



When parents place their children in licensed child care, they expect transparency, accountability and notification when serious issues and license violations occur.

Incidents at Rosewood Academy locations and the interim study hearing for LR266 emphasized the need for changes around investigations of child abuse, licensing violations and parental notification.

LB64 | Require NDHHS to provide notice in certain cases of child abuse and neglect

LB65 | Change provisions relating to the complaint tracking system and disciplinary action under the Child Care Licensing Act

POLICY BRIEF | 2023

Key Points

- ▶ After a series of incidents at Rosewood Academy locations, Senator Jen Day (District 49) introduced LR266 to investigate requirements for parental notice of abuse in licensed child care programs.
- ▶ LB64 and LB65 will help improve laws around reporting and parental notification.
- ▶ LB64 will require the Nebraska Department of Health and Human Services (NDHHS) to notify parents and guardians of children attending licensed child care when abuse has been substantiated by the agency or in court.
- ▶ LB65 requires NDHHS to differentiate between self-reported and complaint-related licensing violations in all public reports created from the complaint tracking system. It also requires notice to parents when statutorily defined disciplinary action is taken against a child care license holder.

Background

LB 64 and LB65 stem from incidents at Rosewood Academy in 2020 and 2021, child care programs located in and around Omaha, that included substantiated allegations of child abuse. Parents of children attending Rosewood contacted Senator Day with concerns about the investigation process.

In 2022, Senator Day introduced LB854, which was amended into LB1173 and passed into law. The legislation requires NDHHS Division of Children and Family Services to provide notice to NDHHS Division of Public Health of allegations of child abuse at child care programs.

Additionally, Senator Day introduced LR266, which investigated the current requirements for parental notice of abuse or neglect in licensed child care and the responsibilities of NDHHS Division of Child and Family Services, NDHHS Division of Public Health and law enforcement agencies when there is an allegation of child abuse or neglect involving a licensed child care.

Problems in Reporting and Notification

During the LR266 interim study, parents highlighted issues around investigations of licensing violations that may be serious, but do not rise to the level of a child abuse investigation. In instances where a licensing violation has been documented and the result of the violation is one of the statutorily defined disciplinary actions against a child care license (Neb. Rev. Statute 71-1920), there is no statutory requirement for parental notification.

Because licensing investigations follow a license, not a person, child care license holders may be disincentivized to report the actions of employees for fear that it will reflect poorly on their license.

Parents at the hearing also highlighted concerns that a child may be attending a licensed child care where abuse took place, but if their child was not an identified alleged victim in the investigation, there are no notification requirements.

Components of LB64

LB64 would require NDHHS to provide notice by mail to all parents and guardians of children attending a licensed child care at the time abuse occurred if the child abuse has been substantiated by the agency or in court and a name is being entered on the central registry. The legislation requires the license holder to provide NDHHS with names and addresses of parents and guardians to be notified.

Components of LB65

LB65 seeks to remedy issues around tracking by requiring the NDHHS complaint tracking system to differentiate between self-reported and complaint-related licensing violations in the database and all public reports created from the complaint tracking system.

LB65 also requires NDHHS Public Health to provide notice by mail to all parents and guardians of children attending a licensed child care when there is a disciplinary action against the child care provider. The legislation requires the license holder to provide the names and addresses of parents and guardians to be notified to NDHHS.

LB65 will not require notice to parents of all licensing violations. NDHHS may employ non-disciplinary corrective actions or licensing agreements with child care license holders when there are licensing violations. Those instances would not require NDHHS to notify parents.

Fiscal Impact

A fiscal note for LB64 is anticipated to cover the expense of mailing notices to parents.

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Expected Outcomes

Changes to reporting and parental notification around cases of substantiated abuse will increase accountability and transparency around these issues for parents who enroll their children in licensed child care.



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