

EFFECTIVE
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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

395 NAC 9

TITLE 395 CHILDREN AND FAMILY SERVICES: PROTECTION AND SAFETY

CHAPTER 9 ALTERNATIVE RESPONSE

001. SCOPE AND AUTHORITY. These regulations implement Alternative Response as authorized by Nebraska Revised Statute (Neb. Rev. Stat.) §§ 28-712 and 28-712.01 and contemplated by Neb. Rev. Stat. § 28-710.01.

002. DEFINITIONS. Definitions contained in Neb. Rev. Stat. § 28-710 and the following definitions apply to this chapter:

002.01 INTAKE ACCEPTED FOR ASSESSMENT. A report received by the Department Child Abuse and Neglect Hotline that creates concern for the safety of a child and includes information stated by the reporting party and collateral information gathered by the Department.

002.02 CARETAKER. Caretaker as defined by Neb. Rev. Stat. § 71-6721(3).

002.03 HOUSEHOLD MEMBER. Any person who has significant in-home contact with a child and includes individuals who have a familial or intimate relationship with any person in the home.

002.04 PREVENTION PLAN. A plan developed by the family, in collaboration with the Department, to address familial needs that may potentially relate to child safety. The plan may identify individuals or services which could help support or meet the needs of the family.

002.05 EXCLUSIONARY CRITERIA. Criteria which, if alleged or otherwise learned by the Department, automatically excludes an Intake Accepted for Assessment from eligibility for Alternative Response. Exclusionary Criteria include:

- (A) Factors listed in Neb. Rev. Stat. § 28-712.01(1)(b);
- (B) A Household Member has been convicted of a crime that resulted in the death of a child or has criminal charges pending for a crime that resulted in the death of a child;
- (C) Abuse or neglect of a child who resides with (i) the subject of an active Traditional Response or (ii) an individual or family that is receiving services through the Children and Family Services Protection and Safety section or (iii) an individual or family who is involved in juvenile court petition pursuant to Neb. Rev. Stat. § 43-247(3)(a);

- (D) Law enforcement has cited a Caretaker for the child abuse or neglect alleged in the Intake Accepted for Assessment; and
- (E) A Household Member has been convicted of or has criminal charges pending for manufacturing methamphetamine or other controlled substances as defined in Neb. Rev. Stat. §§ 28-401, 28-405.

002.06 REVIEW, EVALUATE, DECIDE (RED) TEAM. A team of staff within the Department that reviews and evaluates Intakes Accepted for Assessment that include at least one Review, Evaluate, Decide (RED) Team Criteria and no Exclusionary Criteria.

002.07 REVIEW, EVALUATE, DECIDE (RED) TEAM CRITERIA. Criteria which, if alleged or otherwise learned by the Department, requires the Review, Evaluate, Decide (RED) Team to review and evaluate to determine eligibility for Alternative Response. Review, Evaluate, Decide (RED) Team Criteria include:

- (A) A Caretaker exhibiting symptoms related to significant mental illness including but not limited to psychotic behaviors, delusional behaviors, and danger to self or others;
- (B) The family is currently receiving an Alternative Response;
- (C) A Household Member or alternate Caretaker has a history of using or manufacturing methamphetamine or other controlled substances as defined in Neb. Rev. Stat. §§ 28-401, 28-405;
- (D) Factors listed in Neb. Rev. Stat. § 28-712.01(1)(d);
- (E) A Household Member has a prior court substantiated report of child abuse or neglect; or
- (F) A Household Member is a sex offender who is on the sex offender registry.

003. RESPONSE ASSIGNMENT PROCESS.

003.01 SCREENING. The Department will screen each Intake Accepted for Assessment for the presence of Exclusionary Criteria and each Intake Accepted for Assessment that includes no Exclusionary Criteria for the presence of Review, Evaluate, Decide (RED) Team Criteria.

003.02 RESPONSE ELIGIBILITY. The Department will determine eligibility for Alternative Response based upon the presence or absence of Exclusionary Criteria and Review, Evaluate, Decide (RED) Team Criteria. If an Intake Accepted for Assessment includes:

- (A) One or more Exclusionary Criteria, it is ineligible for Alternative Response;
- (B) No Exclusionary Criteria and no Review, Evaluate, Decide (RED) Team Criteria, it is accepted for Alternative Response; and
- (C) One or more Review, Evaluate, Decide (RED) Team criteria and no Exclusionary Criteria, and the Review, Evaluate, Decide (RED) Team reaches a decision that it is eligible for Alternative Response, it is accepted for Alternative Response.

003.03 REVIEW, EVALUATE, DECIDE (RED) TEAM REVIEW. The Review, Evaluate, Decide (RED) Team will review and evaluate an Intake Accepted for Assessment that includes Review, Evaluate, Decide (RED) Team Criteria to determine whether it is eligible for Alternative Response.

003.03(A) REVIEW, EVALUATE, DECIDE (RED) TEAM REVIEW PROCESS. The Review, Evaluate, Decide (RED) Team will meet at least once each business day, unless

there are no intakes to review. To determine whether an intake will be eligible for Alternative Response, the Review, Evaluate, Decide (RED) Team will consider the factors set forth in Neb. Rev. Stat. § 28-712.01, and the following:

- (i) The household's past history or current involvement with the Department, including completed assessments and services provided by household;
- (ii) The criminal history of any Household Member; and
- (iii) The allegations and information included in the current intake.

003.03(B) REVIEW, EVALUATE DECIDE (RED) TEAM DECISION. The Review, Evaluate, Decide (RED) Team will assign an intake accepted for assessment to Alternative Response unless the team determines the child may be seriously endangered by the child's surroundings and removal may be necessary.

003.04 RESPONSE ASSIGNMENT. Each Intake Accepted for Assessment that is eligible for Alternative Response will be assigned to Alternative Response. The Department will assign all other intakes accepted for assessment to Traditional Response.

003.05 REASSIGNMENT FROM ALTERNATIVE RESPONSE TO TRADITIONAL RESPONSE. The Department will automatically transfer a family from Alternative Response to Traditional Response if:

- (A) A safety threat is present that cannot be managed through an in-home safety plan;
- (B) It cannot assess child safety;
- (C) Law enforcement notifies the Department that they have cited the Caretaker for the child abuse or neglect alleged in the Intake Accepted for Assessment;
- (D) The Caretaker receiving Alternative Response requests Traditional Response; or
- (E) It learns a Household Member allegedly caused the death of a child.

003.06 TRADITIONAL RESPONSE REASSIGNMENT. If a family is reassigned to Traditional Response individuals may be subject to having their name placed on the Central Registry. Individuals will receive written notice if their name is placed on the Central Registry in accordance with Neb. Rev. Stat § 28-713.01 (2).

004. ALTERNATIVE RESPONSE SERVICES AND INTERVENTIONS.

004.01 SUPPORTS AND SERVICES. Each family assigned to Alternative Response will be offered supports and services as available and appropriate based on the Department's assessment of safety and risk of future maltreatment.

004.02 SAFETY ASSESSMENTS. Ongoing assessment of child safety and risk of maltreatment will continue so long as the family participates in Alternative Response.

004.03 VOLUNTARY PARTICIPATION. Participation in Alternative Response becomes voluntary once the Department completes the comprehensive assessment and determines that no safety concerns are present.

004.04 FAMILY CONTACTS AND ENGAGEMENT. For each child in the family, the Department may contact all parents and Household Members as part of the assessment

process and may engage all parents and Household Members in the development of the Prevention Plan.

005. NOTICE AND APPEAL.

005.01 NOTICE. The Department will provide written notice to families assigned to Alternative Response. This written notice will explain the Alternative Response process including assessment of safety and risk, criteria for reassignment of a family from Alternative Response to Traditional Response, and the family's rights to terminate participation in Alternative Response.

005.02 GRIEVANCE PROCESS. Families receiving Alternative Response may file a grievance following the same grievance process available to families receiving Traditional Response pursuant to Neb. Rev. Stat. § 81-603.

005.03 GRIEVANCE LIMITATIONS. Families may not grieve assignment or reassignment to Traditional Response or actions of any person not employed by the Department.

006. TERMINATION OF PARTICIPATION. Alternative Response terminates upon:

- (A) Reassignment of a family to Traditional Response;
- (B) Request of the Caretaker receiving Alternative Response after completion of the comprehensive assessment (Neb. Rev. Stat §§ 28-710 & 28-712.01(3)); or
- (C) Closure of Alternative Response.

007. COLLECTION, SHARING, AND REPORTING OF DATA. Data will be collected and shared at the Department's discretion.