

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 225

Introduced by Crawford, 45; Howard, 9.

Read first time January 10, 2017

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to crimes and punishments; to amend sections
- 2 28-712 and 28-712.01, Reissue Revised Statutes of Nebraska; to
- 3 change provisions relating to alternative response; to provide for a
- 4 briefing; to provide a duty for the Department of Health and Human
- 5 Services; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-712, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-712 (1) The department, in consultation with the Nebraska
4 Children's Commission, shall develop an alternative response
5 implementation plan in accordance with this section and sections
6 28-710.01 and 28-712.01. The alternative response implementation plan
7 shall include the provision of concrete supports and voluntary services,
8 including, but not limited to: Meeting basic needs, including food and
9 clothing assistance; housing assistance; transportation assistance; child
10 care assistance; and mental health and substance abuse services. When the
11 alternative response implementation plan has been developed, the
12 department may begin using alternative response in up to five alternative
13 response demonstration project locations that are designated by the
14 department. The department shall provide a report of an evaluation on the
15 status of alternative response implementation pursuant to subsection (2)
16 of this section to the commission and electronically to the Legislature
17 by November 15, 2015. The commission shall provide feedback on the report
18 to the department before December 15, 2015. The department may begin
19 using alternative response in up to five additional alternative response
20 demonstration project locations on or after January 1, 2016. The
21 department shall provide a report of another evaluation done pursuant to
22 subsection (2) of this section to the commission and electronically to
23 the Legislature by November 15, 2016. The department may begin using
24 alternative response statewide on and after the effective date of this
25 act. The department shall provide a briefing to the commission by
26 November 15, 2018. The department may continue using alternative response
27 until December 31, 2020 ~~July 1, 2017~~. Continued use of alternative
28 response thereafter shall require approval of the Legislature. For
29 purposes of this section, demonstration project location means any
30 geographic region, including, but not limited to, a city, a township, a
31 village, a county, a group of counties, or a group of counties and

1 cities, townships, or villages.

2 (2) The department shall contract with an independent entity to
3 evaluate the alternative response demonstration projects. The evaluation
4 shall include, but not be limited to:

5 (a) The screening process used to determine which cases shall be
6 assigned to alternative response;

7 (b) The number and proportion of repeat child abuse and neglect
8 allegations within a specified period of time following initial intake;

9 (c) The number and proportion of substantiated child abuse and
10 neglect allegations within a specified period of time following initial
11 intake;

12 (d) The number and proportion of families with any child entering
13 out-of-home care within a specified period of time following initial
14 intake;

15 (e) Changes in child and family well-being in the domains of
16 behavioral and emotional functioning and physical health and development
17 as measured by a standardized assessment instrument to be selected by the
18 department;

19 (f) The number and proportion of families assigned to the
20 alternative response track who are reassigned to a traditional response;
21 and

22 (g) A cost analysis that will examine, at a minimum, the costs of
23 the key elements of services received.

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

26 (a) The alternative response implementation plan, including the
27 development of the alternative response interview protocols of children;

28 (b) The status of alternative response implementation;

29 (c) Inclusion of child welfare stakeholders, service providers, and
30 other community partners, including families, for feedback and
31 recommendations on the alternative response implementation plan;

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

3 (e) Any alternative response programmatic modifications;~~and~~

4 (f) The status of the adoption and promulgation of rules and
5 regulations; and -

6 (g) An analysis that will examine, at a minimum, the challenges,
7 barriers, and opportunities that may occur if the alternative response
8 implementation plan is made permanent.

9 (4) The department shall adopt and promulgate rules and regulations
10 to carry out this section and sections 28-710.01 and 28-712.01. Such
11 rules and regulations shall include, but not be limited to, provisions on
12 the transfer of cases from alternative response to traditional response;
13 notice to families subject to a comprehensive assessment and served
14 through alternative response of the alternative response process and
15 their rights, including the opportunity to challenge agency
16 determinations; the provision of services through alternative response;
17 the collection, sharing, and reporting of data; and the alternative
18 response ineligibility criteria. Whenever the department proposes to
19 change the alternative response ineligibility criteria, public notice of
20 the changes shall be given. The department shall provide public notice
21 and time for public comment by publishing the proposed changes on its web
22 site at least sixty days prior to the public hearing on such regulation
23 changes. The department shall provide a copy of the proposed rules and
24 regulations to the Nebraska Children's Commission no later than October
25 1, 2014.

26 Sec. 2. Section 28-712.01, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 28-712.01 (1) This section applies to alternative response
29 demonstration projects designated under section 28-712.

30 (2) The Review, Evaluate, and Decide Team shall convene to review
31 intakes pursuant to the department's rules, regulations, and policies, to

1 evaluate the information, and to determine assignment for alternative
2 response or traditional response. The team shall utilize consistent
3 criteria to review the severity of the allegation of child abuse or
4 neglect, access to the perpetrator, vulnerability of the child, family
5 history including previous reports, parental cooperation, parental or
6 caretaker protective factors, and other information as deemed necessary.
7 At the conclusion of the review, the intake shall be assigned to either
8 traditional response or alternative response. Decisions of the team shall
9 be made by consensus. If the team cannot come to consensus, the intake
10 shall be assigned for a traditional response.

11 (3) In the case of an alternative response, the department shall
12 complete a comprehensive assessment. The department shall transfer the
13 case being given alternative response to traditional response if the
14 department determines that a child is unsafe. Upon completion of the
15 comprehensive assessment, if it is determined that the child is safe,
16 participation in services offered to the family receiving an alternative
17 response is voluntary, the case shall not be transferred to traditional
18 response based upon the family's failure to enroll or participate in such
19 services, and the subject of the report shall not be entered into the
20 central registry of child protection cases maintained pursuant to section
21 28-718.

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

27 (5) The department shall make available to the appropriate
28 investigating law enforcement agency, child advocacy center, and the
29 county attorney a copy of all reports relative to a case of suspected
30 child abuse or neglect. Aggregate, nonidentifying reports of child abuse
31 or neglect receiving an alternative response shall be made available

1 quarterly to requesting agencies outside the department. Such alternative
2 response data shall include, but not be limited to, the nature of the
3 initial child abuse or neglect report, the age of the child or children,
4 the nature of services offered, the location of the cases, the number of
5 cases per month, and the number of alternative response cases that were
6 transferred to traditional response. No other agency or individual except
7 the office of Inspector General of Nebraska Child Welfare, the Public
8 Counsel, law enforcement agency personnel, and county attorneys shall be
9 provided specific, identifying reports of child abuse or neglect being
10 given alternative response. The office of Inspector General of Nebraska
11 Child Welfare shall have access to all reports relative to cases of
12 suspected child abuse or neglect subject to traditional response and
13 those subject to alternative response. The department and the office
14 shall develop procedures allowing for the Inspector General's review of
15 cases subject to alternative response. The Inspector General shall
16 include in the report pursuant to section 43-4331 a summary of all cases
17 reviewed pursuant to this subsection.

18 Sec. 3. Original sections 28-712 and 28-712.01, Reissue Revised
19 Statutes of Nebraska, are repealed.