

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1044**

Introduced by Krist, 10.

Read first time January 17, 2018

Committee:

- 1 A BILL FOR AN ACT relating to child abuse and neglect; to amend section
- 2 28-713, Reissue Revised Statutes of Nebraska; to change duties of
- 3 the Department of Health and Human Services as prescribed; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-713, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 28-713 Unless an intake is assigned to alternative response, upon  
4 the receipt of a call reporting child abuse and neglect as required by  
5 section 28-711:

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

22 (2) In situations of alleged out-of-home child abuse or neglect if  
23 the person or persons to be notified have not already been notified and  
24 the person to be notified is not the subject of the report of child abuse  
25 or neglect, the department shall immediately notify the person or persons  
26 having custody of each child who has allegedly been abused or neglected  
27 that such report of alleged child abuse or neglect has been made and  
28 shall provide such person or persons with information of the nature of  
29 the alleged child abuse or neglect and any other information that the  
30 department deems necessary. The department shall investigate for the  
31 purpose of assessing each report of child abuse or neglect to determine

1 the risk of harm to the child involved. The department shall also provide  
2 such social services as are necessary and appropriate under the  
3 circumstances to protect and assist the child and to preserve the family,  
4 without regard to whether the department or law enforcement is  
5 investigating the allegation;

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

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

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

20 Sec. 2. Original section 28-713, Reissue Revised Statutes of  
21 Nebraska, is repealed.