

# NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

February 8, 2017

Senator Ebke  
District #32 State Capitol  
P.O. Box 94604  
Lincoln, NE 68509-4604

RE: LB 108

Senator Ebke and Members of the Judiciary Committee:

LB108 would require law enforcement to establish guidelines to ensure the safety of a minor or dependent child upon arrest of a parent or guardian. This bill also requires the Department of Corrections to adopt policies to support and encourage strong relationships between incarcerated parents or guardians and their minor or dependent children during the period of incarceration. While DHHS has no position on this bill at this time, we would like to take this opportunity to share the following technical issues.

DHHS welcomes the opportunity to work with law enforcement to develop guidelines to ensure the safety of a minor or dependent child upon arrest of a parent or guardian. Providing parents an opportunity to make safe arrangements for their children, when it is possible for them to do so, should always be the first course of action. When parents are unable to make safe arrangements for their children, law enforcement could then consider placing the children in the protective custody of DHHS. DHHS suggests that guidelines include protective custody as a last resort and only after the parents have been given the opportunity to make safe arrangements. It should be noted that while the bill allows parents to make two phone calls during the booking process, booking occurs after a parent has been arrested and removed from the family home. Safe arrangements for the child should already have been made prior to the booking.

Thank you for the opportunity to share the above information and we look forward to working with you in continuing our mission of helping people live better lives.

Sincerely,

Douglas J. Weinberg, Director  
Division of Children and Family Services  
Department of Health and Human Services

cc: Senator Sue Crawford