided in section 4 of this act, the Attorney
9 General shall have the authority to issue subpoenas to compel production
10 of any of the records and information specified in this section.

11 (3) Any failure to respond to such subpoena shall be certified by
12 the Attorney General to the district court of Lancaster County for
13 enforcement or punishment for contempt of court.

14 Sec. 10. (1) All information and records acquired by the team in
15 the exercise of its duties pursuant to the Domestic Abuse Death Review
16 Act shall be confidential and exempt from disclosure except as provided
17 in this section and section 6 of this act. Statistical compilations of
18 data or recommendations made by the team that do not contain any personal
19 identifying information shall be public records.

20 (2) De-identified information and records obtained by the team may
21 be released to a researcher, research organization, university,
22 institution, or governmental agency for the purpose of conducting
23 scientific, medical, or public health research upon proof of identity and
24 execution of a confidentiality agreement as provided in this section and
25 section 6 of this act. Such release shall provide for a written agreement
26 with the Attorney General providing protection of the security of the
27 information, including access limitations, and the storage, destruction,
28 and use of the information. The release of such information pursuant to
29 this subsection shall not make otherwise confidential information a
30 public record.

31 (3) Except as necessary to carry out the team's purposes and duties,

1 members of the team and individuals attending a team meeting shall not
2 disclose any discussion among team members at a meeting and shall not
3 disclose any information prohibited from disclosure by this section.

4 (4) Members of a team and individuals attending a team meeting shall
5 not testify in any civil, administrative, licensure, or criminal
6 proceeding, including depositions, regarding information reviewed in or
7 an opinion formed as a result of a team meeting. This subsection shall
8 not be construed to prevent a person from testifying to information
9 obtained independently of the team or that is public information.

10 (5) Conclusions, findings, recommendations, information, documents,
11 and records of the team shall not be subject to subpoena, discovery, or
12 introduction into evidence in any civil or criminal proceeding, except
13 that conclusions, findings, recommendations, information, documents, and
14 records otherwise available from other sources shall not be immune from
15 subpoena, discovery, or introduction into evidence through those sources
16 solely because they were presented during proceedings of the team or are
17 maintained by the team.

18 Sec. 11. Section 71-3404, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-3404 (1) Sections 71-3404 to 71-3411 shall be known and may be
21 cited as the Child and Maternal Death Review Act.

22 (2) The Legislature finds and declares that it is in the best
23 interests of the state, its residents, and especially the children of
24 this state that the number and causes of death of children, including
25 stillbirths, in this state be examined. There is a need for a
26 comprehensive integrated review of all child deaths and stillbirths in
27 Nebraska and a system for statewide retrospective review of existing
28 records relating to each child death and stillbirth.

29 (3) The Legislature further finds and declares that it is in the
30 best interests of the state and its residents that the number and causes
31 of maternal death in this state be examined. There is a need for a

1 comprehensive integrated review of all maternal deaths in Nebraska and a
2 system for statewide retrospective review of existing records relating to
3 each maternal death.

4 (4) It is the intent of the Legislature, by creation of the Child
5 and Maternal Death Review Act, to:

6 (a) Identify trends from the review of past records to prevent
7 future child deaths, stillbirths, and maternal deaths from similar causes
8 when applicable;

9 (b) Recommend systematic changes for the creation of a cohesive
10 method for responding to certain child deaths, stillbirths, and maternal
11 deaths; and

12 (c) When appropriate, cause referral to be made to those agencies as
13 required in section 28-711 or as otherwise required by state law.

14 Sec. 12. Section 71-3405, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 71-3405 For purposes of the Child and Maternal Death Review Act:

17 (1) Child means a person from birth to eighteen years of age;

18 (2) Investigation of child death means a review of existing records
19 and other information regarding the child or stillbirth from relevant
20 agencies, professionals, and providers of medical, dental, prenatal, and
21 mental health care. The records to be reviewed may include, but not be
22 limited to, medical records, coroner's reports, autopsy reports, social
23 services records, records of alternative response cases under alternative
24 response implemented in accordance with sections 28-710.01, 28-712, and
25 28-712.01, educational records, emergency and paramedic records, and law
26 enforcement reports;

27 (3) Investigation of maternal death means a review of existing
28 records and other information regarding the woman from relevant agencies,
29 professionals, and providers of medical, dental, prenatal, and mental
30 health care. The records to be reviewed may include, but not be limited
31 to, medical records, coroner's reports, autopsy reports, social services

1 records, educational records, emergency and paramedic records, and law
2 enforcement reports;

3 (4) Maternal death means the death of a woman during pregnancy or
4 the death of a postpartum woman;

5 (5) Postpartum woman means a woman during the period of time
6 beginning when the woman ceases to be pregnant and ending one year after
7 the woman ceases to be pregnant;

8 (6) Preventable child ~~or maternal~~ death means the death of any child
9 or stillbirth pregnant or postpartum woman which reasonable medical,
10 social, legal, psychological, or educational intervention may have
11 prevented. Preventable child ~~or maternal~~ death includes, but is not
12 limited to, the death of a child or stillbirth resulting pregnant or
13 postpartum woman from (a) intentional and unintentional injuries, (b)
14 medical misadventures, including untoward results, malpractice, and
15 foreseeable complications, (c) lack of access to medical care, (d)
16 neglect and reckless conduct, including failure to supervise and failure
17 to seek medical care for various reasons, and (e) preventable premature
18 birth;

19 (7) Preventable maternal death means the death of a pregnant or
20 postpartum woman when there was at least some chance of the death being
21 averted by one or more reasonable changes to (a) the patient, (b) the
22 patient's family, (c) the health care provider, facility, or system, or
23 (d) community factors;

24 (8) (7) Reasonable means taking into consideration the condition,
25 circumstances, and resources available; and

26 (9) Stillbirth means a spontaneous fetal death which (a) occurs at
27 or after the twentieth week of gestation and before birth and (b)
28 resulted in a fetal death certificate pursuant to section 71-606; and

29 (10) Teams (8) Team means the State Child Death Review Team and the
30 State Maternal Death Review Team.

31 Sec. 13. Section 71-3406, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 71-3406 (1) The chief executive officer of the Department of Health
3 and Human Services shall appoint a minimum of twelve ~~and a maximum of~~
4 ~~fifteen~~ members each to the State Child Death Review Team and the State
5 Maternal Death Review Team. A person seeking appointment shall apply
6 using an application process developed by the chief executive officer.

7 (2) The core members shall serve on both teams and shall be (a) a
8 physician employed by the department, who shall be a permanent member ~~and~~
9 ~~shall serve as the chairperson of the~~ teams team, (b) ~~a senior staff~~
10 ~~member with child protective services of the department,~~ (c) a forensic
11 pathologist, ~~(c)~~ ~~(d)~~ a law enforcement representative, ~~(d)~~ a mental
12 health provider ~~(e) the Inspector General of Nebraska Child Welfare, and~~
13 ~~(e)~~ ~~(f)~~ an attorney. ~~The remaining members appointed may be, but shall~~
14 ~~not be limited to, the following: A county attorney; a Federal Bureau of~~
15 ~~Investigation agent responsible for investigations on Native American~~
16 ~~reservations; a social worker; and members of organizations which~~
17 ~~represent hospitals or physicians.~~

18 (3) Additional required members appointed to the State Child Death
19 Review Team shall include the Inspector General of Nebraska Child Welfare
20 and a senior department staff member with child protective services, who
21 shall be permanent members. The remaining members appointed to the State
22 Child Death Review Team may include, but shall not be limited to, the
23 following: (a) A county attorney; (b) a Federal Bureau of Investigation
24 agent responsible for investigations on Native American reservations; (c)
25 a social worker; and (d) members of organizations which represent
26 hospitals or physicians.

27 (4) The remaining members appointed to the State Maternal Death
28 Review Team may include, but shall not be limited to, the following: (a)
29 County attorneys; (b) representatives of tribal organizations; (c) social
30 workers; (d) medical providers, including, but not limited to, the
31 practice areas of obstetrics, maternal-fetal medicine, and

1 anesthesiology; (e) public health workers; (f) community birth workers;
2 and (g) community advocates. In appointing members to the State Maternal
3 Death Review Team, the chief executive officer of the department shall
4 consider members working in and representing communities that are diverse
5 with regard to race, ethnicity, immigration status, and English
6 proficiency and include members from differing geographic regions in the
7 state, including both rural and urban areas.

8 (5) The department shall be responsible for the general
9 administration of the activities of the teams team and shall employ or
10 contract with a team coordinators coordinator to provide administrative
11 support for each the team and shall provide a team data abstractor for
12 the teams.

13 (6) ~~(2)~~ Members shall serve four-year terms with the exception of
14 the permanent members chairperson. Each team shall annually elect a
15 chairperson from among its members ~~In the absence of the chairperson, the~~
16 ~~chief executive officer may appoint another member of the core team to~~
17 ~~serve as chairperson.~~

18 (7) ~~(3)~~ The teams team shall not be considered a public body for
19 purposes of the Open Meetings Act. The teams team shall meet a minimum of
20 four times a year. Members of the teams team shall be reimbursed for
21 expenses as provided in sections 81-1174 to 81-1177.

22 Sec. 14. Section 71-3407, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 71-3407 (1) The purpose purposes of the teams team shall be to (a)
25 develop an understanding of the causes and incidence of child deaths,
26 stillbirths, or maternal deaths in this state, (b) develop
27 recommendations for changes within relevant agencies and organizations
28 which may serve to prevent child deaths, stillbirths, or maternal deaths,
29 and (c) advise the Governor, the Legislature, and the public on changes
30 to law, policy, and practice which will prevent child deaths,
31 stillbirths, or maternal deaths.

1 (2) The teams ~~team~~ shall:

2 (a) Undertake annual statistical studies of the causes and incidence
3 of child or maternal deaths in this state. The studies shall include, but
4 not be limited to, an analysis of the records of community, public, and
5 private agency involvement with the children, the pregnant or postpartum
6 women, and their families prior to and subsequent to the child or
7 maternal deaths;

8 (b) Develop a protocol for retrospective investigation of child or
9 maternal deaths by the teams ~~team~~;

10 (c) Develop a protocol for collection of data regarding child or
11 maternal deaths by the teams ~~team~~;

12 (d) Consider training needs, including cross-agency training, and
13 service gaps;

14 (e) Include in its annual report recommended changes to any law,
15 rule, regulation, or policy needed to decrease the incidence of
16 preventable child or maternal deaths;

17 (f) Educate the public regarding the incidence and causes of child
18 or maternal deaths, the public role in preventing child or maternal
19 deaths, and specific steps the public can undertake to prevent child or
20 maternal deaths. The teams ~~team~~ may enlist the support of civic,
21 philanthropic, and public service organizations in the performance of ~~its~~
22 educational duties;

23 (g) Provide the Governor, the Legislature, and the public with
24 annual reports which shall include the teams' ~~team's~~ findings and
25 recommendations for each of their ~~its~~ duties. Each ~~The~~ team shall submit
26 an ~~provide~~ the annual report on or before each December 31 ~~September 15~~.
27 ~~The reports submitted~~ to the Legislature shall ~~be~~ submitted
28 electronically; and

29 (h) When appropriate, make referrals to those agencies as required
30 in section 28-711 or as otherwise required by state law.

31 (3) The teams ~~team~~ may enter into consultation agreements with

1 relevant experts to evaluate the information and records collected ~~by the~~
2 ~~team~~. All of the confidentiality provisions of section 71-3411 shall
3 apply to the activities of a consulting expert.

4 (4) The teams ~~team~~ may enter into written agreements with entities
5 to provide for the secure storage of electronic data ~~based on information~~
6 ~~and records collected by the team~~, including data that contains personal
7 or incident identifiers. Such agreements shall provide for the protection
8 of the security and confidentiality of the content of the information,
9 including access limitations, storage of the information, and destruction
10 of the information. All of the confidentiality provisions of section
11 71-3411 shall apply to the activities of the data storage entity.

12 (5) The teams ~~team~~ may enter into agreements with a local public
13 health department as defined in section 71-1626 to act as the agent of
14 the teams ~~team~~ in conducting all information gathering and investigation
15 necessary for the purposes of the Child and Maternal Death Review Act.
16 All of the confidentiality provisions of section 71-3411 shall apply to
17 the activities of the agent.

18 (6) For purposes of this section, entity means an organization which
19 provides collection and storage of data from multiple agencies but is not
20 solely controlled by the agencies providing the data.

21 Sec. 15. Section 71-3408, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-3408 (1) The chairperson of each ~~the~~ team shall:

24 (a) Chair meetings of the teams ~~team~~; and

25 (b) Ensure identification of strategies to prevent child or maternal
26 deaths.

27 (2) The team coordinator of each team provided under subsection (5)
28 ~~(1)~~ of section 71-3406 shall:

29 (a) Have the necessary information from investigative reports,
30 medical records, coroner's reports, autopsy reports, educational records,
31 and other relevant items made available to the team;

1 (b) Ensure timely notification of the team members of an upcoming
2 meeting;

3 (c) Ensure that all team reporting and data-collection requirements
4 are met;

5 (d) Oversee adherence to the review process established by the Child
6 and Maternal Death Review Act; and

7 (e) Perform such other duties as the team deems appropriate.

8 (3) The team data abstractor provided under subsection (5) of
9 section 71-3406 shall:

10 (a) Possess qualifying nursing experience, a demonstrated
11 understanding of child and maternal outcomes, strong professional
12 communication skills, data entry and relevant computer skills, experience
13 in medical record review, flexibility and ability to accomplish tasks in
14 short time frames, appreciation of the community, knowledge of
15 confidentiality laws, the ability to serve as an objective unbiased
16 storyteller, and a demonstrated understanding of social determinants of
17 health;

18 (b) Request records for identified cases from sources described in
19 section 71-3410;

20 (c) Upon receipt of such records, review all pertinent records to
21 complete fields in child, stillbirth, and maternal death databases;

22 (d) Summarize findings in a case summary; and

23 (e) Report all findings to the team coordinators.

24 Sec. 16. Section 71-3409, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 ~~71-3409 (1)(a) The team shall review all child deaths occurring on~~
27 ~~or after January 1, 1993, and before January 1, 2014, in three phases as~~
28 ~~provided in this subsection.~~

29 ~~(b) Phase one shall be conducted by the core members. The core~~
30 ~~members shall review the death certificate, birth certificate, coroner's~~
31 ~~report or autopsy report if done, and indicators of child or family~~

1 ~~involvement with the Department of Health and Human Services. The core~~
2 ~~members shall classify the nature of the death, whether accidental,~~
3 ~~homicide, suicide, undetermined, or natural causes, determine the~~
4 ~~completeness of the death certificate, and identify discrepancies and~~
5 ~~inconsistencies. The core members may select cases from phase one for~~
6 ~~review in phase two.~~

7 ~~(c) Phase two shall be completed by the core members and shall not~~
8 ~~be conducted on any child death under active investigation by a law~~
9 ~~enforcement agency or under criminal prosecution. The core members may~~
10 ~~seek additional records described in section 71-3410. The core members~~
11 ~~shall identify the preventability of death, the possibility of child~~
12 ~~abuse or neglect, the medical care issues of access and adequacy, and the~~
13 ~~nature and extent of interagency communication. The core members may~~
14 ~~select cases from phase two for review by the team in phase three.~~

15 ~~(d) Phase three shall be a review by the team of those cases~~
16 ~~selected by the core members for further discussion, review, and~~
17 ~~analysis.~~

18 ~~(1)(a) The State Child Death Review Team (2)(a) The team shall~~
19 ~~review all child deaths occurring on or after January 1, 2014, in the~~
20 ~~manner provided in this subsection.~~

21 (b) The members shall review the death certificate, birth
22 certificate, coroner's report or autopsy report if done, and indicators
23 of child or family involvement with the department. The members shall
24 classify the nature of the death, whether accidental, homicide, suicide,
25 undetermined, or natural causes, determine the completeness of the death
26 certificate, and identify discrepancies and inconsistencies.

27 (c) A review shall not be conducted on any child death under active
28 investigation by a law enforcement agency or under criminal prosecution.
29 The members may seek records described in section 71-3410. The members
30 shall identify the preventability of death, the possibility of child
31 abuse or neglect, the medical care issues of access and adequacy, and the

1 nature and extent of interagency communication.

2 (2)(a) The team may review stillbirths occurring on or after January
3 1, 2023, in the manner provided in this subsection.

4 (b) The members may review the death certificates and other
5 documentation which will allow the team to identify preventable causes of
6 stillbirths.

7 (c) Nothing in this subsection shall be interpreted to require
8 review of any stillbirth death.

9 (3)(a) The State Maternal Death Review Team ~~(3)(a) The team~~ shall
10 review all maternal deaths ~~occurring on or after January 1, 2014,~~ in the
11 manner provided in this subsection.

12 (b) The members shall review the maternal death records in
13 accordance with evidence-based best practices in order to determine: (a)
14 If the death is pregnancy-related; (b) the cause of death; (c) if the
15 death was preventable; (d) the factors that contributed to the death; (e)
16 recommendations and actions that address those contributing factors; and
17 (f) the anticipated impact of those actions if implemented ~~death~~
18 ~~certificate, coroner's report or autopsy report if done, and indicators~~
19 ~~of the woman's involvement with the department. The members shall~~
20 ~~classify the nature of the death, whether accidental, homicide, suicide,~~
21 ~~undetermined, or natural causes, determine the completeness of the death~~
22 ~~certificate, and identify discrepancies and inconsistencies.~~

23 (c) A review shall not be conducted on any maternal death under
24 active investigation by a law enforcement agency or under criminal
25 prosecution. The members may seek records described in section 71-3410.
26 The members shall identify the preventability of death, the possibility
27 of domestic abuse, the medical care issues of access and adequacy, and
28 the nature and extent of interagency communication.

29 Sec. 17. Section 71-3410, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 71-3410 (1) Upon request, the teams ~~team~~ shall be immediately

1 provided:

2 (a) Information and records maintained by a provider of medical,
3 dental, prenatal, and mental health care, including medical reports,
4 autopsy reports, and emergency and paramedic records; and

5 (b) All information and records maintained by any agency of state,
6 county, or local government, any other political subdivision, any school
7 district, or any public or private educational institution, including,
8 but not limited to, birth and death certificates, law enforcement
9 investigative data and reports, coroner investigative data and reports,
10 educational records, parole and probation information and records, and
11 information and records of any social services agency that provided
12 services to the child, the pregnant or postpartum woman, or the family of
13 the child or woman.

14 (2) The Department of Health and Human Services shall have the
15 authority to issue subpoenas to compel production of any of the records
16 and information specified in subdivisions (1)(a) and (b) of this section,
17 except records and information on any child death, stillbirth, or
18 maternal death under active investigation by a law enforcement agency or
19 which is at the time the subject of a criminal prosecution, and shall
20 provide such records and information to the teams team.

21 Sec. 18. Section 71-3411, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-3411 (1)(a) All information and records acquired by the teams
24 ~~team~~ in the exercise of their ~~its~~ purposes and duties pursuant to the
25 Child and Maternal Death Review Act shall be confidential and exempt from
26 disclosure and may only be disclosed as provided in this section and as
27 provided in section 71-3407. Statistical compilations of data made by the
28 teams team which do not contain any information that would permit the
29 identification of any person to be ascertained shall be public records.

30 (b) De-identified information and records obtained by the teams team
31 may be released to a researcher, upon proof of identity and

1 qualifications of the researcher, if the researcher is employed by a
2 research organization, university, institution, or government agency and
3 is conducting scientific, medical, or public health research and if there
4 is no publication or disclosure of any name or facts that could lead to
5 the identity of any person included in the information or records. Such
6 release shall provide for a written agreement with the Department of
7 Health and Human Services providing protection of the security of the
8 content of the information, including access limitations, storage of the
9 information, destruction of the information, and use of the information.
10 The release of such information pursuant to this subdivision shall not
11 make otherwise confidential information a public record.

12 (c) De-identified information and records obtained by the teams ~~team~~
13 may be released to the United States Public Health Service or its
14 successor, a government health agency, or a local public health
15 department as defined in section 71-1626 if there is no publication or
16 disclosure of any name or facts that could lead to the identity of any
17 person included in the information or records. Such release shall provide
18 for protection of the security of the content of the information,
19 including access limitations, storage of the information, destruction of
20 the information, and use of the information. The release of such
21 information pursuant to this subdivision shall not make otherwise
22 confidential information a public record.

23 (2) Except as necessary to carry out the teams' ~~a team's~~ purposes
24 and duties, members of the teams ~~a team~~ and persons attending a team
25 meetings ~~meeting~~ may not disclose what transpired at the meetings ~~a~~
26 ~~meeting~~ and shall not disclose any information the disclosure of which is
27 prohibited by this section.

28 (3) Members of the teams ~~a team~~ and persons attending team meetings
29 ~~a team meeting~~ shall not testify in any civil, administrative, licensure,
30 or criminal proceeding, including depositions, regarding information
31 reviewed in or opinions formed as a result of team meetings ~~a team~~

1 ~~meeting~~. This subsection shall not be construed to prevent a person from
2 testifying to information obtained independently of the teams ~~team~~ or
3 which is public information.

4 (4) Information, documents, and records of the teams ~~team~~ shall not
5 be subject to subpoena, discovery, or introduction into evidence in any
6 civil or criminal proceeding, except that information, documents, and
7 records otherwise available from other sources shall not be immune from
8 subpoena, discovery, or introduction into evidence through those sources
9 solely because they were presented during proceedings of the teams ~~team~~
10 or are maintained by the teams ~~team~~.

11 Sec. 19. Original sections 71-3404, 71-3407, 71-3408, 71-3409,
12 71-3410, and 71-3411, Reissue Revised Statutes of Nebraska, and sections
13 71-3405 and 71-3406, Revised Statutes Cumulative Supplement, 2020, are
14 repealed.