

Division of Children and Family Services Protection and Safety Procedure #12-2015	
Regarding:	Central Registry - Minors
Rescinds:	#16-2013 – Page 41 12.D. 1-3
Date Effective:	05/06/2015
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Issue by:	Tony Green, Acting Director



Philosophy:

The Division of Children and Family Services (DCFS) has the duty to promote the enforcement of laws for the protection and safety of children and vulnerable adults. The Central Registry provides information to ensure that the safety of children and adults is considered when making decisions on whether an individual should provide services to children and adults. The Central Registry also provides information on community safety to ensure that minor’s on the Central Registry are not put in an environment that could impact the safety of other children.

Procedure:

The CFS Administrator must review and approve each action to place a minor on the Central Registry. The CFS Supervisor must make a recommendation for the case status classification (see below). The documented information in the record must clearly articulate the information and evidence used to support the Central Registry classification. The CFS Administrator or designee must document the Consultation Point on the Allegation narrative using item “Minor/Vulnerable Adult on Central Registry” on N-FOCUS. The CFS Administrator or designee must enter the Finding Information on N-FOCUS within 30 calendar days of the date the Intake was accepted for Assessment.

After DCFS completes the investigation of a report of abuse or neglect that alleges that the **perpetrator** is a youth ages 0-18 years old (minor), the CFS Specialist will determine whether the allegations (1) involve criminal or juvenile court action and (2) are supported by evidence.

Case Status Classifications: Any questions or clarification to determine a case status classification should be directed to Legal Services.

If criminal or juvenile court action involves the same allegations, the following classifications apply:

- A. Court Pending:
 1. Adult criminal complaint, indictment or information; or
 2. A juvenile petition under subdivision (3)(a) of 43-247 is pending and has not been dismissed or resolved through a trial or plea.

A juvenile court adjudication under Neb. Rev. Stat. 43-247 (1) or (2) **shall not** be entered on the registry as **Court Pending**.

- B. Court Substantiated:
 1. The minor perpetrator was found guilty at trial or entered a guilty plea in a criminal case involving the same conduct as the report of abuse or neglect.
 2. A juvenile court adjudication under Nebraska Revised Statute (N.R.S.) 43-247 (3)(a) determined that the minor perpetrator committed child abuse or neglect.

- i. This situation is most likely to present itself when the minor perpetrator is the parent of the abuse/neglect victim.
- ii. A juvenile court adjudication under Neb. Rev. Stat. 43-247 (1) or (2) **shall not be entered on the registry as Court Substantiated**. The CFS Specialist will refer to the section on Agency Substantiated as the next step in determining a classification.
- iii. When a criminal or juvenile court action involving the allegations is dismissed by the county attorney or was never filed, the classification of Agency Substantiated should be reviewed to determine if the evidence supports a **preponderance of the evidence (greater than 50%)**.

C. Agency Substantiated:

1. The minor committed abuse or neglect as described in N.R.S. 28-710 and the minor does not meet the criteria to be placed on the Central Registry as court substantiated.
 - i. A minor adjudicated under N.R.S. 43-247 (1) or (2) in a case involving the same conduct as the report of child abuse or neglect shall be placed on the Central Registry as Agency substantiated when CFS has internal reports and records sufficient to make an independent finding. The classification shall not be based solely on the juvenile court adjudication.
 - ii. When CFS has the documentation to support the finding, a minor may be placed on the Central Registry as Agency Substantiated even if a criminal court found the person ‘not guilty’ of the crime because the burden of proof in a criminal case is higher.

In evaluating the weight of the evidence, the CFS Administrator may consider factors including but not limited to:

- a. Reliability of witnesses;
- b. Corroborative evidence; and
- c. Bias or partiality.

The CFS Administrator or designee will document the Consultation Point on the Allegation narrative using item “Minor/Vulnerable Adult on Central Registry” on N-FOCUS. The CFS Administrator or designee will document the mitigating circumstances on N-FOCUS.

Notice

When the evidence supports a decision to place a minor on the Central Registry, notice must be signed by the CFS Administrator and sent immediately to the minor using Registered Mail with return receipt requested for all parties. When the minor will not be put on the Central Registry, notice must signed by the CFS Administrator and sent by first class mail immediately. The most recent address for each youth will be used.

Whether the minor is going on the Central Registry or not, the following apply:

Notice will be sent to:

- A. The child’s legal parent/guardian; and
- B. The child.

When the child is in the custody of DHHS at the time a classification is made, notice will be sent to:

- A. The child’s legal parent/guardian;
- B. The child; and

C. The child's case manager.

CFS Administrators may contact Legal Services for consultation on case status decisions.

References:

Nebraska Revised Statutes 28-710; 28-713.01; 28-720 and 43-247