

<b>Division of Children and Family Services Protection and Safety Procedure Update #2-2013</b>	
<b>Regarding:</b>	Non-Custodial Parent Care of a Child Who is a Ward or Non-ward.
<b>Rescinds:</b>	#1-2008, #13-2011 – Non Custodial Parent Care of a Child Who is a Ward or Non-Ward
<b>Date Effective:</b>	January 7, 2013
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**Philosophy:**

The Division of Children and Family Services believes that when a child needs to be removed from their home due to safety concerns, the non-custodial parent should be the first person contacted for possible placement. Placing children with the people they know and who care about them reduces trauma to the child and will have a positive impact on the child's well-being.

**Procedure:**

The CFS Specialist will take all steps necessary to identify and locate the non-custodial parent (legal or alleged). The CFS Specialist will notify the non-custodial parent of DHHS involvement and the possible need for assistance in providing for child safety and/or placement. Background checks will immediately be completed on the non-custodial parent if the non-custodial parent has current visitation, or if he/she will be involved in the child's Safety Plan.

Identifying, locating, and involving non-custodial parents and alleged fathers is consistent with and supports concurrent planning for a child. When non-custodial parents and alleged fathers are located early in a case, decisions about placement and custody can be determined at the beginning. Early determination of current and future involvement of the non-custodial parents or alleged fathers promotes timely permanency if reunification with the custodial parent cannot be achieved. Concurrent planning allows the CFS Specialist to simultaneously plan to achieve a permanency goal while implementing an alternative goal for the child.

**Diligent Efforts**

A diligent search for non-custodial parents and alleged fathers must be conducted for consideration and determination of him or her as a resource or placement option for their child. The process of identification of parents should begin at first contact with the family and continue through initial assessment and ongoing case management. Diligent efforts include the following:

1. The CFS Specialist will ask the child's custodial parent, legal guardian or caretaker to identify and provide the whereabouts of the non-custodial parent or alleged father.
2. The CFS Specialist will ask the child, if appropriate, to identify and provide the whereabouts of the non-custodial parent or alleged father.
3. The CFS Specialist will continually check agency resources to search for the non-custodial parent and alleged father. These resources include but are not limited to: N-FOCUS; Nebraska Criminal Justice Information System (NCJIS); Children Have a Right To Support (CHARTS); Child Support; Parent Locator Service. The CFS Specialist will also check with the schools, neighbors, family friends and relatives.

4. The CFS Specialist will check the child's birth certificate to see if there is a person listed as the father and follow up with location efforts if a father is listed.

#### **Documentation of Diligent Efforts**

All efforts taken to identify and locate the non-custodial or alleged father will be entered in N-FOCUS in the Kinship Narrative.

#### **Identification of Fathers**

Fathers may be overlooked if efforts are not taken to establish paternity or involve them in the child's case. It is critical for the CFS Specialist to identify and locate fathers early in the process of providing services to the family for the following reasons:

1. Fathers have the right to be involved with their children, to receive services and to make decisions about their children.
2. Fathers have rights and responsibilities related to the care of their children, including financial responsibility.
3. Identification and location of a father may increase the relative placement options and resources for the child.
4. Enables the CFS Specialist to gather information, such as physical or mental health histories or social history about the paternal relatives.
5. Avoids disruption of foster or adoptive placements when fathers or tribes are not notified early.

#### **Non-custodial Parent Involvement**

In situations where the non-custodial parent lives out of state or an extended distance from the custodial parent with whom reunification is planned, additional factors must be considered in determining if the child should be placed with the non-custodial parent. These factors include:

1. The nature and quality of the relationship the child has with the non-custodial parent;
2. The child's educational setting and whether a change of school would be beneficial or detrimental to the child's academic success;
3. The potential for and benefits of continued visitation with the custodial parent and siblings;
4. How placement with the non-custodial parent will impact reunification with the custodial parent; and
5. The anticipated length of time that the child may be separated from the custodial parent.

The non-custodial parent will always be the first placement option considered for care of the child unless one or more of the following conditions have occurred:

1. The non-custodial parent has subjected a child to aggravated circumstances including but not limited to, abandonment, torture, chronic abuse, or sexual assault;
2. The non-custodial parent has been convicted of first or second degree murder;
3. The non-custodial parent has committed voluntary manslaughter;
4. The non-custodial parent has aided or abetted, attempted, conspired, or solicited to commit murder;
5. The non-custodial parent has aided or abetted voluntary manslaughter;
6. The non-custodial parent has committed a felony assault;
7. The non-custodial parent has had parental rights terminated involuntarily; or
8. The non-custodial parent is listed as a perpetrator on the child or adult central register/ry as agency substantiated or court substantiated.

9. The non-custodial parent does not have a relationship with the child. Refer to #2 below regarding mandatory consultation.

A mandatory consultation with the CFS supervisor is required in the following situations along with considering the best interests of the child:

1. The CFS Specialist is not recommending placement of the child with the non-custodial parent; or
2. The CFS Specialist is not recommending immediate placement of the child with the non-custodial parent because the child and non-custodial parent do not have a relationship. The CFS Specialist may request a delay in placement with the non-custodial parent to transition the child and to start to build a relationship; or
3. The CFS Specialist is recommending placement with the non-custodial parent and the non-custodial parent has a law violation as described above.

If the home of the non-custodial parent is not selected as the living arrangement for the child, the CFS Specialist must document how the decision was made to place the child elsewhere, and clearly identify the supervisor and/or administrator involved in making the decision. This decision will be documented in the consultation point narrative on N-FOCUS.

#### **Parent Approval Study or Home Study**

A Parental Approval Study must be completed prior to the child being placed with the non-custodial parent. If the non-custodial parent lives in another state, Interstate Compact for the Placement of Children (ICPC) requirements must be followed for children who are wards of DHHS. The Parental Approval Study includes:

1. Completes background checks for all adult members of the household (age 18 and older):
  - a. CPS Central Register Check;
  - b. Sex Offender Registry Check;
  - c. APS Central Registry Check; and
  - d. Local Law Enforcement Check.

In an emergency, the approval may be verbal. The approval must be documented within business two days of the child being placed with the non-custodial parent and must be documented in the consultation narrative on N-FOCUS.

2. Placement will not be made without approval from the CFS Administrator if the background checks result in any of the following:
  - a. CPS Central Register or APS Central Registry entry as a “perpetrator” or “under investigation as an alleged perpetrator”; or
  - b. Sex Offender Registry entry; or
  - c. Felony conviction for any crime.
3. Complete the Central Register checks for youth ages twelve (12) through eighteen (18) living in the home. Placement will not be made without approval from the CFS Administrator if the CPS Central Register check results in entry as a “perpetrator” or “under investigation as an alleged perpetrator”. In an emergency, the approval may be verbal. The approval must be documented in N-FOCUS in the consultation narrative within two business days of the child going to live with the non-custodial parent.
4. Discuss with the non-custodial parent any known special needs of the child, and any support the non-custodial parent may need in order to meet the child’s needs.

5. Visit the non-custodial parent at his or her home. All household members should be present. The purpose of this visit is to:
  - a) Assess the safety of the living environment;
  - b) Assess the household member's ability to provide care to the child; and
  - c) Assess the ability of the household members to keep the child safe and to follow the court ordered Case Plan.

If there is cause to believe there are barriers to the child safely residing in the home of the non-custodial parent, appropriate steps must be taken to gather additional information. These can include, but are not limited to:

- 1) Statewide Law Enforcement check;
- 2) Request for references regarding the non-custodial parent;
- 3) Request for non-custodial parent's medical report or behavioral health information; and/or
- 4) Evaluation of safety by assessing additional information about the adults' functioning, general parenting practices and preferred methods of discipline.

If issues of abuse or neglect are identified, the CFS Specialist will consult with the Supervisor about making a report to the Adult and Child Abuse and Neglect Hotline. This is a mandatory consultation point and the discussion and direction provided will be documented in the consultation point narrative on N-FOCUS. The non-custodial parent approval study can be written in the form of narrative and recorded in the placement narrative section of the child's N-FOCUS file within 30 business days of the placement decision.

**References:**

Nebraska Revised Statute 43-283.01