

	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 statute...only 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 (iv) is likely to cause death or severe injury to a child	Physical abuse of a child to the head or torso of a child or physical abuse that results in a bodily injury (iii) with a disability	
	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	

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

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

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

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		For a report involving an infant, a household member tests positive for methamphetamine or non-prescribed opioids at the birth of such infant	For a report involving an infant, a household member tests positive for 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	

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	Physical abuse that does not rise to the level of physical abuse identified in Exclusionary Criteria	Physical abuse that does not rise to the level of physical abuse identified in Exclusionary Criteria	Physical abuse that does not rise to the level of physical abuse identified in Exclusionary Criteria	
	Household Member or alternate Caregiver noted on the Intake Accepted for Assessment has a history of using or manufacturing methamphetamine or other controlled substances as defined in Neb. Rev. Stat. 28-401, 28-405	Household Member or alternate Caregiver noted on the Intake Accepted for Assessment has a history of using or manufacturing methamphetamine or other controlled substances as defined in Neb. Rev. Stat. 28-401, 28-405	Household Member or alternate Caregiver noted on the Intake Accepted for Assessment has a history of using or manufacturing methamphetamine or other controlled substances as defined in Neb. Rev. Stat. 28-401, 28-405 or;	Household Member or alternate Caregiver noted on the Intake Accepted for Assessment has a history of using or manufacturing methamphetamine or other controlled substances as defined in Neb. Rev. Stat. 28-401, 28-405
		Domestic assault as defined in section 28-323 or domestic violence in the family home	Domestic assault as defined in section 28-323 or domestic violence in the family home	Domestic assault as defined in section 28-323 or domestic violence in the family home
		A family member residing in the home or a caregiver that has been the subject of a report accepted for traditional response or assigned to alternative response in the past six months	A family member residing in the home or a caregiver that has been the subject of a report accepted for traditional response or assigned to alternative response in the past six months	A family member residing in the home or a caregiver that has been the subject of a report accepted for traditional response or assigned to alternative response in the past six months
		Use of alcohol or controlled substances as defined in section 28-401 or 28-405 by a caregiver that impairs the caregiver’s ability to care and provide safety for the child	Use of alcohol or controlled substances as defined in section 28-401 or 28-405 by a caregiver that impairs the caregiver’s ability to care and provide safety for the child	Use of alcohol or controlled substances as defined in section 28-401 or 28-405 by a caregiver that impairs the caregiver’s ability to care and provide safety for the child
				A Household Member has a prior court substantiated report of child abuse or neglect; or

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

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	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 to Alternative Response.	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.

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Reassignment from Alternative Response to Traditional Response	The Department will automatically 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 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.		The Department will automatically 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.	