

LB854

Require the Division of Children and Family Services to notify the Division of Public Health in situations of an allegation of abuse and neglect in a child care facility

LB854 would adjust Nebraska's child abuse statutes so that in situations of an allegation of abuse and neglect in a child care facility, the Department of Health and Human Services Division of Children and Family Services would be required to notify the Division of Public Health of the allegation, and whether an investigation has been undertaken.

LB854 formalizes communication between the Division of Children and Family Services and the Division of Public Health, as well as making it easier for licensure to spot trends and repeated incidents. This language is similar to the procedure that exists in situations of abuse and neglect in schools, where the Department of Education is immediately notified when the subject of the abuse is a school employee and the abuse occurs in a school setting. The school-based language is located on page 3, line 9 of LB854.

The intent of the new language in LB854 is to allow quicker identification of patterns of abuse in situations like Rosewood Academy in Omaha, where multiple incidents (in this case, on November 1, December 16 and January 29 [1]) were reported before a "corrective action status" notice was posted, and even more time passed before its child care license was suspended. Putting this change in statute would ensure that Public Health Licensure is notified, with the goal of allowing Public Health Licensure to more quickly spot serious and repeated incidents that involve multiple allegations.

Existing Responsibilities and Procedures

Currently, Stat. 28-726 authorizes Children and Family Services to share information regarding abuse/neglect in a child care facility with Public Health Licensure. Additionally, DHHS has internal procedures, Standard Work Instructions SWI 2.1.1 and SWI 3.6, that mandate CFS staff must notify Public Health Licensure of allegations of abuse or neglect. These processes are used when abuse happens at a child care program, residential child caring agency, or a child placing agency.

While these are appropriate procedures, the seriousness of this issue, and consequences if abuse at child care centers is not caught, justifies a legal requirement that these divisions communicate with each other.

Impetus for LB854

During the investigation of Rosewood Academy, many parents were not informed of the status of their children as subjects of abuse investigations, despite this being the current internal procedure. As summed up by one parent, "even incidents that were investigated by the state and substantiated by the state, abuse claims and child mistreatment claims. And the state never told the parents of those kids." [2] LB854 would codify these internal regulations, indicating the necessity of communications between these two divisions, and allow the public easier access to these procedures.

[1] WOWT, April 2021 <https://www.wowt.com/2021/04/10/rosewood-academy-investigation-douglas-county-court-citations-detail-incidents-involving-daycare-owner-staff/>

[2] KETV, January 2022 <https://www.ketv.com/article/we-have-personal-experience-parents-push-for-communication-in-day-care-abuse-cases/38918999>