

Division of Children and Family Services Protection and Safety Procedure #18-2016	
Regarding:	Notification to Non-Custodial Parent and Relatives When Children are Removed; Information to the Court Regarding Notification, clarifies Notification of Adoptive Parents of Siblings and Follow Up Letter
Rescinds:	Protection and Safety Procedure Update #10-2015
Date Effective:	July 18, 2016
Contact:	Jodi.allen@nebraska.gov
Issued by:	Douglas J. Weinberg, Director, Division of Children and Family Services



Philosophy

The Division of Children and Family Services (DCFS) believes that non-custodial parents, relatives and extended family members play a vitally important role in the lives of children, especially those who must be temporarily cared for by someone other than their parents. Children placed with, or connected to, their extended family and family culture experience greater stability and less trauma.

Procedure:

Activities to Be Conducted Within Thirty Calendar Days of Removal

When a child is removed from one parent or caregiver of the child, the CFS Specialist shall first inquire as to the non-custodial parent’s name and contact information to further determine the suitability of placement of the child with that parent. All efforts will be made to first place with a non-custodial parent.

Within thirty calendar days after a child’s removal from their home, the CFS Specialist shall engage the parent(s) and the child (if of an age to do so) in order to obtain the names, addresses, and other contact information of relatives, including all of the following:

- 1) Non-custodial parent or parents of the child if the child was removed from a non-parental caregiver and,
- 2) All parents (including adoptive parents) who have legal custody of a sibling* of the child and,
- 3) Maternal and paternal grandparents of the child or the child’s sibling (s) and,
- 4) Adult siblings of the child or of the child’s sibling (s) and,
- 5) Adult aunts and uncles of the child or of the child’s siblings (s) and,
- 6) Adult cousins of the child or of the child’s sibling (s) and,
- 7) Other adult relatives suggested by the parent, child, or child’s siblings.

*Sibling includes biological, legal, half and step brother or sister as defined by Nebraska statute. For purpose of relative notification it includes persons who would have been siblings but for a termination of parental rights or other disruption in parental rights such as death of a parent. Therefore, any and all adoptive parents of siblings or half siblings of the child must receive notice of the child's removal.

The CFS Specialist shall ask the parent about any history of family or domestic violence by family members. If the parent identifies a family member as having a history of domestic violence, the CFS Specialist shall gather further information from the parent regarding the parent's account and perception of the domestic violence. The CFS Specialist shall also make efforts to obtain any collateral information such as law enforcement contact and court records regarding the violence and shall document within the Kinship narrative all known information related to the domestic violence. The CFS Specialist shall consult with the CFS Supervisor and or CFS Administrator to determine whether notification of the family member would be inappropriate and shall document the decision within the kinship narrative.

The CFS Specialist shall also ask for additional information from the parent (s) and child or children related to their preference, their connectedness to their relatives, and their concerns regarding contact with the relatives. All information gathered shall be documented within the kinship narrative.

If a child is a member of an Indian Tribe or is found to be eligible for membership or enrollment in an Indian Tribe, extended family members shall be defined by the law or custom of the Indian Child's Tribe. In the absence of such law or custom, extended family members shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin or stepparent.

The CFS Specialist's contact with the non-custodial parent or relatives of the child may initially occur in the form of a telephone call, in person, or through electronic or social media. When contact is made, the CFS Specialist shall inform the non-custodial parent and/or relative the child (ren) has been removed from their home. The CFS Specialist shall inquire about the non-custodial parent and/or relative's interest in providing care and placement for the child and their siblings if applicable; explain requirements and supports available to them, or their desire to be involved in a supportive relationship with the child or children and siblings if applicable. The CFS Specialist may also inquire as to the non-custodial parent or relatives' knowledge of other relatives who may also be able to provide placement or support for the child.

Within thirty calendar days of a child's removal from their home, the non-custodial parent and all relatives known must also be sent a Written Notification of Removal, generated through N-FOCUS, even when another type of contact has been made, such as by phone, email or social media. If contact has been made in a format other than a written correspondence, the CFS Specialist shall select Relative Notification Follow-Up Letter within the N-FOCUS Relative Notices push button to meet this requirement. If notification of a family member does not occur due to a history of family or domestic violence, the CFS Specialist will document within the kinship narrative of N-Focus the date of consultation with the CFS Supervisor and CFS Administrator and the reasons notification did not occur.

Documentation within N-Focus

Within thirty calendar days of a child's removal from their home the CFS Specialist shall document contact with the non-custodial parent; the manner in which the contact occurred, and the response received. The CFS Specialist shall document all relatives contacted; the manner in which the contact occurred, and the response received.

Documentation shall be completed in N-Focus within the CFS program case, Relative Notices push button. The CFS Specialist shall add additional names and information that become known regarding the non-custodial parent and relatives through the duration of the child's out of home placement.

Information Provided to the Court

Within thirty calendar days of removal of a child from his or her home, the CFS Specialist must provide to the Court of jurisdiction, the names and relationship to the child of all relatives contacted, method of contact, and the response received from the relative. Court notification is generated through documentation under Relative Notices in the CFS program case in N-Focus.

Activities to Be Conducted on an Ongoing Basis

When a child is not placed with the non-custodial parent or relatives, and/or the relative has chosen to not be involved in a supportive relationship, the CFS Specialist shall review information documented within the Relative Notification section of N-focus on an ongoing basis to determine if opportunities exist for further contact and engagement with the non-custodial parent and relative (s) of the child or the child's sibling(s) **if it is in the best interest of the child** to do so. The CFS Specialist shall inquire as to the non-custodial parent and or relatives' desire to provide placement or support to the child and siblings of the child if the current foster home is at risk of disruption or the current foster home cannot provide permanency and it is in the child's best interest to do so. All responses received shall be documented within N-Focus.

References:

Neb. Rev. Stat. 43-1301 (10)

Neb. Rev. Stat. 43-1503

