Annual Report 2011

Nebraska Citizen Review Panel for Child Protective Services

Introduction

Recognizing the importance of citizen input into the child welfare system, federal legislation amended the Child Abuse and Treatment Act (CAPTA) to require each state to create Citizens Review Panels (CRPs) by July 1999 (Administration for Children and Families, 1998). According to the amendment, Citizen Review Panels were to be comprised of representatives from the community, meet at least quarterly, and submit an annual report to the federal government outlining their activities and recommendations (Administration for Children and Families, 1998; Jones, Litzelfelner, & Ford, 2002).

The legislation provided the panels with a broad mandate:

1. To insure that the state was in compliance with the state CAPTA plan.
2. To assure that the state was coordinating with the Title IV-E foster care and adoption programs.
3. To assess the Child Protective Service (CPS) agency in its compliance with the review of child fatalities.
4. To evaluate any other piece of the CPS system which the CRP deemed important.

Keeping Children and Families Safe Act of 2003 (formerly known as CAPTA) revised the CRP requirements by requiring each panel to make recommendations to the State and public on improving the child protection services system. The Department of Health and Human Services is to respond to the panel in writing no later than six months after the panel recommendations are submitted. The agency's response must include a description of whether and/or how the state will incorporate the recommendations of the panel to make measurable progress in improving the child protective service system.

Membership

The Nebraska Commission for the Protection of Children serves as the Citizen Review Panel for the state. Members of the Commission are appointed by the Governor and serve as leads for subcommittees that are formed to address issues the Commission has decided to focus on. The current membership includes a balance of child advocates, law enforcement personnel, mental health personnel, public child welfare employees, educators, medical professionals, legislative representatives, and attorneys. The members and their organizational affiliation are:

2010 - 2011 Activities

In 2009, the Nebraska Citizen Review Panel (CRP) decided to focus on the CPS intake process, including the policies and protocols related to Neb Rev. Statute 28-713. This statute addresses cross-reporting of child abuse reports between law enforcement and CPS. This area of focus was selected because it continued work begun in 2008 to examine the screening policies and practices of CPS. The CRP decided to continue with its focus on the CPS intake process during fiscal year 2010-2011. Following is a summary of activities carried out during this period.

1) **Overview of Intake:**
   Officials from the Department of Health and Human Services provided an overview of the CPS Intake/Hotline. The Hotline was centralized in January 2010. Location is Project Harmony, a Child Advocacy Center in Omaha. The Hotline accepts calls regarding both Adult Protective Services and Child Protective Services. The reason for centralizing the Hotline was to concentrate resources and improve consistency in decision-making. The Intake tool is in the process of being revised to fit the Nebraska Intervention System used to assess child safety at Initial Assessment.

2) **Cross-Reporting**

Officials from various law enforcement agencies were asked to respond to a list of questions developed by the CRP aimed at determining how child abuse calls are handled. Following is a list of the questions:

- How is Neb. Rev. Statute 28-713 interpreted by law enforcement jurisdictions?
- How is it being implemented by LE jurisdictions?
- What is your protocol for handling calls alleging abuse or neglect?
- How does your jurisdiction handle well child checks?
- What is your protocol/SOP for responding to calls that include contact with children if a report is not made?
- What is your protocol/SOP for determining when to cite for abuse and neglect and who to notify?
- What do you consider to be a report? Call? Written document?
- What is your protocol/SOP for responding to violence (DV, community violence) when children are present?
- How and when do you cross-report? (phone, fax, face-to-face)
- When and what is not cross-reported?
- What is your protocol/practice for notifying your supervisor about child abuse/neglect calls?
- What would help you carry out your responsibilities in child abuse cases?

Following are the responses provided by the law enforcement agencies.

<u>Omaha Police Department</u>:

- Has a Child Victim/Sexual Assault Unit.
- Administrative Sgt. Reviews all child abuse reports that come from uniform officers and from CPS.
- Copies of all law enforcement reports are given to CPS.

- The reports include all types of child abuse reports from crime reports to information only reports.

Lincoln Police Department:

- Has a Family Crimes Unit.
- Electronically transfers all reports from uniform to this unit.
- Allows access to CPS to the electronic file by case file number.
- CPS reports are faxed all day long to LPD by CPS Hotline.
- If an officer responds to a DV situation and finds a child in the home (not necessarily a direct witness), a CA/N report is automatically generated. CPS follows up. This is the type of situation where redundancy in the system is important.

LaVista and Papillion Police Departments:

- CPS intakes are faxed to the appropriate LE departments.
- Sometimes LE gets multiple copies of reports (faxed, mailed, electronically sent, etc.)
- Uniform patrol notifies investigators when there are child abuse reports.
- On average, they receive a couple per day.
- The PD's fax their child abuse reports to the Sarpy County Initial Assessment Supervisor.
- LaVista developed a short form incident report that is completed and shared with CPS.

Sarpy County Sheriff's Office:

- Uniform patrol calls investigators when they get a child abuse call.
- The deputy reads every report; reports result in case notes and assignment or case notes and no assignment – either way, if a report is written, it is mailed to CPS.

State Patrol:

- CPS intakes are received via fax.

- The intakes are sent to the local PD or Sheriff's offices and State Patrol is notified only if local LE requests assistance.
- Seems to be variation in how local LE jurisdictions handle child abuse and neglect calls/reporting.

CPS:

- CPS calls 911 directly if the reporter provides information to indicate a child is in danger.
- CPS may call police department(s) to determine jurisdiction.
- CPS wants to be notified about DV cases if children are present (not just if they witness DV, but if they are present in the home).

All Jurisdictions:

- If an officer is dispatched on a call (DV, community violence, etc.) and finds a child present and in danger, the officer's professional discretion prevails regarding what to do to keep the child safe.
- There are situations in which CPS may not be notified. One example is if LE is called about children left unattended and wandering in the street. If the uniform officer arrives and cannot find the children or caregivers, and doesn't know who the caller is, CPS is not notified.
- Dispatcher is the gatekeeper and the classification of the call often determines whether a report is generated. If a call is classified child abuse or child neglect, an incident report must be generated (Lincoln Police Department protocol). If a call is classified "check welfare of the child" (or similar language), a report is not required to be generated. In Lincoln, 99% of calls are classified child neglect and a report is generated and sent to CPS.
- If CPS is working with a family and has a safety plan in place but that plan is violated at night or on the weekend and LE gets the call, LE has no legal recourse to remove the child(ren) or enforce compliance with the safety plan.

- LE will not act on a safety plan alone—they would act on a no contact court order.
- Small jurisdictions type their own reports—can result in inconsistencies in content and delays in sharing of reports.

Summary:

- Sharing of reports from LE to CPS seems to be consistent and regular in urban and suburban areas—perhaps more than in rural areas.
- CPS policies and practices and LE policies and practices seem to be mutually followed and understood most of the time. Can be more problematic after business hours.

3) Screened-out Reports

- The CRP asked the Department of Health and Human Services (DHHS) to provide a spreadsheet on a monthly basis of Child Abuse Hotline Reports when four or more reports had been made on a child and the case was not accepted by the Hotline for investigation. The CRP asked the Nebraska Alliance of Child Advocacy Centers (CACs) to review these intakes and to refer these cases to the local Multi Disciplinary Team (MDT) for review, discussion or feedback if there were concerns about the screening decision.
- During the time frame of February to April 2011, there were 94 cases that had been screened out on four or more occasions with no investigation being initiated. The CAC MDT Coordinators have reviewed 58 of those cases. The Coordinator did not see evidence to support the decision to screen out in 8 of the 58 cases (14% of the cases). As a result, these cases are being referred to the MDT for review. The MDT includes members from the DHHS hotline and initial assessment, law enforcement, the CAC, Prosecution, and in most regions, representatives from the school district.

4) Next Steps

- DHHS will continue to provide a monthly report of the cases screened out with four or more reports. The Nebraska Alliance of Child Advocacy Centers will forward the cases to each CAC region on a monthly basis. The Alliance will continue to compile data from the CAC Coordinators on the outcome of the review of screened out reports.
- The CRP will review the compiled data at its December 2011 meeting and will decide what, if any, recommendations to make to DHHS.