

	Original AR Practice	After LB 1061 is Passed	After Regulations (05.12.2021)	Proposed Regulations
Definitions			Prevention Plan. A plan developed by the family, in collaboration with the Department to address familial needs that may potentially relate to child safety. The plan may identify individuals or services which could help support or meet the needs of the family.	
				Regulations took out duplicative criteria that was also listed in statuteonly changes affecting program are documented here.
Exclusionary Criteria	Physical abuse of a child (i) under the age of six involving an injury to the head or torso; or (ii) with a disability; or (iii) which resulted in serious bodily injury to a child as defined in Neb. Rev. Stat. 28-109(20); or (iv) is likely to cause death or severe injury to a child	Physical abuse of a child (i) to the head or torso of a child (ii) that results in a bodily injury (iii) with a disability <del>(iv) is</del> <del>likely to cause death or severe injury to a child</del>	Physical abuse of a child to the head or torso of a child or physical abuse that results in a bodily injury <del>(iii) with a</del> <del>disability</del>	
	Domestic violence involving a caretaker AND the alleged perpetrator has access to the child or Caretaker	Domestic violence involving a caretaker in situations in which the alleged perpetrator has access to the child or caretaker	Domestic violence involving a caretaker in situations in which the alleged perpetrator has access to the child or caretaker	
	Sexual assault of a child as defined in Neb. Rev. Stat. 28-319.01, 28-320.01	Sexual abuse, sexual assault, or sexual exploitation, including acts prohibited by section, 28-319, 28-319.01, 28-320, 28-320.01, 28-320.02, 28-322.01, 28- 322.02, 28-322.04, 28-322.05, or 28- 703, 28-707(d), and 28-367.01	Sexual abuse, sexual assault, or sexual exploitation, including acts prohibited by section, 28-319, 28-319.01, 28-320, 28- 320.01, 28-320.02, 28-322.01, 28-322.02, 28-322.04, 28-322.05,28-703, 28-707(d), and 28-367.01	

Original AR Practice	After LB 1061 is Passed	Good Life. Great Mission. After Regulations (05.12.2021)	Proposed Regulations
Sexual exploitation of a child as defined in Neb. Rev. Stat. 28-830(14), 28-831(3)	Sex trafficking of a child as defined in Neb. Rev. Stat. 28-830(14), 28-831(3)	Sex trafficking of a child as defined in Neb. Rev. Stat. 28-830(14), 28-831(3)	Sex trafficking of a child as defined in Neb. Rev. Stat. 28-830(14), 28-831(3)
Sexual exploitation of a child as defined in Neb. Rev. Stat 28-707(d)	**Included above in #3		
Neglect of a child resulting in serious bodily injury as defined in Neb. Rev. Stat. 28- 109(2)	Neglect of a minor child that results in serious bodily injury as defined in section 28-109, requires hospitalization of the child, or results in an injury to the child that requires ongoing medical care, behavioral health care, or physical or occupational therapy, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect	Neglect of a minor child that results in serious bodily injury as defined in section 28-109, requires hospitalization of the child, or results in an injury to the child that requires ongoing medical care, behavioral health care, or physical or occupational therapy, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect	
Allegations which require Child Advocacy Center, Law Enforcement, and Department coordination (Neb. Rev. Stat. 28- 728(3)(d)(iii))	An allegation that requires a forensic interview at a child advocacy center, coordination with Law Enforcement, or coordination with the child abuse and neglect investigation team pursuant to section 28-728	An allegation that requires a forensic interview at a child advocacy center, coordination with Law Enforcement, or coordination with the child abuse and neglect investigation team pursuant to section 28-728	
A Household member allegedly caused the death of a child	A Household member allegedly caused the death of a child	A Household member allegedly caused the death of a child	A household member has been convicted of a crime that resulted in the death of a child or has criminal charges pending from a crime that resulted in the death of a child

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Newborn whose urine or meconium has	Newborn whose urine or meconium	Newborn whose urine or meconium has	
tested positive for alcohol and whose	has tested positive for alcohol and	tested positive for alcohol and whose	
Caretaker (i) has an alcohol addiction; or (ii)	whose Caretaker (i) has an alcohol	Caretaker (i) has an alcohol addiction; or	
previously delivered a drug-exposed infant	addiction; or (ii) previously delivered a	(ii) previously delivered a drug-exposed	
and did not successfully completed drug	drug-exposed infant and did not	infant and did not successfully completed	
treatment; or (iii) did not prepare for the	successfully completed drug treatment;	drug treatment; or (iii) did not prepare	
newborn's birth; or (iv) currently uses	or (iii) did not prepare for the	for the newborn's birth; or (iv) currently	
controlled substances as defined by Neb.	newborn's birth; or (iv) currently uses	uses controlled substances as defined by	
Rev. Stat 28-401 or alcohol AND breastfeeds	controlled substances as defined by	Neb. Rev. Stat 28-401 or alcohol AND	
or expresses intent to breastfeed; or (v) has	Neb. Rev. Stat 28-401 or alcohol AND	breastfeeds or expresses intent to	
no in-home support system or alternative	breastfeeds or expresses intent to	breastfeed; or (v) has no in home	
primary care arrangements	breastfeed; or (v) has no in-home	support system or alternative primary	
	support system or alternative primary	care arrangements	
	care arrangements		
Household Member uses or manufactures	Household Member uses or	Household Member illegally uses or	
methamphetamine or other controlled	manufactures methamphetamine or	manufactures methamphetamine or	
substances as defined in Neb. Rev. Stat. 28-	other controlled substances as defined	other controlled substances or opioids as	
401, 28-405	in Neb. Rev. Stat. 28-401, 28-405	defined in Neb. Rev. Stat. 28-401, 28-405	
A pregnant woman who has tested positive	A pregnant woman who has tested	A pregnant woman who has tested	
for methamphetamine or other controlled	positive for methamphetamine or	positive for methamphetamine or other	
substances as defined in Neb. Rev. Stat. 28-	other controlled substances as defined	controlled substances as defined in Neb.	
401, 28-405	in Neb. Rev. Stat. 28-401, 28-405	Rev. Stat. 28-401, 28-405	
A Child who has had contact with	A Child who has had contact with	A child has had contact with	
methamphetamine or other controlled	methamphetamine or other controlled	methamphetamine <del>or other controlled</del>	
substance as defined in Neb. Rev. Stat. 28-	substance as defined in Neb. Rev. Stat.	substance as defined in Neb. Rev. Stat.	
401, 28-405, including a positive meconium	28-401, 28-405, including a positive	<del>28-401, 28-405</del> or other non-prescribed	
or hair follicle screen or test	meconium or hair follicle screen or test	opioids, including a positive drug	
		screening or test	

Original AR Practice	After LB 1061 is Passed	Good Life. Great Mission. After Regulations (05.12.2021)	Proposed Regulations
A child resides with a Household Member	A child resides with a Household	A child resides with a Household Member	
whose parental rights have been	Member whose parental rights have	whose parental rights have been	
terminated or relinquished during a court-	been or relinquished during a court-	terminated	
involved case	involved case		
Abuse or neglect of a child who resides with	Abuse or neglect of a child who resides	Abuse or neglect of a child who resides	
(i) the subject of an active Traditional	with (i) the subject of an active	with (i) the subject of an active	
Response; or (ii) an individual or family that	Traditional Response; or (ii) an	Traditional Response; or (ii) an individual	
is receiving services through the DCFS	individual or family that is receiving	or family that is receiving services	
Protection and Safety section; or (iii) an	services through the DCFS Protection	through the CFS <del>DCFS</del> Protection and	
individual or family who is involved in a	and Safety section; or (iii) an individual	Safety section; or (iii) an individual or	
juvenile court petition pursuant to Neb.	or family who is involved in a juvenile	family who is involved in a juvenile court	
Reb. Stat. 43-247(3)(a)	court petition pursuant to Neb. Reb.	petition pursuant to Neb. Reb. Stat. 43-	
	Stat. 43-247(3)(a)	247(3)(a)	
Child abuse or neglect has occurred in an	Out-of-home child abuse or neglect	Out-of-home child abuse or neglect	
out-of-home setting			
A Household Member has a prior court	A Household Member has a prior court	A Household Member has a prior court	A Household Member has a prior
substantiated report of child abuse or	substantiated report of child abuse or	substantiated report of child abuse or	court substantiated report of chil
neglect OR is a sex offender	neglect OR is a sex offender	neglect or is a sex offender	abuse or neglect or is a sex
			offender
A Household Member appears on the	A Household Member appears on the	A Household Member appears on the	
central registry of child protection cases	central registry of child protection	central registry of child protection cases	
under Neb. Rev. Stat. 28-720	cases under Neb. Rev. Stat. 28-720	under Neb. Rev. Stat. 28-720	
A child under the age or two or at least two	A child under the age of two or at least	A child under the age of two or at least	
children under the age of five reside(s) with	two children under the age of two of at least	two children under the age of five	
a Household Member where the current	reside(s) with a Household Member	reside(s) with a Household Member	
maltreatment concerns are the same as	where the current maltreatment	where the current maltreatment	
prior maltreatment concerns	concerns are the same as prior	concerns are the same as prior	
	maltreatment concerns	maltreatment concerns	
A child whose Caretaker's identity or	Caretaker's identity or whereabouts	A child whose Caretaker's identity or	
whereabouts are unknown	are unknown; Absence of a caretaker	whereabouts are unknown Absence of a	
	are unknown, Absence of a caretaker	whereabouts are unknown Absence of a	

		Good Life. Great Mission.	
Original AR Practice	After LB 1061 is Passed	After Regulations (05.12.2021)	Proposed Regulations
	without having given an alternate	caretaker without having given an	
	caregiver authority to make decisions	alternate caregiver authority to make	
	and grant consents for necessary care,	decisions and grant consents for	
	treatment, and education of a child or	necessary care, treatment, and education	
	without having made provision to be	of a child or without having made	
	contacted to make such decisions or	provision to be contracted to make such	
	grant such consents	decisions or grant such consents	
Law enforcement has cited a Caretaker for	Law enforcement has cited a Caretaker	Law enforcement has cited a Caretaker	
the child abuse or neglect alleged in the	for the child abuse or neglect alleged in	for the child abuse or neglect alleged in	
Intake Accepted for Assessment	the Intake Accepted for Assessment	the Intake Accepted for Assessment	
The Department is made aware by law	An allegation being investigated by a	An allegation being investigated by a law	
enforcement of an ongoing law	law enforcement agency at the time of	enforcement agency at the time of the	
enforcement investigation involving a	the assignment	assignment	
Household Member			
A safety concern is otherwise identified	A safety concern is otherwise identified	A safety concern is otherwise identified	
which requires Department intervention	which requires Department	which requires Department intervention	
within 24 hours.	intervention within 24 hours.	within 24 hours.	
	Murder in the first or second degree as	Murder in the first or second degree as	
	defined in section 28-303 or 28-304 or	defined in section 28-303 or 28-304 or	
	manslaughter as defined in section 28-	manslaughter as defined in section 28-	
	305	305	
	Assault in the first, second, or third	Assault in the first, second, or third	
	degree or assault by strangulation or	degree or assault by strangulation or	
	suffocation as defined in section 28-	suffocation as defined in section 28-308,	
	308, 28-309, 28-310, or 28-310.01	28-309, 28-310, or 28-310.01	
	Labor trafficking of a minor as defined	Labor trafficking of a minor as defined in	
	in section 28-830	section 28-830	
	111 3000011 20-030	300000	

	Original AR Practice	After LB 1061 is Passed	Good Life. Great Mission. After Regulations (05.12.2021)	Proposed Regulations
		For a report involving an infant, a household member tests positive for	For a report involving an infant, a household member tests positive for	
		methamphetamine or non-prescribed opioids at the birth of such infant	methamphetamine or non-prescribed opioids at the birth of such infant	
RED Team Criteria	A caretaker has a significant mental health diagnosis AND the reporting party is a physician, mental health or other health care provider;	A caretaker has a significant mental health diagnosis AND the reporting party is a physician, mental health or other health care provider;	A caretaker has a significant mental health diagnosis AND the reporting party is a physician, mental health or other health care provider;	
	A caretaker exhibits symptoms related to significant mental illness including but not limited to psychotic behaviors, delusional behaviors and danger to self or others;	A caretaker exhibits symptoms related to significant mental illness including but not limited to psychotic behaviors, delusional behaviors and danger to self or others;	A caretaker exhibits symptoms related to significant mental illness including but not limited to psychotic behaviors, delusional behaviors and danger to self or others;	A caretaker exhibits symptoms related to significant mental illness including but not limited to psychotic behaviors, delusional behaviors and danger to self or others;
	Caretaker is identified as a current or former state ward	Caretaker is identified as a current or former state ward	Caretaker is identified as a current or former state ward	
	The family has had another Intake Accepted for Assessment within the past six months AND includes two or more children under the age of five or one child under the age of two;	The family has had another Intake Accepted for Assessment within the past six months AND includes two or more children under the age of five or one child under the age of two;	The family has had another Intake Accepted for Assessment within the past six months AND and includes two or more children under the age of five or one child under the age of two;	The family has had another Intake Accepted for Assessment within the past six months AND and includes two or more children under the age of five or one child under the age of two;
	The family currently receives an Alternative Response	The family currently receives an Alternative Response	The family currently receives an Alternative Response	The family currently receives an Alternative Response
	Child abuse or neglect AND alcohol or other mood altering substance use by a Household member AND there are two or more children under the age of five or one child under the age or two	Child abuse or neglect AND alcohol or other mood altering substance use by a Household member AND there are two or more children under the age of five or one child under the age of two	Child abuse or neglect AND alcohol or other mood altering substance use by a Household member AND there are two or more children under the age of five or one child under the age of two	

Alternative Response Regulations Crosswalk

Atternative Response Regulations Crosswark		Good Life. Great Mission.	
Original AR Practice	After LB 1061 is Passed	After Regulations (05.12.2021)	Proposed Regulations
Physical abuse that does not rise to the	Physical abuse that does not rise to the	Physical abuse that does not rise to the	
level of physical abuse identified in	level of physical abuse identified in	level of physical abuse identified in	
Exclusionary Criteria	Exclusionary Criteria	Exclusionary Criteria	
Household Member or alternate Caregiver	Household Member or alternate	Household Member or alternate	Household Member or alternate
noted on the Intake Accepted for	Caregiver noted on the Intake Accepted	Caregiver noted on the Intake Accepted	Caregiver noted on the Intake
Assessment has a history or using or	for Assessment has a history of using or	for Assessment has a history or using or	Accepted for Assessment has a
manufacturing methamphetamine or other	manufacturing methamphetamine or	manufacturing methamphetamine or	history or using or manufacturing
controlled substances as defined in Neb.	other controlled substances as defined	other controlled substances as defined in	methamphetamine or other
Rev. Stat. 28-401, 28-405	in Neb. Rev. Stat. 28-401, 28-405	Neb. Rev. Stat. 28-401, 28-405 <del>or;</del>	controlled substances as defined in
			Neb. Rev. Stat. 28-401, 28-405
	Domestic assault as defined in section	Domestic assault as defined in section	Domestic assault as defined in
	28-323 or domestic violence in the	28-323 or domestic violence in the family	section 28-323 or domestic
	family home	home	violence in the family home
	A family member residing in the home	A family member residing in the home or	A family member residing in the
	or a caregiver that has been the subject	a caregiver that has been the subject of a	home or a caregiver that has been
	of a report accepted for traditional	report accepted for traditional response	the subject of a report accepted for
	response or assigned to alternative	or assigned to alternative response in the	traditional response or assigned to
	response in the past six months	past six months	alternative response in the past six
			months
	Use of alcohol or controlled substances	Use of alcohol or controlled substances	Use of alcohol or controlled
	as defined in section 28-401 or 28-405	as defined in section 28-401 or 28-405 by	substances as defined in section
	by a caregiver that impairs the	a caregiver that impairs the caregiver's	28-401 or 28-405 by a caregiver
	caregiver's ability to care and provide	ability to care and provide safety for the	that impairs the caregiver's ability
	safety for the child	child	to care and provide safety for the
			child
			A Household Member has a prior
			court substantiated report of child
			abuse or neglect; or

Alternative Response Regulations Crosswalk

	Original AR Practice	After LB 1061 is Passed	Good Life. Great Mission. After Regulations (05.12.2021)	Proposed Regulations
				A Household Member is a sex offender who is on the sex offender registry
Review, Evaluate, Decide (RED) Team Review	Within one regular business day after receiving an Intake Accepted for Assessment that includes RED Team Criteria, the RED Team will review and evaluate the Intake Accepted for Assessment that includes Review, Evaluate, Decide (RED) Team Criteria to determine whether it is eligible for Alternative Response		Within one regular business day after receiving an Intake Accepted for Assessment that includes RED Team Criteria, the The Review Evaluate, Decide (RED) Team will review and evaluate the an Intake Accepted for Assessment that includes Review, Evaluate, Decide (RED) Team Criteria to determine whether it is eligible for Alternative Response	
Review, Evaluate, Decide (RED) Team Review Process				The Review, Evaluate, Decide (RED) Team will meet at least once each business day, unless there are no intakes to review. To determine whether an intake will be eligible for Alternative Response, The Review, Evaluate, Decide (RED) Team will consider the factors set forth in Neb. Rev. Stat. 28-712.01, and the following:



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				The household's past history or current involvement with the
				<ul><li>Department, including completed</li><li>assessments and services provided</li><li>by household;</li></ul>
				The criminal history of any Household Member; and
				The allegations and information included in the current intake.
Review, Evaluate, Decide (RED) Team				The Review, Evaluate, Decide (RED) Team will assign an intake accepted for assessment to Alternative Response unless the team
Decision				determines the child may be seriously endangered by the child's surroundings and removal may be necessary.

	Original AD Drastics	After LD 1001 is Deced	Good Life. Great Mission.		
	Original AR Practice	After LB 1061 is Passed	After Regulations (05.12.2021)	Proposed Regulations	
Response Eligibility	C. (iii) One or more RED Team criteria and no Exclusionary Criteria AND the RED Team reaches a unanimous decision that it is eligible for Alternative Response, it is eligible for Alternative Response		One or more Review, Evaluate, Decide (RED) Team criteria and no Exclusionary Criteria AND and the Review, Evaluate, Decide (RED) Team reaches a unanimous decision that it is eligible for Alternative Response, it is eligible for Alternative Response	One or more Review, Evaluate, Decide (RED) Team criteria and no Exclusionary Criteria and the Review, Evaluate, Decide (RED) Team reaches a decision that it is eligible for Alternative Response, it is eligible accepted for Alternative Response	
Response Assignment	The Department will use a computerized randomization process to assign each Intake Accepted for Assessment that is eligible for Alternative Response to Alternative Response or Traditional Response. The Department will assign all other Intakes Accepted for Assessment to Traditional Response.		The Department will use a computerized randomization process to assign each Intake Accepted for Assessment that is eligible for Alternative Response to Alternative Response or Traditional Response. The Department will assign all other Intakes Accepted for Assessment to Traditional Response. Each Intake Accepted for Assessment that is eligible for Alternative Response will be assigned	Each Intake Accepted for Assessment that is eligible for Alternative Response will be assigned to Alternative Response. The Department will assign all other intakes accepted for assessment to Traditional Response.	
			for Alternative Response will be assigned to Alternative Response.		



	Original AR Practice	After LB 1061 is Passed	Good Life. Great Mission. After Regulations (05.12.2021)	Proposed Regulations
Reassignment	The Department will automatically transfer		The Department will automatically	
from Alternative Response to Traditional Response	a family from Alternative Response to Traditional Response if (i) a safety threat is present that cannot be managed through an in-home safety plan; (ii) it cannot assess child safety; (iii) law enforcement notifies the Department that they will continue investigating the child abuse or neglect Intake Accepted for Assessment; (iv) the Caretaker receiving Alternative Response requests Traditional Response; or (v) it learns a Household Member allegedly caused the death of a child.		transfer a family from Alternative Response to Traditional Response if (i) a safety threat is present that cannot be managed through an in-home safety plan; (ii) it cannot assess child safety; (iii) law enforcement notifies the Department that they will continue investigating have cited the Caretaker for the child abuse or neglect alleged in the Intake Accepted for Assessment; (iv) the Caretaker receiving Alternative Response requests Traditional Response; or (v) it learns a Household Member allegedly caused the death of a child.	
Alternative Response Services and Interventions			For each child in the family, the Department may contact all parents and Household Members as part of the assessment process and may engage all parents and Household Members in the Development of the Prevention Plan.	