DIVISION OF CHILDREN AND FAMILY SERVICES
ADMINISTRATIVE MEMO #19-2011

To: All Children and Family Services Staff

From: Christine M. Hanus, Child Welfare Administrator
Terri J. Nutzman, OJS Administrator
Division of Children and Family Services

Approved by: Scot L. Adams Ph.D., Interim Director
Division of Children and Family Services
Department of Health and Human Services

Date: December 30, 2011

RE: Time Frame for Entering Placement Changes on N-FOCUS and Receipt of Foster Parent Input in Court

Effective: Immediately

Duration: Until Revised

Contact: Sara Goscha, Program Specialist, Children and Family Services, Policy Section at (402)471-9333 or at sara.goscha@nebraska.gov

Purpose: To provide information to Children and Family Services staff regarding changes to Neb. Rev. Stat. 43-1413, which became effective on August 17, 2011, and to inform staff of required actions.

NOTICE OF COURT REVIEWS AND HEARINGS

Prior to August, 2011, Nebraska statute required that courts provide notice to certain parties prior to hearings. Courts frequently stated that they did not have access to current information about the child's placement and therefore could not fulfill their statutory responsibility. The statute also did not specify a time frame for the notice or the avenues by which notice could be provided. The amended statute, effective in August, 2011, was intended to fill in those gaps.

Amended Statute: The amended statute requires that the court provide notice of a review or hearing regarding a child who is a ward of DHHS by mail or personal delivery a full five days prior to the review or hearing. Ordinary mail is acceptable as a means of delivery. The notice must be provided to the following parties that are applicable to the case:

1. The person or agency charged with the care of such child;
2. The child's parents or guardian unless the parental rights have been terminated by a court action;
3. The foster child if age 14 years or over;
4. The foster parent or parents;
5. The Guardian ad Litem;
6. The Foster Care Review Board;

7. The pre-adoptive parent; and
8. The relative providing care.

In order that the court can meet its requirement to provide notice, the revised statute requires that the Department will have one telephone number by which any court seeking to provide notice may obtain up-to-date contact information for all persons listed above. All contact information will be up-to-date within 72 hours of a placement change.

Required Action:
Case managers for wards of the Department are required to update the information on N-FOCUS within 72 hours of a change in placement for a child, including initial out of home placement. In addition, the case manager will ensure all contact information for the other parties listed above is correct in N-FOCUS.

In the event a court needs information from DHHS, the courts may call 1-800-652-1999 and request from a hotline/intake worker the contact information for the individuals listed above. Prior to providing the information, the hotline/intake worker will ask the court representative for the name of the county in which the court is located, and the name and docket/page number of the child who is a ward and the specific information being requested.

The Intake worker will provide the requested information to the court using one of the following three mechanisms:

1. Via e-mail to the County Clerk Magistrate as found on the NE Judicial Branch website: http://supremecourt.ne.gov/county-court/Coun-clerkmag-addr.shtml.
2. Via e-mail to the court representative at an official court identified address.
3. Via phone to the court representative, if the person is recognizable by the hotline worker.

The intake worker will only report the information as indicated on N-FOCUS. If the intake worker believes the information to be incorrect, s/he will notify the case manager and supervisor, asking that the information be updated per statutory requirement. The intake worker will not be responsible for ensuring the information is updated.

Inquiry Made to Foster Parents

Amended Statute: Prior to August, 2011, Nebraska statute allowed the court to inquire into the well-being of the foster child by asking questions of the foster parent, pre-adoptive parent, or relative providing care for the child. The amended statute requires that the court make such inquiry of any willing foster parent, pre-adoptive parent, or relative providing care for the child if the person is present at the hearing.

Required Action: None