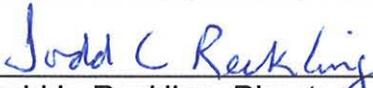


**PROGRAM MEMO****Titles 390, Children and Family Services # 1-2010**

**To:** Holders of Titles 390  
Children and Family Services Specialists, Supervisors, Administrators  
and Service Area Administrators.

**From:** Ed Matney, Administrator  
Policy Section  
Division of Children and Family Services

**Signed By:**   
Todd L. Reckling, Director  
Division of Children and Family Services  
Nebraska Department of Health and Human Services

**Date:** March 8, 2010

**RE:** 390 NAC 4-008.01 Case Status Determinations

**Effective:** Immediately

**Duration:** Until regulation is revised

**Contact:** Steve Wilson, Program Specialist, Child and Adult Abuse and Neglect,  
(402) 471-9277 or [steve.n.wilson@nebraska.gov](mailto:steve.n.wilson@nebraska.gov) or  
Suzanne Schied, Acting Child and Adult Abuse and Neglect Administrator,  
(402) 471-9245 or [suzanne.schied@nebraska.gov](mailto:suzanne.schied@nebraska.gov)

**Purpose:** On May 27<sup>th</sup>, 2009 Governor Heineman signed into law Legislative Bill 122 which changes Neb Rev Stat. § 28-720 (3) replacing the term of "Inconclusive" with "Agency Substantiated" as a case status determination on the Child Abuse/Neglect Central Register.

**History:** Historically, the case status determination of "Inconclusive" was used to indicate a finding that child abuse and/or neglect did occur based on a preponderance of the evidence following a safety assessment conducted by a Child and Family Services Specialist. This statutory change will more accurately describe the decision making in entering a name on the Child Abuse/Neglect Central Register by the Department of Health and Human Services. For the general public, the definition of "Inconclusive" means leading to no conclusion or definite result. Therefore, the case status determination of "Inconclusive" for entry on the Child Abuse Central Register was confusing to people. The definition of "Agency Substantiated" accurately indicates that

the Agency was able to establish that the allegation occurred as supported by the preponderance of the evidence.

**Action:** Effective August 30, 2009, all case status determinations previously known as "Inconclusive" were changed to "Agency Substantiated" through an automated process in Child Welfare Information System(CWIS). From August 30, 2009 on, case status determinations are defined as Court Substantiated; Court Pending; Agency Substantiated; Unable to Locate or Unfounded. "Agency Substantiated" is defined as the departments determination of child abuse or neglect against the subject of the report of child abuse or neglect was made, by a preponderance of the evidence, based upon an investigation pursuant to Neb. Rev. Stat. § 28-713.