

LEGISLATIVE BILL 599

Approved by the Governor May 19, 1987

Introduced by Lynch, 13; Hartnett, 45

AN ACT relating to children; to amend section 43-512.07, Revised Statutes Supplement, 1986; to adopt the Missing Children Identification Act; to change a provision relating to the payment of arrearages of support payments; and to repeal the original section.

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

Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Missing Children Identification Act.

Sec. 2. Each year Nebraska children are reported missing. The Legislature is seeking a procedure whereby it can help locate such missing children through school records and birth certificates filed with the schools and the Bureau of Vital Statistics.

Sec. 3. As used in the Missing Children Identification Act, unless the context otherwise requires:

(1) Bureau shall mean the Bureau of Vital Statistics, Department of Health;

(2) County agency shall mean any agency in a county that records and maintains birth certificates;

(3) Missing person shall mean a person sixteen years of age or younger reported to any law enforcement agency as abducted or lost; and

(4) Patrol shall mean the Nebraska State Patrol.

Sec. 4. Upon notification to a local law enforcement agency of the disappearance of a missing person, such agency shall immediately notify the patrol which shall notify the school in which such missing person is enrolled and the bureau. The bureau shall notify the county agency if such missing person was born in such county. Any information known to the patrol shall be supplied to the bureau.

Sec. 5. If a missing person was born in Nebraska, the bureau shall flag such person's birth certificate, and if such person was born in a county where a county agency records and maintains birth certificates, such agency shall also flag the birth

certificate in its custody.

Sec. 6. (1) If an inquiry is made regarding the flagged birth certificate, the bureau or county agency shall not furnish any information to such requesting person and shall request the name of the inquirer, address, and any other pertinent information. The bureau and such county agency shall immediately notify the patrol of such inquiry.

(2) If a request is made in person from the bureau or such county agency for a flagged birth certificate, the bureau or such county agency shall:

(a) Immediately notify the patrol or local law enforcement agency;

(b) Have the person requesting the flagged birth certificate fill in a form requesting such person's name, address, telephone number, social security number, and relationship to the person whose birth certificate is being requested and the name, address, and birthdate of the person whose birth certificate is being requested;

(c) Try to obtain a photocopy of the driver's license of the person making the request;

(d) Inform the person making the request that the birth certificate will be mailed to him or her;

(e) Report the description of such person making the request and any other relevant information to the patrol or other law enforcement agency; and

(f) Provide the patrol with copies of such documents but retain the original in the office of the bureau or county agency.

(3) If a request is made for such birth certificate in writing, the bureau or county agency shall notify the patrol and provide the patrol with a copy of the request but retain the original request in the office of the bureau or county agency.

Sec. 7. (1) Upon notification by the patrol of a missing person, any school in which such missing person is currently or was previously enrolled shall flag the school records of such person in such school's possession. The school shall report immediately any request concerning a flagged record or any knowledge of the whereabouts of such missing person.

(2) Upon enrollment of a student for the first time in a public school district or private school system, the school of enrollment shall notify in writing the person enrolling the student that within thirty days he or she must provide either (a) a certified copy of the student's birth certificate or (b) other reliable proof of the student's identity and age accompanied by

an affidavit explaining the inability to produce a copy of the birth certificate.

(3) Upon failure of the person to comply with subsection (2) of this section, the school shall notify such person in writing that unless he or she complies within ten days the matter shall be referred to the local law enforcement agency for investigation. If compliance is not obtained within such ten-day period, the school shall immediately report such matter. Any affidavit received pursuant to subsection (2) of this section that appears inaccurate or suspicious in form or content shall be reported immediately to the local law enforcement agency by the school.

(4) Any school requested to forward a copy of a transferred student's record shall not forward a copy of such record to the requesting school if the record has been flagged pursuant to subsection (1) of this section. If such record has been flagged, the school to whom such request is made shall notify the local law enforcement agency of the request and that such student is a reported missing person.

Sec. 8. The flag on such birth certificate or school record shall be large enough so that any personnel looking at such birth certificate or record shall be alerted to the fact that such birth certificate or record is of a missing person.

Sec. 9. Upon notification of recovery of such missing person, the bureau, the county agency, and any school pursuant to section 7 of this act shall remove the flag from such person's record.

Sec. 10. Any local law enforcement agency notified pursuant to the Missing Children Identification Act of the request for the birth certificate, school record, or other information concerning a missing person shall immediately notify the patrol of such request and shall investigate such matter.

Sec. 11. Any school or any person acting on behalf of a school shall be immune from civil and criminal liability for any acts or omissions which occur as a result of the requirements of the Missing Children Identification Act.

Sec. 12. The bureau and the patrol shall adopt and promulgate rules and regulations necessary to carry out their responsibilities under the Missing Children Identification Act.

Sec. 13. That section 43-512.07, Revised Statutes Supplement, 1986, be amended to read as follows:

43-512.07. The application for and acceptance

of an aid to dependent children payment by a parent, other relative, or a custodian shall constitute an assignment of the right to child and spousal support payments and arrearages, from the inception of the court order, to the Department of Social Services up to the amount of aid to dependent children paid to the recipient. Child and spousal support payments made pursuant to a court order shall be paid to the Department of Social Services upon notice by the department to the clerk of the district court that the child is a recipient of public assistance. Upon receipt of notice from the department of such assignment of support payments, each clerk of the district court shall transmit the payments received to the department in accordance with the cooperative agreement provided for in section 43-512.05 without the requirement of a subsequent order by the court. The clerk of the district court shall continue to transmit the payments for as long as the aid to dependent children payment continues. Any court-ordered child or spousal support remaining unpaid during the period of the assignment to the department shall constitute a debt and a continuing assignment at the termination of aid to dependent children payments, collectible by the department as reimbursement for aid to dependent children payments. The continuing assignment shall only apply to support payments made during a calendar period which exceed the specific amount of support ordered for that period. When aid to dependent children payments have ceased and upon notice by the department, the clerk of the district court shall continue to transmit to the department any support payments received on arrearages in excess of the amount of support ordered for that specific calendar period, until notified by the department that the debt has been paid in full, except that any amount of support arrearages that accrued after termination of aid to dependent children payments shall be paid first by the clerk to the person to whom support is due before any reimbursement is made to the department.

Sec. 14. That original section 43-512.07, Revised Statutes Supplement, 1986, is repealed.