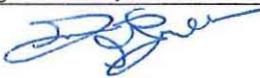


Division of Children and Family Services	
Protection and Safety Procedure #21-2015	
Regarding:	Collaborating with the Child Advocacy Center (CAC)
Date Effective:	07/06/2015
Rescinds:	Administrative Memorandum #22-2012
Contact:	Connie Pfeifer at 402.471.9245 or connie.pfeifer@nebraska.gov
Issue by:	Tony Green, Acting Director, Division of Children and Family Services



Philosophy:

The Division of Children and Family Services (DCFS) believes that collaborating with the Child Advocacy Center's (CAC) provides opportunities to deliver a holistic, coordinated and trauma-informed response to children and families.

Procedure:

A. Definitions

For the purposes of this Administrative Memo, the following definitions will be used:

1. Sexual Abuse

- a. Sexual contact means the intentional touching of the victim's sexual or intimate parts (i.e. genital area, groin, inner thighs, buttocks or breasts) or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact shall also mean the touching by the victim of the alleged perpetrator's sexual or intimate parts or the clothing covering the immediate area of the alleged perpetrator's sexual or intimate parts when such touching is intentionally caused by the alleged perpetrator. Sexual contact shall include only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact shall also include the touching of a child with the alleged perpetrator's sexual or intimate parts on any part of the child's body for purposes of sexual assault of a child (Neb. Rev. Stat. 28-318).
- b. Sexual penetration means sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, of any part of the alleged perpetrators' or victim's body or any object manipulated by the alleged perpetrator into the genital or anal openings of the victim's body which can be reasonably construed as being for nonmedical or non-health purposes. Sexual penetration shall not require emission of semen (Neb. Rev. Stat. 28-318).
- c. Sex trafficking means knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means or knowingly attempting to recruit, entice, harbor, transport, provide or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually explicit performance, or the production of pornography or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of pornography (Neb. Rev. Stat. 28-830).
- d. Sexual exploitation includes, but is not limited to, a parent/caregiver causing, allowing, permitting, inflicting or encouraging a child to engage in voyeurism or exhibitionism.

2. Serious Physical Abuse and/or Neglect

The incident required emergency medical care where the child was admitted to the hospital and/or may require on-going medical / mental health / physical or occupational therapy for a long term disability or condition resulting from the incident.

3. Serious Bodily Injury

- a. Shall mean bodily injury which involves a substantial risk of death or which involves substantial risk of serious permanent disfigurement or protracted loss or impairment of the function of any part or organ of the body (Neb. Rev. Stat. 28-109).
- b. Any incident which resulted in a child fatality or near fatality. (Neb. Rev. Stat. 28-707 & 28-109)

4. Near Fatality

Near fatality means a case in which an examining physician determines that a child is in serious or critical condition as the result of sickness or injury caused by suspected abuse, neglect, or maltreatment. (Neb. Rev. Stat. 81-3126)

5. Violent Crime

A child who has witnessed a homicide, manslaughter, forcible rape, robbery or an assault which resulted in serious bodily injury or included the use of a weapon or the threat of the use of a weapon. This would include a child who has witnessed domestic violence resulting in serious bodily injury to a household member (Neb. Rev. Stat. 28-323).

6. Drug Endangered Environment

The child lives in or is exposed to an environment where controlled substances are manufactured, cultivated or distributed and as a result of that environment the child experiences or is at risk of experiencing physical, sexual or emotional abuse or physical harm, including harm resulting or possibly resulting from neglect. (U.S. Department of Justice-Task Force on Drug Endangered Children and Neb. Rev. Stat. 28-404).

7. Kidnapping

Kidnapping occurs when a person abducts another or, having abducted another, continues to restrain him/her with the intent to:

- a. Hold him/her for ransom;
- b. Use him/her as a shield or hostage;
- c. Terrorize him/her or a third person;
- d. Interfere with the performance of any government or political function. (Neb. Rev. Stat. 28-313)

B. Notification at Intake

1. The Intake CFS Specialist will take action in N-FOCUS to create an Intake Notification to the local CAC when any child is alleged to have been:

- a. The victim of sexual abuse, sex trafficking or serious physical abuse or neglect;
- b. The witness to a violent crime;
- c. Found in a drug-endangered environment;
- d. Recovered from a kidnapping; and/or
- e. Intakes involving a child fatality or near fatality (Neb. Rev. Stat. 28-728).

2. The Intake CFS Specialist will select "Child Advocacy", and any other appropriate agency notifications under the Intake Notification button before closing the intake.

C. Utilizing the CAC

1. The CFS Specialist will work collaboratively with the CAC when an Intake Notification has been created.
2. Medical exams at a CAC are recommended if there is a current intake with an allegation of sexual abuse, serious physical abuse or neglect; or children identified as being exposed to a drug endangered environment. If the child was admitted to or seen at a hospital or other medical facility, the CFS Specialist will obtain the medical records and scan into N-FOCUS, Category-Medical. These records will be made available to the CAC medical professionals upon request.
3. The Treatment Team (LB 1184 teams) will facilitate case staffing and the coordination, development, implementation and monitoring of treatment or safety plans, particularly in those cases in which ongoing services are to be provided by DHHS or a contracted agency, but when the juvenile court is not involved. The CFS Specialist will assist the Treatment Team as needed and may serve as a member of the treatment team (28-729).

References:

Nebraska Revised Statute 28-109, 28-313, 28-318, 28-323, 28-404, 28-707, 28-728 & 729 , 28-830, 81-3126