LEGISLATION OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 458

Introduced by Lathrop, 12.
Read first time January 18, 2019
Committee: Judiciary

A BILL FOR AN ACT relating to children and families; to amend sections 28-710, 28-710.01, 28-711, 28-713, 28-726, 28-728, 28-729, 28-730, 43-3001, and 43-4407, Reissue Revised Statutes of Nebraska; to define and redefine terms; to restate legislative intent; to change and provide duties of the Department of Health and Human Services and law enforcement agencies relating to reports of child abuse or neglect; to provide duties for child advocacy centers; to state legislative intent regarding appropriations; to provide for access to certain confidential information by child advocacy centers; to change child abuse and neglect investigation teams and child abuse and neglect treatment teams to multidisciplinary investigation teams and multidisciplinary treatment teams; to change and provide duties for county attorneys, multidisciplinary teams, and child advocacy centers; to change training requirements for multidisciplinary team members; to require reports; to require the department, the juvenile courts, and the Nebraska Commission on Law Enforcement and Criminal Justice to provide child advocacy centers with access to certain records as prescribed; to change and provide duties relating to monthly reports by service area administrators and the department to child advocacy centers; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 28-710, Reissue Revised Statutes of Nebraska, is amended to read:

28-710 (1) Sections 28-710 to 28-731 and section 5 of this act shall be known and may be cited as the Child Protection and Family Safety Act.

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

(a) Alternative response means a comprehensive assessment of (i) child safety, (ii) the risk of future child abuse or neglect, (iii) family strengths and needs, and (iv) the provision of or referral for necessary services and support. 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 shall not be entered into the central registry of child protection cases maintained pursuant to section 28-718;

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

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

(ii) Cruelly confined or cruelly punished;

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

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

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

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

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

(c) Child advocacy center means a community-based organization that
is a member of the Nebraska chapter of child advocacy centers and is
nationally accredited or working toward national accreditation;

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

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

(f) Drug-endangered child means a minor child who lives in or is
exposed to an environment where controlled substances are unlawfully
used, possessed, distributed, delivered, dispensed, or manufactured and,
as a result of such environment:

(i) The child experiences, or is at risk of experiencing, physical,
sexual, or emotional abuse;

(ii) The child experiences, or is at risk of experiencing, medical,
educational, emotional, or physical harm or neglect, including harm
resulting from the inhalation, ingestion, or absorption of controlled
substances, including in utero exposure; or

(iii) The child is used in illegal or sexual activity in order to
obtain controlled substances;

(g) Forensic interview means a video-recorded interview of an
alleged child victim of abuse or neglect or a witness to a violent crime
conducted at a child advocacy center by a professional with specialized
training. Information obtained in forensic interviews may be used in
criminal or juvenile court proceedings or to provide referral to
appropriate services to the child and family;

(h) Hotline means the statewide toll-free number for making reports
of child abuse or neglect established by the department under section
28-711;
(i) (e) Investigation:

(i) When used in reference to an investigation conducted by the department, means fact gathering related to the current safety of a child and the risk of future child abuse or neglect that determines whether child abuse or neglect has occurred and whether child protective services are needed; and

(ii) When used in reference to an investigation conducted by a law enforcement agency, means fact gathering related to whether child abuse or neglect has occurred and whether law enforcement action is needed to address the immediate safety of a child;

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

(k) Multidisciplinary investigation team means professionals coordinated by a child advocacy center to facilitate a collaborative and trauma-informed investigation and response to allegations of child abuse or neglect. Multidisciplinary investigation teams shall, at a minimum, include the county attorney and representatives from the department, each law enforcement agency which has jurisdiction within the county or contiguous group of counties, medical and mental health providers, and victim advocates;

(l) Multidisciplinary treatment team means professionals coordinated by a child advocacy center to facilitate the provision of high-quality, trauma-informed services and support to victims of child abuse or neglect, children at risk of involvement in the child welfare system or juvenile justice system, and the families of such victims and children. Multidisciplinary treatment teams shall, at a minimum, include representatives from the department, juvenile probation, medical and mental health providers, local school districts within the county or contiguous group of counties, and a representative from a child advocacy center;
(m) Nebraska chapter of child advocacy centers means a nationally accredited membership organization responsible for providing technical assistance, training, and support to child advocacy centers in Nebraska;

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

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

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

(q) (j) Subject of the report of child abuse or neglect or subject of the report means the person or persons identified in the report as responsible for the child abuse or neglect.

Sec. 2. Section 28-710.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-710.01 (1) The Legislature declares that the public policy of the State of Nebraska is to protect children whose health or welfare may be jeopardized by abuse or neglect. The Legislature recognizes that most families want to keep their children safe, but circumstances or
conditions sometimes interfere with their ability to do so. Families and children are best served by interventions that engage their protective capacities and address immediate safety concerns and ongoing risks of child abuse or neglect. In furtherance of this public policy and the family policy and principles set forth in sections 43-532 and 43-533, it is the intent of the Legislature to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings and to provide, when necessary, a safe temporary or permanent home environment for abused or neglected children.

(2) In addition, it is the policy of this state to: Require the reporting of child abuse or neglect in home, school, and community settings; provide for coordinated multidisciplinary investigations to certain allegations of child abuse and neglect in every county; provide for alternative response to reports as permitted by rules and regulations of the department; provide for traditional response to reports as required by rules and regulations of the department; and provide protective and supportive services designed to preserve and strengthen the family in appropriate cases; and provide for multidisciplinary teams in every county or contiguous group of counties of this state to strengthen services offered to victims of child abuse or neglect, children at high risk of involvement in the child welfare system or juvenile justice system involvement, and the families of such victims and children.

Sec. 3. Section 28-711, Reissue Revised Statutes of Nebraska, is amended to read:

28-711 (1) When any physician, any medical institution, any nurse, any school employee, any social worker, the Inspector General appointed under section 43-4317, or any other person has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he or she shall report
such incident or cause a report of child abuse or neglect to be made to
the proper law enforcement agency or to the department on the hotline
toll-free number established by subsection (2) of this section. Such
report may be made orally by telephone with the caller giving his or her
name and address, shall be followed by a written report, and to the
extent available shall contain the address and age of the abused or
neglected child, the address of the person or persons having custody of
the abused or neglected child, the nature and extent of the child abuse
or neglect or the conditions and circumstances which would reasonably
result in such child abuse or neglect, any evidence of previous child
abuse or neglect including the nature and extent, and any other
information which in the opinion of the person may be helpful in
establishing the cause of such child abuse or neglect and the identity of
the perpetrator or perpetrators. Law enforcement agencies receiving any
reports of child abuse or neglect under this subsection shall notify the
department using the hotline by pursuant to section 28-718 on the next
working day by telephone or mail.

(2) The department shall establish a statewide toll-free hotline
number to be used by any person any hour of the day or night, any day of
the week, to make reports of child abuse or neglect. Reports of child
abuse or neglect not previously made to or by a law enforcement agency
shall be made immediately to such agency by the department.

Sec. 4. Section 28-713, Reissue Revised Statutes of Nebraska, is
amended to read:

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

(1) It is the duty of the law enforcement agency to investigate the
report, to take immediate steps to protect the child, and to institute
legal proceedings if appropriate. In situations of alleged out-of-home
child abuse or neglect if the person or persons to be notified have not
already been notified and the person to be notified is not the subject of
the report of child abuse or neglect, the law enforcement agency shall
immediately notify the person or persons having custody of each child who
has allegedly been abused or neglected that such report of alleged child
abuse or neglect has been made and shall provide such person or persons
with information of the nature of the alleged child abuse or neglect. The
law enforcement agency may request assistance from the department during
the investigation and shall, by the next working day, notify either the
hotline or the department of receipt of the report, including whether or
not an investigation is being undertaken by the law enforcement agency. A
copy of all reports, whether or not an investigation is being undertaken,
shall be provided to the hotline department;

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

(3) The department may make a request for further assistance from
the appropriate law enforcement agency or take such legal action as may
be appropriate under the circumstances;

(3)(a) In situations of alleged out-of-home child abuse or neglect,
the department and law enforcement agency shall immediately notify the
person or persons having custody of each child who has allegedly been
abused or neglected that such report of alleged child abuse or neglect has been made, except when such person is the subject of the report of child abuse or neglect.

(b) The department or law enforcement agency shall provide each person notified under subdivision (3)(a) of this section with information regarding the nature of the alleged child abuse or neglect and any other appropriate information.

(c) The department shall ensure the social services necessary to protect and assist the child and preserve the family are available and offered. The department may work with child advocacy centers, multidisciplinary treatment teams, and other community-based partners to provide these services;

(4) In order to facilitate a multidisciplinary team response in cases of serious allegations of abuse or neglect and allow for a forensic interview when appropriate, the department and law enforcement agencies shall, by the next working day after receiving a report of child abuse or neglect under subdivision (1) of this section notify and share with the local child advocacy center any report involving allegations of:

(a) Child abuse or neglect which results in a child fatality;

(b) Child abuse or neglect which results in serious bodily injury to a child as defined in section 28-109, requires hospitalization of a child, or results in an injury to a child which may require ongoing medical care, mental health care, or physical or occupational therapy;

(c) Sexual abuse of a child, including acts as defined in sections 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.03, 28-322.04, and 28-703;

(d) Sexual exploitation of a child;

(e) Labor trafficking of a minor or sex trafficking of a minor as defined in section 28-830;

(f) A drug-endangered child;

(g) A child recovered from a kidnapping;
(h) A child witness to domestic assault resulting in bodily injury; or

(i) A child witness to a violent crime classified as a Class I, IA, IB, IC, ID, II, or IIA felony.

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

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

Sec. 5. (1) As part of a multidisciplinary response to allegations of child abuse or neglect, child advocacy centers shall provide the following services:

(a) Operation of a child-focused, developmentally-appropriate, and safe setting for victims of child abuse and neglect;

(b) Coordination of local multidisciplinary teams as provided in section 28-728, including facilitating case review, updating protocols, and arranging training opportunities for the team;

(c) Forensic interviews, coordinated to avoid duplicative interviewing and conducted in a neutral, fact-finding manner. Staff conducting forensic interviews must have ongoing continuing education and specialized training and participate in a structured peer review process;

(d) Specialized medical evaluation and treatment available at the child advocacy center or through coordination and referral with specialized medical providers;

(e) Therapeutic intervention and mental health services available at
the child advocacy center or through coordination and referral with appropriate treatment providers; and

(f) Victim support and advocacy throughout the investigation and any subsequent legal proceedings.

(2) Each county or contiguous group of counties shall be assigned to a child advocacy center as determined by the Nebraska chapter of child advocacy centers.

(3) It is the intent of the Legislature to appropriate sufficient funding to ensure that the child advocacy centers across the state provide strong multidisciplinary team coordination and high-quality services for alleged victims of child abuse or neglect and their families.

Sec. 6. Section 28-726, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

(5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report of child abuse or neglect shall be made available to the researcher or auditor;

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

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

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

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

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

(11) A child advocacy center for purposes of coordinating multidisciplinary investigation teams and multidisciplinary treatment teams and providing other investigative and treatment services. The department shall provide child advocacy centers with direct computer access.

Sec. 7. Section 28-728, Reissue Revised Statutes of Nebraska, is amended to read:
(1) The Legislature finds that child abuse and neglect are community problems requiring a coordinated response by law enforcement, child advocacy centers, prosecutors, the Department of Health and Human Services, and other agencies or entities designed to protect children. It is the intent of the Legislature to create a child abuse and neglect investigation team in each county or contiguous group of counties and to create a child abuse and neglect treatment team in each county or contiguous group of counties.

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

(1) Each county or contiguous group of counties shall have a multidisciplinary investigation team responsible for facilitating coordinated child abuse and neglect investigations. (3) Each county attorney or the county attorney representing a contiguous group of counties shall convene is responsible for convening the multidisciplinary child abuse and neglect investigation team with assistance from the assigned child advocacy center and ensuring that protocols are established and implemented. A representative of the child advocacy center assigned to the team shall assist the county attorney in facilitating case review, developing and updating protocols, and arranging training opportunities for the team. Each team shall adopt must
have protocols designed to reduce the risk of harm and minimize trauma to
the child and which, at a minimum, shall include procedures for:

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

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

(c) Outlining how reports will be shared between law enforcement and
the department Department of Health and Human Services under sections
28-712.01 and 28-713;

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

(i) Designating the types of cases that will be prioritized by the
team for action and review Defining cases that require a priority
response;

(ii) Contacting the reporting party;

(iii) Arranging for a video-recorded forensic interview at a child
advocacy center for children who are three to eighteen years of age for
cases involving allegations described in subdivision (4) of section
28-713 and are alleged to be victims of sexual abuse or serious physical
abuse or neglect, have witnessed a violent crime, are found in a drug-
derangered environment, or have been recovered from a kidnapping;

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

(v) Assessing the need for and arranging, when indicated, appropriate mental health services for the alleged child victim or any
caregiver who is not a subject of the report of child abuse or neglect
nonoffender caregiver;

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

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

(viii) Interviewing the subject of the report alleged perpetrator;

(ix) Coordinating on and responding to cases of suspected labor trafficking of a minor or sex trafficking of a minor as defined in section 28-830; and

(x) Responding to allegations in a culturally sensitive manner and making arrangements for investigations involving non-English speaking children and families;

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

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

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

(h) Outlining what cases will be screened for review reviewed by the multidisciplinary investigation team. At a minimum, this shall include including, but not be limited to, cases involving allegations described in subdivision (4) of section 28-713; and

(i) Outlining how cases will be chosen for team review.

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

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

(iii) Any other case referred by a member of the team when a system-response issue has been identified.

(4) Each county or contiguous group of counties shall have at least
one multidisciplinary treatment team responsible for coordinating trauma-informed services and support for victims of child abuse and neglect, children at risk of involvement in the child welfare system or juvenile justice system, and the families of such victims and children and for identifying and addressing system barriers to appropriate care. Each county attorney or the county attorney representing a contiguous group of counties shall convene is responsible for convening the multidisciplinary child abuse and neglect treatment team, with assistance from the assigned child advocacy center and ensuring that protocols are established and implemented. A representative of the child advocacy center appointed to the team shall assist the county attorney in facilitating case review, developing and updating protocols, and arranging training opportunities for the team. Each team shall adopt must have protocols which, at a minimum, shall include procedures for:

(a) Designating the types of cases that will be prioritized by the team for action and review;

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

(c) Outlining what cases will be screened for review by the multidisciplinary treatment team. At a minimum, this shall include, but not be limited to:

(i) Cases in which ongoing services are provided by the department or a contracted agency but the juvenile court is not involved;

(ii) Cases in which services are provided by the department as part of an ongoing juvenile court case;

(iii) Cases in which a system response issue has been identified and referred to the team;

(iv) Cases determined by the department to be high or very high risk of future maltreatment;

(v) Cases in which active safety threats exist;

(vi) Cases in which an investigation by the department or a law
enforcement agency has resulted in an informal living arrangement;

(vii) Cases of status offenders and delinquent youth;

(viii) Cases of youth who are victims of labor or sex trafficking or
at risk for labor or sex trafficking as defined in section 28-830 or
missing; and

(ix) Cases in which a child has been abused or neglected by an
unknown person who does not reside in such child's home;

(d) Sharing information between team members;

(e) Collecting data on cases to identify system issues and fulfill
the reporting requirements of section 43-4407; and

(f) Soliciting and incorporating input from those with expertise on
families and children from racially and culturally diverse groups and
from peer and parent advocates with experience in the child welfare and
juvenile justice system on team protocols and individual cases.

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

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

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

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

(5) For purposes of this section, forensic interview means a video-
recorded interview of an alleged child victim conducted at a child
advocacy center by a professional with specialized training designed to
elicit details about alleged incidents of abuse or neglect, and such
interview may result in intervention in criminal or juvenile court.

Sec. 8. Section 28-729, Reissue Revised Statutes of Nebraska, is
amended to read:

28-729  (1) A child abuse and neglect investigation team shall
include a representative from the county attorney's office, a representative from the Division of Children and Family Services of the Department of Health and Human Services, a representative from each law enforcement agency which has jurisdiction within the county or contiguous group of counties, a representative from the child advocacy center, and representatives from such other agencies as determined by the team.

(2) A child abuse and neglect treatment team shall include a representative from the Division of Children and Family Services of the Department of Health and Human Services, a juvenile probation officer, a representative from each of the mental health profession and the medical profession actively practicing within the county or contiguous group of counties, a representative from each school district which provides services within the county or contiguous group of counties, a representative from the child advocacy center, and representatives from such other agencies as determined by the team. For purposes of this subsection, more than one school district may be represented by the same individual.

(1) Multidisciplinary investigation teams and multidisciplinary treatment teams (3) The teams established pursuant to this section and section 28-728 shall be encouraged to expand their membership to include the various relevant disciplines which exist within the county or contiguous group of counties. The additional members shall have the requisite experience necessary as determined by the core members of the teams. Consistent with requirements set out by the teams, all members of both teams shall attend child abuse and neglect training on an annual basis. Such training shall be no less than eight hours annually and consist of the following components:

(a) Child abuse and neglect investigation procedures;
(b) Legal requirements and procedures for successful prosecution of child abuse and neglect cases;
(c) Roles and responsibilities of child protective services, law
enforcement agencies, county attorneys, child advocacy centers, the Attorney General, and judges;

(d) Characteristics of child development and family dynamics;
(e) Recognition of various types of abuse and neglect;
(f) Duty of public and private individuals and agencies, including schools, governmental agencies, physicians, and child advocates, to report suspected or known child abuse;
(g) Multidisciplinary approaches to providing services to children; and

(h) Continually identifying and improving weaknesses in the current child protection system and developing ongoing best practices;

(i) Vicarious trauma and strategies for building resiliency for professionals on the team; or

(j) Implicit bias and systemic bias that impacts racial and ethnic communities disproportionately involved with the child welfare system or juvenile justice system and providing a culturally competent response to child and family needs.

(2)(a) On or before August 1, 2020, and each August 1 thereafter, each assigned child advocacy center shall report to the Nebraska chapter of child advocacy centers on the membership, meetings, and functioning of its multidisciplinary investigation teams and multidisciplinary treatment teams. The representative of the child advocacy center shall report the name and address of each team member and the number of times the team met within a calendar year to the Nebraska Commission on Law Enforcement and Criminal Justice.

(b) On or before September 15, 2020, and each September 15 thereafter, the Nebraska chapter of child advocacy centers shall electronically submit a report to the Clerk of the Legislature compiling the reports received under subdivision (2)(a) of this section.

(3) (6) Each multidisciplinary investigation team and multidisciplinary treatment team shall meet at a location agreed to by
the team. Each The number of meetings of the team shall be secondary to
the caseload of the team, but each team shall meet at least quarterly but
may meet more frequently at the request of any team member. Each team may
substitute a telephone conference call among team members in lieu of
meeting in person. If a team fails to convene or the county attorney
fails to participate as required, the child advocacy center commission
shall notify the Child Protection Division of the office of the Attorney
General and the Attorney General division shall appoint the team members
or convene the team pursuant to sections 28-728 to 28-730. Nothing in
this section shall relieve the county attorney from ensuring that the
teams meet as required by this section.

Sec. 9. Section 28-730, Reissue Revised Statutes of Nebraska, is
amended to read:

28-730 (1) Notwithstanding any other provision of law regarding the
confidentiality of records and when not prohibited by the federal Privacy
Act of 1974, as amended, juvenile court records and any other pertinent
information that may be in the possession of school districts, law
enforcement agencies, county attorneys, the Attorney General, the
Department of Health and Human Services, child advocacy centers, and
other team members concerning a child whose case is being investigated or
discussed by a multidisciplinary child abuse and neglect investigation
team or a multidisciplinary child abuse and neglect treatment team shall
be shared with the respective team members as part of the discussion and
coordination of efforts for investigative or treatment purposes. Upon
request by a team, any individual or agency with information or records
concerning a particular child shall share all relevant information or
records with the team as determined by the team pursuant to the
appropriate team protocol. Only a team which has accepted the child's
case for investigation or treatment shall be entitled to access to such
information.

(2) All information acquired by a team member or other individuals
pursuant to protocols developed by the team shall be confidential and shall not be disclosed except to the extent necessary to perform case consultations, to carry out a treatment plan or recommendations, or for use in a legal proceeding instituted by a county attorney or the Child Protection Division of the office of the Attorney General. Information, documents, or records otherwise available from the original sources shall not be immune from discovery or use in any civil or criminal action merely because the information, documents, or records were presented during a case consultation if the testimony sought is otherwise permissible and discoverable. Any person who presented information before the team or who is a team member shall not be prevented from testifying as to matters within the person's knowledge.

(3) Each team may review any case arising under the Nebraska Criminal Code when a child is a victim or any case arising under the Nebraska Juvenile Code. A member of a team who participates in good faith in team discussion or any person who in good faith cooperates with a team by providing information or records about a child whose case has been accepted for investigation or treatment by a team shall be immune from any civil or criminal liability. The provisions of this subsection or any other section granting or allowing the grant of immunity from liability shall not be extended to any person alleged to have committed an act of child abuse or neglect.

(4) In order to facilitate multidisciplinary team coordination, child advocacy centers shall be provided with direct computer access to records maintained by the department, the juvenile courts, and the Nebraska Commission on Law Enforcement and Criminal Justice which relate to the work of the child advocacy centers and the teams.

(5) (4) A member of a team who publicly discloses information regarding a case consultation in a manner not consistent with sections 28-728 to 28-730 shall be guilty of a Class III misdemeanor.

Sec. 10. Section 43-3001, Reissue Revised Statutes of Nebraska, is
amended to read:

43-3001 (1) Notwithstanding any other provision of law regarding the confidentiality of records and when not prohibited by the federal Privacy Act of 1974, as amended, juvenile court records and any other pertinent information that may be in the possession of school districts, school personnel, county attorneys, the Attorney General, law enforcement agencies, child advocacy centers, state probation personnel, state parole personnel, youth detention facilities, medical personnel, treatment or placement programs, the Department of Health and Human Services, the Department of Correctional Services, the Foster Care Review Office, local foster care review boards, multidisciplinary child abuse and neglect investigation teams, multidisciplinary child abuse and neglect treatment teams, or other multidisciplinary teams for abuse, neglect, or delinquency concerning a child who is in the custody of the state may be shared with individuals and agencies who have been identified in a court order authorized by this section.

(2) In any judicial proceeding concerning a child who is currently, or who may become at the conclusion of the proceeding, a ward of the court or state or under the supervision of the court, an order may be issued which identifies individuals and agencies who shall be allowed to receive otherwise confidential information concerning the child for legitimate and official purposes. The individuals and agencies who may be identified in the court order are the child's attorney or guardian ad litem, the parents' attorney, foster parents, appropriate school personnel, county attorneys, the Attorney General, authorized court personnel, law enforcement agencies, state probation personnel, state parole personnel, youth detention facilities, medical personnel, court appointed special advocate volunteers, treatment or placement programs, the Department of Health and Human Services, the Office of Juvenile Services, the Department of Correctional Services, the Foster Care Review Office, local foster care review boards, the office of Inspector General.
of Nebraska Child Welfare, multidisciplinary child abuse and neglect investigation teams, multidisciplinary child abuse and neglect treatment teams, other multidisciplinary teams for abuse, neglect, or delinquency, and other individuals and agencies for which the court specifically finds, in writing, that it would be in the best interest of the juvenile to receive such information. Unless the order otherwise states, the order shall be effective until the child leaves the custody of the state or supervision of the court or until a new order is issued.

(3) All information acquired by an individual or agency pursuant to this section shall be confidential and shall not be disclosed except to other persons who have a legitimate and official interest in the information and are identified in the court order issued pursuant to this section with respect to the child in question. A person who receives such information or who cooperates in good faith with other individuals and agencies identified in the appropriate court order by providing information or records about a child shall be immune from any civil or criminal liability. The provisions of this section granting immunity from liability shall not be extended to any person alleged to have committed an act of child abuse or neglect.

(4) In any proceeding under this section relating to a child of school age, certified copies of school records relating to attendance and academic progress of such child are admissible in evidence.

(5) Except as provided in subsection (4) of this section, any person who publicly discloses information received pursuant to this section shall be guilty of a Class III misdemeanor.

Sec. 11. Section 43-4407, Reissue Revised Statutes of Nebraska, is amended to read:

43-4407 (1) Each service area administrator and any lead agency or the pilot project shall annually survey children, parents, foster parents, judges, guardians ad litem, attorneys representing parents, and service providers involved with the child welfare system to monitor
satisfaction with (a) adequacy of communication by the case manager, (b) response by the department, any lead agency, or the pilot project to requests and problems, (c) transportation issues, (d) medical and psychological services for children and parents, (e) visitation schedules, (f) payments, (g) support services to foster parents, (h) adequacy of information about foster children provided to foster parents, and (i) the case manager's fulfillment of his or her responsibilities. A summary of the survey shall be reported electronically to the Health and Human Services Committee of the Legislature on September 15, 2012, and each September 15 thereafter.

(2) Each service area administrator or the department and any lead agency or the pilot project shall provide monthly reports to each the child advocacy center on the reports and cases in each center's geographic area, including: that corresponds with the geographic location of the child regarding the services provided through the department or a lead agency or the pilot project when the child is identified as a voluntary or non-court-involved child welfare case. The monthly report shall include the plan implemented by the department, the lead agency, or the pilot project for the child and family and the status of compliance by the family with the plan. The

(a) Voluntary or non-court-involved cases. The monthly report shall include the risk level of the family, the plan implemented by the department, the lead agency, or the pilot project for the child and family, and the services provided to the family with the plan;

(b) Cases of children served by the department or lead agency who have been identified as victims of labor trafficking of a minor or sex trafficking of a minor as defined in section 28-830 or who are at risk of sex or labor trafficking; and

(c) Child abuse or neglect reports containing allegations described in subdivision (4) of section 28-713 or otherwise designated for coordination with child advocacy centers by the department.
(3) The Nebraska chapter of child advocacy centers as defined in section 28-710 shall report electronically to the Health and Human Services Committee of the Legislature on September 15, 2019, and every September 15 thereafter, or more frequently if requested by the committee.

Sec. 12. Original sections 28-710, 28-710.01, 28-711, 28-713, 28-726, 28-728, 28-729, 28-730, 43-3001, and 43-4407, Reissue Revised Statutes of Nebraska, are repealed.