



October 7, 2022

Senator John Arch, Chair
Members of the Health and Human Services Committee
Nebraska Legislature

RE: LR266

Chairperson Arch and Members of the Health and Human Services Committee,

My name is Dr. Katie Bass, and I am the Data and Policy Research Advisor representing First Five Nebraska. First Five Nebraska is a statewide public policy organization focused on supporting policies that promote quality early care and learning experiences for young children in Nebraska. I would like to thank Senator Day for introducing LR266 to examine Nebraska's processes related to investigating reports of child abuse or neglect in licensed child care facilities.

Attached to my testimony is a list of recommendations based on the work to date on LR266. Today, I will address two key recommendations around parental notification, but if there are questions about the additional recommendations in the attachment, I am happy to address those as well.

As our testifiers today have discussed, investigations of child maltreatment in licensed child care facilities may involve law enforcement, DHHS Division of Child and Family Services (CFS) and DHHS Division of Public Health Child Care Licensing—each with different investigation goals and responsibilities. Ensuring appropriate information is communicated with parents at the appropriate time, and that parents understand the process and roles of each involved investigatory agency is vital, especially at a moment that is frightening and overwhelming for parents.

When there are investigations of out-of-home child abuse or neglect, which would include allegations at child care, Nebraska Revised Statute §28-713 requires law enforcement or the DHHS CFS to “immediately notify each person having custody of each child who has allegedly been abused or neglected.” The notice is to include the nature of the allegations and “any other necessary information.” Often times, it is the parent who reports the suspected abuse, and the notification of investigation is not necessary. Other times, at early stages of an investigation, it is possible that the parents are also being investigated, which could affect parental notification. But when parents are not the reporting party and are not subject to the investigation, ideally, law enforcement and DHHS CFS will be working jointly and can determine who is best situated to notify parents.

Requiring notice to a parent at the outset of an investigation into abuse alleged to have been perpetrated against their child is an important baseline. Through our work on this interim study, we have identified two additional parental notifications that will empower parents to make decisions about their child's safety and respond to concerns at a licensed child care facility by having all information brought to their attention:

- Parents whose children attend a licensed child care where there has been a substantiated case of child abuse or neglect should be notified. This notice should occur after the allegation has been

substantiated and, to protect the victim's privacy, should not include the name of the victim, perpetrator or information about the incident.

- Parents should be notified of licensing violations that result in disciplinary actions against the license holder. As we have heard today, some of the allegations that were reported did not meet the threshold of a child abuse and neglect investigation, but did result in a licensing investigation. These licensing violations may result in a disciplinary action against a provider, including issuing a probationary license, suspending or revoking a license, imposing a civil penalty or restrictions on enrollment or services. If a disciplinary action occurs, there are currently no statutory requirements for notification of parents whose children are enrolled in the child care.

By notifying parents whose children are enrolled in a licensed child care facility with substantiated allegations of abuse or neglect and disciplinary actions against a licensee, parents will be empowered to make decisions about their current care situation.

I would like to thank the representatives from DHHS, the Child Advocacy Centers and law enforcement for their willingness to walk through the various roles, responsibilities and processes related to investigations. These discussions were illuminating to the complexities of cases like you have heard about today, and potential opportunities for improvement. And, of course, a thank you to the parents you've heard from today and others who have spoken to us about their experiences during the investigation at Rosewood Academy. It is difficult to have to relive these experiences, but their tenacity and dedication to make sure other children do not face the same issues their children experienced is truly admirable.

Thank you for your time today, for advancing LB854 last year and for your consideration of the opportunities to improve the process for investigation and notification of child abuse and neglect allegations in licensed child care.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Bass". The signature is fluid and cursive, with a large initial "K" and "B".

Katie Bass, Ph.D.
Data & Policy Research Advisor
First Five Nebraska