

ENGROSSED LEGISLATIVE BILL 668

Introduced by Storer, 43; Ibach, 44; Lippincott, 34.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend sections 28-374.01 and 28-720, Reissue Revised Statutes of Nebraska, sections 28-712 and 28-718, Revised Statutes Cumulative Supplement, 2024, and sections 28-710 and 28-713.01, Revised Statutes Supplement, 2025; to change provisions relating to the Adult Protective Services Central Registry; to define and redefine terms; to change provisions relating to the Child Protection and Family Safety Act; and to repeal the original sections.

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

Section 1. Section 28-374.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-374.01 (1) Upon completion of the investigation pursuant to sections 28-373 and 28-374, the person who allegedly abused, neglected, or exploited a vulnerable adult shall be given written notice of the determination of the investigation and whether the person who allegedly abused, neglected, or exploited a vulnerable adult will be entered into the registry. No person shall be entered on the registry without first being notified of the right to contest the determination. If a proper request for appeal is made by the subject pursuant to this section, the subject shall not be entered on the registry until a final order is issued by the department.

(2) If the person who allegedly abused, neglected, or exploited a vulnerable adult will be entered into the registry, the notice shall be sent prior to the entry of the subject's name on the registry, by certified mail with return receipt requested or first-class mail to the last-known address of the person who allegedly abused, neglected, or exploited a vulnerable adult and shall include:

(a) The nature of the report;

(b) The classification of the report; and

(c) The right of the person who allegedly abused, neglected, or exploited a vulnerable adult to request: (i) The department to amend or expunge identifying information from the report; (ii) an appeal within fourteen calendar days after the date of the notice of the department's determination is sent to the person who allegedly abused, neglected, or exploited a vulnerable adult; and (iii) the department to remove the substantiated report from the registry in accordance with section 28-380.

(3) If the person who allegedly abused, neglected, or exploited a vulnerable adult will not be entered into the registry, the notice shall be sent by first-class mail and shall include:

(a) The nature of the report; and

(b) The classification of the report.

Sec. 2. Section 28-710, Revised Statutes Supplement, 2025, is amended to read:

28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited as the Child Protection and Family Safety Act.

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

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

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

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

(ii) Cruelly confined or cruelly punished;

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

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

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

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

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

(c) Child advocacy center means a community-based organization that (i) provides an appropriate site for conducting forensic interviews as defined in section 28-728 and referring victims of child abuse or neglect and appropriate caregivers for such victims to needed evaluation, services, and supports, (ii) assists county attorneys in facilitating case reviews, developing and updating protocols, and arranging training opportunities for the teams established pursuant to sections 28-728 and 28-729, and (iii) is a member, in good standing, of a state chapter as defined in 34 U.S.C. 20302;

(d) Comprehensive assessment means an analysis of child safety, risk of future child abuse or neglect, and family strengths and needs on a report of child abuse or neglect using an evidence-informed and validated tool. Comprehensive assessment does not include a finding as to whether the child abuse or neglect occurred but does determine the need for services and support, if any, to address the safety of children and the risk of future abuse or neglect;

(e) Department means the Department of Health and Human Services;

(f) Investigation means fact gathering by the department, using an evidence-informed and validated tool, or by law enforcement related to the current safety of a child and the risk of future child abuse or neglect that determines whether child abuse or neglect has occurred and whether child protective services are needed;

(g) Kin caregiver means a person with whom a child in foster care has been placed or with whom a child is residing pursuant to a temporary living arrangement in a non-court-involved case, who has previously lived with or is a trusted adult that has a preexisting, significant relationship with the child or with a sibling of such child placed pursuant to section 43-1311.02;

(h) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol;

(i) Member of a military family means an individual who is:

(i) Serving active duty service in the armed forces of the United States, including any reserve component or the National Guard; or

(ii) Is a dependent, as defined in 50 U.S.C. 3911, of a person described in subdivision (2)(i)(i) of this section;

(j) Non-court-involved case means an ongoing case opened by the department following a report of child abuse or neglect in which the department has determined that ongoing services are required to maintain the safety of a child or alleviate the risk of future abuse or neglect and in which the family voluntarily engages in child protective services without a filing in a juvenile court. A non-court-involved case does not include a prevention case;

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

(l)(i) Prevention case means a case in which (A) at least one juvenile in the home meets the definition of a candidate for foster care as outlined in the department's prevention plan submitted and approved pursuant to section 471(e) (4) of the federal Family First Prevention Services Act; (B) ongoing child

welfare services are not required to maintain the safety of a child; and (C) the family voluntarily engages in prevention services through community resources.

(ii) A prevention case does not include a case where the home has an ongoing: (A) Juvenile court case pursuant to subdivision (3)(a) or (3)(c) of section 43-247; (B) alternative response case with the department; or (C) non-court-involved case with the department. A prevention case is not a noncourt or voluntary case as described in section 68-1212;

(m) Prevention services means community support services including, but not limited to, mental health and substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator services. The department shall use community funding sources when available;

(n) Relative caregiver means a person with whom a child is placed by the department and who is related to the child, or to a sibling of such child pursuant to section 43-1311.02, by blood, marriage, or adoption or, in the case of an Indian child, is an extended family member as defined in section 43-1503;

(o) Report means any communication received by the department or a law enforcement agency pursuant to the Child Protection and Family Safety Act that describes child abuse or neglect and contains sufficient content to identify the child who is the alleged victim of child abuse or neglect;

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

(q) School employee means a person nineteen years of age or older who is employed by a public, private, denominational, or parochial school approved or accredited by the State Department of Education;

(r) Student means a person less than nineteen years of age enrolled in or attending a public, private, denominational, or parochial school approved or

accredited by the State Department of Education, or who was such a person enrolled in or who attended such a school within ninety days of any violation of section 28-316.01;

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

(t) Subject of the report of child abuse or neglect or subject of the report means the person or persons identified in the report as responsible for the child abuse or neglect.

Sec. 3. Section 28-712, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-712 (1) Upon receipt of a report pursuant to section 28-711, the department shall determine whether to (a) accept the report for traditional response and an investigation pursuant to section 28-713, (b) accept the report for alternative response pursuant to section 28-712.01, (c) accept the report for screening by the Review, Evaluate, and Decide Team to determine eligibility for alternative response, or (d) classify the report as requiring no further action by the department. If the department classifies the report as requiring no further action, the department may provide the family with information about prevention services provided through community resources to assist the family with concerns alleged in the report and refer the family for a prevention case. If, after completing a traditional response investigation, the department determines no further action will be taken by the department, the department may refer the family for a prevention case.

(2)(a) The Nebraska Children's Commission shall appoint an advisory committee to examine the department's alternative response to reports of child abuse or neglect and to make recommendations to the Legislature, the department, and the commission regarding (i) the receipt and screening of reports of child abuse or neglect by the department, (ii) the ongoing use of alternative response, (iii) the ongoing use of traditional response, and (iv) the provision of services within alternative response and non-court-involved

cases to ensure child safety, to reduce the risk of child abuse or neglect, and to engage families. The advisory committee may request, receive, and review data from the department regarding such processes.

(b) The members of the advisory committee shall include, but not be limited to, a representative of (i) the department, (ii) law enforcement agencies, (iii) county attorneys or other prosecutors, (iv) the state chapter of child advocacy centers as defined in 34 U.S.C. 20302, (v) attorneys for parents, (vi) guardians ad litem, (vii) a child welfare advocacy organization, (viii) families with experience in the child welfare system, (ix) family caregivers, (x) the Foster Care Review Office, and (xi) the office of Inspector General of Nebraska Child Welfare. Members of the advisory committee shall be appointed for terms of two years. The Nebraska Children's Commission shall appoint the chairperson of the advisory committee and may fill vacancies on the advisory committee as they occur.

(3) The department shall adopt and promulgate rules and regulations to carry out this section and sections 28-710.01, 28-712.01, and 28-713. Such rules and regulations shall include, but not be limited to, provisions on (a) the transfer of cases from alternative response to traditional response, (b) notice to families subject to a comprehensive assessment and served through alternative response of the alternative response process and their rights, including the opportunity to challenge agency determinations, (c) the provision of services through alternative response, and (d) the collection, sharing, and reporting of data.

Sec. 4. Section 28-713.01, Revised Statutes Supplement, 2025, is amended to read:

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

(a) In situations of alleged out-of-home child abuse or neglect, the person or persons having custody of the allegedly abused or neglected child or children shall be given written notice of the results of the investigation and any other information the law enforcement agency or department deems necessary.

Such notice and information shall be sent by first-class mail;

(b) Prior to the entry of the subject's name on the central registry of child protection cases maintained pursuant to section 28-718, the subject of the report of child abuse or neglect shall be given written notice of the determination of the case and whether the subject of the report of child abuse or neglect will be entered into the central registry of child protection cases maintained pursuant to section 28-718 under the criteria provided in section 28-720;

(c) If the subject of the report of child abuse or neglect is a school employee and the child is a student in the school to which such school employee is assigned for work, the notice described in subdivision (1)(b) of this section shall also be sent to the Commissioner of Education; and

(d) If the subject of the report of child abuse or neglect is a member of a military family, the notice described in subdivision (1)(b) of this section shall also be sent to the appropriate military installation as provided in section 28-712.02.

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

(a) The nature of the report;

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

(c) Notification of the right of the subject of the report of child abuse or neglect to request: (i) An appeal within fourteen calendar days after the date of the notice of the department's determination is sent to the person who allegedly abused or neglected a child and (ii) the department to amend or expunge identifying information from the report or to remove the substantiated report from the central registry in accordance with section 28-723;

(d) If the subject of the report of child abuse or neglect is a minor child who is twelve years of age or older but younger than nineteen years of age:

(i) Notification of the mandatory expungement hearing to be held according to section 28-721, a waiver form to waive the hearing, and an explanation of the hearing process;

(ii) An explanation of the implications of being entered in the central registry as a subject;

(iii) Notification of any other procedures determined appropriate in rules and regulations adopted and promulgated by the department; and

(iv) Provision of a copy of all notice materials required to be provided to the subject under this subsection to the minor child's attorney of record, parent or guardian, and guardian ad litem, if applicable; and

(e) Any notification required by this section shall be sent to the subject at least fourteen days prior to the date the subject's name will be entered on the central registry of child protection cases. No person shall be entered on the central registry of child protection cases without first being notified of the right to contest the case determination.

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

(a) The nature of the report; and

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

(4) The subject of the report may appeal the decision of the department under this section. The appeal shall be pursuant to the Administrative Procedure Act.

Sec. 5. Section 28-718, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-718 (1) There shall be a central registry of child protection cases maintained in the department containing records of all reports of child abuse or neglect opened for investigation as provided in section 28-713 and classified as either court substantiated or agency substantiated as provided in section 28-720.

(2) The department shall determine whether a name-change order received

from the clerk of a district court pursuant to section 25-21,271 is for a person on the central registry of child protection cases and, if so, shall include the changed name with the former name in the registry and file or cross-reference the information under both names.

(3) The department may charge a reasonable fee in an amount established by the department in rules and regulations to recover expenses in carrying out central registry records checks. The fee shall not exceed five dollars for each request to check the records of the central registry. The department shall remit the fees to the State Treasurer for credit to the Health and Human Services Cash Fund. The department may waive the fee if the requesting party shows the fee would be an undue financial hardship. The department shall use the fees to defray costs incurred to carry out such records checks. The department may adopt and promulgate rules and regulations to carry out this section.

Sec. 6. Section 28-720, Reissue Revised Statutes of Nebraska, is amended to read:

28-720 (1) All cases entered into the central registry of child protection cases maintained pursuant to section 28-718 shall be classified as one of the following:

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

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

(c) Agency substantiated, if the department's determination of child abuse or neglect against the subject of the report of child abuse or neglect was

supported by a preponderance of the evidence and based upon an investigation pursuant to section 28-712.01 or 28-713.

(2) If a case described in subdivision (1)(b) of this section is dismissed by the court or a juvenile petition under subdivision (3)(a) of section 43-247 is redesignated to indicate there is no fault on the part of the parent, guardian, or custodian, the case shall be immediately expunged from the central registry of child protection cases.

(3)(a) If the subject of the report of child abuse or neglect is a minor child who is younger than twelve years of age, the case shall not be entered into the central registry of child protection cases.

(b) If a juvenile petition is filed under subdivision (3)(a) of section 43-247 indicating that the juvenile is without proper support through no fault of his or her parent, guardian, or custodian, the case shall not be entered into the central registry of child protection cases.

(4) If the subject of the report of child abuse or neglect is a minor child who is twelve years of age or older but younger than nineteen years of age, the case shall not be classified as court pending in the central registry of child protection cases.

(5) The department shall report annually, on or before September 15, to the Governor and electronically to the chairpersons of the Health and Human Services Committee of the Legislature and the Judiciary Committee of the Legislature the number of cases entered into the central registry of child protection cases in which the subject is a minor child, the ages of such subjects who are children, and the number of such cases classified as court substantiated or agency substantiated.

(6) If a proper request for appeal is made by the subject after receipt of the notification required by section 28-713, the subject shall not be entered on the central registry of child protection cases until a final order is issued by the department.

Sec. 7. Original sections 28-374.01 and 28-720, Reissue Revised Statutes of Nebraska, sections 28-712 and 28-718, Revised Statutes Cumulative

Supplement, 2024, and sections 28-710 and 28-713.01, Revised Statutes Supplement, 2025, are repealed.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 668 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

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GOVERNOR