



TO: Judiciary Committee
FROM: Tom Venzor, Executive Director
Nebraska Catholic Conference
DATE: February 6, 2025
RE: LB462 (Changes to Mandatory Reporting Laws) (Oppose)

The Nebraska Catholic Conference advocates for the public policy interests of the Catholic Church and advances the Gospel of Life through engaging, educating, and empowering public officials, Catholic laity, and the general public.

As a response to the historic sex abuse scandal unveiled in 2002, the Catholic Church across the country has implemented robust child and youth protection policies. In a given year, across Nebraska's three Catholic dioceses, around 15,000 clergy, teachers, employees, and volunteers have undergone criminal background checks and "safe environment" training to prevent and report abuse. Also, around 33,000 children and youth in our parishes and schools are educated on safe and healthy relationships and how to identify and report misconduct. Each of the three dioceses also has professionally trained staff who direct safe environment and victim assistance programs. Through our victim assistance outreach programs, we aid and accompany those who've been abused and are seeking healing. We also report allegations to law enforcement and cooperate to ensure proper investigation of allegations. We engage in best practices, and we are a national leader in child and youth protection over these last 20 years.

It is with this experience and goals of protecting children and other vulnerable people from abuse and neglect that we offer our feedback on LB462.

Our feedback with LB462 is essentially four-fold. First, we are concerned with the move away from universal mandatory reporters. Second, we strongly urge volunteers of youth-serving organizations be included as mandatory reporters. Third, we have concerns with the limitations on when mandatory reporters must report. Finally, we strongly urge providing additional types of content be allowed for the training of mandatory reporters.

Regarding the first concern about moving away from universal mandatory reporters. We understand and empathize with Sen. McKinney's concerns about overreporting of abuse and neglect, and the disproportionate effect on certain communities (including racial minorities and those who are low-income). Nevertheless, we are concerned that a shift from universal mandatory reporters to only certain professionals at limited times as mandatory reporters will lead to underreporting and be detrimental to children who need adults to speak up for them.

For example, the move away from universal mandatory reporting means family, friends, or neighbors are no longer mandatory reporters. These are people who have a high likelihood of having direct evidence of abuse or neglect. Also, when everybody has an obligation to report, it gives the opportunity for the pieces of a puzzle to be put together. In other words, abuse and

neglect aren't always obvious, but the reporting of concerning behavior by multiple people provides an opportunity for investigators to obtain different pieces of evidence to make assessments about a situation overall.

Regarding the second concern, we strongly urge that volunteers of youth-serving organizations be included. Youth-serving organizations are often made up mostly of volunteers, with few employees. Volunteers more often have direct interactions with children, while the employees serve in administrative/managerial types of positions. Consider, for example, scouting or youth sports. By excluding volunteers of youth-serving organizations, an entire class of countless people no longer have a legal obligation to speak up when they see or hear about concerning behavior, nor would they be obligated to receive training to help identify abuse and neglect. This would be a disservice to the children who deserve their protection.

Regarding the third concern, LB462 only requires the limited list of mandatory reporters to report when they suspect abuse or neglect "in such person's professional capacity or within the scope of the person's employment". This is an unnecessary limitation on the duty of mandatory reporters. The listed professionals should have to report *anytime* they suspect abuse or neglect. Most professionals, by virtue of their profession, have broader responsibilities to the community. For example, codes of ethics for at least some professions require their professionals to maintain certain conduct not just as part of some 8 AM to 5 PM job, but to always hold themselves out in a way that honors their profession. Especially since the bill requires certain professionals to be equipped with training to properly identify abuse and neglect, they should have a constant duty to report when they see or hear something. Loosening mandatory reporting requirements can lead people to convince themselves to not report when they otherwise should have. And, again, this is to the detriment of kids who deserve adults to protect them.

Regarding our final concern about the training video. We are concerned that the only method of training is either a video produced by DHHS or a training video approved by DHHS. We believe it is sufficient to provide general criteria for what must be contained in a training video. DHHS could still be mandated to produce a video available to the general public, but organizations ought to have the latitude to produce their own materials that are tailored to the people they are training, the settings for which they are training them, and in a way that is consistent with their missions. For the Catholic Church, in particular, our training content has theological content about the dignity of the human person inherently intertwined. We do not believe such material ought to be subjected to prior review by the state, as a matter of 1st Amendment principles. To be clear, this is not to evade review or not have oversight. We are confident our materials are consistent with best practices, as they are produced in consultation with national, state, and local child abuse and neglect prevention experts.

We do sincerely thank Senator McKinney for his work on this issue and the conversation this legislation fosters. We know his intentions are to protect kids, while also ensuring adequate training to improve accurate reporting. These are goals we all share, even as we have good-faith discussions about how best to accomplish these goals.

Thank you for your time and consideration.