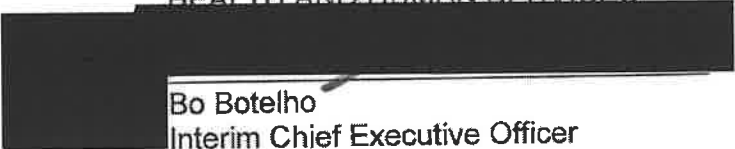


3. Any information which is confidential by state statute shall not be released to the public and any pictures of any children referred to in this matter shall not be released to the public.

DATED this ____ day of February, 2019.

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES



Bo Botelho
Interim Chief Executive Officer
Department of Health and Human
Services

STATE OF NEBRASKA
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

IN THE MATTER OF)	MOTION FOR EMERGENCY ORDER;
)	MOTION FOR PROTECTIVE ORDER
CATARINA LOPEZ)	
PROVISIONAL FAMILY CHILD)	
CARE HOME I)	

COMES NOW the Department of Health and Human Services, Division of Public Health and pursuant to Neb. Rev. Stat. §71-1915 moves the Interim Chief Executive Officer of the Department of Health and Human Services to declare an emergency and issue an Emergency Order revoking the child care license of Catarina Lopez and to prohibit her from operating the child care program and providing care for any child other than her own. The operating hours for the program are Monday through Sunday, 24 hours a day. The program is located at 3931 U Street, Omaha, NE 68107.

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 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 Chief Executive Officer is shown the accompanying affidavit of Diane Kvasnicka, Program Manager.

WHEREFORE the Department moves the Interim Chief Executive Officer for an Emergency Order revoking the child care license of Catarina Lopez and

prohibiting Catarina Lopez from providing care for any child other than her own until she obtains a license to operate a child care program from the Department.

Nebraska Department of Health
and Human Services

Dated: 2-7-19



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

**THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA**

IN THE MATTER OF:

Catarina Lopez, Licensee
Provisional Family Child Care
Home I, License # FI12174

)
)
)
)
)

AFFIDAVIT

STATE OF NEBRASKA

)
) ss
)

COUNTY OF LANCASTER

Comes now Affiant, Diane Kvasnicka, being first duly sworn, and states as follows:

1. I am employed as the Program Manager of the Office of Children's Services Licensing with the Nebraska Department of Health and Human Services Division of Public Health (hereinafter "Department").
2. The records of the Department show that Catarina Lopez holds a Provisional Family Child Care Home I License, issued March 14, 2018. The license capacity is 10 and Lopez is licensed to provide 24 hour care; seven days a week. The Provisional Family Child Care Home I is located at 3931 "U" Street, Omaha, Ne 68107.
3. In my capacity as Program Manager of the Office of Children's Services Licensing, I am the custodian of all licensing records for licensed Child Care Programs.
4. NEB. REV. STAT. §71-1915 provides "(1) Whenever the department finds that an emergency exists requiring immediate action to protect the physical well-being and safety of a child in a 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 the department 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 shall be effective immediately. Any person to whom the order is directed shall comply immediately, and upon application to the department, the person shall 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 shall continue to enforce such order or rescind or modify it..."

5. 391 NAC 1-008.01 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; ...
 3. Conviction of, or substantial evidence of committing or permitting, aiding, or abetting another to commit, any unlawful act, including, but not limited to, unlawful acts committed by an applicant or licensee under the act, household members who reside at the place where the program is provided, or employees of the applicant or licensee that involve:
 - a. Physical abuse of children
 4. Conduct or practices detrimental to the health or safety of an individual served by or employed at the program;...
6. 391 NAC 1-008.04 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.

On February 7, 2019, the Department of Health and Human Services-Division of Public Health received information that Catarina Lopez was charged on February 5, 2019 with Child Abuse Resulting in Serious Bodily Injury, a Class II Felony, occurring on or about January 20,

2019. According to the Warrantless Arrest Affidavit filed with the Douglas County Court, a 16 month old child that attended Ms. Lopez's child care sustained multiple fractures to the shoulders, arm and wrists that were in various stages of healing. The child had an acute fracture and dislocation of the left arm. The child's mother reported that she noticed the child's injury on January 20, 2019 after the child had returned from Ms. Lopez's child care. Ms. Lopez made admissions during an interview with law enforcement that she had caused the injury to the child when she forcefully pulled the child by its arm up from the floor. A copy of the Warrantless Arrest Affidavit and Criminal Complaint accompany this Affidavit.

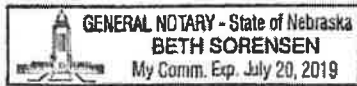
As a result, it has been determined that Catarina Lopez is in violation of the Family Child Care Home I Regulations listed in paragraph 5 above.

Further affiant saith not.



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

Subscribed and sworn before me this 7th day of February 2019.



Notary Public