

Judiciary Committee
LB 292
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Department of Health and Human Services

Good afternoon Senator Seiler and members of the Judiciary Committee. My name is Tony Green (T-O-N-Y- G-R-E-E-N). I am the Acting Director of the Children and Family Services Division of the Department of Health and Human Services. I would like to thank Senator Coash for introducing LB 292 and initiating a conversation regarding the Central Registry. Although I agree with the intent and purpose of LB 292, we are taking no policy position on this bill. I would like to offer a few thoughts for further consideration.

LB292 requires the Department to conduct two mandatory expungement hearings for minors who are placed on the Central Registry. The first to be conducted on a minor between the ages of 12 and 19 when the case is classified as “court substantiated” or “agency substantiated.” This expungement hearing may be waived if the minor returns a signed and notarized waiver. However, it has been the Department’s experience that many Notaries may not be willing to attest to the signature of a minor. Additionally, consideration should be given to the role of the parent or guardian with regard to the waiver. Finally, there is potential for a conflict of interest to exist when the minor is in the custody of the Department, who conducts the investigations and expungement hearings, yet may be called on to have a role in the minor’s waiver determination.

The second mandatory expungement hearing is to occur after the child’s 19th birthday. LB 292 is silent regarding the ability of a minor to waive this hearing.

Lastly, LB 292 calls for immediate expungement on dismissal by the Court, or a redesignation of “no fault” on the part of the parent, guardian or custodian. However, it is not clear whether the Department can, or should, enter a finding of “agency substantiated” in such instances.

I appreciate the opportunity to testify before you today and look forward to future conversation with Senator Coash and this Committee regarding the Central Registry as we develop efficiencies and improve the quality of our work to keep all Nebraskans safe.

I’m happy to answer any questions you may have.