

	Original AR Practice	After LB 1061 is Passed	After Regulations (05.12.2021)	After Regulations (09.07.2021)
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 (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	Newborn whose urine or	Newborn whose urine or meconium has	
tested positive for alcohol and whose	meconium has tested positive for	tested positive for alcohol and whose	
Caretaker (i) has an alcohol addiction; or (ii)	alcohol and whose Caretaker (i)	Caretaker (i) has an alcohol addiction; or (ii)	
previously delivered a drug-exposed infant	has an alcohol addiction; or (ii)	previously delivered a drug-exposed infant	
and did not successfully completed drug	previously delivered a drug-	and did not successfully completed drug	
treatment; or (iii) did not prepare for the	exposed infant and did not	treatment; or (iii) did not prepare for the	
newborn's birth; or (iv) currently uses	successfully completed drug	newborn's birth; or (iv) currently uses	
controlled substances as defined by Neb.	treatment; or (iii) did not prepare	controlled substances as defined by Neb.	
Rev. Stat 28-401 or alcohol AND breastfeeds	for the newborn's birth; or (iv)	Rev. Stat 28 401 or alcohol AND breastfeeds	
or expresses intent to breastfeed; or (v) has	currently uses controlled	or expresses intent to breastfeed; or (v) has	
no in-home support system or alternative	substances as defined by Neb.	no in home support system or alternative	
primary care arrangements	Rev. Stat 28-401 or alcohol AND	primary care arrangements	
	breastfeeds or expresses intent to		
	breastfeed; or (v) has no in-home		
	support system or alternative		
	primary care arrangements		
Household Member uses or manufactures	Household Member uses or	Household Member illegally uses or	
methamphetamine or other controlled	manufactures methamphetamine	manufactures methamphetamine or other	
substances as defined in Neb. Rev. Stat. 28-	or other controlled substances as	controlled substances or opioids as defined in	
401, 28-405	defined in Neb. Rev. Stat. 28-401,	Neb. Rev. Stat. 28-401, 28-405	
	28-405		
A pregnant woman who has tested positive	A pregnant woman who has	A pregnant woman who has tested positive	
for methamphetamine or other controlled	tested positive for	for methamphetamine or other controlled	
substances as defined in Neb. Rev. Stat. 28-	methamphetamine or other	substances as defined in Neb. Rev. Stat. 28-	
401, 28-405	controlled substances as defined	401, 28-405	
	in Neb. 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	methamphetamine or other controlled	
substance as defined in Neb. Rev. Stat. 28-	controlled substance as defined in	substance as defined in Neb. Rev. Stat. 28-	
	Neb. Rev. Stat. 28-401, 28-405,		



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401, 28-405, including a positive meconium	including a positive meconium or	401, 28-405 or other non-prescribed opioids,	
or hair follicle screen or test	hair follicle screen or test	including a positive drug screening or test	
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	whose parental rights have been terminated	
terminated or relinquished during a court-	have been or relinquished during		
involved case	a court-involved case		
Abuse or neglect of a child who resides with	Abuse or neglect of a child who	Abuse or neglect of a child who resides with	
(i) the subject of an active Traditional	resides with (i) the subject of an	(i) the subject of an active Traditional	
Response; or (ii) an individual or family that	active Traditional Response; or (ii)	Response; or (ii) an individual or family that is	
is receiving services through the DCFS	an individual or family that is	receiving services through the CFS DCFS	
Protection and Safety section; or (iii) an	receiving services through the	Protection and Safety section; or (iii) an	
individual or family who is involved in a	DCFS Protection and Safety	individual or family who is involved in a	
juvenile court petition pursuant to Neb.	section; or (iii) an individual or	juvenile court petition pursuant to Neb. Reb.	
Reb. Stat. 43-247(3)(a)	family who is involved in a	Stat. 43-247(3)(a)	
	juvenile court petition pursuant to		
	Neb. Reb. Stat. 43-247(3)(a)		
Child abuse or neglect has occurred in an	Out-of-home child abuse or	Out-of-home child abuse or neglect	
out-of-home setting	neglect		
A Household Member has a prior court	A Household Member has a prior	A Household Member has a prior court	A Household Member has a prior
substantiated report of child abuse or	court substantiated report of child	substantiated report of child abuse or neglect	court substantiated report of child
neglect OR is a sex offender	abuse or neglect OR is a sex	or is a sex offender	abuse or neglect or is a sex offender
	offender		
A Household Member appears on the	A Household Member appears on	A Household Member appears on the central	
central registry of child protection cases	the central registry of child	registry of child protection cases under Neb.	
under Neb. Rev. Stat. 28-720	protection cases under Neb. Rev.	Rev. Stat. 28-720	
	Stat. 28-720		
A child under the age or two or at least two	A child under the age of two or at	A child under the age of two or at least two	
children under the age of five reside(s) with	least two children under the age	children under the age of five reside(s) with a	
a Household Member where the current	of five reside(s) with a Household	Household Member where the current	

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maltreatment concerns are the same as	Member where the current	maltreatment concerns are the same as prior	
prior maltreatment concerns	maltreatment concerns are the	maltreatment concerns	
	same as prior maltreatment		
	concerns		
A child whose Caretaker's identity or	Caretaker's identity or	A child whose Caretaker's identity or	
whereabouts are unknown	whereabouts are unknown;	whereabouts are unknown Absence of a	
	Absence of a caretaker without	caretaker without having given an alternate	
	having given an alternate	caregiver authority to make decisions and	
	caregiver authority to make	grant consents for necessary care, treatment,	
	decisions and grant consents for	and education of a child or without having	
	necessary care, treatment, and	made provision to be contracted to make	
	education of a child or without	such decisions or grant such consents	
	having made provision to be		
	contacted to make such decisions		
	or grant such consents		
Law enforcement has cited a Caretaker for	Law enforcement has cited a	Law enforcement has cited a Caretaker for	
the child abuse or neglect alleged in the	Caretaker for the child abuse or	the child abuse or neglect alleged in the	
Intake Accepted for Assessment	neglect alleged in the Intake	Intake Accepted for Assessment	
	Accepted for Assessment		
The Department is made aware by law	An allegation being investigated	An allegation being investigated by a law	
enforcement of an ongoing law	by a law enforcement agency at	enforcement agency at the time of the	
enforcement investigation involving a	the time of the assignment	assignment	
Household Member			
A safety concern is otherwise identified	A safety concern is otherwise	A safety concern is otherwise identified	
which requires Department intervention	identified which requires	which requires Department intervention	
within 24 hours.	Department intervention within	within 24 hours.	
	24 hours.		
	Murder in the first or second	Murder in the first or second degree as	
	degree as defined in section 28-	defined in section 28-303 or 28-304 or	
		manslaughter as defined in section 28-305	

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		303 or 28-304 or manslaughter as		
		defined in section 28-305		
		Assault in the first, second, or	Assault in the first, second, or third degree or	
		third degree or assault by	assault by strangulation or suffocation as	
		strangulation or suffocation as	defined in section 28-308, 28-309, 28-310, or	
		defined in section 28-308, 28-309,	28-310.01	
		28-310, or 28-310.01		
		Labor trafficking of a minor as	Labor trafficking of a minor as defined in	
		defined in section 28-830	section 28-830	
		For a report involving an infant, a	For a report involving an infant, a household	
		household member tests positive	member tests positive for methamphetamine	
		for methamphetamine or non-	or non-prescribed opioids at the birth of such	
		prescribed opioids at the birth of	infant	
		such infant		
RED Team	A caretaker has a significant mental health	A caretaker has a significant	A caretaker has a significant mental health	
Criteria	diagnosis AND the reporting party is a	mental health diagnosis AND the	diagnosis AND the reporting party is a	
	physician, mental health or other health	reporting party is a physician,	physician, mental health or other health care	
	care provider;	mental health or other health	provider;	
		care provider;		
	A caretaker exhibits symptoms related to	A caretaker exhibits symptoms	A caretaker exhibits symptoms related to	A caretaker exhibits symptoms
	significant mental illness including but not	related to significant mental	significant mental illness including but not	related to significant mental illness
	limited to psychotic behaviors, delusional	illness including but not limited to	limited to psychotic behaviors, delusional	including but not limited to
	behaviors and danger to self or others;	psychotic behaviors, delusional	behaviors and danger to self or others;	psychotic behaviors, delusional
		behaviors and danger to self or		behaviors and danger to self or
		others;		others;
	Caretaker is identified as a current or	Caretaker is identified as a current	Caretaker is identified as a current or former	
	former state ward	or former state ward	state ward	
	The family has had another Intake Accepted	The family has had another Intake	The family has had another Intake Accepted	The family has had another Intake
	for Assessment within the past six months	Accepted for Assessment within	for Assessment within the past six months	Accepted for Assessment within the
	AND includes two or more children under	the past six months AND includes	AND and includes two or more children	past six months AND and includes



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the age of five or one child under the age of	two or more children under the	under the age of five or one child under the	two or more children under the age
two;	age of five or one child under the	age of two;	of five or one child under the age of
	age of two;		two;
The family currently receives an Alternative	The family currently receives an	The family currently receives an Alternative	The family currently receives an
Response	Alternative Response	Response	Alternative Response
Child abuse or neglect AND alcohol or other	Child abuse or neglect AND	Child abuse or neglect AND alcohol or other	
mood altering substance use by a	alcohol or other mood altering	mood altering substance use by a Household	
Household member AND there are two or	substance use by a Household	member AND there are two or more children	
more children under the age of five or one	member AND there are two or	under the age of five or one child under the	
child under the age or two	more children under the age of	age of two	
	five or one child under the age of		
	two		
Physical abuse that does not rise to the	Physical abuse that does not rise	Physical abuse that does not rise to the level	
level of physical abuse identified in	to the level of physical abuse	of physical abuse identified in Exclusionary	
Exclusionary Criteria	identified in Exclusionary Criteria	Criteria	
Household Member or alternate Caregiver	Household Member or alternate	Household Member or alternate Caregiver	Household Member or alternate
noted on the Intake Accepted for	Caregiver noted on the Intake	noted on the Intake Accepted for Assessment	Caregiver noted on the Intake
Assessment has a history or using or	Accepted for Assessment has a	has a history or using or manufacturing	Accepted for Assessment has a
manufacturing methamphetamine or other	history of using or manufacturing	methamphetamine or other controlled	history or using or manufacturing
controlled substances as defined in Neb.	methamphetamine or other	substances as defined in Neb. Rev. Stat. 28-	methamphetamine or other
Rev. Stat. 28-401, 28-405	controlled substances as defined	401, 28-405 or;	controlled substances as defined in
	in Neb. Rev. Stat. 28-401, 28-405		Neb. Rev. Stat. 28-401, 28-405
	Domestic assault as defined in	Domestic assault as defined in section 28-323	Domestic assault as defined in
	section 28-323 or domestic	or domestic violence in the family home	section 28-323 or domestic violence
	violence in the family home		in the family home
	A family member residing in the	A family member residing in the home or a	A family member residing in the
	home or a caregiver that has been	caregiver that has been the subject of a	home or a caregiver that has been
	the subject of a report accepted	report accepted for traditional response or	the subject of a report accepted for
	for traditional response or	assigned to alternative response in the past	traditional response or assigned to
	assigned to alternative response	six months	alternative response in the past six
	in the past six months		months

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		Use of alcohol or controlled	Use of alcohol or controlled substances as	Use of alcohol or controlled
		substances as defined in section	defined in section 28-401 or 28-405 by a	substances as defined in section 28-
		28-401 or 28-405 by a caregiver	caregiver that impairs the caregiver's ability	401 or 28-405 by a caregiver that
		that impairs the caregiver's ability	to care and provide safety for the child	impairs the caregiver's ability to care
		to care and provide safety for the		and provide safety for the child
		child		
				A Household Member has a prior court substantiated report of child
				abuse or neglect; or
				A Household Member is a sex offender who is on the sex offender
				registry
Review,	Within one regular business day after		Within one regular business day after	
Evaluate,	receiving an Intake Accepted for		receiving an Intake Accepted for Assessment	
Decide (RED)	Assessment that includes RED Team		that includes RED Team Criteria, the The	
Team Review	Criteria, the RED Team will review and		Review Evaluate, Decide (RED) Team will	
	evaluate the Intake Accepted for		review and evaluate the an Intake Accepted	
	Assessment that includes Review, Evaluate,		for Assessment that includes Review,	
	Decide (RED) Team Criteria to determine		Evaluate, Decide (RED) Team Criteria to	
	whether it is eligible for Alternative		determine whether it is eligible for	
	Response		Alternative Response	

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Review,				The Review, Evaluate, Decide (RED)
Evaluate,				Team will meet at least once each
Decide (RED)				business day, unless there are no
Team Review Process				intakes to review. To determine
FIDLESS				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:
				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
				Household Weinber, and
)	The allegations and information
				included in the current intake.

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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.
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		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	Each Intake Accepted for Assessment that is eligible for Alternative Response will be assigned to Alternative Response. The Department will assign all other

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Accepted for Assessment to Traditional Response.		Assessment to Traditional Response. Each Intake Accepted for Assessment that is eligible for Alternative Response will be assigned to Alternative Response.	intakes accepted for assessment 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.	
		For each child in the family, the Department may contact all parents and Household Members as part of the assessment process	
	Accepted for Assessment 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.	Accepted for Assessment 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.	Accepted for Assessment to Traditional Response. Assessment 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 and Household For each child in the family, the Department may contact all parents and Household For each child in the family, the Department may contact all parents and Household



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		Members in the Development of the	
		Prevention Plan.	