Attachment D Language added or changed by the CAPTA reauthorization is highlighted in bold to assist States in identifying new requirements.

Child Abuse Prevention and Treatment Act (CAPTA), as amended by P.L. 111-310
Grant to States For Child Abuse Or Neglect Prevention And Treatment Programs

State Plan Assurances
***Governor's* Assurance Statement for**
The Child Abuse and Neglect State Plan

As **Governor** of the State of Nebraska, I certify that the State has in effect and is enforcing a State law, or has in effect and is operating a Statewide program, relating to child abuse and neglect which includes:

1. coordination with the State plan under part B of title IV of the Social Security Act, to the maximum extent practicable (section 106(b)(2)(A) of CAPTA;

2. provisions or procedures for **an individual to** report known and suspected instances of child abuse and neglect, **including a State law for mandatory reporting by individuals required to report such instances** (section 106(b)(2)(**B**)(i) of the Child Abuse Prevention and Treatment Act (CAPTA), as amended);

3. policies and procedures (including appropriate referrals to child protection service systems and for other appropriate services) to address the needs of infants born **with** and identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, **or a Fetal Alcohol Spectrum Disorder,** including a requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants (section 106(b)(2)(**B**)(ii)of CAPTA);

4. the development of a plan of safe care for the infant born and identified as being affected by illegal substance abuse or withdrawal symptoms **or Fetal Alcohol Spectrum Disorder** (section 106(b)(2)(B)(iii) of CAPTA);

5. procedures for the immediate screening, risk and safety assessment, and prompt investigation of such reports (section 106(b)(2)(B)(iv) of CAPTA);

6. triage procedures, **including the use of differential response,** for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service (section 106(b)(2)(**B**)(v) of CAPTA);

7. procedures for immediate steps to be taken to ensure and protect the safety of **a victim of child abuse or neglect** and of any other child under the same care who may also be in danger of **child** abuse or neglect; and ensuring their placement in a safe environment (section 106(b)(2)(**B**)(vi) of CAPTA);

8. provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect (section 106(b)(2)(B)(vii) of CAPTA);

9. methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records made and maintained pursuant to the purposes of CAPTA shall only be made available to--

a. individuals who are the subject of the report;

b. Federal, State, or local government entities, or any agent of such entities, as described in number 10 below;

c. child abuse citizen review panels;

d. child fatality review panels;

e. a grand jury or court, upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury; and

f. other entities or classes of individuals statutorily authorized by the State to receive such information pursuant to a legitimate State purpose (section 106(b)(2)(B)(viii) of CAPTA);

10. provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibility under law to protect children from child abuse and neglect (section 106(b)(2)(B)(ix) of CAPTA);

11. provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality (section 106(b)(2)(B)(x) of CAPTA);

12. the cooperation of State law enforcement officials, court of competent jurisdiction, and appropriate State agencies providing human services in the investigation, assessment, prosecution, and treatment of child abuse and neglect (section 106(b)(2)(B)(xi) of CAPTA);

13. provisions requiring, and procedures in place that facilitate the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment (section 106(b)(2)(B)(xii) of CAPTA);

14. provisions and procedures requiring that in every case involving a **victim of child abuse or neglect** which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, **including training in early childhood, child, and adolescent development,** and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings-

a. to obtain firsthand, a clear understanding of the situation and needs of the child; and

b. to make recommendations to the court concerning the best interests of the child (section 106(b)(2)(B)(xiii) of CAPTA);

15. the establishment of citizen review panels in accordance with subsection 106(c) (section 106(b)(2)(B)(xiv) of CAPTA);

16. provisions, procedures, and mechanisms -

a. for the expedited termination of parental rights in the case of any infant determined to be abandoned under State law; and

b. by which individuals who disagree with an official finding of **child** abuse or neglect can appeal such finding (section 106(b)(2)(B)(xv) of CAPTA);

17. provisions, procedures, and mechanisms that assure that the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction--

a. to have committed a murder (which would have been an offense under section 1111(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the United States) of another child of such parent;

b. to have committed voluntary manslaughter (which would have been an offense under section 1112(a) of title 18, United States Code, if the offense had occurred in the special maritime or territorial jurisdiction of the Unites States) of another child of such parent;

c. to have aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter;

d. to have committed a felony assault that results in the serious bodily injury to the surviving child or another child of such parent;

e. to have committed sexual abuse against the surviving child or another child of such parent; or

f. to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a)) (section 106(b)(2)(B)(xvi) of CAPTA);

18. provisions that assure that, upon the implementation by the State of the provisions, procedures, and mechanisms under number 17 above, conviction of any one of the felonies listed in number 17 above constitute grounds under State law for the termination of parental rights of the convicted parent as to the surviving children (section 106(b)(2)(B)(xvii) of CAPTA);

19. provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse or neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the reporter (section 106(b)(2)(B)(xviii) of CAPTA);

20. provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment (section 106(b)(2)(B)(xix) of CAPTA);

21. provisions and procedures for improving the training, retention and supervision of caseworkers (section 106(b)(2)(B)(xx) of CAPTA);

22. provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under part C of the Individuals with Disabilities Education Act **(20 U.S.C. 1431 et seq.)** (section 106(b)(2)(B))(xxi) of CAPTA);

23. provisions and procedures for requiring criminal background checks **that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)** for prospective foster and adoptive parents and other adult relatives
and non-relatives residing in the household (section 106(b)(2)(B)(xxii) of CAPTA);

24. provisions for systems of technology that support the State child protective service system described in section 106(a) of CAPTA and track reports of child abuse and neglect from intake through final disposition (section 106(b)(2)(B)(xxiii) of CAPTA); and

25. procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for--
a. coordination and consultation with individuals designated by and within appropriate health care facilities;

b. prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions); and
c. authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from infants with disabilities who have life-threatening conditions (section 106(b)(2)(C) of CAPTA).

I further give assurance that:

26. the programs or projects relating to child abuse and neglect carried out under part B of title IV of the Social Security Act comply with the requirements in 106(b)(1) of CAPTA **(section 106(b)(2)(E) of CAPTA);**

27. the programs and training conducted address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) (section 106(b)(2)(F) of CAPTA);

28. the State, in developing the State plan, has collaborated with community-based prevention agencies and with families affected by child abuse or neglect (section 106(b)(2)(G) of CAPTA); and

29. there is authority under State law to permit the child protective services system of the State to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child when such care or treatment is necessary to prevent or remedy serious harm to the child, or to prevent the withholding of medically indicated treatments from infants with disabilities who have life-threatening conditions (section 113 of CAPTA).

Signature of Governor:
Dave Heineman
Date: 9-29-11
Reviewed by:
(CB Regional Child Welfare Program Manager)
Dated: