

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 64

Introduced by Day, 49.

Read first time January 05, 2023

Committee:

- 1 A BILL FOR AN ACT relating to child abuse or neglect; to amend section
- 2 28-713.01, Revised Statutes Cumulative Supplement, 2022; to require
- 3 the Department of Health and Human Services to provide notice
- 4 regarding certain persons entered into the central registry; to
- 5 harmonize provisions; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-713.01, Revised Statutes Cumulative
2 Supplement, 2022, is amended to read:

3 28-713.01 (1) Upon completion of the investigation pursuant to
4 section 28-713:

5 (a) In situations of alleged out-of-home child abuse or neglect, the
6 person or persons having custody of the allegedly abused or neglected
7 child or children shall be given written notice of the results of the
8 investigation and any other information the law enforcement agency or
9 department deems necessary. Such notice and information shall be sent by
10 first-class mail;

11 (b) The subject of the report of child abuse or neglect shall be
12 given written notice of the determination of the case and whether the
13 subject of the report of child abuse or neglect will be entered into the
14 central registry of child protection cases maintained pursuant to section
15 28-718 under the criteria provided in section 28-720; and

16 (c) If the subject of the report of child abuse or neglect is a
17 school employee and the child is a student in the school to which such
18 school employee is assigned for work, the notice described in subdivision
19 (1)(b) of this section shall also be sent to the Commissioner of
20 Education.

21 (2) If the subject of the report will be entered into the central
22 registry, the notice to the subject shall be sent by certified mail with
23 return receipt requested or first-class mail to the last-known address of
24 the subject of the report of child abuse or neglect and shall include:

25 (a) The nature of the report;

26 (b) The classification of the report under section 28-720;

27 (c) Notification of the right of the subject of the report of child
28 abuse or neglect to request the department to amend or expunge
29 identifying information from the report or to remove the substantiated
30 report from the central registry in accordance with section 28-723; and

31 (d) If the subject of the report of child abuse or neglect is a

1 minor child who is twelve years of age or older but younger than nineteen
2 years of age:

3 (i) Notification of the mandatory expungement hearing to be held
4 according to section 28-721, a waiver form to waive the hearing, and an
5 explanation of the hearing process;

6 (ii) An explanation of the implications of being entered in the
7 central registry as a subject;

8 (iii) Notification of any other procedures determined appropriate in
9 rules and regulations adopted and promulgated by the department; and

10 (iv) Provision of a copy of all notice materials required to be
11 provided to the subject under this subsection to the minor child's
12 attorney of record, parent or guardian, and guardian ad litem, if
13 applicable.

14 (3) For each person entered into the central registry who is a
15 perpetrator of a court or agency substantiated case of child abuse or
16 neglect which occurred at a licensed child care facility as defined in
17 section 43-4308, the department shall provide notice of the entry to the
18 parents, guardians, or custodians of all children receiving care at such
19 licensed child care facility at time the incident of abuse or neglect
20 occurred. The person holding such license shall provide a list of names
21 and addresses of all parents, guardians, or custodians of all children
22 receiving care at the time of the incident from the license holder to the
23 department. The notice shall be given by mail, within ten business days
24 of the entry, and provide the date such incident occurred but shall not
25 identify the type of abuse or neglect, the victim, or the perpetrator.

26 (4) ~~(3)~~ If the subject of the report will not be entered into the
27 central registry, the notice to the subject shall be sent by first-class
28 mail and shall include:

29 (a) The nature of the report; and

30 (b) The classification of the report under section 28-720.

31 Sec. 2. Original section 28-713.01, Revised Statutes Cumulative

1 Supplement, 2022, is repealed.