

What is a voluntary/non-court involved case?

Non-court involved or “voluntary” cases are available for families for whom the Nebraska Department of Health and Human Services (DHHS) (or the Nebraska Families Collaborative (NFC) in the Omaha area) has determined that a safety threat exists, and the family agrees to work with the agency.

What is Alternative Response (AR)?

AR is a type of non-court involved case in which DHHS tries to take a more collaborative or family-focused approach to non-court involved cases. Currently, Nebraska is receiving federal funds to test out this approach in a number of counties throughout the state.

What is Traditional Response (TR)?

TR is also a type of non-court involved case, but DHHS utilizes an investigational approach in interacting with your family. This type of case is available in every county, but receives no direct federal funding.

What is the difference?

All AR cases are “non-court” cases, but not all non-court cases are AR. What are the differences?

- Families participating in AR cannot be placed on the Central Child Abuse/Neglect Registry.
- There are rules and regulations governing how you receive assistance in an AR case.

- There are no rules or regulations governing a TR case, it is entirely within the discretion of DHHS whether you are offered a TR case and what types of assistance you receive.

Because AR is a test project now, even if your family is determined to be safe by DHHS, you may not be given the option for an AR case because eligible families are randomly sorted into AR and TR (so the effectiveness of the program can be tested by researchers).

If you live in a county where AR is not being tested, have a home that DHHS has determined has safety risks present, or have been randomly sorted out of the AR program then you are disqualified from having an AR case, but you may still have the option to have a non-court voluntary case through TR.

What are my rights in non-court involved cases?

- You have the right to refuse to participate in a non-court involved case, and cannot be coerced into participating in a non-court involved case without due process. However, after you voluntarily begin a non-court involved case, your refusal or inability to comply with the case plan or services can be used against you in a later child abuse court proceeding. However, choosing to do this could result in the filing of a court case.
- If your child is placed outside of your home in a non-court involved case as part of a safety plan, you have the right to have them returned to your home and to end the non-court case. However, choosing to do this could also result in the filing of a court case.

- You have the right to refuse to allow a DHHS caseworker into your home, however there could be consequences of refusing DHHS entry.
- You have the right to hire an attorney to assist you in your non-court case.
- You have a right to file a complaint with the Office of the Inspector General.
- You have a right to request that your name be expunged from the Central Child Abuse/Neglect Registry.

How do I advocate for services?

In non-court involved cases, DHHS and its contractors are obligated to create a case plan that specifies the services to be provided to the family. You likely understand your family’s needs better than any other person. If you feel like the services you are receiving are not working for your family, you may request a meeting with your caseworker to discuss your options. If your caseworker is not responsive, you may consider putting your request in writing and sending a copy of the request to the caseworker’s supervisor. You can also file a complaint with the Office of the Inspector General.

When do I contact an attorney?

It is important to note that you have the ability to hire an attorney to represent your interests at any stage of a non-court proceeding. If you feel your rights are being violated in any way you may hire an attorney. In addition, there are several specific instances where it may be critical to contact an attorney to protect your rights in a non-court case, including if you feel that your participation in the non-court case is being coerced by the threat of a court-involved case or you no longer wish to participate in the non-court involved case.

How do I find an attorney?

When a person cannot afford to hire an attorney, there are a couple places you can see if you are eligible for free legal help, including:

- Legal Aid of Nebraska (877-250-2016)
- UNL Civil Clinic (402-472-3271)
- The Creighton Legal Clinic (for Douglas County 402-280-3068)

If those resources are not able to help you, or if you prefer to hire an attorney to work on your case, you can search for attorneys in your area by visiting <http://nefindalawyer.com>. You can narrow your search by county and the type of case you need help with, and you can see if there are any attorneys who accept cases on a reduced fee basis (if they do, their profiles will include the words “modest means.”)

How do I file a complaint with the Inspector General?

- Call at 402-471-4211 (855-460-6784 toll free)
- Email at oig@leg.ne.gov
- Send a letter outlining your concerns to the Office of the Inspector General, State Capitol, P.O. Box 94604, Lincoln, NE 68509.

What is the Central Child Abuse/Neglect Registry?

The Central Registry is a list of all of the persons that DHHS has found to have abused or neglected children. This list is used by certain types of employers (mainly jobs where you work with children) to request information on potential or current employees. If your name appears on the Central Registry, DHHS is required to send you a letter telling you that your name is now on the list, explain how it got there, and tell you how to remove it. If your case goes to court and is later dismissed, or the case is designated as a “no-fault” case (when a child is put in foster care through no fault of your own), your name must be removed from the registry.

How do I remove my name from the Central Registry?

Any person whose name is on the Central Registry can ask that this information be reviewed and removed, although whether the request will be granted is at the discretion of DHHS. Download the form to make this request at <http://public-dhhs.ne.gov/Forms/DisplayPDF.aspx?item=3014> and provide your own version of the incident. You can describe any changes you have made to correct the situation or prevent it from happening again.



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SEPTEMBER 2015

Know Your Rights

A Parent's Guide to Non-court Child Welfare Cases

