

OFFICE OF INSPECTOR GENERAL
OF
NEBRASKA CHILD WELFARE

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Inspector General

NON-COURT SURVEY OF COUNTY ATTORNEYS

OCTOBER 24, 2019

A county attorney reached out to Office of Inspector General of Nebraska Child Welfare (OIG) regarding concerns about how non-court cases were being handled by the Nebraska Department of Health and Human Services (DHHS). The OIG initiated a survey of county attorneys with the assistance of the Legislative Research Office and the Nebraska County Attorneys Association. At the same time, the OIG was contemplating improvements to the child welfare system regarding non-court cases. The purpose of the resulting survey was to ascertain whether other county attorneys shared concerns about non-court cases, and if so, to gain a better understanding of the specific concerns, and to solicit ideas on how improvements to the system could be made.

The survey pertained to the general topic of non-court cases. Per DHHS policy, a family participating in a non-court case works with DHHS without the involvement of the court, on a voluntary basis. The case remains open until the safety threats have been mitigated and/or until the risk level has been reduced to the point that the likelihood of future maltreatment is low to moderate. Non-court cases are provided the same access to services as court involved cases. Non-court involved cases may move to be court-involved cases if the family's situation changes to such a degree that child safety cannot be maintained in the home or the family is not making sufficient progress in remedying child safety concerns and risk of harm. The survey consisted of questions related to communication between the county attorney and DHHS regarding non-court cases, and three areas related to non-court cases: initial assessment, ongoing case management, and multi-disciplinary (1184) team processes.

The Nebraska County Attorneys Association sent the survey via email to each county attorney office beginning September 4, 2019. Follow-up emails were sent by the OIG, and the survey closed on October 22, 2019. We asked only those who practice in juvenile court complete the survey.

Responses were gathered from county attorneys in small, medium, and large counties across Nebraska, with 32 respondents in total.

The OIG would like to thank the Nebraska County Attorneys Association, the Legislative Research Office, and the county attorneys who took time to complete the survey. Their thoughtfulness and insight is appreciated.

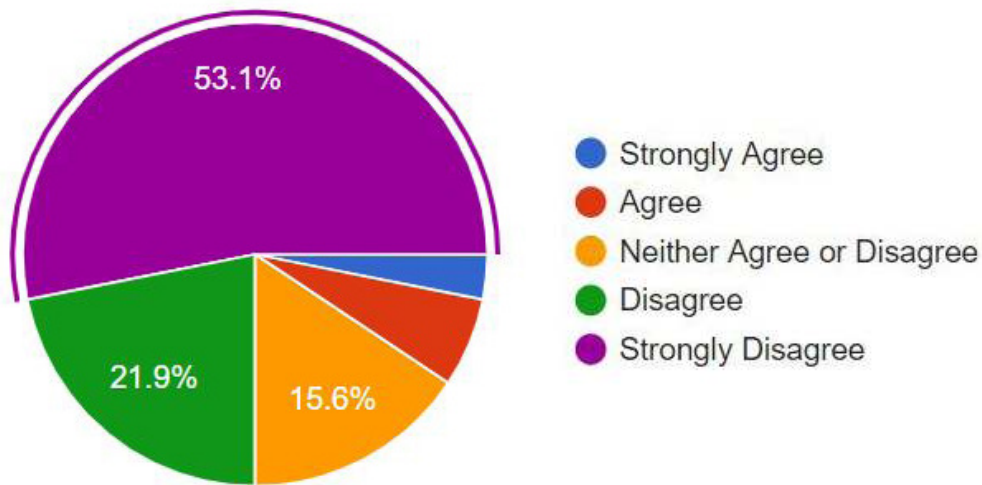


Non-Court Survey of County Attorneys

Office of Inspector General
of Nebraska Child Welfare

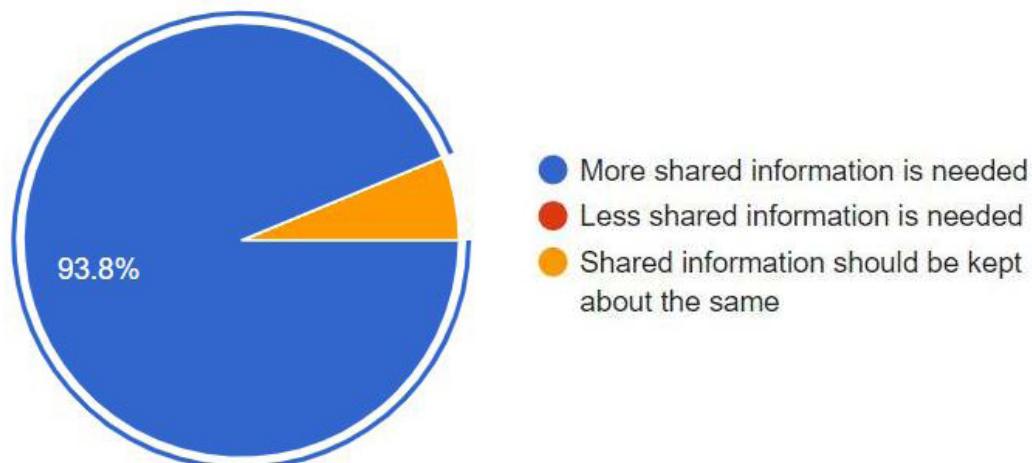
1. Adequate information is provided to my office about non-court cases by the local DHHS office.

32 responses



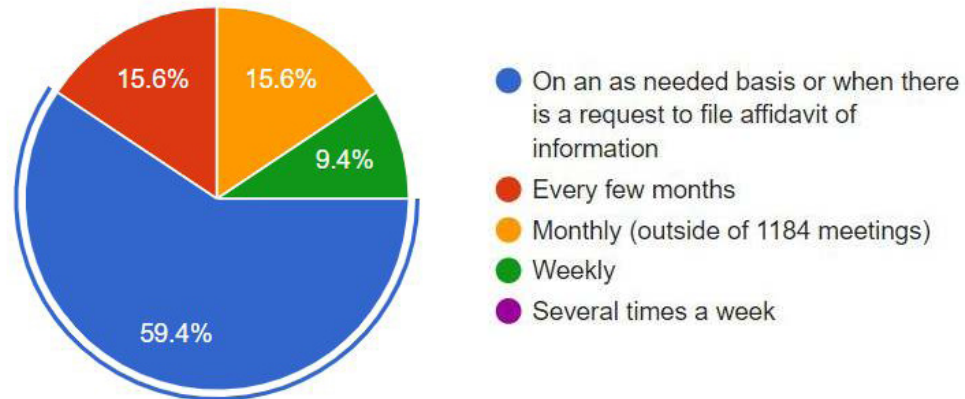
2. Based on the current level of non-court case information provided by the local DHHS office, should the amount of information your office receives about non-court cases be altered?

32 responses



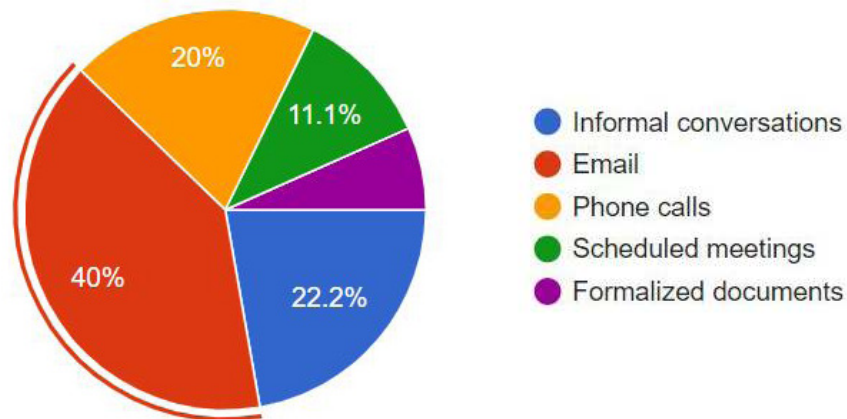
3. How frequently does your office communicate with the local DHHS office about non-court cases?

32 responses



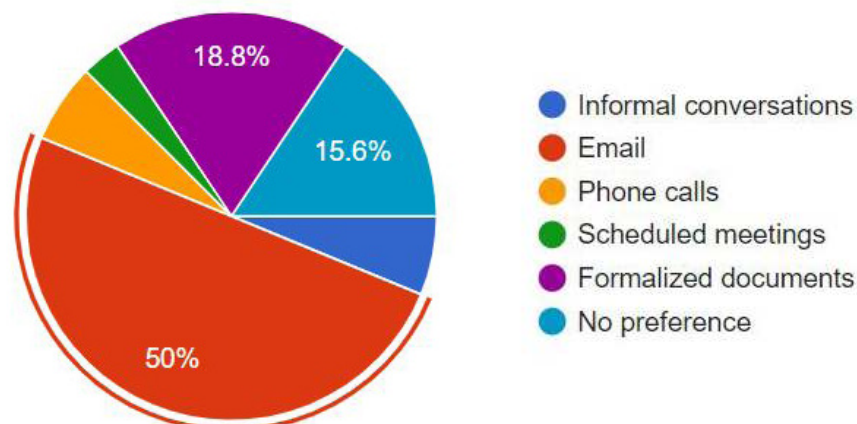
4. What form does communication about non-court cases with the local DHHS office most frequently take?

32 responses



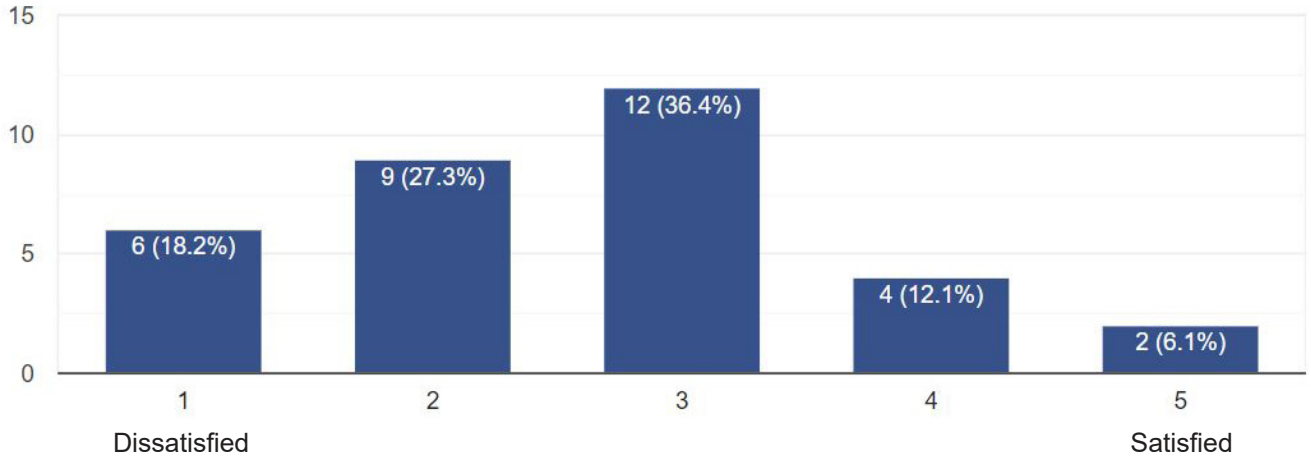
5. How do you most prefer to communicate about non-court cases with your local DHHS office?

32 responses



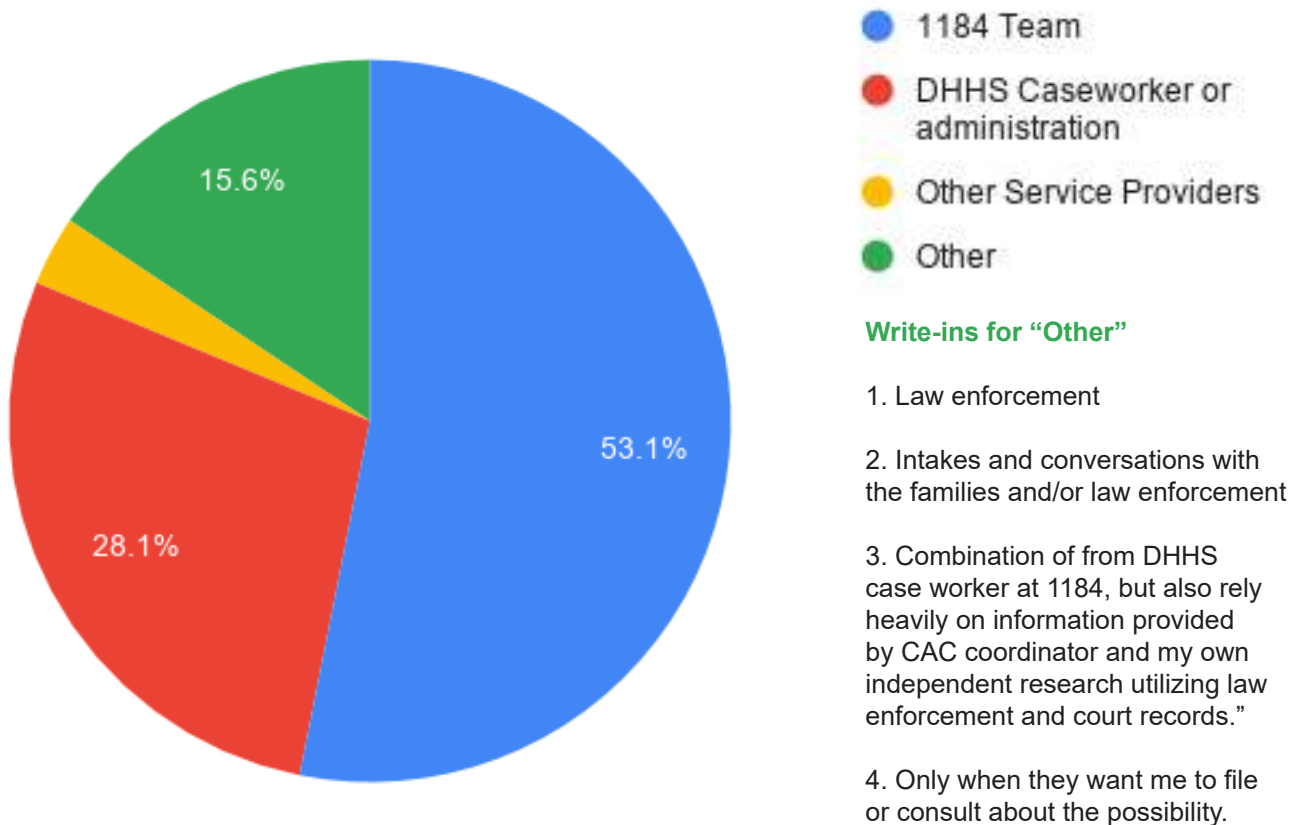
6. On a scale of 1-5 with 1 being dissatisfied and 5 being satisfied, how satisfied are you with the current working relationship between your office and the local DHHS office?

33 responses



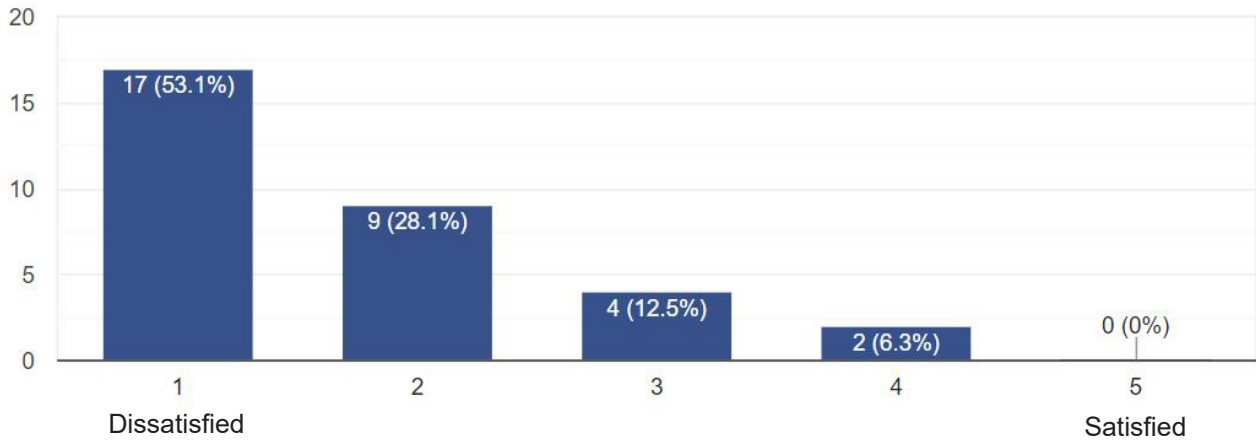
7. From what source do you get the majority of your information about non-court cases?

32 responses



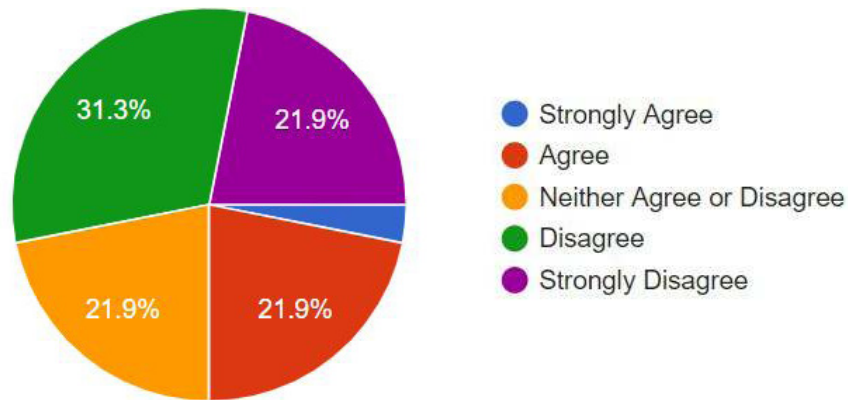
8. On a scale of 1-5 with 1 being very dissatisfied and 5 being very satisfied, how satisfied are you with the current DHHS non-court case policy?

32 responses



9. Based on your experience, non-court cases are an effective method of helping families alleviate maltreatment.

32 responses



10. What suggestions would you make to improve the non-court process?

20 responses

Needs to be more collaborative with HHS, County Attorney and Law Enforcement. HHS doesn't know our community as there is a new caseworker each time. They don't care how many times the family has been through the system. Every case is first attempted to be non-court. HHS does not submit any information about the cases unless specifically asked. They refuse to allow us to send community supports to the family. They will not talk about the cases at the 1184 meetings unless asked. Generally, the county attorney nor law enforcement has any idea there are non-court cases going in the county without stumbling upon them.

More communication. There is absolutely NO communication about how families are doing unless it's initiated by the county attorney's office and even then, it's very cursory info such as "they're doing great." Months later, I find that many of the families that started out "doing great" quit about three months in and the cases are simply closed with no communication to keep an eye on the family, no request to file, nothing.

Actually following through on addressing the issues raised in the intake.

What suggestions would you make to improve the non-court process? (continued)

DHHS to amend their policy to allow workers to utilize drug testing and hair follicle testing.

Require updates on all non-court cases be presented monthly at the 1184 meeting. Right now DHHS has no accountability on these cases.

Be more proactive with communication. When HHS knows about a case - they need to inform the juvenile prosecutor.

Non-court processes require participation of families and initiative from DHHS workers. Neither of those things happen. DHHS and Probation seem to spend more time trying to get out of cases than they do working cases.

It needs to be stopped. HHS does not understand how things like Powers of Attorney work and moms who abandon their kids are continuing to receive child support and SNAP benefits while the kids go without. The entire screening process of intakes needs to be a joint decision between HHS, law enforcement and the county attorney. Also, there needs to be a system in place, like CHARTS, where all the information on these families is centralized so we can all know what is going on and the history if they move to another county.

HHS hides information and does not share it with MDT nor with CA

Many non-court involved cases eventually end up with court case filed so services are either not being provided or are ineffective.

I am very concerned about the requirement that the County Attorney oversee non-court cases. When I meet with Department workers to speak about non-court cases I only receive the information they want me to receive. I am not afforded written documentation, safety plans, etc. I am told what they want me to know, so the case will not be filed with the Court. I believe it is imperative that the Department provide me with a case plan a week before our monthly meetings, so I can have time to read them and check facts if necessary. Without a formal process and formal documents I feel the Department will continue to "hide the ball".

The Department continues to change policies to make it more difficult to file Petitions. Transparency is not their milieu. They continue to hide the ball, make it more difficult to obtain hair follicle testing, make it more difficult to get drug patch testing for parents, etc. I am completely frustrated with the Department and "their Administration".

What suggestions would you make to improve the non-court process? (continued)

DHHS needs to be more transparent with attorneys, schools, parents, attorney for parents and foster parents. As a GAL I am constantly needing to keep schools and foster parents in the loop because DHHS "can't" disclose any information to other parties. I am also having to constantly get court orders to get information, to have services such as counseling, drug/alcohol testing and evaluations done by DHHS. The includes getting them done and paid. I have also had significant issues getting information from probation when a parent is on probation. A parent has had to have his attorney get a order in the district court criminal case for probation to disclose information court ordered by the juvenile judge and even though a release of information has been signed by the parent who was on probation. Communication is a big issue. The best cases are when parents, foster parents, school, daycare, attorneys, etc are all working together. Communication has definitely gone down hill in the last five years. While I believe their are many great things happening in the juvenile court world I also feel it has become more adversarial in the last five years. While I understand and agree that rights must be protected and adversarial proceedings are necessary at time, it shouldn't be the norm.

Most of the non-court cases I hear about are closed because the parent refuses to cooperate and then nothing further happens. The safety risk is still present and there are no services in place because the non-court case is voluntary.

Better communication, more dialog with DHHS

Quit trying to save money by making everything non court

I would like to see consistent communication about the progress families are or are not making so that I can make an informed decision about filing.

Have someone communicate that NDHHS is providing non court case services

As to Questions #8 and #9: It is my belief that the case workers and their supervisors are working hard to make non-court cases successful. However, when they are not successful and/or cannot adequately meet the safety needs of the children the workers are not able to request court intervention due to DHHS administration. There has been, at times, a lack of reliance on the case worker's education, training, experience, and firsthand knowledge of the family and an overemphasis on policy to determine when to offer a non-court case or continue with a non-court case. Additionally, I believe improvements could be made with additional access being given to the CAC Coordinator of DHHS' historical information on children and families.

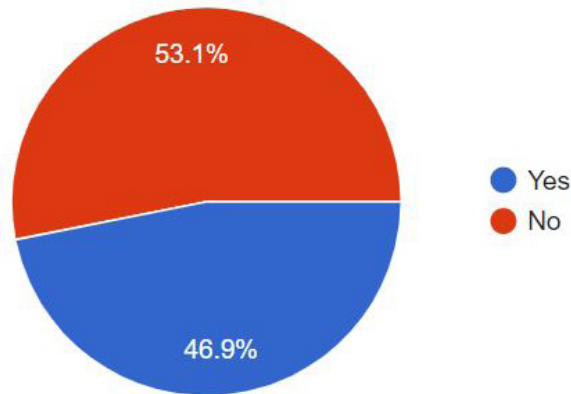
A list of cases and case plan. Follow through provided by hhs and status reports. CASA and myself are concerned about communication and appropriate safety planning. This is a high risk population. Like the idea of non court prevention but need a gatekeeper to ensure safety and follow through. Make sure all resources are available, other partner get involved. Would like that gatekeeper to be the County Attorney office or a similar individual not involved with HHS.

"1) Do drug testing if they have drug + alcohol cases *** Drug testing also needs to be done during investigation. 2) Send over a list of non-court cases to the DCA in the county served and the reasons why they came into the system. 3) Review the non-court cases at the 1184 treatment team if they are not going well."

Initial Assessment and non-court cases

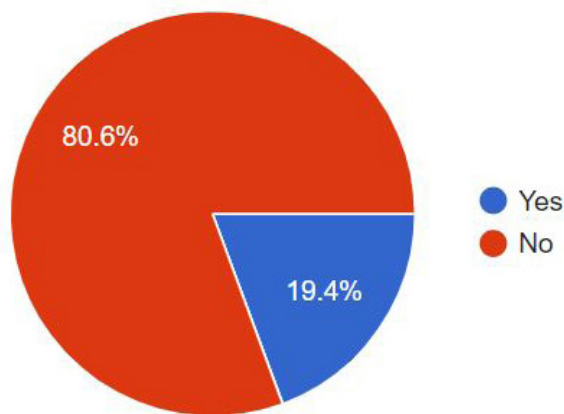
11. Does your office monitor intakes to the Child Abuse/Neglect Hotline that originate from your county?

32 responses



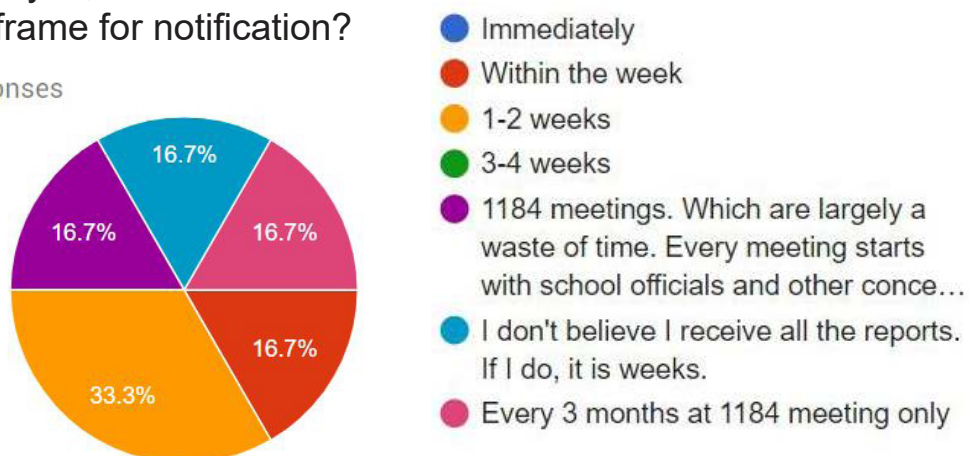
12. Is your office notified when a family declines an offer from DHHS for a non-court case?

31 responses



12a. If yes, what is the time frame for notification?

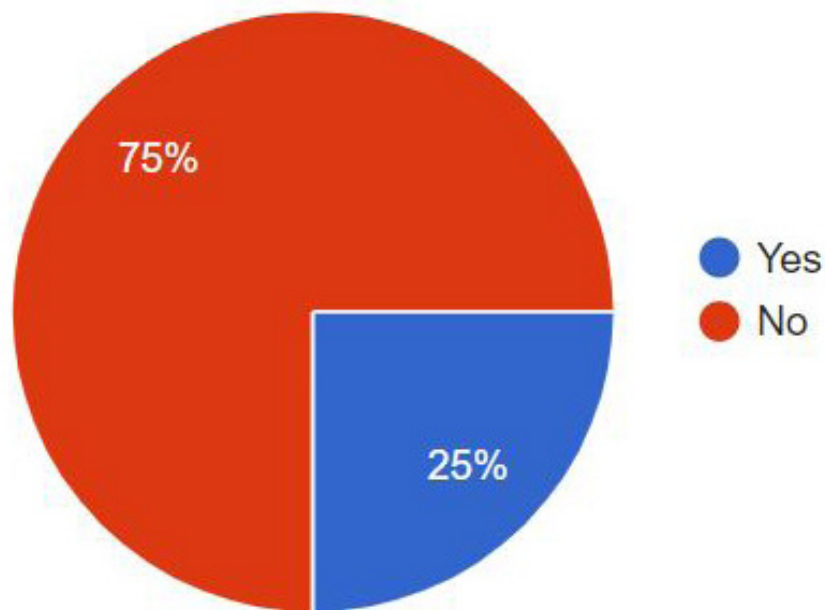
6 responses



Initial Assessment and non-court cases (continued)

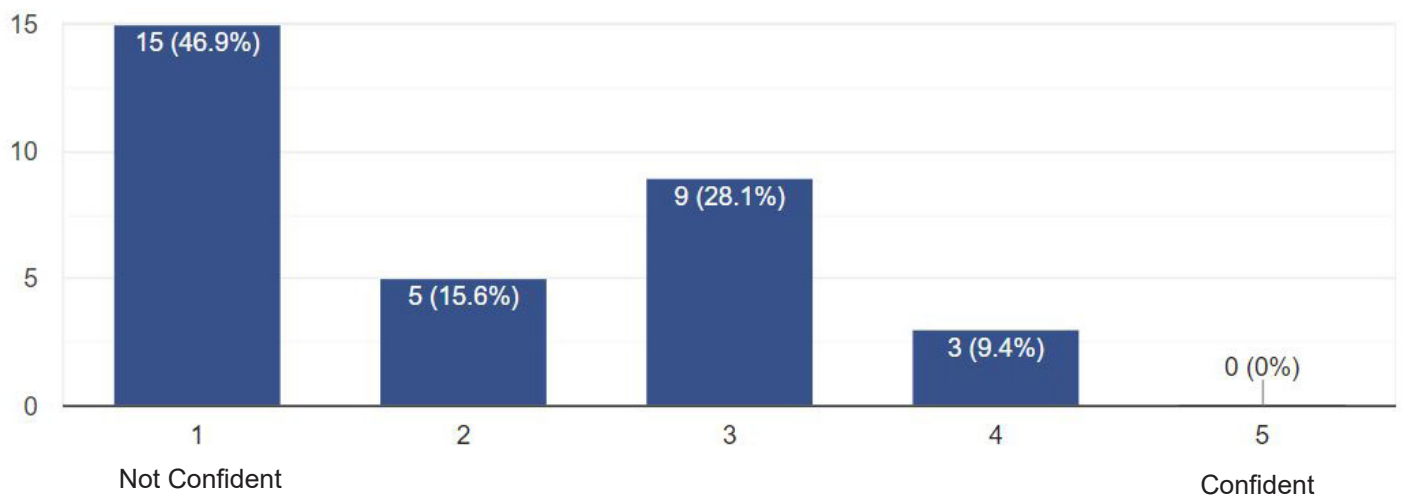
13. Are you aware of the criteria a family must meet in order to be offered the opportunity to work a non-court case?

32 responses



14. On a scale of 1-5 with 1 being not confident and 5 being very confident, how confident are you that children are safe in cases where a non-court case is offered by DHHS.

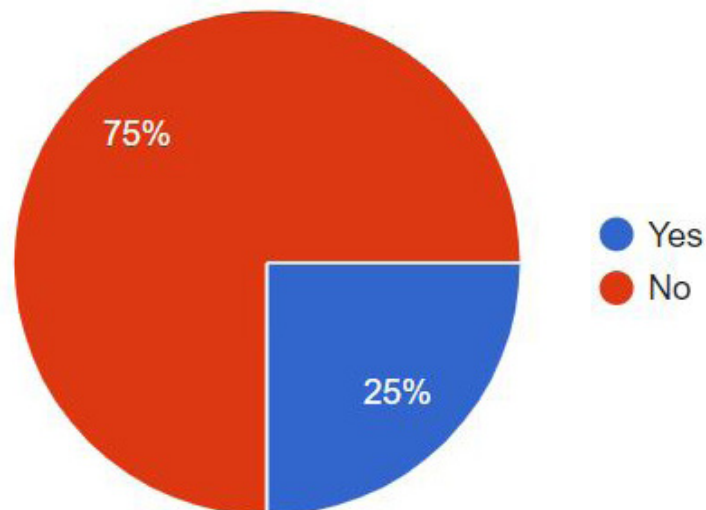
32 responses



Ongoing Case Management of non-court cases

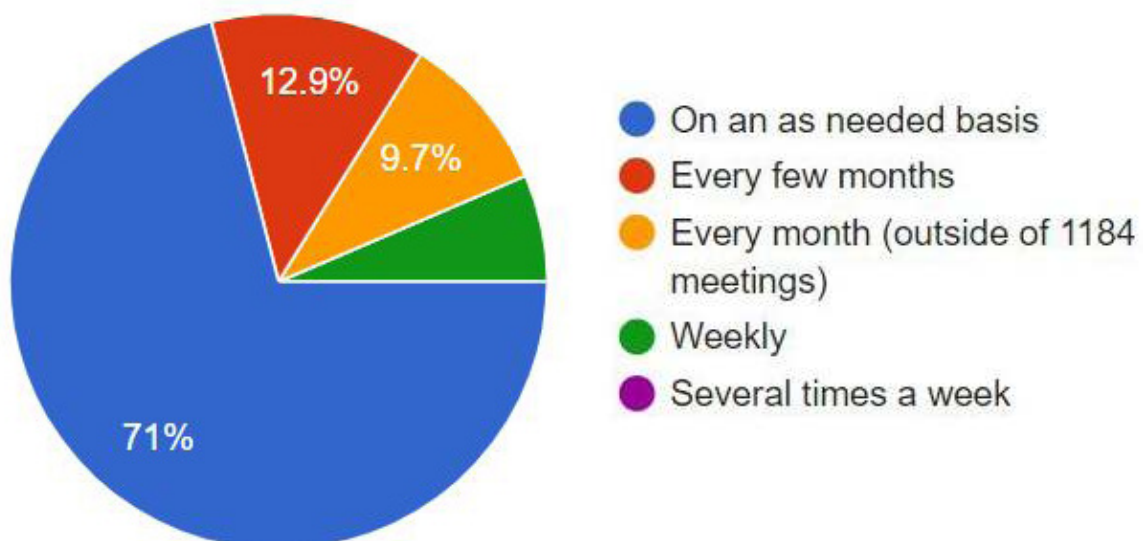
15. Is your office notified by DHHS when a family is not making progress in a non-court case?

32 responses



16. How frequently do you/your office staff discuss progress by families on non-court cases with the local DHHS office?

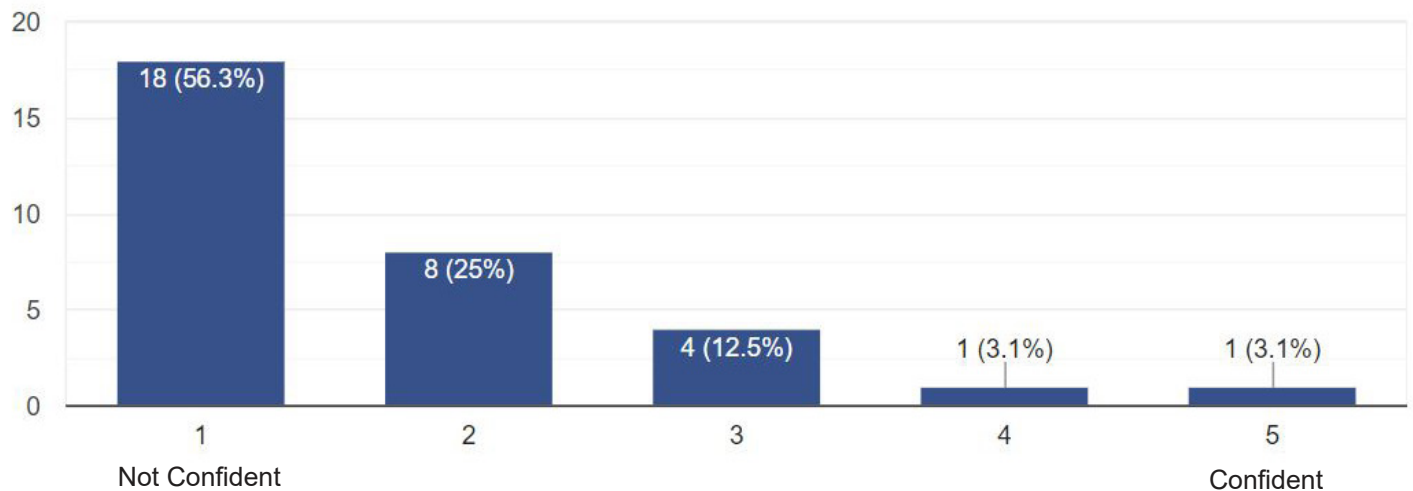
31 responses



Ongoing Case Management of non-court cases (continued)

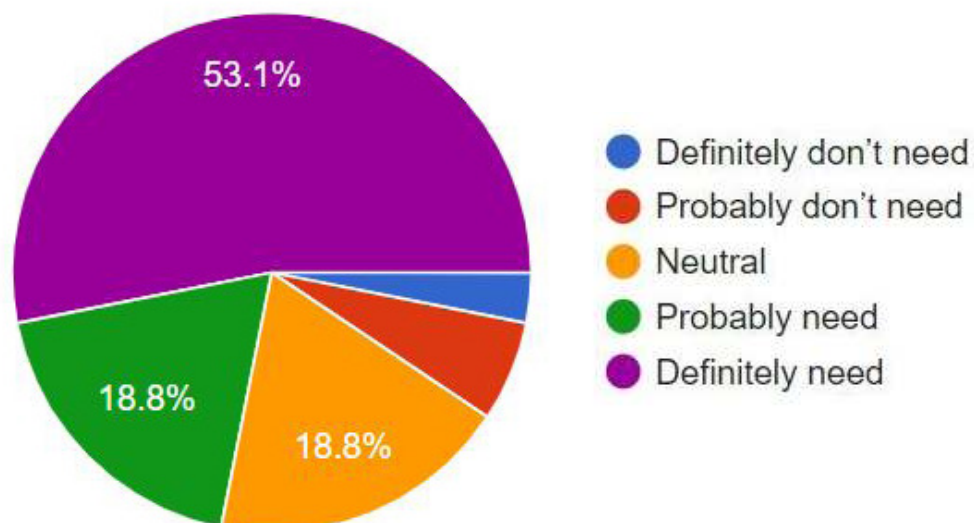
14. On a scale of 1-5 with 1 being not confident and 5 being very confident, how confident are you that those families who are not demonstrating quality participation in non-court cases are referred for court intervention?

32 responses



18. Is there a need for a standardized level of participation in a non-court case (explicit expectations) to be established and explained to parents at the time of case opening?

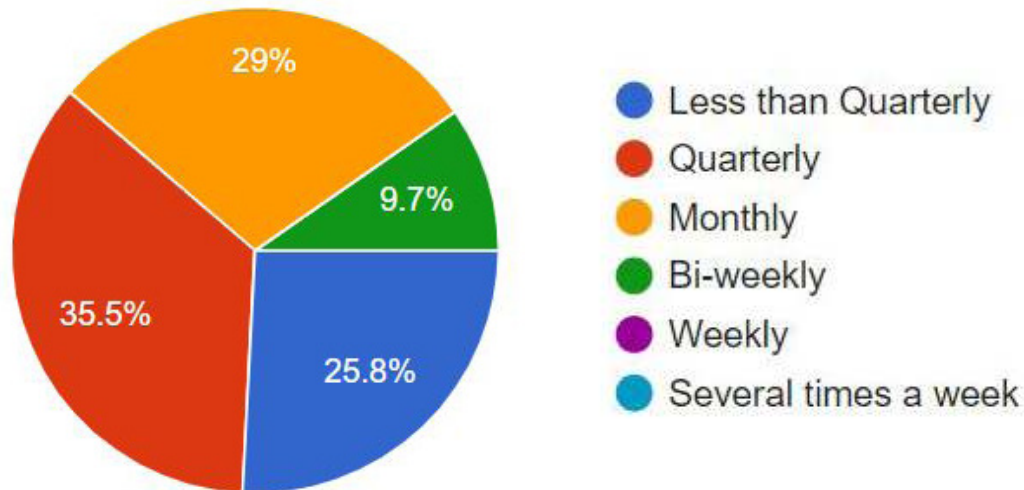
32 responses



1184 Team Process and non-court cases

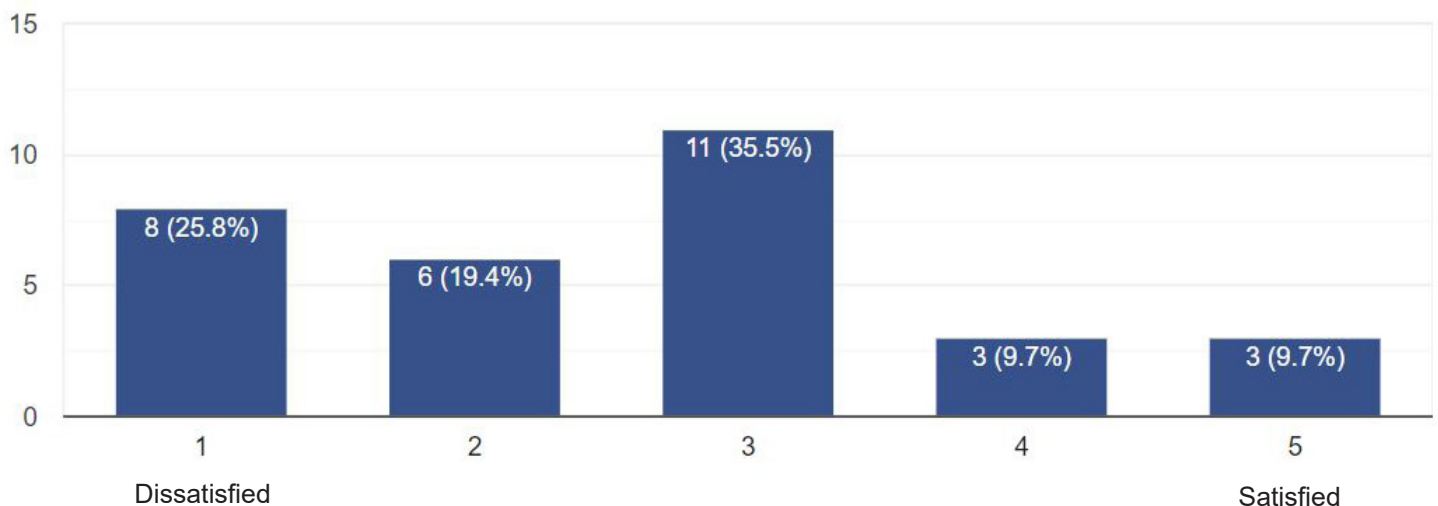
19. How frequently do you or someone from your office meet with 1184 team members to staff non-court cases?

31 responses



20. On a scale of 1-5, with 1 being dissatisfied and 5 being satisfied, how satisfied are you with the current level of functioning/effectiveness of the 1184 process as it relates to non-court cases?

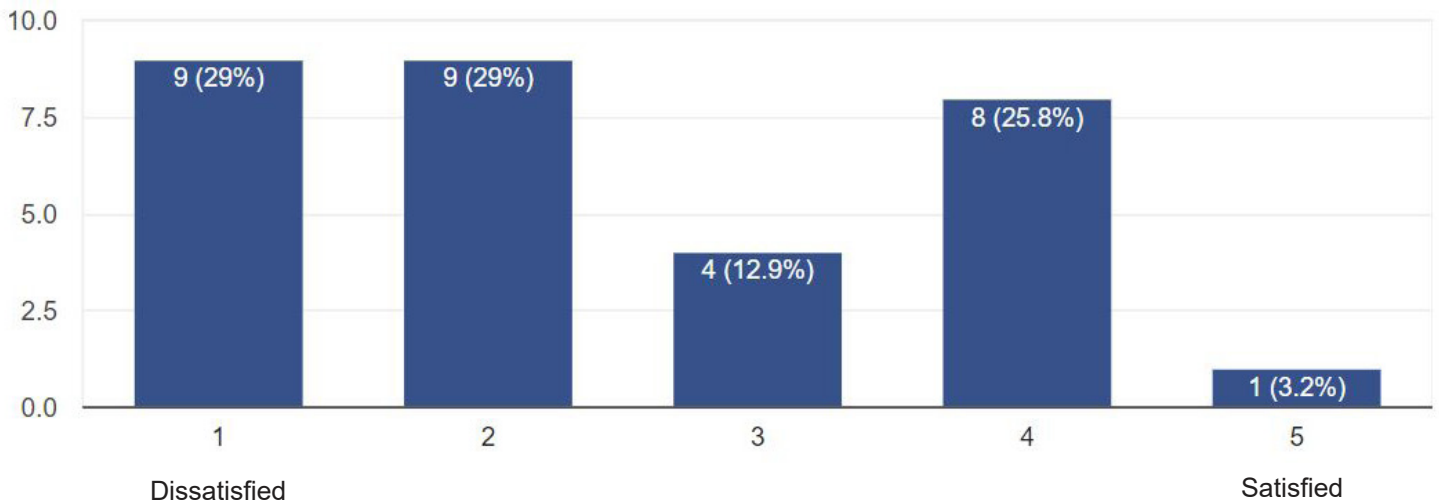
31 responses



1184 Team Process and non-court cases (continued)

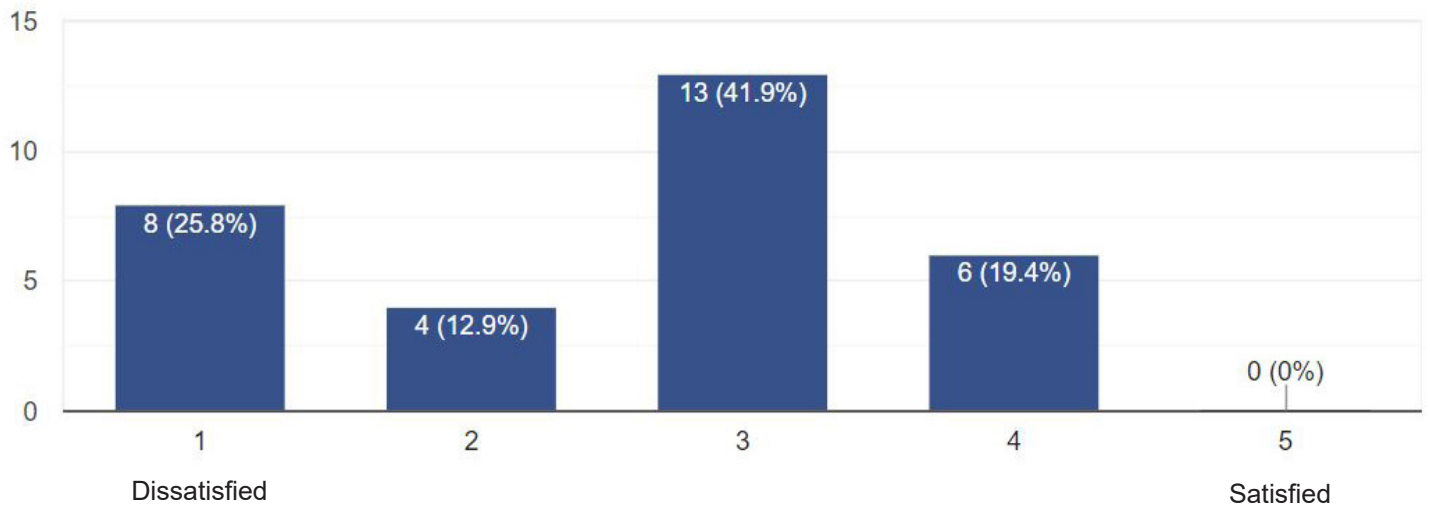
21. On a scale of 1-5, with 1 being dissatisfied and 5 being satisfied, how satisfied are you with the information DHHS provides on a non-court case when staffed at an 1184 meeting?

31 responses



22. On a scale of 1-5, how well does the 1184 process produce adequate information to make a determination about filing a 3a?

31 responses



1184 Team Process and non-court cases (continued)

23. What changes would you suggest be made to improve the 1184 process?

10 responses

We need to look at how to help the families discussed instead of being told by HHS that it doesn't meet definition. The whole point should be to provide resources to families to keep them from needing HHS involvement at all.

Well, DHHS doesn't tell us what families are working a voluntary case, so if there are concerns about a specific child, another shareholder will mention them and the DHHS representative will then share if the family is involved or not. DHHS does not share information about their voluntary cases - they do not add children to the list. They have also implemented a new policy rule that we can not discuss children who are state wards at 1184 team meetings.

Definitely need more communication from HHS intake - it just doesn't happen

You can't have two separate agencies with as much overlap as DHHS and Probation. The current logic that leaving children in bad homes is better than having children in foster care is deeply flawed. Both DHHS and Probation refuse to do anything or offer any services without a Court order. It is time consuming and energy consuming to have to seek Court orders to make agencies do a job they are allowed and required to do. As an example, hair testing of children for meth exposure. Both agencies refuse to do it, even though it is clearly needed in many cases.

HHS needs to be more forthcoming in the meetings or we need to stop having them. HHS never wants to assist any family unless they are forced to do so and is not willing to provide us with resources to help families that need assistance.

that hhs be more forthcoming with information

I believe that the only way to ensure I am getting all the information I need is to receive a case plan (a week before the meeting), so I can read the information and fact check the report. I have found that the negatives of the non-court case are not adequately conveyed to me. It is only later when I am made aware by reading a police report, speaking with a school official, etc. that I find out the truth.

1184 is when we as county attorneys are blindsided by a whole bunch of cases one or two days before a meeting we know nothing about and see that lot has not met definition and then school comes and moans about what are you doing about it mr county attorney and im like nothing I literally found out about it a day or two ago and I am not dhhs hotline screening. It is a frustrating and embarrassing experience.

I would recommend providing the CAC Coordinators working in 1184 greater access to DHHS' historical information involving the children and families being discussed. I would also recommend empowering the case worker and their supervisor to make recommendations about submitting Requests to File 3a cases without fear of administration questioning their decision to seek court oversight and intervention in the rehabilitative process.