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TITLE 390 JUVENILE SERVICES

CHAPTER 1 JUVENILE SERVICES

001. AUTHORITY. State law provides for the supervision of juveniles by employees of the Nebraska Department of Health and Human Services - Office of Juvenile Services (DHHS-OJS). The Office of Juvenile Services Act (Neb. Rev. Stat. §§ 43-401 to 43-424) describes the duties and responsibilities for the Office of Juvenile Services. The Nebraska Juvenile Code (Neb. Rev. Stat. §§ 43-245 to 43-2,129) authorizes the Nebraska Department of Health and Human Services – Office of Juvenile Services to accept for treatment or commitment juveniles who have been so ordered by a juvenile court.

002. LEVELS OF PLACEMENT. There are three levels of placement for juvenile offenders. From least restrictive to most restrictive, the three levels of placement are:

1. In the juvenile's home;
2. Out of the home (but still in the community); or
3. At a Youth Rehabilitation and Treatment Center (YRTC), or a similar setting identified by the Department, which may be a self-contained, staff secure, or secure facility.

002.01 PLACEMENT CHANGE. A juvenile committed to the Department of Health and Human Services – Office of Juvenile Services for community supervision shall only have a change in placement under the conditions outlined in this section.

002.01(A) CHANGE TO MORE RESTRICTIVE SETTING. A placement change that moves a juvenile offender to a more restrictive setting must be approved by the juvenile court, unless one of the exceptions outlined in 390 Nebraska Administrative Code (NAC) 1-002.02(A)(i) applies.

002.01(A)(i) EXCEPTIONS. The Department of Health and Human Services – Office of Juvenile Services may make an immediate temporary change of placement without prior approval by the court if the juvenile is:

1. In a harmful or dangerous situation;
2. Suffering a medical emergency;
3. Exhibiting behaviors which warrant temporary removal; or
4. Has been placed in a non-state-owned facility and such facility has requested that the juvenile be removed.

If such placement change is made, court approval shall be sought within 15 days of the placement change.

002.01(B) CHANGE TO EQUAL OR LESS RESTRICTIVE SETTING. The Nebraska Department of Health and Human Services – Office of Juvenile Services may move a juvenile offender to a new placement at the same level of treatment or at a less restrictive level of treatment without court approval. Written notice must be given to the court and the involved parties 15 days before the proposed change. The juvenile offender may request an administrative hearing within 15 days of the notice. The hearing will be held in accordance with the Administrative Procedure Act, Neb. Rev. Stat. § 84-901 et seq. and 465 NAC 6.

~~CHAPTER 1-000~~
~~OVERVIEW OF CHILD WELFARE AND JUVENILE SERVICES~~

~~PHILOSOPHICAL BASIS~~

~~The Nebraska Department of Health and Human Services (Department) Protection and Safety Division, provides family-centered services to protect children from abuse and neglect, to improve conditions in families that place children at risk, and assisting youth to be productive and law-abiding citizens. The following values and beliefs guide service delivery:~~

~~The safety of children and communities are priorities.~~

~~Services and supports are sensitive to community interests while providing for community safety and security.~~

~~Children grow best in families, which are the cornerstone of our society.~~

~~Every family and individual is unique and has basic rights and responsibilities.~~

~~The strengths of families, children, and communities should be identified and supported, and all efforts should build on these strengths.~~

~~In Juvenile services situations, the mission is to provide necessary service to juveniles with the goal of reducing the probability of their continued delinquent behavior, while also protecting the community.~~

~~An array of services for children and families must be provided while insuring the safety of the child and the community.~~

~~All people we serve are equal and are afforded respect and dignity.~~

~~Services are provided in a collaborative manner with individuals, families, agencies, organizations, and communities.~~

~~Services and supports to families and children should be:~~

- ~~based on the assessed needs of the family and child;~~
- ~~mindful of the safety of the child and the community;~~
- ~~child-focused and family-centered;~~
- ~~provided in the family home when appropriate;;~~
- ~~community and neighborhood based;~~
- ~~founded on community responsibility;~~
- ~~delivered in a competent, professional manner by staff who respect cultural diversity, and as close in proximity to the family as possible.~~

~~The system of supports should:~~

- ~~be adequately funded;~~
- ~~be well defined with a clear assignment of roles;~~
- ~~be integrated;~~
- ~~focus on outcomes;~~
- ~~evaluate progress toward meeting outcomes;~~
- ~~maintain and improve quality.~~

~~To assume responsibility for their children, families are empowered through:~~

- ~~acceptance of their responsibility;~~
- ~~opportunity to fulfill their roles;~~
- ~~access to resources to meet their needs;~~
- ~~recognition and enhancement of individual and family strengths; and~~
- ~~ability to make choices.~~

~~Note: The term children applies to people from birth through age 18. "Communities" also includes tribal entities.~~

~~In child abuse, neglect, and dependency situations, efforts must be directed at reducing risk to the child in the present and future and helping the family become self-sufficient.~~

~~In juvenile delinquency situations efforts are directed at holding the youth accountable for their behavior, teaching them how to become responsible citizens while addressing their risks and needs and maintaining public safety.~~

~~Reasonable efforts are essential to preserve or reunify the family. When preservation or reunification isn't possible, every effort will be made to provide the child with an appropriate permanent placement in the least restrictive setting.~~

~~It is important to recognize that the Department's child welfare and Juvenile services are only part of a broader protective, safety, and service system. The system occurs in communities where the families and children of Nebraska reside. The Department will deliver services in a way that supports integrating, improving and strengthening the services in the community.~~

1-002 LEGAL BASIS

Both federal and state statutes set out the general responsibilities of a state social service agency to serve children and families. Specifically, on the federal level, Titles IV-A and IV-E regarding Child Welfare Services of the Social Security Act contains the federal statutes that promote permanence for children, assure their swift movement through the system and protect families and children. The federal regulations governing this are in 45 CFR Subchapter G, 45 CFR 233.110 and 233.120. On the state level, Chapter 68, Article 7 of the Nebraska Revised Statutes describes the purpose and general duties of the Department and Chapter 68, Article 12 refers to the Department's authority to administer child welfare services. In addition to these general statutes, Nebraska has a specific statute addressing services to children and families: The Family Policy Act, Neb. Rev. Stat. 43-532 et. seq. The state statutes describing the purpose and responsibilities of the Office of Juvenile Services are Neb.Rev.Stat. §83-925.01 et seq. The Nebraska Juvenile code (Neb. Rev. Stat. 43-245 et seq.) mandates services to juveniles. The Juvenile services and Delinquency Prevention Act is the federal law.

Throughout this document, references to chapters of the Nebraska statutes will provide the legal basis for the policy or procedure.

1-003 FAMILY PRESERVATION

The Nebraska Department of Health and Human Services, in accordance with the Nebraska Legislature, acknowledges the family as the cornerstone of Nebraska, and that it's in the best interests of Nebraska to solidify, preserve, strengthen, and maintain the family unit. When a child or family is referred to the Protection and Safety System all family members are affected. In accordance with the Nebraska Family Policy, when children and families require assistance from the Department, every reasonable effort will be made to provide such assistance in the least intrusive and least restrictive method and to deliver assistance as close to the home as possible.

While Child Protective Services' within the Protection and Safety system primary responsibility is to ensure the safety of children, it is equally concerned with preserving and empowering families. Throughout a family's involvement with Child Protective Services, the worker continuously assesses the safety and risk levels of the child in his/her home and determines if assistance to the child and family can be provided in his/her home without disrupting the family unit and without compromising the safety of the child.

Statutory reference: Neb. Rev. Stat. 43-532 through 43-534.

1-003.01 JUVENILE SERVICE ROLE WITH FAMILIES

Juvenile services will provide youth the opportunity to become law-abiding and productive citizens.

To accomplish this, the Juvenile Service System will provide individualized supervision, care, and treatment in a manner consistent with public safety, to those youth who violate the law.

~~Whenever possible and appropriate, children will be supported to remain in or be returned to his/her family while providing safety and security for the child, family and community.~~

~~Families are responsible for their children and will be included in assessment, case planning, and service provision as appropriate. They will be encouraged to understand, cooperate and be actively involved in their child's plan to bring about the identified outcomes.~~

~~1-004 **DEPARTMENT ROLE**~~

~~The Department is committed to developing and implementing a comprehensive statewide approach to providing child welfare and Juvenile services. These services are provided within statutory mandates while promoting and supporting community and family responsibility. The following represents the Department's role:~~

- ~~Protect children by assessing for safety and risk to the child, and by providing for necessary intervention, when indicated.~~
- ~~Help to preserve families and enhance family strengths and functioning by:~~
  ~~1) actively engaging families in the decision-making process,~~
  ~~2) assessing needs,~~
  ~~3) linking with appropriate resources (formal and informal), and~~
  ~~4) providing the needed services.~~
- ~~Provide permanence for children who can't return to their biological families by assessing their needs and providing the appropriate services.~~
- ~~Help to integrate services locally by working with local service providers and other community systems.~~
- ~~Mobilize resources locally and statewide by collecting information on the needs of children and families, assessing this information, and deploying staff to help communities bring about needed changes.~~
- ~~Provide necessary support to staff that will help to bring about the identified outcomes for the child welfare and Juvenile services programs of the Department.~~
- ~~Provide rehabilitative services through institutional and community-based programs to youth committed to HHS-OJS to help youth become law-abiding and productive citizens.~~
- ~~Plan, coordinate and evaluate to provide the most effective and efficient use of resources to benefit children, families and staff.~~

~~1-004.01 DEPARTMENT RESOURCE COMMITMENT~~

~~The Department carries out its child welfare and juvenile service programs through:~~

- ~~Services provided directly by employed staff; and~~
- ~~Services provided through purchase of service contracts with community service providers.~~

~~The majority of this manual pertains to services provided by staff employees. All staff are responsible to operate within the policy of the Department.~~

~~Protection and Safety Workers is the title of all Service Area staff in the Protection and Safety System who work directly with children and families. To differentiate when Protection and Safety Workers work with certain children and families, there are working titles. When there is no need to distinguish who does the work, the title of Protection and Safety Worker will be used.~~

1. ~~Direct line workers. These staff work directly with children and families.~~

   a. ~~A Protection and Safety Worker who works with children and the families of children who have child abuse, neglect or dependency has the working title of Protective Service Worker. These staff work with:~~

      1. ~~Children and families of children who are adjudicated as "abuse", "neglect" or "dependency" [Neb. Rev. Stat. 43-247 (3)(a)]; and may work with~~
      2. ~~Children who are adjudicated as "status offender" [Neb. Rev. Stat. 43-247 (3)(b) if the primary issue in the family is one of abuse, neglect or dependency.~~

         ~~Criteria for decisions on case assignment of a status offender to a Protective Services Worker is made at any time during state custody. This decision is made by supervisory staff using the factors to consider in Part I., Case Assignment, Sections B and C in the Case Assignment and Case Process Guidebook.~~

   b. ~~A Protection and Safety Worker who works with children and families of children who have committed a law violation as a delinquent act or status offender act has the working title of Juvenile Services Officer (JSO). These staff work with :~~

      1. ~~Children and the families of children whose adjudication is juvenile offense [Neb. Rev. Stat. 43-247 (1), (2), (4); and~~
      2. ~~Children and the families of children whose adjudication is status offense [Neb. Rev. Stat. 43-247 (3)(b)]; and may work with~~
      3. ~~Children and families of children whose adjudication is dependency [Neb. Rev. Stat. 43-247 (3) (a)(no fault)] and the primary issue is the child's delinquent acts or status offending behaviors.~~

~~Criteria for decisions on case assignment of a status offender to a Juvenile Services Officer is made at any time during state custody. This decision is made by supervisory staff using factors to consider in Part I, Case Assignment, Sections B and C in the Case Assignment and Case Process Guidebook.~~

~~c. A Protection and Safety Worker who works with children and families of children who have issues of child abuse, neglect or dependency AND with children and their families who have committed a delinquent act or status offense is called a Protection and Safety Worker. Workers in the rural areas may have this combined caseload.~~

~~d. Staff at Youth Rehabilitation and Treatment Centers provide direct service to youth while in the facility and support the Protection and Safety Worker by providing information to aid in the assessment along with implementing the Individual and Family Treatment Plan at the facility.~~

~~See Case Assignment and Case Process Guidebook for case assignment guidelines.~~

~~2. Supervisory Staff.~~

~~a. The supervisors in service area offices may supervise Protection and Safety Workers specializing in juvenile services or child welfare or both. (See Case Assignment and Case Process Guidebook for charts.)~~

~~b. Supervisors at the YRTCs are responsible to ensure the YRTC treatment and service plan for each youth is developed, implemented and progress reported to the Protection and Safety Workers on a regular basis.~~

~~Parole Function~~

~~A Protection and Safety Worker assigned to work with a child released from a Youth Rehabilitation and Treatment Center shall function as that youth's parole officer and shall have the authority granted by Nebraska statute (Neb. Rev. Stat. 43-416) in discharging the parole function.~~

~~1-004.02 METHODS USED~~

~~The Department provides for individual support to workers through ongoing consultation. Various consultation points are established to help workers make decisions and to ensure quality service delivery.~~

~~A variety of work teams and groups will support the work and the worker. Such groups may be established at the local and State level. It is the responsibility of supervisory staff to develop and implement these groups with input from the worker. A number of these groups are identified in each section of this policy material.~~

~~1-004.03 DEPARTMENT NEEDS~~

~~Certain needs of the Department must be met. These needs include but are not limited to:~~

- ~~Support (executive, legislative, and judicial);~~
- ~~Leadership; and~~
- ~~Resources.~~

~~1-004.04 RURAL AND URBAN DIFFERENCES~~

~~Nebraska is a diverse state with special needs in rural and urban areas. It is important to acknowledge these differences, and to build upon the strengths of each in order to develop the best service delivery system to meet the needs of both rural and urban areas. Department staff will be trained to build on these strengths and to accommodate these differences. Specific implementation strategies using Department supervisory staff will be used to meet particular needs.~~

~~1-004.05 STAFF SERVICE ON BOARD OF DIRECTORS~~

~~Staff may serve on boards of directors if it is not a conflict of interest. Staff who are asked to serve on boards or who are serving on boards that they deal with as Department employees, must consult with supervisory staff. Department Legal Service staff may also provide consultation and opinion.~~

~~1-004.06 STAFF AS FOSTER OR ADOPTIVE PARENTS~~

~~Staff in the Protection and Safety System may not serve as foster or adoptive parents for a child who is a ward of the Department except in the case of a child who is a relative of the employee's family. Such placements are made only with the approval of the supervisor and case manager for the child. Under these circumstances, the management of the case will be in an office and supervisory unit other than the employee's office and supervisory unit.~~

~~Staff in the Protection and Safety System may serve as foster or adoptive parents for another agency for non-HHS wards only if it does not present a conflict of interest.~~

~~Staff in the Protection and Safety System will advise their supervisor of any (HHS and non-HHS) foster or adoptive placements with them. It will be the responsibility of the HHS staff person to advise their HHS supervisor and the director of the placing agency of any conflicts that might exist due to their employment with HHS.~~

~~Children who are wards of HHS and placed with foster or adoptive parents who subsequently become employees, may remain unless there are other specific case decisions that necessitate a placement change. Additional placements will not be made into these employees' homes. Placement of a state ward with foster or adoptive parents should not preclude foster or adoptive parents from applying for an being considered for employment for HHS.~~

~~1-004.07 LIABILITY OF WORK PERFORMED AS DEPARTMENT REPRESENTATIVES~~

~~Employees of the Department represent the Department. As Department representatives, they have the responsibility to carry out their work in accordance with the policies and procedures established by the Department.~~

~~Staff sued for work performed as Department employees are subject to being indemnified (secured against damages) on an unlimited basis for any damages or costs as long as their actions are in accordance with the policies and procedures of the Department.(Neb. Rev. Stat. 81-8,239.05.) Staff in these situations are entitled to representation by the Attorney General's Office. Staff may obtain their own legal representation at their own expense.~~

~~1-004.08 PERSONAL INVOLVEMENT WITH WARDS AND FAMILIES~~

~~Personal involvement between staff and a Department ward is prohibited. Dating, sexual relationships between staff and a Department ward, or parent of ward are prohibited. If a staff person is dating a foster parent of a child on his/her caseload, the staff person will bring it to the supervisor's attention and the case will be reassigned to another staff person.~~

~~Personal involvement between staff person and a family s/he is assigned to work with is also prohibited, if this involvement can't be interpreted as a necessary part of the casework process.~~

~~These restrictions are necessary in order to avoid potential exploitation of the ward, possible charges of malpractice against the staff person and a negative influence on the staff's ability to make objective decisions about the ward or family case.~~

~~If a staff person is assigned to work with a child or family with whom he/she has or had a personal relationship, the staff person will report this information to the supervisor. The supervisor will decide whether the case should be reassigned or not.~~

~~1-005 **PROGRAM EVALUATION**~~

~~Evaluation is necessary to measure the Department's performance. The focus of this measurement is on the system and the system's performance. The purpose is to provide solid feedback to continuously improve child welfare and Juvenile services. Program evaluation teams will be responsible for program evaluation. These teams will include staff from local areas and consultants with recognized expertise.~~

~~Two areas will be the focus of program evaluation:~~

- ~~Customer needs as identified within each phase of the work completed.~~
- ~~Outcomes as stated for each phase of the work completed and which are measured on both a statewide and individual level.~~

~~The following methods will be used in evaluating the Department's child welfare and Juvenile services performance:~~

- ~~Clear guidelines that staff use to evaluate the work.~~
- ~~Data collection and analysis of previously agreed-upon outcome performance indicators.~~
- ~~Customer surveys of both external and internal customers that are augmented by customer focus groups.~~

~~Program evaluation indicates a commitment to total quality improvement.~~

~~1-006 POPULATIONS SERVED~~

~~The Department is mandated to serve families with children who fall into the following seven broad categories.~~

- ~~Suspected and Adjudicated and Child Abuse and Neglect,~~
- ~~Dependency,~~
- ~~Voluntary Relinquishments,~~
- ~~Juvenile Offenders,~~
- ~~Status Offenders,~~
- ~~Interstate Compact for the Placement of Children, and~~
- ~~Interstate Compact for Juveniles.~~

~~1-006.01 AGE OF POPULATION SERVED~~

~~The Department serves families with children from birth until the child's 19th birthday.~~

~~For intake purposes, child welfare accepts referrals on children from birth through age 17. If a child is a ward, services can be provided until the child's 19th birthday.~~

~~Juvenile services are available to youth ages 12 until the child's 19th birthday.~~

~~The following describes each of these populations and provides the most relevant statute references.~~

~~1-006.02 SUSPECTED CHILD ABUSE AND NEGLECT~~

~~This population is comprised of families with children who are identified as harmed by maltreatment or who are at serious risk of harm from maltreatment by their parent*, other household member or caretaker (referred to as "3a" cases). The alleged maltreatment must fall within these statutory and policy definitions of child abuse and neglect. This category includes parents who are unwilling to provide their children with proper parental care.~~

> ~~*"Parent" includes guardian or custodian throughout this material.~~

~~Statutory reference: Definition of abuse/neglect: Neb. Rev. Stat. 43-247(3)(a).~~

> ~~"Any juvenile who is abandoned by his or her parent, guardian, or custodian; who lacks proper parental care by reason of the fault or habits of his or her parent, guardian or custodian; whose parent guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education or other care necessary for the health, morals or well-being of such juvenile; whose parent, guardian, or custodian neglects or refuses to provide special care made necessary by the mental condition of the juvenile; or who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such juvenile".~~

~~Other relevant statutes: Neb. Rev. Stat. 28-707 through 28-733 and 43-245 through 43-2,129~~

~~1-006.03 DEPENDENCY~~

~~This population is comprised of families with children who are without proper parental care or who will likely be without proper parental care through no fault of their parent. (Also referred to as "3a".) Circumstances might involve parental incapacity or unavoidable absence from the home. This population DOESN'T include parental unwillingness to care for a child. This category includes children who have exceptional needs for care that cannot reasonably be provided by the parent, through no fault of the parent.~~

~~Statutory reference: Definition of dependency: Neb. Rev. Stat. 43-247(3)(a).~~

> ~~"Any juvenile who is homeless or destitute, or without proper support through no fault of his or her parent, guardian, or custodian".~~

~~Other relevant statutes: Neb. Rev. Stat. 43-245 through 43-2129~~

~~1-006.04 VOLUNTARY RELINQUISHMENTS~~

~~This category includes children whose parents decide to voluntarily relinquish their parental rights in writing to the Department.~~

~~Statutory reference: Definition of voluntary relinquishment, Neb. Rev. Stat. 43-247(8).~~

> ~~"Any juvenile who has been voluntarily relinquished, pursuant to section 43-106.01 to the Department of Health and Human Services or any child placement agency licensed by the Department of Health and Human Services".~~

~~Other relevant statutes: Neb. Rev. Stat. 43-106.01, and 43-245 through 43-2129~~

~~1-006.05 STATUS OFFENDERS~~

~~Status offense is a term which describes violations of laws that pertain only to juveniles, such as truancy or running away from home. Status offender behaviors are those behaviors that are problematic for the youth and their families, but which if engaged in by someone over the age of 18 wouldn't violate the law. (Also referred to as "3b" in juvenile court.)~~

~~This population requires a legal adjudication to be eligible for services through the Department.~~

~~Statutory reference: Definition of Status Offender, Neb. Rev. Stat. 43-247(3)(G).~~

> ~~"Any juvenile who, by reason of being wayward or habitually disobedient, is uncontrolled by his or her parent, guardian, or custodian; who deports himself or herself so as to injure or endanger seriously the morals or health of himself, herself, or others; or who is habitually truant from home or school".~~

~~Other relevant statutes: Neb. Rev. Stat. 43-245 through 43-2129~~

> ~~Note: Before the Department becomes involved, the parents are expected to have exhausted all possible family and community resources to help their family resolve the problem of the child's behavior. The family needs to agree to be actively involved in the plan for service once the child becomes a ward of the Department.~~
>
> ~~Services of the Department are offered in the context of the entire family. Services are focused on assisting parents to properly fulfill their role of parenting their children. Parents and caretakers must actively be involved in services if help is to occur.~~

~~1-006.06 INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN~~

~~These children are wards of another state's social services agency for whom child placement or case management and supervision activities in Nebraska are requested.~~

~~Statutory reference: Neb. Rev. Stat. 43-1101.~~

~~1-006.07 INTERSTATE COMPACT FOR JUVENILES~~

~~The Interstate Compact for Juveniles provides supervision for youth adjudicated as delinquent.~~

~~Statutory reference: Neb. Rev. Stat. 43-1001 et seq.~~

~~1-006.08 JUVENILE OFFENDERS~~

~~This population is comprised of families with children who are adjudicated by a juvenile court as being a juvenile offender.~~

~~Statutory reference: Neb. Rev. Stat. 43-247.~~

> ~~"(1) Any juvenile who has committed an act other than a traffic offense which would constitute a misdemeanor or an infraction under the laws of this state or violation of a city or village ordinance."~~
>
> ~~(2) Any juvenile who has committed an act which would constitute a felony under the laws of this state; or~~
>
> ~~(4) Any juvenile who has committed an act which would constitute a traffic offense as defined in section 43-245."~~

~~Neb. Rev. Stat. 43-245 (4)~~

> ~~"Traffic offense shall mean any non-felonious act in violation of a law or ordinance regulating vehicular or pedestrian travel, whether designated a misdemeanor or a traffic infraction."~~
>
> ~~Services of the Department are offered in the context of the family. Services are focused on assisting parents to properly fulfill their role of parenting their children. Parents must be actively involved in services to support their child.~~

~~1-007 **CONFIDENTIALITY AND RELEASE OF INFORMATION**~~

~~With the exception of those instances described below, all information regarding individual children and families the Department serves is confidential. This section assures children and families that their rights of privacy will be respected. Any time there is confusion about releasing information, staff will contact Legal Services staff for clarification. Information shared within the Department doesn't require any signed release. It will be provided based on the person's need to know and his/her involvement with the child or family.~~

~~The name and address of the person reporting the child abuse and neglect WILL NOT be released except to the investigating law enforcement agency, county attorney, and Attorney General as described in 1-007.~~

~~1-007.01 RELEASE OF INFORMATION TO LAW ENFORCEMENT~~

~~All reports regarding abuse or neglect will be released to the appropriate law enforcement agency. The name and identity of the reporting party will only be released to the investigating law enforcement agency and county attorney. When the Attorney General's Office is assessing a case for prosecution or preparing to prosecute a criminal case, the name of the reporting party will be released to them. The Department won't release the name of the reporting party to anyone other than law enforcement, the county attorney or Attorney General's Office unless ordered by a court of competent jurisdiction. If information is requested by law enforcement that doesn't relate to Department matters, this information won't be released without consultation with the System's Legal Services staff.~~

~~Statutory Reference: Neb. Rev. Stat. 28-719, 28-725, and 28-726.~~

~~Any child in the custody of the Department who runs away will be reported to law enforcement.~~

~~The worker will release names of all juvenile offenders to law enforcement in areas where the juvenile offender lives.~~

~~See Criminal Activity by children who are wards, 390 NAC 11-002.03C for further information.~~

~~1-007.02 RELEASE OF INFORMATION TO INTER-DISCIPLINARY CHILD PROTECTION TEAMS (LB 1184 TEAMS)~~

- ~~Child Abuse and Neglect Investigation Teams:~~
  ~~All information relevant to the investigation of the child abuse and neglect report may be shared with this team without consent from the child or family.~~
- ~~Treatment Team:~~
  ~~The parent's written consent for release of information isn't required but is recommended to assist with decision-making. The parent may be notified that the team is meeting and be given the opportunity to participate in the team meeting.~~

~~Statutory Reference: Neb. Rev. Stat. 28-730.~~

~~1-007.03 INFORMATION CONCERNING NON-STATE WARDS~~

~~Information about non-wards or their family will be released to non-department individuals only when:~~

- ~~Written consent is given by the person who is the subject of the specific information requested; or~~
- ~~Written consent is given by the parent to release the specific information requested concerning their child; or~~
- ~~Ordered by the court; or~~
- ~~When medical or psychological reports on non-wards and their families are requested, the requesting party will be advised that the information isn't the property of the Department and the request for information should be made with the respective agency.~~

~~NOTE: The release must state the purpose for the release and the time period that the release covers.~~

~~A parent isn't required to release information and may withdraw a release at any time.~~

~~1-007.04 GATHERING AND RELEASING INFORMATION TO COUNTY ATTORNEYS FOR COURT ACTION~~

~~The appropriate county attorneys will be given information about the child and family when this information is needed to carry out the function of the Department. If other information is requested regarding matters that aren't the function of the Department, this information WON'T be released until after consultation with the System's Legal Services staff.~~

~~1-007.05 RELEASE OF INFORMATION REGARDING STATE WARDS~~

~~Once a child is placed in the custody of the Department, parental consent for release of information about the child is no longer required. However, to give parents opportunities to maintain their parental responsibilities, the Department will seek parental consent whenever possible.~~

~~When a juvenile court petition has been filed on behalf of the child or a child is committed to the custody of the Department, information about the child and family may be released to the:~~

- ~~Appropriate court,~~
- ~~County attorneys,~~
- ~~Court-appointed special advocates (CASA), and~~
- ~~Guardian ad litems.~~

~~NOTE: For Native American children see Indian Child Welfare Section for release of information to tribes and the Secretary of the Interior.~~

~~1-007.06 RELEASE OF PHOTOGRAPHS AND IDENTIFYING INFORMATION REGARDING WARDS~~

~~No photographs or slides, electronic, video, or other identifying information regarding a Department ward may be released for use on posters, in news stories, presentations, press releases, newsletters without the written consent of the child's worker and agreement of the parent, if parental rights are intact.~~

~~In deciding whether to give consent, the worker will consider:~~

- ~~Legal status of parental rights;~~
- ~~The child's opinion and wishes;~~
- ~~Purpose and use of material;~~
- ~~Effect of use on child and family.~~

~~If a situation is questionable, consent shouldn't be given.~~

~~1-007.07 INFORMATION RELEASED TO PARENTS AND PARENTS' ATTORNEYS~~

- ~~The family or child's case file may NOT be released to parents or their attorney.~~
- ~~Information regarding the family or child may be released to the parents' attorney when the parents have approved the release of information.~~

~~NOTE: When parents are represented by separate counsel, are unmarried, divorced, separated, or have opposing interests, only information regarding the specific parents may be released to their attorneys.~~

- ~~Parents may obtain information orally or in written reports prepared by the worker.~~

~~1-007.08 INFORMATION RELEASED TO NON-CUSTODIAL PARENT~~

~~The Department has no legal obligation to share information with the non-custodial parent based on confidentiality and cannot release information specific to the case without the consent of the custodial parent. However, if a child who is a Department ward is placed in an out-of-home setting in situations other than law enforcement pick-up for temporary custody, the worker will make reasonable efforts to notify the non-custodial parent.~~

~~1-007.09 INFORMATION RELEASED TO THE CHILD~~

~~Content of reports will be shared orally or in writing as needed to assist the child's understanding of the situation and the needs of the family and child.~~

~~1-007.10 FORMER WARD (NON-ADOPTION) INFORMATION REQUESTS~~

~~Following a written request the Department will release information to:~~

- ~~Former wards who haven't been adopted and have reached the age of majority, and~~
- ~~The parent of a minor who was formerly a ward.~~

~~The following is a list of information that may be released to a former ward, agency or individual that has written authorization from the adult ward or the parent of a minor former ward.~~

- ~~Reason for the placements;~~
- ~~Listing of placement with address and telephone numbers;~~
- ~~Summary of evaluation or tests completed on the ward;~~
- ~~Birthdate of ward, birth certificate given only to ward or family (copy to remain in file);~~
- ~~Ward's development and history;~~
- ~~Reunification efforts;~~
- ~~Court actions and address of court;~~
- ~~Ward's involvement with birth family and significant relationships;~~
- ~~Ward's medical history and copies of history;~~
- ~~Social Security card (copy remains in record); and~~
- ~~Personal records and school records.~~

~~1-007.11 FORMER WARD INFORMATION NOT FOR RELEASE~~

~~The following will not be released:~~

~~Psychological or psychiatric evaluation and reports (Results may be shared orally with the name and address of the agency or person who did the evaluation);~~

~~Case narratives, case plans and court reports; and~~

~~Any identifying information of a person who relinquished parental rights.~~

~~1-007.12 REQUEST FOR REUNIONS OR IDENTIFYING INFORMATION BY NON-ADOPTED ADULT WARDS~~

~~The Department will make reasonable efforts to locate parents or siblings, obtain a written consent or refusal to share information and advise the former ward of the efforts. (Department Procedures are found in the Adoption Worker's Guidebook).~~

~~1-007.13 FOSTER CARE REVIEW BOARD INFORMATION REQUESTS~~

~~The Department is required by law to release certain information to the Foster Care Review Board.~~

~~Legal Reference: Neb. Rev. Stat. 43-1309~~

~~1-007.13A~~

~~The local or district office having responsibility for the child's case will respond to requests for information from the Foster Care Review Board as long as the request is:~~

- ~~On a case open in the local office where the request is made and the child is in out-of-home care;~~
- ~~For the purpose of generating information concerning the tracking of foster children in Nebraska or periodically reviewing the case plans of children in out-of-home care; and~~
- ~~For CPS information regarding a sibling of a child in out-of-home care (if the sibling is not in out-of-home care);~~
- ~~In keeping with guidelines in 1-007.13B.~~

~~1-007.13B INFORMATION THAT WILL NOT BE RELEASED~~

~~Because of confidentiality laws, some information about a family won't be released to the FCRB. These items are:~~

- ~~Records of the child's parents that aren't related to the child welfare case, for example, Temporary Aid to Need Families (TANF) case information;~~
- ~~CPS reports regarding a child who isn't in out-of-home care (except for a case of a sibling of a child who is in out of home care.);~~
- ~~Law enforcement reports unless the FCRB obtains the authorization of the law enforcement agency;~~
- ~~Reporter of child abuse and neglect; and~~
- ~~Information contained in case file appendix.~~

~~The case file appendix contains only:~~

- ~~Law enforcement report about the CPS investigation;~~
- ~~Law enforcement reports related to non-CPS incidents;~~
- ~~Contacts with HHSS legal staff, Attorney General's Office and special prosecutors (attorney-client privileged information); and~~
- ~~Information about HIV/AIDS testing (includes fact child was tested and results).~~

~~See Case Management Guidebook for procedures.~~

~~1-007.14 ADOPTION INFORMATION REQUESTS~~

~~Once an adoption decree has been issued and the case is closed, the file is:~~

- ~~Considered sealed,~~
- ~~Placed in the Department vault, and~~
- ~~Accessible only to designated staff.~~

~~Confidentiality regarding the birth family will be maintained and respected. Procedures for releasing information and assisting with reunions are found in the Adoption Worker's Guidebook.~~

~~Statutory Reference: Neb. Rev. Stat. 43-113 through 43-146.~~