

AMENDMENTS TO LB462

Introduced by McKinney, 11.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 28-101, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, ~~and 28-1701,~~
6 and section 2 of this act shall be known and may be cited as the Nebraska
7 Criminal Code.

8 **Sec. 2.** (1) Permitting a minor child, who is of sufficient
9 maturity, physical condition, and mental ability to avoid a substantial
10 risk of physical harm, to engage in independent activities, either alone
11 or with other children, shall not be considered child abuse under section
12 28-707 or child abuse or neglect under section 28-710.

13 (2) For purposes of this section:

14 (a) Independent activities include: (i) Traveling, including, but
15 not limited to, by walking, running, or bicycling, to and from school or
16 nearby commercial or recreational facilities; (ii) playing outdoors;
17 (iii) remaining unattended in a motor vehicle, unless it is in conditions
18 likely to cause serious harm that have not been mitigated by reasonable
19 precautionary measures; or (iv) remaining at home unattended for a
20 reasonable amount of time, if the person has made provisions for any
21 reasonably foreseeable emergencies that may arise; and

22 (b) Maturity means having adequate social, emotional, cognitive, and
23 developmental abilities to safely handle an activity or situation.

24 **Sec. 3.** Section 28-707, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 28-707 (1) Subject to section 2 of this act, a A person commits
27 child abuse if he or she knowingly, intentionally, or negligently causes

1 or permits a minor child to be:

2 (a) Placed in a situation that endangers the minor child's his or
3 her life or physical or mental health under circumstance such that the
4 danger is sufficiently obvious that a reasonable and prudent person would
5 not cause or permit the child to be placed in such situation;

6 (b) Cruelly confined or cruelly punished;

7 (c) Willfully deprived ~~Deprived~~ of necessary food, clothing,
8 shelter, or care;

9 (d) Placed in a situation to be sexually exploited through sex
10 trafficking of a minor as defined in section 28-830 or by allowing,
11 encouraging, or forcing such minor child to engage in debauchery, public
12 indecency, or obscene or pornographic photography, films, or depictions;

13 (e) Placed in a situation to be sexually abused as defined in
14 section 28-319, 28-319.01, or 28-320.01; or

15 (f) Placed in a situation to be a trafficking victim as defined in
16 section 28-830.

17 (2) The statutory privilege between patient and physician, between
18 client and professional counselor, and between husband and wife shall not
19 be available for excluding or refusing testimony in any prosecution for a
20 violation of this section.

21 (3) Child abuse is a Class I misdemeanor if the offense is committed
22 negligently and does not result in serious bodily injury as defined in
23 section 28-109 or death.

24 (4) Child abuse is a Class IIIA felony if the offense is committed
25 knowingly and intentionally and does not result in serious bodily injury
26 as defined in section 28-109 or death.

27 (5) Child abuse is a Class IIIA felony if the offense is committed
28 negligently and results in serious bodily injury as defined in section
29 28-109.

30 (6) Child abuse is a Class IIA felony if the offense is committed
31 negligently and results in the death of such child.

1 (7) Child abuse is a Class II felony if the offense is committed
2 knowingly and intentionally and results in serious bodily injury as
3 defined in such section.

4 (8) Child abuse is a Class IB felony if the offense is committed
5 knowingly and intentionally and results in the death of such child.

6 (9) For purposes of this section, negligently refers to criminal
7 negligence and means that a person knew or should have known of the
8 danger involved and acted recklessly, as defined in section 28-109, with
9 respect to the safety or health of the minor child.

10 **Sec. 4.** Section 28-710, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 28-710 (1) Sections 28-710 to 28-727 shall be known and may be cited
13 as the Child Protection and Family Safety Act.

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

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

23 (b) Subject to section 2 of this act, child ~~Child~~ abuse or neglect
24 means knowingly, intentionally, or negligently causing or permitting a
25 minor child to be:

26 (i) Placed in a situation that endangers the minor child's ~~his or~~
27 ~~her~~ life or physical or mental health under circumstances such that the
28 danger is sufficiently obvious that a reasonable and prudent person would
29 not cause or permit the child to be placed in such situation;

30 (ii) Cruelly confined or cruelly punished;

31 (iii) Willfully deprived ~~Deprived~~ of necessary food, clothing,

1 shelter, or care;

2 (iv) Left unattended in a motor vehicle if such minor child is six
3 years of age or younger in conditions likely to cause serious harm that
4 have not been mitigated by reasonable precautionary measures;

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

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

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

13 (c) Child advocacy center means a community-based organization that
14 (i) provides an appropriate site for conducting forensic interviews as
15 defined in section 28-728 and referring victims of child abuse or neglect
16 and appropriate caregivers for such victims to needed evaluation,
17 services, and supports, (ii) assists county attorneys in facilitating
18 case reviews, developing and updating protocols, and arranging training
19 opportunities for the teams established pursuant to sections 28-728 and
20 28-729, and (iii) is a member, in good standing, of a state chapter as
21 defined in 34 U.S.C. 20302;

22 (d) Comprehensive assessment means an analysis of child safety, risk
23 of future child abuse or neglect, and family strengths and needs on a
24 report of child abuse or neglect using an evidence-informed and validated
25 tool. Comprehensive assessment does not include a finding as to whether
26 the child abuse or neglect occurred but does determine the need for
27 services and support, if any, to address the safety of children and the
28 risk of future abuse or neglect;

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

30 (f) Investigation means fact gathering by the department, using an
31 evidence-informed and validated tool, or by law enforcement related to

1 the current safety of a child and the risk of future child abuse or
2 neglect that determines whether child abuse or neglect has occurred and
3 whether child protective services are needed;

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

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

13 (i) Person required to report suspected child abuse or neglect or
14 mandatory reporter means any:

15 (i) Physician, doctor of osteopathy, medical resident or intern,
16 medical administrator or personnel, licensed mental health practitioner,
17 psychologist, psychiatrist, provisional mental health practitioner,
18 licensed independent mental health practitioner, marriage and family
19 therapist, alcohol and drug counselor, professional counselor, surgeon,
20 dentist, dental hygienist, physician assistant, physical therapist,
21 physical therapy assistant, occupational therapist, occupational therapy
22 assistant, acupuncturist, registered nurse, practical nurse, genetic
23 counselor, respiratory care practitioner, home health aide, nurse aide,
24 or social worker;

25 (ii) Emergency medical responder, emergency medical technician,
26 advanced emergency medical technician, or paramedic licensed under the
27 Emergency Medical Services Practice Act or practicing pursuant to the EMS
28 Personnel Licensure Interstate Compact;

29 (iii) Law enforcement officer;

30 (iv) Church employee;

31 (v) School employee;

1 (vi) Employee of a facility or program licensed under the Child Care
2 Licensing Act, the Children's Residential Facilities and Placing
3 Licensure Act, or section 71-1901 to 71-1906.01;

4 (vii) Employee of a youth rehabilitation and treatment center or
5 juvenile detention facility;

6 (viii) Employee of a youth sports, recreation, or mentorship
7 organization;

8 (ix) Employee of the office of Inspector General of Nebraska Child
9 Welfare or the office of Public Counsel; or

10 (x) Parenting Act mediator;

11 (j) ~~(i)~~ Non-court-involved case means an ongoing case opened by the
12 department following a report of child abuse or neglect in which the
13 department has determined that ongoing services are required to maintain
14 the safety of a child or alleviate the risk of future abuse or neglect
15 and in which the family voluntarily engages in child protective services
16 without a filing in a juvenile court;

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

25 (l) ~~(k)~~ Relative caregiver means a person with whom a child is
26 placed by the department and who is related to the child, or to a sibling
27 of such child pursuant to section 43-1311.02, by blood, marriage, or
28 adoption or, in the case of an Indian child, is an extended family member
29 as defined in section 43-1503;

30 (m) ~~(l)~~ Report means any communication received by the department or
31 a law enforcement agency pursuant to the Child Protection and Family

1 Safety Act that describes child abuse or neglect and contains sufficient
2 content to identify the child who is the alleged victim of child abuse or
3 neglect;

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

11 (o) ~~{n}~~ School employee means a person nineteen years of age or
12 older who is employed by a public, private, denominational, or parochial
13 school approved or accredited by the State Department of Education;

14 (p) ~~{o}~~ Student means a person less than nineteen years of age
15 enrolled in or attending a public, private, denominational, or parochial
16 school approved or accredited by the State Department of Education, or
17 who was such a person enrolled in or who attended such a school within
18 ninety days of any violation of section 28-316.01;

19 (q) ~~{p}~~ Traditional response means an investigation by a law
20 enforcement agency or the department pursuant to section 28-713 which
21 requires a formal determination of whether child abuse or neglect has
22 occurred; and

23 (r) ~~{q}~~ Subject of the report of child abuse or neglect or subject
24 of the report means the person or persons identified in the report as
25 responsible for the child abuse or neglect.

26 **Sec. 5.** Section 28-711, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 28-711 (1) When a person required to report suspected child abuse or
29 neglect, in such person's professional capacity or within the scope of
30 the person's employment, any physician, any medical institution, any
31 nurse, any school employee, any social worker, the Inspector General

1 ~~appointed under section 43-4317, or any other person has~~ any knowledge
2 of, reasonable cause to believe that a child has been subjected to child
3 ~~abuse or neglect or observes, a~~ such child being subjected to conditions
4 or circumstances which reasonably would result from, or in, child abuse
5 or neglect, the person ~~he or she~~ shall report such knowledge or
6 observation, incident ~~or cause a report of child abuse or neglect to be~~
7 ~~made, to the proper law enforcement agency or to the department on the~~
8 ~~toll-free number established by subsection (4) (2) of this section. Such~~
9 ~~report may be made orally by telephone with the caller giving his or her~~
10 ~~name and address, shall be followed by a written report, and to the~~
11 ~~extent available shall contain the address and age of the abused or~~
12 ~~neglected child, the address of the person or persons having custody of~~
13 ~~the abused or neglected child, the nature and extent of the child abuse~~
14 ~~or neglect or the conditions and circumstances which would reasonably~~
15 ~~result in such child abuse or neglect, any evidence of previous child~~
16 ~~abuse or neglect including the nature and extent, and any other~~
17 ~~information which in the opinion of the person may be helpful in~~
18 ~~establishing the cause of such child abuse or neglect and the identity of~~
19 ~~the perpetrator or perpetrators. Law enforcement agencies receiving any~~
20 ~~reports of child abuse or neglect under this subsection shall notify the~~
21 ~~department pursuant to section 28-718 on the next working day by~~
22 ~~telephone or mail.~~

23 (2) Any other person who has knowledge of, or observes, a child
24 being subjected to conditions or circumstances which reasonably would
25 result from, or in, child abuse or neglect, may report such knowledge or
26 observation pursuant to the procedure described in subsection (1) of this
27 section. This includes, but is not limited to, a mandatory reporter who
28 is not acting in the mandatory reporter's professional capacity or within
29 the scope of the mandatory reporter's employment, and a volunteer of a
30 public or private organization that employs mandatory reporters.

31 (3) If a person is required to report suspected child abuse or

1 neglect pursuant to subsection (1) of this section, while working in the
2 person's official capacity as an employee of an institution, including,
3 but not limited to, a residential institution or facility housing
4 juveniles, a medical institution, school, or religious organization,
5 institution, facility, or agency, public or private, such person shall
6 make the report pursuant to the procedure described in subsection (1) of
7 this section. After the report is made, the employee may notify the
8 individual in charge of such institution, or the individual's designated
9 agent, of the suspected child abuse or neglect.

10 (4) {2} The department shall establish a statewide toll-free number
11 to be used by any person any hour of the day or night, any day of the
12 week, to make reports of child abuse or neglect. Reports of child abuse
13 or neglect not previously made to or by a law enforcement agency shall be
14 made immediately to such agency by the department.

15 (5)(a) Beginning October 1, 2027, each person required to report
16 suspected child abuse or neglect under subsection (1) of this section
17 shall complete training provided or approved by the department regarding
18 child abuse or neglect. Such training shall be completed within the first
19 ninety days after beginning employment or service in the person's
20 official capacity as a mandatory reporter and at least every two years
21 thereafter. The training shall include: (i) Identification of child abuse
22 and neglect; (ii) reporting of child abuse or neglect; (iii) trauma-
23 informed responses to suspected child abuse and neglect; (iv) implicit
24 bias, cultural competency, and race-conscious reporting; and (v)
25 alternatives to child abuse and neglect reporting, including available
26 community resources and preventative services.

27 (b) No later than October 1, 2027, the department shall create a
28 free, publicly available online training for all persons required to
29 report suspected child abuse or neglect consistent with the requirements
30 of subdivision (5)(a) of this section. The training shall be created in
31 consultation with organizations that have expertise and experience in the

1 areas of implicit bias and culturally diverse family systems. The
2 department shall update such training at least once every five years.

3 (6) No later than October 1, 2027, the department shall adopt and
4 promulgate rules and regulations to implement this section.

5 **Sec. 6.** Section 28-714, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 28-714 The privileged communication between patient and physician,
8 between client and professional counselor, and between husband and wife
9 shall not be a ground for excluding evidence in any judicial proceeding
10 resulting from a report of child abuse or neglect made pursuant to
11 ~~required by~~ section 28-711.

12 **Sec. 7.** Section 28-715, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 28-715 The department shall retain all information from all reports
15 of suspected child abuse or neglect made pursuant to ~~required by~~ section
16 28-711 and all records generated as a result of such reports in a
17 tracking system of child protection cases. The tracking system shall be
18 used for statistical purposes as well as a reference for future
19 investigations if subsequent reports of child abuse or neglect are made
20 involving the same victim or subject of a report of child abuse or
21 neglect.

22 **Sec. 8.** Section 28-716, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 28-716 Any person participating in an investigation or the making of
25 a report of child abuse or neglect made pursuant to ~~required by~~ section
26 28-711 pursuant to or participating in a judicial proceeding resulting
27 therefrom or providing information or assistance, including a medical
28 evaluation or consultation in connection with an investigation, a report,
29 or a judicial proceeding pursuant to a report of child abuse or neglect,
30 shall be immune from any liability, civil or criminal, that might
31 otherwise be incurred or imposed, except for maliciously false

1 statements.

2 **Sec. 9.** Section 28-728, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

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

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

24 (3) Each county attorney or the county attorney representing a
25 contiguous group of counties is responsible for convening the child abuse
26 and neglect investigation team and ensuring that protocols are
27 established and implemented. A representative of the child advocacy
28 center assigned to the team shall assist the county attorney in
29 facilitating case review, developing and updating protocols, and
30 arranging training opportunities for the team. Each team must have
31 protocols which, at a minimum, shall include procedures for:

1 (a) Mandatory reporting of child abuse and neglect as outlined in
2 section 28-711 to include training to professionals on identification and
3 reporting of abuse and the subjects listed in subdivision (5)(a) of
4 section 28-711;

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

7 (c) Outlining how reports will be shared between law enforcement and
8 the Department of Health and Human Services under sections 28-712.01 and
9 28-713;

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

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

13 (ii) Contacting the reporting party;

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

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

21 (v) Assessing the need for and arranging, when indicated,
22 appropriate mental health services for the alleged child victim or
23 nonoffender caregiver;

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

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

30 (viii) Interviewing the alleged perpetrator;

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

1 victims;

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

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

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

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

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

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

16 (4) Each county attorney or the county attorney representing a
17 contiguous group of counties is responsible for convening the child abuse
18 and neglect treatment team and ensuring that protocols are established
19 and implemented. A representative of the child advocacy center appointed
20 to the team shall assist the county attorney in facilitating case review,
21 developing and updating protocols, and arranging training opportunities
22 for the team. Each team must have protocols which, at a minimum, shall
23 include procedures for:

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

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

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

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

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

4 (5) For purposes of sections 28-728 to 28-730, forensic interview
5 means a video-recorded interview of an alleged child victim conducted at
6 a child advocacy center by a professional with specialized training
7 designed to elicit details about alleged incidents of abuse or neglect,
8 and such interview may result in intervention in criminal or juvenile
9 court.

10 **Sec. 10.** Section 28-729, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 28-729 (1) A child abuse and neglect investigation team shall
13 include a representative from the county attorney's office, a
14 representative from the Division of Children and Family Services of the
15 Department of Health and Human Services, a representative from each law
16 enforcement agency which has jurisdiction within the county or contiguous
17 group of counties, a representative from the child advocacy center, and
18 representatives from such other agencies as determined by the team.

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

30 (3) The teams established pursuant to this section and section
31 28-728 shall be encouraged to expand their membership to include the

1 various relevant disciplines which exist within the county or contiguous
2 group of counties. The additional members shall have the requisite
3 experience necessary as determined by the core members of the teams.
4 Consistent with requirements set out by the teams, all members of both
5 teams shall attend child abuse and neglect training on an annual basis.
6 Such training shall be no less than eight hours annually and consist of
7 the following components:

8 (a) Child abuse and neglect investigation procedures;

9 (b) Legal requirements and procedures for successful prosecution of
10 child abuse and neglect cases;

11 (c) Roles and responsibilities of child protective services, law
12 enforcement agencies, county attorneys, child advocacy centers, the
13 Attorney General, and judges;

14 (d) Characteristics of child development and family dynamics;

15 (e) Recognition of various types of abuse and neglect;

16 (f) Duties of a person required to report suspected child abuse or
17 neglect as required by section 28-711; Duty of public and private
18 individuals and agencies, including schools, governmental agencies,
19 physicians, and child advocates, to report suspected or known child
20 abuse;

21 (g) Multidisciplinary approaches to providing services to children;
22 and

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

25 (i) The subjects listed in subdivision (5)(a) of section 28-711.

26 (4) The representative of the child advocacy center shall report the
27 name and address of each team member and the number of times the team met
28 within a calendar year to the Nebraska Commission on Law Enforcement and
29 Criminal Justice.

30 (5) Each team shall meet at a location agreed to by the team. The
31 number of meetings of the team shall be secondary to the caseload of the

1 team, but each team shall meet at least quarterly. Each team may
2 substitute a telephone conference call among team members in lieu of
3 meeting in person. If a team fails to convene, the commission shall
4 notify the Child Protection Division of the office of the Attorney
5 General and the division shall appoint the team members or convene the
6 team pursuant to sections 28-728 to 28-730. Nothing in this section shall
7 relieve the county attorney from ensuring that the teams meet as required
8 by this section.

9 **Sec. 11.** Section 43-247, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 43-247 The juvenile court in each county shall have jurisdiction of:

12 (1) Any juvenile who has committed an act other than a traffic
13 offense which would constitute a misdemeanor or an infraction under the
14 laws of this state, or violation of a city or village ordinance, and who
15 was eleven years of age or older at the time the act was committed;

16 (2) Any juvenile who has committed an act which would constitute a
17 felony under the laws of this state and who was eleven years of age or
18 older at the time the act was committed;

19 (3) Any juvenile:

20 (a) Subject to section 14 of this act:

21 (i) Who is homeless, or destitute, or without necessary proper
22 support through no fault of the juvenile's his or her parent, guardian,
23 or custodian;

24 (ii) Who who is abandoned by the juvenile's his or her parent,
25 guardian, or custodian;

26 (iii) Whose who lacks proper parental care by reason of the fault or
27 habits of his or her parent, guardian, or custodian; whose parent,
28 guardian, or custodian willfully neglects or refuses to provide proper or
29 necessary subsistence, education, or other care necessary for the health,
30 safety morals, or well-being of such juvenile;

31 (iv) Whose whose parent, guardian, or custodian willfully is unable

1 ~~to provide or~~ neglects or refuses to provide special care made necessary
2 by the mental condition of the juvenile;

3 (v) Who who is in a situation, including labor or sex trafficking of
4 a minor, as defined in section 28-830, which is or engages in an
5 occupation, including prostitution, dangerous to life or limb or
6 injurious to the health, safety, or well-being or morals of such
7 juvenile; or

8 (vi) Who who has committed an act or engaged in behavior described
9 in subdivision (1), (2), (3)(b), or (4) of this section and who was under
10 eleven years of age at the time of such act or behavior;

11 (b) Who is eleven years of age or older and who (i) by reason of
12 being wayward or habitually disobedient, is uncontrolled by his or her
13 parent, guardian, or custodian; (ii) deports himself or herself so as to
14 injure or endanger seriously the safety, or well-being ~~morals or~~ health
15 of himself, herself, or others; or (iii) is habitually truant from home
16 or school; or

17 (c) Who is mentally ill and dangerous as defined in section 71-908;

18 (4) Any juvenile who has committed an act which would constitute a
19 traffic offense as defined in section 43-245 and who was eleven years of
20 age or older at the time the act was committed;

21 (5) The parent, guardian, or custodian of any juvenile described in
22 this section;

23 (6) The proceedings for termination of parental rights;

24 (7) Any juvenile who has been voluntarily relinquished, pursuant to
25 section 43-106.01, to the Department of Health and Human Services or any
26 child placement agency licensed by the Department of Health and Human
27 Services;

28 (8) Any juvenile who was a ward of the juvenile court at the
29 inception of his or her guardianship and whose guardianship has been
30 disrupted or terminated;

31 (9) The adoption or guardianship proceedings for a child over which

1 the juvenile court already has jurisdiction under another provision of
2 the Nebraska Juvenile Code;

3 (10) The paternity or custody determination for a child over which
4 the juvenile court already has jurisdiction;

5 (11) The proceedings under the Young Adult Bridge to Independence
6 Act; and

7 (12) Except as provided in subdivision (11) of this section, any
8 individual adjudged to be within the provisions of this section until the
9 individual reaches the age of majority or the court otherwise discharges
10 the individual from its jurisdiction.

11 Notwithstanding the provisions of the Nebraska Juvenile Code, the
12 determination of jurisdiction over any Indian child as defined in section
13 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and
14 the district court shall have exclusive jurisdiction in proceedings
15 brought pursuant to section 71-510.

16 **Sec. 12.** Section 43-292, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 43-292 Subject to section 14 of this act, the The court may
19 terminate all parental rights between the parents or the mother of a
20 juvenile born out of wedlock and such juvenile when the court finds such
21 action to be in the best interests of the juvenile and it appears by the
22 evidence that one or more of the following conditions exist:

23 (1) The parents have abandoned the juvenile for six months or more
24 immediately prior to the filing of the petition;

25 (2) The parents have substantially and continuously or repeatedly
26 neglected and refused to give the juvenile or a sibling of the juvenile
27 necessary parental care and protection;

28 (3) The parents, being financially able, have willfully neglected to
29 provide the juvenile with the necessary subsistence, education, or other
30 care necessary for his or her health, safety ~~moral~~s, or welfare or have
31 neglected to pay for such subsistence, education, or other care when

1 legal custody of the juvenile is lodged with others and such payment
2 ordered by the court;

3 (4) The parents are unfit by reason of debauchery, habitual use of
4 intoxicating liquor or narcotic drugs, or repeated lewd and lascivious
5 behavior, which conduct is found by the court to be seriously detrimental
6 to the health, safety ~~moral~~s, or well-being of the juvenile;

7 (5) The parents are unable to discharge parental responsibilities
8 because of mental illness or mental deficiency and there are reasonable
9 grounds to believe that such condition will continue for a prolonged
10 indeterminate period;

11 (6) Following a determination that the juvenile is one as described
12 in subdivision (3)(a) of section 43-247, reasonable efforts to preserve
13 and reunify the family if required under section 43-283.01, under the
14 direction of the court, have failed to correct the conditions leading to
15 the determination;

16 (7) The juvenile has been in an out-of-home placement for fifteen or
17 more months of the most recent twenty-two months;

18 (8) The parent has inflicted upon the juvenile, by other than
19 accidental means, serious bodily injury;

20 (9) The parent of the juvenile has subjected the juvenile or another
21 minor child to aggravated circumstances, including, but not limited to,
22 abandonment, torture, chronic abuse, or sexual abuse;

23 (10) The parent has (a) committed murder of another child of the
24 parent, (b) committed voluntary manslaughter of another child of the
25 parent, (c) aided or abetted, attempted, conspired, or solicited to
26 commit murder, or aided or abetted voluntary manslaughter of the juvenile
27 or another child of the parent, or (d) committed a felony assault that
28 resulted in serious bodily injury to the juvenile or another minor child
29 of the parent; or

30 (11) One parent has been convicted of felony sexual assault of the
31 other parent under section 28-319.01 or 28-320.01 or a comparable crime

1 in another state.

2 **Sec. 13.** Section 43-2,129, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 43-2,129 Sections 43-245 to 43-2,129 and section 14 of this act
5 shall be known and may be cited as the Nebraska Juvenile Code.

6 **Sec. 14.** (1) The fact that a person permits a juvenile, who is of
7 sufficient maturity, physical condition, and mental ability to avoid a
8 substantial risk of physical harm, to engage in independent activities,
9 either alone or with other children, shall not be a basis for the
10 juvenile court to exercise jurisdiction under subdivision (3)(a) of
11 section 43-247 or to terminate parental rights under section 43-292.

12 (2) For purposes of this section:

13 (a) Independent activities include, but are not limited to: (i)
14 Traveling, including, but not limited to, by walking, running, or
15 bicycling, to and from school or nearby commercial or recreational
16 facilities; (ii) playing outdoors; (iii) remaining unattended in a motor
17 vehicle, unless it is in conditions likely to cause serious harm that
18 have not been mitigated by reasonable precautionary measures; or (iv)
19 remaining at home unattended for a reasonable amount of time, if the
20 person has made provisions for any reasonably foreseeable emergencies
21 that may arise; and

22 (b) Maturity means having adequate social, emotional, cognitive, and
23 developmental abilities to safely handle an activity or situation.

24 **Sec. 15.** Original sections 28-711, 28-714, 28-715, 28-729, and
25 43-292, Reissue Revised Statutes of Nebraska, and sections 28-101,
26 28-707, 28-710, 28-716, 28-728, 43-247, and 43-2,129, Revised Statutes
27 Cumulative Supplement, 2024, are repealed.