

AMENDMENTS TO LB668

Introduced by Storer, 43.

1 1. Strike section 5 and insert the following new sections:

2 **Sec. 2.** Section 28-710, Revised Statutes Supplement, 2025, is
3 amended to read:

4 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited
5 as the Child Protection and Family Safety Act.

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

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

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

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

19 (ii) Cruelly confined or cruelly punished;

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

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

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

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

1 or

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

4 (c) Child advocacy center means a community-based organization that
5 (i) provides an appropriate site for conducting forensic interviews as
6 defined in section 28-728 and referring victims of child abuse or neglect
7 and appropriate caregivers for such victims to needed evaluation,
8 services, and supports, (ii) assists county attorneys in facilitating
9 case reviews, developing and updating protocols, and arranging training
10 opportunities for the teams established pursuant to sections 28-728 and
11 28-729, and (iii) is a member, in good standing, of a state chapter as
12 defined in 34 U.S.C. 20302;

13 (d) Comprehensive assessment means an analysis of child safety, risk
14 of future child abuse or neglect, and family strengths and needs on a
15 report of child abuse or neglect using an evidence-informed and validated
16 tool. Comprehensive assessment does not include a finding as to whether
17 the child abuse or neglect occurred but does determine the need for
18 services and support, if any, to address the safety of children and the
19 risk of future abuse or neglect;

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

21 (f) Investigation means fact gathering by the department, using an
22 evidence-informed and validated tool, or by law enforcement related to
23 the current safety of a child and the risk of future child abuse or
24 neglect that determines whether child abuse or neglect has occurred and
25 whether child protective services are needed;

26 (g) Kin caregiver means a person with whom a child in foster care
27 has been placed or with whom a child is residing pursuant to a temporary
28 living arrangement in a non-court-involved case, who has previously lived
29 with or is a trusted adult that has a preexisting, significant
30 relationship with the child or with a sibling of such child placed
31 pursuant to section 43-1311.02;

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

4 (i) Member of a military family means an individual who is:

5 (i) Serving active duty service in the armed forces of the United
6 States, including any reserve component or the National Guard; or

(ii) Is a dependent, as defined in 50 U.S.C. 3911, of a person described in subdivision (2)(i)(i) of this section;

9 (j) Non-court-involved case means an ongoing case opened by the
10 department following a report of child abuse or neglect in which the
11 department has determined that ongoing services are required to maintain
12 the safety of a child or alleviate the risk of future abuse or neglect
13 and in which the family voluntarily engages in child protective services
14 without a filing in a juvenile court. A non-court-involved case does not
15 include a prevention case;

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

(1)(i) Prevention case means a case in which (A) at least one juvenile in the home meets the definition of a candidate for foster care as outlined in the department's prevention plan submitted and approved pursuant to section 471(e)(4) of the federal Families First Prevention Services Act; (B) ongoing child welfare services are not required to maintain the safety of a child; and (C) the family voluntarily engages in prevention services through community resources. (ii) A prevention case does not include a case where the home has an ongoing: (A) Juvenile court

1 case pursuant to subdivision (3)(a) or (3)(c) of section 43-247; (B)
2 alternative response case with the department; or (C) non-court-involved
3 case with the department. A prevention case is not a noncourt or
4 voluntary case as described in section 68-1212;

5 (m) Prevention services means community support services including,
6 mental health and substance abuse prevention and treatment services, in-
7 home parent skill-based programs, and kinship navigator services. The
8 department shall use community funding sources when available;

9 (n) (1) Relative caregiver means a person with whom a child is
10 placed by the department and who is related to the child, or to a sibling
11 of such child pursuant to section 43-1311.02, by blood, marriage, or
12 adoption or, in the case of an Indian child, is an extended family member
13 as defined in section 43-1503;

14 (o) (m) Report means any communication received by the department or
15 a law enforcement agency pursuant to the Child Protection and Family
16 Safety Act that describes child abuse or neglect and contains sufficient
17 content to identify the child who is the alleged victim of child abuse or
18 neglect;

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

26 (q) (o) School employee means a person nineteen years of age or
27 older who is employed by a public, private, denominational, or parochial
28 school approved or accredited by the State Department of Education;

29 (r) (p) Student means a person less than nineteen years of age
30 enrolled in or attending a public, private, denominational, or parochial
31 school approved or accredited by the State Department of Education, or

1 who was such a person enrolled in or who attended such a school within
2 ninety days of any violation of section 28-316.01;

3 (s) ~~(q)~~ Traditional response means an investigation by a law
4 enforcement agency or the department pursuant to section 28-713 which
5 requires a formal determination of whether child abuse or neglect has
6 occurred; and

7 (t) ~~(r)~~ Subject of the report of child abuse or neglect or subject
8 of the report means the person or persons identified in the report as
9 responsible for the child abuse or neglect.

10 **Sec. 3.** Section 28-712, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 28-712 (1) Upon receipt of a report pursuant to section 28-711, the
13 department shall determine whether to (a) accept the report for
14 traditional response and an investigation pursuant to section 28-713, (b)
15 accept the report for alternative response pursuant to section 28-712.01,
16 (c) accept the report for screening by the Review, Evaluate, and Decide
17 Team to determine eligibility for alternative response, or (d) classify
18 the report as requiring no further action by the department. If the
19 department classifies the report as requiring no further action, the
20 department may provide the family with information about prevention
21 services provided through community resources to assist the family with
22 concerns alleged in the report and refer the family for a prevention
23 case. If, after completing a traditional response investigation, the
24 department determines no further action will be taken by the department,
25 the department may refer the family for a prevention case.

26 (2)(a) The Nebraska Children's Commission shall appoint an advisory
27 committee to examine the department's alternative response to reports of
28 child abuse or neglect and to make recommendations to the Legislature,
29 the department, and the commission regarding (i) the receipt and
30 screening of reports of child abuse or neglect by the department, (ii)
31 the ongoing use of alternative response, (iii) the ongoing use of

1 traditional response, and (iv) the provision of services within
2 alternative response and non-court-involved cases to ensure child safety,
3 to reduce the risk of child abuse or neglect, and to engage families. The
4 advisory committee may request, receive, and review data from the
5 department regarding such processes.

6 (b) The members of the advisory committee shall include, but not be
7 limited to, a representative of (i) the department, (ii) law enforcement
8 agencies, (iii) county attorneys or other prosecutors, (iv) the state
9 chapter of child advocacy centers as defined in 34 U.S.C. 20302, (v)
10 attorneys for parents, (vi) guardians ad litem, (vii) a child welfare
11 advocacy organization, (viii) families with experience in the child
12 welfare system, (ix) family caregivers, (x) the Foster Care Review
13 Office, and (xi) the office of Inspector General of Nebraska Child
14 Welfare. Members of the advisory committee shall be appointed for terms
15 of two years. The Nebraska Children's Commission shall appoint the
16 chairperson of the advisory committee and may fill vacancies on the
17 advisory committee as they occur.

18 (3) The department shall adopt and promulgate rules and regulations
19 to carry out this section and sections 28-710.01, 28-712.01, and 28-713.
20 Such rules and regulations shall include, but not be limited to,
21 provisions on (a) the transfer of cases from alternative response to
22 traditional response, (b) notice to families subject to a comprehensive
23 assessment and served through alternative response of the alternative
24 response process and their rights, including the opportunity to challenge
25 agency determinations, (c) the provision of services through alternative
26 response, and (d) the collection, sharing, and reporting of data.

27 2. Renumber the remaining sections and correct the repealer
28 accordingly.