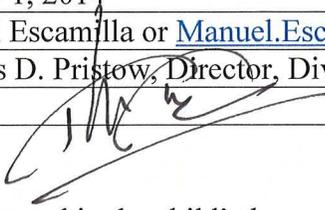


<b>Division of Children and Family Services</b>	
<b>Protection and Safety Procedure Update #22--2013</b>	
Regarding:	Return to Foster Care from Disrupted Trial Home Visit
Date Effective:	January 1, 2014
Contact:	Manuel Escamilla or <a href="mailto:Manuel.Escamilla@nebraska.gov">Manuel.Escamilla@nebraska.gov</a>
Issued by:	Thomas D. Pristow, Director, Division of Children and Family Services
	

**Philosophy:**

When safety cannot be assured in the child's home, a judicial determination must be made that an out-of-home placement is necessary and in the best interest of the child. Reasonable or active efforts are then made to reunify the family. Such efforts may include returning the child home for a trial placement before returning the child home permanently. For Nebraska State Wards or Tribal Wards who are returned home and subsequently removed from the home after six months or longer, a new judicial determination of best interest for the child to be placed out of the home must be made for Title IV-E eligibility purposes.

**Procedure:**

Pursuant to 45 CFR 1356.21 (e), six months is the outside limit for a trial home visit without having to re-establish Title IV-E eligibility if the child re-enters foster care, unless there is a court order extending the trial home placement beyond six months. If there is a court order extending the trial home visit beyond six months, and the trial home visit does not exceed the time frame in the court order, the child retains Title IV-E eligibility upon returning to foster care following the trial home visit.

In cases where a child has been returned home after having been in an out of home placement, and remains in DHHS legal custody, Income Maintenance-Foster Care (IM-FC) workers will set an N-FOCUS alert five months from the date the child returned home. Upon receiving the alert, the IMFC Worker will review the Children and Family Service case with the Children and Family Service Specialist (CFSS)/Family Permanency Specialist (FPS) to remind the CFSS/FPS worker that if the child is removed from the home at any time after six months of placement in a trial home placement, a new court order with a judicial determination of contrary to the welfare and reasonable efforts findings will be required in order to determine Title IV-E eligibility.

When a child returns to a foster care placement after being in a trial home placement for more than six months, or beyond the extension allowed by the court, CFSS/FPS must submit a new Opening Packet to the Income Maintenance-Foster Care Unit per Service Area protocol. A new determination of Title IV-E eligibility will be made by the assigned IM-FC Worker.

When a child remains in the home for more than six months, the IM-FC worker will review the trial home placement on a monthly basis with the CFSS/FPS worker and remind them of the need for a new judicial determination if there is a return to foster care. This will be an ongoing process as long as the child remains in DHHS legal custody and the trial home placement continues.

CFSS/NPS Supervisors are required to review this Memorandum with all of their ongoing CFSS/NPS workers, to make them aware of the benchmarks for trial home placements.

Social Service Worker Supervisors are required to review this Memorandum with all of their IMFC Workers to make them aware of this new procedure.

**References:**

45 CFR 1356.21 (e)  
479 NAC 2-009.01B1b  
479 NAC 2-009.01B1