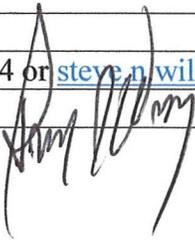


Division of Children and Family Services Protection and Safety Procedure # 24-2015	
Regarding:	Central Registry Entries
Date Effective:	09/08/2015
Contact:	Steve N. Wilson at 308-385-6194 or steve.n.wilson@nebraska.gov
Issued by:	Douglas J. Weinberg, Director 

Philosophy:

The Division of Children and Family Services has the duty to promote the enforcement of laws for the protection and safety of children and vulnerable adults. The Central Registry provides information to ensure that the safety of children and adults is considered when making decisions on whether an individual should provide services to children and adults.

Procedure:

The CFS Specialist, CFS Supervisor and CFS Administrator will utilize the attached flow charts to assist in the decision to determine if the subject (alleged perpetrator) of the report of child abuse or neglect should be placed on the Central Registry. Any determinations regarding placing minor children on the Central Registry should include a review of the Program Guidance Memo regarding Minors on the Central Registry for additional information.

1. The CFS Specialist will utilize the evidence gathered during the assessment or investigation of a report of child abuse or neglect to make a determination if an individual should have their name placed on the Child Abuse or Neglect Central Registry. The CFS Specialist will present the recommendation to the CFS Supervisor.
2. The CFS Supervisor will review the recommendation by reviewing the facts presented by the CFS Specialist and determine if the recommendation should be approved, and if not, discuss with the CFS Specialist the reasons why (e.g., credibility of evidence; lack of evidence). The CFS Supervisor may direct the CFS Specialist to gather additional evidence or may override the recommendation of the CFS Specialist.
 - a. The Service Area will develop a written protocol to ensure all Court Pending cases are reviewed at least every 3 months to determine if a court has entered a disposition. Once the court has entered a disposition, the protocol outlined will be followed.
 - b. When the recommendation is that the report of child abuse or neglect is **Unfounded**, the CFS Supervisor will enter the status in the Allegation Window on N-FOCUS and document the information used to make the determination.
 - c. When the recommendation is that the report of child abuse or neglect should be classified as **Court Pending**, the CFS Supervisor will update the classification in the Allegation Window on N-FOCUS and document the information used to make the determination.
 - d. **Court Pending** cases dismissed by the court or a juvenile petition under 43-247 (3)(a) is amended to indicate there is no fault on the part of the parent, guardian, or custodian, the report of child abuse or neglect should be classified as **Unfounded**.

- e. When the recommendation is that the report of child abuse or neglect should be **Agency Substantiated or Court Substantiated**, the CFS Supervisor will provide the assigned CFS Administrator with the information and evidence so he/she can make the final determination of whether subject (alleged perpetrator) of the report of child abuse or neglect should be placed on the Central Registry. The CFS Administrator will document the decision in the Allegation Narrative identifying the evidence used to make their decision. The CFS Administrator will also update the Central Registry entry based on the decision.
3. The guidance below will assist the CFS Specialist, the CFS Supervisor and CFS Administrator to determine if the subject (alleged perpetrator) of the report of child abuse or neglect should be placed on the Central Registry. If the alleged perpetrator is age 18 or younger refer to the Minors on the Central Registry Program Guidance Memo.
- a. **Criminal Court:** When charges are filed related to or pertaining to child abuse or neglect, the initial status of the report of child abuse or neglect will be **Court Pending**.
 - i. When the subject (alleged perpetrator) of the report of child abuse or neglect is found guilty of the original charge, the entry on the Central Registry is **Court Substantiated**.
 - 1. The determination of guilt can be based on a trial; pleading guilty or pleading no contest.
(Note: Workers do not need to question the Court Substantiated classification when the court makes the decision.)
 - ii. The subject (alleged perpetrator) of the report is guilty of an amended charge based on a trial; pleading guilty or pleading no contest.
 - 1. The CFS Administrator will review the evidence gathered by the CFS Specialist and/or Law Enforcement to determine if the subject (alleged perpetrator) of the report of child abuse or neglect should be entered on the Central Registry as Agency Substantiated based on the amended which is unrelated to the original report of abuse or neglect.
 - 2. A plea to a lesser charge if the information used to support the plea relates to child abuse and neglect, the case status determination is Court Substantiated.
 - b. **Juvenile Court – 3(a) Fault:** When a charge related to or pertaining to child abuse or neglect is filed, the initial status of the child abuse or neglect report is **Court Pending**. When a 3(a) Fault petition is filed, the following needs to be reviewed:
 - i. Case is dismissed by the Court. The case should be updated to **Unfounded**.
 - ii. Case is dismissed by the County Attorney the CFS Administrator will review the evidence to determine if the subject (alleged perpetrator) should be entered on the Central Registry as **Agency Substantiated**.
 - iii. The subject (alleged perpetrator) of the report admits or pleads no contest to an amended 3(a) No Fault petition. The case should be updated to **Unfounded**.
 - iv. The subject (alleged perpetrator) of the report of child abuse or neglect admits, pleads no contest or the court adjudicates, the CFS Administrator will update the entry on the Central Registry to **Court Substantiated**.
 - c. **Juvenile Court – 3(a) No Fault:** When a juvenile petition is filed under 43-271 (3)(a) indicating that the juvenile is without proper support through no fault of his or her parent, guardian, or custodian, the case shall not be entered in the Central Registry. This includes cases where a 3(a) Fault is amended to indicate there is no fault on the parent of the

parent, guardian, or custodian. The case will be updated to **Unfounded**.

- d. **Consider Agency Substantiated:** When the CFS Administrator is considering Agency Substantiated as a Central Registry entry for a subject (alleged perpetrator) of a report of child abuse or neglect the following will be considered:
- i. Is there evidence that the subject (alleged perpetrator) of the child abuse or neglect report committed abuse or neglect as outlined in Neb. Rev. Statute 28-710?
 1. If NO – the case is **Unfounded**.
 2. If YES – proceed to the next question.
 - ii. Does the preponderance of the evidence support that the subject (alleged perpetrator) of the report commit child abuse or neglect?
 1. If NO – the case is **Unfounded**.
 2. If YES, the Central Registry entry will be updated to **Agency Substantiated**.

Note: Analysis for considering Agency Substantiated as the classification must occur for each and every subject (alleged perpetrator).

Preponderance of the Evidence means that it is more likely than not (greater than 50%) that child abuse or neglect occurred.

4. Law Enforcement Only Reports. DCFS has a responsibility to ensure that reports of child abuse or neglect sent to law enforcement are properly entered in the Central Registry utilizing the procedures identified for DCFS Accepted Reports of child abuse or neglect. Each Service Area will develop a written process to contact Law Enforcement to request the status of reports of child abuse or neglect that have allegations. The Service Area will do the following:
- a. **Investigation report received from Law Enforcement:** The process in determining when a report of child abuse or neglect will be placed on the Central Registry will utilize the procedures identified for DCFS accepted reports of child abuse or neglect. The process described above will be followed.
 - i. Agency Substantiated case status determination will not be entered on any Law Enforcement Only cases when CFS did not participate in the investigation. Agency Substantiated should only be considered when CFS was part of conducting the assessment/investigation.
 - b. **Three Month Follow-Up:** When the Service Area has not received an investigation report from law enforcement regarding a Law Enforcement Only report of child abuse or neglect, the Service Area protocol will be followed to obtain information to determine the status.
 - i. When law enforcement states they have an active case, the assigned CFS staff person will document the discussion and let law enforcement know that CFS will be contacting them every three months for an update if no report is received in the meantime.
 - ii. When law enforcement states that they have an inactive case or will not be pursuing the case, the assigned CFS staff person will notify the assigned CFS Supervisor. The assigned CFS supervisor will update the case status to **Unfounded** and document the decision based on the information from law enforcement.

Note: Court Pending is not a classification of being on the Central Registry. Only Court Substantiated and Agency Substantiated cases are on the Central Registry.

Notice

When the evidence supports a decision to place an individual on the Central Registry, the Central Registry Notice must be signed by the CFS Administrator and sent to the individual using Certified Mail with return receipt requested for all parties. The most recent address known to the Department for each individual will be used.

Document Imaging

The notice and return receipt may be scanned into N-FOCUS Document Imaging and filed in the Initial Assessment category.

References:

Nebraska Revised Statutes 28-710; 28-713.01; 28-720 and 43-247.

The statute used to determine if child abuse or neglect has occurred is provided: 28-710 (2)(b)(i-vi)

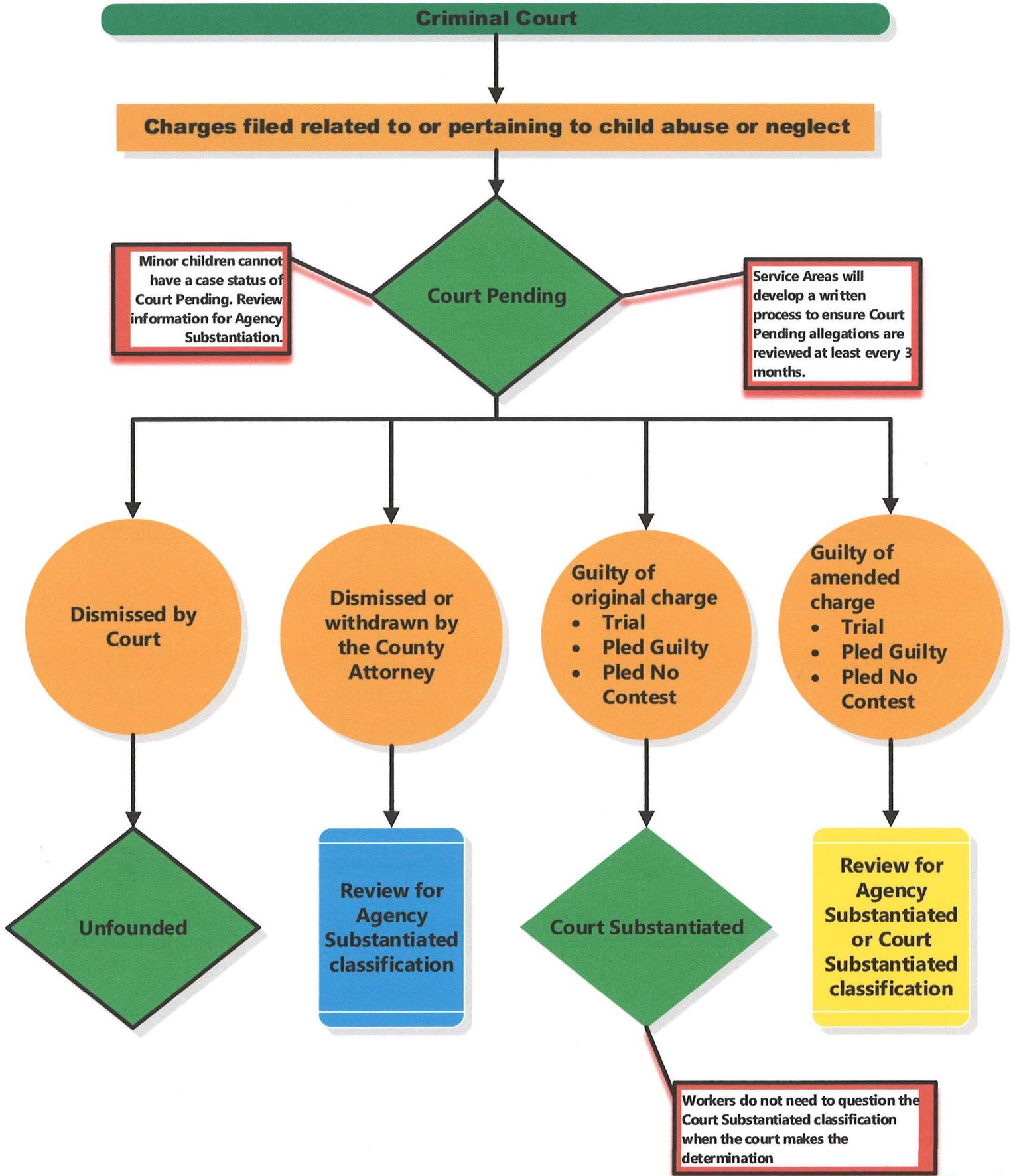
(2) For purposes of the Child Protection and Family Safety Act:

(b) Child abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- (i) Placed in a situation that endangers his or her life or physical or mental health;
- (ii) Cruelly confined or cruelly punished;
- (iii) Deprived of necessary food, clothing, shelter, or care;
- (iv) Left unattended in a motor vehicle of such minor child is six years of age or younger;
- (v) Sexually abused; or
- vi) Sexually exploited by allowing, encouraging, or forcing such person to solicit for or prostitution, debauchery, public indecency, or obscene or pornographic photography, films or depictions.

Attachments

Central Registry classification flow charts.



Juvenile Court

3(a) Fault - Charge related to or pertaining to child abuse or neglect filed

Minor children cannot have a case status of Court Pending. Review information for Agency Substantiation.

Service Areas will develop a written process to ensure Court Pending allegations are reviewed at least every 3 months.

Court Pending

Court Pending is not a classification of being on the Central Registry. Only Court Substantiated and Agency Substantiated cases are in the Central Registry.

3 (a) Fault

Dismissed by Court

Dismissed by County Attorney

Admission or No Contest to a 3(a) Fault

Admission or No Contest to an amended 3(a) No Fault

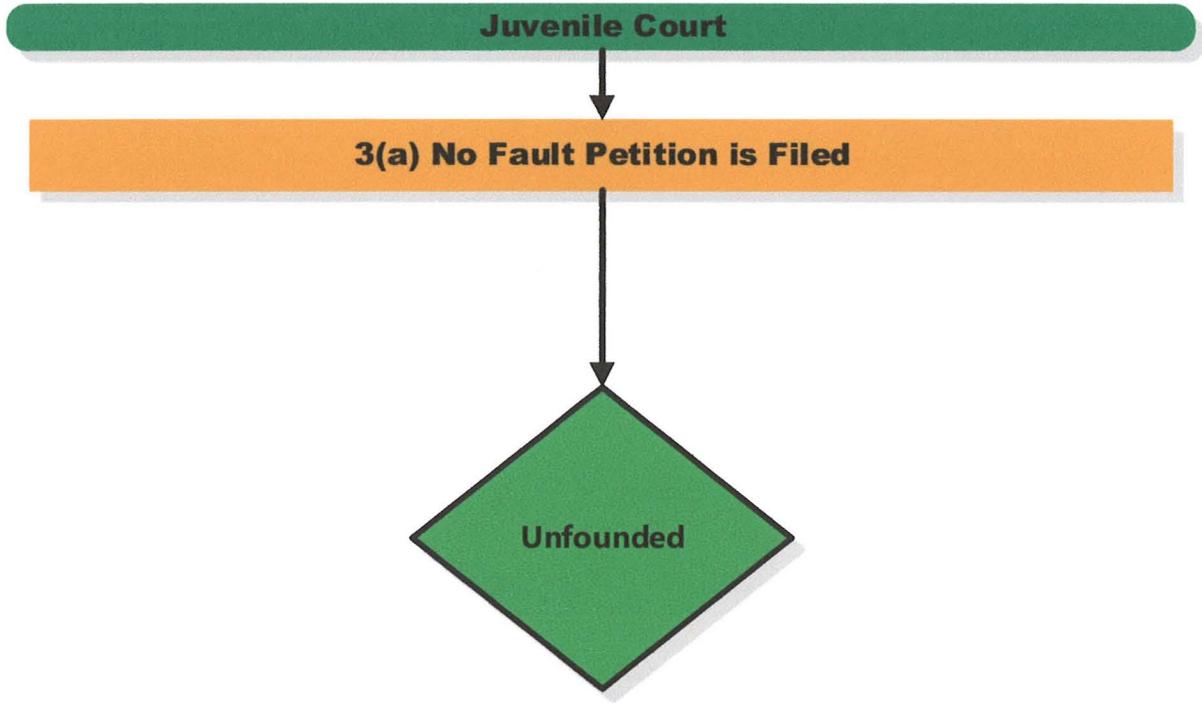
Unfounded

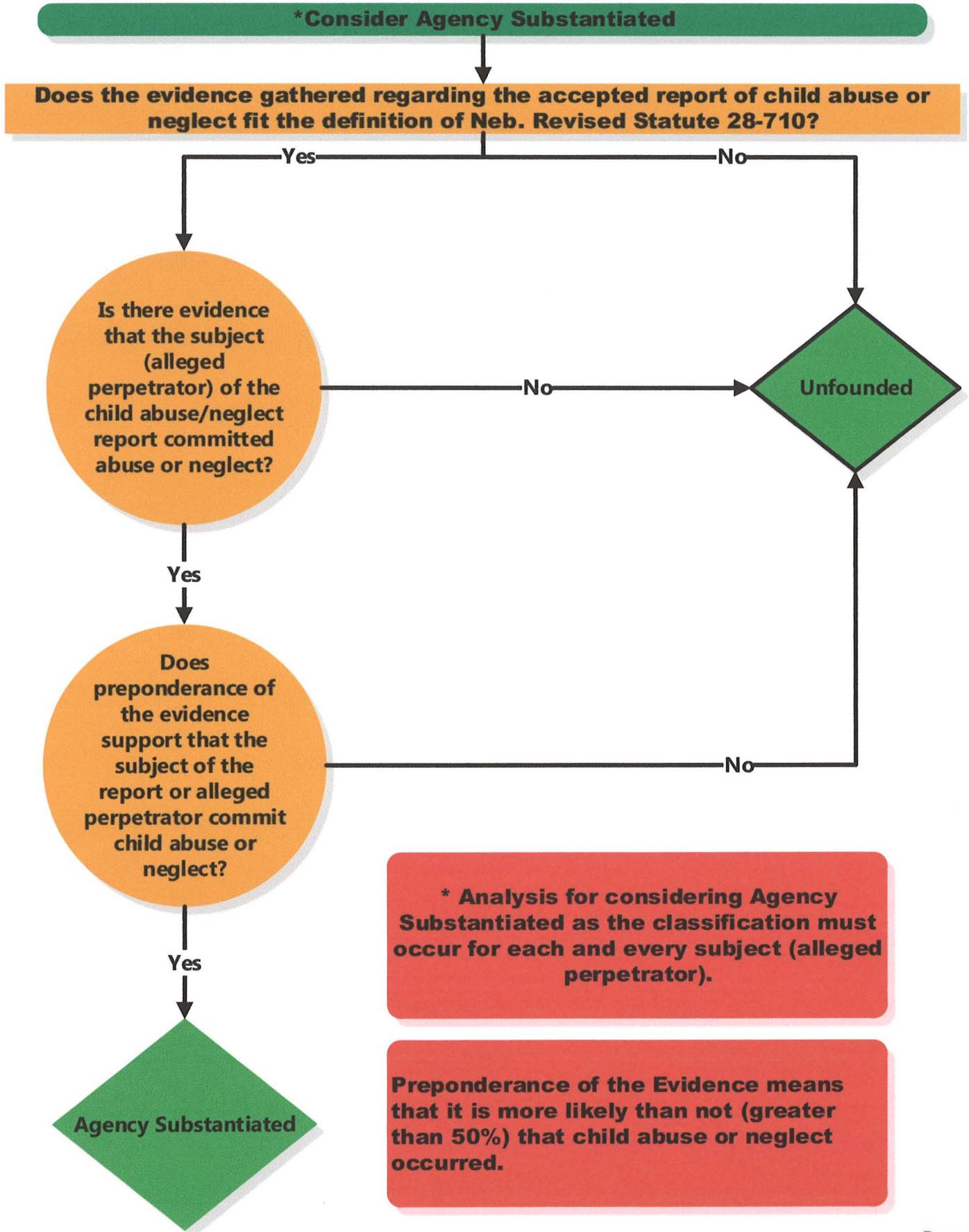
Review for Agency Substantiated classification

Court Substantiated

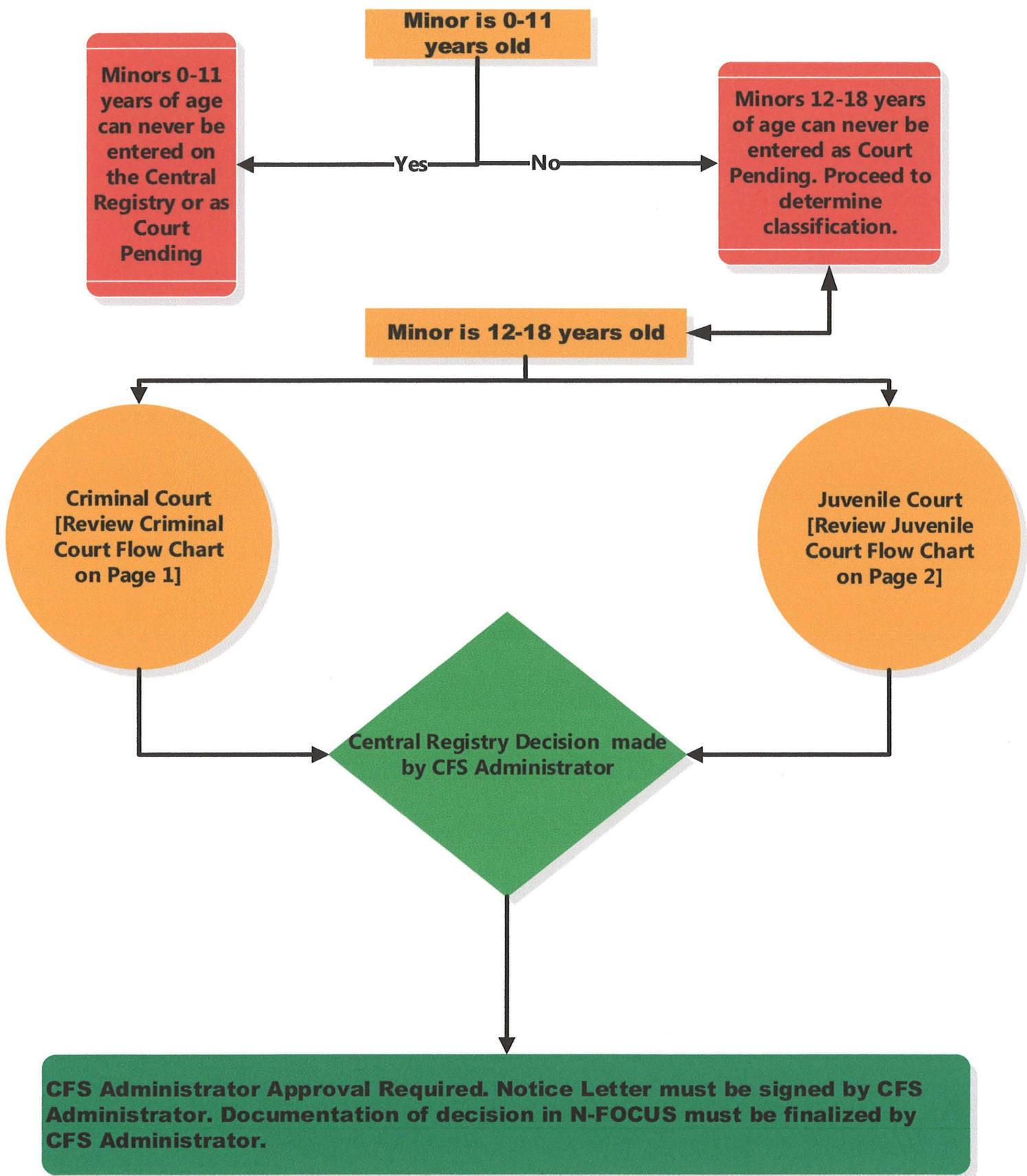
Workers do not need to question the Court Substantiated classification when the court makes the determination

Unfounded





Minors and the Central Registry



Decision made by CFS Administrator to enter minor child's name on the Central Registry

Update Case Status
Determination decision in
Allegation Window

Document Case Status
decision in Allegation
Narrative

Create Notice to Perpetrator

Narrative must be
finalized by the CFS
Administrator

Notice must be signed
by the CFS
Administrator

Notice must be sent to:

- **Minor child; and**
- **Parent/Guardian; and**
- **Minor child's attorney of record related to this incident (if applicable); and**
- **Guardian ad Litem (if applicable); and**
- **Child's Case Manager (if applicable).**

Appeal Cover Sheet must be sent to the Hearing Office at the same time the Notice to the Perpetrator is submitted. Include the names and addresses of the following:

- **Minor child; and**
- **Parent/Guardian; and**
- **Minor child's attorney of record related to this incident (if applicable); and**
- **Guardian ad Litem (if applicable).**

Submit a copy the Appeal Cover Sheet to the Central Office Program Specialist for Expungements on all Appeals.