

Foster Care Review Office
Definitions of Key Terms

Abandonment means a child is without an appropriate caregiver due to the intentional act and decision of the parent not to care for the child.

Academic performance on track – The child is meeting grade level standards (advanced, proficient, or basic) and there should be no difficulty progressing to either the next grade or graduating (if in high school) based on educational records.

Active efforts means efforts required by the Indian Child Welfare Act to provide remedial services and rehabilitative programs to prevent the breakup on an Indian family. Active efforts are more than “reasonable efforts” and include culturally appropriate services.

Adjudication hearing. The court hearing at which the judge determines if the allegations regarding the parent or youth in the petition brought forth by the county attorney are true. If they are found true, the case then proceeds to the disposition hearing.

Adjudication type refers to the section of Neb. Rev. Stat. §43-247 under which a petition is brought to the court regarding juveniles. These include: 3a - abuse, neglect, abandonment; 3b - youth charged with behaviors such as truancy for which an adult cannot be charged; 3c - mentally ill and dangerous youth; 1- youth committed a misdemeanor offense other than traffic; 2- youth committed a felony; 8 – a juvenile relinquished by the parents to DHHS, etc.

The 3a form of adjudication comes in two types – fault and no-fault. No-fault is supposed to be for situations like mother’s recovering from a car accident and needs someone to care for the children for an extended period of time, or as a means to access otherwise unaffordable services. Fault is due to an act committed by a parent or the failure to act appropriately in regard to the care for the children.

Adoption means the establishment of a legal relation of parent and child with the same rights and obligations that exist between children and their birth parents.

Adoptive placement, also known as pre-adoptive placement, means a placement that has not been finalized by a court issued decree of adoption.

Adult means an individual 19 years or older.

Affidavit is a written statement of facts signed under penalty of perjury.

Age of majority. This is the age at which a child legally becomes an adult unless otherwise emancipated by the courts. In Nebraska per 43-245(2) this occurs on the child’s 19th birthday.

APPLA (another planned permanent living arrangement) is a term created by the federal Adoption and Safe Families Act of 1997 to replace “long-term foster care”. The child welfare agency maintains care and custody for the youth and arranges a living situation in which the youth is expected to remain until adulthood. More recently this is being called **OPPLA** (other planned permanent living arrangement). For youth 13 and older.

Approval study means a process which includes a home visit, a CPS check, a law enforcement check, and responses from references that are completed by DHHS on a relative or other adult (kinship) known to a child prior to a placement occurring.

ARP Number is the unique numeric identifier automatically applied to each person's record on the DHHS N-FOCUS computer system.

AWOL, see runaway.

Case plan is “a written document which is a discrete part of the case records, in a format determined by the State/Tribe agency, which is developed jointly with the parent(s) or guardian(s) of the child in foster care.” [Source: federal 1356.21(g)(1)]

Chief Probation Officer is an administrative employee of Probation who is charged with the management of a probation district.

Child-caring agency is: “... an organization which is organized as a corporation or a limited liability company for the purpose of providing care for children in buildings maintained by the organization for that purpose.” [Source: Neb. Rev. Stat. § 71-1902]

Child-placing agency is: “an organization which is authorized by its articles of incorporation and by its license to place children in foster family homes.” [Source: Neb. Rev. Stat. § 71-1902]

Children are individuals who are age birth through eighteen. In Nebraska the age of majority (adulthood) occurs on the 19th birthday.

Citizen review refers to a comprehensive evaluation of children's cases conduct by a group of trained volunteers from the community, known as a local board. The goal of review is promote safe, timely, and appropriate permanency for children, and to provide oversight/accountability of whether quality services are being provided to the children and families involved in the state foster care system.

Concerning sexualized behavior – behaviors that are not developmentally appropriate or that impact safety and well-being, such as having unprotected sex, sex with multiple partners, soliciting sex, prostituting oneself, etc.

Concurrent planning. The naming of an alternative permanency objective that is to be worked toward simultaneously as the primary objective. For example, the primary objective may be reunification, and the concurrent objective is adoption. In that case work is to be underway to ensure that if reunification proves impossible that adoption can be pursued in an expedited manner.

Critical incident – an incident during which the child could have been hurt or injured that was not accidental in nature. Critical incidents could include injuries, serious behavior episodes, self-harm, access to dangerous substances, children running from the facility, children under no supervision, and other serious safety issues.

DD Services – services to care for children or adults with a developmental disability. This could include physical care, employment, educational services, etc.

Developmental Disability is defined in the Nebraska Developmental Disability Services Act as 1) Intellectual disability [formerly called mental retardation] or 2) a severe chronic disability other than intellectual disability or mental illness which a) is attributable to a mental or physical impairment other than an impairment caused solely by mental illness, b) is manifested before age 22, c) is likely to continue indefinitely, and d) results in the case of a person under 3 years of age at least one developmental delay or in the case of a person 3 years or older, a substantial limitation in 3 or more areas of major life activity.

Disability - Child's disability includes mental capacity, emotional disturbance, specific learning disability, hearing, speech, or sight impairment, or physical disability.

Disposition hearing. The hearing after an adjudication hearing during which the judge determines what services or rehabilitation efforts will be required.

Displacement – an out-of-home placement by either Probation or DHHS of children formerly in an adoption or guardianship. In some displacements the parent can be engaged in the child returning home, in others the parents are requesting the child not be returned. Displacements may, or may not, involve a court filing.

Disruption is where a child is removed from placement with a potential adoptive parent or guardian prior to the finalization.

Dissolution – legally dissolving a guardianship or adoption.

EDN (Early Development Network) is a program that provides supports to families of children birth to three when parents or caregivers have a question or concern about their child's development. It is operated through the Department of Education through the state's educational service units (ESU's).

Education records. Includes names/address of education provider, grade level performance, school record, other relevant education information. [Source: SSA 475(1)(C)] If under age 6, an educational record would indicate whether or not the child had an IEP, was enrolled in special education, or enrolled in preschool or head-start.

Emotional abuse means the parent or caregiver repeatedly criticizes, rejects, insults, isolates, terrorizes, or humiliates the child, resulting in serious emotional or behavioral issues.

Enterprise content management (ECM) is a fully integrated platform and architecture framework that fosters collaboration, managed content lifecycle management, and enhanced productivity. The State of Nebraska currently contracts with On-Base for ECM services. The FCRO is using On-Base for off-site storage of scanned permanent records of children who are, or have been, in out-of-home care.

Episode - An episode is a period during which the FCRO has statutory jurisdiction to conduct a case file review. Per Nebraska statutes, the FCRO's jurisdiction for DHHS wards begins when a child is initially removed from a home under a particular court action, continues through trial home visits (if any), and ends when the court terminates the state ward status of the child involved.

Exception Hearing. An exception hearing is required for children in care for 15 of 22 months in order for the court to find that a TPR should not be filed.

Exhibiting difficult behaviors – exhibiting behaviors that would impact the child’s health or safety, or that makes it difficult for caregivers to provide adequate care.

Family Permanency Specialist (FPS) refers to a lead agency worker who functions in a capacity similar to a case worker.

Family preservation is the permanency objective when a decision is made that indicates the child can be safely maintained in the parental home.

Family unit means the social unit consisting of the foster child and the parent or parents or any person in the relationship of a parent, including a grandparent, and any siblings with whom the foster child legally resided prior to placement in foster care, except that for purposes of potential sibling placement, the child's family unit also includes the child's siblings even if the child has not resided with such siblings prior to placement in foster care. [Source: Neb. Rev. Stat. 43-1301]

FCTS database – the **Foster Care Tracking System** is the FCRO’s computerized database that records data received before, during, and after children’s reviews. This system was implemented on April 1, 2016.

FCRO Number. When a child is entered onto the FCRO’s FCTS database, the computer randomly generates a unique number for that particular child that can be used to access the child’s information. Some tracking and data entry functions cannot be accessed without the use of this number.

Fiscal year. The State of Nebraska’s financial year, that begins July 1st and ends June 30th.

Foster care is “24 hour substitute care for all children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes but is not limited to foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child-care institutions, and pre-adoptive homes regardless of whether the foster care facility is licensed and whether payments are made by the State or local agency for the care of the child or whether there is Federal matching payments that are made.” [Source: federal 45 CFR 1355.20] It includes court ordered placements and non-court cases. The FCRO includes children on runaway from a foster care facility as being in foster care. Children placed with the parents but under the supervision of the courts or DHHS are not in foster care as they are no longer in “substitute care away from their parents.”

Foster care facility means any foster home, group home, child care facility, public agency, private agency, or any other person or entity receiving and caring for foster children. [Source Neb. Rev. Stat. 43-1301]

Foster care placements means all placements of juveniles as described in subdivision 3 of section 43-247, placements of neglected, dependent, or delinquent children, including those made directly by parents or by third parties, and placements of children who have been voluntarily relinquished pursuant to section 43-106.01 to the Department of Health and Human Services or any child placement agency licensed by the Department of Health and Human Services.

Foster family home is: "... any home which provides twenty-four-hour care to children who are not related to the foster parent by blood, marriage, or adoption." [Source: Neb. Rev. Stat. 71-1902.]

Free for adoption means that parental rights have been severed by termination of parental rights, relinquishment, or the parent(s) death. If by termination, either the parents did not appeal or the appeal has been decided and the rights remained severed. A child is not free for adoption until both the mother's and the father's rights have been addressed.

Group home is: "... a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home and which is designed to provide twenty-four-hour care for children and youth in a residential setting." [Source: Neb. Rev. Stat. 71-1902.]

Guardian ad litem (GAL) is an attorney appointed by the court to act in a child or incompetent adult's behalf in a lawsuit and protect the child or adult's best interests in court. A GAL does not represent the child's expressed interest – which might not be in the child's best interests. Therefore, there are times when a child is appointed both a GAL and an attorney.

Guardianship occurs when a court appoints an individual to have the powers and responsibilities of a parent. The guardian is able to facilitate education, authorize medical care, and consent to marriage or adoption. Under Nebraska law a guardian is not required to provide financial support and is not liable for acts of the child.

Health records include the names/address of health care providers, immunization record, child's known medical problems, child's medications, and other relevant health information. [Source: SSA 475(1)(C)]

Home study is documentation which contains critical information about the foster family's history, parenting practices, social issues (drug/alcohol use), and the physical condition of the home.

IEP (Individualized Education Program for child 3 or older) or **IFSP** (Individual Family Service Plan for children birth to 3) are plans designed to further a child's academic and life-skill outcomes. These plans are to assist children with identified disabilities to achieve grade-level academic standards, if possible, and determine if any specific accommodations are needed for instruction and assessment. This is part of the 2004 federal Individuals with Disabilities Education Improvement Act (IDEA). In Nebraska this is found under Nebraska Title 92, Rule 51.

Illness - Child's illness includes any severe or chronic illness that directly led to removal from the home.

Independent living as a placement type means a foster child nearing adulthood resides outside of a foster placement or his/her family. Examples include apartments, or dormitories.

Intake in child welfare is the process where DHHS determines whether or not to act upon a report alleging abuse, neglect, or abandonment. **Intake in juvenile justice** refers to an investigation and assessment completed by Probation staff to determine whether secure detention, alternative, or release is appropriate.

Intellectual disability, formerly known in some statutes as “mental retardation” is a condition in which a person’s cognitive functioning is permanently impaired.

IV-E funds (part of the Social Security Act) can be used to recoup the cost of room and board and some other services for children in out-of-home care. There are strict criteria for eligibility, including the family must have met an income/deprivation test, there must be certain language in court orders, the child must be in an eligible type of placement, etc.

Juvenile in child welfare is a child under the age of 19. For Probation, this means a child under age 19 who has had a disposition through a juvenile court for a law violation or status offense. Juveniles assigned to Probation are not state wards.

Kinship care under Nebraska statute is a placement of a child with a person who though not related by blood has a positive prior relationship with the child. Some common examples are coaches, teachers, former step-parents, and daycare providers. If the child is placed with a blood relation that would be a “relative” placement.

Labor trafficking - the recruitment, harboring, transportation, provision, or obtaining of a person under the age of majority for the purpose of producing a goods or service.

Least restrictive refers to a placement of a child in a setting that is most comparable to the child’s home.

Local board means a local foster care review board created pursuant to the Foster Care Review Act.

Master Case Number is a numeric code that DHHS applies to a family’s case on N-FOCUS. There can be more than one master case tied to a particular child. For the FCRO’s purpose, the master case number is the one number that leads to where the caseworker or lead agency has placed details about that specific child’s out-of-home placement on N-FOCUS.

Mean is the sum of a group divided by the number of items in that group. It is what most people think of as an “average.”

Median is the mid-point in a cohort or array, with as many over and under that number.

Neglect is the failure to provide for a child’s basic physical, medical, educational, and/or emotional needs

Non-court cases are families receiving CFS services on a voluntary basis due to safety or risk factors. The family is not involved with the court, and the children are not in the legal custody of DHHS.

Number of placements. The number of relative homes, foster homes, emergency shelters, group homes, detention or youth rehabilitation centers, or other specialized facilities in which an individual child has resided while in out-of-home care.

Open adoption is a legally enforceable exchange of information contract between biological parents who have relinquished rights and adoptive parents. It is agreed upon by both parties. It is only applicable for children who are state wards.

ORG Number is the unique numeric identifier automatically applied to each business's record on the DHHS N-FOCUS computer system, including foster family and relative placement homes.

Out-of-home care is 24-hour substitute care for all children placed away from their parent(s) or guardian(s) in relative homes, foster homes, emergency shelters, group homes, detention centers, youth rehabilitation centers, or other specialized facilities. It includes court ordered placements and non-court cases, and youth who have ran away from an out-of-home facility.

Paternity establishment is the determination of the child's legal father.

Permanency. Permanency is a term that means exit from foster care to a rehabilitated home or to another permanent setting if reunification is not possible, such as through adoption, guardianship, or other means. As defined in the Child and Family Services Reviews, a child in foster care is determined to have achieved permanency when any of the following occurs: (1) The child is discharged from foster care to reunification with his or her family, either a parent or other relative; (2) the child is discharged from foster care to a legally finalized adoption; or (3) the child is discharged from foster care to the care of a legal guardian.

Permanency hearing. After a child has spent 12 months in foster care under child welfare, the court is to hold a special dispositional hearing to determine the most appropriate permanency plan for the child.

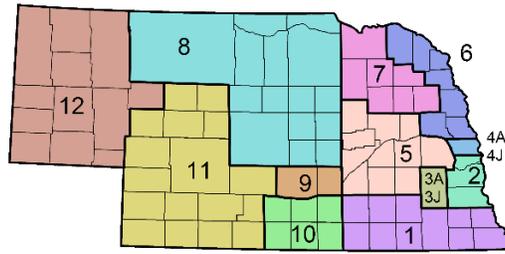
Permanency objective is the goal of the child's plan, such as reunification with the family, adoption, guardianship, achieving legal age while in foster care (independent living), or other planned, permanent arrangement.

Person or court in charge of the child means (a) the Department of Health and Human Services, an association, or an individual who has been made the guardian of a neglected, dependent, or delinquent child by the court and has the responsibility of the care of the child and has the authority by and with the assent of the court to place such a child in a suitable family home or institution or has been entrusted with the care of the child by a voluntary placement made by a parent or legal guardian, (b) the court which has jurisdiction over the child, or (c) the entity having jurisdiction over the child pursuant to the Nebraska Indian Child Welfare Act. [Source: Neb. Rev. Stat. 43-1301.]

Petition. A document filed by the county attorney in a juvenile court at the beginning of an abuse, neglect, abandonment, status offense, or delinquency case. The petition states allegations that, if found true, form the basis for court intervention.

Placements. See "foster care placements."

Probation districts are defined by law and shown in the map below.



Reasonable efforts. “We have not, nor do we intend to define ‘reasonable efforts.’ To do so would be a direct contradiction of the intent of the law. The statute requires that reasonable efforts determinations be made on a case-by-case basis. We think any definition would either limit the courts' ability to make determinations on a case-by-case basis or be so broad as to be ineffective. In the absence of a definition, courts may entertain actions such as the following in determining whether reasonable efforts were made: 1) Would the child's health or safety have been compromised had the agency attempted to maintain him or her at home? (2) Was the service plan customized to the individual needs of the family or was it a standard package of services? (3) Did the agency provide services to ameliorate factors present in the child or parent, i.e., physical, emotional, or psychological, that would inhibit a parent's ability to maintain the child safely at home? 4) Do limitations exist with respect to service availability, including transportation issues? If so, what efforts did the agency undertake to overcome these obstacles? (5) Are the State agency's activities associated with making and finalizing an alternate permanent placement consistent with the permanency goal? For example, if the permanency goal is adoption, has the agency filed for termination of parental rights, listed the child on State and national adoption exchanges, or implemented child-specific recruitment activities?” [Source: federal Child Welfare Policy Manual, section 8.3c.4.]

Reasonable efforts to preserve or reunify the family. DHHS is obligated to make “reasonable efforts” to preserve and reunify the family if this is consistent with the health and safety of the child unless a statutory exception of “aggravated circumstances” is found by the juvenile court. Aggravated circumstances include abandonment, chronic abuse, sexual abuse, involuntary termination of parental rights to a sibling of the child, serious bodily injury or the murder of a sibling. If it is found that reunification of the child is not in his or her best interests, DHHS is then required to make “reasonable efforts” to ensure that the child is placed in a permanent placement and the necessary steps are in place to achieve permanency for the child(ren). [Source: Neb. Rev. Stat. § 43-283.01]

Relative means a person connect to the child by blood, marriage, adoption, legal guardianship, or tribal law/custom.

Relinquishment of parental rights is a formal action of the parent to give DHHS or an other entity the rights to the child.

Removal - Removals are when the child welfare system legally removes the child from a legal parent and places the child with a non-parent (kinship or relative or congregate care placement) or with a non-custodial parent. There are two main types of removals: a) Initial Removal – initiates jurisdiction and the start of an episode, and b) Subsequent/Secondary Removal – a removal during an episode.

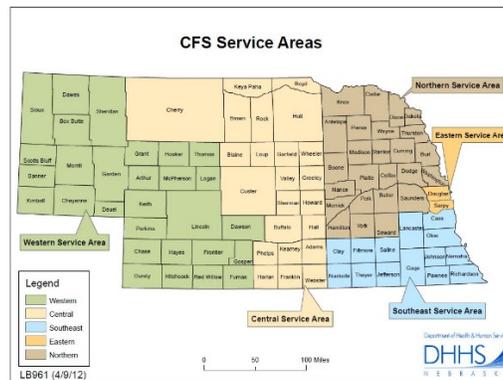
Respite care is time-limited temporary care of a child in order to provide foster parents relief or the ability to take classes, attend their own medical appointments, attend funerals, etc.

Runaway is a child that is absent without out-of-home care provider consent, and the out-of-home caregiver does not know where the child is located. Youth on this status are also sometimes referred to as “AWOL.”

SACWIS stands for the State Automated Child Welfare Information System, a federal government designation. Each state can have only one. In Nebraska it is the DHHS N-FOCUS system.

Serious injury. An injury or illness caused by suspected abuse, neglect, or maltreatment which leaves a child in critical or serious condition. [Source: Neb. Rev. Stat. 43-4318(1)(b)]

Service area. The five DHHS districts each include a group of counties which share geography. By law these are the same as the District Court’s judicial districts. See the map below for more details.



Sex trafficking – per federal law is the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of commercial sex act.

Siblings are biological siblings and legal siblings, including, but not limited to, half-siblings and stepsiblings. [Source: Neb. Rev. Stat. 43-1301]

Special education – means “specially designed instruction, at no cost to the parent, to meet the unique needs of a child with a verified disability, including classroom instruction, home instruction, instruction in hospitals and institutions and in other settings and instruction in physical education. The term includes travel training, vocational education, speech-language pathology, occupational therapy and physical therapy if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.” [Source: Department of Education, Title 92, Chapter 51 definitions]

State ward is child who is in the legal custody of DHHS.

Status offender is a child who is adjudicated under 43-247 (3b). That is, they have committed an offense for which an adult cannot be charged, such as being disobedient or truant.

Termination of parental rights is a formal legal hearing in which the county attorney must establish grounds as to why parental rights should be severed. Parents are entitled to counsel and due process, and the burden of proof is higher than that in other juvenile court proceedings.

Times in Care – Term no longer used due to statutory changes.

Trial home visit. Placement of a court-involved child who goes from an out-of-home placement back to his or her **legal** parent or parents or guardian but remains as a ward of the state. [Source: Neb. Rev. Stat. 43-1301(11)] This applies only to DHHS wards, not to youth who are only under Probation.

Placement with a step-parent is **NOT** a trial home visit but rather a kinship placement unless the biological parent remains in the household. A trial home visit is intended to be a short term option in preparation for returning the child home permanently. [Source: federal Child Welfare Policy Manual, Feb. 6, 2013, section 8.3c.5.]

Voluntary placement means the placement by a parent or legal guardian who relinquishes the possession and care of a child to a third party, individual, or agency. [Source: Neb. Rev. Stat. 43-1301(6)]