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February 22, 2023

To: Chairperson Wayne and Members of the Judiciary Committee
From: Anahí Salazar, Policy Coordinator for Voices for Children in Nebraska
RE: Support for LB 42, change provisions relating to child abuse and neglect under the Child Protection and Family Safety Act and the Nebraska Juvenile Code

The child welfare system should prioritize family preservation whenever possible. Young people in Nebraska should be able to be independent in a reasonable manner and families should not have to worry about needless punitive action against them. Voices for Children supports LB 42 because it clarifies the definition of child neglect, to help prevent safe and loving families from becoming unnecessarily involved with the child welfare system.

Removal from the home is experienced as a trauma by children and parents. Even the investigation process can be traumatic for a family. The child welfare system is intended to prevent true abuse and dangerous neglect – not to police and tear apart loving and supportive families. We should do all in our power to ensure our statutes are correctly aligned to minimize the risk of traumatic harm caused by the system itself.

Nebraska has made improvements over the past decade in reducing the number of child removals. Physical neglect is the predominate reason for child welfare system involvement in Nebraska. In 2021, the most updated data we have from the Department of Health and Human Services (DHHS), 34,213 reports of alleged child abuse and neglect were made to the Hotline. Out of those calls, 18,101 were assessed by DHHS and/or law enforcement, but in the end only 2,080 reports were substantiated.¹ What this demonstrates is that we are continuing to put families through investigations that may not be necessary to ensuring child safety.

Because allegations of physical neglect represent the majority of the reports, it is crucial our statute distinguishes neglect from poverty. They are frequently intertwined, but a family's lack of economic security is not in itself a reason for child welfare system response. In most cases, issues can be better addressed by providing resources and concrete support to families through other channels. This is especially important for rural Nebraskans and Nebraskans of color, who are statistically more likely to experience poverty in our state. In fact, families of color are disproportionately brought into the court system and face greater likelihood of removal of their children.² We must ensure that our laws are clear that poverty itself is not neglect, and poverty issues can be helped and ameliorated without causing traumatic harm to the child and irreparable damage to the community.

¹ 2022 Kids Count in Nebraska Report. Child Maltreatment.

² Study of Social Policy, Disparities and Disproportionality in Child Welfare: Analysis of the Research 16 (2011), https://www.cssp.org/publications/child-welfare/alliance/Disparitiesand-Disproportionality-in-Child-Welfare_An-Analysis-of-the-ResearchDecember-2011.pdf

LB 42 would clarify the definition of neglect in this way, helping more families stay out of the child welfare system and keeping children from unnecessary trauma. We want to thank Senator Hansen for bringing this important issue forward and the Committee for your time. We urge the committee to advance LB 42.