

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 668

FINAL READING

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

Read first time January 22, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Department of Health and Human
2 Services; to amend sections 28-374.01 and 28-720, Reissue Revised
3 Statutes of Nebraska, sections 28-712 and 28-718, Revised Statutes
4 Cumulative Supplement, 2024, and sections 28-710 and 28-713.01,
5 Revised Statutes Supplement, 2025; to change provisions relating to
6 the Adult Protective Services Central Registry; to define and
7 redefine terms; to change provisions relating to the Child
8 Protection and Family Safety Act; and to repeal the original
9 sections.
10 Be it enacted by the people of the State of Nebraska,

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

3 28-374.01 (1) Upon completion of the investigation pursuant to
4 sections 28-373 and 28-374, the person who allegedly abused, neglected,
5 or exploited a vulnerable adult shall be given written notice of the
6 determination of the investigation and whether the person who allegedly
7 abused, neglected, or exploited a vulnerable adult will be entered into
8 the registry. No person shall be entered on the registry without first
9 being notified of the right to contest the determination. If a proper
10 request for appeal is made by the subject pursuant to this section, the
11 subject shall not be entered on the registry until a final order is
12 issued by the department.

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

19 (a) The nature of the report;

20 (b) The classification of the report; and

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

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

31 (a) The nature of the report; and

1 (b) The classification of the report.

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

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

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

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

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

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

19 (ii) Cruelly confined or cruelly punished;

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

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

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

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

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

31 (c) Child advocacy center means a community-based organization that

1 (i) provides an appropriate site for conducting forensic interviews as
2 defined in section 28-728 and referring victims of child abuse or neglect
3 and appropriate caregivers for such victims to needed evaluation,
4 services, and supports, (ii) assists county attorneys in facilitating
5 case reviews, developing and updating protocols, and arranging training
6 opportunities for the teams established pursuant to sections 28-728 and
7 28-729, and (iii) is a member, in good standing, of a state chapter as
8 defined in 34 U.S.C. 20302;

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

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

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

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

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

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

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

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

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

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

20 (l)(i) Prevention case means a case in which (A) at least one
21 juvenile in the home meets the definition of a candidate for foster care
22 as outlined in the department's prevention plan submitted and approved
23 pursuant to section 471(e)(4) of the federal Family First Prevention
24 Services Act; (B) ongoing child welfare services are not required to
25 maintain the safety of a child; and (C) the family voluntarily engages in
26 prevention services through community resources.

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

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

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

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

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

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

26 (r) ~~(p)~~ Student means a person less than nineteen years of age
27 enrolled in or attending a public, private, denominational, or parochial
28 school approved or accredited by the State Department of Education, or
29 who was such a person enrolled in or who attended such a school within
30 ninety days of any violation of section 28-316.01;

31 (s) ~~(q)~~ Traditional response means an investigation by a law

1 enforcement agency or the department pursuant to section 28-713 which
2 requires a formal determination of whether child abuse or neglect has
3 occurred; and

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

7 **Sec. 3.** Section 28-712, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 28-712 (1) Upon receipt of a report pursuant to section 28-711, the
10 department shall determine whether to (a) accept the report for
11 traditional response and an investigation pursuant to section 28-713, (b)
12 accept the report for alternative response pursuant to section 28-712.01,
13 (c) accept the report for screening by the Review, Evaluate, and Decide
14 Team to determine eligibility for alternative response, or (d) classify
15 the report as requiring no further action by the department. If the
16 department classifies the report as requiring no further action, the
17 department may provide the family with information about prevention
18 services provided through community resources to assist the family with
19 concerns alleged in the report and refer the family for a prevention
20 case. If, after completing a traditional response investigation, the
21 department determines no further action will be taken by the department,
22 the department may refer the family for a prevention case.

23 (2)(a) The Nebraska Children's Commission shall appoint an advisory
24 committee to examine the department's alternative response to reports of
25 child abuse or neglect and to make recommendations to the Legislature,
26 the department, and the commission regarding (i) the receipt and
27 screening of reports of child abuse or neglect by the department, (ii)
28 the ongoing use of alternative response, (iii) the ongoing use of
29 traditional response, and (iv) the provision of services within
30 alternative response and non-court-involved cases to ensure child safety,
31 to reduce the risk of child abuse or neglect, and to engage families. The

1 advisory committee may request, receive, and review data from the
2 department regarding such processes.

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

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

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

26 28-713.01 (1) Upon completion of the investigation pursuant to
27 section 28-713:

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

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

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

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

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

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

23 (a) The nature of the report;

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

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

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

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

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

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

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

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

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

24 (a) The nature of the report; and

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

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

29 **Sec. 5.** Section 28-718, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 28-718 (1) There shall be a central registry of child protection

1 cases maintained in the department containing records of all reports of
2 child abuse or neglect opened for investigation as provided in section
3 28-713 and classified as either court substantiated or agency
4 substantiated as provided in section 28-720.

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

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

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

22 28-720 (1) All cases entered into the central registry of child
23 protection cases maintained pursuant to section 28-718 shall be
24 classified as one of the following:

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

31 (b) Court pending, if a criminal complaint, indictment, or

1 information or a juvenile petition under subdivision (3)(a) of section
2 43-247, which relates or pertains to the subject of the report of abuse
3 or neglect, has been filed and is pending in a court of competent
4 jurisdiction; or

5 (c) Agency substantiated, if the department's determination of child
6 abuse or neglect against the subject of the report of child abuse or
7 neglect was supported by a preponderance of the evidence and based upon
8 an investigation pursuant to section 28-712.01 or 28-713.

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

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

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

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

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

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

5 **Sec. 7.** Original sections 28-374.01 and 28-720, Reissue Revised
6 Statutes of Nebraska, sections 28-712 and 28-718, Revised Statutes
7 Cumulative Supplement, 2024, and sections 28-710 and 28-713.01, Revised
8 Statutes Supplement, 2025, are repealed.