

AMENDMENTS TO LB503

Introduced by Judiciary

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

3 Section 1. Section 28-710, Revised Statutes Supplement,
4 2013, is amended to read:

5 28-710 (1) Sections 28-710 to 28-727 and sections 2 to 4
6 of this act shall be known and may be cited as the Child Protection
7 and Family Safety Act.

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

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

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

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

1 (ii) Cruelly confined or cruelly punished;

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

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

6 (v) Sexually abused; or

7 (vi) Sexually exploited by allowing, encouraging, or
8 forcing such person to solicit for or engage in prostitution,
9 debauchery, public indecency, or obscene or pornographic
10 photography, films, or depictions;

11 (c) Comprehensive assessment means an analysis of child
12 safety, risk of future child abuse or neglect, and family strengths
13 and needs on a report of child abuse or neglect. Comprehensive
14 assessment does not include a determination as to whether the child
15 abuse or neglect occurred but does determine the need for services
16 and support to address the safety of children and the risk of
17 future abuse or neglect;

18 ~~(b)~~ (d) Department means the Department of Health and
19 Human Services;

20 (e) Investigation means fact gathering related to the
21 current safety of a child and the risk of future child abuse or
22 neglect that determines whether child abuse or neglect has occurred
23 and whether child protective services are needed;

24 ~~(e)~~ (f) Law enforcement agency means the police
25 department or town marshal in incorporated municipalities, the
26 office of the sheriff in unincorporated areas, and the Nebraska
27 State Patrol;

1 ~~(d)~~ (g) Out-of-home child abuse or neglect means child
2 abuse or neglect occurring in day care homes, foster homes, day
3 care centers, residential child-caring agencies as defined in
4 section 71-1926, and other child care facilities or institutions;
5 and

6 (h) Review, Evaluate, and Decide Team means an internal
7 team of staff within the department and shall include no fewer
8 than two supervisors or administrators and two staff members
9 knowledgeable on the policies and practices of the department,
10 including, but not limited to, the structured review process.
11 County attorneys or law enforcement may attend team reviews upon
12 request;

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

17 ~~(e)~~ (j) Subject of the report of child abuse or neglect
18 means the person or persons identified in the report as responsible
19 for the child abuse or neglect.

20 Sec. 2. (1) The Legislature declares that the public
21 policy of the State of Nebraska is to protect children whose
22 health or welfare may be jeopardized by abuse or neglect. The
23 Legislature recognizes that most families want to keep their
24 children safe, but circumstances or conditions sometimes interfere
25 with their ability to do so. Families and children are best
26 served by interventions that engage their protective capacities and
27 address immediate safety concerns and ongoing risks of child abuse

1 or neglect. In furtherance of this public policy and the family
2 policy and principles set forth in sections 43-532 and 43-533,
3 it is the intent of the Legislature to strengthen the family
4 and make the home, school, and community safe for children by
5 promoting responsible child care in all settings and to provide,
6 when necessary, a safe temporary or permanent home environment for
7 abused or neglected children.

8 (2) In addition, it is the policy of this state
9 to: Require the reporting of child abuse or neglect in home,
10 school, and community settings; provide for alternative response to
11 reports as permitted by rules and regulations of the department;
12 provide for traditional response to reports as required by rules
13 and regulations of the department; and provide protective and
14 supportive services designed to preserve and strengthen the family
15 in appropriate cases.

16 Sec. 3. (1) The department, in consultation with the
17 Nebraska Children's Commission, shall develop an alternative
18 response implementation plan in accordance with sections 2 to 4
19 of this act. When the alternative response implementation plan
20 has been developed, the department may begin using alternative
21 response in up to five alternative response demonstration project
22 locations that are designated by the department. The department
23 shall provide a report of an evaluation on the status of
24 alternative response implementation pursuant to subsection (2) of
25 this section to the Legislature and the commission by November
26 15, 2015. The commission shall provide feedback on the report to
27 the department before December 15, 2015. The department may begin

1 using alternative response in up to five additional alternative
2 response demonstration project locations on or after January 1,
3 2016. The department shall provide a report of another evaluation
4 done pursuant to subsection (2) of this section to the commission
5 and electronically to the Legislature by November 15, 2016. The
6 department may continue using alternative response until July
7 1, 2017. Continued use of alternative response thereafter shall
8 require approval of the Legislature. For purposes of this section,
9 demonstration project location means any geographic region,
10 including, but not limited to, a city, a township, a village, a
11 county, a group of counties, or a group of counties and cities,
12 townships, or villages.

13 (2) The department shall contract with an independent
14 entity to evaluate the alternative response demonstration projects.
15 The evaluation shall include, but is not limited to:

16 (a) The number and proportion of repeat child abuse and
17 neglect allegations within a specified period of time following
18 initial intake;

19 (b) The number and proportion of substantiated child
20 abuse and neglect allegations within a specified period of time
21 following initial intake;

22 (c) The number and proportion of families with any
23 child entering out-of-home care within a specified period of time
24 following initial intake;

25 (d) Changes in child and family well-being in the domains
26 of behavioral and emotional functioning and physical health and
27 development as measured by a standardized assessment instrument to

1 be selected by the department;

2 (e) The number and proportion of families assigned to
3 the alternative response track who are reassigned to a traditional
4 response; and

5 (f) A cost analysis that will examine, at a minimum, the
6 costs of the key elements of services received.

7 (3) The department shall provide to the Nebraska
8 Children's Commission regular updates on:

9 (a) The alternative response implementation plan,
10 including the development of the alternative response interview
11 protocols of children;

12 (b) The status of alternative response implementation;

13 (c) Inclusion of child welfare stakeholders, service
14 providers, and other community partners, including families,
15 for feedback and recommendations on the alternative response
16 implementation plan;

17 (d) Any findings or recommendations made by the
18 independent evaluator, including costs;

19 (e) Any alternative response programmatic modifications;
20 and

21 (f) The status of the adoption and promulgation of rules
22 and regulations.

23 (4) The department shall adopt and promulgate rules
24 and regulations to carry out the provisions of this legislative
25 bill. Such rules and regulations shall include, but not be
26 limited to, provisions on the transfer of cases from alternative
27 response to traditional response; notice to families subject

1 to a comprehensive assessment and served through alternative
2 response of the alternative response process and their rights,
3 including the opportunity to challenge agency determinations; the
4 provision of services through alternative response; the collection,
5 sharing, and reporting of data; and the alternative response
6 ineligibility criteria. Whenever the department proposes to change
7 the alternative response ineligibility criteria, public notice of
8 the changes shall be given. Public notice and time for public
9 comment shall be provided by the department publishing the proposed
10 changes on its web site at least sixty days prior to the public
11 hearing on such regulation changes. The department shall provide
12 a copy of the proposed rules and regulations to the Nebraska
13 Children's Commission no later than October 1, 2014.

14 Sec. 4. (1) This section applies to alternative response
15 demonstration projects designated under section 3 of this act.

16 (2) The Review, Evaluate, and Decide Team shall convene
17 to review intakes that are not immediately assigned to traditional
18 response based on the criteria, provide critical analysis of the
19 information, and determine assignment for alternative response or
20 traditional response. The team shall utilize consistent criteria
21 to review the severity of the allegation of abuse or neglect,
22 access to the perpetrator, vulnerability of the child, family
23 history including previous reports, parental cooperation, parental
24 or caretaker protective factors, and other information as deemed
25 necessary. At the conclusion of the review, the intake shall be
26 assigned to either traditional response or alternative response.
27 Decisions shall be made by consensus. If the team cannot come to

1 consensus the intake will be assigned for a traditional response.

2 (3) In the case of an alternative response, the
3 department shall complete a comprehensive assessment. The
4 department shall transfer the case being given alternative response
5 to traditional response if the department determines that a
6 child is unsafe. Upon completion of the comprehensive assessment,
7 if it is determined that the child is safe, participation in
8 services offered to the family receiving an alternative response
9 is voluntary, the case shall not be transferred to traditional
10 response based upon the family's failure to enroll or participate
11 in such services, and the subject of the report shall not be
12 entered into the central registry of child protection cases
13 maintained pursuant to section 28-718.

14 (4) The department shall, by the next working day after
15 receipt of a report of child abuse and neglect, enter into the
16 tracking system of child protection cases maintained pursuant to
17 section 28-715 all reports of child abuse or neglect received
18 under this section that are opened for alternative response and any
19 action taken.

20 (5) The department shall, upon request, make available to
21 the appropriate investigating law enforcement agency and the county
22 attorney a copy of all reports relative to a case of suspected
23 child abuse or neglect. Aggregate, non-identifying reports of child
24 abuse or neglect receiving an alternative response shall be made
25 available quarterly to requesting agencies outside the department.
26 Such alternative response data shall include, but not be limited
27 to, the nature of the initial child abuse or neglect report,

1 the nature of services offered, the location of the cases, the
2 number of cases per month, and the number of alternative response
3 cases that were transferred to traditional response. No other
4 agency or individual except the Office of the Inspector General of
5 Nebraska Child Welfare, the Public Counsel, law enforcement, and
6 county attorneys shall be provided specific, identifying reports
7 of child abuse or neglect being given alternative response. The
8 Office of the Inspector General of Nebraska Child Welfare shall
9 have access to all reports relative to cases of suspected child
10 abuse or neglect subject to traditional response and those subject
11 to alternative response. The department and the office shall
12 develop procedures allowing for the Inspector General's review of
13 cases subject to alternative response. The Inspector General shall
14 include in the report pursuant to section 43-4331 a summary of all
15 cases reviewed pursuant to this subsection.

16 Sec. 5. Section 28-713, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 28-713 ~~Upon~~ Unless an intake is assigned to alternative
19 response, upon the receipt of a call reporting child abuse and
20 neglect as required by section 28-711:

21 (1) It is the duty of the law enforcement agency to
22 investigate the report, to take immediate steps to protect the
23 child, and to institute legal proceedings if appropriate. In
24 situations of alleged out-of-home child abuse or neglect if the
25 person or persons to be notified have not already been notified and
26 the person to be notified is not the subject of the report of child
27 abuse or neglect, the law enforcement agency shall immediately

1 notify the person or persons having custody of each child who has
2 allegedly been abused or neglected that such report of alleged
3 child abuse or neglect has been made and shall provide such person
4 or persons with information of the nature of the alleged child
5 abuse or neglect. The law enforcement agency may request assistance
6 from the department during the investigation and shall, by the
7 next working day, notify either the hotline or the department of
8 receipt of the report, including whether or not an investigation
9 is being undertaken by the law enforcement agency. A copy of all
10 reports, whether or not an investigation is being undertaken, shall
11 be provided to the department;

12 (2) In situations of alleged out-of-home child abuse or
13 neglect if the person or persons to be notified have not already
14 been notified and the person to be notified is not the subject
15 of the report of child abuse or neglect, the department shall
16 immediately notify the person or persons having custody of each
17 child who has allegedly been abused or neglected that such report
18 of alleged child abuse or neglect has been made and shall provide
19 such person or persons with information of the nature of the
20 alleged child abuse or neglect and any other information that the
21 department deems necessary. The department shall investigate for
22 the purpose of assessing each report of child abuse or neglect to
23 determine the risk of harm to the child involved. The department
24 shall also provide such social services as are necessary and
25 appropriate under the circumstances to protect and assist the child
26 and to preserve the family;

27 (3) The department may make a request for further

1 assistance from the appropriate law enforcement agency or take
2 such legal action as may be appropriate under the circumstances;

3 (4) The department shall, by the next working day after
4 receiving a report of child abuse or neglect under subdivision
5 (1) of this section, make a written report or a summary on forms
6 provided by the department to the proper law enforcement agency in
7 the county and enter in the tracking system of child protection
8 cases maintained pursuant to section 28-715 all reports of child
9 abuse or neglect opened for investigation and any action taken; and

10 (5) The department shall, upon request, make available to
11 the appropriate investigating law enforcement agency and the county
12 attorney a copy of all reports relative to a case of suspected
13 child abuse or neglect.

14 Sec. 6. Section 28-713.01, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 28-713.01 (1) Upon completion of the investigation
17 pursuant to section 28-713:

18 (a) In situations of alleged out-of-home child abuse or
19 neglect, the person or persons having custody of the allegedly
20 abused or neglected child or children shall be given written notice
21 of the results of the investigation and any other information the
22 law enforcement agency or department deems necessary. Such notice
23 and information shall be sent by first-class mail; and

24 (b) The subject of the report of child abuse or neglect
25 shall be given written notice of the determination of the case and
26 whether the subject of the report of child abuse or neglect will
27 be entered into the central ~~register~~ registry of child protection

1 cases maintained pursuant to section 28-718 under the criteria
2 provided in section 28-720.

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

8 (a) The nature of the report;

9 (b) The classification of the report under section
10 28-720; and

11 (c) Notification of the right of the subject of the
12 report of child abuse or neglect to request the department to amend
13 or expunge identifying information from the report or to remove
14 the substantiated report from the central ~~register~~ registry in
15 accordance with section 28-723.

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

19 (a) The nature of the report; and

20 (b) The classification of the report under section
21 28-720.

22 Sec. 7. Section 28-718, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 28-718 (1) There shall be a central ~~register~~ registry
25 of child protection cases maintained in the department containing
26 records of all reports of child abuse or neglect opened for
27 investigation as provided in section 28-713 and classified as

1 either court substantiated or agency substantiated as provided in
2 section 28-720. The department may change records classified as
3 inconclusive prior to August 30, 2009, to agency substantiated. ~~The~~
4 ~~department shall give public notice of the changes made to this~~
5 ~~section and subsection (3) of section 28-720 by Laws 2009, LB 122,~~
6 ~~within thirty days after August 30, 2009, by having such notice~~
7 ~~published in a newspaper or newspapers of general circulation~~
8 ~~within the state.~~

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

15 Sec. 8. Section 28-719, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 28-719 Upon complying with identification requirements
18 established by regulation of the department, or when ordered by
19 a court of competent jurisdiction, any person legally authorized
20 by section 28-722, 28-726, or 28-727 to have access to records
21 relating to child abuse and neglect may request and shall be
22 immediately provided the information requested in accordance with
23 the ~~requirement~~ requirements of the Child Protection and Family
24 Safety Act. Such information shall not include the name and
25 address of the person making the report of child abuse or neglect.
26 The names and other identifying data and the dates and the
27 circumstances of any persons requesting or receiving information

1 from the central ~~register~~ registry of child protection cases
2 maintained pursuant to section 28-718 shall be entered in ~~such~~
3 ~~register~~ the central registry record.

4 Sec. 9. Section 28-720, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 28-720 All cases entered into the central ~~register~~
7 registry of child protection cases maintained pursuant to section
8 28-718 shall be classified as one of the following:

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

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

21 (3) Agency substantiated, if the department's
22 determination of child abuse or neglect against the subject
23 of the report of child abuse or neglect was supported by a
24 preponderance of the evidence and based upon an investigation
25 pursuant to section 28-713 or section 4 of this act.

26 Sec. 10. Section 28-720.01, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 28-720.01 All reports of child abuse or neglect which are
2 not under subdivision (1), (2), or (3) of section 28-720 shall be
3 considered unfounded and shall be maintained only in the tracking
4 system of child protection cases pursuant to section 28-715 and
5 not in the central ~~register~~ registry of child protection cases
6 maintained pursuant to section 28-718.

7 Sec. 11. Section 28-721, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 28-721 At any time, the department may amend, expunge, or
10 remove from the central ~~register~~ registry of child protection cases
11 maintained pursuant to section 28-718 any record upon good cause
12 shown and upon notice to the subject of the report of child abuse
13 or neglect.

14 Sec. 12. Section 28-722, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 28-722 Upon request, a subject of the report of child
17 abuse or neglect or, if such subject is a minor or otherwise
18 legally incompetent, the guardian or guardian ad litem of the
19 subject, shall be entitled to receive a copy of all information
20 contained in the central ~~register~~ registry of child protection
21 cases maintained pursuant to section 28-718 pertaining to his or
22 her case. The department shall not release data that would be
23 harmful or detrimental or that would identify or locate a person
24 who, in good faith, made a report of child abuse or neglect or
25 cooperated in a subsequent investigation unless ordered to do so by
26 a court of competent jurisdiction.

27 Sec. 13. Section 28-723, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 28-723 At any time subsequent to the completion of the
3 department's investigation, the subject of the report of child
4 abuse or neglect may request the department to amend, expunge
5 identifying information from, or remove the record of the report
6 from the central ~~register~~ registry of child protection cases
7 maintained pursuant to section 28-718. If the department refuses to
8 do so or does not act within thirty days, the subject of the report
9 of child abuse or neglect shall have the right to a fair hearing
10 within the department to determine whether the record of the report
11 of child abuse or neglect should be amended, expunged, or removed
12 on the grounds that it is inaccurate or that it is being maintained
13 in a manner inconsistent with the Child Protection and Family
14 Safety Act. Such fair hearing shall be held within a reasonable
15 time after the subject's request and at a reasonable place and
16 hour. In such hearings, the burden of proving the accuracy and
17 consistency of the record shall be on the department. A juvenile
18 court finding of child abuse or child neglect shall be presumptive
19 evidence that the report was not unfounded. The hearing shall be
20 conducted by the ~~head~~ chief executive officer of the department or
21 his or her designated agent, who is hereby authorized and empowered
22 to order the amendment, expunction, or removal of the record to
23 make it accurate or consistent with the requirements of the act.
24 The decision shall be made in writing, at the close of the hearing,
25 or within thirty days thereof, and shall state the reasons upon
26 which it is based. Decisions of the department may be appealed
27 under ~~the provisions of~~ the Administrative Procedure Act.

1 Sec. 14. Section 28-724, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-724 Written notice of any amendment, expunction, or
4 removal of any record in the central ~~register~~ registry of child
5 protection cases maintained pursuant to section 28-718 shall be
6 served upon the subject of the report of child abuse or neglect.
7 The department shall inform any other individuals or agencies which
8 received such record of any amendment, expunction, or removal of
9 such record.

10 Sec. 15. Section 28-725, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 28-725 All information of the department concerning
13 reports of child abuse or neglect of noninstitutional children,
14 including information in the tracking system of child protection
15 cases maintained pursuant to section 28-715 or records in the
16 central ~~register~~ registry of child protection cases maintained
17 pursuant to section 28-718, and all information of the department
18 generated as a result of such reports or records, shall be
19 confidential and shall not be disclosed except as specifically
20 authorized by the Child Protection and Family Safety Act and
21 section 81-3126 or other applicable law. The subject of the
22 report of child abuse or neglect may authorize any individual
23 or organization to receive the following information from the
24 central ~~register~~ registry of child protection cases maintained
25 pursuant to section 28-718 which relates or pertains to him or
26 her: (1) The date of the alleged child abuse or neglect; and
27 (2) the classification of the case pursuant to section 28-720.

1 Permitting, assisting, or encouraging the unauthorized release of
2 any information contained in such reports or records shall be a
3 Class V misdemeanor.

4 Sec. 16. Section 28-726, Revised Statutes Supplement,
5 2013, is amended to read:

6 28-726 Except as provided in this section and sections
7 28-722 and 81-3126, no person, official, or agency shall have
8 access to information in the tracking system of child protection
9 cases maintained pursuant to section 28-715 or in records in the
10 central ~~register~~ registry of child protection cases maintained
11 pursuant to section 28-718 unless in furtherance of purposes
12 directly connected with the administration of the Child Protection
13 and Family Safety Act. Such persons, officials, and agencies having
14 access to such information shall include, but not be limited to:

15 (1) A law enforcement agency investigating a report of
16 known or suspected child abuse or neglect;

17 (2) A county attorney in preparation of a child abuse or
18 neglect petition or termination of parental rights petition;

19 (3) A physician who has before him or her a child whom he
20 or she reasonably suspects may be abused or neglected;

21 (4) An agency having the legal responsibility or
22 authorization to care for, treat, or supervise an abused or
23 neglected child or a parent, a guardian, or other person
24 responsible for the abused or neglected child's welfare who is the
25 subject of the report of child abuse or neglect;

26 (5) Any person engaged in bona fide research or auditing.
27 No information identifying the subjects of the report of child

1 abuse or neglect shall be made available to the researcher or
2 auditor;

3 (6) The Foster Care Review Office and the designated
4 local foster care review board when the information relates to a
5 child in a foster care placement as defined in section 43-1301.
6 The information provided to the office and local board shall not
7 include the name or identity of any person making a report of
8 suspected child abuse or neglect;

9 (7) The designated protection and advocacy system
10 authorized pursuant to the Developmental Disabilities Assistance
11 and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act
12 existed on January 1, 2005, and the Protection and Advocacy for
13 Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed
14 on September 1, 2001, acting upon a complaint received from or
15 on behalf of a person with developmental disabilities or mental
16 illness;

17 (8) The person or persons having custody of the abused or
18 neglected child in situations of alleged out-of-home child abuse or
19 neglect;

20 (9) For purposes of licensing providers of child care
21 programs, the Department of Health and Human Services; and

22 (10) A probation officer administering juvenile
23 intake services pursuant to section 29-2260.01, conducting
24 court-ordered predispositional investigations prior to disposition,
25 or supervising a juvenile upon disposition.

26 Sec. 17. Section 28-728, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

1 28-728 (1) The Legislature finds that child abuse and
2 neglect are community problems requiring a coordinated response
3 by law enforcement, child advocacy centers, prosecutors, the
4 Department of Health and Human Services, and other agencies or
5 entities designed to protect children. It is the intent of the
6 Legislature to create a child abuse and neglect investigation team
7 in each county or contiguous group of counties and to create a
8 child abuse and neglect treatment team in each county or contiguous
9 group of counties.

10 (2) Each county or contiguous group of counties will
11 be assigned by the Department of Health and Human Services to
12 a child advocacy center. The purpose of a child advocacy center
13 is to provide a child-focused location for conducting forensic
14 interviews and medical evaluations for alleged child victims of
15 abuse and neglect and for coordinating a multidisciplinary team
16 response that supports the physical, emotional, and psychological
17 needs of children who are alleged victims of abuse or neglect. Each
18 child advocacy center shall meet accreditation criteria set forth
19 by the National Children's Alliance. Nothing in this section shall
20 prevent a child from receiving treatment or other services at a
21 child advocacy center which has received or is in the process of
22 receiving accreditation.

23 (3) Each county attorney or the county attorney
24 representing a contiguous group of counties is responsible
25 for convening the child abuse and neglect investigation team
26 and ensuring that protocols are established and implemented.
27 A representative of the child advocacy center assigned to the

1 team shall assist the county attorney in facilitating case
2 review, developing and updating protocols, and arranging training
3 opportunities for the team. Each team must have protocols which, at
4 a minimum, shall include procedures for:

5 (a) Mandatory reporting of child abuse and neglect as
6 outlined in section 28-711 to include training to professionals on
7 identification and reporting of abuse;

8 (b) Assigning roles and responsibilities between law
9 enforcement and the Department of Health and Human Services for the
10 initial response;

11 (c) Outlining how reports will be shared between law
12 enforcement and the Department of Health and Human Services under
13 section 28-713 and section 4 of this act;

14 (d) Coordinating the investigative response including,
15 but not limited to:

16 (i) Defining cases that require a priority response;

17 (ii) Contacting the reporting party;

18 (iii) Arranging for a video-recorded forensic interview
19 at a child advocacy center for children who are three to eighteen
20 years of age and are alleged to be victims of sexual abuse or
21 serious physical abuse or neglect, have witnessed a violent crime,
22 are found in a drug-endangered environment, or have been recovered
23 from a kidnapping;

24 (iv) Assessing the need for and arranging, when
25 indicated, a medical evaluation of the alleged child victim;

26 (v) Assessing the need for and arranging, when indicated,
27 appropriate mental health services for the alleged child victim or

1 nonoffender caregiver;

2 (vi) Conducting collateral interviews with other persons
3 with information pertinent to the investigation including other
4 potential victims;

5 (vii) Collecting, processing, and preserving physical
6 evidence including photographing the crime scene as well as any
7 physical injuries as a result of the alleged child abuse and
8 neglect; and

9 (viii) Interviewing the alleged perpetrator;

10 (e) Reducing the risk of harm to alleged child abuse and
11 neglect victims;

12 (f) Ensuring that the child is in safe surroundings,
13 including removing the perpetrator when necessary or arranging
14 for temporary custody of the child when the child is seriously
15 endangered in his or her surroundings and immediate removal appears
16 to be necessary for the child's protection as provided in section
17 43-248;

18 (g) Sharing of case information between team members; and

19 (h) Outlining what cases will be reviewed by the
20 investigation team including, but not limited to:

21 (i) Cases of sexual abuse, serious physical abuse and
22 neglect, drug-endangered children, and serious or ongoing domestic
23 violence;

24 (ii) Cases determined by the Department of Health
25 and Human Services to be high or very high risk for further
26 maltreatment; and

27 (iii) Any other case referred by a member of the team

1 when a system-response issue has been identified.

2 (4) Each county attorney or the county attorney
3 representing a contiguous group of counties is responsible for
4 convening the child abuse and neglect treatment team and ensuring
5 that protocols are established and implemented. A representative
6 of the child advocacy center appointed to the team shall assist
7 the county attorney in facilitating case review, developing and
8 updating protocols, and arranging training opportunities for the
9 team. Each team must have protocols which, at a minimum, shall
10 include procedures for:

11 (a) Case coordination and assistance, including the
12 location of services available within the area;

13 (b) Case staffings and the coordination, development,
14 implementation, and monitoring of treatment or safety plans
15 particularly in those cases in which ongoing services are provided
16 by the Department of Health and Human Services or a contracted
17 agency but the juvenile court is not involved;

18 (c) Reducing the risk of harm to child abuse and neglect
19 victims;

20 (d) Assisting those child abuse and neglect victims who
21 are abused and neglected by perpetrators who do not reside in their
22 homes; and

23 (e) Working with multiproblem status offenders and
24 delinquent youth.

25 (5) For purposes of this section, forensic interview
26 means a video-recorded interview of an alleged child victim
27 conducted at a child advocacy center by a professional with

1 specialized training designed to elicit details about alleged
2 incidents of abuse or neglect, and such interview may result in
3 intervention in criminal or juvenile court.

4 Sec. 18. Section 28-801, Revised Statutes Supplement,
5 2013, is amended to read:

6 28-801 (1) Except as provided in subsection (5) of this
7 section, any person who performs, offers, or agrees to perform
8 any act of sexual contact or sexual penetration, as those terms
9 are defined in section 28-318, with any person not his or her
10 spouse, in exchange for money or other thing of value, commits
11 prostitution.

12 (2) Any person convicted of violating subsection (1) of
13 this section shall be punished as follows:

14 (a) If such person has had no prior convictions or has
15 had one prior conviction, such person shall be guilty of a Class
16 II misdemeanor. If the court places such person on probation, such
17 order of probation shall include, as one of its conditions, that
18 such person shall satisfactorily attend and complete an appropriate
19 mental health and substance abuse assessment conducted by a
20 licensed mental health professional or substance abuse professional
21 authorized to complete such assessment; and

22 (b) If such person has had two or more prior convictions,
23 such person shall be guilty of a Class I misdemeanor. If the
24 court places such person on probation, such order of probation
25 shall include, as one of its conditions, that such person shall
26 satisfactorily attend and complete an appropriate mental health and
27 substance abuse assessment conducted by a licensed mental health

1 professional or substance abuse professional authorized to complete
2 such assessment.

3 (3) It is an affirmative defense to prosecution under
4 this section that such person was a trafficking victim as defined
5 in section 28-830.

6 (4) For purposes of this section, prior conviction means
7 any conviction on or after July 14, 2006, for violation of
8 subsection (1) of this section or any conviction on or after July
9 14, 2006, for violation of a city or village ordinance relating to
10 prostitution.

11 (5) If the law enforcement officer determines, after
12 a reasonable detention for investigative purposes, that a person
13 suspected of or charged with a violation of subsection (1) of this
14 section is a person under eighteen years of age, such person shall
15 be immune from prosecution for a prostitution offense under this
16 section and shall be subject to temporary custody under section
17 43-248 and further disposition under the Nebraska Juvenile Code.
18 A law enforcement officer who takes a person under eighteen years
19 of age into custody under this section shall immediately report
20 an allegation of a violation of section 28-831 to the Department
21 of Health and Human Services which shall commence an investigation
22 within twenty-four hours under the Child Protection and Family
23 Safety Act.

24 Sec. 19. Section 43-107, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

26 43-107 (1)(a) For adoption placements occurring or in
27 effect prior to January 1, 1994, upon the filing of a petition

1 for adoption, the county judge shall, except in the adoption of
2 children by stepparents when the requirement of an investigation is
3 discretionary, request the Department of Health and Human Services
4 or any child placement agency licensed by the department to examine
5 the allegations set forth in the petition and to ascertain any
6 other facts relating to such minor child and the person or persons
7 petitioning to adopt such child as may be relevant to the propriety
8 of such adoption, except that the county judge shall not be
9 required to request such an examination if the judge determines
10 that information compiled in a previous examination or study is
11 sufficiently current and comprehensive. Upon the request being
12 made, the department or other licensed agency shall conduct an
13 investigation and report its findings to the county judge in
14 writing at least one week prior to the date set for hearing.

15 (b) (i) For adoption placements occurring on or after
16 January 1, 1994, a preplacement adoptive home study shall be filed
17 with the court prior to the hearing required in section 43-103,
18 which study is completed by the Department of Health and Human
19 Services or a licensed child placement agency within one year
20 before the date on which the adoptee is placed with the petitioner
21 or petitioners and indicates that the placement of a child for the
22 purpose of adoption would be safe and appropriate.

23 (ii) An adoptive home study shall not be required when
24 the petitioner is a stepparent of the adoptee unless required by
25 the court, except that for petitions filed on or after January
26 1, 1994, the judge shall order the petitioner or his or her
27 attorney to request the Nebraska State Patrol to file a national

1 criminal history record information check by submitting the request
2 accompanied by two sets of fingerprint cards or an equivalent
3 electronic submission and the appropriate fee to the Nebraska State
4 Patrol for a Federal Bureau of Investigation background check and
5 to request the department to conduct and file a check of the
6 central ~~register~~ registry created in section 28-718 for any history
7 of the petitioner of behavior injurious to or which may endanger
8 the health or morals of a child. An adoption decree shall not
9 be issued until such records are on file with the court. The
10 petitioner shall pay the cost of the national criminal history
11 record information check and the check of the central ~~register~~
12 registry.

13 (iii) The placement of a child for foster care made by or
14 facilitated by the department or a licensed child placement agency
15 in the home of a person who later petitions the court to adopt
16 the child shall be exempt from the requirements of a preplacement
17 adoptive home study. The petitioner or petitioners who meet such
18 criteria shall have a postplacement adoptive home study completed
19 by the department or a licensed child placement agency and filed
20 with the court at least one week prior to the hearing for adoption.

21 (iv) A voluntary placement for purposes other than
22 adoption made by a parent or guardian of a child without assistance
23 from an attorney, physician, or other individual or agency which
24 later results in a petition for the adoption of the child shall be
25 exempt from the requirements of a preplacement adoptive home study.
26 The petitioner or petitioners who meet such criteria shall have a
27 postplacement adoptive home study completed by the department or a

1 licensed child placement agency and filed with the court at least
2 one week prior to the hearing for adoption.

3 (v) The adoption of an adult child as provided
4 in subsection (2) of section 43-101 shall be exempt from
5 the requirements of an adoptive home study unless the court
6 specifically orders otherwise. The court may order an adoptive home
7 study, a background investigation, or both if the court determines
8 that such would be in the best interests of the adoptive party or
9 the person to be adopted.

10 (vi) Any adoptive home study required by this section
11 shall be conducted by the department or a licensed child placement
12 agency at the expense of the petitioner or petitioners unless such
13 expenses are waived by the department or licensed child placement
14 agency. The department or licensed agency shall determine the fee
15 or rate for the adoptive home study.

16 (vii) The preplacement or postplacement adoptive home
17 study shall be performed as prescribed in rules and regulations
18 of the department and shall include at a minimum an examination
19 into the facts relating to the petitioner or petitioners as may
20 be relevant to the propriety of such adoption. Such rules and
21 regulations shall require an adoptive home study to include a
22 national criminal history record information check and a check of
23 the central ~~register~~ registry created in section 28-718 for any
24 history of the petitioner or petitioners of behavior injurious to
25 or which may endanger the health or morals of a child.

26 (2) Upon the filing of a petition for adoption, the judge
27 shall require that a complete medical history be provided on the

1 child, except that in the adoption of a child by a stepparent
2 the provision of a medical history shall be discretionary. On and
3 after August 27, 2011, the complete medical history or histories
4 required under this subsection shall include the race, ethnicity,
5 nationality, Indian tribe when applicable and in compliance with
6 the Nebraska Indian Child Welfare Act, or other cultural history
7 of both biological parents, if available. A medical history shall
8 be provided, if available, on the biological mother and father and
9 their biological families, including, but not limited to, siblings,
10 parents, grandparents, aunts, and uncles, unless the child is
11 foreign born or was abandoned. The medical history or histories
12 shall be reported on a form provided by the department and filed
13 along with the report of adoption as provided by section 71-626.
14 If the medical history or histories do not accompany the report of
15 adoption, the department shall inform the court and the State Court
16 Administrator. The medical history or histories shall be made part
17 of the court record. After the entry of a decree of adoption, the
18 court shall retain a copy and forward the original medical history
19 or histories to the department. This subsection shall only apply
20 when the relinquishment or consent for an adoption is given on or
21 after September 1, 1988.

22 (3) After the filing of a petition for adoption and
23 before the entry of a decree of adoption for a child who is
24 committed to the Department of Health and Human Services, the
25 person or persons petitioning to adopt the child shall be given the
26 opportunity to read the case file on the child maintained by the
27 department or its duly authorized agent. The department shall not

1 include in the case file to be read any information or documents
2 that the department determines cannot be released based upon state
3 statute, federal statute, federal rule, or federal regulation. The
4 department shall provide a document for such person's or persons'
5 signatures verifying that he, she, or they have been given an
6 opportunity to read the case file and are aware that he, she, or
7 they can review the child's file at any time following finalization
8 of the adoption upon making a written request to the department.
9 The department shall file such document with the court prior to the
10 entry of a decree of adoption in the case.

11 Sec. 20. Section 43-146.17, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-146.17 (1) Notwithstanding sections 43-119 to
14 43-146.16 and except as otherwise provided in this section, an
15 heir twenty-one years of age or older of an adopted person shall
16 have access to all information on file at the Department of Health
17 and Human Services related to such adopted person, including
18 information contained in the original birth certificate of the
19 adopted person, if: (a) (i) The adopted person is deceased, (ii)
20 both biological parents of the adopted person are deceased or,
21 if only one biological parent is known, such parent is deceased,
22 and (iii) each spouse of the biological parent or parents of the
23 adopted person, if any, is deceased, if such spouse is not a
24 biological parent; or (b) at least one hundred years has passed
25 since the birth of the adopted person.

26 (2) The following information relating to an adopted
27 person shall not be released to the heir of such person under

1 this section: (a) Tests conducted for the human immunodeficiency
2 virus or acquired immunodeficiency syndrome; (b) the revocation
3 of a license to practice medicine in the State of Nebraska;
4 (c) child protective services reports or records; (d) adult
5 protective services reports or records; (e) information from
6 the central ~~register~~ registry of child protection cases and the
7 Adult Protective Services Central Registry; or (f) law enforcement
8 investigative reports.

9 (3) The department shall provide a form that an heir
10 of an adopted person may use to request information under this
11 section. The department may charge a reasonable fee in an amount
12 established by rules and regulations of the department to recover
13 expenses incurred by the department in carrying out this section.
14 Such fee may be waived if the requesting party shows that the
15 fee would work an undue financial hardship on the party. When any
16 information is provided to an heir of an adopted person under this
17 section, the disclosure of such information shall be recorded in
18 the records of the adopted person, including the nature of the
19 information disclosed, to whom the information was disclosed, and
20 the date of the disclosure.

21 (4) For purposes of this section, an heir of an adopted
22 person means a direct biological descendent of such adopted person.

23 (5) The department may adopt and promulgate rules and
24 regulations to carry out this section.

25 Sec. 21. Section 43-2932, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 43-2932 (1) When the court is required to develop a

1 parenting plan:

2 (a) If a preponderance of the evidence demonstrates, the
3 court shall determine whether a parent who would otherwise be
4 allocated custody, parenting time, visitation, or other access to
5 the child under a parenting plan:

6 (i) Has committed child abuse or neglect;

7 (ii) Has committed child abandonment under section
8 28-705;

9 (iii) Has committed domestic intimate partner abuse; or

10 (iv) Has interfered persistently with the other parent's
11 access to the child, except in the case of actions taken for the
12 purpose of protecting the safety of the child or the interfering
13 parent or another family member, pending adjudication of the facts
14 underlying that belief; and

15 (b) If a parent is found to have engaged in any activity
16 specified by subdivision (1)(a) of this section, limits shall be
17 imposed that are reasonably calculated to protect the child or
18 child's parent from harm. The limitations may include, but are not
19 limited to:

20 (i) An adjustment of the custody of the child, including
21 the allocation of sole legal custody or physical custody to one
22 parent;

23 (ii) Supervision of the parenting time, visitation, or
24 other access between a parent and the child;

25 (iii) Exchange of the child between parents through an
26 intermediary or in a protected setting;

27 (iv) Restraints on the parent from communication with or

1 proximity to the other parent or the child;

2 (v) A requirement that the parent abstain from possession
3 or consumption of alcohol or nonprescribed drugs while exercising
4 custodial responsibility and in a prescribed period immediately
5 preceding such exercise;

6 (vi) Denial of overnight physical custodial parenting
7 time;

8 (vii) Restrictions on the presence of specific persons
9 while the parent is with the child;

10 (viii) A requirement that the parent post a bond to
11 secure return of the child following a period in which the parent
12 is exercising physical custodial parenting time or to secure other
13 performance required by the court; or

14 (ix) Any other constraints or conditions deemed necessary
15 to provide for the safety of the child, a child's parent, or any
16 person whose safety immediately affects the child's welfare.

17 (2) A court determination under this section shall not
18 be considered a report for purposes of inclusion in the central
19 ~~register~~ registry of child protection cases pursuant to the Child
20 Protection and Family Safety Act.

21 (3) If a parent is found to have engaged in any activity
22 specified in subsection (1) of this section, the court shall not
23 order legal or physical custody to be given to that parent without
24 making special written findings that the child and other parent
25 can be adequately protected from harm by such limits as it may
26 impose under such subsection. The parent found to have engaged in
27 the behavior specified in subsection (1) of this section has the

1 burden of proving that legal or physical custody, parenting time,
2 visitation, or other access to that parent will not endanger the
3 child or the other parent.

4 Sec. 22. Section 43-3709, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 43-3709 (1) The minimum qualifications for any
7 prospective court appointed special advocate volunteer are that he
8 or she shall:

9 (a) Be at least twenty-one years of age or older and have
10 demonstrated an interest in children and their welfare;

11 (b) Be willing to commit to the court for a minimum of
12 one year of service to a child;

13 (c) Complete an application, including providing
14 background information required pursuant to subsection (2) of this
15 section;

16 (d) Participate in a screening interview; and

17 (e) Participate in the training required pursuant to
18 section 43-3708.

19 (2) As required background screening, the program
20 director shall obtain the following information regarding a
21 volunteer applicant:

22 (a) A check of the applicant's criminal history record
23 information maintained by the Identification Division of the
24 Federal Bureau of Investigation through the Nebraska State Patrol;

25 (b) A check of his or her record with the central
26 ~~register~~ registry of child protection cases maintained under
27 section 28-718;

1 (c) A check of his or her driving record; and

2 (d) At least three references who will attest to the
3 applicant's character, judgment, and suitability for the position
4 of a court appointed special advocate volunteer.

5 (3) If the applicant has lived in Nebraska for less
6 than twelve months, the program director shall obtain the records
7 required in subdivisions (2)(a) through (2)(c) of this section from
8 all other jurisdictions in which the applicant has lived during the
9 preceding year.

10 Sec. 23. Section 43-4318, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 43-4318 (1) The office shall investigate:

13 (a) Allegations or incidents of possible misconduct,
14 misfeasance, malfeasance, or violations of statutes or of rules
15 or regulations of the department by an employee of or person
16 under contract with the department, a private agency, a licensed
17 child care facility, a foster parent, or any other provider of
18 child welfare services or which may provide a basis for discipline
19 pursuant to the Uniform Credentialing Act; and

20 (b) Death or serious injury in foster homes, private
21 agencies, child care facilities, and other programs and facilities
22 licensed by or under contract with the department and death or
23 serious injury in any case in which services are provided by the
24 department to a child or his or her parents or any case involving
25 an investigation under the Child Protection and Family Safety Act,
26 which case has been open for one year or less. The department shall
27 report all cases of death or serious injury of a child in a foster

1 home, private agency, child care facility or program, or other
2 program or facility licensed by the department to the Inspector
3 General as soon as reasonably possible after the department learns
4 of such death or serious injury. For purposes of this subdivision,
5 serious injury means an injury or illness caused by suspected
6 abuse, neglect, or maltreatment which leaves a child in critical or
7 serious condition.

8 (2) Any investigation conducted by the Inspector General
9 shall be independent of and separate from an investigation pursuant
10 to the Child Protection and Family Safety Act. The Inspector
11 General and his or her staff are subject to the reporting
12 requirements of the Child Protection and Family Safety Act.

13 (3) Notwithstanding the fact that a criminal
14 investigation, a criminal prosecution, or both are in progress, all
15 law enforcement agencies and prosecuting attorneys shall cooperate
16 with any investigation conducted by the Inspector General and
17 shall, immediately upon request by the Inspector General, provide
18 the Inspector General with copies of all law enforcement reports
19 which are relevant to the Inspector General's investigation. All
20 law enforcement reports which have been provided to the Inspector
21 General pursuant to this section are not public records for
22 purposes of sections 84-712 to 84-712.09 and shall not be subject
23 to discovery by any other person or entity. Except to the extent
24 that disclosure of information is otherwise provided for in the
25 Office of Inspector General of Nebraska Child Welfare Act, the
26 Inspector General shall maintain the confidentiality of all law
27 enforcement reports received pursuant to its request under this

1 section. Law enforcement agencies and prosecuting attorneys shall,
2 when requested by the Inspector General, collaborate with the
3 Inspector General regarding all other information relevant to the
4 Inspector General's investigation. If the Inspector General in
5 conjunction with the Public Counsel determines it appropriate, the
6 Inspector General may, when requested to do so by a law enforcement
7 agency or prosecuting attorney, suspend an investigation by the
8 office until a criminal investigation or prosecution is completed
9 or has proceeded to a point that, in the judgment of the Inspector
10 General, reinstatement of the Inspector General's investigation
11 will not impede or infringe upon the criminal investigation or
12 prosecution. Under no circumstance shall the Inspector General
13 interview any minor who has already been interviewed by a law
14 enforcement agency, personnel of the Division of Children and
15 Family Services of the department, or staff of a child advocacy
16 center in connection with a relevant ongoing investigation of a law
17 enforcement agency.

18 Sec. 24. Section 43-4331, Revised Statutes Supplement,
19 2013, is amended to read:

20 43-4331 On or before September 15 of each year,
21 the Inspector General shall provide to the Health and Human
22 Services Committee of the Legislature and the Governor a
23 summary of reports and investigations made under the Office of
24 Inspector General of Nebraska Child Welfare Act for the preceding
25 year. The summary provided to the committee shall be provided
26 electronically. The summaries shall detail recommendations and the
27 status of implementation of recommendations and may also include

1 recommendations to the committee regarding issues discovered
2 through investigation, audits, inspections, and reviews by the
3 office that will increase accountability and legislative oversight
4 of the Nebraska child welfare system, improve operations of the
5 department and the Nebraska child welfare system, or deter and
6 identify fraud, abuse, and illegal acts. Such summary shall include
7 summaries of alternative response cases under alternative response
8 demonstration projects implemented in accordance with sections 2
9 to 4 of this act reviewed by the Inspector General. The summaries
10 shall not contain any confidential or identifying information
11 concerning the subjects of the reports and investigations.

12 Sec. 25. Section 71-6039.01, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-6039.01 No person shall act as a paid dining assistant
15 in a nursing home unless such person:

16 (1) Is at least sixteen years of age;

17 (2) Is able to speak and understand the English language
18 or a language understood by the nursing home resident being fed by
19 such person;

20 (3) Has successfully completed at least eight hours
21 of training as prescribed by the department for paid dining
22 assistants;

23 (4) Has no adverse findings on the Nurse Aide Registry or
24 the Adult Protective Services Central Registry; and

25 (5) Has no adverse findings on the central ~~register~~
26 registry created in section 28-718 if the nursing home which
27 employs such person as a paid dining assistant has at any one time

1 more than one resident under the age of nineteen years.

2 Sec. 26. Section 71-6039.05, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 71-6039.05 Each nursing home shall maintain (1) a record
5 of all paid dining assistants employed by such facility, (2)
6 verification of successful completion of a training course for each
7 paid dining assistant, and (3) verification that the facility has
8 made checks with the Nurse Aide Registry, the Adult Protective
9 Services Central Registry, and the central ~~register~~ registry
10 created in section 28-718, if applicable under section 71-6039.01,
11 with respect to each paid dining assistant.

12 Sec. 27. Section 71-6502, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 71-6502 An in-home personal services worker:

15 (1) Shall be at least eighteen years of age;

16 (2) Shall have good moral character;

17 (3) Shall not have been convicted of a crime under the
18 laws of Nebraska or another jurisdiction, the penalty for which is
19 imprisonment for a period of more than one year and which crime is
20 rationally related to the person's fitness or capacity to act as an
21 in-home personal services worker;

22 (4) Shall have no adverse findings on the Adult
23 Protective Services Central Registry, the central ~~register~~ registry
24 created in section 28-718, the Medication Aide Registry, the Nurse
25 Aide Registry, or the central registry maintained by the sex
26 offender registration and community notification division of the
27 Nebraska State Patrol pursuant to section 29-4004;

1 (5) Shall be able to speak and understand the English
2 language or the language of the person for whom he or she is
3 providing in-home personal services; and

4 (6) Shall have training sufficient to provide the
5 requisite level of in-home personal services offered.

6 Sec. 28. Section 81-3136, Revised Statutes Supplement,
7 2013, is amended to read:

8 81-3136 (1) It is the intent of the Legislature that the
9 alternative response to reports of child abuse or neglect model
10 developed pursuant to subsection (2) of this section be implemented
11 in designated sites under the Child Protection and Family Safety
12 Act no earlier than July 2014.

13 (2) The Department of Health and Human Services shall
14 convene interested stakeholders and families to develop a model for
15 alternative response to reports of child abuse or neglect under the
16 ~~Child Protection Act.~~ act. The model shall include:

17 (a) Methodology for determining the location of sites for
18 initial implementation of alternative response;

19 (b) An estimate of the percentage of reports of child
20 abuse or neglect eligible for alternative response;

21 (c) Eligibility criteria for alternative response;

22 (d) The process to determine eligibility for alternative
23 response;

24 (e) The assessment protocol and tools to be used for
25 alternative response;

26 (f) The role of child abuse and neglect investigative
27 teams and child abuse and neglect treatment teams in implementation

1 sites;

2 (g) How, with whom, and what alternative response data
3 will be shared;

4 (h) The criteria and process for transition of families
5 from an alternative response to a traditional investigation;

6 (i) The criteria and process for families who refuse an
7 alternative response;

8 (j) The plan to address the continuum of services needed
9 for families receiving an alternative response;

10 (k) An overview of critical training elements for both
11 staff who implement and stakeholders involved with alternative
12 response implementation;

13 (l) A description of the evaluation component;

14 (m) The relationship of alternative response to Title
15 IV-E waiver applications of the Department of Health and Human
16 Services under the federal Social Security Act;

17 (n) A plan to communicate and update interested
18 stakeholders and families with regard to the alternative response
19 planning process;

20 (o) The identification of statutory and policy changes
21 necessary to implement the alternative response model, including
22 a procedure that provides that reports of child abuse and neglect
23 which receive an alternative response shall not receive a formal
24 determination and the subject of the report shall not be entered
25 into the central ~~register~~ registry of child protection cases
26 maintained pursuant to section 28-718;

27 (p) A budget for implementing and sustaining an

1 alternative response model;

2 (q) The mechanisms of oversight and accountability in the
3 alternative response model; and

4 (r) A determination of how alternative response service
5 providers will be selected.

6 (3) The Department of Health and Human Services shall
7 provide the model developed under subsection (2) of this section
8 in a report to the Nebraska Children's Commission by November
9 1, 2013, for the commission's review. The Nebraska Children's
10 Commission shall electronically submit the report and review to the
11 Legislature by December 15, 2013.

12 Sec. 29. Original sections 28-713, 28-719, 28-720.01,
13 28-721, 28-722, 28-723, 28-724, 28-725, 43-146.17, 43-2932,
14 43-3709, 71-6039.01, 71-6039.05, and 71-6502, Reissue Revised
15 Statutes of Nebraska, sections 28-713.01, 28-718, 28-720, 28-728,
16 43-107, and 43-4318, Revised Statutes Cumulative Supplement, 2012,
17 and sections 28-710, 28-726, 28-801, 43-4331, and 81-3136, Revised
18 Statutes Supplement, 2013, are repealed.