

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 458

Introduced by Lathrop, 12.

Read first time January 18, 2019

Committee:

1 A BILL FOR AN ACT relating to children and families; to amend sections
2 28-710, 28-710.01, 28-711, 28-713, 28-726, 28-728, 28-729, 28-730,
3 43-3001, and 43-4407, Reissue Revised Statutes of Nebraska; to
4 define and redefine terms; to restate legislative intent; to change
5 and provide duties of the Department of Health and Human Services
6 and law enforcement agencies relating to reports of child abuse or
7 neglect; to provide duties for child advocacy centers; to state
8 legislative intent regarding appropriations; to provide for access
9 to certain confidential information by child advocacy centers; to
10 change child abuse and neglect investigation teams and child abuse
11 and neglect treatment teams to multidisciplinary investigation teams
12 and multidisciplinary treatment teams; to change and provide duties
13 for county attorneys, multidisciplinary teams, and child advocacy
14 centers; to change training requirements for multidisciplinary team
15 members; to require reports; to require the department, the juvenile
16 courts, and the Nebraska Commission on Law Enforcement and Criminal
17 Justice to provide child advocacy centers with access to certain
18 records as prescribed; to change and provide duties relating to
19 monthly reports by service area administrators and the department to
20 child advocacy centers; to harmonize provisions; and to repeal the
21 original sections.

22 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-710, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-710 (1) Sections 28-710 to 28-731 and section 5 of this act
4 ~~28-727~~ shall be known and may be cited as the Child Protection and Family
5 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 ~~Sexually~~ abused; ~~or~~

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

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

31 (c) Child advocacy center means a community-based organization that

1 is a member of the Nebraska chapter of child advocacy centers and is
2 nationally accredited or working toward national accreditation;

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

9 (e) ~~(d)~~ Department means the Department of Health and Human
10 Services;

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

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

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

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

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

29 (h) Hotline means the statewide toll-free number for making reports
30 of child abuse or neglect established by the department under section
31 28-711;

1 ~~(i) (e)~~ Investigation:

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

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

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

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

22 (l) Multidisciplinary treatment team means professionals coordinated
23 by a child advocacy center to facilitate the provision of high-quality,
24 trauma-informed services and support to victims of child abuse or
25 neglect, children at risk of involvement in the child welfare system or
26 juvenile justice system, and the families of such victims and children.
27 Multidisciplinary treatment teams shall, at a minimum, include
28 representatives from the department, juvenile probation, medical and
29 mental health providers, local school districts within the county or
30 contiguous group of counties, and a representative from a child advocacy
31 center;

1 (m) Nebraska chapter of child advocacy centers means a nationally
2 accredited membership organization responsible for providing technical
3 assistance, training, and support to child advocacy centers in Nebraska;

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

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

19 (p) ~~(i)~~ 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 (q) ~~(j)~~ 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. 2. Section 28-710.01, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 28-710.01 (1) The Legislature declares that the public policy of the
29 State of Nebraska is to protect children whose health or welfare may be
30 jeopardized by abuse or neglect. The Legislature recognizes that most
31 families want to keep their children safe, but circumstances or

1 conditions sometimes interfere with their ability to do so. Families and
2 children are best served by interventions that engage their protective
3 capacities and address immediate safety concerns and ongoing risks of
4 child abuse or neglect. In furtherance of this public policy and the
5 family policy and principles set forth in sections 43-532 and 43-533, it
6 is the intent of the Legislature to strengthen the family and make the
7 home, school, and community safe for children by promoting responsible
8 child care in all settings and to provide, when necessary, a safe
9 temporary or permanent home environment for abused or neglected children.

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

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

26 28-711 (1) When any physician, any medical institution, any nurse,
27 any school employee, any social worker, the Inspector General appointed
28 under section 43-4317, or any other person has reasonable cause to
29 believe that a child has been subjected to child abuse or neglect or
30 observes such child being subjected to conditions or circumstances which
31 reasonably would result in child abuse or neglect, he or she shall report

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

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

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

25 28-713 Unless an intake is assigned to alternative response, upon
26 the receipt of a call reporting child abuse and neglect as required by
27 section 28-711:

28 (1) It is the duty of the law enforcement agency to investigate the
29 report, to take immediate steps to protect the child, and to institute
30 legal proceedings if appropriate. ~~In situations of alleged out-of-home~~
31 ~~child abuse or neglect if the person or persons to be notified have not~~

1 ~~already been notified and the person to be notified is not the subject of~~
2 ~~the report of child abuse or neglect, the law enforcement agency shall~~
3 ~~immediately notify the person or persons having custody of each child who~~
4 ~~has allegedly been abused or neglected that such report of alleged child~~
5 ~~abuse or neglect has been made and shall provide such person or persons~~
6 ~~with information of the nature of the alleged child abuse or neglect. The~~
7 ~~law enforcement agency may request assistance from the department during~~
8 ~~the investigation and shall, by the next working day, notify either the~~
9 ~~hotline or the department of receipt of the report, including whether or~~
10 ~~not an investigation is being undertaken by the law enforcement agency. A~~
11 ~~copy of all reports, whether or not an investigation is being undertaken,~~
12 ~~shall be provided to the hotline department;~~

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

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

29 (3)(a) In situations of alleged out-of-home child abuse or neglect,
30 the department and law enforcement agency shall immediately notify the
31 person or persons having custody of each child who has allegedly been

1 abused or neglected that such report of alleged child abuse or neglect
2 has been made, except when such person is the subject of the report of
3 child abuse or neglect.

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

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

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

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

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

24 (c) Sexual abuse of a child, including acts as defined in sections
25 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28-322.02,
26 28-322.03, 28-322.04, and 28-703;

27 (d) Sexual exploitation of a child;

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

30 (f) A drug-endangered child;

31 (g) A child recovered from a kidnapping;

1 (h) A child witness to domestic assault resulting in bodily injury;
2 or

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

5 ~~(5)~~ (4) The department shall, by the next working day after
6 receiving a report of child abuse or neglect under subdivision (1) of
7 this section, make a written report or a summary on forms provided by the
8 department to the proper law enforcement agency in the county and enter
9 in the tracking system of child protection cases maintained pursuant to
10 section 28-715 all reports of child abuse or neglect opened for
11 investigation and any action taken; and

12 ~~(6)~~ (5) The department shall, upon request, make available to the
13 appropriate investigating law enforcement agency and the county attorney
14 a copy of all reports relative to a case of suspected child abuse or
15 neglect.

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

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

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

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

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

31 (e) Therapeutic intervention and mental health services available at

1 the child advocacy center or through coordination and referral with
2 appropriate treatment providers; and

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

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

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

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

15 28-726 Except as provided in this section and sections 28-722 and
16 81-3126, no person, official, or agency shall have access to information
17 in the tracking system of child protection cases maintained pursuant to
18 section 28-715 or in records in the central registry of child protection
19 cases maintained pursuant to section 28-718 unless in furtherance of
20 purposes directly connected with the administration of the Child
21 Protection and Family Safety Act. Such persons, officials, and agencies
22 having access to such information shall include, but not be limited to:

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

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

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

29 (4) An agency having the legal responsibility or authorization to
30 care for, treat, or supervise an abused or neglected child or a parent, a
31 guardian, or other person responsible for the abused or neglected child's

1 welfare who is the subject of the report of child abuse or neglect;

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

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

10 (7) The designated protection and advocacy system authorized
11 pursuant to the Developmental Disabilities Assistance and Bill of Rights
12 Act of 2000, 42 U.S.C. 15001, as the act existed on January 1, 2005, and
13 the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C.
14 10801, as the act existed on September 1, 2001, acting upon a complaint
15 received from or on behalf of a person with developmental disabilities or
16 mental illness;

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

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

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

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

30 Sec. 7. Section 28-728, Reissue Revised Statutes of Nebraska, is
31 amended to read:

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

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

21 (1) Each county or contiguous group of counties shall have a
22 multidisciplinary investigation team responsible for facilitating
23 coordinated child abuse and neglect investigations. ~~(3) Each county~~
24 ~~attorney or the county attorney representing a contiguous group of~~
25 ~~counties shall convene is responsible for convening the multidisciplinary~~
26 ~~child abuse and neglect investigation team with assistance from the~~
27 ~~assigned child advocacy center and ensuring that protocols are~~
28 ~~established and implemented. A representative of the child advocacy~~
29 ~~center assigned to the team shall assist the county attorney in~~
30 ~~facilitating case review, developing and updating protocols, and~~
31 ~~arranging training opportunities for the team. Each team shall adopt must~~

1 have protocols designed to reduce the risk of harm and minimize trauma to
2 the child and which, at a minimum, shall include procedures for:

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

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

9 (c) Outlining how reports will be shared between law enforcement and
10 the department ~~Department of Health and Human Services~~ under sections
11 28-712.01 and 28-713;

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

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

17 (ii) Contacting the reporting party;

18 (iii) Arranging for a ~~video-recorded~~ forensic interview at a child
19 advocacy center for children who are three to eighteen years of age for
20 cases involving allegations described in subdivision (4) of section
21 28-713 and are alleged to be victims of sexual abuse or serious physical
22 ~~abuse or neglect, have witnessed a violent crime, are found in a drug-~~
23 ~~endangered environment, or have been recovered from a kidnapping;~~

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

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

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

1 victims;

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

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

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

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

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

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

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

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

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

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

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

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

31 (4) Each county or contiguous group of counties shall have at least

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

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

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

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

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

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

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

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

30 (v) Cases in which active safety threats exist;

31 (vi) Cases in which an investigation by the department or a law

- 1 enforcement agency has resulted in an informal living arrangement;
- 2 (vii) Cases of status offenders and delinquent youth;
- 3 (viii) Cases of youth who are victims of labor or sex trafficking or
- 4 at risk for labor or sex trafficking as defined in section 28-830 or
- 5 missing; and
- 6 (ix) Cases in which a child has been abused or neglected by an
- 7 unknown person who does not reside in such child's home;
- 8 (d) Sharing information between team members;
- 9 (e) Collecting data on cases to identify system issues and fulfill
- 10 the reporting requirements of section 43-4407; and
- 11 (f) Soliciting and incorporating input from those with expertise on
- 12 families and children from racially and culturally diverse groups and
- 13 from peer and parent advocates with experience in the child welfare and
- 14 juvenile justice system on team protocols and individual cases.

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

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

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

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

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

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

31 28-729 (1) ~~A child abuse and neglect investigation team shall~~

1 ~~include a representative from the county attorney's office, a~~
2 ~~representative from the Division of Children and Family Services of the~~
3 ~~Department of Health and Human Services, a representative from each law~~
4 ~~enforcement agency which has jurisdiction within the county or contiguous~~
5 ~~group of counties, a representative from the child advocacy center, and~~
6 ~~representatives from such other agencies as determined by the team.~~

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

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

28 (a) Child abuse and neglect investigation procedures;

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

31 (c) Roles and responsibilities of child protective services, law

1 enforcement agencies, county attorneys, child advocacy centers, the
2 Attorney General, and judges;

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

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

5 (f) Duty of public and private individuals and agencies, including
6 schools, governmental agencies, physicians, and child advocates, to
7 report suspected or known child abuse;

8 (g) Multidisciplinary approaches to providing services to children;

9 and

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

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

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

18 (2)(a) On or before August 1, 2020, and each August 1 thereafter,
19 each assigned child advocacy center shall report to the Nebraska chapter
20 of child advocacy centers on the membership, meetings, and functioning of
21 its multidisciplinary investigation teams and multidisciplinary treatment
22 teams ~~(4) The representative of the child advocacy center shall report~~
23 ~~the name and address of each team member and the number of times the team~~
24 ~~met within a calendar year to the Nebraska Commission on Law Enforcement~~
25 ~~and Criminal Justice.~~

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

30 (3) ~~(5)~~ Each multidisciplinary investigation team and
31 multidisciplinary treatment team shall meet at a location agreed to by

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

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

14 28-730 (1) Notwithstanding any other provision of law regarding the
15 confidentiality of records and when not prohibited by the federal Privacy
16 Act of 1974, as amended, juvenile court records and any other pertinent
17 information that may be in the possession of school districts, law
18 enforcement agencies, county attorneys, the Attorney General, the
19 Department of Health and Human Services, child advocacy centers, and
20 other team members concerning a child whose case is being investigated or
21 discussed by a multidisciplinary child abuse and neglect investigation
22 team or a multidisciplinary child abuse and neglect treatment team shall
23 be shared with the respective team members as part of the discussion and
24 coordination of efforts for investigative or treatment purposes. Upon
25 request by a team, any individual or agency with information or records
26 concerning a particular child shall share all relevant information or
27 records with the team as determined by the team pursuant to the
28 appropriate team protocol. Only a team which has accepted the child's
29 case for investigation or treatment shall be entitled to access to such
30 information.

31 (2) All information acquired by a team member or other individuals

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

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

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

28 (5) ~~(4)~~ A member of a team who publicly discloses information
29 regarding a case consultation in a manner not consistent with sections
30 28-728 to 28-730 shall be guilty of a Class III misdemeanor.

31 Sec. 10. Section 43-3001, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-3001 (1) Notwithstanding any other provision of law regarding the
3 confidentiality of records and when not prohibited by the federal Privacy
4 Act of 1974, as amended, juvenile court records and any other pertinent
5 information that may be in the possession of school districts, school
6 personnel, county attorneys, the Attorney General, law enforcement
7 agencies, child advocacy centers, state probation personnel, state parole
8 personnel, youth detention facilities, medical personnel, treatment or
9 placement programs, the Department of Health and Human Services, the
10 Department of Correctional Services, the Foster Care Review Office, local
11 foster care review boards, multidisciplinary ~~child abuse and neglect~~
12 ~~investigation teams, multidisciplinary child abuse and neglect~~ treatment
13 teams, or other multidisciplinary teams for abuse, neglect, or
14 delinquency concerning a child who is in the custody of the state may be
15 shared with individuals and agencies who have been identified in a court
16 order authorized by this section.

17 (2) In any judicial proceeding concerning a child who is currently,
18 or who may become at the conclusion of the proceeding, a ward of the
19 court or state or under the supervision of the court, an order may be
20 issued which identifies individuals and agencies who shall be allowed to
21 receive otherwise confidential information concerning the child for
22 legitimate and official purposes. The individuals and agencies who may be
23 identified in the court order are the child's attorney or guardian ad
24 litem, the parents' attorney, foster parents, appropriate school
25 personnel, county attorneys, the Attorney General, authorized court
26 personnel, law enforcement agencies, state probation personnel, state
27 parole personnel, youth detention facilities, medical personnel, court
28 appointed special advocate volunteers, treatment or placement programs,
29 the Department of Health and Human Services, the Office of Juvenile
30 Services, the Department of Correctional Services, the Foster Care Review
31 Office, local foster care review boards, the office of Inspector General

1 of Nebraska Child Welfare, multidisciplinary child abuse and neglect
2 investigation teams, multidisciplinary child abuse and neglect treatment
3 teams, other multidisciplinary teams for abuse, neglect, or delinquency,
4 and other individuals and agencies for which the court specifically
5 finds, in writing, that it would be in the best interest of the juvenile
6 to receive such information. Unless the order otherwise states, the order
7 shall be effective until the child leaves the custody of the state or
8 supervision of the court or until a new order is issued.

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

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

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

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

28 43-4407 (1) Each service area administrator and any lead agency or
29 the pilot project shall annually survey children, parents, foster
30 parents, judges, guardians ad litem, attorneys representing parents, and
31 service providers involved with the child welfare system to monitor

1 satisfaction with (a) adequacy of communication by the case manager, (b)
2 response by the department, any lead agency, or the pilot project to
3 requests and problems, (c) transportation issues, (d) medical and
4 psychological services for children and parents, (e) visitation
5 schedules, (f) payments, (g) support services to foster parents, (h)
6 adequacy of information about foster children provided to foster parents,
7 and (i) the case manager's fulfillment of his or her responsibilities. A
8 summary of the survey shall be reported electronically to the Health and
9 Human Services Committee of the Legislature on September 15, 2012, and
10 each September 15 thereafter.

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

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

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

29 (c) Child abuse or neglect reports containing allegations described
30 in subdivision (4) of section 28-713 or otherwise designated for
31 coordination with child advocacy centers by the department.

1 (3) The Nebraska chapter of child advocacy centers as defined in
2 section 28-710 ~~child advocacy center~~ shall report electronically to the
3 Health and Human Services Committee of the Legislature on September 15,
4 ~~2012~~ 2019, and every September 15 thereafter, or more frequently if
5 requested by the committee.

6 Sec. 12. Original sections 28-710, 28-710.01, 28-711, 28-713,
7 28-726, 28-728, 28-729, 28-730, 43-3001, and 43-4407, Reissue Revised
8 Statutes of Nebraska, are repealed.