

STATE OF NEBRASKA
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

IN THE MATTER OF:)	EMERGENCY ORDER;
)	PROTECTIVE ORDER
DIANE ENDORF,)	
)	
A Family Child Care Home I.)	

This matter comes for consideration on the Motion for an Emergency Order and Motion for Protective Order filed by the Nebraska Department of Health and Human Services, Division of Public Health. Deputy Director of the Division of Public Health, Department of Health and Human Services, having reviewed the Motion and accompanying Affidavits incorporated therein, finds as follows:

1. Diane Endorf holds a Family Child Care Home I License, located at 16536 Weir Street, Omaha Nebraska 68135.
2. An emergency exists requiring immediate action to protect the physical well-being and safety of a child or children in the care of Diane Endorf.

WHEREFORE, IT IS ORDERED:

1. Pursuant to Nebraska Revised Statutes §71-1915, the child care license of Diane Endorf is hereby and immediately revoked and Diane Endorf is hereby and immediately prohibited from providing child care to any children. Upon application to the Director within fifteen days of this Order, Diane Endorf shall be afforded a hearing as soon as possible and within ten days of the application, unless she requests that the hearing be held later. Any such application should be addressed to: Marsha Wandersee, for DHHS, Children's Services Licensing Licensure –Division of Public Health, P.O. Box 94986, Lincoln, NE 68509-4986.

2. Any reference in this matter to any child enrolled in the above child care program or any child residing in the home shall be made by the use of the initial letters of the child's first and last name.

3. Any information which is confidential by state statute shall not be released to the public and any pictures of any children referred to in this matter shall not be released to the public.

DATED this 23rd day of December, 2015.

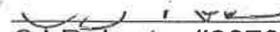
NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

Jenifer Roberts-Johnson, JD
Deputy Director
Health Licensure and Health Data
Department of Health and Human
Services

Dated this 23rd day of December, 2015.

Nebraska Department of Health
and Human Services

BY:


CJ Roberts, #22706
Department of Health and Human
Services
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P.O. Box 95026
Lincoln, Nebraska 68509-5026
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Attorney for the Department

5. 391 NAC 1-008.01 Grounds for Denial or Disciplinary Action: The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:
1. Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the Act; ...
 3. Conviction of, or substantial evidence of committing or permitting, aiding, or abetting another to commit, any unlawful act, including, but not limited to, unlawful acts committed by an applicant or licensee under the act,...that involve:
 - a. Physical abuse of children or vulnerable adults as defined in Neb. Rev. Stat. §28-371;
 4. Conduct or practices detrimental to the health or safety of an individual served by..program;...
6. 391 NAC 1-008.04 Department's Emergency Power: Whenever the Department finds that an emergency exists requiring immediate action to protect the physical well-being and safety of a child in the program, the Department may, without notice or hearing, issue an order declaring the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. The order may include an immediate prohibition on the care of children by the licensee other than children of the licensee. An order under this subsection will be effective immediately. Any person to whom the order is directed must comply immediately, and upon application to the Department, the person will be afforded a hearing as soon as possible and not later than ten days after his or her application for the hearing. On the basis of such hearing, the Department will continue to enforce the order or rescind or modify it.

7. On December 1, 2015, the Office of Children's Services Licensing received a complaint involving an 11 month old infant enrolled at Endorf's Family Child Care Home sustaining a fractured leg. On December 4, 2015, the Office of Children's Services Licensing received information from the Omaha Police Department and Child Protective Services indicating that Endorf was being investigated for suspected child abuse of the 11 month old infant. On December 4, 2015, the Office of Children's Services Licensing delivered, and Endorf signed, an Interim Licensing Agreement indicating that Endorf would not provide child care alone until such time the investigation was complete and findings were determined. On December 22, 2015, the Office of Children's Services Licensing received copies of Omaha Police Department Incident Report (Report # P0050341) which indicated that Endorf was interviewed by Detective Robyn Bruning where she admitted she had gotten frustrated with the infant and had forcefully swung him over the baby gate by only holding one of his arms and one of his legs, but had let go of the infant before his body was on the ground. Endorf indicated the incident occurred at approximately 1115 hours, however, Endorf did not contact the infant's mother until after 1500 hours. The Office of Children's Services Licensing also received a copy of the Criminal Complaint dated December 21, 2015 filed in the County Court of Douglas County indicating that Endorf is charged with Count 1: Child Abuse Resulting in Serious Bodily Injury Class II Felony. In addition, Endorf failed to report to the Office of Children's Services Licensing the arrest and citation for the Class II Felony Child Abuse Resulting in Serious Bodily Injury.

As a result, it has been determined that Endorf is in violation of the following Family Child Care Home I Regulations:

- A. 391 NAC 1-006.01 Licensee Qualification and Requirements: The Family Child Care Home I licensee must: ...
16. Not engage in or have a history of behaviors injurious to or which may endanger the health or morals of children;

- B. 391 NAC 1-006.02C Reports of Law Enforcement Contact: The applicant/licensee must complete a Report of Law Enforcement Contact for him/herself...
2. Be updated any time one of these individuals is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;...
 3. List all previous and currently pending criminal charges and arrests, both felony and misdemeanor, regardless of prosecution;
 4. List any record of felony and/or misdemeanor charges and arrests related to crimes against children;...
- C. 391 NAC 1-006.02 D Notification of Law Enforcement Contact: As soon as the licensee becomes aware of the occurrence, the licensee must notify the Department of any arrest...pending criminal charges,..of him/herself...Failure to notify the Department of law enforcement contacts as described may result in disciplinary action.
- D. 391 NAC 1-006.13A Prohibited Forms of Discipline: The following actions are prohibited as a form of discipline:...

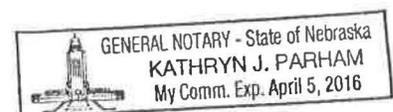
9. Handling roughly....

Further affiant saith not.

Diane Kvasnicka
Diane Kvasnicka, Program Manager
Office of Children's Services Licensing

Subscribed and sworn before me this 23rd day of December, 2015.

Kathryn J. Parham
Notary Public



THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
STATE OF NEBRASKA

IN THE MATTER OF)
)
THE FAMILY CHILD CARE HOME LICENSE) AFFIDAVIT
)
Diane Endorf)

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

Comes now Affiant, Jo Pfeiffer, being first duly sworn, and states as follows:

1. I am employed as a Child Care Licensing Supervisor with the Nebraska Department Health and Human Services, Division of Public Health, Office of Children's Services Licensing (hereinafter "Department").
2. The records of the Department show that Diane Endorf (Licensee) holds an Operational Family Child Care Home I License, with a license capacity of 10, at 16536 Weir Street, Omaha, NE 68135.
3. Affiant was notified on December 1, 2015 of a complaint involving a to the ankle of an old infant enrolled in the child care home of Diane Endorf. On December, 4th, 2015, affiant was made aware that Omaha Police Officer, Robyn Bruning, was investigating and that was also involved.
4. On December 4, 2015, the Office of Children's Services Licensing delivered and Endorf signed an Interim Licensing Agreement, agreeing that Endorf would not provide child care alone, until such time the investigation was complete and findings were determined.
5. On December 22, 2015, the Office of Children's Services Licensing received copies of the following records and information:
 - Omaha Police Report Incident Report P0021440, dated November 30, 2015, RB # AH38316: Initial report from Children's Hospital, Omaha, to Officer Hanson of Omaha Police Department regarding dob ██████████, who was evaluated at the Emergency Room, and determined to have a fractured right ankle. Report states that does not walk fully at current age, and Endorf informed Hansen she had no knowledge of what may have occurred to cause the injury.
 - Omaha Police Department Supplementary Report, RB #AH-38316 (AA) citing Detective Robyn Bruning's(Child Victim Unit) investigation into the felony child abuse that was reported on Monday, November 30, 2015.
 - Omaha Police Department Incident Report P0050341, dated November 30, 2015, RB# AH38316: DOB ██████████, was injured at daycare under the care of Diane Endorf. Children's Hospital Medical staff reported that infant had a fracture to right leg which is a combination and : which is typically caused by compression and torque. Endorf was interviewed by Detective Bruning, and she admitted

that she had gotten frustrated with the infant and had forcefully swung ' over the baby gate by only holding one of arms, and one of legs. She let go of the infant before ' body was on the ground. Endorf stated that legs/ feet hit the ground first and then the top part of body. Endorf stated that the injury occurred at approximately 1115 hours, but she did not contact the infants mother until after 1500 hours. Endorf was transported to Douglas County Corrections and booked for felony child abuse.

- Criminal complaint dated December 21, 2015, in the County Court of Douglas County, CR #15-26422: Diane Endorf is charged with Count 1: Child Abuse Resulting in Serious Bodily Injury Class II Felony, citing the following: On or about December 18, 2015 in Douglas County Nebraska, Diane Endorf knowingly and intentionally cause or permit a minor child. to be placed in a situation that endangers or life or physical or mental healthor care resulting in serious bodily injury, in violation of Neb Rev Stat. 28-707(1) & (7) , a Class II Felony .
- Endorf failed to report to Children's Services Licensing the arrest and citation for the Class II Felony Child Abuse.

Based on the information above, it is my professional opinion that there is an immediate risk of harm to children in care and this is an emergency situation which requires immediate action to protect the physical well-being and safety of children enrolled in this child care program which operates Monday through Friday, 6:30 a.m. to 5:30 p.m.

Jo Pfeiffer
Child Care Licensing Supervisor

Dated this 23 date of December, 2015

Acknowledgement

State of Nebraska

County of Douglas

The foregoing instrument was acknowledged before me this

12/23/2015 by _____

Notary Public Signature

