

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

395 NAC 6

TITLE 395 CHILDREN AND FAMILY SERVICES: PROTECTION AND SAFETY
CHAPTER 6 ASSESSMENT OF ABUSE AND NEGLECT REPORTS

001. AUTHORITY. These regulations are authorized by Nebraska Revised Statute (Neb. Rev. Stat.) § 28-713 and § 28-713.03 and establish the process for the screening and assessment of reports of child abuse and neglect.

002. HOTLINE. The Department will provide a means for the public to report child abuse and neglect as required by Neb. Rev. Stat. § 28-711.

003. SCREENING OF REPORTS. The Department will utilize an evidence-informed screening tool to determine whether a report of abuse or neglect will be accepted for investigation or assessment.

003.01 REPORTS OF TRAFFICKING. Any report where the child is a reported or suspected victim of sex or labor trafficking will be accepted for assessment or investigation.

003.02 SHARING OF REPORTS. Pursuant to Neb. Rev. Stat. § 28-713, all reports, whether or not accepted for investigation or assessment, will be provided to the appropriate law enforcement agency.

004. CATEGORIZING REPORTS. Each accepted report will be referred for response by law enforcement or the Department.

004.01 REFERRED FOR DEPARTMENT RESPONSE. The Department will assess accepted reports of abuse or neglect where the alleged perpetrator is:

- (A) A caregiver who resides in the same home of the alleged victim; or
- (B) A caregiver in a day care home, foster home, day care center, child care facility or other residential care facility.

004.01(i) RESPONSE TIME. The Department will make contact with the identified family within a maximum of ten days after receipt of an accepted report of child abuse or neglect, unless an exception is granted.

004.02 REFERRED FOR LAW ENFORCEMENT RESPONSE. Each accepted report which is not referred to the Department for assessment will be referred to law enforcement for investigation. This includes reports of abuse or neglect where the perpetrator is a teacher, school employee, counselor, therapist, or other licensed medical or mental health practitioner, and the perpetrator is not the parent of the alleged victim.

005. INITIAL ASSESSMENT. When a report is referred to the Department for investigation or assessment the Department will utilize an evidence-informed and validated tool to determine the current safety of the child, the risk of future maltreatment, and to determine a family's need for services, if any.

005.01 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.

005.02 COMPLETION OF ASSESSMENT. The Department will complete the initial assessment within sixty days, unless an exception is granted.

006. IDENTIFICATION OF TRAFFICKING VICTIMS. Based on the information gathered during the screening or initial assessment process, the Department may designate the child as a suspected victim of sex or labor trafficking.

006.01 SUSPECTED VICTIMS OF SEX OR LABOR TRAFFICKING. Each minor who is designated by the Department as a suspected victim of trafficking will be assigned for in-person investigation as required by Neb. Rev. Stat. § 28-713. As part of the in-person investigation, the Department will use specialized instruments to:

- (A) Screen and assess to identify whether the child is a trafficking victim or at high risk of becoming a trafficking victim; and
- (B) Determine the needs of the child and family to prevent or respond to abuse, neglect, and exploitation.

006.02 SERVICES. For each report where the child is designated as a suspected trafficking victim or at high risk of becoming a trafficking victim, the Department will refer and connect the child and family to the appropriate services.

007. 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 as determined by the Department's evidence-informed tool;
- (B) The child's risk of future maltreatment as determined by the Department's evidence-informed tool; and
- (C) The family's willingness to voluntarily engage in child welfare services.

008. NON-COURT-INVOLVED CASE. The Department may open a non-court-involved case when the Department determines that ongoing services are required to maintain the safety of the child or alleviate the risk of future abuse or neglect and the family voluntarily agrees to participate in on-going services without a filing in juvenile court.

008.01 NOTICE OF RIGHTS. The Department will provide a parent and, if applicable, a kin or relative caregiver participating in a non-court-involved case with a written notice of rights as required by Neb. Rev. Stat. § 28-713.02.

008.02 PAYMENT TO CAREGIVER. In a non-court-involved case in which a child lives temporarily with a kin caregiver or a relative caregiver, the Department may reimburse a kin caregiver or a relative caregiver for facilitating services for the child. To be eligible for reimbursement the following conditions must be met:

- (A) The parent is unable to cover the costs of the services for the child;
- (B) The caregiver has applied for and been denied eligibility for other available benefits that would cover the costs of the services for the child;
- (C) The Department agrees, in advance, to provide reimbursement for the costs of services for the child; and
- (D) The caregiver provides the Department with documentation to verify proof of payment for the child's services.

008.03 COURT FILING REQUEST. If the Department finds a child is seriously endangered in the child's surroundings and immediate removal is necessary for the protection of the child, the Department shall make an immediate request for the county attorney to institute juvenile court proceedings.

008.03(A) SERIOUSLY ENDANGERED CHILD. The Department will utilize an evidence-informed and validated standardized assessment tool to determine the current safety of the child. A child is considered seriously endangered when the Department determines the child is unsafe and the safety threat cannot be mitigated.

008.03(B) COURT FILING. When the county attorney institutes juvenile court proceedings alleging the child is within the meaning of Neb. Rev. Stat. § 43-247(3)(a) or § 43-247(3)(c), a non-court-involved case will be considered a court-involved case.

008.04 CASE CLOSURE. The Department will consider closing a non-court-involved case when:

- (A) The Department determines the child is safe and the risk of future maltreatment is low or moderate; or
- (B) The family requests the non-court-involved case close.

008.05 ADMINISTRATIVE APPEAL. Any child, parent, kin caregiver, or relative caregiver may request an administrative appeal of any Department action or inaction in a non-court-involved case.

008.05(A) APPEAL TIME FRAME. The appeal must be filed in writing with the Director of the Division of Children and Family Services within 30 days of when the action or inaction was communicated to the person filing the appeal.