

<b>Division of Children and Family Services Protection and Safety Procedure #2-2014</b>	
<b>Regarding:</b>	<b>Protocol for Placement of Children with the Non-Custodial Parent</b>
Date Effective:	February 13, 2014
Contact:	Suzanne Schied at 402-471-9245 or Suzanne.schied@nebraska.gov
Issue by:	Thomas D. Pristow, Director, Division of Children and Family Services

**Philosophy:**

The Division of Children and Family Services believes that the best placement for children is with their parents when the child is safe. In situations where there is a safety issue and/or the child cannot be maintained safely in the home of the custodial parent, the non-custodial parent should be considered to help provide safety services.

**Procedure:**

The non-custodial parent (NCP) is the parent with whom the children do not reside on a permanent basis. Although this parent may have visitation, the primary living arrangement for the children is with the custodial parent (CP). Parents may have a variety of custody and visitation orders:

- Joint legal and physical custody-Both parents share decision making and have the children living with them half of the time;
- Joint legal custody and visitation with one parent and legal and physical custody with the other parent;
- Legal and physical custody with one parent, visitation only for the other; or
- No custody or visitation order from a court in place.

**Note:** The non-custodial parent is *not* the non-offending parent living in the same household at the time of the report that resulted in DHHS involvement.

The following SDM assessments are needed for the involvement of the non-custodial parent:

1. If both the CP and the NCP have allegations of abuse or neglect-open separate households, complete the safety and risk assessment for each home and provide services as necessary.
2. If the NCP has no allegations of abuse or neglect-no SDM assessments are done. Complete the Suitability of Safety Participants if NCP will be part of the safety plan.
3. For placement with the NCP who has no allegations of abuse or neglect, no SDM Assessment is completed. However, the following is to be completed:
  - Complete background checks as outlined in procedure updates
  - Complete walk through of house
  - Determine that NCP can meet child's needs

Placement with the NCP can be short term until the children can be returned to the CP, or can be long term depending on the facts of each case.

Before the case involving the Custodial Parent is closed following placement with the NCP, the following steps must be completed:

1. Complete the Reunification Assessment with the CP;
2. Determine based on the Reunification Assessment, non-compliance with the Case Plan, and the seriousness of issues in the custodial home that the children cannot be returned there in a reasonable period of time. Clearly document the basis of this decision. Discuss this recommendation with the County Attorney and Guardian ad Litem;
3. Change the permanency goal from Reunification to Family Preservation;
4. Review (and file) a copy of the custody and visitation order to determine what action is necessary to get a legal change of custody;
5. If parental rights of the CP are not terminated, determine what type of visitation will be necessary to assure safety in the CP's home;
6. Continue working with the CP to address issues of safety and risk until these issues are mitigated, or there is an order of visitation sufficient to protect the children;
7. Assist the NCP in changing the custody and visitation order either in Juvenile Court or the District Court that issued the original order; and
8. Keep the case open with CFS until there is an order changing custody to the NCP, and a visitation order sufficient to assure safety. Include a copy of the order in the file.

**References:**

None.