

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

October 31, 2023

Ms. Jennifer Carter
Inspector General of Nebraska Child Welfare
Nebraska Legislature
1225 L Street
Lincoln, NE 68508

Mr. Brandon Metzler
Clerk of the Legislature
State Capitol Room 2028
Lincoln, NE 68509

Subject: DHHS Critical Incidences Report

Dear Ms. Carter and Mr. Metzler:

Neb. Rev. Stat. § 43-4318 requires the Department to report specified critical incidences to the Office of Inspector General for Child Welfare. This report contains information for the first quarter of the 2023 State Fiscal Year (July – September).

Sincerely,

A handwritten signature in blue ink, appearing to read "Bo Botelho".

Bo Botelho
General Counsel

Attachment

Divisions of Children and Family Services & Public Health

DHHS Critical Incidences Report

October 31, 2023

Neb. Rev. Stat. § 43-4318

Death or Serious Injury of a Child

Neb. Rev. Stat. § 43-4318(2)(a) requires the Department to report all cases of death or serious injury within a foster home, private agency, the Youth Rehabilitation Treatment Centers (YRTC), childcare facility or program or other program or facilities licensed by the department. This report contains information for the first quarter of the 2023 State Fiscal Year (July – September).

Division of Children and Family Services

Foster Home or Private Agency

The incidents were spread throughout the state, with a majority located within either the Eastern or Southeastern Services Areas and the remaining cases spread among the other Service Areas; however, each service area’s incident count was under five thus needing to be masked to protect privacy. Additional statistics are provided below.

Incident of Death or Serious Injury of a Child	
Death	6
Serious Injury	*
Total	7-11

* All values between 1-5 are masked to protect privacy. See Appendix A.

Alternative Response Cases	
Alternative Response Case	*
Not an Alternative Response Case	*
Unrelated to Alternative Response	6

* All values between 1-5 are masked to protect privacy. See Appendix A.

Youth Rehabilitation and Treatment Centers

The YRTCs report zero death incidents across all three facilities during the quarter.

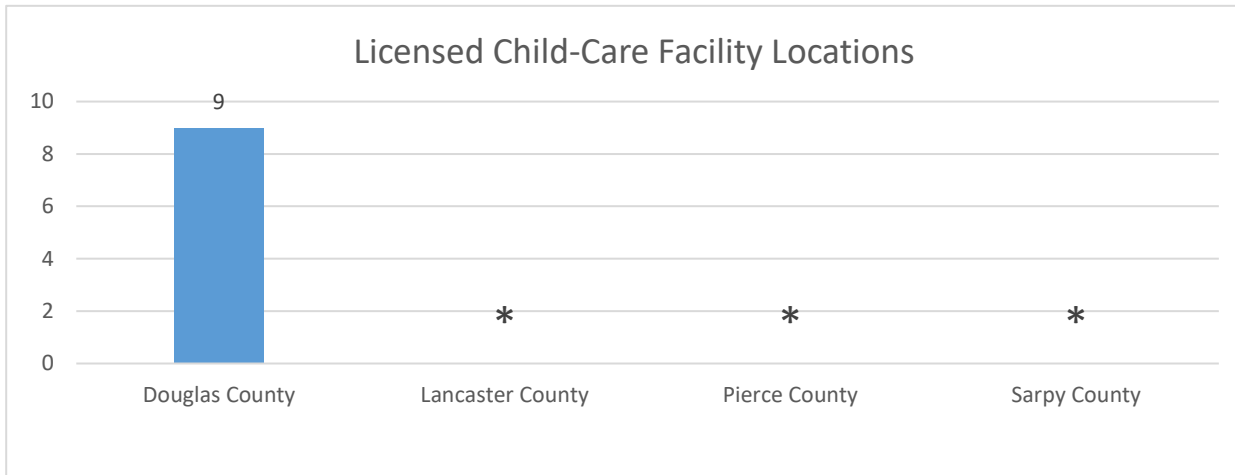
Serious injuries during the period are below. The YRTC Kearney incident(s) resulted in assessment and treatment in an outpatient setting off-campus.

Serious Injury of a Child	
YRTC Hastings	0
YRTC Kearney	*
YRTC Lincoln	0

* All values between 1-5 are masked to protect privacy. See Appendix A.

Division of Public Health: Licensed Child-Care Facility

There were twelve to twenty-four reports of serious injury or death in a licensed childcare facility last quarter. Ten children were under five-years-old; the remaining children were either older or the age was unknown. Further age range information must be masked for privacy. For privacy protection, a representation of the type of injury cannot be provided due to small quantities.



** All values between 1-5 are masked to protect privacy. See Appendix A.*

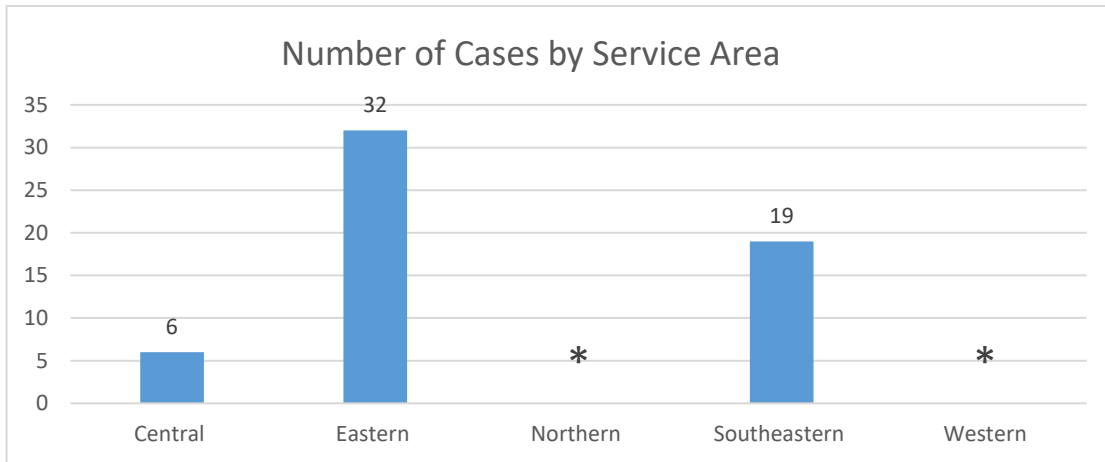
Allegations of Sexual Abuse

Neb. Rev. Stat. § 43-4318(2)(b) requires the reporting of all allegations of sexual abuse of a state ward or in residential child-caring agency and the YRTC.

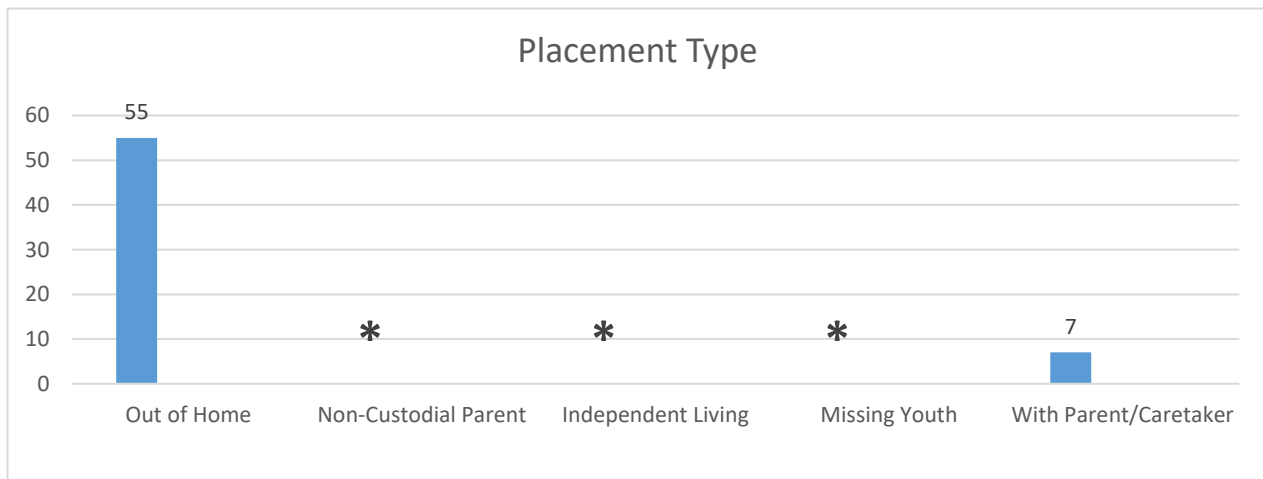
Division of Children and Family Services

State Ward or Residential Child-Caring Agency

A total of 66 cases were reported to the Hotline across July, August, and September of 2023. Statistics about the Hotline reports are categorized below based on service area, placement types, facility types, initial case status, and current case outcomes.



* All values between 1-5 are masked to protect privacy. See Appendix A.



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Facility Type for Out of Home Placements	
Agency-Supported	15
DD Family Home	11
Kinship Foster Care	11
Relative Foster Home	9
Medical Hospital	*
Tiered Foster Care	*
Foster Home	*
Group Home	*
YRTC	*
Psych Residential Treatment Facility	*

* All values between 1-5 are masked to protect privacy. See Appendix A.

Initial Case Status	
Accepted for Initial Assessment	23
Referred to Law Enforcement	19
Subsequent Reports within 30 Days	10
Additional Information Received for an Open Case	8
Accepted for Placement Assessment	*
Did Not Meet Definition for an Intake	*

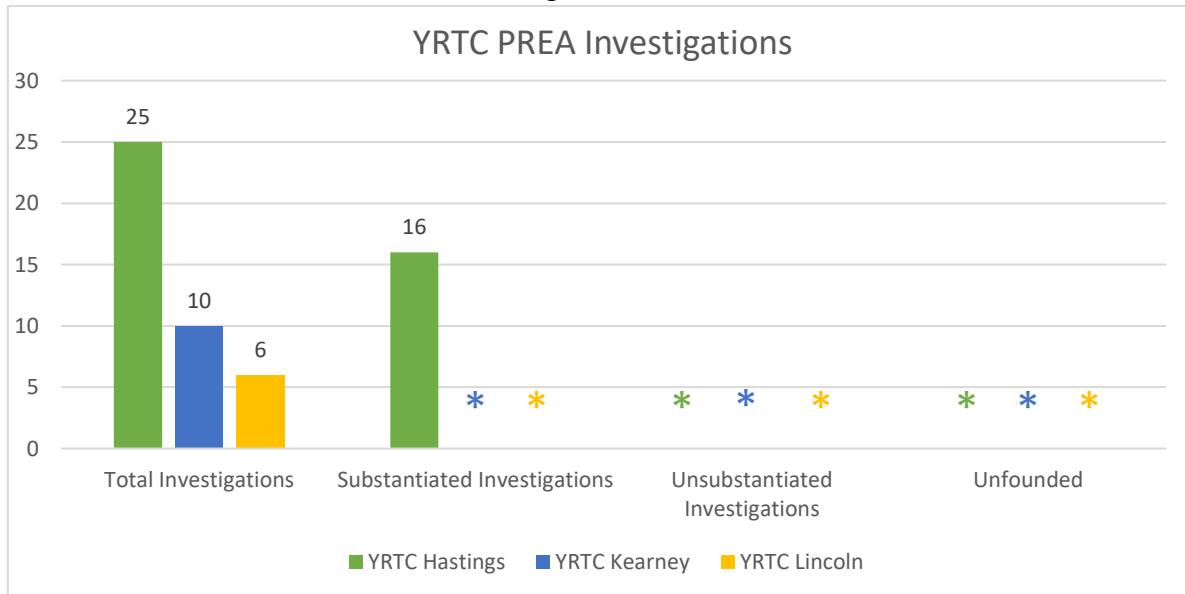
* All values between 1-5 are masked to protect privacy. See Appendix A.

Findings on New Cases	
Unfounded	20
Law Enforcement Finding Pending	17
Court Pending	*
DHHS Investigation Pending	*
Law Enforcement Declined	*
Intake was Not Accepted	*

* All values between 1-5 are masked to protect privacy. See Appendix A.

Youth Rehabilitation and Treatment Centers (YRTC)

All three facilities, YRTC Hastings, YRTC Kearney, and YRTC Lincoln follow the Federal Prison Rape Elimination Act (PREA), 34 U.S.C. 30301 et seq., requirements meeting all 43 standards of compliance. The most recent quarter had a total of 41 PREA investigations across all facilities. Of additional note, YRTC Kearney did not have any investigations triggered in September. Outlined below are the investigation results.



* All values between 1-5 are masked to protect privacy. See Appendix A.

Facility	Youth on Youth Incident Reported	Staff on Youth Incident Reported
YRTC Hastings	22	*
YRTC Kearney	10	0
YRTC Lincoln	*	*

* All values between 1-5 are masked to protect privacy. See Appendix A.

Type of Allegation	
Sexual Touching	29
Sexual Harassment	6
Voyeurism	*
Sexual Assault	*
Inappropriate Relationship	*
Exhibitionism	*
Does Not Meet Definition of PREA	*

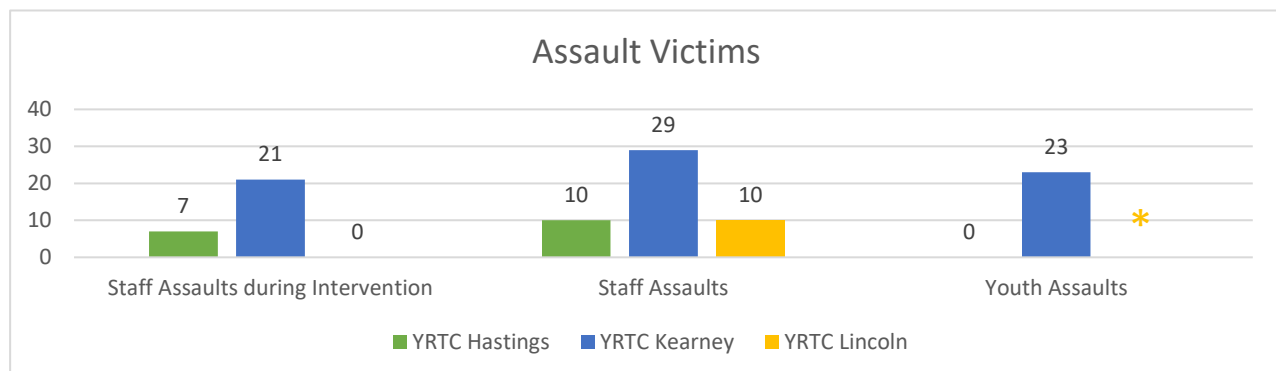
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Critical Incident Information from YRTCs

Neb. Rev. Stat. § 43-4318(3)(a) requires the Office of Juvenile Services to report instances of assault, escape or elopement, attempted suicide, self-harm by a juvenile, property damage not caused by normal wear and tear, significant medical event, and internally substantiated violations of 34 U.S.C. 30301. The categories are each reflected below.

Assault

During the recent quarter, there were 101-105 total assaults across the YRTCs.



* All values between 1-5 are masked to protect privacy. See Appendix A.

Escape or Elopement

The facilities had six escapes over the course of the quarter. YRTC Lincoln did not have any escape attempts or successes; data for the other facilities all needs to be masked for privacy.

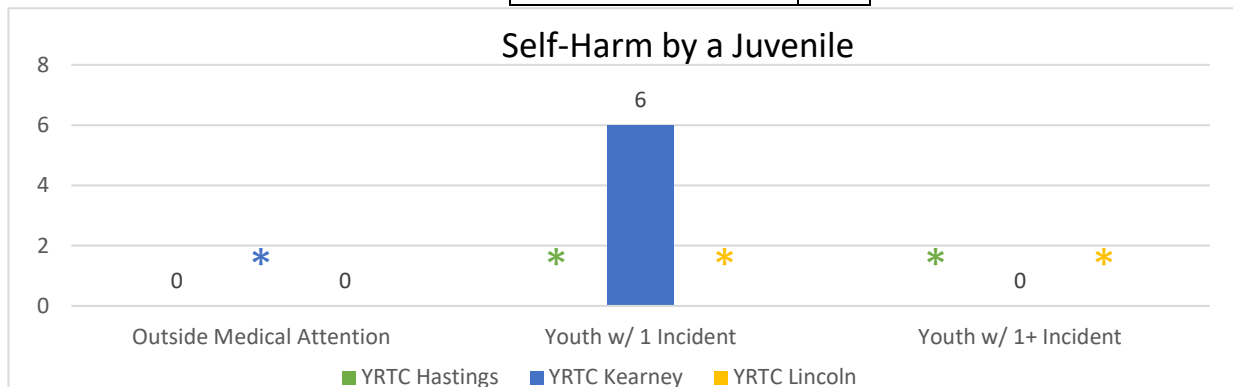
Attempted Suicide

None of the three facilities had any attempted suicides during the quarter.

Self-harm by a Juvenile

There were 40 total self-harm incidents during the first quarter of FY24 across the three facilities. Details about the incidents follow.

Total Incidents	
YRTC Hastings	11
YRTC Kearney	6
YRTC Lincoln	23



* All values between 1-5 are masked to protect privacy. See Appendix A.

Property Damage Not Caused by Normal Wear and Tear

The YRTC facilities consider instances of property damage that exceeds \$500 to be above normal wear and tear.

Total Incidents	
YRTC Hastings	*
YRTC Kearney	0
YRTC Lincoln	0

* All values between 1-5 are masked to protect privacy. See Appendix A.

The Use of Mechanical Restraints on a Juvenile

A month-by-month analysis illustrates the utilization of mechanical restraints at the facilities.

Utilization of Mechanical Restraints				
Facility	July	August	September	Total
YRTC Hastings	*	*	6	14
YRTC Kearney	26	19	10	55
YRTC Lincoln	9	*	6	16-20

* All values between 1-5 are masked to protect privacy. See Appendix A.

A Significant Medical Event Suffered by a Juvenile

A significant medical event is classified as a youth being taken to the emergency room.

Significant Medical Events	
YRTC Hastings	*
YRTC Kearney	*
YRTC Lincoln	0
Total across all Facilities	*

* All values between 1-5 are masked to protect privacy. See Appendix A.

Internally Substantiated Violations of 34 U.S.C. 30301 et seq.

There were a total of 23 internally substantiated violations pursuant to PREA, 34 U.S.C. 30301, during the quarter.

Total Incidents	
YRTC Hastings	16
YRTC Kearney	*
YRTC Lincoln	*

* All values between 1-5 are masked to protect privacy. See Appendix A.

APPENDIX A: Report De-identification Standard

The Department of Health and Human Services (DHHS) is a fully covered entity under the Health Insurance Portability and Accountability Act (HIPAA). Covered entities are prohibited from the release of protected health information. As a fully covered entity, all DHHS data that is individually identifiable is protected health information, subject to HIPAA protection. Information that has been de-identified is not protected health information and can be lawfully released. HIPAA allows for two methods of de-identification, safe harbor or expert statistical analysis. De-identification under safe harbor requires the removal of 18 identifiers. When data cannot be de-identified under safe harbor, the data must be reviewed by a statistical expert to determine that it has been sufficiently de-identified.

Currently, DHHS has two roles that serve as statistical experts. The Chief Data Strategist and the Deputy Data Strategist. When assessing a report to determine if the information has been sufficiently de-identified, DHHS uses a probability calculation that considers the following factors:

- Data source and the associated nuances
- Demographic characteristics, which includes age, gender, race, ethnicity, and language spoken
- Geographic location for both the service received and residence of the person receiving services
- Time period of the report, if the time period of the report is shorter than a year such as quarterly this increases the probability of identification

In addition to an overarching HIPAA requirement, DHHS is subject to numerous statutory requirements which protect the identity and personal information of the youth served by DHHS. For example, Neb. Rev. Stat. § 28-725 and 28-726 require records related to child abuse and neglect reports and investigations to be confidential. Neb. Rev. Stat. § 43-2,108 governs the confidentiality of juvenile court and probation records. This statute specifically identifies records provided to the juvenile court by agencies and institutions as confidential record information. The same de-identification standards apply to meet the confidentiality requirement of the above referenced statutes and the HIPAA de-identification statutes.

For this particular report, the information being released (1) relates to the last quarter, (2) relates to a population that is between the ages of 0-19 years, and (3) relates to incidences experienced by the population that may have occurred between one and five times during the period. The probability of identifying the individuals involved in the incidences being reported is high when using other publicly available information in combination with the information released. As such, the release of the actual number would allow for re-identification of the individuals when the instance is between one and five. However, knowing that there were more than zero is still meaningful when interpreting this information. Masking those counts between one and five offer privacy protection of those children who were involved, while still releasing a level of meaning about those specific occurrences in the report population.