

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

395 NAC 4

TITLE 395 CHILDREN AND FAMILY SERVICES: PROTECTION AND SAFETY

CHAPTER 4 INITIAL ASSESSMENT, CASE MANAGEMENT, AND PERMANENCY

001. CONTACT WITH CHILD VICTIM AND PARENTAL NOTIFICATION. When a child is a possible witness to or an alleged victim of abuse or neglect, the Department has the authority to contact the child to conduct an interview necessary for an assessment. This may be done without the consent or knowledge of the parent. A child may be contacted at school, child care, or other locations away from the home.

002. ACCEPTING A RELINQUISHMENT OF PARENTAL RIGHTS. Prior to signing a relinquishment of parental rights to the Department, a parent may be offered counseling for the purpose of providing education on the available options and to ensure the parent is making an informed decision. A parent may decline to participate in this counseling.

After a parent has completed or declined counseling, the Department will determine whether accepting the relinquishment is in the best interest of the child. The Department may elect not to accept a relinquishment of parental rights.

003. PERMANENCY FOR CHILDREN.

003.01 FINALIZING ADOPTION. The prospective adoptive parents of a child in the custody of the Department will be responsible for retaining legal counsel to finalize the adoption. After finalization, the adoptive parents have full rights and responsibilities for their child. The Department no longer has any authority or responsibility for the child except as might exist in an adoption subsidy agreement.

003.01(A) DESIGNATION OF GUARDIAN. A parent who enters into an adoption subsidy agreement with the Department must designate a guardian for the child in case of the death of the adoptive parent or parents. Payment of the adoption subsidy will cease upon the death of the adoptive parent or parents unless the adoption assistance agreement provides for assignment to a guardian or conservator. In the event an individual who was previously a legal parent for the child is appointed as guardian for the child, even if parental rights have been terminated or relinquished, payment of the adoption subsidy must cease.

003.01(A)(i) EXCEPTION. Payment of an adoption subsidy can continue for up to six months following the death of the adoptive parent or parents pending the appointment of a guardian or conservator if the child is placed in the temporary custody of a family member or other individual. In the event this child is placed in the custody of an individual who was previously a legal parent for the child, even if parental rights have been terminated or relinquished, payment of the adoption subsidy will cease.

003.02 FINALIZING GUARDIANSHIP. When guardianship is determined to be the permanency objective for a child in the custody of the Department, the prospective guardian is responsible for retaining legal counsel to finalize the guardianship. Once the Department receives an order from the court which establishes guardianship, the Department no longer has any authority or responsibility for the child except as might exist in a guardianship subsidy agreement.

003.03 EXTENDED GUARDIANSHIP ASSISTANCE. A Young Adult who was previously adjudicated to be within the meaning of Nebraska Revised Statute (Neb. Rev. Stat.) § 43-247(3)(a) or the equivalent under tribal law is eligible for the extended guardianship assistance program if the young adult meets the eligibility requirements in Neb. Rev. Stat. § 43-4511. Participation in the Bridge to Independence program will permanently terminate eligibility for the extended guardianship assistance program.

003.03(A) USE OF FUNDS. A guardian who receives payment of extended guardianship assistance shall use the guardianship assistance funds for the benefit of the Young Adult. The Department will consider use of the guardianship assistance funds on the following supports and services as using the funds for the benefit of the Young Adult:

- (i) Clothing purchases;
- (ii) Incidental items;
- (iii) Insurance;
- (iv) Food;
- (v) Housing, other than maintenance of the guardian's home;
- (vi) Education;
- (vii) Medical expenses; or
- (viii) Other services and supports the Department determines will help the Young Adult transition into adulthood.

003.04 EXTENDED ADOPTION ASSISTANCE. A Young Adult who was previously adjudicated to be within the meaning of Neb. Rev. Stat. § 43-247(3)(a) or the equivalent under tribal law is eligible for the extended guardianship assistance program if the young adult meets the eligibility requirements in Neb. Rev. Stat. § 43-4512. Participation in the Bridge to Independence program will terminate eligibility for the extended adoption assistance program.

003.04(A) USE OF FUNDS. A parent who receives payment of extended adoption assistance shall use the adoption assistance funds for the benefit of the Young Adult. The Department will consider use of the adoption assistance funds on the following supports and services as using the funds for the benefit of the Young Adult:

- (i) Clothing purchases;
- (ii) Incidental items;
- (iii) Insurance;
- (iv) Food;
- (v) Housing, other than maintenance of the guardian's home;
- (vi) Education;
- (vii) Medical expenses; or
- (viii) Other services and supports the Department determines will help the Young Adult transition into adulthood.