

Nebraska Children's Commission

Juvenile Services Committee



**Report to the Nebraska Children's Commission
and Judiciary Committee**

November 17, 2015

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The Juvenile Services Committee (“Committee”) was created by LB821 (2012) and modified by LB561(2013) to create recommendations related to the Youth Rehabilitation and Treatment Centers (“YRTCs”) and the juvenile justice system of care to the Nebraska Children’s Commission (“Commission”) and Judiciary Committee of the Legislature. After releasing its Phase I Strategic Recommendations, the Committee has continued to meet to further the recommendations in the Phase I report and provide a forum for collaboration amongst juvenile justice stakeholders.

The past two years have seen large changes due to the juvenile justice reform initiatives in LB561 (2013) and LB464 (2014). These changes reflect a desire from stakeholders at all levels to effectively serve youth in the juvenile justice system, and a change in philosophy from punitive and corrections based to rehabilitative and trauma informed. Nebraska’s juvenile system remains in a state of flux as the effects of the reform become observable. As further changes to the juvenile justice system are contemplated, the Committee emphasizes that a successful juvenile justice system is a comprehensive, accountable, culturally competent continuum of care that meets the needs of youth and families. The information and recommendations below reflect the Committee’s work and dedication to attaining such a system for the youth and families of Nebraska. This report contains first, the Committee’s recommendations and work plan, and second, past accomplishments from the Phase I Strategic Recommendations.

Mission

Design a comprehensive, accountable, culturally competent, continuum of care in the juvenile justice system that meets the needs of families and youth while maintaining public safety.

Vision

Continuous Leadership and Oversight
Transparent System Collaboration with Shared Partnerships and Ownership
Right Youth, Right Services, Right Time
Family Centered and Youth Focused
Consistent, Stable, Skilled, Effective Workforce
Address Social Racial and Ethnic Disparities
Data Driven Decision-making
Consistent and Sustainable Funding

Goal

The Juvenile Services Committee’s goal is to work collaboratively with the executive, legislative, judicial, and county branches of government; the Nebraska Children’s Commission (“Commission”);

and other key stakeholders to establish and support the development of the Ideal Juvenile Justice Treatment System that will prevent children and youth from entering or becoming more deeply involved in the juvenile justice system.

Legislative Recommendations (2016 Legislative Session)

Foundational Principles

1. Establish and support a model for juvenile justice collaboration and implementation of necessary juvenile justice services across the state. This model of collaboration should include executive, legislative, judicial, and county branches of government.
2. Create Legislation that children in the juvenile justice system should be a priority.

Legal System Changes

3. Require all youth involved in the juvenile justice system have quality legal counsel. This requirement should be codified in statute to ensure that youth have access to counsel who are competent in the practice of juvenile law. Necessary funding should be appropriated to comply with this requirement.
4. Encourage the Supreme Court of Nebraska to require dedicated Continuing Legal Education (CLE) hours for all legal parties who practice in juvenile court, and dedicated Judicial Branch Education (JBE) hours for judges who hear juvenile law matters.
5. Create and/or clarify existing statutory language to ensure that the Juvenile Court has jurisdiction over youth and families, regardless of the filing type. The Court must have the authority to order services for the entire family in order to treat the underlying family issues often experienced by youth in the juvenile justice system.

Core Design and Framework

6. Utilize the Child and Adolescent System Program (“CASSP”) Principles as a core design framework for creating effective Community based services for youth at each level of involvement in the juvenile justice system. CASSP Principles are attached at Appendix B.
7. Develop a continuum of services that addresses the strengths and needs of the youth through risk assessment, needs assessments and effective case management.

Nebraska Children’s Commission Related Recommendations

8. The Juvenile Services Committee is currently under the umbrella of the Nebraska Children’s Commission (“Commission”), set to sunset in 2016. If extended, the Juvenile Services Committee should be established as a standing advisory committee to oversee juvenile justice reform and serve as a body to encourage collaboration amongst stakeholders. If not extended, the Committee should stand with a different administrative structure as an advisory committee.
9. Establish and require uniform statewide screening and assessment tools, including educational assessments, which shall be conducted when youth first encounter the juvenile justice system,

at various times when moving between levels of care, and when there is a change in clinical status or presentation. Screening and selective assessment should be conducted when youth entered residential programs, including the county juvenile detention center and YRTC. All juvenile justice entities (Law enforcement, all legal representatives, and judicial entities) and system stakeholders must utilize and follow assessment recommendations. All assessment and recommendation information obtained must be shared with all stakeholders who have a need to know and right to know to optimize care for each youth.

10. Continue incentivizing and encouraging counties, groups of counties, and tribes to access funding under the Community-based Juvenile Services Aid Program to divert youth from the juvenile justice system, reduce the number of youth in detention and secure confinement, and assist in transitioning youth from out of home placement. Additionally, incentivize demonstrating a successful use of braided or blended funding in programs in evidence based programs supporting the above goals.
11. Recommend that the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and the Georgetown Center for Juvenile Justice Reform Crossover Youth Practice model to be implemented statewide.
12. The Juvenile Services Committee will provide input and collaborate with the B2i Advisory Committee on its recommendations regarding extending voluntary supports for youth gaining out of the child welfare system to the juvenile justice population.
13. Fund a research project through one of Nebraska's Universities to examine data related to status offenders and determine the best policies to serve this population. Status offenders are youth who are charged with or adjudicated for conduct that would not constitute a crime if committed by an adult [Neb. Rev. Stat. §43-245(25)]. This population requires different services and supports than other types of juvenile offenders, and is at risk for being pushed further into the juvenile and adult justice systems.

YRTC Related Recommendations

The juvenile justice system is undeniably different than it was when first examined by this Committee over two years ago to create the Phase I Strategic Plan. The Plan includes the recommendation that all necessary action be completed to transition the YRTCs into regionally based facilities, based on Missouri's regional model. Since this time, representatives of the Office of Juvenile Services have continued to collaborate with the Committee and provide information about the changes in the YRTC population and treatments. It is clear that the effects of legislative change are still playing out in the demographics and needs of youth in the YRTCs, and the Committee believes it would be premature to make specific recommendations on the structure of a regional system without further analysis. The Committee has consulted with and received presentation and information from Missouri's Division of Youth Services director and staff. Missouri's juvenile justice reform effort took place over a span of fifteen years of careful planning, stakeholder buy-in, culture change, and continuous data review and analysis. Nebraska is still experiencing the effects of sea change in its juvenile justice system, and anticipates the potential for further change in the 2016 legislative session. The Committee's plans and priorities for this process are below:

14. The Committee has reaffirmed its goal of transitioning Nebraska’s justice system to a regional model where youth are served in the least restrictive environment as close to their communities as possible.
15. The Committee has created a Data Analysis and Mapping Taskforce (“Taskforce”) to create recommendations related to the process of moving to a regional system. The Taskforce has representation from the Office of Juvenile Services, Probation, the Foster Care Review Office, and the Juvenile Justice Institute at the University of Nebraska – Omaha. The first meeting of the Taskforce will take place on December 8, 2015, and will report to the full Committee at its January meeting.
16. The Committee will use the information identified by the Data Analysis and Mapping Taskforce to create recommendations regarding a pilot site for a regional facility, to determine the type of youth to be served, the kinds of programs to be offered, and the intake requirements. Potential populations to be served at this pilot site include the population of juvenile justice system involved youth who are receiving treatment out of state, youth who are committed to a YRTC at the age of 18, or another population identified by the Taskforce.

Additional Committee Priorities

17. The Committee plans to continue its research and analysis regarding screening and assessments, and anticipates releasing recommendations regarding establishing uniform statewide screening and assessment tools in 2016.
18. The Committee will continue to work with the B2i Advisory Committee to provide input on the extension of voluntary services to youth aging out of the juvenile justice system.
19. As additional legislative bills are introduced to continue or restructure the juvenile justice reform efforts, the Committee will provide feedback and recommendations to the Nebraska Children’s Commission and Judiciary Committee of the Legislature.

Previous Recommendations and Accomplishments

The Juvenile Services Committee submitted the Phase I Strategic Recommendations in December of 2013 to the Commission and the Judiciary Committee of the Legislature. The recommendations contained within were considered foundational to creating the ideal juvenile justice system, and built upon to legislatures work in LB561 (2013). The listing below details legislation and changes that align with the Committee’s recommendations:

Committee Recommendation: Place youth in a YRTC only when community safety concerns exist after non-response to less restrictive settings. Develop guidelines to restrict YRTC placement to only those youth adjudicated of the most serious offenses or who present a danger to the community.

Accomplishment: LB464 (2014) changed the YRTC entrance criteria so that youth may be placed in a YRTC only after all levels of probation supervision have been exhausted, and placement at a YRTC is a matter of immediate and urgent necessity for the protection of the juvenile or the person or property of another or it appears that the juvenile is likely to flee the jurisdiction of the court [Neb. Rev. Stat. §43-586].

Committee Recommendation: Require YRTCs to provide evidence based, trauma informed treatment for behavioral health disorder, mental health disorders, and substance abuse orders and substance abuse disorders to include appropriate medication assisted treatment.

Accomplishment: LB464 (2014) requires the Office of Juvenile Services to begin implementing evidence based practices, policies, and procedures by January 15, 2016. The Office of Juvenile Services has done significant work on this requirement already, and anticipates meeting this requirement in January 2016.

Committee Recommendation: Change statutory language so that all juvenile law violations (excluding minor traffic offenses) originate in juvenile court, for all youth under age 18.

Accomplishment: LB464 (2014) made changes to the juvenile court's original jurisdiction so that All misdemeanors involving youth under the age of 16 are filed and heard in juvenile court. All cases involving misdemeanors for youth aged sixteen years old are filed in the juvenile court, and beginning on January 1, 2017, all cases involving misdemeanors for youth who are seventeen years of age will also be filed in juvenile court. Felonies involving youth under the age of 14, must be filed and heard in juvenile court. Class IIA and IV felonies involving youth under the age of 18 must originate in juvenile court. [Neb. Rev. Stat. § 43-246.01]

Committee Recommendation: The Phase I Strategic Plan makes numerous recommendations meant to support counties, groups of counties, and tribes to identify services gaps in the juvenile justice services array and access funding through the Community-based Juvenile Services Program to support the creation of needed juvenile justice services to improve outcomes for youth who are in the juvenile justice system or at-risk for system involvement.

Accomplishment: LB464 reaffirmed the goals of the Community based Juvenile Services Program, which include prioritizing programs and services that divert youth from the juvenile justice system, reduce the number of youth in detention and secure confinement, and assist in transitioning youth from out of home placement. Programs funded under through the Community based Juvenile Services Aid Program must be based on or grounded in evidence-based practices, programs, and research. [Neb. Rev. Stat. §43-4404.02, LB464 (2014)]

Committee Recommendation: Work with the Bridge to Independence ("B2i") Advisory Committee of the Nebraska Children's Commission to extend voluntary services for children who are aging out of systems to include children who are in out of home placement and have been in the juvenile justice system.

Accomplishment: The B2i Advisory Committee established a Juvenile Justice Taskforce to make recommendations regarding the extension of voluntary services to the juvenile justice population. This Taskforce convened multiple focus groups consisting of stakeholders and young adults, including a focus group made up of the Juvenile Services Committee. The

Juvenile Justice Taskforce has forwarded its recommendations to the Commission for approval at the November 2015 Commission meeting.

Juvenile Services Committee Membership

Member Name	Member Type	Location	Organization
Jeanne Brandner	Voting	Lincoln	Administrative Office of Probation
Nicole Brundo (Co-Chair)	Voting	Omaha	Douglas County Attorney's Office, Juvenile Division
Kim Culp	Voting	Omaha	Douglas County Juvenile Assessment Center
Barb Fitzgerald	Voting	Lincoln	LPS - Yankee Hill Program
Judge Larry Gendler	Voting	Pappillion	Sarpy County Juvenile Court
Tony Green	Voting	Lincoln	DHHS, Division of Children and Family Services, Office of Juvenile Services
Kim Hawekotte (Co-Chair)	Voting	Lincoln	Foster Care Review Office
Dr. Anne Hobbs	Voting	Lincoln	Juvenile Justice Institute
Ron Johns	Voting	Gering	Scotts Bluff County Detention Center
Nick Juliano	Voting	Boys Town	Boys Town
Cynthia Kennedy	Voting	Lincoln	Nebraska Crime Commission
Tom McBride	Voting	Lincoln	Nebraska Juvenile Justice Association
Jana Peterson	Voting	Lincoln	DHHS, Division of Children and Family Services, Office of Juvenile Services
Cassy Rockwell	Voting	Lincoln	Nebraska Children and Families Foundation
Juliet Summers	Voting	Omaha	Voices for Children in Nebraska
Dr. Richard Wiener	Voting	Lincoln	University of Nebraska, Lincoln
Dr. Ken Zoucha	Voting	Hastings	DHHS, Division Behavioral Health
Jim Bennett	Resource	Lincoln	Administrative Office of Probation
Sen. Kathy Campbell	Resource	Lincoln	Nebraska Legislative Council
Dannie Elwood	Resource	Lincoln	DHHS, Managed Care Unit, Delivery Systems, Medicaid and Long-Term Care
Catherine Gekas Steeby	Resource	Lincoln	DHHS, Division of Medicaid & Long-Term Care

Juvenile Services Committee Membership

Christine Henningsen	Resource	Lincoln	Center on Children, Family and the Law
Liz Hruska	Resource	Lincoln	Nebraska Legislative Fiscal Office
Mark Mason	Resource	Lincoln	Administrative Office of Probation
Katie McLeese Stephenson	Resource	Lincoln	Nebraska Court Improvement Project
Monica Miles-Steffens	Resource	Lincoln	Administrative Office of Probation
Steve Milliken	Resource	Lincoln	Nebraska Department of Education
Jerall Moreland	Resource	Lincoln	Ombudsman's Office
Sen. Patty Pansing Brooks	Resource	Lincoln	Nebraska Legislative Council, District 28
Judge Linda Porter	Resource	Lincoln	Lancaster County Juvenile Court
Adam Proctor	Resource	Lincoln	Magellan Behavioral Health
Julie Rogers	Resource	Lincoln	Office of Inspector General of Nebraska Child Welfare
Dan Scarborough	Resource	Geneva	DHHS, Division of Children and Family Services

Appendix B

CASSP Principles

- 1. Youth-centered:** Services are planned to meet the individual needs of the youth, rather than to fit the youth into an existing service. Services consider the youth's family and community contexts, are developmentally appropriate and youth-specific, and also build on the strengths of the youth and family to meet the mental health, social, spiritual, and physical needs of the youth.
- 2. Family –focused:** Services recognize that the family is the primary support system for the youth. The family participates as a full partner in all stages of the decision-making and treatment planning process, including implementation, monitoring and evaluation. A family may include biological, adoptive and foster parents, siblings, grandparents and other relatives, and other adults who are committed to the youth. The development of mental health policy at state and local levels includes family representation.
- 3. Community-based:** Whenever possible, services are delivered in the youth's home community, drawing on formal and informal resources to promote the youth's successful participation in the community. Community resources include not only mental health professionals and provider agencies, but also social, religious and cultural organizations and other natural community support networks.
- 4. Multi-system:** Services are planned in collaboration with all the youth-serving systems involved in the youth's life. Representatives from all these systems and the family collaborate to define the goals for the youth, develop a service plan, develop the necessary resources to implement the plan, provide appropriate support to the youth and family, and evaluate progress.
- 5. Culturally competent:** Culture determines our world view and provides a general design for living and patterns for interpreting reality that are reflected in our behavior. Therefore, services that are culturally competent are provided by individuals who have the skills to recognize and respect the behavior, ideas, attitudes, values, beliefs, customs, language, rituals, ceremonies and practices characteristic of a particular group of people.
- 6. Least restrictive/least intrusive:** Services take place in settings that are the most appropriate and natural for the youth and family and are the least restrictive and intrusive available to meet the needs of the youth and family, while maintaining public safety.

Adapted from Pennsylvania Child and Adolescent Service System Program