

6-009 Licensing Standards for Child Placing Agencies: Each applicant for a child placing agency license shall meet these licensing standards and the requirements in 474 NAC 6-005 to obtain a license. A license issued before these regulations become effective is valid until the time of license renewal.

6-009.01 Administration

6-009.01A Incorporation: Any agency engaging in child-placing activities in Nebraska shall -

1. Incorporate as required by Nebraska state statute. The purposes for which the agency is incorporated must be stated in its articles of incorporation; and
2. Develop a written statement of its functions, policies, and programs and provide it to the Department's licensing unit for approval.

6-009.01B Governing Board: The governing board shall:

1. Make all agency policies;
2. Arrange financing and provide general management of the agency;
3. Employ an executive director to assume administrative responsibility and authority to carry out agency policies and the day-to-day operations of the agency;
4. Authorize the executive director to hire and discharge employees directly responsible to him/her;
5. Authorize the executive director, program director, or designee, in writing;
  - a. For adoption agencies, to accept temporary custody, accept relinquishments, plan for children, and consent to adoptions;
  - b. For agency-based foster care, to accept temporary placement and to plan for children;
6. Meet at least once a year and as often as necessary for the agency to function properly. Between meetings, the executive committee shall meet, as necessary, to transact business;
7. Keep a permanent record of the minutes and distribute copies to all board members;
8. Ensure that all local, state, and federal law and administrative rules and regulations are followed by the agency; and
9. Have Nebraska licensed legal counsel available for consultation.

6-009.01C Finances: The agency shall:

1. Have a sound financial program enabling it to carry out the functions shown in its articles of incorporation;
2. Operate on a budget approved by the governing board before the beginning of each fiscal year; and
3. Have all of its financial accounts reviewed by a certified accountant at least once a year

6-009.01D Administrative Records and Reports: The agency shall maintain current and accurate records.

The executive or program director shall –

1. Compile and file with the governing board, a monthly written report of the agency's activities and current financial situation;
2. Supply information and special reports requested by the Department;
3. Inform the Department of any plans for major changes in services or facilities; and
4. Ensure that staff employed by the agency follows all agency policies and procedures.

6-009.02 Personnel: The agency shall -

1. Have a written statement of policies which is approved by and reviewed annually by the governing board and made available to all employees;
2. Maintain a file of job descriptions and qualifications for each full-time and each part-time position on the staff, including each volunteer position;
3. Maintain a personnel file for each full-time or part-time employee including an evaluation of staff performance;
4. Maintain a file on each volunteer and occasional cradle caregiver; and
5. Check the background of all employees, volunteers, and cradle caregivers age 13 or older who have contact with children before participation with the agency. The background check shall include contacting the HHS Central Register of Abuse and Neglect, the HHS Adult Protective Services Central Registry, the State Patrol Central Registry of Sex Offenders.

The agency shall employ no individual who has been convicted of, admitted to, or if there is substantial evidence of crimes involving intentional bodily harm, crimes against children, or crimes involving moral turpitude if these circumstances have current bearing on the applicant's provision of placement services. Agency staff shall not engage in or have a history of behavior injurious to or which may endanger the health or morals of the children in care.

All agencies will be given one year from the effective date of these regulations to come into compliance with the standards set for personnel qualifications, excluding requirements for the Executive Director. All agencies must meet applicable standards set forth by the Nebraska Department of Health and Human Services Regulation and Licensure regarding professional licensure.

6-009.02A Executive Director Qualifications: The agency executive director shall have two years of child welfare programming management experience.

6-009.02B Program Director Qualifications: The agency program director shall have -

1. A Master's degree in a human services field and one year of full-time equivalent experience in child welfare programming; or
2. A Bachelor's degree in a human services field and three years of full-time equivalent experience in child welfare programming.

6-009.02C Casework Supervision Qualifications: Casework supervisors shall have a Bachelor's degree and 2 years of full-time equivalent child welfare programming experience.

6-009.02D Caseworker Qualifications: Caseworkers shall have a Bachelor's degree in human services or a related field or five years of full-time equivalent experience in child welfare programming and a high school diploma or GED.

6-009.02E Training: All staff members, including volunteers (but excluding cradle care givers or volunteers who provide occasional services), who care for children shall obtain and document in writing:

1. Twenty-four clock hours of Department-approved pre-service training before assuming his or her duties unsupervised. Staff who are employed before the effective date of this regulation are exempt from this requirement; and
2. At least 15 clock hours of Department-approved in-service training annually within the effective dates of the agency's license.

Each training hour must be approved by the licensing specialist and specifically related to the skills necessary to care for children in need of out-of-home placement and/or adoption. Volunteers who provide occasional services and are supervised at all times are exempt from this requirement.

6-009.02E1 Activities Counted as Training: Each hour spent participating in any of the following types of child care-related activities counts toward pre-service and yearly in-service requirements:

1. Department-sponsored training;
2. Workshops;
3. In-service training sponsored by professional organizations or educational institutions;
4. Department-approved reading material;
5. College courses;
6. Non-credit course work;
7. Adult education courses;
8. Videotaped material;
9. Audiotaped material;
10. Continuing education units (CEU's); and
11. Other Department-approved training.

Written documentation must be available for each of the listed types of training. All training must be approved by the Department's licensing unit.

6-009.03 Intake: The agency shall:

1. Clearly define its method of providing an application and an intake process;
2. Provide an office and privacy for the interview;
3. Ensure that intake workers receive training in community resources and referral procedures; and
4. Have available written information on all services offered by the agency.

6-009.04 Transportation Safety: The agency shall ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. Sections 60-6,267, 60-6,268, and 71-1907. Restraints are not required for children transported by public transportation or school bus.

6-009.05 Confidentiality: The agency shall consider all records confidential and shall safeguard the information. All files in the office must be under single lock during office hours and double lock when the office is closed. The agency shall have policy and procedures:

1. Addressing the training of employees, cradle care givers, and volunteers regarding confidentiality; and
2. Regarding confidential files that are removed from the office and how they will be safeguarded.

6-009.06 Adoption Services

6-009.06A Adoption Services to Biological /Birth Parents and Their Children: Each child placing agency shall provide services to both parents, unless the parent is physically unavailable or refuses services. The physical unavailability or refusal of services must be documented in writing. This requirement includes adoptive parents who decide to relinquish a child. These services shall include:

1. A minimum of four hours, documented in writing, of face-to-face educational and support services to allow parents to make decisions regarding relinquishment prior to the relinquishment;
2. Educational and support services to the parents in their own homes or communities from a Nebraska-licensed Child Placing Agency;
3. Stressing the need for medical care during a pregnancy;
4. Explaining to the parents what rights are terminated by relinquishment;
5. Information provided to the parents during the process of deciding on a plan and placement for their child. This must include information on parenting, extended family parenting, cradle care placement, social services, types of adoption, and the effects of adoption;
6. Cradle care available for temporary care while the biological/birth parent makes a decision regarding relinquishment or for a child who may need a temporary placement while awaiting an adoptive family; and
7. Policy and procedure describing the available post placement educational and support services.

6-009.06B Records: Each agency shall have a central filing system. The agency shall maintain the following in each adoptive family's record:

1. An application including:
  - a. Family members' names, relationship to one another, education, and income;
  - b. Three personal references and current employment references; and
  - c. Completed background checks on all members of the household age 13 or older. The background checks shall include contacting the HHS Central Register of Abuse and Neglect, the HHS Adult Protective Services Central Registry, the State Patrol Central Registry of Sex Offenders;

2. An adoption pre-placement home study, on agency letterhead, which includes-
  - a. Two face-to-face visits not to be less than six hours;
  - b. A home visit - tour of the home, meeting all family members in the home, other persons living in the home, and a written description of the home,
  - c. Demographics - age, race, gender, occupation, religion, family cultural lifestyle, and education;
  - d. Family history, parenting philosophy, experience with children, techniques of discipline, motivation for wanting a child, social supports, leisure activities, legal history, financial history, and fertility history;
  - e. Medical and mental health information; and
  - f. Recommendations on the approval status of the family and the type of child to be matched with the family;
3. Annual update of the home study to address status changes and including background checks, medical statements, and one face-to-face home visit;
4. Concise written information, signed by the adoptive parent, regarding the fees for services and how the fees are utilized;
5. A current copy of the other state agency's license when working on an adoption or home study with an agency that is located out of the State of Nebraska; and
6. At the time of the closure of an adoption Child Placing Agency license, the agency will make arrangements with a Nebraska licensed Child Placing Agency to allow access to all closed adoption files for the purpose of adoption searches and post adoption services. Both agencies must inform the Department's licensing unit in writing of the agreement.

Child's records must include basic intake information, medical and dental information, identifying information on where the child was placed, biological/birth parent medical and social history, relinquishments documentation, placement agreement, agency consent, adoption decree, and documentation of service delivery.

6-009.06C International Adoptions and Home Studies: Agencies providing international adoption services shall:

1. Document in writing specialized training that includes pre- and post-adoption services regarding international adoptions for both employees and adoptive parents; and
2. Have available written information concerning adoption procedures for each country that the agency works with regarding adoption.

6-009.06D Interstate Placements: The agency shall make interstate placements only in accordance with the laws and regulations of Nebraska and those of other states concerned with the placement.

6-009.06E Accepting Relinquishments and Making Placements: Agencies accepting relinquishments and placements shall:

1. Follow all requirements for adoption set forth by the Nebraska State Statutes;
2. Not allow a biological/birth parent to sign a relinquishment earlier than 48 hours after birth;
3. Accept relinquishments only from birth parents who are cognitively capable of signing a relinquishment; and
4. Provide to adoptive and biological/birth parents a set of all forms they individually signed regarding relinquishment and placement.

6-009.06F Preparation of Child : The worker shall prepare the children for placement by, appropriate to the child's age:

1. Discussing the reason for placement in terms the child may understand;
2. Providing opportunities for the child to become familiar with aspects of the new situation before placement; and
3. Having a medical evaluation completed within 14 days of an initial foster care placement and annually thereafter. If there is no record of a previous exam one must be completed within 60 days of placement for a secondary foster care placement.

6-009.06G Post-Adoption Services: The agency will have policies and procedures regarding how the agency will provide post adoption services.

6-009.06H Supervision of Placement: The agency shall establish policy and procedure for the supervision of each child's case after placement in an adoptive home, which shall include two face to face visits with one visit in the home with the child present.

#### 6-009.07 Foster Care Services

6-009.07A Foster Care Services to Biological Parents and Their Children: Each child placing agency providing foster care services shall:

1. Ensure any permanency plan for the child is observed; and
2. Provide basic orientation information to all parents.

6-009.07B Records: Each agency shall have a central filing system. The agency shall maintain the following in each foster family's record:

1. Record that the foster home is licensed according to Department standards;
2. An application including:
  - a. Family members' name, relationship to one another, education, and income;
  - b. Three references;
  - c. Completed background checks on all members of the household age 13 or older, as specified in 474 NAC 6-003.25B;
3. A foster home study on agency letterhead that includes-
  - a. One face to face visit;
  - b. A home visit consisting of a tour of the home, meeting all family members and persons living in the home, and a written description of the home;
  - c. Demographics - age, race, gender, occupation, religion, family cultural lifestyle, and education;
  - d. Family history, parenting philosophy, experience with children, techniques of discipline, motivation for wanting a child , social supports, leisure activities, legal history, and financial history;
  - e. Medical and mental health information updated every two years; and
  - f. Recommendation concerning the family.
4. Payment agreements between the foster parents and the agency; and
5. Rights and responsibilities of the foster parents and the agency.

Child's records must include basic intake information, placement agreement, educational information, other services providers, medical and dental information, location of the child, and documentation of service delivery. A personal item inventory must be kept listing all items the child brings to the placement and updated every time the child acquires a new item or loses or damages an item. The inventory must be signed each time a new inventory is developed by the foster parent, child, and guardian, if possible. All items will be returned at the time the placement terminates.

6-009.07C Preparation of the Child: The worker shall prepare the child for placement by, appropriate to the child's age:



1. Discussing the reason for placement in terms the child may understand;
2. Providing opportunities for the child to become familiar with aspects of the new situation before moving if possible; and
3. Having a medical evaluation completed within 14 days of an initial foster care placement and annually thereafter. If there is no record of a previous exam one must be completed within 60 days of placement for a secondary foster care placement.

6-009.07D Orientation of the Biological Parents: Within 30 days of placing the child, the agency shall document in writing the following information and how it was presented to the child, parents, or guardian. For placements made by public agencies, this must be completed at the direction of the agency:

1. What effect the placement will have on the child; and
2. The sharing of responsibility between the agency and the parents, which may include medical services, visitation, and agency contacts.

6-009.07E Services to Foster Parents:

6-009.07E1 Before the child is placed in the foster home, the agency shall give the foster parents all pertinent information in writing to aid their understanding of the child's personality and needs.

6-009.07E2 The case worker shall discuss with all those concerned the roles and responsibilities of the foster family and the child's own family. This must be documented in writing.

6-009.07F Supervision of Placements: The agency shall establish policy for the supervision of each child's case after placement in a foster home. The supervision shall be documented in writing in the child's file.

6-009.08 Interstate Placements: The agency shall make Interstate Placements only in accordance with the laws and regulations of Nebraska and those of other states concerned with the placement.

6-009.09 Agency Located Outside of Nebraska: An agency located in and licensed by an adjacent state may be licensed to place children in Nebraska. The agency shall:

1. Submit a copy of its articles of incorporation, a copy of its license, and a written evaluation summary from its state's licensing consultant to the licensing agent;
2. File its articles of incorporation with Nebraska's Secretary of State;
3. Have an office in a state adjacent to Nebraska where all operations are conducted and the Executive Director is located; and
4. Meet all requirements set forth in 474 NAC 6-009 for the licensing of a child placing agency in Nebraska.