

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

August 3, 2020
10:00 a.m. Central Time
Nebraska State Office Building – Lower Level A
301 Centennial Mall South, Lincoln, Nebraska

The purpose of this hearing is to receive comments on the adoption of Title 395, Chapter 6 of the Nebraska Administrative Code (NAC) – *Assessment of Abuse and Neglect Reports*. The adoption of this new regulation chapter will outline the Department of Health and Human Services responsibilities as required by Neb. Rev. Stat. § 28-713. The proposed adoption of this regulation will govern the Department's requirements to conduct an in-person investigation for all suspected victims of trafficking or minors that may be at high risk of becoming a victim of trafficking. The proposed new regulation also addresses the process for the investigation, screening, and assessment of reports of child abuse and neglect along with the criteria for opening an ongoing case upon allegations of sex or labor trafficking of a minor. Additionally, the proposed regulation will permit the Department to utilize a standardized assessment in determining whether the minor is a victim of abuse or neglect or at risk of future maltreatment, and also provides criteria for when deciding to open an ongoing case.

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, 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

Agency: Department of Health and Human Services	
Title: 395	Prepared by: Steve Greene II
Chapter: 6	Date prepared: 6/24/2020
Subject: Assessment of Abuse and Neglect Reports	Telephone: (402) 471-3379

Type of Fiscal Impact:

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

N/A.

TITLE 395 CHILDREN AND FAMILY SERVICES: PROTECTION AND SAFETY

CHAPTER 6 ASSESSMENT OF ABUSE AND NEGLECT REPORTS

001. REPORTS OF ABUSE AND NEGLECT. The process of investigation, screening, and assessment of reports of child abuse and neglect will be established in Department policy.

002. INITIAL ASSESSMENT. Reports to the child abuse and neglect hotline that meet the Department's definition of child abuse and neglect will be accepted for assessment or investigation as authorized by Neb. Rev. Stat. §§ 28-710 to 28-713.

002.01 IDENTIFICATION OF TRAFFICKING VICTIMS. Information gathered by the Department will be reviewed to determine whether the child is a suspected victim of sex or labor trafficking or is at high risk of becoming a victim of sex or labor trafficking.

002.02 SUSPECTED VICTIMS OF SEX OR LABOR TRAFFICKING. Each minor who is identified by the Department as a suspected victim of trafficking or at high risk of becoming a victim trafficking will be assigned for in-person investigation as required by Neb. Rev. Stat. § 28-713 and will be screened and assessed using specialized instruments as required by Neb. Rev. Stat. § 28-713.

003. ASSESSMENT OF ABUSE AND NEGLECT. The Department may utilize a standardized assessment tool to determine whether the child is a victim of child abuse or neglect or is at risk of future maltreatment. The tool may also be used to determine a family's need for services.

004. CRITERIA FOR OPENING AN ONGOING CASE. When determining whether to open an ongoing case, the following criteria will be considered:

- (A) The child's safety;
- (B) The child's risk of future maltreatment; and
- (C) The family's willingness to voluntarily engage in child welfare services.