

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
NOTICE OF PUBLIC HEARING

August 21, 2019  
1:00 p.m. Central Time  
Gold's Building – Room 534  
1033 O Street, Lincoln, Nebraska

The purpose of this hearing is to receive comments on the adoption and repeal of the following regulations:

The following regulations are proposed for ADOPTION:

Title 391 NAC 7 – *Residential Child-Caring Agencies*

The proposed changes set forth: minimum education requirements, employment experience, training requirements, and fingerprint based national criminal history checks that must be submitted to and cleared before owning, managing, or being an employee of a facility. The proposed changes also establish acceptable forms of discipline, prohibit certain disciplinary techniques, require routine maintenance schedules, require agencies to establish a Bill of Rights for children, and set forth minimum space requirements for sleep, recreation, and privacy.

Title 391 NAC 8 – *Child-Placing Agencies*

The proposed changes set forth: minimum education requirements, training requirements, background checks that must be submitted to and cleared before owning, managing, or being an employee of an agency, and require agencies to establish a Bill of Rights for children.

The following regulation is proposed for REPEAL in its entirety. The relevant and needed portions of the current 474 NAC 6 are being moved into the proposed Title 391 NAC 7 & 8.

Title 474 NAC 6 – *Licensing Group Homes, Child Caring Agencies, and Child Placing Agencies.*

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Interested persons may attend the hearing and provide verbal or written comments or mail, fax or email written comments, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 or [dhhs.regulations@nebraska.gov](mailto:dhhs.regulations@nebraska.gov), respectively.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417.

The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals with hearing impairments may call DHHS at (402) 471-9570 (voice and TDD) or the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

## FISCAL IMPACT STATEMENT

<b>Agency: Department of Health and Human Services-Division of Public Health</b>	
Title: 391	Prepared by: Rita Krusemark
Chapter: 8	Date prepared: 5/21/19
Subject: Residential Child Placing Agencies	Telephone:402-471-9431

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )	( <input type="checkbox"/> )
Increased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input checked="" type="checkbox"/> )
Decreased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Increased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Decreased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Indeterminable	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )

Provide an Estimated Cost & Description of Impact:

State Agency: No anticipated cost to agency.

Political Subdivision: No anticipated cost to political subdivisions.

Regulated Public: Regulations for Residential Child Placing Agencies have not been significantly revised since 2001. Agencies governed by these regulations have expressed a concern regarding the increase in the number of required training hours for staff will result in an overall cost to the agency. The proposed change for training raises preservice training for new employees from 24 hours to 30. The number of annual training hours is being proposed to be changed from 12 hours to 20 hours.

If indeterminable, explain why: NA

## FISCAL IMPACT STATEMENT

<b>Agency: Department of Health and Human Services-Division of Public Health</b>	
Title: 391	Prepared by: Rita Krusemark
Chapter: 7	Date prepared: 5/21/19
Subject: Residential Child Caring Agencies	Telephone:402-471-9431

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	( <input checked="" type="checkbox"/> )	( <input checked="" type="checkbox"/> )	( <input type="checkbox"/> )
Increased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input checked="" type="checkbox"/> )
Decreased Costs	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Increased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Decreased Revenue	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )
Indeterminable	( <input type="checkbox"/> )	( <input type="checkbox"/> )	( <input type="checkbox"/> )

Provide an Estimated Cost & Description of Impact:

State Agency: No anticipated cost to agency.

Political Subdivision: No anticipated cost to political subdivisions.

Regulated Public: Regulations for Residential Child Caring Agencies have not been significantly revised since 2001. Current regulations do not provide for the health and safety requirements for youth cared for in these facilities. Agencies governed by these regulations have expressed a concern regarding the increase in the number of required training hours for staff will result in an overall cost to the agency. Agencies have not provided an estimate of the anticipated cost increase. The proposed change for training raises preservice training for new employees from 24 hours to 30. The number of annual training hours is being proposed to be changed from 12 hours to 20 hours.

Programs have also expressed concern regarding the cost and availability of staff who are Medication Aides.

If indeterminable, explain why: NA

TITLE 391 CHILDREN'S SERVICES LICENSING

CHAPTER 7 RESIDENTIAL CHILD-CARING AGENCIES

001. SCOPE AND AUTHORITY. These regulations govern licensure of residential child-caring agencies. The regulations are authorized by Nebraska Revised Statute (Neb. Rev. Stat.) §§ 71-1924 to 71-1951.

002. DEFINITIONS. The definitions in the Children's Residential Facilities and Placing Licensure Act, the Medication Aide Act, and the following apply to this chapter.

002.01 ABUSE. Any knowing, intentional, or negligent act or omission on the part of any person which results in physical, sexual, verbal or mental abuse, unreasonable confinement, cruel punishment, exploitation, or denial of essential care, treatment, or services to a child.

002.02 ADMISSION. The point of entry into a program or service; during admission processing the child receives an orientation to the facility, staff, and policies and procedures.

002.03 ASSESSMENT. A face-to-face evaluation of the child's current and past (if available) physical, mental, emotional, and behavioral health.

002.04 BODY CAVITY SEARCH. The examination and possible intrusion into the rectal or vaginal cavities to detect contraband.

002.05 CHEMICAL RESTRAINT. A medication that is used for discipline or convenience and is not required to treat medical symptoms.

002.06 CLASSROOM. An area specifically designed and equipped for conducting educational and vocational programming.

002.07 COMPLETE APPLICATION. An application that contains all of the information requested on the Department approved application form, with attestation to its truth and completeness, and that is submitted with all required fees and documentation.

002.08 CONTRABAND. Any item possessed by children or found at the facility of the licensee that is prohibited by law or that is expressly prohibited by those legally charged with the responsibility for administration and operation of the program.

002.09 CORPORAL PUNISHMENT. Any act of inflicting punishment directly on the body causing pain or injury.

002.10 CRISIS INTERVENTION MODEL. A model that identifies specialized interventions to guide, redirect, modify, or manage behavior of children. The intervention model includes an entire spectrum of activities from preventive and planned use of routines and environment, to less restrictive interventions such as positive reinforcement, verbal interventions and de-escalation techniques, to more restrictive interventions such as room confinement, physical escorts, and physical restraint.

002.11 DESIGNEE. An individual given the responsibility to act on another's behalf.

002.12 DIRECT CARE STAFF. A person who has been hired or approved by the licensee and is responsible for the day to day supervision of children in the care of the licensee.

002.13 DISCIPLINE. To establish self-control through training or instruction.

002.14 EDUCATIONAL PROGRAM. An educational plan designed to meet a child's educational needs.

002.15 EXECUTIVE DIRECTOR. The executive director, director, superintendent, president, chief executive officer, and similarly classified positions who is responsible for the daily operation of the facility.

002.16 FACILITY. A place, building (or part thereof), set of buildings, or area (whether or not enclosing a building or set of buildings) that is used for the care of children. It includes the staff, programs and services as well as the buildings and grounds.

002.17 FOOD CODE. The Nebraska Food Code as defined in Neb. Rev. Stat. § 81-2,244.01 and as published by the Nebraska Department of Agriculture, except for compliance and enforcement provisions.

002.18 HOUSEHOLD MEMBER. Any individual residing in or regularly present in the residential child-caring agency.

002.19 MECHANICAL RESTRAINT. Any device, such as, a material or piece of equipment attached or adjacent to an individual's body that the individual cannot remove easily and that restricts freedom of movement or normal access to their own body.

002.20 MULTI-DISCIPLINARY TEAM. A group of individuals, including the child and the child's parent(s) or legal guardian(s), and at least one licensed health care practitioner or licensed mental health practitioner who share their knowledge and expertise to assist and support the child and are involved in all phases of the child's care and discharge planning.

002.21 PAIN COMPLIANCE TECHNIQUE. Any intervention that intentionally causes pain to gain control of a child, such as the use of Tasers, pressure point control, and chemical sprays.

002.22 PHYSICAL RESTRAINT. Any manual method or physical or mechanical device, material, or equipment attached or adjacent to the child's body that the child cannot remove easily and that restricts freedom of movement or normal access to their own body.

002.23 PREGNANT AND PARENTING CHILD PROGRAM. A program that provides care and supervision to a pregnant child or a child who has physical custody of her own infant or toddler.

002.24 ROOM. An area with walls flush from the ceiling and at least one passageway or doorway.

002.25 ROOM CONFINEMENT. The involuntary seclusion or restriction of a child to a room or other area alone, including a child's own room, except during normal sleeping hours.

002.26 SEXUAL ABUSE. Sexual harassment, sexual coercion, or sexual assault.

003. LICENSING REQUIREMENTS AND PROCEDURES. To receive a license, an applicant must submit a complete application and meet the requirements for a license set out in statute and in this chapter.

003.01 INITIAL APPLICATION REQUIREMENTS. An applicant must submit the following documentation:

- (1) Residential child-caring agency policies and procedures;
- (2) Consent and Release of Information Form for the applicant if an individual or partnership, or for an executive director if a limited liability company or corporation, or governmental unit;
- (3) Copies of criminal history record checks current within six months for the applicant if an individual or partnership, or for an executive director if a limited liability company or corporation, or governmental unit;
- (4) Proof of adequate liability insurance or if self-insured sufficient funds to pay liability claims;
- (5) A sketch, diagram, or blueprint of the facility showing the dimensions, arrangement of rooms, and how each room will be utilized;
- (6) A copy of zoning approval from the relevant jurisdiction; and
- (7) Proof of fire safety approval.

003.01(A) PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS. Before a license is issued sanitation and environmental requirements in this chapter must be met.

003.02 RENEWAL APPLICATION REQUIREMENTS. An applicant must submit a complete application and meet the requirements for a license set out in statute and in this chapter. An applicant must submit the following documentation:

- (A) Proof of adequate liability insurance or if self-insured sufficient funds to pay liability claims; and
- (B) A certificate of occupancy issued by the state fire marshal or delegated authority within the previous 18 months.

003.03 CHANGE OF OWNERSHIP. The new owner must apply for a license as required in this chapter except that a sketch, diagram, or blueprint of the facility is not required, unless the new owner changes building usage.

004. GENERAL REQUIREMENTS. The following requirements are applicable to all licenses.

004.01 EFFECTIVE DATE AND TERM OF LICENSE. A residential child-caring agency license will expire on March 31 of each calendar year.

004.02 LICENSE NOT TRANSFERABLE. A license is issued only for the facility and person(s) named in the application and is not transferable or assignable.

004.03 OCCUPANCY. A licensee must not serve more children at any time than the maximum occupancy for which the facility is permitted. Buildings must not exceed the maximum occupancy issued by the Fire Marshal or the Department's determination, whichever is less.

004.04 ALTERNATIVE COMPLIANCE. To be considered for approval of a time limited alternative compliance with a regulation, the proposed alternative must be consistent with the overall intent and purposes of the regulation and protect the health, rights, safety, and well-being of all children in care.

004.04(A) TERMS OF ALTERNATIVE COMPLIANCE. An alternative compliance may be granted:

- (i) To permit the applicant or licensee time to come into compliance; and
- (ii) For a period of time as determined by the Department.

004.04(B) WRITTEN REQUEST. A written request for an alternative compliance must be submitted to the Department and include the following information:

- (i) The regulation for which alternative compliance is being requested;
- (ii) The reason for the alternative compliance request;
- (iii) A description of how the alternative will meet the intent of the regulation; and
- (iv) How the alternative will offer equivalent protection for all children.

004.04(C) REQUIREMENTS NOT QUALIFYING FOR ALTERNATIVE COMPLIANCE. Alternative compliance will not be granted for the following requirements:

- (i) Capacity and Ratio, except as described at 391 Nebraska Administrative Code (NAC) 7-005.05(B);
- (ii) Transportation;
- (iii) Supervision;
- (iv) Fire safety;
- (v) Criminal history and background checks;
- (vi) Staff qualifications; and
- (vii) Any regulation for which a discipline has been initiated or completed.

004.05 NOTIFICATION OF CHANGES. An amendment to the application must be submitted, in writing, to the Department:

- (A) At least 90 working days before the planned effective date for a change in:
  - (i) Location;
  - (ii) Building or building usage; or
  - (iii) Capacity.
- (B) At least five working days before a planned effective date for a change in:
  - (i) The age or gender of the children for whom care is provided; or
  - (ii) Executive director.



005. STANDARDS OF OPERATION AND CARE. The following requirements are applicable to all licenses.

005.01 RESPONSIBILITIES OF THE LICENSEE. Each license holder is responsible for the total operation of his or her or its agency or agencies. The responsibilities under the license include:

- (A) Monitoring and implementing policies to assure the appropriate administration and management of the residential child-caring agency including a written policy mandating zero tolerance toward all forms of physical abuse, sexual abuse and sexual harassment and outlining the residential child-caring agency's approach to preventing, detecting, and responding to such conduct;
- (B) Ensuring the residential child-caring agency's compliance with all applicable state statutes and regulations;
- (C) Notifying the Department immediately of any issue of financial instability;
- (D) Designating an executive director who is responsible for the day to day management and defining the responsibilities of the executive director;
- (E) Ensuring the physical, mental, and psychosocial needs of all children cared for by the residential child-caring agency are met in accordance with each child's individualized needs; and
- (F) Ensuring the reporting of suspected abuse or neglect as required by Neb. Rev. Stat. §§ 28-372 and 28-711.

005.02 EMPLOYEE AND VOLUNTEER REQUIREMENTS. The licensee must maintain a sufficient number of staff with the required training and skills necessary to supervise and meet the needs of children in the care of the licensee. The licensee must verify the credentials, education, experience, and training of staff prior to staff assuming job responsibilities and caring for children and must have procedures for verifying that such requirements are met on an ongoing basis.

005.02(A) EMPLOYEE QUALIFICATIONS. All staff and volunteers must be of good moral character and not engage in or have a history of behaviors injurious to or which may endanger the health or morals of children and meet the required qualifications. Staff employed as an executive director, program director, direct care staff supervisor, or direct care staff prior to the effective date of this chapter are deemed to be in compliance with education and experience requirements for initial qualifications.

005.02(B) EXECUTIVE DIRECTOR. The executive director must meet one of the following education and experience requirements:

- (i) Have a master's degree in social work, counseling, business, public administration, education, or a related human service; or
- (ii) Have a bachelor's degree and five years of experience in social work, counseling, business, public administration, education, or a related human service.

005.02(C) PROGRAM DIRECTOR. If the executive director is not on sight or is on sight but not providing direct oversight of the day to day operations of the program then the licensee must employ a program director who:

- (i) Has a master's degree in social work, counseling, business, public administration, education, or a related human service; or

- (ii) Has a bachelor's degree and three years of experience in social work, counseling, business, public administration, education, or a related human service.

005.02(D) DIRECT CARE STAFF SUPERVISOR. A direct care staff supervisor, if other than the executive director or program director, must:

- (i) Have a master's degree in social work, counseling, or a related human service;  
or
- (ii) Have a bachelor's degree in social work, counseling, or a related human service with two years of experience in a human service related field;

005.02(E) DIRECT CARE STAFF. Each direct care staff must:

- (i) Be at least 21 years of age; and
- (ii) Have a high school diploma or a high school equivalency diploma.

005.02(F) CRIMINAL HISTORY RECORD CHECKS. Prior to having any contact with children or families, and not less than once during each five year period, the applicant or licensee must complete a fingerprint based national criminal history record check and a state criminal history record check for each staff member and volunteer age 18 or older. If the residential child-caring agency is located in a private home a fingerprint based national criminal history record check and a state criminal history record check must also be completed for each household member age 18 and older. The criminal history record check must be conducted through the Nebraska State Patrol or through one or more local law enforcement agencies, as appropriate to the individual's residence(s). If an individual has lived outside the state of Nebraska during the preceding five years, the applicant or licensee must also obtain documentation of a criminal history record check from the United States jurisdictions of residence. Except for minor traffic violations, the applicant or licensee must notify the Department and request a criminal history record check within five working days any time applicant or licensee becomes aware of any felony or misdemeanor citations, pending charges, or convictions, regarding applicant or licensee, staff, or volunteers. If the residential child-caring agency is located in a private home such notification must also be made for household members. Licensees and individuals employed prior to the effective date of this chapter will not be disqualified based upon previous criminal history. Such persons can be disqualified based on criminal history occurring after the effective date of this chapter. Applicants and licensees may not have owners that have convictions that would disqualify them to be a licensee, staff member or household member.

005.02(F)(i) PERMANENT DISQUALIFICATION. An individual or entity is permanently disqualified from holding a license, residing in, or working as a staff member or volunteer if the individual or entity has a criminal history including conviction of any unlawful act endangering the health or safety of another individual. Such convictions include crimes: against a child or vulnerable adult, involving intentional bodily harm, or involving moral turpitude on the part of the individual or entity. These crimes include but are not limited to:

- (1) Aggravated or armed robbery;
- (2) Assault, first or second degree;
- (3) Child abandonment;
- (4) Child abuse or neglect;

- (5) Child molestation or debauching a minor;
- (6) Commercial sexual exploitation of a minor;
- (7) Felony domestic violence or violation of custody;
- (8) Felony exploitation of a minor involving drug offenses or conviction of drug offenses that involved a minor;
- (9) Felony controlled substances offenses, other than possession;
- (10) Human trafficking;
- (11) Incest;
- (12) Kidnapping;
- (13) Murder, first or second degree;
- (14) Sexual abuse of a minor;
- (15) Sexual assault;
- (16) Sexual exploitation of a minor, including child pornography; or
- (17) Voluntary manslaughter.

005.02(F)(ii) TWENTY-YEAR DISQUALIFICATION. An individual or entity is disqualified for 20 years from holding a license, residing in a residential child-caring agency, or working as a staff member or volunteer if the individual or entity has a criminal history that includes, but is not limited to, conviction of:

- (a) Arson;
- (b) Assault, third degree, two or more convictions;
- (c) Burglary, two or more convictions;
- (d) Criminal non-support;
- (e) Driving under the influence, four or more convictions;
- (f) Felony fraud, forgery, or theft;
- (g) Felony possession of controlled substance offenses;
- (h) Felony vehicular homicide;
- (i) Felony terrorist threats;
- (j) Misdemeanor domestic violence or violation of custody; or
- (k) Robbery.

005.02(F)(ii)(1) DISQUALIFICATION TIMEFRAME. The disqualification period begins the date the conviction became final. Any time an individual or entity is completing the sentence is not included in the calculation of the disqualification period. An individual or entity is disqualified during the time the individual or entity is completing the sentence.

005.02(F)(iii) FIVE-YEAR DISQUALIFICATION. An individual or entity is disqualified for 5 years from holding a license, residing in a residential child-caring agency, or working as a staff member or a volunteer if the individual or entity has a criminal history that includes, but is not limited to, conviction of:

- (a) Assault, third degree;
- (b) Burglary;
- (c) Contributing to the delinquency of a minor;
- (d) Driving under the influence: two convictions;
- (e) Felony insufficient fund or no account check writing;
- (f) Felony criminal possession or unauthorized use of a financial transaction device;

- (g) Felony identity fraud or theft;
- (h) Misdemeanor controlled substances offenses;
- (i) Misdemeanor failure to report child abuse;
- (j) Misdemeanor fraud, forgery or theft;
- (k) Misdemeanor terroristic threats;
- (l) Misdemeanor vehicular homicide; or
- (m) Public indecency.

005.02(F)(iii)(1) DISQUALIFICATION TIMEFRAME. The disqualification period begins the date the conviction became final. Any time an individual or entity is completing the sentence is not included in the calculation of the disqualification period. An individual or entity is disqualified during the time an individual or entity is completing the sentence.

005.02(F)(iv) OTHER COMPLAINTS, INDICTMENTS AND CONVICTIONS. The Department may determine that an individual or entity may hold a license or work as a staff member or a volunteer with a pending complaint, indictment, or conviction of other crimes if the Department determines the individual or entity has the present character and fitness to work with children. In making this determination the Department may consider the following factors:

- (1) The age of the individual at the time of the conduct;
- (2) The recency of the conduct;
- (3) The seriousness of the conduct;
- (4) The factors underlying the conduct;
- (5) The cumulative effect of the conduct;
- (6) The evidence of rehabilitation;
- (7) The individual's positive social contributions since the conduct;
- (8) The individual's honesty in providing information; and
- (9) The materiality of any omissions or misrepresentations.

005.02(F)(v) PARENTAL RIGHTS TERMINATED. An individual is permanently disqualified from holding a license, residing in a residential child-caring agency, or working as a staff member or volunteer if the individual has had his or her rights as a parent terminated by a court because of a finding of abuse or neglect of a child or inability to care for a child.

005.02(G) REGISTRY CHECKS. The applicant or licensee must complete a pre-employment registry check, and not less than once during each five year period, on each staff member, volunteer, and each household member who resides at a location where the licensee will provide services, appropriate to the age of the individual. If an individual has lived outside the state of Nebraska as an adult then the applicant or licensee must obtain pre-employment registry check from the United States jurisdictions where the individual resided in the preceding five years. Any individual who is listed as a perpetrator on any of the registries must not be a staff, volunteer, or household member. The following registries must be checked:

- (i) Nebraska Child Abuse and Neglect Central Registry, if the individual is age 13 or older;
- (ii) Nebraska Adult Protective Services (APS) Central Registry if the individual is age 18 or older; and

- (iii) State Patrol Sex Offender Registry, if the individual is age 18 or older.
- (iv) Equivalent registries in (i) through (iii) in other states and United States jurisdictions must be checked for individuals who have lived outside of the state of Nebraska as an adult.

005.02(H) INDIVIDUAL UNDER INVESTIGATION FOR CHILD ABUSE OR NEGLECT OF A CHILD OR VULNERABLE ADULT. Any individual who is under investigation for abuse, neglect, or sexual abuse of a child or vulnerable adult must not be left alone with children until the investigation is completed and the findings are determined.

005.03 RECORDS. Records of all employees, volunteers, and household members must be kept during the period an individual is employed, used, or by the residential child-caring agency or resides at the residential child-caring agency and for a minimum of two years after the separation of the employee or volunteer or the household member leaves the residential child-caring agency. A current record for each staff person, volunteer, or household member must be maintained at the facility where the employee or volunteer is assigned or resides or be made available upon request by the Department.

005.03(A) EMPLOYEE RECORDS. Each record for an employee must include documentation of all of the following:

- (i) Name;
- (ii) Address and telephone number;
- (iii) Results of registry checks;
- (iv) Results of criminal history record check;
- (v) Date of assuming job responsibilities;
- (vi) Pre-service training;
- (vii) Statement that the employee has read and understands this chapter;
- (viii) Education;
- (ix) Social security number
- (x) Date of hire and termination
- (xi) Job title and job description;
- (xii) In-service training;
- (xiii) Annual performance evaluation;
- (xiv) Any disciplinary action taken or work improvement plans;
- (xv) Current driver's license if employee transports children; and
- (xvi) Vehicle insurance if employee transports children in own vehicle.

005.03(B) VOLUNTEER RECORDS. Each record for a volunteer must include the documentation required in 391 NAC 7-005.03(A)(i) through (iv) and of the following:

- (i) Start date;
- (ii) A written schedule that includes the hours and days of the week the individual serves as a volunteer; and
- (iii) Training completed on the residential child-caring agency's policies and procedures.

005.03(C) HOUSEHOLD MEMBER RECORDS. Each record for a household member must the documentation required in 391 NAC 7-005.03(A)(i) through (iv).

005.04 EMPLOYEE TRAINING. Written documentation of the completion of all training must be available at the facility where the staff is working for the Department to review and must include:

- (1) Name of the employee;
- (2) Name of the training;
- (3) Date the training was completed; and
- (4) Number of hours each training took to complete.

005.04(A) PRE-SERVICE TRAINING. Staff must have completed 30 hours of pre-service training prior to having direct responsibility for care and services to children which must include:

- (i) Job duties and responsibilities;
- (ii) Policies and procedures specific to job duties;
- (iii) Residential child-caring agency policies and procedures;
- (iv) Child rights;
- (v) The residential child-caring agency's policy mandating zero tolerance toward all forms of abuse including sexual abuse and sexual harassment;
- (vi) How to establish appropriate boundaries and avoid inappropriate relationships with children;
- (vii) Confidentiality of children's records and children's medical information;
- (viii) Child service plans;
- (ix) Universal precautions for infection control practices including hand washing techniques, personal hygiene, and disposal of infectious material;
- (x) Information on any physical and mental special care needs of the children;
- (xi) Information on statutes regarding abuse and neglect reporting procedures;
- (xii) Disaster preparedness plans including fire evacuation and tornado shelter plans;
- (xiii) Crisis management; and
- (xiv) Trauma informed care.

005.04(B) ONGOING TRAINING. Each direct care staff must obtain 20 clock hours of training annually directly related to the skills necessary to care for children in out-of-home placement.

005.04(B)(i) TOPICS FOR TRAINING. Topics directly related to the skills necessary to care for children include those listed in pre-service training and also include:

- (1) Child attachment and bonding;
- (2) Effects of placement disruption upon a child;
- (3) Substance abuse;
- (4) Domestic violence;
- (5) Community resources;
- (6) Suicide prevention;
- (7) Independent living preparation;
- (8) Cultural awareness and competence;
- (9) Child nutrition; and
- (10) Cardiopulmonary resuscitation and first aid.

005.04(C) ACTIVITIES COUNTED AS TRAINING. Training activities must be directly related to the skills necessary to care for children and may be counted on an hour-for-hour

basis. Study of written material may be counted as one training hour per 50 pages of written material.

005.04(D) CARDIOPULMONARY RESUSCITATION AND FIRST AID TRAINING. To qualify as acceptable cardiopulmonary resuscitation and first aid training the training must be obtained from an entity that has been approved by the Nebraska Board of Emergency Services. The cardiopulmonary resuscitation card and documentation of first aid training must be available upon request.

005.04(E) TRAINING OF VOLUNTEERS. Prior to assuming their duties, all volunteers must be trained on the policies and procedures of the residential child-caring agency.

005.05 STAFF-TO-CHILD RATIO. The Department will only consider staff who are in the same room or within reasonable hearing distance of children when determining if staff-to-child ratio is met. At least one direct care staff person must be on duty for every six children in care at all times. At least one staff member with current cardiopulmonary resuscitation certification and first aid training must be on duty at all times.

005.05(A) VOLUNTEER. A volunteer must be directly supervised by staff when working with children and must not be left alone with children.

005.05(B) ALTERNATIVE COMPLIANCE. The Department, may in its discretion, approve such request for an alternative compliance to allow one direct care staff person on duty for every 10 children in care between the hours of 12:00 a.m. until 6:00 a.m. for a period not to exceed one year. A licensee may request renewal of an approved request by submitting updated information. A licensee wanting to have such alternative compliance must submit a request for this alternative compliance to the Department which must include:

- (i) A detailed description of the licensee's plan to meet the physical, behavioral, and emotional needs of all children and to ensure the safety of all children and staff; and
- (ii) A detailed plan to provide additional staff in the event of escalated behavior on the part of a child(ren) in placement or any emergency situation.

005.05(C) SUPERVISION. Adequate supervision must be provided to children at all times. The licensee must have and implement written policies and procedures to ensure adequate supervision is provided. Such policies and procedures must include:

- (i) Anticipating and planning for behaviors and conflicts among the child population;
- (ii) Knowing the whereabouts of all children at all times when children are in care, on or off the premises;
- (iii) Being alert, attentive, and responsive to the needs of all children;
- (iv) Protecting and ensuring the safety of all children in care; and
- (v) Reporting all incidents to of violence toward staff or children in placement to the Department within one working day.

005.06 THE CHILD'S RIGHTS. The licensee must establish and implement a Bill of Rights that will be equally applicable to all children. The licensee must protect and promote these rights and afford children the opportunity to exercise their rights. The child and parent or legal

guardian must be given a copy of the Bill of Rights before the licensee provides services to the child. Each child has the right to:

- (A) Receive services provided by the licensee;
- (B) Participate in the planning of the child's care and receive instruction and education regarding the plan;
- (C) Request information regarding the child's care;
- (D) Receive services without discrimination as to race, color, creed, age, or national origin;
- (E) Have contact with family, friends, and other persons significant to the child;
- (F) Exercise religious beliefs or cultural traditions;
- (G) Access educational services;
- (H) Be accepted for services only if the licensee has the ability to provide safe and professional care;
- (I) Personal privacy and confidentiality of all records, communications, personal information, grievances and complaints, except as otherwise provided by law;
- (J) Receive policies and procedures for admission, discharge, and termination of services at the time of admission;
- (K) Voice complaints or grievances, including to outside agencies, and suggest changes in services or staff without fear of reprisal or discrimination and be informed of the resolution;
- (L) Be free from verbal, physical, psychological, sexual abuse or harassment and to be treated with dignity;
- (M) Expect all efforts will be made to ensure continuity and quality of care;
- (N) Have the child's person and property treated with respect;
- (O) Be informed, in advance, about the care to be furnished, and any changes in the care to be furnished;
- (P) Be free from chemical and mechanical restraints except as part of the child's individual treatment plan; and
- (Q) Have the opportunity to participate in community activities appropriate to age and cultural heritage, and interests.

005.07 COMPLAINT PROCESS. The licensee must allow staff, children, parents, guardians, and others to submit complaints or grievances to the licensee. Written policies and procedures must be established and implemented by licensee to address and document complaints or grievances received and include:

- (A) A procedure for submission of complaints that is made available to staff, children, parents, guardians, and others;
- (B) Time frames and procedures for review, investigation of complaints and provision of responses to address complaints. Children must be provided multiple internal ways to privately report sexual abuse, retaliation by other children or staff, and staff neglect which may have contributed to such incidents;
- (C) A description of how information from complaints and responses is used to improve the quality of care and services for children; and
- (D) A method to ensure that the telephone number of the Nebraska Child Abuse and Neglect Hotline and the child's parent, guardian, or other legal custodian is readily available to children, employees and others who wish to lodge complaints.



005.08 PROGRAM DESCRIPTION. The licensee must ensure that a written description of the facility and type of services provided is available to staff, children, parents, guardians or their designees, and members of the public and includes:

- (A) Ownership;
- (B) The goals and objectives of the licensee;
- (C) The description of the children to be served, including age, gender, care needs, and any other relevant characteristics;
- (D) The composition of staff and their qualifications;
- (E) The job responsibilities of staff;
- (F) The discipline model for children in care; and
- (G) How the program will address:
  - (i) Academic and vocational education;
  - (ii) Use of a library;
  - (iii) Money management training;
  - (iv) Religious instruction, according to the child's own faith or that of the child's parents;
  - (v) Nutrition and dietary education;
  - (vi) Recreation; and
  - (vii) Community contacts.

005.09 QUALITY ASSURANCE AND IMPROVEMENT. The licensee must develop and implement a written quality assurance and improvement plan with input from staff, children, parents, guardians and other community partners. The plan must be reviewed and updated annually and describe:

- (A) How feedback will be utilized to improve services; and
- (B) Methodology for monitoring, evaluating, and improving services.

005.10 ADMISSION POLICY AND PROCEDURE REQUIREMENTS. Acceptance of a child must be based on the licensee's assessment of the licensee's ability to meet the identified needs of the child. The licensee must establish and implement written policies and procedures for admission of a child to the facility. The policies must address how the licensee will:

- (A) Assess and address the immediate needs of a child including the severity of the needs and the need for supervision of the child;
- (B) Review admission information and makes admission decisions, including which staff are responsible;
- (C) Assess its ability to meet the needs of the child based upon staff, facility, service, program structure, and available community services;
- (D) Identify special health care needs which the licensee is not able to meet;
- (E) Obtain written information for a child's record to include:
  - (i) Full name;
  - (ii) Date of birth;
  - (iii) Date of admission;
  - (iv) A referral from the licensed child-placing agency, when applicable;
  - (v) Legal custodian;
  - (vi) Consent of the legal custodian for placement or a copy of the approved Interstate Compact on the Placement of Children (ICPC) agreement;
  - (vii) Written documentation of complete medical and dental examinations current within the past year;

- (viii) Consent from the legal custodian for medical, dental, vision and emergency treatment;
- (ix) Medical needs, medications, and allergies, including food allergies and dietary restrictions;
- (x) A list of persons with whom the child may have contact; and
- (xi) An inventory of personal items to be updated as the inventory changes.
- (F) Orient the child to the facility which includes:
  - (i) A tour;
  - (ii) Introduction to staff;
  - (iii) Description of rules and discipline policies;
  - (iv) Discussion of tasks and behaviors the child is expected to perform;
  - (v) Discussion regarding personal possessions the child is permitted to have; and
  - (vi) Providing information which describes the licensee's zero tolerance policy of sexual abuse and sexual harassment and how to report incidents or suspicions.

005.11 CHILD RECORD. The licensee must maintain a record for each child in care. Each record must contain the information required by 391 NAC 7-005.10(E) and the following:

- (A) Current educational information including: grade reports, scholastic achievement, and social adjustment;
- (B) Medical, dental, and vision records including: examinations, immunizations, illnesses, and follow-up treatments;
- (C) Psychological or psychiatric testing, examination, and follow-up treatment, if obtained;
- (D) Visits to the child and contacts with child's own family and services provided or arranged;
- (E) Written service delivery or case plan for the child which must include documentation that meets the requirements in 391 NAC 7-005.12(F).

005.12 CHILD'S CARE. All children receiving care must have:

- (A) Complete medical and dental examinations annually;
- (B) Complete vision exam every other year;
- (C) Immediate medical, dental, and vision care when an emergency arises;
- (D) All required immunizations;
- (E) Necessary treatment for any physical or mental health care needs; and
- (F) A written service delivery or case plan for each child which must:
  - (i) Be completed within thirty (30) days of admission; and
  - (ii) Be updated quarterly while the child is in care and address:
    - (1) Health care;
    - (2) Education or vocational planning;
    - (3) Permanency objective;
    - (4) Discharge planning; and
    - (5) Have written reports of the child's progress toward achieving the goals sent at least monthly to the child's parent or guardian.

005.13 TOILETRIES. Each child in care must be provided individual:

- (A) Body soap;
- (B) Shampoo;
- (C) Towels; and

(D) Washcloths.

005.14 DISCIPLINE. The licensee must have written policies and procedure that establish how and when the licensee will discipline children. The licensee must:

- (A) Use discipline only as a learning process in which certain specified consequences are the result of unacceptable behavior;
- (B) Use discipline models which encourage children to achieve service plan goals;
- (C) Incorporate discipline in the child's daily programming model;
- (D) Apply discipline in a consistent manner;
- (E) Provide positive reinforcement and reward; and
- (F) Allow natural consequences to occur.

005.15 CHILD BEHAVIOR THAT CANNOT BE DISCIPLINED. Children must not be disciplined for:

- (A) Toileting accidents, including bed wetting;
- (B) Refusal to take medication; or
- (C) Refusal to eat.

005.16 PROHIBITED ACTIONS. Children must not be subjected to:

- (A) Spanking;
- (B) Slapping;
- (C) Pinching;
- (D) Punching;
- (E) Shaking;
- (F) Striking with any object;
- (G) Placing soap, hot sauce, or other unpleasant food or non-food items in a child's mouth;
- (H) Handling roughly;
- (I) Biting;
- (J) Denial of food;
- (K) Extensive time-out;
- (L) Derogatory remarks about the child or the child's family;
- (M) Abusive or profane language;
- (N) Yelling or screaming;
- (O) Threats of physical punishment;
- (P) Mechanical or chemical restraints except as a physician ordered part of the child's individual treatment plan;
- (Q) Denial or reduction of family contact or visitation; or
- (R) Imposition of discipline by one child upon another.

005.17 PROHIBITED LANGUAGE, MATERIALS, AND ACTIONS. Children must not be exposed to:

- (A) Profanity;
- (B) Sexually explicit material;
- (C) Acts of violence toward a person or animal; or
- (D) Acts of discrimination.

005.18 TRANSPORTATION. When transportation is provided by the licensee the following requirements must be met:

- (A) Any individual who transports children must possess a current and valid driver's license;
- (B) Smoking is not permitted in any vehicle used to transport children;
- (C) No vehicle may be used to transport more passengers than the seating capacity of the vehicle, as indicated by the manufacturer, allows;
- (D) Staff-to-child ratio must be maintained;
- (E) Any vehicle used to transport children must:
  - (i) Be operable and properly maintained;
  - (ii) Be clean and free of hazards;
  - (iii) Be registered;
  - (iv) Be insured;
  - (v) Be equipped with a first aid kit; and
  - (vi) Have doors locked at all times when in motion.
- (F) Children being transported must:
  - (i) Not be left alone in a vehicle at any time if under 14 years of age;
  - (ii) Be adequately supervised at all times;
  - (iii) Be properly secured in an appropriate restraint system;
  - (iv) When required by law, be in car seats that:
    - (1) Meet federal standards;
    - (2) Are the correct type for the child's age and developmental level; and
    - (3) Are properly secured.
  - (v) Be school age or older when transported in buses over 10,000 pounds that are not equipped with restraint systems.

005.19 TRANSPORTATION POLICIES AND PROCEDURES. The licensee must have written policies and procedures that establish and implement how children will be transported in compliance with this chapter and must include:

- (A) Emergency procedures in the event a child becomes ill, the vehicle breaks down or is involved in an accident, or other emergencies; and
- (B) How it will address the presence or absence of other passengers besides staff and children in the vehicle.

005.20 MEDICATION. When the licensee utilizes licensed health care professionals for whom medication administration is included in the scope of practice, the licensee must ensure the medications are properly administered in accordance with prevailing professional standards. When the licensee utilizes persons other than a licensed health care professional to provide medications the licensee must follow the requirements of the Medication Aide Act and 172 NAC 95 and 96. Only staff authorized by the executive director of the residential child-caring agency may have access to medications. Children must receive prescription medication only as legally prescribed by a healthcare practitioner and in accordance with the prescription.

- 005.20(A) MEDICATION RECORD KEEPING. A written record of medication administration must kept separately for each child and be available for review by the Department. For any prescription or non-prescription medication provided to a child the record must include the:

- (i) Name of the child;
- (ii) Name of the medication;
- (iii) Name of prescriber;
- (iv) Amount or dosage;
- (v) Route the medication is provided;
- (vi) Time medication is provided;
- (vii) Name of staff person responsible for providing the medication;
- (viii) Any drug allergies; and
- (ix) If the medication is not administered, the reason for the lack of administration.

005.20(B) MEDICATION ERRORS. Medication errors must be clearly documented and reported to the child's parent or legal guardian and any individual responsible for monitoring medication administration for the child.

005.20(C) STORAGE OF MEDICATION. Prescription and non-prescription medications must be stored in the following manner:

- (i) All non-emergency prescription and non-prescription medications must be kept in locked storage at all times children are in care;
- (ii) All emergency prescription and non-prescription medications must be inaccessible to children and supervision must be provided to ensure children do not have access;
- (iii) Separate locked storage must be provided for medications requiring refrigeration;
- (iv) All medications must be kept in the original container and all prescription medication must have a prescription label; and
- (v) All prescription medications must be returned to the parent or guardian or a dispensing pharmacy when no longer needed. All non-prescription medication must be returned to the parent or guardian or disposed of when no longer needed.

005.20(D) EXPIRED AND UNUSED MEDICATION. Expired and unused medications must be handled in the following manner:

- (i) Any expired medication must not be given to the child and must be disposed of properly and a written record kept of the date the medication was disposed, by what method, and by whom;
- (ii) Any unused medication, provided directly by the parent or guardian, which has not expired must be returned to the parent or guardian or disposed of in an appropriate manner as directed by the parent or guardian. A record must be kept of the date the medication was disposed, by what method, and by whom; and
- (iii) Any unused medication, not provided directly by the parent or guardian, must be disposed of properly and a record kept of the date the medication was disposed, by what method, and by whom.

005.21 FOOD SERVICE. Meals and snacks must be appropriate for the age and development of the child, address children's food allergies and intolerance; and meet established United States Department of Agriculture requirements regarding food groups and serving sizes. If the meals and snacks do not meet United States Department of Agriculture requirements the licensee must obtain a statement from a physician, which must be made available for review by the Department, indicating it is acceptable for the child to be served meals and snacks that do not meet United States Department of Agriculture requirements. If

the licensee contracts for the services of an outside food service management company, the licensee remains responsible for compliance with the applicable regulations.

005.21(A) MENUS. Menus must be approved by a registered dietician. Menus must be:

- (i) Modified to accommodate special diets and texture adaptations as needed by the child; and
- (ii) Available to child, parent or legal guardian, and the Department.

005.21(B) FOOD SAFETY. The licensee must meet and maintain sanitation and environmental requirements at all times and be in compliance with the Nebraska Food Code.

005.22 EMERGENCY PREPAREDNESS. The licensee must meet and maintain the following emergency preparedness requirements.

005.22(A) TELEPHONE. A working, non-coin operated telephone must be available at the facility at all times. Emergency telephone numbers, including fire, rescue, police (or 911) and Poison Control, must be prominently posted.

005.22(B) FIRE AND TORNADO DRILLS. Fire and tornado drills must be practiced with the children and staff. Written documentation of drills, including dates conducted, must be kept and available for review by the Department:

- (i) Fire drills must be completed a minimum of once per month. At least one fire drill per year must be practiced during sleeping hours.
- (ii) Tornado drills must be completed a minimum of four times per year during the months of March through September. At least one tornado drill per year must be practiced during sleeping hours.

005.22(C) FIRE AND TORNADO SAFETY DIAGRAMS. Fire and tornado safety diagrams must:

- (i) Show the layout of the facility and the surrounding area;
- (ii) Be prominently posted and visible in each room where care is provided;
- (iii) Include how the evacuation of children with special needs will be conducted;
- (iv) Include fire evacuation routes; and
- (v) Include tornado safety locations.

005.22(D) DISASTER PREPAREDNESS. The licensee must have and implement written plans and procedures which must address and delineate how, during a disaster, the licensee will:

- (i) Maintain the proper identification of each child to ensure that care coincides with the child's needs;
- (ii) Move children to points of safety or provide other means of protection when all or part of the building is damaged or uninhabitable due to natural or other disaster.
- (iii) Protect children during the threat of exposure to the ingestion, absorption, or inhalation of hazardous substances or chemicals;
- (iv) Provide food, water, medicine, medical supplies and other necessary items for care; and

- (v) Provide comfort, safety, and well-being of children in the event of 24 or more consecutive hours of:
  - (1) Electrical or gas outage;
  - (2) Heating, cooling, or sewer system failure; or
  - (3) Loss or contamination of water supply.

005.22(E) NOTIFICATION TO THE DEPARTMENT OF EMERGENCIES. The licensee must document and notify the Department of Health and Human Services, Division of Public Health, Office of Children's Services Licensing or its successor within 24 hours or next business day of the following occurrences:

- (i) The death of a child;
- (ii) Any incident that involves staff assaulting a child;
- (iii) Any incident that involves children assaulting staff that requires medical treatment by a licensed health care facility;
- (iv) Any allegation of sexual abuse involving a child; and
- (v) An emergency or disaster that results in significant damage which impacts the ability to provide care for children at the licensed location.

005.22(F) FIRST AID KIT. A first aid kit must be available at the facility and inaccessible to children. If any poisons or medications are stored in the kit, the kit must be kept in locked storage.

005.23 ENVIRONMENTAL MAINTENANCE AND SAFETY. The licensee must provide a safe and hazard-free environment to protect the health and safety of children in care, including:

- (1) Any building and area where children are present must be kept free of exposed lead-based paint surfaces that are flaking, peeling, or chipped;
- (2) Rooms, walls, floors, and ceilings must be kept clean, dry, in good repair, and free of odor resulting from sewage, mold, mildew, or other environmental or biological hazards or unsanitary conditions;
- (3) Heating, ventilation, and lighting in all rooms used for children must be operable and suitable;
- (4) The entrance, harborage, or breeding of rodents, flies and all other insects and vermin must be prevented. All doors opening to the outside must be self-closing (except sliding doors) and all windows used for ventilation and all opening to the outside must be screened;
- (5) All garbage and rubbish must be disposed of in a manner that minimizes odor and the transmission of infectious diseases, and prevents the attraction of rodents, flies, and all other insects and vermin. This includes:
  - (i) All outdoor and indoor containers used for disposal of food, bodily fluids, or other odorous materials must be watertight, have tight fitting covers, and be insect and vermin proof;
  - (ii) Keeping all garbage and rubbish containers clean; and
  - (iii) Not burning garbage at the facility;
- (6) Carpeting is prohibited in a bathroom, except for removable, washable, and non shag throw rugs;
- (7) Carpeting is prohibited in the food preparation or storage area;
- (8) Walls must be smooth and made of easily cleanable construction;

- (9) A process for routine and preventative maintenance of equipment, fixtures, furnishings, and toys so they are kept clean, safe, in good repair, and available to meet the intended use must be developed and followed. This includes ensuring no sharp edges, rust, or loose parts;
- (10) Furniture and equipment must be arranged so as not to interfere with exits;
- (11) All poisonous or toxic materials must be kept in locked storage at all times;
- (12) Cleaning agents must be inaccessible to children under age ten;
- (13) All firearms, other potentially hazardous weapons, weapon accessories, and ammunition must not be at the facility;
- (14) Electrical outlets within reach of children under age six must be covered with safety caps, ground fault interrupters, or have safety outlets installed;
- (15) Shared use of the following items is prohibited:
  - (a) Disposable towelettes;
  - (b) Drinking containers, cups, or glasses;
  - (c) Personal care items such as toothbrushes, shampoo, conditioner, deodorant, and razors;
  - (d) Hair brushes and combs; and
  - (e) Towels and washcloths; and
- (16) Deep freezers that cannot be opened from the inside must be locked or stored in a locked room.

005.23(A) SMOKING AND USE OF ELECTRONIC CIGARETTES. Smoking anywhere indoors is prohibited at all times. Use of electronic cigarettes anywhere indoors is prohibited at all times.

005.23(B) ALCOHOL AND CONTROLLED SUBSTANCES. The unlawful use or possession of alcohol is prohibited. The unlawful use or possession of controlled substances, as defined by the Uniform Controlled Substance Act, is prohibited.

005.23(C) ANIMALS AND PETS. Any animal or pet at the facility must not negatively affect the children. The licensee must:

- (i) Complete all vaccinations as recommended by the licensed veterinarian that include, at a minimum, current vaccination for rabies for dogs, cats and ferrets;
- (ii) Have provision of pet care necessary to prevent the acquisition and spread of fleas, ticks and other parasites;
- (iii) Ensure that no animals are allowed in the food preparation, food storage, or serving areas during food preparation and serving times; and
- (iv) Comply with any state or local law or ordinance relating to the care and ownership responsibilities of pets or specific breeds identified by those laws or ordinances.

005.24 SPECIFIC SERVICE REQUIREMENTS AND PROVISIONS. In addition to the requirements in 391 NAC 7-005.01 to 005.23(S) the licensee must establish and implement written policies and procedures to meet the requirements listed for each service it provides as prescribed in 391 NAC 7-005.24.

005.24(A) PREGNANT AND PARENTING CHILD SERVICE. If services are provided to pregnant and parenting children the following requirements must be met:



005.24(A)(i) GENERAL REQUIREMENTS. The licensee must:

- (1) Have a written plan for infant and toddler safety including a plan for an infant or toddler whose mother is unable or unwilling to provide care;
- (2) Provide a complete written description of its program to the child, parent, guardian or legal custodian, and the Department;
- (3) Develop a training plan to ensure that staff working with pregnant and parenting children develop skills and knowledge regarding pregnancy, infant and child care;
- (4) Provide bedrooms separate from children in other programs; and
- (5) Have at least two direct-care staff providing care to children at all times and count infants and toddlers in ratio and capacity as follows:
  - (a) An infant or toddler is not counted in the ratio when the licensee is not responsible for care of the infant or toddler;
  - (b) An infant or toddler must be counted in the ratio when the licensee is responsible for the care of the infant or toddler; and
  - (c) An infant or toddler must always be counted in the capacity number.

005.24(A)(ii) HEALTH CARE SERVICES. The licensee must have the following:

- (1) There must be a written plan for all deliveries to take place in a licensed hospital;
- (2) Medical care and services:
  - (a) Each child must receive the services of a healthcare practitioner on a regular and continuing basis throughout pregnancy, delivery, and post-delivery checkups; and
  - (b) The program must provide for consultation from a physician who must be available in an emergency; and
- (3) Medical record for a pregnant or parenting child must include:
  - (a) A completed medical consent form;
  - (b) The name of the health care provider;
  - (c) A schedule of appointments;
  - (d) The expected date of delivery; and
  - (e) Documentation of any special needs or problems related to pregnancy.

005.24(A)(iii) CASE SERVICE PLAN. A written case service plan for each child in care must be developed within one month after the child's admission and involve the child, staff, and other individuals who must legally be involved in the planning for the child and include:

- (1) Preparation for delivery of the infant;
- (2) Plans regarding postnatal after discharge from the hospital;
- (3) Decision making in relation to the day to day care of the infant;
- (4) Counseling for the father when appropriate;
- (5) Counseling for the families of the child;
- (6) Employment or education planning;
- (7) Counseling regarding legal rights and obligations in relation to parenthood;
- (8) Preparation for parenthood and family life for mothers choosing to parent their infants;

- (9) Adoption counseling provided by a licensed child-placing agency approved to provide adoption services for those mothers interested in or planning to relinquish parental rights to their infants;
- (10) Socialization and support opportunities for single parents; and
- (11) Discharge plans that include information regarding postnatal care.

005.24(A)(iv) RELINQUISHMENT OF AN INFANT. At the request of the child, staff must arrange for referral to a licensed child-placing agency which provides adoption services.

005.24(B) SERVING BOTH CHILDREN AND ADULTS. When a licensee provides care to both adults and children the children must be separated from adults by sight and sound at all times care is being provided. Licensee must have and implement written policies and procedures to ensure such separation is maintained at all times.

005.24(C) INDEPENDENT AND TRANSITIONAL LIVING SERVICE. A licensee providing independent and transitional living services to children must:

- (i) Within 30 days of placement develop a written service delivery or case plan which meets the requirements in 391 NAC 7-005.10(E) and the following documentation:
  - (1) Money management and consumer awareness;
  - (2) Food management;
  - (3) Personal appearance;
  - (4) Health;
  - (5) Housekeeping;
  - (6) Job seeking skills;
  - (7) Job maintenance skills;
  - (8) Emergency and safety skills;
  - (9) Interpersonal skills;
  - (10) Legal resources;
  - (11) Leisure activities; and
  - (12) Housing;
- (ii) Supervise the child. Supervision must include the following:
  - (1) Ensuring participation in an educational, vocational, or work program;
  - (2) Establishing a curfew based upon the individual needs of the child;
  - (3) Protecting the child from harm while at the facility; and
  - (4) Having daily face-to-face contact with the child; and
- (iii) Maintain staffing to ensure the safety and supervision needs of all children are met at all times.

005.25 DRUG TESTING. Written permission from the child's legal guardian must be obtained prior to testing a child. The licensee must have and implement written policies and procedures which must include:

- (A) Circumstances under which drug testing will occur;
- (B) The types of materials and "kits" to be used;
- (C) Who will be authorized to perform any part of the testing process;
- (D) How the process will be initiated with the child;
- (E) How the child will be observed;
- (F) How the sample will be obtained;

- (G) When the sample will be obtained;
- (H) How the sample will be tested;
- (I) How the licensee will prevent tampering or manipulation through each of the following means:
  - (i) Substitution;
  - (ii) Use of additives; and
  - (iii) Cleansing or detoxification procedures;
- (J) What will be the response to a positive test;
- (K) The documentation that will be completed; and
- (L) Who will be notified of the test and the results.

005.26 SEARCH OF A CHILD AND POSSESSIONS. Written permission from the child's legal guardian must be obtained prior to staff performing a search. The licensee must have and implement written policies and procedures which must include:

- (A) Circumstances under which a search of the child and their possessions will be conducted;
- (B) Searches must never be done to punish or harass a child;
- (C) Who will be conducting the search. At least one staff must observe the search conducted by another staff;
- (D) How the search process will be initiated with the child. The child must be given the opportunity to hand over any contraband in their possession prior to a search being initiated;
- (E) The response to finding a child in possession of contraband;
- (F) Who will be notified of the search and the result;
- (G) Arrangements for transfer or disposition of any contraband found on the child or the child's possessions;
- (H) The requirements for searches of children and possessions as found in 391 NAC 7-005.27 and 005.28; and
- (I) Documentation that will be completed.

005.27 PERSON SEARCHES. Strip searches and body cavity searches are prohibited. A search of a child's person must be conducted in the following manner:

- (A) A child may be asked to remove their exterior garments such as sweaters, sweatshirts, jackets, belts, and shoes;
- (B) The physical contact part of any search must be done through the child's clothing and only by staff of the same gender as the child;
- (C) The staff shall make no skin to skin contact with the child;
- (D) The staff shall make no contact with the erogenous zones of the child's body. Erogenous zones include the genital and buttocks areas of both genders and the chest area of females; and
- (E) Only a reasonable amount of pressure may be applied to any area of the body.

005.28 SEARCH OF CHILD'S POSSESSIONS. A search of a child's possessions must be done in the following manner:

- (A) The possessions of a child must be handled with care and respect; and
- (B) Upon the conclusion of a search the child's items must be restored to their original place and order.

005.29 PHYSICAL RESTRAINT AND ROOM CONFINEMENT. If the licensee uses physical restraint or room confinement the licensee must:

- (1) Use a Department approved crisis intervention model;
- (2) Comply with all state and federal laws and regulations;
- (3) Use physical restraint or room confinement only as part of the child's individual treatment plan;
- (4) Use physical restraint or room confinement only in emergency circumstances to ensure the immediate physical safety of the child, staff member, or others;
- (5) Use physical restraint or room confinement only after less restrictive deceleration and de-escalation interventions have been determined to be ineffective;
- (6) Be limited to the least amount of time necessary to address the situation and restore safety;
- (7) Ensure the behavioral conditions for removal of disciplinary restrictions are specified each time that restraint or room confinement is imposed;
- (8) Ensure that the child is notified, in terms the child can understand, of the criteria to be met before restraint or room confinement can end;
- (9) Use only staff trained in the implementation of the crisis intervention model;
- (10) Not allow children to restrain or impose room confinement on another child; and
- (11) Have, maintain, and implement written policies and procedures to ensure compliance with.

005.29(A) USE PROHIBITED. The following restraint and room confinement practices are prohibited and include use:

- (i) As a form of punishment or discipline;
- (ii) For the convenience of staff;
- (iii) As a substitute for care and treatment;
- (iv) Of pain compliance techniques;
- (v) Of chemical and mechanical restraints, except for a drug or medication ordered by a physician as part of the child's individual treatment plan;
- (vi) Of techniques which cause hyperextension of any part of the body (pushing or pulling of any part of the body beyond normal limits);
- (vii) Of joint or skin torsion;
- (viii) Of pressure or intensity of pressure on any part of the body not authorized by the physical restraint model;
- (ix) Of any type of choke hold; and
- (x) Of any maneuver that involves choking, punching, hitting, poking, pinching, scratching or shoving.

005.29(B) NOTIFICATION. The licensee must notify the Department whenever any staff engages in prohibited restraint or room confinement practices.

005.29(C) WRITTEN AUTHORIZATION REQUIRED. The licensee using restraint or room confinement must obtain prior written authorization from the child's guardian giving informed consent related to its potential use.

005.29(D) CHILD'S MULTI-DISCIPLINARY TEAM CONVENED. The child's multi-disciplinary team must be convened within 24 hours of the imposition of the restraint or

room confinement to develop alternative effective deceleration and de-escalation techniques.

005.29(E) INCIDENT REPORT. A written incident report must be completed within 24 hours from the time the restraint or room confinement began and made available to all multi-disciplinary team members and the Department and include:

- (i) The name of the child placed in restraint or room confinement;
- (ii) Description of less restrictive intervention techniques used and why they were ineffective;
- (iii) The reason for the restraint or room confinement;
- (iv) Type of restraint used;
- (v) The date and times the restraint or room confinement began and ended;
- (vi) The name(s) of staff who restrained the child or assigned the child to room confinement;
- (vii) The assessments and monitoring provided while the child was in restraint or room confinement and immediately after the child was released from restraint or removed from room confinement;
- (viii) A statement of the behavioral conditions that the child was required to meet in order to be released from restraint or removed from room confinement;
- (ix) A summary of the debriefing that was conducted;
- (x) The frequency and types of restraints or room confinement used, over time, for the individual;
- (xi) Any injuries sustained by the staff or child;
- (xii) Any medical care needed by the child or staff as a result of the use of restraint or room confinement;
- (xiii) Documentation of internal review; and
- (xiv) Any other actual or planned follow-up actions.

005.29(F) STAFF TRAINING. Staff may not use restraints or room confinement until the staff has successfully completed training in the use of such. Training on the use of restraints and room confinement must:

- (1) Be comprehensive and competency based meeting all requirements of the crisis intervention model being implemented by the licensee. Comprehensive based training in the use of physical restraint or room confinement must involve repeated and on-going skill development, conditioned learned responses, rehearsals and practices;
- (2) Provide physical restraint or room confinement training only by certified trainers from the organization that developed the crisis intervention model selected by the licensee;
- (3) Be provided regularly and include safe and appropriate use of restraints or room confinement as well as refresher courses in alternative non-intrusive behavior modification techniques; and
- (4) Not combine components of various models for use as a licensee's identified single model except required competency in cardiopulmonary resuscitation and first aid.

005.29(F)(i) TRAINING RECORD. Written documentation of certification and re-certification training for each staff which must be available to the multi-disciplinary team members and Department staff and include:

- (1) The name of the person trained;
- (2) Date(s) of training;
- (3) Source;
- (4) Content; and
- (5) Length of each training.

005.29(G) INTERNAL REVIEW. Any licensee using room confinement or physical restraint must have a performance improvement program designed to continuously investigate, analyze, monitor, assess, and track the licensee's use of room confinement and restraint practices and to specifically address injuries or death related to the use of room confinement and restraints and must include the review of:

- (i) Training proficiency;
- (ii) Environmental triggers;
- (iii) Systems issues;
- (iv) Each use of restraint or room confinement;
- (v) Notification of family and need for medical care;
- (vi) Administrative and program policy and procedure;
- (vii) Incident debriefing and follow up; and
- (viii) Aggregate data.

006. PHYSICAL PLANT STANDARDS. All buildings, including all detached buildings, for the purpose of providing care to children must meet the following physical plant standards.

006.01 WATER SUPPLY. Have an accessible, adequate, safe, and potable supply of water for drinking, food preparation, hand washing, bathing, and laundry which is maintained and meets the following requirements:

- (A) If drinking water is obtained from a source other than a public water supply system, the water must not contain contaminants that exceed the maximum contaminant levels set for nitrate, or total coliform for public water supply systems in 179 NAC 2-002, and 179 NAC 3 or the lead action level set in 179 NAC 12. The licensee must report to the Department the results of all tests that show the water contains contaminants that exceed a maximum contaminant or action level. The water supply must be tested annually and the tests results must be available for review upon request. If the water supply does not meet nitrate, total coliform bacteria and lead standards until the contaminants are lowered to acceptable levels the licensee must:
  - (i) Obtain water from a source approved by the Department; or
  - (ii) Purchase water from a commercial source.
- (B) Provide drinking water by sanitary drinking fountains or individual or disposable cups;
- (C) Drinking fountains must have mouth guards with water issuing under sufficient pressure;
- (D) Provide sanitary dispensing and disposal unit for paper cups;
- (E) Provide running water under pressure;
- (F) Each hot water storage tank must have a working pressure and temperature relief valve;

- (G) Provide adequate cold water and adequate water heating facilities so that a sufficient amount of hot water, maintained between 100 and 120 degrees of Fahrenheit, is available for general cleaning bathing, bathing, as well as washing and sanitizing utensils; and
- (H) Provide soap for hand washing.

006.02 SEWER REQUIREMENTS. A sanitary and functioning sewage system must be maintained and either connect to a municipal sewage system or comply with the requirements set by the Nebraska Department of Environmental Quality for the operation and maintenance of an onsite wastewater system.

006.03 VENTILATION. Kitchen, bathrooms, and services rooms must have ventilation by window or mechanical means through a vent leading directly to the outside.

006.04 HEATING AND COOLING SYSTEM. All occupied buildings must have a functioning heating and cooling system with clean filters which maintains building temperature at not less than 65 degrees Fahrenheit and not more than 85 degrees Fahrenheit.

006.05 LIGHTING. All occupied buildings must have adequate lighting in every room, hallway, interior and exterior stairway, interior and exterior doorway, porch, ramp, and fire escape.

006.06 LAUNDRY. There must be separate areas for storage of soiled linen and clean linen. Laundry services may be provided by contract or on-site. Areas dedicated to laundry must include:

- (A) An operable non-coin washer and dryer at a ratio of one washer and one dryer per every six children; and
- (B) Laundry detergent, including specific detergent for children with allergies.

006.07 CHILD LIVING AREAS. A garage, barn, shed, travel trailer, fifth wheel trailer, recreational vehicle, portable classrooms, or similar structure must not be used as a child living area. Living areas must be:

- (1) Furnished with beds, chairs, sofas, tables, and storage items that are comfortable and reflective of individual needs and intended use of the area; and
- (2) Have Fire Marshal approval for use.

006.07(A) PRIVACY ROOMS. Rooms must be available to allow privacy for interviewing a child or parents and for a child to visit relatives or guests.

006.07(B) ACTIVITY AREAS. There must be a minimum of 50 square feet of space for each child for individual or group activities.

006.07(C) LEISURE AND RECREATION. Space used for leisure and recreation must be separate from the child's bedroom and dining, meeting, and studying areas.

006.07(D) BEDROOMS. Bedrooms must:

- (i) Be designated to provide separation of males and females;

- (ii) Allow for sleeping;
- (iii) Afford privacy;
- (iv) Provide access to belongings;
- (v) Provide adequate storage for belongings;
- (vi) Accommodate the care provided to the child;
- (vii) Be approved by the Fire Marshal;
- (viii) Not be shared by more than four children;
- (ix) Contain:
  - (1) A minimum of 100 square feet of usable floor space for a private room; or
  - (2) A minimum of 70 square feet per child if the room is shared; and
  - (3) A ceiling height of at least seven feet.

006.07(E) BED REQUIREMENTS. Each child must have his or her own separate bed frame that is at least two inches off the floor and which has a mattress and bedding. The licensee must ensure a complete change of bedding is provided at least once a week or more frequently when soiled. The bed must:

- (i) Be adequate in width and length for the child's height and weight;
- (ii) Be in good condition; and
- (iii) Be spaced no closer to another bed than 36 inches laterally or end-to-end.

006.07(F) BUNK BEDS. Bunk beds may be used, if age and developmentally appropriate to the child, and must be constructed of safe, stable materials and have a sturdy ladder for access to the top bunk.

006.07(G) BATHROOMS. One operable toilet, sink, tub, or shower for every six children in care must be available. Toilets must be on the same floor as children's sleeping areas and sinks must be on a one to one ratio with toilets. Bathrooms must:

- (i) Be able to be unlocked from the outside;
- (ii) Not be accessed through another child's or staff's bedroom;
- (iii) Not open directly into a room which food, drink, or utensils are handled or stored;
- (iv) Be kept clean, in good repair, well lighted and well ventilated;
- (v) Be located in an area that is enclosed and provides for privacy;
- (vi) Be adequately supplied with toilet paper; and
- (vii) Have slip-resistant surfaces in tubs and showers.

006.08 STAFF BEDROOM AND BATHROOM. When staff live in or sleep at the residential child-caring agency, there must be at least one room adequately furnished and a private bath area reserved for staff. Staff rooms must be located in the same building as the children's sleeping rooms when counted in the staff-to-child ratio.

006.09 OUTDOOR AREAS. Any outdoor area used by children must be equipped and situated in such a manner as to encourage activity and assure the safety of children and must:

- (A) Have 50 square feet of area per child;
- (B) Be equipped with age and developmentally appropriate play equipment; and
- (C) Have no standing or stagnant water or sewage present.

006.10 EDUCATIONAL SERVICES. If the licensee maintains a school at the residential child-caring agency, the buildings and equipment must meet the requirements of the



Nebraska Department of Education for an approved or accredited school.

006.11 FIRE SAFETY. The licensee must maintain fire safety approval at all times.

006.12 SANITATION AND ENVIRONMENTAL SAFETY. The licensee must maintain sanitation and environmental requirements at all times.

TITLE 391 CHILDREN'S SERVICES LICENSING

CHAPTER 8 CHILD-PLACING AGENCIES

001. SCOPE AND AUTHORITY. These regulations govern licensure of child-placing agencies. The regulations are authorized by Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 71-1924 to 71-1951.

002. DEFINITIONS. Definitions set out in Neb. Rev. Stat. §§ 71-1924 to 71-1951 and the following apply to this chapter:

002.01 ADOPTION. A judicial act creating between two persons certain relations, purely civil, of paternity and filiation.

002.02 ADOPTION DISRUPTION. Termination of an adoptive placement prior to the finalization of the adoption.

002.03 ADOPTIVE PLACEMENT. A type of placement that has not been finalized by a Decree of Adoption issued by a court of competent jurisdiction.

002.04 AGENCY. A licensed child-placing agency.

002.05 CHILD PLACEMENT. To coordinate, arrange, and approve the process of a child entering an unrelated home or facility to be cared for on a temporary, long-term, or adoptive basis.

002.06 COMPLETE APPLICATION. An application that contains all of the information requested on the Department approved application form, with attestation to its truth and completeness, and that is submitted with all required fees and documentation.

002.07 CONCURRENT ADOPTION. More than one adoption being processed simultaneously either through the same agency or multiple agencies.

002.08 CONFLICT OF INTEREST. Circumstances where the licensee or its staff would benefit personally or professionally from its or its staff's professional actions.

002.09 CURRENT REFERENCE. A reference dated within one year of the time of application.

002.10 EXECUTIVE DIRECTOR. The executive director, director, superintendent, president, chief executive officer, and similarly classified positions who is responsible for the daily operation of the agency.

002.11 FOREIGN COUNTRY ADOPTION. The placement of children emigrating from their country of origin for the purpose of adoption.

002.12 HOUSEHOLD. All persons who have significant in-home contact with the child, including those who have a familial or intimate relationship with any person in the home. A person is considered as a member of the household if the individual spends 50% or more of the individual's time in the home or if the home is the individual's only permanent residence.

002.13 INTERSTATE ADOPTION. Placement of a child into Nebraska from another state or United States jurisdiction or from Nebraska into another state or United States jurisdiction with a person(s) for the purpose of adoption

002.14 LICENSEE. Limited liability company, corporation, or nonprofit corporation to whom the license is issued.

002.15 MEDICALLY FRAGILE CHILD. A child whose chronic health or life threatening condition continually or unpredictably causes incidences that require monitoring.

002.16 PLACEMENT. The arrangement for the care of a child in a licensed or approved foster family or in a residential child-caring agency but does not include any institution caring for the mentally ill, developmentally disabled or any institution primarily educational in character, or any hospital or other healthcare facility.

002.17 PLACEMENT WORKER. A staff person employed by the agency who has the responsibility to effectuate the movement of a child into the home of a family who wishes to provide permanency for the child through adoption.

002.18 QUALITY IMPROVEMENT PROGRAM. A review of the services and outcomes of the services provided to applicants, families, and children and a procedure for tracking outcomes to determine if changes are needed to be made to the system to improve delivery of the services.

002.19 STAFF. A person employed by the licensee and who has direct contact or responsibility for children.

003. LICENSING REQUIREMENTS AND PROCEDURES. To receive a license, an applicant must submit a complete application and meet the requirements for a license set out in statute and in this chapter.

003.01 INITIAL APPLICATION REQUIREMENTS. An applicant must submit the following documentation:

- (A) Results of Child and Adult Abuse and Neglect Central Registry check, current within six months, for executive director;
- (B) Results of criminal history record checks current within six months for the executive director; and
- (C) Proof of adequate liability insurance or if self-insured of sufficient funds to pay liability claims.

003.02 RENEWAL APPLICATION REQUIREMENTS. An applicant must submit a complete application for renewal and meet the requirements for a license set out in statute and in this chapter. An applicant must submit proof of adequate liability insurance or if self-insured of sufficient funds to pay liability claims.

003.03 CHANGE OF OWNERSHIP. The new owner must apply for a license as required in this chapter.

004. GENERAL REQUIREMENTS. The following requirements apply to all licensees.

004.01 EFFECTIVE DATE AND TERM OF LICENSE. A child-placing agency license will expire on September 30 of each calendar year.

004.02 LICENSE NOT TRANSFERABLE. A license is issued only for the premises and person(s) named in the application and is not transferable or assignable.

004.03 ALTERNATIVE COMPLIANCE. To be considered for approval of a time-limited alternative compliance with a regulation, the proposed alternative must be consistent with the overall intent and purpose of the regulation and protect the health, rights, safety, and well-being of all children in care.

004.03(A) TERMS OF ALTERNATIVE COMPLIANCE. An alternative compliance may be granted:

- (i) To permit the applicant or licensee time to come into compliance; and
- (ii) For a period of time as determined by the Department.

004.03(B) WRITTEN REQUEST. A written request for alternative compliance must be submitted to the Department and include the following information:

- (i) The regulation for which alternative compliance is being requested;
- (ii) The reason for the alternative compliance request;
- (iii) A description of how the alternative will meet the intent of the regulation; and
- (iv) How the alternative will offer equivalent protection for all children.

004.03(C) REQUIREMENTS NOT QUALIFYING FOR ALTERNATIVE COMPLIANCE. Alternative compliance will not be granted for the following requirements:

- (i) Criminal history or background checks;
- (ii) Staff qualifications; and
- (iii) Any regulation for which a disciplinary action has been initiated or completed.

004.04 NOTIFICATION OF CHANGES. An amendment to the application must be submitted in writing to the Department:

- (A) At least 60 working days before the planned effective date for a change in or addition of:
  - (i) Location; or
  - (ii) Services the agency provides.
- (B) Within five working days of a change in executive director.

004.05 CONFLICT OF INTEREST. The licensee must ensure there is no conflict of interest when deciding whether or not to perform a home study, place a child, or supervise the

placement of a child with its own staff member, board member, or family member of a staff member, or board member for either foster care or possible adoption.

005. STANDARDS OF OPERATION AND CARE. The following requirements are applicable to all licensees.

005.01 RESPONSIBILITIES OF THE LICENSEE. The licensee of each agency must assume the responsibility for the total operation of agency. The licensee responsibilities include:

- (A) Monitoring and implementing policies to ensure the appropriate administration and management of the agency;
- (B) Ensuring the agency's compliance with all applicable state statutes and regulations;
- (C) Notifying the Department immediately of any issues of financial instability;
- (D) Designating an executive director who is responsible for the day to day management and defining the responsibilities of the executive director;
- (E) Ensuring the physical, mental, and psychosocial needs of all children cared for by the agency are met in accordance with each child's individualized needs; and
- (F) Ensuring the reporting of suspected abuse or neglect as required by Neb. Rev. Stat. §§ 28-372 and 28-711.

005.02 EMPLOYEE AND VOLUNTEER REQUIREMENTS. The licensee must maintain a sufficient number of staff with the required training and skills necessary to meet the needs of families and to meet the needs of children in the care of the licensee. The licensee must verify the current credentials, education, experience, and training of staff prior to staff assuming job responsibilities and contacting families or caring for children and must have procedures for verifying that current status is maintained. A volunteer must be directly supervised by staff when working with children and must not be left alone with children.

005.02(A) CRIMINAL HISTORY RECORD CHECKS. Prior to having contact with children and families the applicant or licensee must complete a pre-employment criminal history record check for each staff member and volunteer age 19 or older. If the agency is located in a private home a criminal history record check must also be completed for each household member age 19 and older. The check must be conducted through the Nebraska State Patrol or through one or more local law enforcement agencies, as appropriate to the individual's residence(s). If an individual has lived outside the state of Nebraska as an adult, the applicant or licensee must also obtain documentation of a criminal history record check from the previous state(s) of residence. Except for minor traffic violations, the licensee must notify the Department and request a criminal history record check within five working days any time the licensee becomes aware of any felony or misdemeanor citations, pending charges, or convictions, regarding licensee, staff, or volunteers. If the agency is located in a private home such notification must also be made for household members age 19 and older. Individuals employed prior to the effective date of these regulations will not be disqualified based upon previous criminal history. Any criminal history occurring after the effective date of these regulations will be considered. Applicants and licensees may not have owners that have convictions that would disqualify them to be a licensee, staff member, or household member.

005.02(A)(i) PERMANENT DISQUALIFICATION. An individual or entity is permanently disqualified from holding a license, residing in an agency, or working as

a staff member or volunteer if the individual or entity has a criminal history including conviction of any unlawful act endangering the health or safety of another individual. Such convictions include crimes: against a child or vulnerable adult, involving intentional bodily harm, or involving moral turpitude on the part of the individual or entity. These crimes include but are not limited to:

- (1) Aggravated or armed robbery;
- (2) Assault, first or second degree;
- (3) Child abandonment;
- (4) Child abuse or neglect;
- (5) Child molestation or debauching a minor;
- (6) Commercial sexual exploitation of a minor;
- (7) Felony domestic violence or violation of custody;
- (8) Felony exploitation of a minor involving drug offenses or conviction of drug offenses that involved a minor;
- (9) Felony controlled substances offenses, other than possession;
- (10) Human trafficking;
- (11) Incest;
- (12) Kidnapping;
- (13) Murder, first or second degree;
- (14) Sexual abuse of a minor;
- (15) Sexual assault;
- (16) Sexual exploitation of a minor, including child pornography; or
- (17) Voluntary manslaughter.

005.02(A)(ii) TWENTY-YEAR DISQUALIFICATION. An individual or entity is disqualified for 20 years from holding a license, residing in an agency, or working as a staff member or volunteer if the individual or entity has a criminal history that includes, but is not limited to, conviction of:

- (a) Arson;
- (b) Assault, third degree, two or more convictions;
- (c) Burglary, two or more convictions;
- (d) Criminal non-support;
- (e) Driving under the influence, four or more convictions;
- (f) Felony fraud, forgery, or theft;
- (g) Felony possession of controlled substance offenses;
- (h) Felony vehicular homicide;
- (i) Felony terrorist threats;
- (j) Misdemeanor domestic violence or violation of custody; or
- (k) Robbery.

005.02(A)(ii)(1) DISQUALIFICATION TIMEFRAME. The disqualification period begins the date the conviction became final. Any time an individual or entity is completing the sentence is not included in the calculation of the disqualification period. An individual or entity is disqualified during the time the individual or entity is completing the sentence.

005.02(A)(iii) FIVE-YEAR DISQUALIFICATION. An individual or entity is disqualified for 5 years from holding a license, residing in an agency, or working as a staff member

or a volunteer if the individual or entity has a criminal history that includes, but is not limited to, conviction of:

- (a) Assault, third degree;
- (b) Burglary;
- (c) Contributing to the delinquency of a minor;
- (d) Driving under the influence, two convictions;
- (e) Felony insufficient fund or no account check writing;
- (f) Felony criminal possession or unauthorized use of a financial transaction device;
- (g) Felony identity fraud or theft;
- (h) Misdemeanor controlled substances offenses;
- (i) Misdemeanor failure to report child abuse
- (l) Misdemeanor fraud, forgery, or theft;
- (k) Misdemeanor terroristic threats;
- (l) Misdemeanor vehicular homicide; or
- (m) Public indecency.

005.02(A)(iii)(1) DISQUALIFICATION TIMEFRAME. The disqualification period begins the date the conviction became final. Any time an individual or entity is completing the sentence is not included in the calculation of the disqualification period. An individual or entity is disqualified during the time an individual or entity is completing the sentence.

005.02(A)(iv) OTHER COMPLAINTS, INDICTMENTS, AND CONVICTIONS. The Department may determine that an individual or entity may hold a license or work as a staff member or a volunteer with a pending complaint, indictment, or conviction of other crimes if the Department determines the individual or entity has the present character and fitness to work with children. In making this determination the Department may consider the following factors:

- (1) The age of the individual at the time of the conduct;
- (2) The recency of the conduct;
- (3) The seriousness of the conduct;
- (4) The factors underlying the conduct;
- (5) The cumulative effect of the conduct;
- (6) The evidence of rehabilitation;
- (7) The individual's positive social contributions since the conduct;
- (8) The individual's honesty in providing information; and
- (9) The materiality of any omissions or misrepresentations.

005.02(A)(v) PARENTAL RIGHTS TERMINATED. An individual is permanently disqualified from holding a license, residing in an agency, or working as a staff member or volunteer if the individual has had his or her rights as a parent terminated by a Court because of a finding of abuse or neglect of a child or inability to care for a child.

005.02(B) REGISTRY CHECKS. The applicant or licensee must complete a pre-employment registry check on each staff member, volunteer, and each household member who resides at a location where the licensee will provide services, appropriate to the age of the individual. If an individual has lived outside the state of Nebraska as an adult then

the applicant or licensee must obtain pre-employment registry check from the United States jurisdictions where the individual resided. Any individual who is listed as a perpetrator on any of the registries must not be a staff, volunteer or household member. The following registries must be checked:

- (i) Nebraska Child Abuse and Neglect Central Registry, if the individual is age 13 or older;
- (ii) Nebraska Adult Protective Services (APS) Central Registry if the individual is age 18 or older;
- (iii) State Patrol Sex Offender Registry if the individual is age 18 or older; and
- (iv) Equivalent registries to those in (i) through (iii) in other states and United States jurisdictions must be checked for individuals who have lived outside of the state of Nebraska as an adult.

005.02(C) INDIVIDUAL UNDER INVESTIGATION FOR CHILD ABUSE OR NEGLECT OF A CHILD OR VULNERABLE ADULT. Any individual who is under investigation for abuse, neglect, or sexual abuse of a child or vulnerable adult must not be left alone with children until the investigation is completed and the findings are determined.

005.03 EMPLOYEE QUALIFICATIONS. All staff and volunteers must be of good moral character and not engage in or have a history of behaviors injurious to or which may endanger the health or morals of children and meet the following qualifications. Staff employed as an executive director, program director, placement supervisor, or placement worker prior to the effective date of these regulations are deemed to be in compliance with education and experience requirements.

005.03(A) EXECUTIVE DIRECTOR. The executive director must meet one of the following education and experience requirements:

- (i) Have a master's degree in social work, counseling, business, public administration, education, or a related human service; or
- (ii) Have a bachelor's degree and five years of experience in social work, counseling, business, public administration, education, or a related human service.

005.04(B) PROGRAM DIRECTOR REQUIRED. If the executive director is not on sight or is on sight but not providing direct oversight of the day to day operations of the program then the agency must employ a program director who:

- (i) Has a master's degree in social work, counseling, business, public administration, education, or a related human service; or
- (ii) Has a bachelor's degree and three years of experience in social work, counseling, business, public administration, education, or a related human service.

005.04(C) PLACEMENT SUPERVISOR. An individual who supervises staff who make placements of children must:

- (i) Have a master's degree in social work, counseling, or a related human service; or
- (ii) Have a bachelor's degree in social work, counseling, or a related human service with two years of experience in a human service related field;



005.04(D) PLACEMENT WORKER. A placement worker must be supervised by a placement supervisor and have a bachelor's degree in social work, counseling, or a related human service field.

005.05 RECORDS. Records of all employees and volunteers must be kept during the period an individual is employed or used by the agency and for a minimum of two years after the separation of the employee or volunteer. A current record for each staff person or volunteer must be maintained at the facility where the employee or volunteer is assigned or be made available upon request by the Department.

005.05(A) EMPLOYEE RECORDS. Each record for an employee must include documentation of all of the following:

- (i) Name;
- (ii) Address and telephone number;
- (iii) Results for registry checks;
- (iv) Results of criminal history record check;
- (v) Date of assuming job responsibilities;
- (vi) Pre-service training;
- (vii) Statement that the employee has read and understands these regulations;
- (viii) Education;
- (ix) Social security number;
- (x) Dates of hire and termination;
- (xi) Job title and job description;
- (xii) In-service training;
- (xiii) Annual performance evaluation; and
- (xiv) Any disciplinary action taken or work improvement plans.

005.05(B) VOLUNTEER RECORDS. Each record for a volunteer must include documentation the required in 391 Nebraska Administrative Code (NAC) 005.05(A)(i) through (iv) and of the following:

- (i) Start date;
- (ii) A written schedule that includes the hours and days of the week the individual serves as a volunteer; and
- (iii) Training completed on the child-placing agency's policies and procedures.

005.06 EMPLOYEE TRAINING. Written documentation of the completion of all training for each employee must be available for the Department to review and must include:

- (1) Name of employee;
- (2) Name of the training;
- (3) Date the training was completed; and
- (4) Number of hours each training took to complete.

005.06(A) PRE-SERVICE TRAINING. Staff must complete 30 hours of pre-service training prior to a staff person having direct responsibility for services. The training must include:

- (i) Job duties and responsibilities;
- (ii) Policies and procedures specific to job duties;
- (iii) Child-placing agency policies and procedures;
- (iv) Child rights;

- (v) Confidentiality of client's records and client's medical information;
- (vi) Child service plans;
- (vii) Information on any physical and mental special care needs of the children;
- (viii) Information on statutes regarding abuse and neglect, reporting procedures;
- (ix) Crisis management; and
- (x) Trauma informed care.

005.06(B) ON-GOING TRAINING. Each staff must obtain 20 hours of training annually related to the skills necessary to care for and place children.

005.06(B)(i) TOPICS FOR TRAINING. Each staff member must have training directly related to the skills necessary to care for and place children which includes those listed in this chapter and the following:

- (1) Child attachment and bonding;
- (2) Effects of a disruption in placement upon a child;
- (3) Substance abuse;
- (4) Domestic violence;
- (5) Community resources;
- (6) Suicide prevention;
- (7) Independent living preparation;
- (8) Cultural awareness and competence; and
- (9) Child nutrition.

005.06(B)(ii) ACTIVITIES COUNTED AS TRAINING. Training activities must be directly related to the skills necessary to care for children and may be counted on an hour-for-hour basis. Study of written material may be counted as one training hour per 50 pages of written material.

005.07 THE CHILD'S RIGHTS. The licensee must establish a Bill of Rights that will be equally applicable to all children. The licensee must protect and promote these rights and afford children the opportunity to exercise their rights. The child and parent or legal guardian must be given a copy of the Bill of Rights before the licensee provides services to the child, including adoption. Each child has the right to:

- (A) Receive services provided by the agency;
- (B) Participate in the planning of the child's care and receive instruction and education regarding the plan;
- (C) Request information regarding the child's care as age and developmentally appropriate;
- (D) Receive services without discrimination as to race, color, creed, age, or national origin;
- (E) Have contact with family, friends, and other persons significant to the child;
- (F) Exercise religious beliefs or cultural traditions;
- (G) Access educational services;
- (H) Be accepted for services only if the agency has the ability to provide safe and professional care;
- (I) Personal privacy and confidentiality of all records, communications, and personal information;

- (J) Receive policies and procedures for admission, discharge, and termination of services at the time of admission;
- (K) Voice complaints or grievances, including to outside agencies, and suggest changes in services or staff without fear of reprisal or discrimination and be informed of the resolution;
- (L) Be free from verbal, physical, psychological, sexual abuse or harassment and to be treated with dignity;
- (M) Expect all efforts will be made to ensure continuity and quality of care;
- (N) Have the child's person and property treated with respect;
- (O) Be informed, in advance, about the care to be furnished, and any changes in the care to be furnished;
- (P) Be free from chemical and mechanical restraints except as part of a drug or medication ordered as part of the child's individual treatment plan; and
- (Q) Have the opportunity to participate in community activities appropriate to age and cultural heritage, and interests.

005.08 COMPLAINT PROCESS. The licensee must allow staff, children, parents, guardians, and others to submit complaints or grievances to the licensee. Written policies and procedures must be established and implemented by the licensee to address and document complaints or grievances received and include:

- (A) A procedure for submission of complaints that is made available to staff, children, parents, guardians, and others;
- (B) Time frames and procedures for review of complaints and provision of responses to address complaints;
- (C) A description of how information from complaints and responses is used to improve the quality of care and services for children; and
- (D) A method to ensure that the telephone number of the Nebraska Child Abuse and Neglect Hotline and the child's parent, guardian or other legal custodian is readily available to children, employees, and others who wish to lodge complaints.

005.09 PROGRAM DESCRIPTION. The licensee must ensure that a written description of the type of services provided is available to staff, children, parents, guardians or their designees, foster parents, adoptive applicants, and members of the public and includes:

- (A) Ownership;
- (B) The goals and objectives of the agency;
- (C) The description of the children to be served, including age, gender, care needs, and any other relevant characteristics;
- (D) Foster care services both licensed and approved;
- (E) Independent and transitional living services;
- (F) Adoption services, both foreign and domestic;
- (G) The composition of staff and their qualifications; and
- (H) The job responsibilities of staff.

005.10 QUALITY ASSURANCE AND IMPROVEMENT. The licensee must develop and implement a written quality assurance and improvement plan with input from staff, children, parents, guardians and other community partners. The plan must be reviewed and updated annually and describe:

- (A) How feedback will be utilized to improve services; and

(B) Methodology for monitoring, evaluating, and improving services.

005.11 TRANSPORTATION. When transportation is provided by the licensee the following requirements must be met:

- (A) Any individual who transports children must possess a current and valid driver's license;
- (B) Smoking is not permitted in any vehicle used to transport children;
- (C) No vehicle may be used to transport more passengers than the seating capacity of the vehicle, as indicated by the manufacturer, allows;
- (D) Any vehicle used to transport children must:
  - (i) Be operable and properly maintained;
  - (ii) Be clean and free of hazards;
  - (iii) Be registered;
  - (iv) Be insured;
  - (v) Be equipped with a first aid kit; and
  - (vi) Have doors locked at all times when in motion;
- (E) Children being transported must:
  - (i) Not be left alone in a vehicle at any time if under 14 years of age;
  - (ii) Be adequately supervised at all times. Staff-to-child ratio must be maintained;
  - (iii) Be properly secured in an appropriate restraint system;
  - (iv) When required, be in car seats that:
    - (1) Meet federal standards;
    - (2) Are the correct type for the child's age and developmental level; and
    - (3) Are properly secured; and
  - (v) Be school age or older when transported in buses over 10,000 pounds that are not equipped with restraint systems.

005.11(F) TRANSPORTATION POLICIES AND PROCEDURES. The licensee must establish and implement written policies and procedures that ensure that transportation requirements are met and that also include:

- (i) Emergency procedures in the event a child becomes ill, the vehicle breaks down or is involved in an accident, or other emergencies; and
- (ii) The presence of other passengers besides staff and children in the vehicle.

005.12 FOSTER CARE SERVICES. The licensee must provide support to licensed and approved foster homes to ensure such homes meet the requirements of Title 395 NAC and in accordance with the following:

005.12(A) PLACEMENT OF A CHILD. When placing a child, the licensee must:

- (i) Prior to placement give the foster parent all available information regarding the child in writing;
- (ii) At the time of placement or immediately thereafter give the foster parent:
  - (1) A placement agreement that is signed by the foster parent and the licensee.
  - (2) A consent for the foster parent to obtain medical care and treatment for the child that is signed by the child's parent or legal guardian.
  - (3) A payment agreement that is completed and signed by the foster parent and the licensee.

005.12(B) SUPERVISION OF A CHILD. For all children entering care the licensee must ensure and have documentation of the following:

- (i) The child must:
  - (1) Have complete medical, dental, and vision exams annually;
  - (2) Receive immediate medical, dental, and vision care when an emergency arises;
  - (3) Be current on all immunizations; and
  - (4) Receive necessary treatment for any medical or mental health care needs;
- (ii) A child age six and older who has not obtained a high school diploma or a high school equivalency diploma must be enrolled in an educational program; and
- (iii) The licensee must visit each foster home at least monthly to observe the interaction of the foster children with the foster parent and to generally assess the safety of the home.

005.12(C) DISCHARGE OF A CHILD FROM PLACEMENT. When discharging a child from a placement, the licensee must:

- (i) Involve the child in the development of the discharge plan;
- (ii) Provide information to the parent, legal guardian, and next care provider necessary to meet the needs of the child;
- (iii) Have written reports of the child's progress while in care which include the following:
  - (1) Educational information including grade reports, scholastic achievement, and social adjustment;
  - (2) Medical reports;
  - (3) Reports of psychological and psychiatric examination and testing;
  - (4) Reports of family contact and visitation; and
  - (5) A current inventory of the child's personal items. Such inventory must be updated at least yearly or each time there is a change in inventory;
- (iv) Complete a service delivery plan within 30 days of admission. Such plan must be updated quarterly while the child is in care;
- (v) As appropriate, provide counseling and assistance for the parent or guardian, foster parent and foster child in preparation for the end of placement; and
- (vi) Discharge a child only at the direction of the legal custodian or court authority.

005.12(D) CHILD RECORD. All records are confidential and must be maintained by licensee for each child while the child is in foster care placement and a minimum of three years after foster care has been terminated and the records must include:

- (i) Original intake information;
- (ii) An agreement signed by the parent or legal guardian authorizing the licensee to place the child in foster care;
- (iii) Medical consent for necessary medical and surgical care;
- (iv) Information about legal custody and responsibility for the child or a copy of the approved Interstate Compact on the Placement of Children (ICPC) agreement;
- (v) Information about the child's progress while in care;
- (vi) Educational information including grade reports, scholastic achievement, and social adjustment;

- (vii) Medical, dental, and vision records including examinations, immunizations, illnesses, and follow-up treatments;
- (viii) Psychological or psychiatric testing, examination, and follow-up treatment, if obtained;
- (ix) Information about visits with the child and contacts with the child's own family and services provided or arranged;
- (x) Copy of the service delivery plan for the child;
- (xi) An inventory of the child's personal items that is signed and dated by:
  - (1) The child, as age and developmentally appropriate; and
  - (2) A licensee representative or foster parent; and
- (xii) Payment agreement for placements in foster care.

005.12(E) FOSTER PARENT(S) RECORD. Licensee must have a separate record for each foster care home supported by the licensee. The records must be retained during the time the home is supported and for a minimum of three years after the expiration of the last license or discharge from the licensee and the records must include:

- (i) The application;
- (ii) A copy of the license or approval for foster care issued by the Department;
- (iii) Three references;
- (iv) Results of background checks of the foster parent and all other members of the household, as appropriate to age, including:
  - (1) The Nebraska Child Abuse and Neglect Central Registry and of any similar registry for every state and United States jurisdiction in which the individual has lived within the past five years;
  - (2) The Nebraska Adult Protective Services (APS) Central Registry and of any similar registry for every state and United States jurisdiction in which the individual has lived within the past five years;
  - (3) Local law enforcement agency for individuals 18 or older;
  - (4) State Patrol Sex Offender Registry for any state and United States jurisdiction in which the individual has lived for the past five years for individuals 18 or older;
  - (5) State-level criminal history for individuals 18 or older; and
  - (6) Finger-print based National Criminal History Check with the Identification Division of the Federal Bureau of Investigation for individuals 18 or older;
- (v) Health information report;
- (vi) Home study;
- (vii) Reports of visits to the home;
- (viii) Training records; and
- (ix) Corrective action plans and complaints.

005.13 ADOPTION SERVICES. The licensee must have written policies and procedures which it implements to ensure compliance with this chapter for each of the services the licensee intends to provide which may include any or a combination of the following:

- (1) Services to birth parents;
- (2) Acceptance of relinquishment from birth parents;
- (3) Recruitment, screening, and training of adoptive applicant;
- (4) Home studies;
- (5) Placement of children;

- (6) Supervision of placements;
- (7) Finalization of adoption;
- (8) Post-adoption services; and
- (9) Foreign adoptions.

005.13(A) SERVICES NOT PROVIDED. The licensee must indicate in writing and have available for review, a list of the services the licensee does not provide.

005.14 SERVICES TO BIRTH PARENT(S). The licensee must ensure that any parent approaching the licensee with an interest in the possible relinquishment of a child for the purpose of adoption is provided the following information in a manner and language that is easily understood by the parent:

- (A) Types of adoption services the licensee provides;
- (B) Whether the birth or legal parent is required to sign a contract or agreement with the agency;
- (C) The ability to receive a copy of any document signed;
- (D) That only pregnancy related expenses may be paid to a birth parent. All payments made on behalf of a birth parent must be processed through the agency;
- (E) Where to obtain:
  - (i) A list of all licensed agencies that provide adoption services in Nebraska;
  - (ii) Information as to how to review the official licensing file for the agency;
  - (iii) Information as to how to file a complaint regarding the licensee with the Department; and
  - (iv) The regulation governing child-placing agencies;
- (F) The ability to seek independent legal counsel on any issue related to the relinquishment of a child;
- (G) How parental rights are relinquished in Nebraska, including the requirements in Neb. Rev. Stat. § 43-104 and Neb. Rev. Stat. § 43-104.09;
- (H) Information about whether the birth parent have the ability to choose the adoptive family;
- (I) Information about consenting and refusal to consent to release of health information or information about the relinquishing parent.
- (J) Process of record storage and maintenance in the event of closure of the agency; and
- (K) The process for sharing available information regarding the child and the birth family.

005.15 ACCEPTANCE OF RELINQUISHMENT. A licensee having legal custody is responsible for the welfare of the child until a decree of adoption is granted and must:

- (1) Assume financial and planning responsibility for the child:
  - (a) In the event that a child's adoptive placement is disrupted; or
  - (b) When a court refuses to grant a decree of adoption; and
- (2) Maintain a copy of the final decree of adoption from the court in the agency file.

005.15(A) CHILD AVAILABLE FOR ADOPTION. The licensee must obtain, maintain, and document the following information for each child available for adoption:

- (i) The reason for relinquishment or termination of the parent-child legal relationship;
- (ii) A complete and current history of the child which includes:
  - (1) Race;

- (2) Ethnicity;
- (3) Nationality;
- (4) Indian Tribe, when applicable; and
- (5) Other cultural history of biological parent when available;
- (iii) A history of the child including as much of the following information as can be obtained:
  - (1) Physical appearance;
  - (2) Emotional, behavioral, medical, and cognitive history;
  - (3) Religion;
  - (4) Education;
  - (5) Interest, hobbies, and talents;
  - (6) Developmental history;
  - (7) Region of origin, if applicable;
  - (8) Placement history; and
  - (9) Any previous written assessments.
- (iv) A social history of the child's birth family including birth parent, extended family and siblings as applicable, including as much of the following information as can be obtained:
  - (1) Health and medical history as required by Neb. Rev. Stat. § 43-107;
  - (2) Physical appearance;
  - (3) Race or ethnic origin;
  - (4) Religious affiliation;
  - (5) Education;
  - (6) Occupation;
  - (7) Hobbies, interests, and talents;
  - (8) Mental health history; and
  - (9) Substance use or abuse history;
- (v) Services offered to the birth parent;
- (vi) Voluntary relinquishment or court termination of parental rights;
- (vii) Agency consent to the adoption;
- (viii) Adoption Decree;
- (ix) Medical and dental information about the child while in the custody of licensee;
- (x) Reports of psychological tests, development tests, psychological or psychiatric examination, and follow-up treatment if obtained for the child;
- (xi) The placement agreement;
- (xii) The service delivery plan for the child; and
- (xii) Agency supervision of the child.

005.16 RECRUITMENT, TRAINING, AND SCREENING OF ADOPTIVE APPLICANTS. The licensee must not deny any person the opportunity to apply to become an adoptive parent.

005.16(A) INFORMATION PROVIDED TO APPLICANT. The licensee must have all applicants sign a statement affirming receipt of the following information prior to signing the adoptive service contract or agreement:

- (i) A description of the services the licensee provides;
- (ii) The ability to receive a copy of any document signed;
- (iii) The philosophical perspective or religious affiliation, or both of the licensee;
- (iv) Where to obtain:



- (1) The status of the child-placing license for the agency;
- (2) A list of all licensed child-placing agencies in Nebraska;
- (3) Information as to how to review the official licensing file for the agency;
- (4) Information as to how to file a complaint regarding the agency with the Department or its successor;
- (5) Information as to how to obtain the regulations regarding child-placing agencies in Nebraska;
- (v) The ability to seek independent legal counsel on any issue related to adoption;
- (vi) To the greatest extent possible, the average time frame for the services provided, including the adoption home study and finalization of the adoption;
- (vii) The description of required training for adoptive parents;
- (viii) The process of sharing available information regarding the child and the birth family in accordance with Nebraska statute;
- (ix) Information regarding notices of consent and non-consent as provided in Neb. Rev. Stats. §§ 43-121 through 43-134;
- (x) Any policy that would result in the denial of services or would preclude placement of a child with an adoptive family;
- (xi) The grievance and appeal process of the licensee;
- (xii) Post-adoption services offered or required by the licensee;
- (xiii) The process for record storage and maintenance in the event of closure of the agency;
- (xiv) Any service offered by the licensee which is provided by another, entity, or individual;
- (xv) The licensee's policy on concurrent adoptions;
- (xvi) Information that pregnancy related expenses may be paid to a birth parent and all payments made on behalf of a birth parent must be processed through the agency; and
- (xvii) If applicable, the requirement of the licensee to collect fees and submit court documents after the completion of a foreign country adoption to validate the adoption in a United States court.

005.16(B) WRITTEN CONTRACT OR AGREEMENT. Prior to accepting any application the licensee must ensure each applicant is provided a written contract or agreement which includes the following:

- (i) A fee schedule that includes:
  - (1) Expected itemized fees;
  - (2) Expected itemized expenses;
  - (3) Potential additional expenses; and
  - (4) Post-finalization fees if included in the cost of the adoption;
- (ii) An explanation of the conditions under which fees or expenses will be charged, waived, or refunded; and
- (iii) An explanation of when and how fees and expenses must be paid.

005.16(C) APPLICATION. The adoptive parent or applicant must submit to the licensee a completed, dated, and signed formal application for adoption, including a signed fee agreement and disclosure statement.

005.16(D) TRAINING. Reasonable efforts must be made by the applicant to complete all required training prior to or within 90 days of the placement of children for adoption. All training must be documented in writing, including dates, number of clock hours and topics covered. All applicants must complete:

- (1) 16 core hours of training provided in face to face or web-based format;
- (2) Additional training requirements in this chapter if applicable; and
- (3) Training separate from and in addition to the family assessment process.

005.16(D)(i) CORE TRAINING REQUIREMENTS. Core training must include:

- (1) Attachment and bonding issues;
- (2) Loss and grief issues, as applicable for all parties to the adoption;
- (3) Adoption as a lifelong issue as it pertains to all parties to the adoption;
- (4) Key concepts of child growth and development;
- (5) Boundary setting and discipline;
- (6) Parenting a child of different cultural or racial background infancy through adulthood, if applicable;
- (7) Disclosure issues including the accuracy of family history information regarding the child and birth parent's family, discussion with the child and sharing information with others;
- (8) Adoption laws and procedures, including termination of parental rights;
- (9) On-going contact and communication of a child and adoptive family with biological family and significant individuals, if applicable;
- (10) Possible current and future use of community resources, including help with parenting techniques;
- (11) Medical and health issues including, but not limited to, shaken baby syndrome, parental substance abuse, relevant environmental issues, and genetic risk factors, if applicable;
- (12) Expectations of adoption and adoptive process; and
- (13) Supervision appropriate to the age of the child.

005.16(D)(ii) CORE TRAINING NOT REQUIRED. If an adoptive applicant is completing a subsequent adoption through the same agency or has completed documented training from his or her previous agency, and that training was completed within the last five years, core training need not be repeated if documentation of the prior training is on record with the current agency.

005.16(D)(iii) ADDITIONAL TRAINING REQUIRED FOR MEDICALLY FRAGILE CHILD OR OVER AGE 12 MONTHS. For applicant who will be adopting a child who is either medically fragile, or over 12 months of age four additional hours of training from the following topics must be completed as applicable and appropriate for the age of the child being adopted for a total of 20 hours. These four hours may be in face-to-face or web-based format:

- (1) Parenting a child that has been abused or neglected;
- (2) Parenting a physically, mentally, developmentally, or emotionally delayed child; and
- (3) The impact of frequent moves and multiple caregivers on the development of a child.

005.16(E) BACKGROUND CHECKS. The licensee must have background checks on the applicant and all other members of the household, as appropriate to age, including:

- (i) The Nebraska Child Abuse and Neglect Central Registry and of any similar registry for every state and United States jurisdiction in which the individual has lived within the past five years for individuals 13 or older;
- (ii) The Nebraska Adult Protective Services (APS) Central Registry and of any similar registry for every state and United States jurisdiction in which the individual has lived within the past five years for individuals 13 or older;
- (iii) Local law enforcement agency for individuals 18 or older;
- (iv) State Patrol Sex Offender Registry for every state and United States jurisdiction in which the individual has lived for the past five years for individuals 18 or older;
- (v) State-level criminal history for individuals 18 or older; and
- (vi) Finger-print based National Criminal History Check with the Identification Division of the Federal Bureau of Investigation for individuals 18 or older.

005.16(F) HEALTH INFORMATION. The licensee must obtain for each household member of the age of majority who will provide care, including each applicant, health information to document that the individual is physically and mentally capable of caring for children.

005.16(G) REFERENCES. The applicant must provide a minimum of three positive, written personal references from individuals, two of which must be unrelated to the applicant, that have knowledge of the applicant's character and suitability to parent a child as well as a reference from the employer of the applicant.

005.16(H) HEALTH INSURANCE COVERAGE. The applicant must provide written verification of current health insurance coverage for the child or verification that the coverage for the child will be available, obtained, and maintained during placement.

005.16(I) APPLICANT RECORD. A separate record for each adoptive home must be kept and include:

- (i) Documentation to show compliance with this chapter;
- (ii) A copy of the marriage license of applicants, if applicable;
- (iii) Documentation of the home study as required by this chapter; and
- (iv) Documentation of the finalization of an adoption, unless the adoption was finalized in a foreign country.

005.16(J) DISCONTINUATION OF SERVICES. The licensee must notify the adoptive applicant in writing within five business days of the reason for the discontinuation of services or to confirm the applicant's request to withdraw from services. At the time of notification, an applicant must be advised, in writing, of the agency's process for filing a grievance.

005.17 ADOPTIVE HOME STUDY. The licensee must complete a home study for each applicant for adoption. The home study must include interviews and documentation about the applicant and the proposed home environment.

005.17(A) INTERVIEWS. The licensee must conduct face-to face interviews for not less than a total of six hours which include:

- (i) Three interviews with a single applicant to be conducted on separate days or three joint interviews with a couple to be conducted on separate days;
- (ii) One individual interview with each member of the household including, in an age and developmentally appropriate manner, any children who reside in the home; and
- (iii) One interview in the applicant's home.

005.17(B) DOCUMENTATION OF HOME STUDY. The home study document must be completed on the licensee's letterhead and include:

- (i) Demographic information of the applicants;
- (ii) Home study author information and agency affiliation;
- (iii) Summary of the applicant and household members throughout the process of approving or licensing the home;
- (iv) All the information required in 391 NAC 8-005.16 and its subparts;
- (v) Description of applicant's family background;
- (vi) Description of current family composition;
- (vii) Employment, education, and military service;
- (viii) Current living arrangements and a description of home;
- (ix) Assessment of the applicant's financial stability and ability to provide for an additional child in the home;
- (x) Summary of information reported in the references;
- (xi) Identification of the family's strengths and needs and recommendations to address those;
- (xii) A recommendation of approval or disapproval; and
- (xiii) Signature of the author and an agency supervisor or administrator.

005.17(C) APPLICANT(S) REVIEW. At the conclusion of the home study process, the licensee must offer the applicant an opportunity to review the home study and submit corrections to the licensee of any inaccuracies contained in the home study. The applicant must either:

- (i) Sign a statement that the applicant has been given the opportunity to read and review the final draft of the home study, excluding the confidential references, or
- (ii) Sign the home study section indicating the applicant has read and reviewed the final draft of the home study.

005.17(D) RELEASE. The adoptive home study may be released by the licensee with the written authorization of the applicant and legal custodian of a child if named in the home study. Names of children, other than the applicant's own children, must be redacted.

005.17(E) ANNUAL UPDATE. The home study documentation must be on agency letterhead and updated annually until the adoption is finalized. The documentation must include:

- (i) At least one face-to-face visit to the home of the applicant;
- (ii) A review of the current health information of the applicant;
- (iii) Information regarding any child abuse investigations related to the applicant during the previous year;

- (iv) Information about any changes in residence, marital status, criminal history, finances, or addition or deletion of family members; and
- (v) Background checks as described in this chapter.

005.17(F) ADDENDUM. An addendum to the previously completed adoption home study must be completed by the agency when any of the following events occur:

- (i) Criminal charges or convictions;
- (ii) Child abuse investigations;
- (iii) Change in marital status;
- (iv) Change in family structure;
- (v) Significant change in employment and financial resources;
- (vi) Significant change in health status;
- (vii) Change in place of residence; or
- (viii) Other significant changes within the family.

005.18 PLACEMENT OF A CHILD FOR ADOPTION. The licensee must meet the following requirements whenever it places a child for adoption.

005.18(A) WRITTEN AGREEMENT. The licensee must have a written agreement with the applicant which is signed, dated, and executed at the time of placement. The agreement must include that the applicant will:

- (i) Participate in supervision by the agency of the child in the adoptive home;
- (ii) Agree to allow the licensee to complete post placement visits as determined by licensee and submit a report to the court regarding the findings of the post-placement visits;
- (iii) Obtain permission of licensee or birth parent, as appropriate, prior to removing the child from the state;
- (iv) Agree that the child may be removed from the adoptive placement by the licensee for good cause or at the request of the adoptive applicant; and
- (v) File an adoption petition according to Nebraska law or the law of the jurisdiction where the applicant resides.

005.18(B) DISCLOSURE OF INFORMATION. Prior to placement as much information as possible regarding the child must be obtained, including the information required by 391 NAC 8-005.15(A) and disclosed by the licensee, in writing, to the prospective adoptive parent.

005.18(C) DISCONTINUATION OF THE ADOPTION PLAN. The licensee must immediately inform the adoptive applicant of the biological parent's decision to discontinue the adoption plan and of any plan for returning the child to the birth or legal parent.

005.18(D) SIBLING PLACEMENT. The licensee must make efforts to place siblings with the same adoptive parent or applicant unless there is a court finding to the contrary. The licensee must keep a written record of the reasons and supporting evidence for separate placements in the child's file.

005.15(E) TERMINATION OF A PLACEMENT. The licensee must implement and maintain written policies and procedures regarding termination of adoptive placements at

the request of the adoptive parent or applicant or according to Nebraska law if the placement is not in the best interests of the child.

005.19 SUPERVISION OF AN ADOPTIVE PLACEMENT. The licensee must supervise each child after placement in an adoptive home until the adoption is final.

005.20 FINALIZATION OF AN ADOPTION. The licensee must provide written consent as required by Neb. Rev. Stats. §§ 43-104 and 43-105 and all documents required by law to the court for each child in its custody.

005.21 POST-ADOPTION SERVICES. When a licensee provides post-adoption services it must provide:

- (1) Consultation;
- (2) On-going support and education;
- (3) Information about resources for counseling or medical needs;
- (4) Search or reunification resources;
- (5) Information about networking with other adoptive families;
- (6) Information about adoption education and support groups; and
- (7) Additional social and medical background information obtained after placement that could significantly impact the child.

005.21(A) SERVICES NOT PROVIDED. If the licensee does not provide post-adoption services, the licensee must provide resource and referral information regarding post-adoption services to the birth parent, adoptive parent, and child, if appropriate.

005.22 POST ADOPTION SEARCHES. The licensee must comply with the applicable provisions of Neb. Rev. Stats. §§ 43-121 through 43-147. The licensee must have and implement written procedures and policies to ensure compliance with the statutory requirements.

005.23 SPECIFIC ADDITIONAL REQUIREMENTS FOR FOREIGN ADOPTIONS. For each country in which the licensee intends to engage in foreign adoption, the licensee must do so in accordance with the requirements of the United States Custom and Immigration Services (USCIS) and the United States Department of State.

005.23(A) FEES. For foreign country adoptions, the licensee must provide to the adoptive parent or applicant, in writing, a detailed listing of the following expenses:

- (i) Home study fee;
- (ii) Adoption expenses in the United States;
- (iii) The foreign country program expenses;
- (iv) The care for the child in the foreign country expenses;
- (v) Translation and document expenses;
- (vi) Contributions to humanitarian or other welfare services programs in the foreign country;
- (vii) Post-placement and post-adoption expenses;
- (viii) A written explanation of when the fees will be charged, waived, reduced, or refunded; and
- (ix) To whom the fees are paid.

005.23(B) ADDITIONAL EXPENSES. The licensee may not customarily charge any additional fees and expenses beyond those disclosed in the adoption services contract and must have a written policy to this effect. In the event that unforeseen additional fees and expenses are incurred in the foreign country, the licensee may charge additional fees and expenses only when it notifies the prospective parents. The licensee must obtain specific written consent from the prospective parents prior to expending funds in excess of \$1000 for which the licensee will hold the adoptive parents responsible. The licensee must provide written receipts to the prospective parents for fees and expenses paid directly by the agency, on behalf of the prospective parents, in the foreign country.

006. PHYSICAL PLANT STANDARDS. The premises of all child-placing agencies must be kept neat, clean, and hazard free. There must be ample space for files and to meet privately with applicants, parents, and children.

TITLE 474 - SOCIAL SERVICES FOR FAMILIES, CHILDREN  
AND YOUTH

CHAPTER 6 - (Repealed)



~~REV. DECEMBER 17, 2014~~ ~~NEBRASKA DEPARTMENT OF S.S./FAMILY CHILD YOUTH~~  
~~MANUAL LETTER #84 2014~~ ~~HEALTH AND HUMAN SERVICES~~ ~~474 NAC 6-000~~

~~CHAPTER 6-000 LICENSING GROUP HOMES, CHILD CARING AGENCIES, AND CHILD~~  
~~PLACING AGENCIES~~

~~6-001 — 6-004 (Reserved)~~

6-005 Licensing Group Homes and Child Caring and Child Placing Agencies

6-005.01 Scope and Authority: The Nebraska Department of Health and Human Services is responsible for licensing foster homes, group homes, child caring agencies, and child placing agencies, as authorized in Neb. Rev. Stat. Sections 43-296, 43-701 to 43-707, and 71-1901 to 71-1907. This section contains material governing the licensing of group homes, child caring agencies, and child placing agencies. Additional licensing requirements for group homes are in 474 NAC 6-006, for child caring agencies in 474 NAC 6-008, and for child placing agencies in 474 NAC 6-009. See 474 NAC 6-003 for foster home licensing.

6-005.02 Definitions

Child means an unemancipated minor. Nebraska's age of majority is 19.

Child Caring Agency means an agency incorporated to provide care for children in buildings maintained by the organization for that purpose.

Child Placing Agency means an organization authorized by its articles of incorporation to place children in foster family or adoptive homes.

Child Welfare Programming Experience means employment, internships, or volunteer work providing social services in a professional setting to emotionally, socially, or behaviorally impaired children and/or their families.

Cradle Care Giver means a person who provides a temporary living and care arrangement for a child placed in the home while a parent decides on relinquishment or while the child waits to be united with an adoptive family.

Department means the Department of Health and Human Services.

Group Home means a home operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide 24-hour care for 12 or fewer foster children in a residential setting.

Licensing Agent means a Department staff person who directly handles a licensing case.

~~Operating License~~ means a legal document effective for two years which allows care to be provided for children to be placed in foster care or for adoption.

~~Provisional License~~ means a time limited, non renewable license issued to an applicant who is unable to comply with all licensure requirements and standards, and is capable of compliance within the time period stated on the license.

~~Probationary License~~ means a time limited, nonrenewable license that is issued to a licensee who agrees to establish compliance with rules and regulations that, when violated, do not present an unreasonable risk to the health, safety, or well being of the foster children in care.

~~Wilderness Challenge Program~~ means a time limited, highly structured outdoors program and intensive residential program designed to challenge adjudicated youth through experiential learning. This program will have a primary site of constructed buildings. This primary site will be designated on the license. Expedition sites are those sites where children are taken from the primary site and an overnight sleeping event occurs.

~~6-005.03 License Required:~~ Persons, other than a parent, who place, assist in placing, advertise a child for placement, or give the care and custody of any child to any person or association for adoption or otherwise, except for temporary or casual care, must obtain a license to place children. See also 474 NAC 6-003.01A.

~~6-005.04 Inquiries:~~ (See 474 NAC 6-003.04).

~~6-005.05 Application:~~ The applicant shall sign a licensing application form (attached and incorporated by reference into these regulations) for initial application, renewal, and when required for changes. Applications not properly signed will be returned. All new applications must be accompanied by three positive written references from three separate Nebraska social service agencies providing services to abused, neglected, or dependent children, status offenders, or delinquents.

The licensing agent shall initiate action on an application within ten days of receipt. The licensing agent may recommend denial of any application pending beyond three months due to inaction on the part of the applicant.

Authority to visit: See 474 NAC 6-003.06.

#### ~~6-005.06 Fee~~

~~6-005.06A License Fee:~~ Applicants shall submit the following licensing fees to the Licensing Agent:

- ~~1. Group Home \$50.00~~
- ~~2. Child Caring Agency \$50.00~~
- ~~3. Child Placing Agency \$50.00~~

The following licensing fees will be charged for all Provisional and Probationary Licenses:

1. Group Home \$25.00
2. Child Caring Agency \$25.00
3. Child Placing Agency \$25.00

If an applicant withdraws an application, or an application is denied, the fee will not be returned.

6-005.06B Fee Collection: When a fee is received, the licensing agent shall issue a receipt. The fee is sent to HHS Finance and Support Central Office, attached to a memorandum indicating the name and address of the applicant and the type of license.

6-005.07 Health Information Report: See 474 NAC 6-003.07 only for licensing of group homes and child caring agencies. A report may be filed at the facility or business office rather than being submitted to the licensing agent.

6-005.08 Fire Safety Inspection: If four or more individuals other than usual family members or agency staff reside in the group home or child caring agency, a fire safety inspection is required. See 474 NAC 6-003.08.

6-005.09 Sanitation Inspection: See 474 NAC 6-003.09 only for licensing of group homes and child caring agencies. The agent shall request an inspection when seven or more foster care children reside in a group home or child caring agency.

6-005.10 Recreation Camp Inspections: The agent shall request annual written documentation from the Nebraska Department of Health and Human Services Regulation and Licensure of certification as a Recreational Camp from all Child Caring Agency Wilderness Challenge Programs.

6-005.11 Challenge Course Inspections: The agent shall submit an "Inspection Referral for Centers, Agencies, Group Homes" to the Department of Labor, Safety Division to request an inspection for all Child Caring Agency Wilderness Challenge Programs experiential challenge activity courses.

6-005.12 Compliance Evaluation: The licensing agent shall evaluate each applicant to determine compliance with minimum requirements for licensing. See 474 NAC 6-005.10.

6-005.12A Initial License: The licensing agent shall evaluate all initial applications through an onsite visit and document information on the appropriate checklist.

6-005.12B Renewal: The licensing agent shall evaluate requests for license renewal through an onsite visit. This should be done at least 30 calendar days before the license expires. Licenses shall be subject to renewal under the same terms and conditions as the original license, except that if a licensee submits a completed renewal application thirty days or more before the license's expiration

date, the license shall remain in effect until the Department either renews the license or denies the renewal application.

~~6-005.12C Evaluation Review:~~ When completed, the applicant/licensee shall review the evaluation before the license is issue or renewed.

~~6-005.13 Recommendation for Licensure:~~ See 474 NAC 6-003.11.

~~6-005.14 Alternative Compliance:~~ See 474 NAC 6-003.12.

~~6-005.15 Non-Compliance with Requirements:~~ See 474 NAC 6-003.13.

~~6-005.16 Background Checks:~~ Child caring agencies must conduct background checks on staff and volunteers, as specified in 474 NAC 6-008.02(5). Child placing agencies must conduct background checks on each applicant/licensee foster family household member, as specified in 474 NAC 6-003.25B. Child placing agencies must conduct background checks on each adoptive family household member, as specified in 474 NAC 6-009.06B1(c).

~~6-005.17 Amending a License:~~ See 474 NAC 6-003.15.

~~6-005.18 Public Access to Licensing Files:~~ Department staff shall release information regarding a licensee's name, address, telephone number, type of license, number of children, hours and days of care, name of licensing agent, license number, and license effective dates upon verbal or written request. Names of enrolled children and their parents and names of complainants must remain confidential.

The Central Office shall not release information shown in A and B below until an investigation/evaluation is complete, and until 10 working days after the licensee has received the final report(s). The request must specify the type of reports and the time period for which the reports are being requested. The person making the request shall reimburse the department for photocopying costs if copies are requested. The reimbursement must be received by the Central Office before the requested information is mailed. If the individual making the request wishes only to review the reports, she/he shall do so in the presence of Department staff.

The Central Office shall make available to the licensee the name and address of the person requesting the information, upon request. Local units or field offices shall not permit public access to licensing reports unless granted approval from Central office.

~~6-005.18A Access to Group Home and Child Caring Agency Files:~~ The licensing agent shall release the following information about these facilities upon written request:

- ~~1. License application;~~
- ~~2. Fire safety inspection reports;~~
- ~~3. Evaluation and recommendation (narrative and checklist);~~
- ~~4. Review Findings; and~~
- ~~5. Alternative Compliance.~~

~~6-005.18B Access to Child Placing Agency Files:~~ The licensing agent shall release the following information about child placing agencies upon written request:

1. License Application;

2. Evaluation and recommendation (narrative and checklist);
3. Review Findings; and
4. Alternative Compliance.

~~6-005.19 Declaratory Ruling Request: See 474 NAC 6-003.18.~~

~~6-005.20 Denial, Revocation, or Suspension of a License: See 474 NAC 6-003.19.~~

~~6-005.21 Licensing Decision Appeals: See 474 NAC 6-003.20.~~

#### ~~6-005.22 Complaints~~

~~6-005.22A Complaints on Suspected Child Abuse or Neglect: Upon receipt of a complaint alleging child abuse/neglect, the licensing agent shall—~~

1. Inform the complainant of his/her responsibility to report the situation to the proper law enforcement agency or Child Protective Services; and
2. Immediately report the alleged abuse/neglect to the proper law enforcement agency or Child Protective Services.

~~Following the Child Protective Services investigation, the agent shall obtain a report and review it for potential action regarding the person's license.~~

~~6-005.22B Processing Complaints: For complaints regarding violations of licensing standards that are not related to abuse/neglect, the licensing agent shall—~~

1. Document the complaint;
2. Keep names of complainants confidential;
3. In cases involving a child caring agency, determine in consultation with his/her supervisor when a safety plan is developed, and request related incident reports from the agency;
4. Coordinate contact and consultation, as appropriate, with contracting and resource development regarding placement and safety plans;
5. Initiate an investigation, which may include—
  - a. Interviewing the person about whom the complaint was given;
  - b. Interviewing all persons aware of the circumstances included in the complaint;
  - c. Review physical setting indicated in the complaint;
  - d. Determine who witnessed the occurrence stated in the complaint; and
  - e. Review all reports from other agencies (i.e., law enforcement reports, Child Protective Services);
6. For investigations involving the use of physical restraints or related prohibited practices in a child caring agency, initiate consultation among resource development, CPS, and contracting staff to review investigation findings;
7. If noncompliance with licensing requirements is found, follow noncompliance procedures;

8. Report results of the investigation in narrative form, including
  - a. Statements made by person interviewed;
  - b. Facts obtained during interviews;
  - c. The investigator's observations; and
  - d. A list of witnesses' names, addresses, and telephone numbers; and
9. Report results, resolutions, and recommendations of the investigation to placing agency. All findings should be documented in narrative form.

~~6-005.23 Licensee Renewal Responsibilities:~~ Each applicant for license renewal shall

1. Complete an application form.
2. Submit a \$50.00 license fee.
3. Have on file a current "Health Information Report" for each group home parent or care staff member.
4. Meet group home or child caring agency requirements for fire safety and sanitation.

~~6-005.24 Licensing Process Summary:~~ For both initial and renewed licenses, the agent shall complete and compile the following:

1. Application;
2. A copy of the licensing fee receipt;
3. "Health Information Report" for each direct care employee in a group home or child caring agency;
4. Fire safety inspection as required;
5. A sanitation inspection report, as required; and
6. Evaluation and recommendation. This is the documentation of the facility's and the applicant's compliance with regulations for the specific license type. When the applicant complies with all requirements, the agent shall complete the recommendation and indicate the number of children for which the group home or child caring agency is licensed.

~~6-006 Licensing Standards for Group Homes: Each applicant for a group home license shall meet these licensing standards and the requirements in NAC 474 NAC 6-005 to obtain a license. A license issued before these regulations become effective is valid until the time of license renewal.~~

~~Staff responsible for administration, licensing, or resource development shall annually re-evaluate all licensing requirements.~~

#### 6-006.01 Administration

~~6-006.01A Purpose Statement: Each group home shall have a written purpose statement which includes—~~

- ~~1. The objectives of the group home;~~
- ~~2. The ages of the individuals to be served;~~
- ~~3. The maximum number of individuals to be served;~~
- ~~4. Personnel policies for group home staff;~~
- ~~5. Intake and discharge policies and procedures; and~~
- ~~6. The group home's discipline policy.~~

~~6-006.01B Program: The legal entity that supervises the group home shall provide or ensure the availability of appropriate supportive services such as—~~

- ~~1. Ongoing casework;~~
- ~~2. Medical, dental, and psychological services;~~
- ~~3. Educational services; and~~
- ~~4. Nutritional services.~~

~~A written program description must be available to the public.~~

~~6-006.01C Records: See 474 NAC 6-003.33E.~~

~~6-006.01D Confidentiality: Group home staff shall consider all records confidential and shall safeguard the information from any use which may harm the child.~~

6-006.02 Admissions: ~~The following guidelines apply to group home admissions:~~

- ~~1. The person or agency placing the child shall sign a written agreement for admission and care.~~
- ~~2. The legal custody of the child being admitted must be documented.~~
- ~~3. If the Interstate Compact on the Placement of Children applies, compact approval must be obtained from the deputy compact administrator before admission.~~
- ~~4. Care may be provided for minors only.~~



~~Group home staff shall assess their personal capacities, the facility, and the community to determine what services the home is able to offer to children. Children must be accepted based on this assessment and not on the race, color, national origin, or handicap of the child.~~

~~6-006.03 Staff: The group home shall obtain a medical report on each employee, signed by a licensed physician, certifying that s/he is in good mental and physical health. This medical report must be updated every two years.~~

~~The agency shall evaluate each employee's job performance at least annually.~~

~~The group home shall employ no individual who has been convicted of, admitted to, or if there is substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude if these circumstances have current bearing on the applicant's provision of foster care. Staff shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of the children in care.~~

~~6-006.03A Age and Maturity: Group home staff shall have emotional maturity and the capacity to develop constructive relationships with the children under care.~~

~~All staff must have attained the age of majority.~~

~~6-006.03B Staff Ratio: The agency shall~~

- ~~1. Employ at least one full-time staff person for an average of six children;~~
- ~~2. Hire at least one part-time relief staff person;~~
- ~~3. Ensure that at least one adult is on duty whenever children are present in a group home; and~~
- ~~4. Ensure that properly qualified staff, as defined by the home's job qualifications, are available at all times.~~

~~6-006.03C Training: Each staff member, including volunteers, who provide direct care of children shall obtain~~

- ~~1. Twenty-one clock hours of Department approved pre-service training before assuming his or her duties. Staff who are employed before the effective date of this regulation are exempt from this requirement; and~~
- ~~2. At least 12 clock hours of Department approved in-service training annually within the effective dates of the license.~~

~~Each training hour must be approved by the licensing specialist and must be directly related to the skills necessary to care for children in out-of-home care.~~

~~6-006.03C1 Activities Counted as Training: Each hour spent participating in any of the following types of child care related activities counts toward pre-service and yearly in-service requirements:~~

1. Department-sponsored training;
2. Workshops;
3. In-service training sponsored by professional organizations or educational institutions;
4. Department-approved reading material;
5. College courses;
6. Non-credit course work;
7. Adult education courses; and
8. Videotaped material.

Written documentation must be available for each of the listed types of training.

~~6-006.04 Facility: The licensee shall ensure that—~~

1. Two types of care are not offered at the same time in the same facility if there is a conflict with the best interests of the children, the use of staff, or the use of the facility;
2. At least 35 square feet of living space (which includes only living rooms, dining rooms, and recreation rooms) is available per individual;
3. Each child is provided a separate bed and suitable closet and dresser space;
4. A single bedroom contains at least 80 square feet;
5. Shared bedrooms contain at least 60 square feet of floor space per individual;
6. Shared bedrooms in an emergency shelter care group home contain at least 40 square feet per individual;
7. Sleeping rooms are arranged so that no children need to go through another bedroom to reach the bathroom; and
8. Sufficient outdoor recreational space is available to meet the needs of the children.

~~6-006.05 Services: Program service staff shall develop a comprehensive care plan from intake to discharge based on the needs of the individual under care.~~

~~6-006.05A Community Activities: Children must be permitted and encouraged to participate in appropriate neighborhood, school, church, cultural, and community activities. Each child must be permitted to practice and further his/her own religious beliefs.~~

~~6-006.05B Discipline: Each group home shall develop written policies regarding discipline.~~

~~Staff shall—~~

1. Use discipline only as a learning process in which certain specified consequences are the result of unacceptable behavior; and
2. Never use the following as discipline:
  - a. Physical punishment or abuse;
  - b. Denial of necessities;
  - c. Chemical or mechanical restraints; or
  - d. Derogatory remarks, abusive or profane language, yelling or screaming, or threats of physical punishment.

6-006.05B1 Seclusion Room: The group home shall not use a seclusion room.

6-006.05C Transportation Safety: Group homes shall ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907. Restraints are not required for children transported by public transportation or school bus.

6-006.06 Emergency Shelter Care Intake: Shelter staff shall follow these general admission policies:

1. On admission, shelter staff shall start a case record that identifies the child and his/her immediate needs.
2. The following information must be obtained at admission or as soon as possible after admission:
  - a. The child's identity;
  - b. The name(s) and address(es) of the child's parent(s), guardian, or conservator;
  - c. Any medication the child is taking; and
  - d. The child's allergy to any medication or food.
3. During admission the following information must be obtained when possible:
  - a. The child's immediate needs;
  - b. The name of the referral source (e.g., placing agency or individual);
  - c. The date and time of placement;
  - d. The reason for emergency placement;
  - e. The intake worker's observation of the child's condition;
  - f. The child's understanding of emergency shelter care; and
  - g. The child's feelings about the crisis situation and shelter care.
4. The shelter's policies and procedures must document which staff reviews admission information and makes admissions.

5. When a child is admitted, shelter staff shall try to contact the child's parent(s) or guardian, within 24 hours if they are unaware of the placement. If the parent(s) or guardian cannot be contacted, shelter staff shall inform a public agency (child welfare, juvenile probation, or police department) of the child's presence. Efforts to contact the parent(s) or guardian and contacts with public agencies must be documented in the child's case record.

6-006.07 Sanitation Requirements: All applicants for a group home license shall comply with the sanitation requirements in 474 NAC 6-003.

6-007 (Reserved)

6-008 Licensing Standards for Child Caring Agencies: Each applicant for a child caring agency license shall meet these licensing standards and the requirements in 474 NAC 6-005 to obtain a license. A license issued before these regulations became effective is valid until the time of license renewal.

6-008.01 Administration

6-008.01A Incorporation: Any agency engaging in child caring activities in Nebraska shall:

1. Incorporate as required by Nebraska state statutes. The purpose for which the agency is incorporated must be stated in its articles of incorporation; and
2. Develop a written statement of its functions, policies, and programs and provide it to the Department's licensing unit for approval.

6-008.01B Governing Board: The Child Caring Agency shall have a governing board (Board of Directors) which conforms to Nebraska laws concerning boards of incorporated bodies. The board shall:

1. Be representative of the agency's constituency;
2. Meet at least once a year and as often as necessary for the agency to function properly. Official minutes of board meetings must be kept permanently;
3. Employ an executive who:
  - a. Assumes responsibility for carrying out policies set by the board on a day to day basis;
  - b. Does not serve as a voting member of the board; and
  - c. Has the authority to hire and discharge employees directly responsible to the executive; and
4. Ensure that all local, state, and federal laws and administrative rules and regulations are followed by the agency.

6-008.01C Finances: The agency shall:

1. ~~Have a sound financial program enabling it to carry out the functions shown in its articles of incorporation;~~
2. ~~Operate on a budget approved by the governing board before the beginning of each fiscal year; and~~
3. ~~Have all of its financial accounts reviewed by a certified accountant at least once a year.~~

~~6-008.01D Administrative Records and Reports: The agency shall maintain current, accurate records and include the location of each child in care.~~

~~The executive shall:~~

1. ~~Compile and file with the governing board, a monthly report of the agency's activities and current financial situation;~~
2. ~~Supply information and special reports requested by the Department; and~~
3. ~~Inform the Department of any plans for major changes in services or facilities.~~

~~6-008.02 Personnel: The agency shall:~~

1. ~~Have a written statement of policies which is approved and reviewed annually by the governing board and made available to all employees;~~
2. ~~Maintain a file of job descriptions and qualifications for each full time and each part time position on the staff, including each volunteer position;~~
3. ~~Maintain a personnel file for each full time or part time employee including an evaluation of staff performance and any information regarding disciplinary action. The file must be kept at the facility the employee is assigned, except when the facility and the administration office are located in the same city;~~
4. ~~Maintain a file on each volunteer; and~~
5. ~~Check the background of all employees and volunteers who have access to youth before participation with the agency. The background check shall include contacting the HHS Central Register of Abuse and Neglect, the HHS Adult Protective Services Central Registry, and the State Patrol Central Registry of Sex Offenders.~~

~~6-008.02A Staff Qualifications: All staff members shall have good character, emotional stability, and sufficient ability and education to perform their assigned duties. The agency shall employ no individual who has been convicted of, admitted to, or if there is substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude if these circumstances have current bearing on the applicant's provision of care. Center Staff shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of the children in care.~~

~~Staff who provide medical, dental, or nursing care shall meet the qualifications of the State Board of Examiners. Teachers shall hold Nebraska certificates. Child-Caring Agency workers must have a high school diploma or its equivalent.~~

~~All staff working directly with children must pass a medical examination before employment and every two years thereafter.~~

~~6-008.02B Staff Ratio: The licensee shall ensure that at least one employed staff member is on duty for every six children in care. The licensee shall ensure that at least one employed staff member is on duty for every twelve children during the overnight hours. Overnight hours are from the time children are in bed until the time children awaken.~~

~~The agency shall:~~

- ~~1. Consider only the staff directly responsible for children when determining the ratio of staff members to children under care; and~~
- ~~2. Maintain sufficient staff to ensure that those caring for children do not become over-fatigued; and~~
- ~~3. Assure that all children are supervised. The children in care will be assessed and the licensee will ensure an appropriate staff/child ratio.~~

~~6-008.02C Training: Each staff member, including volunteers, who provide direct care of children shall obtain~~

- ~~1. Twenty-four clock hours of Department-approved pre-service training before assuming his or her duties. Staff who are employed before the effective date of this regulation are exempt from this requirement; and~~
- ~~2. At least 15 clock hours of Department-approved in-service training annually within the effective dates of the agency's license.~~

~~Volunteers who provide occasional services and/or are supervised at all times are exempt from this requirement.~~

~~Each training hour must be approved by the licensing specialist and must be directly related to the skills necessary to care for children in out-of-home placement.~~

6-008.02D Activities Counted as Training: Each hour spent participating in any of the following types of child care related activities counts toward pre-service and yearly in-service requirements:

1. Department sponsored training;
2. Workshops;
3. In-service training sponsored by professional organizations or educational institutions;
4. Department approved reading materials;
5. College courses;
6. Non-credit course work;
7. Adult education courses;
8. Videotaped material;
9. Audio taped material;
10. Continuing education units (CEU's); and
11. Other Department approved material.

Written documentation must be available for each of the listed types of training.

6-008.03 Facility: The agency shall ensure that the following requirements are met:

1. Two types of care must not be offered at the same time in the same facility if there is conflict with the best interest of the children, the use of staff, or the use of the facility.
2. Grounds must be clean, neat, hazard free, and planned to meet the recreational needs of the children.
3. In structure and maintenance, all buildings must meet state and local standards for fire protection, health, and sanitation.
4. Rooms must be provided to allow privacy for interviewing a child or parents and for a child to visit relatives or guests.
5. When a school is maintained on the grounds, the school buildings and equipment must meet the requirements of the Nebraska Department of Education.
6. Each cottage or building in which children live must have room for recreation, leisure time use, and study.
7. The kitchen(s) must have sufficient storage space and equipment for the efficient preparation of food; for storage of food and utensils; and for dish washing.

8. ~~Sleeping rooms must:~~
  - a. ~~Provide a pleasant restful atmosphere conducive to uninterrupted sleep and privacy;~~
  - b. ~~Contain a separate bed and bedding for each child;~~
  - c. ~~Contain at least 80 square feet of usable floor space for a private room and 60 square feet per individual if the room is shared by two or more children (shared bedrooms for emergency shelter care must contain at least 40 square feet per individual); and~~
  - d. ~~Have ceilings at least seven feet six inches high.~~
9. ~~Adequate living quarters must be provided for live-in staff, including bathing and toilet facilities separate from those used by the children.~~
10. ~~In new construction, one lavatory, one toilet, and one tub or shower must be provided for every six children. Privacy must be provided.~~
11. ~~The facility must meet all zoning requirements as verified by the body enforcing zoning codes.~~

6-008.04 Admissions: ~~The agency shall follow these admissions practices:~~

1. ~~Develop and have written admissions policies and procedures;~~
2. ~~Determine and document who holds legal custody of the child at or before admission;~~
3. ~~Obtain a written agreement for admission and care, signed by both the person placing the child and the staff person admitting the child. The agreement must include the parent's/guardian's permission for the child to be given medical or dental care and emergency medical procedures;~~
4. ~~Provide care only for children under the age of majority;~~
5. ~~Assess staff capacities, the facility, and the community to determine what services it can offer to children. Acceptance of the placement of a child must be based on this assessment and not on the race, color, national origin, or handicap of the child; and~~
6. ~~If the Interstate Compact applies, require approval for admission before admission.~~

6-008.05 Case Reviews: ~~The agency shall review each child's care plan:~~

1. ~~Within 30 days after the placement; and~~
2. ~~At least quarterly, thereafter.~~

~~The review must be documented in the child's record.~~

6-008.06 Health and Safety Requirements: ~~The agency shall ensure that:~~



- ~~1. Each child receives a complete medical and dental exam within 14 days of initial foster care placement and annually thereafter. If there is no record of a previous exam, one must be completed within 60 days of placement for a secondary foster care placement.~~
- ~~2. Each child has regular physical and dental exams (The recommended schedule is annual physical exams through age six and exams at one to two year intervals thereafter, depending on the child's health status. Annual dental exams are recommended for children three and older, earlier if a dental problem arises.);~~
- ~~3. Complete medical and dental records are maintained for each child and that the location of the child's medical history is noted in the child's program file;~~
- ~~4. It has access to routine medical care and emergency medical care on a 24 hour a day, 7 days a week basis; and~~
- ~~5. All reasonable precautions are taken to avoid accidents to residents and staff. This includes observing all safety rules in regard to swimming, transportation, and equipment.~~

~~6-008.06A Transportation Safety: The agency shall ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907.~~

~~Restraints are not required for children transported by public transportation or school bus.~~

~~6-008.06B Fire Safety: Each Child Caring Agency shall meet all fire regulations set by the State Fire Marshal's Office for operating and design of "child caring agency institution."~~

~~6-008.07 Personal Hygiene: Agency staff shall provide instruction to children in care regarding routine health and hygiene practices such as bathing, and proper sleep and eating habits.~~

~~6-008.08 Food and Nutrition: The agency shall ensure that:~~

- ~~1. Each child is provided with a daily balanced diet containing all basic foods in amounts necessary for good health; and~~
- ~~2. Diets for children with special health problems are prescribed by a physician and carefully observed.~~

~~6-008.09 Clothing:~~ The agency shall ensure that:

- ~~1. A record is kept of the clothing and personal articles a child brings to the institution at admission; and updated every time the child acquires new items or an item is lost or damaged. The inventory shall be signed each time a new inventory is developed by the foster parent, child, and guardian, if possible. All items will be returned at the time the placement terminates.~~
- ~~2. Each child has sufficient clothing.~~

~~6-008.10 Discipline, Seclusion Rooms, and Physical Restraint:~~ Any private child-caring agency to which these regulations apply that fails to comply with any of the below-stated regulations, including a failure to provide appropriate training and certification, shall not be eligible for participation in any program supported in whole or in part by funds administered by the Department of Health and Human Services.

#### 6-008.10A Definitions

~~Assessment means a face-to-face evaluation of the child's current and past (if available) physical, mental, emotional, and behavioral health.~~

~~Chemical restraint means a drug or medication used to control acute episodic behavior by significantly lowering the child's level of consciousness or awareness, or restricting the movement of the child. A drug or medication ordered by a physician as part of the individual treatment plan for treating the symptoms of mental, emotional, behavioral or psychiatric disorders is not a chemical restraint.~~

~~Crisis intervention model means a model that identifies specialized interventions to guide, redirect, modify, or manage behavior of children and youth. The intervention model includes an entire spectrum of activities from preventive and planned use of routines and environment, to less restrictive interventions such as positive reinforcement, verbal interventions and de-escalation techniques, to more restrictive interventions such as seclusion, physical escorts, and physical restraint.~~

~~Deceleration techniques means physical strategies or actions taken to decrease a volatile situation to prevent harming of self or others, as well as to prevent displays of inappropriate or maladaptive behavior.~~

~~De-escalation means verbal skills used to defuse a volatile situation by "talking down" the child and therefore assisting the child to regain behavioral control, and avoid physical intervention.~~

~~Discipline means to establish self-control through training or instruction.~~

~~Emergency means a situation that poses an imminent threat of serious physical injury to self or others as a result of the immediate behaviors of the child.~~

Incident debriefing means a structured interview with the child and staff to assess the circumstances that led to the incident for purposes of gaining understanding closure. The incident debriefing with the child and staff shall occur within 24 hours of the restrictive procedure.

Informed consent means the requirement that any decision to authorize an intervention is based on the understanding of the risks and benefits of intervention, and those possible alternatives are described to the decision maker. (See 390 NAC 11-002.04E.)

Mechanical restraint means the use of devices as a means of restricting a child's freedom of movement. It does not include devices such as orthopedically prescribed devices.

Monitoring means to repeatedly check the condition of the child while in seclusion or restraint.

Multi disciplinary team means a group of qualified individuals who share their knowledge and expertise to assist and support the child receiving services and to be involved in all phases of the child's care and in the child's discharge planning. The child receiving services and the child's legal guardians are members of the team.

Pain compliance technique means any intervention that intentionally causes pain to gain control of a child, such as the use of tasers, pressure point control, and chemical sprays.

Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing an acting out child to walk to a safe location.

Physical intervention means any physical technique used to stop a person's behavior that is deemed harmful to self or others.

Physical restraint means any mechanical device or manual technique that restricts the movement or function of the child's body or any portion thereof, such as a standing restraint.

Restraint means any physical intervention used to restrict or control the movement of a child receiving services. Devices used to provide support for the achievement of functional body position or proper balance, and devices used for specific medical and surgical treatment, are excluded.

Seclusion means a behavior control technique that places the child in any room against his or her will, where the child cannot voluntarily leave the room and isolating him/her from any personal contact.

Treatment Team — See Multi-Disciplinary Team

~~6-008.10B Discipline: Each agency shall develop written policies regarding discipline. Policies shall require that the behavioral conditions for removal of disciplinary restrictions be specified each time that restraint or seclusion is imposed and provide that the child is notified, in terms they understand, of the criteria to be met before restraint or seclusion can end.~~

~~Agency staff shall:~~

- ~~1. Use discipline only as a learning process in which certain specified consequences are the result of unacceptable behavior; and~~
- ~~2. Never use the following as discipline:~~
  - ~~a. Physical punishment or abuse;~~
  - ~~b. Denial of necessities;~~
  - ~~c. Chemical or mechanical restraints; or~~
  - ~~d. Derogatory remarks, abusive or profane language, yelling or screaming, coercion, or threats of physical punishment.~~

~~6-008.10C Seclusion Rooms: If a seclusion room is used, the agency shall develop written policies and procedures for its use. Seclusion shall only be imposed in emergency circumstances to ensure the immediate physical safety of the child, staff member or others and after less restrictive deceleration and de-escalation interventions have been determined to be ineffective. If the less restrictive interventions are ineffective in preventing seclusion, the child's treatment team shall be convened within 24 hours of the imposition of seclusion to develop alternative effective deceleration and de-escalation techniques. Any agency using seclusion rooms must obtain written authorization from the child's guardian giving informed consent related to its potential use. This authorization shall occur upon intake or within 72 hours thereafter.~~

~~An incident report containing the following information must be completed within 24 hours from the time the seclusion began and made available to all multi-disciplinary team members and Department staff. The incident report shall include the following information:~~

- ~~1. The name of the child placed in seclusion;~~
- ~~2. Description of less restrictive intervention techniques used and why they were ineffective;~~
- ~~3. The reason for the seclusion;~~
- ~~4. The date and times the seclusion began and ended;~~
- ~~5. The staff who assigned the child to seclusion;~~
- ~~6. The assessments and monitoring provided while the child was in seclusion and immediately after the child was removed from seclusion;~~
- ~~7. A statement of the behavioral conditions that the child was required to meet in order to be removed from seclusion;~~
- ~~8. A summary of the debriefing that was conducted;~~
- ~~9. The frequency and types of restraints or seclusion used, over time, for the individual;~~

- ~~10. Any medical care needed by the child and/or staff as a result of the use of restriction or seclusion;~~
- ~~11. Documentation of Internal Review; and~~
- ~~12. Any other actual or planned follow-up actions.~~

~~Prohibited seclusion practices include:~~

- ~~1. Use as a form of punishment or discipline;~~
- ~~2. Use by peers;~~
- ~~3. Use by untrained staff;~~
- ~~4. Use for the convenience of staff; and~~
- ~~5. Use as a substitute for care and/or treatment.~~

~~The agency shall notify the appropriate state professional licensure authority whenever any staff member engages in prohibited seclusion practices.~~

~~6.008.10D Physical Restraint: Any agency using physical restraint, shall use a Department approved crisis intervention model and comply with all applicable state and federal laws and regulations. The agency shall develop written policies and procedures for its use. Any agency using physical restraint must obtain written authorization from the child's guardian giving informed consent related to its potential use. This authorization shall occur upon intake or within 72 hours thereafter.~~

~~Physical restraint shall only be imposed in emergency circumstances and only to ensure the immediate physical safety of the child, staff member or others. Any person doing a physical restraint must have completed formal training on the crisis intervention model. Any restraint must be limited to the least amount of time necessary to address the situation and restore safety. Physical restraint shall be used after less restrictive deceleration and de-escalation interventions have been determined ineffective by agency staff trained in the agency's crisis intervention model. If the less restrictive interventions are ineffective, the child's treatment team shall be convened within 24 hours of the imposition of physical restraint to develop effective alternative deceleration and de-escalation techniques. Less restrictive deceleration interventions may include:~~

- ~~1. Observing for antecedent behaviors;~~
- ~~2. Redirection;~~
- ~~3. Maintenance of personal space;~~
- ~~4. Modulation of voice; and~~
- ~~5. Increasing the presence of support staff.~~

~~Prohibited physical restraint practices include:~~

- ~~1. Pain compliance techniques;~~
- ~~2. Use as a form of punishment or discipline;~~
- ~~3. Use by peers;~~
- ~~4. Use by untrained staff;~~
- ~~5. Use for the convenience of staff;~~

- ~~6. Chemical and mechanical restraints;~~
- ~~7. Hyperextension of any part of the body (pushing or pulling of any part of the body beyond normal limits);~~
- ~~8. Joint or skin torsion;~~
- ~~9. Pressure or intensity of pressure on any part of the body not authorized by the physical restraint model.~~
- ~~10. Any type of choke hold; and~~
- ~~11. Any maneuver that involves choking, punching, hitting, poking, pinching, scratching or shoving.~~

~~The agency shall notify the appropriate state professional licensure authority whenever any licensed staff member engages in prohibited physical restraint practices.~~

~~An incident report must be completed within 24 hours from the time the physical restraint begins and is maintained and made available to all multi-disciplinary team members and Department staff. The incident report must contain:~~

- ~~1. The name of the child being physically restrained;~~
- ~~2. A description of the incident, alternative interventions and reason(s) the restraint was required including a description of less restrictive interventions and why they were ineffective;~~
- ~~3. The date and times the restraint began and ended;~~
- ~~4. Type of restraint used;~~
- ~~5. Staff member(s) involved in the restraint;~~
- ~~6. The assessments and monitoring provided while the child was being physically restrained and immediately after the restraint was removed;~~
- ~~7. Preventive actions, incident debriefing and any follow-up;~~
- ~~8. Any injuries sustained by the child and/or staff member;~~
- ~~9. A statement of the behavioral conditions that the child was required to meet in order to be released from physical restraint;~~
- ~~10. A summary of debriefing that was conducted;~~
- ~~11. The frequency and types of restraints or seclusion over time for the individual;~~
- ~~12. Any medical care needed by the child and/or staff as a result of the use of restriction or seclusion;~~
- ~~13. Documentation of internal review; and~~
- ~~14. Any other actual or planned follow-up actions.~~

~~6-008.10E Training: All training must be comprehensive and competency based meeting all requirements of the crisis intervention model being implemented by the agency. Comprehensive based training in the use of physical restraint shall involve repeated and on-going skill development, conditioning learned responses, rehearsals and practices. Only certified trainers shall provide physical restraint training.~~

~~6-008.10E1 Crisis intervention trainers must have current trainer certification from the organization that developed the crisis intervention model selected by the agency. Staff shall regularly receive training and refresher courses in~~

~~alternative non-intrusive behavior modification techniques. If a facility or program allows the use of restraint or seclusion, staff shall also receive ongoing education and training in the safe and appropriate use of restraints or seclusion. A record of training shall be kept which includes the name of the person trained, date(s), source, content, and length of each course.~~

~~6-008.10E2 Any crisis intervention model chosen by the agency should have a strong emphasis on children and youth. The crisis intervention models with physical restraint components selected by the agency must include the following minimum components:~~

- ~~1. Skills to identify warning signs of crisis;~~
- ~~2. Verbal de-escalation skills;~~
- ~~3. Physical restraint skills that are non-pain compliant and ensure safety to all youth and staff;~~
- ~~4. Skills directed to the debriefing of staff and youth;~~
- ~~5. Incident documentation; and~~
- ~~6. Monitoring physical signs of distress.~~

~~Components of various models may not be combined for use as an agency's identified single model except required competency in first aid and CPR.~~

~~The agency shall maintain written documentation of certification and re-certification training for each staff person. The agency shall make documentation available to the multi-disciplinary team members and Department staff.~~

~~6-008.10F Internal Review: Any agency using seclusion and/or physical restraint shall have a performance improvement program designed to continuously investigate, analyze, monitor, assess, and track the agency's use of seclusion and restraint practices and to specifically address injuries or death related to the use of seclusion and restraints. The process shall include, at a minimum, the review of:~~

- ~~1. Training proficiency;~~
- ~~2. Environmental triggers;~~
- ~~3. Systems issues;~~
- ~~4. Each use of restraint or seclusion;~~
- ~~5. Notification of family and need for medical care;~~
- ~~6. Administrative and/or program policy and procedure;~~
- ~~7. Incident debriefing and follow up; and~~
- ~~8. Aggregate data.~~

~~6-008.11 Opportunity for Instruction: The agency shall encourage the use of the following opportunities that it must provide to the children in care:~~

- ~~1. Academic and vocational education. Each child must be provided with opportunities for education in accordance with Nebraska statutes and his/her abilities. If the school is maintained by the institution, it must meet approval standards set by the Nebraska Department of Education. In the case of exceptional or handicapped children, the institution shall make appropriate use of all available facilities.~~

- ~~2. Use of library. Library facilities, either in the institution or in the community, must be accessible to the children.~~
- ~~3. Money management training (i.e., budgeting and making wise purchases), according to each child's ability.~~
- ~~4. Religious instruction, according to each child's own faith or that of his/her parents.~~
- ~~5. Recreation. The agency shall provide sufficient time, space, and equipment for indoor and out door recreation.~~
- ~~6. Community contacts. Each child must have the opportunity to participate in community activities appropriate to his/her age, cultural heritage, and interests.~~

~~6-008.12 Service Plan Goals: Agency staff shall discuss service plan goals, responsibilities, and privileges with the child's relatives or guardian and the child. If services are provided to parents, the agency shall set policies to preserve the parent-child relationship and to maintain the parental role as fully as possible.~~

~~6-008.13 Termination: The agency shall develop written termination policies and procedures, regarding the child in care, including:~~

- ~~1. Reason for termination;~~
- ~~2. The staff positions responsible for deciding to terminate a placement; and~~
- ~~3. The process used in terminating a placement.~~

~~A child's record must include a written description of termination, reason for termination, post termination placement, and legal status. The agency shall inform the agency that originally placed the child of the placement termination.~~

~~6-008.14 Records: The agency shall maintain and update the following information on each child in a complete file at the location where the child resides:~~

- ~~1. Full name of the child;~~
- ~~2. Name, address, and phone number of the child's physician;~~
- ~~3. Name, address, and phone number of the person or agency holding custody of the child;~~
- ~~4. Past (if available) and current immunizations;~~
- ~~5. Significant health problems (if available);~~
- ~~6. Emergency medical treatment;~~
- ~~7. List of persons with whom the child may have telephone or personal contact or overnight or extended visits; and~~
- ~~8. A comprehensive record of his/her development while in the facility.~~



~~The agency shall consider all records confidential and shall safeguard the information from use which may harm the child. Records may be summarized of children no longer under care provided that identifying information is not released.~~

~~6-008.15 Emergency Shelter Care: Shelter staff shall follow these general admissions guidelines:~~

- ~~1. On admission, shelter staff shall start a case record that identifies the child and his/her immediate needs.~~
- ~~2. The following information must be obtained at admission or as soon as possible after admission:
  - ~~a. The child's identity;~~
  - ~~b. The name(s) and address(es) of the child's parent(s), guardian, or conservator;~~
  - ~~c. Any medication the child is taking; and~~
  - ~~d. The child's allergy to any medication, food, or other allergens.~~~~
- ~~3. During admission the following information must be obtained when possible:
  - ~~a. The child's immediate needs;~~
  - ~~b. The name of the referral source (e.g., placing agency or individual);~~
  - ~~c. The date and time of placement;~~
  - ~~d. The reason for the emergency placement;~~
  - ~~e. The intake worker's observation of the child's condition;~~
  - ~~f. The child's understanding of emergency shelter care; and~~
  - ~~g. The child's feelings about the crisis situation and shelter care.~~~~
- ~~4. The shelter's policies and procedures must document which staff reviews admission information and makes admissions.~~
- ~~5. When a child is admitted, shelter staff shall try to contact the child's parent(s) or guardian within 24 hours if they are unaware of the placement. If the parent(s) or guardian cannot be contacted, shelter staff shall inform a public agency (child welfare, juvenile probation, or police department) of the child's presence. Efforts to contact the parent(s) or guardian and contacts with public agencies must be documented in the child's case record. Placements made by a public agency are excluded from this requirement.~~
- ~~6. The emergency shelter shall provide orientation for new children.~~

~~6-008.16 Wilderness Challenge Programs~~

~~6-008.16A Administration:~~

1. ~~Records of admission of youth shall be on file at the primary site at all times.~~
2. ~~The program shall have written procedures for handling any suspected incident of child abuse. These procedures will include a policy on the immediate reporting of incidents to law enforcement or the Department.~~

6-008.16B Program Requirements:

1. ~~There shall be a written plan for expeditions, which shall not expose the child to unreasonable risks. The plan must be approved by an advisory committee prior to the expedition,~~
2. ~~The program will be licensed as a Child Caring Agency and as a Recreational Camp.~~
3. ~~Each child shall have clothing and equipment to protect the youth from the environment. This clothing and equipment shall never be removed, denied, or made unavailable to a child. There shall never be a deprivation of any clothing or equipment.~~
4. ~~Each child shall have adequate potable water and food for all activities. Food and water shall never be removed, denied, or made unavailable to a child. There shall never be a deprivation of any food or water.~~
5. ~~Each program will submit policies and procedures regarding the handling of privileged and non-privileged mail.~~
6. ~~Each program will submit policies and procedures for the control of contraband in regards to mail, visitation, and personal affects.~~
7. ~~All experiential challenge courses will be supervised by a staff person who is certified in the use and safety of course equipment. The courses included, but not limited to this regulation are:
  - a. ~~Ropes courses~~
  - b. ~~Rock climbing courses, both natural and man made~~
  - c. ~~All boating type activities~~Any activity that will use a weapon, such as fire arms or arrows, are not permitted~~
8. ~~The program will have policies and procedures regarding pre-employment drug and alcohol screenings and random screenings during employment of employees.~~

6-008.16C Staff Requirements:

- ~~1. Management and Supervisory staff shall have:
  - ~~a. A BS or BA degree and equivalent training and experience in a related field.~~
  - ~~b. Be trained and certified annually, by a certified trainer, in CPR and First Aid.~~~~
- ~~2. Field Staff
  - ~~a. Be a minimum of 21 years of age.~~
  - ~~b. Be trained and certified annually, by a certified trainer, in CPR and First Aid.~~~~
- ~~3. Volunteers and Interns
  - ~~a. Volunteers and Interns shall be under direct, constant supervision of field staff.~~
  - ~~b. Volunteers shall not be left in the role of supervising child at any time.~~
  - ~~c. Volunteers and Interns must have a completed Health Information Report before working directly with children and renewed every two years.~~~~
- ~~4. Staff who supervise experiential challenge courses must be certified in the use and safety of courses.~~
- ~~5. Staff will submit, with cause, to alcohol and drug screenings.~~

~~6-008.16D Staff Child Ratio:~~

- ~~1. The applicant/licensee shall employ at least one full-time staff member for every three youth in care.~~
- ~~2. In a mixed gender group, there shall be at least one female and one male staff person. In single gender groups, there must be at least one staff person of the same sex.~~
- ~~3. Volunteers and Interns can not be counted as staff when determining ratio.~~

~~6-008.16E Admission Requirements:~~

- ~~1. Children shall be at least 12 years of age to be admitted into the program and no older than 19 years of age prior to the completion of the program.~~
- ~~2. Admission screening must include:
  - ~~a. A current health history, which includes notation of limitations and prescriptive medications, completed and submitted within 30 days prior to entrance into the program and verified by a parent or legal guardian.~~~~

- b. ~~A review of the child's social and psychological history with parent or guardian.~~
- c. ~~A review of the child's health history and physical examination 30 days prior to entrance into the program.~~
- d. ~~A physical examination conducted by a licensed medical professional. This medical professional will have a written detailed description of the physical demands and environment of the program. The physical exam must include the following:
  - (1) ~~Urinalysis drug screen;~~
  - (2) ~~CBC, blood count;~~
  - (3) ~~Urinalysis for possible infections;~~
  - (4) ~~SMA 6, Electrolyte screen;~~
  - (5) ~~Pregnancy test for all female youth;~~
  - (6) ~~Physical assessment based on age, weight, and sex with regards to the potential demands of the program and environment.~~~~
- e. ~~Prior to placement in the program, psychological evaluations will be completed and reviewed. A psychological examination shall have been conducted within the last year.~~
- f. ~~Academic evaluation shall be completed on children enrolled in programs that provide academic credits.~~

6-008.16F Health and Safety Requirements:

- 1. ~~All water from natural sources that will be used for consumption shall be treated for sanitation to eliminate health hazards;~~
- 2. ~~The program shall have policies and procedures designed to prevent or eliminate infectious and communicable diseases in the field;~~
- 3. ~~First Aid treatment shall be provided consistent with the certified first aid training received by all employees;~~
- 4. ~~All First Aid kits must meet the standard of the American Red Cross;~~
- 5. ~~Reliable two-way communication with a back up system must be available at all times. Expeditions must make contact with the primary site every 24 hours during an off primary site expedition.~~

6-008.16G Primary Site Requirements:

- 1. ~~Each program must maintain a primary site.~~
- 2. ~~Maintain a current file on each child.~~
- 3. ~~Maintain a current list of names of staff and child in each field expedition.~~
- 4. ~~Maintain a communications log containing:
  - a. ~~Documentation of all communications between the expedition site and the primary site.~~
  - b. ~~Documentation of all incidents.~~
  - c. ~~Documentation of any injury.~~~~

6-008.16H Emergencies:

1. Each program shall have a written plan of action for disaster, casualties, and medical emergencies.

6-008.16I Food and Water Requirements:

1. Each child will receive a minimum of 3000 calories per day. This calorie requirement shall adjust to provide 30 to 100 percent increase when climate or exercises demands dictate.
2. Each child shall have 6 to 8 quarts per day of potable drinking water. These amounts shall increase when climate or exercise demands dictate.

6-008.17 Sanitation Regulations

6-008.17A Construction: The agency shall ensure that:

1. The walls, floors, and ceilings of all rooms are easily cleaned, washed, or painted, and are kept clean in good repair;
2. The construction and maintenance of all buildings prevents the entrance and harborage of any insects or rodents; and
3. The premises of all institutions are kept neat and clean and free from barnyard animals and poultry.

6-008.17B Heating: The agency shall ensure that heating is maintained at least 65 degrees Fahrenheit during cold weather. Night time temperatures must not be less than 60 degrees Fahrenheit.

6-008.17C Toilet Facilities: Every institution shall provide conveniently located toilet facilities at a ratio of one toilet to six children. In institutions hereafter constructed, toilet rooms must not open directly into a room in which food, drink, or utensils are handled or stored. Toilet rooms must be kept clean, in good repair, well lighted, and well ventilated, toilets must be fully enclosed. Toilet facilities must be on the same floor as the children's sleeping rooms.

6-008.17D Lavatory Facilities: The institution shall provide hand washing facilities at a ratio of not less than one lavatory to each toilet. Hot and cold running water, soap, individual towels, and wash cloths must be provided.

6-008.17E Water: The licensee shall ensure that:

1. The water supply is obtained from a source which is properly located, constructed, and operated to protect it from contamination and pollution;
2. Water meets the current standards of the Nebraska Department of Health and Human Services Regulation and Licensure as to bacteriological, chemical, and physical tests for purity;
3. Water is tested annually for bacteria;
4. Water is tested annually for nitrates if from a private well and there are children in care age one or younger;
5. The water heater has a pressure release valve;
6. Adequate water heating facilities are provided so that a sufficient amount of hot water for general cleaning and washing and sanitizing utensils is available at proper temperature; and
7. Drinking water is provided by sanitary drinking fountains or individual cups; the use of common drinking containers is prohibited.

6-008.17F Plumbing: The institution shall not install nor permit to exist any plumbing fixture or other device which provides a connection between a drinking water supply and a drainage, soil, waste, or sewer pipe so as to make possible the back flow or sewage or waste into the water supply system. Water that has been used for cooking or for any other purposes must not be returned to the system. All pipes and fixtures must be kept clean and in good repair. All plumbing must comply with local and or state plumbing ordinances and codes. Where no plumbing code is in effect, plumbing must conform to the National Plumbing Code USA A 40.8 1955.

6-008.17G Ventilation: The agency shall ensure that:

1. Dormitory and play areas have window area equal to not less than one-tenth of the floor area, which can be opened for ventilation; and
2. Kitchen, bathrooms, and services rooms are so located and ventilated, by window or mechanical means through a vent leading directly to the outside, that offensive odors will be prevented from entering children's rooms and hallways.

6-008.17H Sewage Disposal: Sewage must be discharged into a municipal sewage system where such a system is available; otherwise, the sewage disposal must comply with regulations set by the Nebraska Department of Health and Human Services Regulation and Licensure.

~~6-008.17I Garbage and Refuse Storage and Disposal: All garbage and refuse must be collected, stored, and disposed of in a manner that will not create a nuisance, or provide a breeding place for flies or harborage for rats. All containers for garbage and refuse must be water tight, have tight fitting covers, and be fly and rodent proof. Garbage containers must be kept clean.~~

~~6-008.17J Lighting: The institution shall ensure that:~~

- ~~1. Each sleeping room is an outside room with a satisfactory amount of natural light.~~
- ~~2. The window area for new applications equals not less than one-tenth of the floor area.~~
- ~~3. Every room, including storerooms, hallways, stairways, inclines, ramps, and entrances are adequately lighted;~~
- ~~4. Lighting fixtures are selected and located with a view to the comfort and safety of residents and personnel; and~~
- ~~5. All service rooms, working centers, and medicine cabinets, are adequately lighted.~~

~~6-008.17K Food Services: All aspects of food service sanitation must comply with Part IV of the Food Service Sanitation Manual, 1976, Recommendation of the U. S. Public Health Services.~~

~~6-008.18 Recreational Camp Inspections: All Wilderness Challenge Programs must be licensed as a Recreational Camp by the Department of Health and Human Services Regulation and Licensure. See 178 NAC 1.~~

~~6-008.19 Experiential Challenge Course Inspections: All experiential activities that use equipment, other than basic camping equipment, shall be inspected every two years by the Department of Labor, Safety Division.~~

~~6-009 Licensing Standards for Child Placing Agencies: Each applicant for a child placing agency license shall meet these licensing standards and the requirements in 474 NAC 6-005 to obtain a license. A license issued before these regulations become effective is valid until the time of license renewal.~~

~~6-009.01 Administration~~

~~6-009.01A Incorporation: Any agency engaging in child placing activities in Nebraska shall~~

- ~~1. Incorporate as required by Nebraska state statute. The purposes for which the agency is incorporated must be stated in its articles of incorporation; and~~
- ~~2. Develop a written statement of its functions, policies, and programs and provide it to the Department's licensing unit for approval.~~

~~6-009.01B Governing Board: The governing board shall:~~

- ~~1. Make all agency policies;~~
- ~~2. Arrange financing and provide general management of the agency;~~
- ~~3. Employ an executive director to assume administrative responsibility and authority to carry out agency policies and the day-to-day operations of the agency;~~
- ~~4. Authorize the executive director to hire and discharge employees directly responsible to him/her;~~
- ~~5. Authorize the executive director, program director, or designee, in writing;
  - ~~a. For adoption agencies, to accept temporary custody, accept relinquishments, plan for children, and consent to adoptions;~~
  - ~~b. For agency-based foster care, to accept temporary placement and to plan for children;~~~~
- ~~6. Meet at least once a year and as often as necessary for the agency to function properly. Between meetings, the executive committee shall meet, as necessary, to transact business;~~
- ~~7. Keep a permanent record of the minutes and distribute copies to all board members;~~
- ~~8. Ensure that all local, state, and federal law and administrative rules and regulations are followed by the agency; and~~
- ~~9. Have Nebraska licensed legal counsel available for consultation.~~



6-009.01C Finances: The agency shall:

1. Have a sound financial program enabling it to carry out the functions shown in its articles of incorporation;
2. Operate on a budget approved by the governing board before the beginning of each fiscal year; and
3. Have all of its financial accounts reviewed by a certified accountant at least once a year

6-009.01D Administrative Records and Reports: The agency shall maintain current and accurate records.

The executive or program director shall—

1. Compile and file with the governing board, a monthly written report of the agency's activities and current financial situation;
2. Supply information and special reports requested by the Department;
3. Inform the Department of any plans for major changes in services or facilities; and
4. Ensure that staff employed by the agency follows all agency policies and procedures.

6-009.02 Personnel: The agency shall—

1. Have a written statement of policies which is approved by and reviewed annually by the governing board and made available to all employees;
2. Maintain a file of job descriptions and qualifications for each full-time and each part-time position on the staff, including each volunteer position;
3. Maintain a personnel file for each full-time or part-time employee including an evaluation of staff performance;
4. Maintain a file on each volunteer and occasional cradle caregiver; and
5. Check the background of all employees, volunteers, and cradle caregivers age 13 or older who have contact with children before participation with the agency. The background check shall include contacting the HHS Central Register of Abuse and Neglect, the HHS Adult Protective Services Central Registry, the State Patrol Central Registry of Sex-Offenders.

The agency shall employ no individual who has been convicted of, admitted to, or if there is substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude if these circumstances have current bearing on the applicant's provision of placement services. Agency staff shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of the children in care.

All agencies will be given one year from the effective date of these regulations to come into compliance with the standards set for personnel qualifications, excluding requirements for the Executive Director. All agencies must meet applicable standards set forth by the Nebraska Department of Health and Human Services Regulation and Licensure regarding professional licensure.

~~6-009.02A Executive Director Qualifications: The agency executive director shall have two years of child welfare programming management experience.~~

~~6-009.02B Program Director Qualifications: The agency program director shall have~~

- ~~1. A Master's degree in a human services field and one year of full time equivalent experience in child welfare programming; or~~
- ~~2. A Bachelor's degree in a human services field and three years of full time equivalent experience in child welfare programming.~~

~~6-009.02C Casework Supervision Qualifications: Casework supervisors shall have a Bachelor's degree and 2 years of full time equivalent child welfare programming experience.~~

~~6-009.02D Caseworker Qualifications: Caseworkers shall have a Bachelor's degree in human services or a related field or five years of full time equivalent experience in child welfare programming and a high school diploma or GED.~~

~~6-009.02E Training: All staff members, including volunteers (but excluding cradle care givers or volunteers who provide occasional services), who care for children shall obtain and document in writing:~~

- ~~1. Twenty four clock hours of Department approved pre service training before assuming his or her duties unsupervised. Staff who are employed before the effective date of this regulation are exempt from this requirement; and~~
- ~~2. At least 15 clock hours of Department approved in service training annually within the effective dates of the agency's license.~~

~~Each training hour must be approved by the licensing specialist and specifically related to the skills necessary to care for children in need of out of home placement and/or adoption. Volunteers who provide occasional services and are supervised at all times are exempt from this requirement.~~

~~6-009.02E1 Activities Counted as Training: Each hour spent participating in any of the following types of child care related activities counts toward pre-service and yearly in-service requirements:~~

- ~~1. Department sponsored training;~~
- ~~2. Workshops;~~
- ~~3. In service training sponsored by professional organizations or educational institutions;~~
- ~~4. Department approved reading material;~~
- ~~5. College courses;~~
- ~~6. Non-credit course work;~~
- ~~7. Adult education courses;~~
- ~~8. Videotaped material;~~
- ~~9. Audiotaped material;~~
- ~~10. Continuing education units (CEU's); and~~
- ~~11. Other Department approved training.~~

~~Written documentation must be available for each of the listed types of training. All training must be approved by the Department's licensing unit.~~

~~6-009.03 Intake: The agency shall:~~

- ~~1. Clearly define its method of providing an application and an intake process;~~
- ~~2. Provide an office and privacy for the interview;~~
- ~~3. Ensure that intake workers receive training in community resources and referral procedures; and~~
- ~~4. Have available written information on all services offered by the agency.~~

~~6-009.04 Transportation Safety: The agency shall ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907. Restraints are not required for children transported by public transportation or school bus.~~

~~6-009.05 Confidentiality: The agency shall consider all records confidential and shall safeguard the information. All files in the office must be under single lock during office hours and double lock when the office is closed. The agency shall have policy and procedures:~~

- ~~1. Addressing the training of employees, cradle care givers, and volunteers regarding confidentiality; and~~
- ~~2. Regarding confidential files that are removed from the office and how they will be safeguarded.~~

~~6-009.06 Adoption Services~~

~~6-009.06A Adoption Services to Biological/Birth Parents and Their Children: Each child placing agency shall provide services to both parents, unless the parent is physically unavailable or refuses services. The physical unavailability or refusal of services must be documented in writing. This requirement includes adoptive parents who decide to relinquish a child. These services shall include:~~

- ~~1. A minimum of four hours, documented in writing, of face to face educational and support services to allow parents to make decisions regarding relinquishment prior to the relinquishment;~~
- ~~2. Educational and support services to the parents in their own homes or communities from a Nebraska licensed Child Placing Agency;~~
- ~~3. Stressing the need for medical care during a pregnancy;~~
- ~~4. Explaining to the parents what rights are terminated by relinquishment;~~
- ~~5. Information provided to the parents during the process of deciding on a plan and placement for their child. This must include information on parenting, extended family parenting, cradle care placement, social services, types of adoption, and the effects of adoption;~~
- ~~6. Cradle care available for temporary care while the biological/birth parent makes a decision regarding relinquishment or for a child who may need a temporary placement while awaiting an adoptive family; and~~
- ~~7. Policy and procedure describing the available post placement educational and support services.~~

~~6-009.06B Records: Each agency shall have a central filing system. The agency shall maintain the following in each adoptive family's record:~~

- ~~1. An application including:
  - ~~a. Family members' names, relationship to one another, education, and income;~~
  - ~~b. Three personal references and current employment references; and~~
  - ~~c. Completed background checks on all members of the household age 13 or older. The background checks shall include contacting the HHS Central Register of Abuse and Neglect, the HHS Adult Protective Services Central Registry, the State Patrol Central Registry of Sex Offenders;~~~~

2. ~~An adoption pre-placement home study, on agency letterhead, which includes:
  - a. ~~Two face-to-face visits not to be less than six hours;~~
  - b. ~~A home visit—tour of the home, meeting all family members in the home, other persons living in the home, and a written description of the home;~~
  - c. ~~Demographics—age, race, gender, occupation, religion, family cultural lifestyle, and education;~~
  - d. ~~Family history, parenting philosophy, experience with children, techniques of discipline, motivation for wanting a child, social supports, leisure activities, legal history, financial history, and fertility history;~~
  - e. ~~Medical and mental health information; and~~
  - f. ~~Recommendations on the approval status of the family and the type of child to be matched with the family;~~~~
3. ~~Annual update of the home study to address status changes and including background checks, medical statements, and one face-to-face home visit;~~
4. ~~Concise written information, signed by the adoptive parent, regarding the fees for services and how the fees are utilized;~~
5. ~~A current copy of the other state agency's license when working on an adoption or home study with an agency that is located out of the State of Nebraska; and~~
6. ~~At the time of the closure of an adoption Child Placing Agency license, the agency will make arrangements with a Nebraska licensed Child Placing Agency to allow access to all closed adoption files for the purpose of adoption searches and post adoption services. Both agencies must inform the Department's licensing unit in writing of the agreement.~~

~~Child's records must include basic intake information, medical and dental information, identifying information on where the child was placed, biological/birth parent medical and social history, relinquishments documentation, placement agreement, agency consent, adoption decree, and documentation of service delivery.~~

~~6-009.06C International Adoptions and Home Studies: Agencies providing international adoption services shall:~~

1. ~~Document in writing specialized training that includes pre and post adoption services regarding international adoptions for both employees and adoptive parents; and~~
2. ~~Have available written information concerning adoption procedures for each country that the agency works with regarding adoption.~~

~~6-009.06D Interstate Placements:~~ The agency shall make interstate placements only in accordance with the laws and regulations of Nebraska and those of other states concerned with the placement.

~~6-009.06E Accepting Relinquishments and Making Placements:~~ Agencies accepting relinquishments and placements shall:

- ~~1. Follow all requirements for adoption set forth by the Nebraska State Statutes;~~
- ~~2. Not allow a biological/birth parent to sign a relinquishment earlier than 48 hours after birth;~~
- ~~3. Accept relinquishments only from birth parents who are cognitively capable of signing a relinquishment; and~~
- ~~4. Provide to adoptive and biological/birth parents a set of all forms they individually signed regarding relinquishment and placement.~~

~~6-009.06F Preparation of Child:~~ The worker shall prepare the children for placement by, appropriate to the child's age:

- ~~1. Discussing the reason for placement in terms the child may understand;~~
- ~~2. Providing opportunities for the child to become familiar with aspects of the new situation before placement; and~~
- ~~3. Having a medical evaluation completed within 14 days of an initial foster care placement and annually thereafter. If there is no record of a previous exam one must be completed within 60 days of placement for a secondary foster care placement.~~

~~6-009.06G Post Adoption Services:~~ The agency will have policies and procedures regarding how the agency will provide post adoption services.

~~6-009.06H Supervision of Placement:~~ The agency shall establish policy and procedure for the supervision of each child's case after placement in an adoptive home, which shall include two face to face visits with one visit in the home with the child present.

#### ~~6-009.07 Foster Care Services~~

~~6-009.07A Foster Care Services to Biological Parents and Their Children:~~ Each child placing agency providing foster care services shall:

- ~~1. Ensure any permanency plan for the child is observed; and~~
- ~~2. Provide basic orientation information to all parents.~~

~~6-009.07B Records: Each agency shall have a central filing system. The agency shall maintain the following in each foster family's record:~~

- ~~1. Record that the foster home is licensed according to Department standards;~~
- ~~2. An application including:
  - a. Family members' name, relationship to one another, education, and income;
  - b. Three references;
  - c. Completed background checks on all members of the household age 13 or older, as specified in 474 NAC 6-003.25B;~~
- ~~3. A foster home study on agency letterhead that includes:
  - a. One face to face visit;
  - b. A home visit consisting of a tour of the home, meeting all family members and persons living in the home, and a written description of the home;
  - c. Demographics—age, race, gender, occupation, religion, family cultural lifestyle, and education;
  - d. Family history, parenting philosophy, experience with children, techniques of discipline, motivation for wanting a child, social supports, leisure activities, legal history, and financial history;
  - e. Medical and mental health information updated every two years; and
  - f. Recommendation concerning the family.~~
- ~~4. Payment agreements between the foster parents and the agency; and~~
- ~~5. Rights and responsibilities of the foster parents and the agency.~~

~~Child's records must include basic intake information, placement agreement, educational information, other services providers, medical and dental information, location of the child, and documentation of service delivery. A personal item inventory must be kept listing all items the child brings to the placement and updated every time the child acquires a new item or loses or damages an item. The inventory must be signed each time a new inventory is developed by the foster parent, child, and guardian, if possible. All items will be returned at the time the placement terminates.~~

~~6-009.07C Preparation of the Child: The worker shall prepare the child for placement by, appropriate to the child's age:~~

1. Discussing the reason for placement in terms the child may understand;
2. Providing opportunities for the child to become familiar with aspects of the new situation before moving if possible; and
3. Having a medical evaluation completed within 14 days of an initial foster care placement and annually thereafter. If there is no record of a previous exam one must be completed within 60 days of placement for a secondary foster care placement.

6-009.07D Orientation of the Biological Parents: Within 30 days of placing the child, the agency shall document in writing the following information and how it was presented to the child, parents, or guardian. For placements made by public agencies, this must be completed at the direction of the agency:

1. What effect the placement will have on the child; and
2. The sharing of responsibility between the agency and the parents, which may include medical services, visitation, and agency contacts.

6-009.07E Services to Foster Parents:

6-009.07E1 Before the child is placed in the foster home, the agency shall give the foster parents all pertinent information in writing to aid their understanding of the child's personality and needs.

6-009.07E2 The case worker shall discuss with all those concerned the roles and responsibilities of the foster family and the child's own family. This must be documented in writing.

6-009.07F Supervision of Placements: The agency shall establish policy for the supervision of each child's case after placement in a foster home. The supervision shall be documented in writing in the child's file.

6-009.08 Interstate Placements: The agency shall make Interstate Placements only in accordance with the laws and regulations of Nebraska and those of other states concerned with the placement.

6-009.09 Agency Located Outside of Nebraska: An agency located in and licensed by an adjacent state may be licensed to place children in Nebraska. The agency shall:

1. Submit a copy of its articles of incorporation, a copy of its license, and a written evaluation summary from its state's licensing consultant to the licensing agent;
2. File its articles of incorporation with Nebraska's Secretary of State;
3. Have an office in a state adjacent to Nebraska where all operations are conducted and the Executive Director is located; and
4. Meet all requirements set forth in 474 NAC 6-009 for the licensing of a child placing agency in Nebraska.