

September 15, 2020

Patrick O'Donnell, Clerk of the Legislature  
State Capitol, Room 2018  
P.O. Box 94604  
Lincoln, NE 68509



Dear Mr. O'Donnell:

Pursuant to Neb. Rev. Stat. 43-4407, enclosed please find the annual report prepared by the Nebraska Alliance of Child Advocacy Centers, comprised of the information provided by each of the seven Child Advocacy Centers.

Sincerely-



Ivy Svoboda  
Executive Director  
Nebraska Alliance of Child Advocacy Centers

# 2019-20 ANNUAL NON-COURT CHILD WELFARE REPORT

*Pursuant to Neb. Rev. Stat. § 43-4407  
September 15, 2020*



*Prepared on behalf of Nebraska's Seven Child Advocacy Centers by:*

## **Nebraska Alliance of Child Advocacy Centers**

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*Printing of this report funded by:*



# Introduction and Executive Summary

Pursuant to Neb. Rev. Stat. § 43-4407, Nebraska's seven child advocacy centers (CACs) are charged with reporting annually to the Legislature by September 15 on voluntary or non-court child welfare cases managed by the Department of Health and Human Services (DHHS) or its lead agency in the counties they serve.

The report that follows is the seventh annual report filed on non-court cases with the Legislature by the Nebraska Alliance of Child Advocacy Centers (Nebraska Alliance), on behalf of its members – Nebraska's seven CACs. A map of Nebraska's CAC service regions can be found on the back page of this report.

The report contains information on Nebraska's non-court child welfare cases between July 1, 2019 and June 30, 2020 based on information and data provided to CACs by DHHS and Saint Francis Ministries, as well as information gathered through multidisciplinary team reviews of non-court cases.

## Key Highlights of 2019-2020 Annual Report

- **1,036 new non-court cases** opened. This is a **30% increase** from the previous year.
- **25% of cases did not have an active case plan.** (735 of 979)
- Cases lasted an average of **135 days**. This is an **increase of 9 days** as compared to last year.
- **128 open non-court cases transferred to court.** On average, cases were open **120.3 days**, or **four months**, before a court filing.
- **Significant regional differences** were again present in the length of non-court cases, the likelihood of court filings, the presence of case plans, and the degree of family compliance with case plans.

## Areas Identified for Improvement

Child advocacy centers and multidisciplinary teams have identified several areas for improvement:

1. Missing information about non-court cases in data shared by Saint Francis Ministries and DHHS.
2. Limited capacity to thoroughly track and review all non-court cases.
3. Service availability.

# What is a Non-Court Child Welfare Case?

Non-court or voluntary cases are cases where ongoing child welfare services and assessment are provided to families without the involvement of the juvenile court. According to DHHS policy, non-court cases are opened at the conclusion of an investigation or initial assessment of a report of child abuse or neglect when:

- The family scores as high or very high risk and/or a safety threat has been identified;
- The family voluntarily agrees to work with DHHS or its contractor; and,
- The local county attorney has not filed a petition in juvenile court.

Per policy, non-court cases close when:

- Children are safe and the family's risk has been reduced to low or moderate;
- Children are safe, the family no longer wants services, and DHHS does not believe court intervention is necessary; or
- When a family cannot be located, despite reasonable efforts.

DHHS policy on non-court cases is laid out in the Division of Children and Family Services Protection and Safety Procedure Updates #34-2016 and #2-2018.

## What is a Child Advocacy Center (CAC)?

Child Advocacy Centers (CACs) assist in providing high quality, trauma-informed investigations of child abuse and neglect, with forensic interviews, medical evaluations and other services (e.g., mental health). Nebraska's CACs are all nationally accredited through the National Children's Alliance.

CACs are also mandated by to assist county attorneys in the coordination of local multidisciplinary teams (MDTs) focusing on investigation and treatment of child abuse. MDTs are convened by local county attorneys and made up of different professionals, service providers, and local experts working on child welfare. Per Neb. Rev. Stat. § 28-728, each of Nebraska's 93 counties is assigned to a local CAC for MDT coordination. The map on the last page shows the counties assigned to each of Nebraska's seven CACs.

## Role of CACs and Multidisciplinary Teams in Non-Court Cases

In 2012, the Legislature took action to require local MDTs focused on child abuse and neglect treatment to develop protocols for addressing non-court cases. Protocols must include how teams staff cases, and coordinate and monitor safety plans and treatment offered to children and families.

Teams across the state vary in the approach they have taken to protocols on non-court cases. Some areas have dedicated non-court teams, others try to staff every non-court case, and others are more selective in which cases are staffed due to the high volume.

The law also requires DHHS provide CACs with monthly reports on non-court cases in their jurisdiction. This information is used by some CACs to help set agendas for team staffing. In other areas, CACs simply track this information internally to fulfill legislative reporting requirements.

# New Non-Court Cases

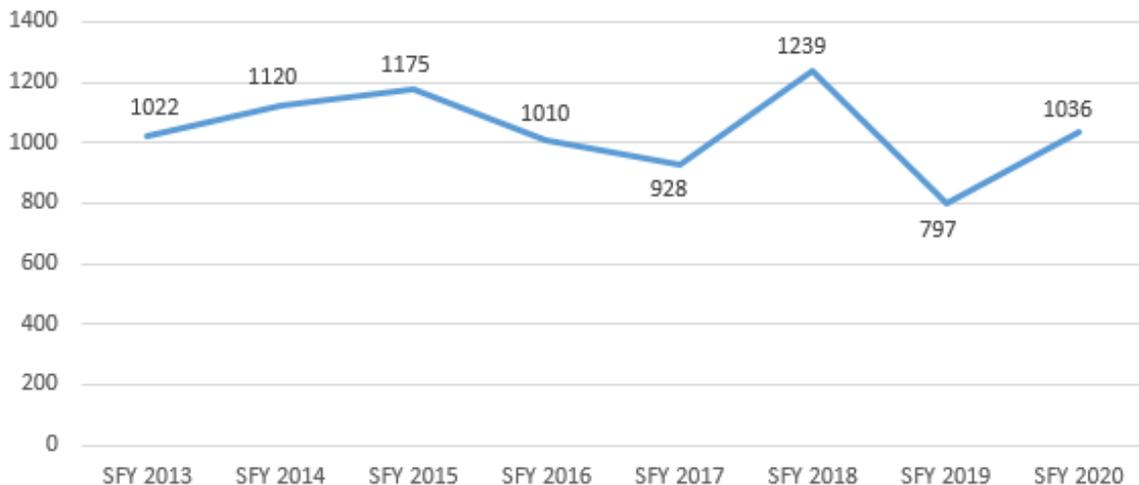
**1,036 new non-court cases opened between July 1, 2019 and June 30, 2020, a 30% increase from last year's historic low of non-court cases opened.**

In 2018-2019, DHHS had just updated its policy for "high" or "very high" risk families – referring them to community services instead of opening an ongoing case, as long as children were safe. In addition, there were nearly 1,000 fewer child abuse reports investigated in 2018, which may have also contributed to the decline.

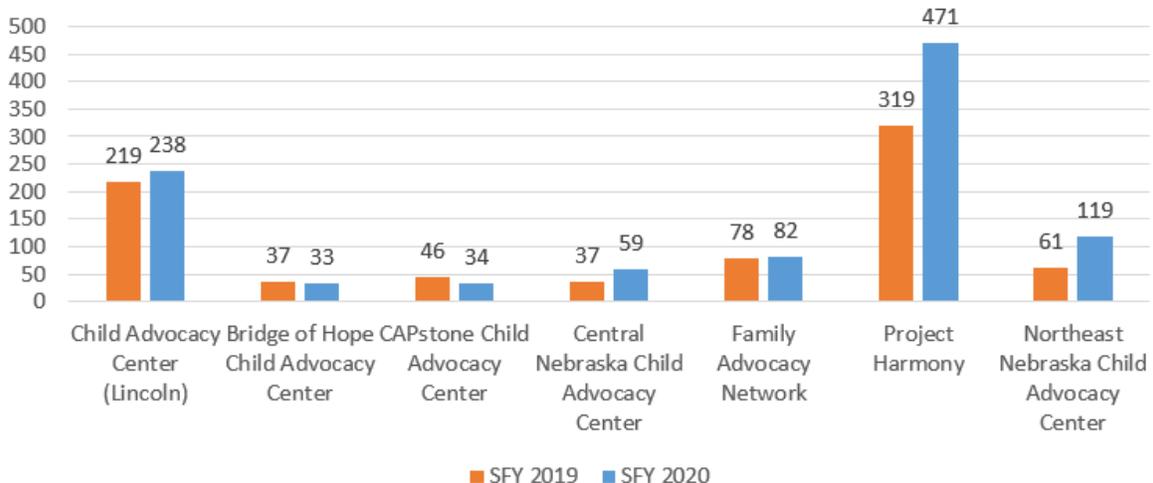
Statewide:

- Last year was the lowest recorded number of non-court cases opened in a year since CACs began reporting to the Legislature at 797 cases.
- The recorded number of cases this year is closer to average per the chart below.

### Nebraska Non-Court Cases Opened by Year

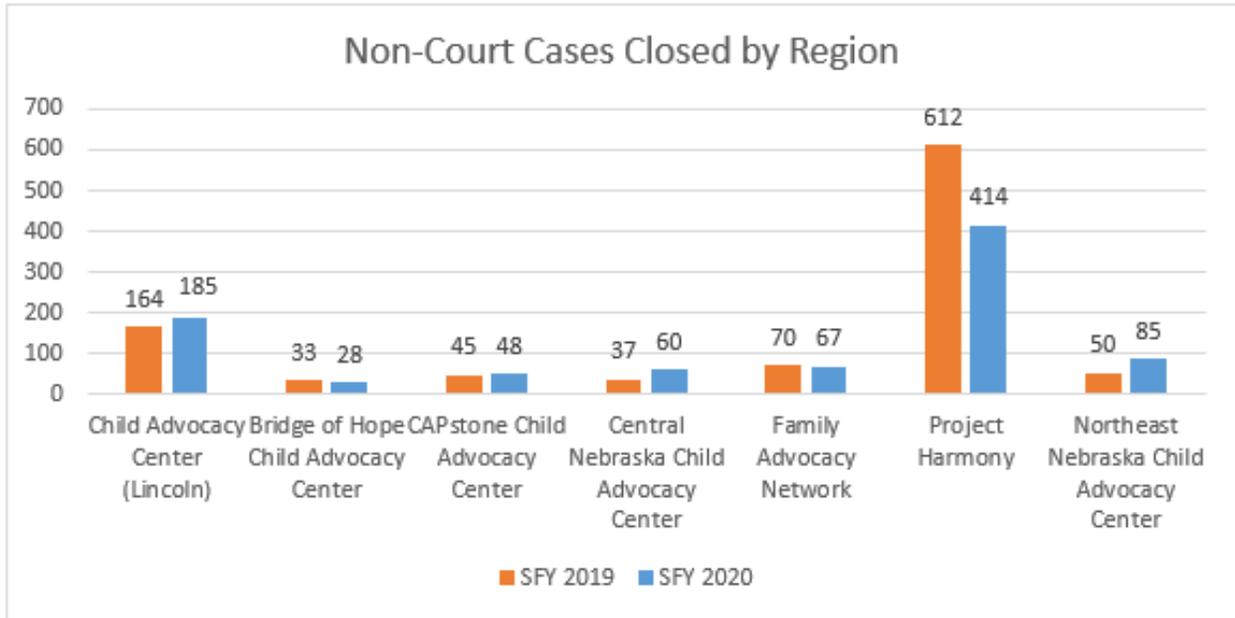


### Non-Court Cases Opened by Region



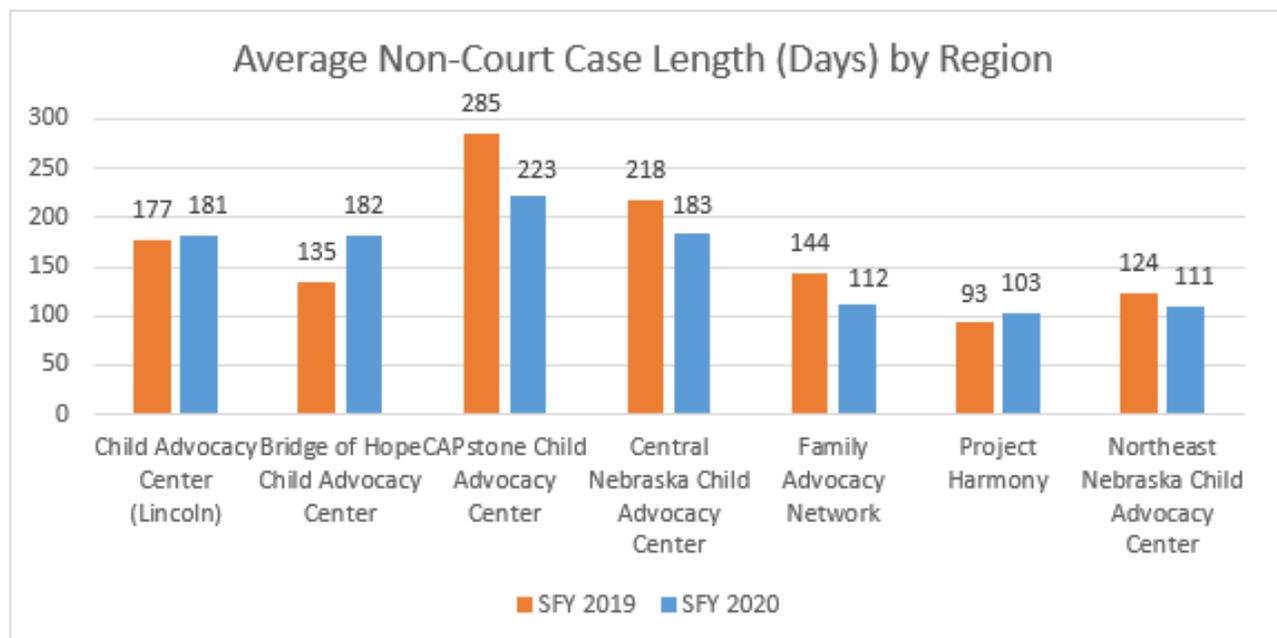
# Closed Non-Court Cases

887 non-court cases closed between July 1, 2019 and June 30, 2020, a 12% decline from the previous year of 1,011 cases closed.



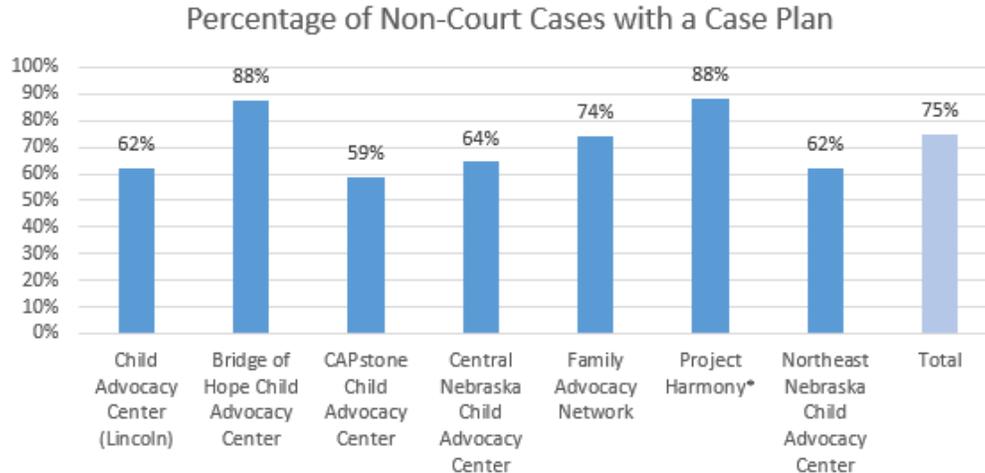
# Average Length of Closed Non-Court Cases

The average time a non-court case was open was 135 days, an increase of 9 days from the 2019 fiscal year. There was a large degree of regional variation in average case length.



# Case Plans for Non-Court Cases

Neb. Rev. Stat §68-1207 and DHHS policy requires every non-court case to have a case plan created no later than 60 days after the case opens and updated every 6 months. **25% of Non-Court Cases (735 out of 979) were found to not have an active case plan.**

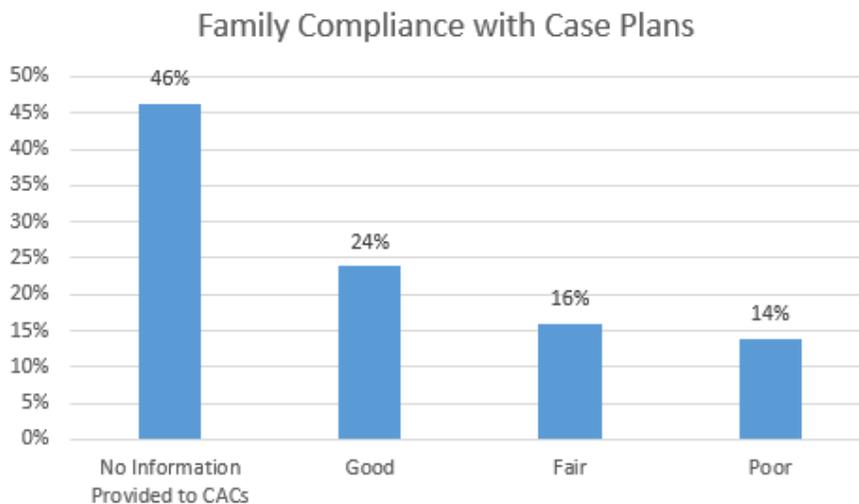


\* The majority of local child advocacy centers track and report on case plans for new cases with the exception of Project Harmony who tracks and reports on closed cases.

# Family Compliance with Case Plans

Statewide:

- **46%** (410 of 887) of the total closed cases were missing information. 94% (388 of 410) of these cases were in Project Harmony's Service Area where there was a case management transition.
- **24%** (212 of 887) of closed cases were determined to have "good compliance" – with the family consistently working towards completion of the plan.
- **16%** (142 of 887) of closed cases were determined to have "fair compliance" – with the family inconsistently working towards completion of the plan.
- **14%** (123 of 887) of closed cases were determined to have "poor compliance" – with the family refusing services or failing to work towards completion of the plan.

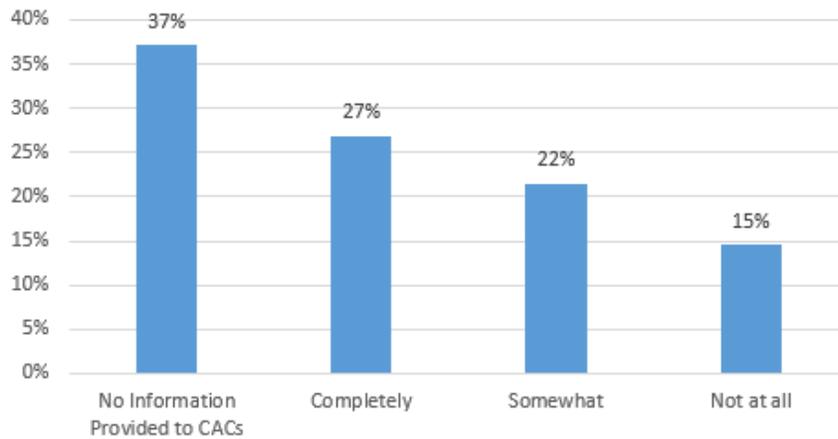


# Success Levels of Non-Court Cases

Statewide:

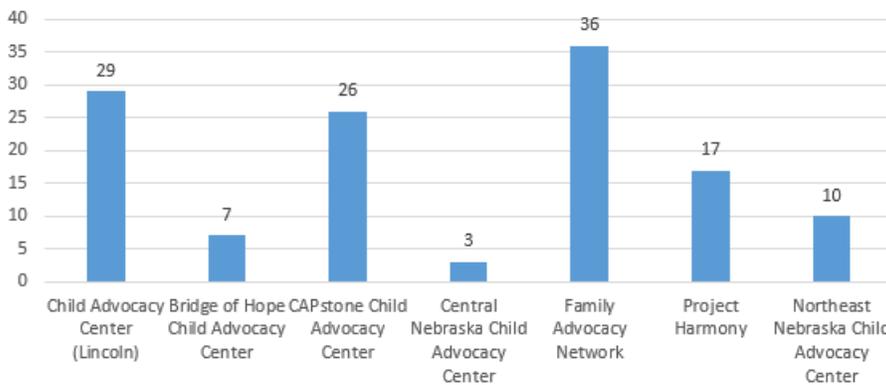
- **37%** (329 out of 887) of closed non-court cases were missing information. 94% (308 of 329) of these cases were in Project Harmony's Service Area where there was a case management transition.
- **27%** (238 out of 887) of closed non-court cases were determined to be "completely successful" – meaning the family met all case plan goals.
- **22%** (191 out of 887) of closed non-court cases were determined to be "somewhat successful" – meaning the family met some case plan goals.
- **15%** (129 out of 887) of closed non-court cases were determined to "not at all successful."

Case Success at Closure



# Non-Court Cases Transitioning to Court

Court Filings by Region

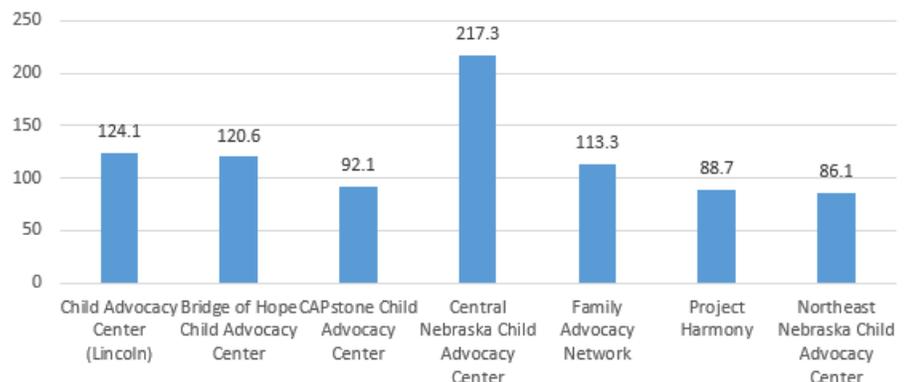


**128 open non-court cases became court-involved child welfare cases**, due to child abuse and neglect filings in juvenile court.

Note: Due to data reporting issues, there is some concern that not all court filings on open non-court cases were shared with Project Harmony.

On average, cases that were filed on in court were open **120.3 days, or four months**, before a court filing. Regional differences in court filings were significant, with variations between **86 and 217 days**.

Average Days Between Case Open and Filing by Region



# CRITICAL AREAS, SPECIAL NOTES + REPORT RECOMMENDATIONS

## 1. Missing information about non-court cases in data shared by Saint Francis Ministries and DHHS.

CACs currently receive monthly reports from DHHS on non-court cases in their area. Unfortunately, data on the success of cases, presence of case plan, and services provided to families are often incomplete and inconsistent. In addition, not all cases are captured due to closing and opening dates. CACs are currently working with DHHS to transition to a weekly report which may help with the lack of information.

## 2. Limited capacity to thoroughly track and review all non-court cases.

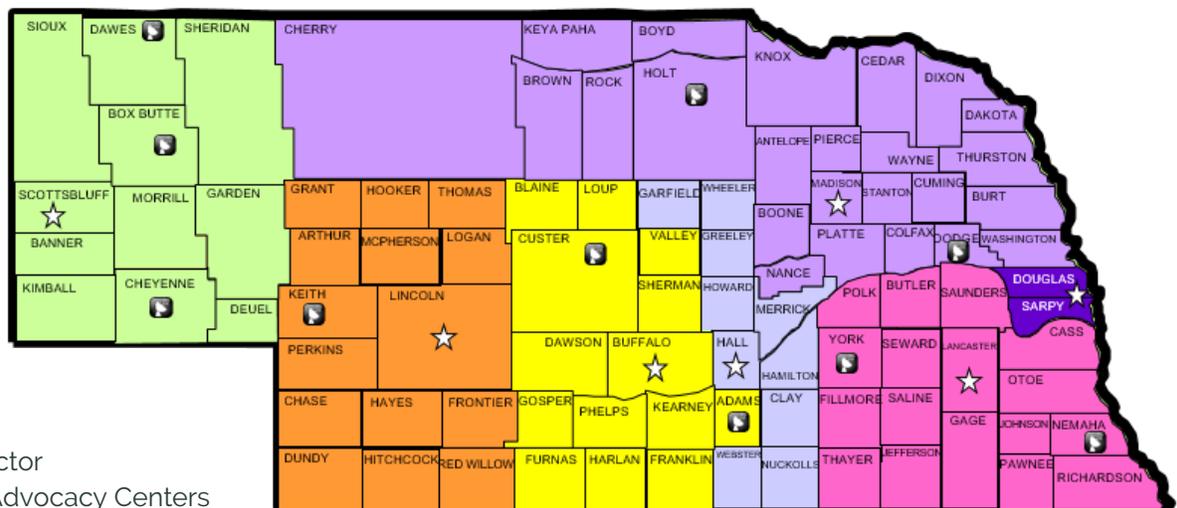
Due to the volume of non-court cases, it is not possible for CACs and multidisciplinary team partners to thoroughly review and staff every non-court case at team meetings. Teams are also unaware and unable to track cases that may qualify for non-court due to high risk, but never open. With new legislation on non-court cases going into effect later this year, it may be helpful for policymakers and stakeholders to review whether the data sharing and team review statutes are serving the purpose for which they were established, and whether changes to state law or the process on the ground would be helpful for all involved.

## 3. Service availability.

A lack of service availability, especially in certain areas or related to certain needs, including substance use and mental health continues to present challenges to families and the overall success of non-court cases.

## A Few Examples of Non-Court Case Success Stories July 1, 2019 - June 30, 2020

- A family came to the attention of DHHS because a youth who is lower-functioning experienced a traumatic event due to lack of appropriate parental supervision. The family worked successfully with non-court services to address the need. The youth remains in counseling to ensure the trauma is addressed.
- A teen was experiencing neglect by her caregiver. A community member came forward and stated they were willing to care for the teen until the teen was able to leave the community to attend college. Throughout DHHS involvement, the teen learned how to access community resources to be able to meet their own needs, becoming self-sufficient.
- A mother relapsed on methamphetamine and worked diligently to obtain her sobriety, housing, employment, and transportation. Successfully, she closed her case in seven months.



Participating CACs:



North Platte



Gering



Grand Island



Lincoln



Kearney



Norfolk



Omaha

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