

STATE OF NEBRASKA  
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

IN THE MATTER OF	)	
	)	EMERGENCY ORDER;
SHANNON BENNETT D/B/A	)	PROTECTIVE ORDER
LITTLE SPROUTS CLUBHOUSE	)	
Family Child Care Home II	)	

This matter comes for consideration on the Motion for an Emergency Order and Motion for Protective Order filed by the Nebraska Department of Health and Human Services, Division of Public Health. The Deputy Director, having reviewed the Motion and accompanying Affidavits, finds as follows:

1. Shannon Bennett holds a Family Child Care Home II License, located at 4510 North 153<sup>rd</sup> Circle, Omaha, Nebraska 68116. Ms. Bennett is the owner of the child care program.

2. An emergency exists requiring immediate action to protect the physical well-being and safety of a child or children in the care of Shannon Bennett.

WHEREFORE, IT IS ORDERED:

1. Pursuant to Nebraska Revised Statutes §71-1915, the child care license of Shannon Bennett is hereby and immediately revoked.

Upon application to the Director within fifteen days of this Order, Shannon Bennett shall be afforded a hearing as soon as possible and within ten days of the application, unless she requests that the hearing be held later. Any such application should be addressed to: Marsha Wandersee, for DHHS, Children's Services Licensing Licensure –Division of Public Health, P.O. Box 94986, Lincoln, NE 68509-4986.

2. Any reference in this matter to any child enrolled in the above child care program or any child residing or who has resided in the home of Shannon Bennett shall be made by the use of the initial letters of the child's first and last name.



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IN THE MATTER OF )  
 )  
SHANNON BENNETT D/B/A ) MOTION FOR EMERGENCY ORDER;  
LITTLE SPROUTS CLUBHOUSE ) MOTION FOR PROTECTIVE ORDER  
Family Child Care Home II )  
 )

COMES NOW the Department of Health and Human Services, Division of Public Health and pursuant to Neb. Rev. Stat. §71-1915 moves the Deputy Director of the Division of Public Health, Department of Health and Human Services to declare an emergency and issue an Emergency Order revoking the child care license of Shannon Bennett d/b/a Little Sprouts Clubhouse, 4510 North 153<sup>rd</sup> Circle, Omaha, NE 68116. The operating hours for the program are Monday through Sunday; twenty-four (24) hour care. Ms. Bennett is the owner and director of the child care program.

The Department also requests that a Protective Order be entered pursuant to Neb. Rev. Stat. §84-914(2) to protect the privacy of any minor children whose identity may be revealed during the course of these proceedings, and to ensure the confidentiality of any information which is deemed confidential by state statute.

The Department requests the following:

1. That any reference to any child enrolled in the above child care program or any foster child residing in the home of Ms. Bennett or any child of the licensee be made by the use of the initial letters of the child's first and last name.
2. That any information which is confidential by state statute be protected from release to the public and that any pictures of children referred to in this matter be non-releasable to the public.

In support of its motion, the Deputy Director is shown the accompanying affidavits of Renee Madsen, Child Care Inspection Specialist, and Diane Kvasnicka, Program Manager.

WHEREFORE the Department moves the Deputy Director for an  
Emergency Order revoking the child care license of Shannon Bennett.

Nebraska Department of Health  
and Human Services

Dated: October 22, 2015

Teresa M. Hampton

Teresa M. Hampton #16746

P.O. Box 95026

Legal Services

Department of Health and Human  
Services

Lincoln, Nebraska 68509-5026

(402) 471-4051

Its Attorney



5. 391 NAC 2-008.01 Grounds for Denial or Disciplinary Action: The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

1. Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the Act; ...
4. Conduct or practices detrimental to the health or safety of an individual served by or employed at the program;
7. Failure to meet requirements relating to sanitation, fire safety, and building codes; ...

6. 391 NAC 2-008.04 Department's Emergency Power: Whenever the Department finds that an emergency exists requiring immediate action to protect the physical well-being and safety of a child in the program, the Department may, without notice or hearing, issue an order declaring the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. The order may include an immediate prohibition on the care of children by the licensee other than children of the licensee. An order under this subsection will be effective immediately. Any person to whom the order is directed must comply immediately, and upon application to the Department, the person will be afforded a hearing as soon as possible and not later than ten days after his or her application for the hearing. On the basis of such hearing, the Department will continue to enforce the order or rescind or modify it.

7. The Office of Children's Services Licensing was informed by the Douglas County Sheriff's Department that Shannon Bennett, owner of Little Sprouts Clubhouse, was being questioned regarding the theft of guns from her residence. During this investigation, Shannon Bennett admitted to intravenous drug use of heroin, dissolved prescription pills, including Oxycodone, and smoking marijuana. Bennett's child care program is licensed to provide care for 24 hour care; seven days a week. In addition, the investigating officers found the child care premises to be dirty and cluttered. As a result, inspections were conducted immediately by Renee Madsen, Child Care Inspection Specialist, Office of Children's Services Licensing, and David

Iverson, Douglas County Health Department. Bennett's facility was disapproved by the Douglas County Health Department. It has been determined that Shannon Bennett, D/B/A Little Sprouts Clubhouse, is in violation of the following Family Child Care Home II Regulations:

A. 391 NAC 2-006.01 Licensee Qualification and Requirements: The Family Child Care Home II licensee must: ...

10. During the hours of operation, not be under the influence or allow any staff, volunteer, or household member to be under the influence of alcohol, controlled substances that have not been lawfully prescribed, or any other type of substance that would affect their ability to care for children;...

16. Not engage in or have a history of behaviors injurious to or which may endanger the health or morals of children; ....

B. 391-NAC 2-006.24A Housekeeping and Maintenance: The licensee must provide the necessary housekeeping and maintenance to protect the health and safety of children in care. The child care home and grounds must be kept clean, safe, and in good repair.

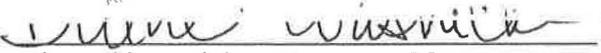
1. The child care home and any building on the premises in or around areas where children are present must be kept free of exposed lead-based paint surfaces that are flaking, peeling, or chipped.
2. Rooms, walls, floors, and ceilings must be kept clean, dry, in good repair, and free of odor resulting from sewage, mold, mildew, or other environmental or biological hazards or unsanitary conditions.
3. Heating, ventilation, and lighting in all rooms used for child care must be adequate to protect the health of children.
4. The licensee must equip and maintain the premises to prevent the entrance, harborage, or breeding of rodents, flies, and all other insects and vermin. All doors opening to the outside must be self-closing (except sliding doors) and all windows used for ventilation 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.

C. 391-NAC2-006.24B Maintenance of Equipment, Fixtures, Furnishings, and Toys:

1. The licensee must keep equipment, fixtures, furnishings, and toys used in the child care program clean, safe, and in good repair.

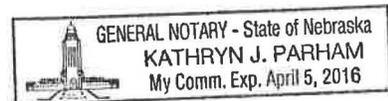
2. The licensee must arrange furniture and equipment so as not to interfere with exits.

Further affiant saith not.

  
Diane Kvasnicka, Program Manager  
Office of Children's Services Licensing

Subscribed and sworn before me this 22<sup>nd</sup> day of October, 2015.

  
Notary Public





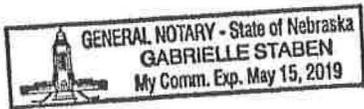
- b. On October 20, 2015 CCIS Madsen arrived at Little Sprouts Clubhouse and met with Russell Bennett, spouse of Shannon Bennett, Douglas County Deputy Sheriff Brenda Wheeler, and David Iverson, Environmental Health Inspector, Douglas County Health Department. Shannon Bennett was not present.
- c. CCIS Madsen was informed by Deputy Wheeler that Shannon Bennett had been taken to the Douglas County Sheriff's Dept. for questioning pertaining to an investigation involving acquaintances of S. Bennett's
- d. CCIS Madsen received on 10/21/15 an Investigative Supplement Report dated 10/20/15 from the Douglas County Sheriff's Office. Deputy D Hansen's report states that at the Douglas County Sheriff's Office on 10/20/15 she spoke with Shannon Bennett and Bennett admitted to drug use including the injection of Heroin and OxyContin. Bennett stated to Dep. Hansen this included the use of Marijuana during evening hours at her residence/family child care home II. Bennett admitted to intravenous drug use a week ago and exhibited to Deputy Hansen two small bruises on the crease of her left arm.
- e. CCIS Madsen walked through the premises on the main floor and observed conditions in the house that were unsafe where child care is provided. The conditions observed were items covering the kitchen counter, sink and stove area; observed both clean and unclean dishes and food containers and miscellaneous items; the floor under the dining table had been swept of debris, but had not yet been disposed of; a passage way from kitchen to a living/computer desk area was blocked by items covering the floor, beginning at one end of the room to the middle of the room; the items observed were paper boxes, blue storage tubs, toys, clothing, containers, infant supplies, and paper items; CCIS Madsen was not able to enter into this part of the room due to the items in this area; in another area of the main floor there were items including toys and play materials, but were observed to take a majority of the floor space that did not allow adequate space for children to play; Madsen observed children napping in a pac n' play, on a cot, and on the sofa and Russell Bennett was holding an infant.
- f. CCIS Madsen was informed by Iverson on 10/20/15 that the home was a harborage for rodents and pests, although no roaches, bed bugs, rodents or

rodent droppings were evident and that the Douglas County Health Dept. is issuing a sanitation disapproval.

- g. CCIS Madsen received on 10/22/15 the Douglas County Health Dept. Child Care and Group Home Evaluation. David Iverson's report states that the child care facility is disapproved.

Renee Iverson  
Renee Madsen  
Child Care Inspection Specialist

Subscribed and sworn before me this 22 day of October, 2015.



[Signature] Oct 22, 2015  
Notary Public  
County of Douglas  
State of Nebraska