

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 854

Introduced by Day, 49; Lindstrom, 18.

Read first time January 06, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to reports of child abuse or neglect; to amend
- 2 section 28-713, Revised Statutes Cumulative Supplement, 2020; to
- 3 require notice as prescribed; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-713, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 28-713 (1) Unless a report is assigned to alternative response, upon
4 the receipt of a call reporting child abuse and neglect as required by
5 section 28-711, it is the duty of the law enforcement agency to
6 investigate the report, to take immediate steps to protect the child, and
7 to institute legal proceedings consistent with section 43-247 if the
8 child is seriously endangered in the child's surroundings and immediate
9 removal is necessary for the protection of the child. The law enforcement
10 agency may request assistance from the department during the
11 investigation and shall, by the next working day, notify either the
12 hotline established under section 28-711 or the department of receipt of
13 the report, including whether or not an investigation is being undertaken
14 by the law enforcement agency. A copy of all reports, whether or not an
15 investigation is being undertaken, shall be provided to the department.

16 (2)(a) When a report is assigned for traditional response, the
17 department shall utilize an evidence-informed and validated tool to
18 assess the safety of the child at the time of the assessment, the risk of
19 future child abuse or neglect, the need for services to protect and
20 assist the child and to preserve the family, and whether the case shall
21 be entered into the central registry pursuant to section 28-720. As part
22 of such investigation, the department may request assistance from the
23 appropriate law enforcement agency or refer the matter to the county
24 attorney to initiate legal proceedings.

25 (b) If in the course of an investigation the department finds a
26 child is seriously endangered in the child's surroundings and immediate
27 removal is necessary for the protection of the child, the department
28 shall make an immediate request for the county attorney to institute
29 legal proceedings consistent with section 43-247.

30 (3) When a report contains an allegation of out-of-home child abuse
31 or neglect, a law enforcement agency or the department shall immediately

1 notify each person having custody of each child who has allegedly been
2 abused or neglected that such report has been made unless the person to
3 be notified is the subject of such report. The department or the law
4 enforcement agency shall provide such person with information about the
5 nature of the alleged child abuse or neglect and any other necessary
6 information. The department shall also provide such social services as
7 are necessary and appropriate under the circumstances to protect and
8 assist the child and to preserve the family.

9 (4)(a) (4) In situations of alleged out-of-home child abuse or
10 neglect, if the subject of the report of child abuse or neglect is a
11 school employee and the child is a student in the school to which such
12 school employee is assigned for work, the department shall immediately
13 notify the Commissioner of Education of receipt of the report, including
14 whether or not an investigation is being undertaken by the law
15 enforcement agency or the department.

16 (b) In situations of alleged out-of-home child abuse or neglect, if
17 the subject of the report of child abuse or neglect is a child care
18 provider or a child care staff member as defined by subdivision (5)(h) of
19 section 71-1912, the Division of Children and Family Services of the
20 Department of Health and Human Services shall immediately notify the
21 Division of Public Health of the Department of Health and Human Services
22 of receipt of the report, including whether or not an investigation is
23 being undertaken by the law enforcement agency or the department.

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

30 (6) The department shall, upon request, make available to the
31 appropriate investigating law enforcement agency and the county attorney

1 a copy of all reports relative to a case of suspected child abuse or
2 neglect.

3 (7)(a) In addition to the responsibilities under subsections (1)
4 through (6) of this section, upon the receipt of any report that a child
5 is a reported or suspected victim of sex trafficking of a minor or labor
6 trafficking of a minor as defined in section 28-830 and without regard to
7 the subject of the report, the department shall:

8 (i) Assign the case to staff for an in-person investigation. The
9 department shall assign a report for investigation regardless of whether
10 or not the subject of the report is a member of the child's household or
11 family or whether the subject is known or unknown, including cases of
12 out-of-home child abuse and neglect;

13 (ii) Conduct an in-person investigation and appropriately coordinate
14 with law enforcement agencies, the local child advocacy center, and the
15 child abuse and neglect investigation team under section 28-729;

16 (iii) Use specialized screening and assessment instruments to
17 identify whether the child is a victim of sex trafficking of a minor or
18 labor trafficking of a minor or at high risk of becoming such a victim
19 and determine the needs of the child and family to prevent or respond to
20 abuse, neglect, and exploitation. On or before December 1, 2019, the
21 department shall develop and adopt these instruments in consultation with
22 knowledgeable organizations and individuals, including representatives of
23 child advocacy centers, behavioral health providers, child welfare and
24 juvenile justice service providers, law enforcement representatives, and
25 prosecutors; and

26 (iv) Provide for or refer and connect the child and family to
27 services deemed appropriate by the department in the least restrictive
28 environment, or provide for safe and appropriate placement, medical
29 services, mental health care, or other needs as determined by the
30 department based upon the department's assessment of the safety, risk,
31 and needs of the child and family to respond to or prevent abuse,

1 neglect, and exploitation.

2 (b) On or before July 1, 2020, the department shall adopt rules and
3 regulations on the process of investigation, screening, and assessment of
4 reports of child abuse or neglect and the criteria for opening an ongoing
5 case upon allegations of sex trafficking of a minor or labor trafficking
6 of a minor.

7 (8) When a preponderance of the evidence indicates that a child is a
8 victim of abuse or neglect as a result of being a trafficking victim as
9 defined in section 28-830, the department shall identify the child as a
10 victim of trafficking, regardless of whether the subject of the report is
11 a member of the child's household or family or whether the subject is
12 known or unknown. The child shall be included in the department's data
13 and reporting on the numbers of child victims of abuse, neglect, and
14 trafficking.

15 Sec. 3. Original section 28-713, Revised Statutes Cumulative
16 Supplement, 2020, is repealed.