

**ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014**  
**COMMITTEE STATEMENT**  
**LB503**

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**Hearing Date:** Friday March 15, 2013  
**Committee On:** Judiciary  
**Introducer:** Coash  
**One Liner:** Rename the Child Protection Act and provide for alternative response to a report of child abuse or neglect

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**  
**Aye:** 6 Senators Ashford, Lathrop, Coash, Davis, McGill, Seiler  
**Nay:**  
**Absent:**  
**Present Not Voting:** 2 Senators Chambers, Christensen

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<b>Proponents:</b>	<b>Representing:</b>
SEN. COLBY COASH	INTRODUCER
MELANIE WILLIAMS-SMOTHERMAN	FAMILY ADVOCACY MOVEMENT
TIMOTHY REGLER	SELF
SARAH FORREST	VOICES FOR CHILDREN
KIM HOWEKOTTE	FCRD
MARY JO PANKOKE - AM1805	NE CHILDRENS & FAMILY FOUNDATION
GENE KLEIN - AM1805	PROJECT HARMONY - AM1805
KAREN AUTHIER - AM1805	NEBRASKA CHILDREN'S COMMISSION
SARAH FORREST - AM1805	VOICES OR CHILDREN

<b>Opponents:</b>	<b>Representing:</b>
MAUREEN MONAHAN - AM1805	SELF

<b>Neutral:</b>	<b>Representing:</b>
KAREN AUTHIER	NE CHILDRENS COMMISSION
GENE KLEIN	PROJECT HARMONY
SARAH HELVEY	NE APPLESEED
JULIE ROGERS	INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE
VICKY WEISZ - AM1805	NEBRASKA COURT IMPROVEMENT
CAROL STITT - AM1805	LEAGUE OF MUNICIPALITIES
SARAH HELVEY - AM1805	NE APPLESEED

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**Summary of purpose and/or changes:**

Legislative Bill 503 would change the name of the Child Protection Act to the Child Protection and Family Safety Act. The bill would add provisions to the Act to allow for the use of "alternative response," which is defined under the Act, instead of an investigation and formal determination of the occurrence of abuse and neglect when there is a report not alleging substantial abuse or neglect. The use of "alternative response" would be authorized for implementation by DHHS in select locations for demonstration projects over the next three years with reports to the Legislature and to the

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Children's Commission. The Legislature would have to approve the continued use of "alternative response" after May 15, 2016.

An amended version of this bill was amended into LB 561 through AM 1351 on select file. The amended provisions require DHHS to convene a group of stakeholders to develop a model of an alternative response to report of child abuse and neglect. The model must be reported to the Children's Commission by November 1, 2013 and to the Legislature by December 15, 2013. The bill also states the intent of the Legislature that the model be implemented in designated sites no earlier than July of 2014.

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**Explanation of amendments:**

AM1967 strikes the original sections of LB503 and replaces it with the contents of AM1967. AM1967 describes the procedures for alternative response by DHHS. Taking from the language of the bill, "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 does not get entered into the central registry.

Sec 1: would provide that the bill be known as the Child Protection and Family Safety. This section provides a number of new definitions for purposes of interpreting the bill. These include, alternative response, comprehensive assessment, investigation, Review, Evaluate, and Decide Team, and traditional response.

Summaries of the definitions are below:

(2)(a) "alternative response" which is a comprehensive assessment of i) child safety, ii) risk of future child abuse or neglect, iii) family strengths and needs, and iv) provision of or referral for necessary services;

(2)(c) comprehensive assessment means an analysis of child safety, risk of future abuse, and family strengths and needs and does not include a determination as to whether abuse or neglect occurred;

(2)(e) investigation is fact gathering as to the current safety of the child and the risk of future abuse/neglect that determines whether the child abuse/neglect has occurred and whether child protective services are needed;

(2)(h) Review, Evaluate, and Decide Team means an internal team of staff within the DHHS;

(2)(i) traditional response means an investigation by law enforcement or DHHS pursuant to 28-713 which requires a formal determination of abuse/neglect.

Sec 2: makes legislative and policy findings as to families and children and their safety and unity.

Sec 3: would require DHHS in consultation with the Nebraska Children's Commission to develop an alternative response implementation plan in accordance with sections 2 to 4 of the Act. Once the plan is developed, DHHS may begin using alternative response in up to five (5) locations. DHHS shall provide an evaluation report by November 2015 to the Children's Commission and the Legislature. After January 2016, DHHS may use alternative response in up to five additional locations and provide another report by November 2016. DHHS may continue to use alternative response until July 1, 2017 and any continued use thereafter, shall require the approval of the Legislature.

DHHS shall contract with an independent entity to evaluate their alternative response demonstration projects. The bill would set out the minimum requirements of the evaluation, to include, but not limited to, the number and proportion of repeat child abuse and neglect allegations, of substantiated child abuse and neglect allegations, of families with any child entering out-of-home care; changes in child and family well-being in the areas of behavioral and emotional functioning and physical health as measured by a standardized assessment instrument chosen by DHHS; the number of children and families assigned to alternative response who are reassigned to traditional response; and a cost analysis.

DHHS shall provide to the Nebraska Children's Commission regular updates on: the implementation plan; status of implementation plan; inclusion of stakeholders on the implementation plan; any findings or recommendations made by

the independent evaluator; any programmatic modifications; and the status of the adoption and promulgation of rules and regulations.

DHHS shall promulgate rules and regulations to carry out AM1967. The bill would provide that such rules and regulations shall include, but not be limited to, provisions on the transfer of cases from alternative response to traditional response, notice to families subject to a comprehensive assessment and served through alternative response of the alternative response and their rights, including the opportunity to challenge agency determinations.

When DHHS proposes to change the alternative response ineligibility criteria, DHHS shall give public notice at least sixty (60) days prior to public hearing on regulation changes and shall provide a copy of proposed rules and regulations to the Children's Commission no later than October 1, 2014.

Sec 4: would apply to alternative response demonstration projects established under section 3. Section 4 describes the duties of the Review, Evaluate, and Decide Team ("The team"). The team meets to review intakes that are not immediately assigned to traditional response, provides analysis of information, and determines whether alternative or traditional response shall be used. The team shall use consistent criteria to review the allegations. Decisions would be made by consensus of the team and if there was no consensus, then traditional response is default.

If alternative response was used, DHHS would complete a comprehensive assessment. If there is a finding that the child is unsafe, DHHS shall transfer the case to traditional response. If it is determined that the child is safe, participation in services under alternative response would be voluntary for the family and the case would not be transferred to traditional response based upon a family's failure to enroll or participate in services and the subject of the report shall not be entered into the central registry.

DHHS would, by the next working day after the receipt of a report of abuse or neglect, enter into the tracking system of child protection cases and shall make available upon request by the appropriate investigating law enforcement agency and county attorney, a copy of all reports relative to a case of suspected abuse or neglect. DHHS shall make aggregate, non-identifying data available quarterly to requesting agencies outside of the department. The Office of the Inspector General of Nebraska Child Welfare would have access to all reports relative to cases of suspected abuse or neglect subject to traditional and alternative response.

Sec 5: would exempt intakes assigned to alternative response from following the procedures set out in 28-711 regarding the central registry.

Sec 6: would make a minor word change from "register" to "registry."

Sec 7: Removes the public notice requirement for DHHS regarding changes to the central registry concerning 28-720 as required by LB122 (2009).

Sec 8: would make a minor word change from "register" to "registry" and would reflect the name change of the act.

Sec 9: would amend section 28-720(3) requiring that an investigation under section 4 of this Act be classified as "agency substantiated" where DHHS' determination against the subject of the report was supported by a preponderance of the evidence.

Sec 10, 11, 12, 13, 14, 15, 16: would harmonize word changes.

Sec 17: would require the child abuse and neglect investigation teams to set out protocols for how reports will be shared between DHHS and law enforcement regarding alternative response.

Sec 18, 19, 20, 21, 22, 23: would harmonize word changes.

Sec 24: would amend 43-4331 regarding the reporting duties of the Inspector General. The bill would require the

Inspector General to include summaries of alternative response cases under the alternative response demonstration projects.

Sec 25, 26, 27, 28: would harmonize word changes.

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Brad Ashford, Chairperson