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Nebraska Children's Commission 2016 Annual Report

Recommendations to the Governor and the
Health and Human Services Committee of
the Legislature

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Commission Background and History

The Nebraska Children's Commission (Commission) was created in 2012 by the Nebraska State Legislature to provide a leadership forum for the collaboration on child welfare and juvenile justice reform among the three branches of government and public and private stakeholders at the state, regional, and community levels and devise a strategic plan for child welfare and juvenile justice. The Commission is required to submit an annual report of its activities as per [LB87 \(2015\)](#). It is the intent of the Commission that this document serves not only as a report of activities, but also a meaningful and thoughtful contribution to the continued reform and improvement of Nebraska's child welfare and juvenile justice systems.

The Commission has been highly active in 2016, meeting seven times, six of which were full day meetings. Highlights from the year are listed on the sidebar, and topic specific activities are discussed throughout the report. Detailed information about activities and meeting minutes are available on the website, www.childrens.nebraska.gov.

In addition to the Commission's activities, some assigned tasks are completed through the use of groups created by statute or in the Commission's Strategic Plan. The Commission votes to appoint members of the statutory Committees to ensure that each has a balanced membership representing all three branches of government, system stakeholders, community representatives, and families and youth whose lives have been impacted by the child welfare and juvenile justice systems. This report contains information and recommendations from the Commission's various groups.

2016 HIGHLIGHTS

1. The Commission was previously set to terminate on June 30, 2015, and was reauthorized by the Legislature until 2019.
2. Several education panels were held to educate stakeholders, on topics such as juvenile detention, evidence based-practices, education, and workforce.
3. In July, members met for the Commission's second annual retreat and participated in a facilitated strategic planning session to update the Commission's Strategic Plan, as per Neb. Rev. Stat. §43-4202(4). The Commission will continue to hold an annual retreat.
4. The Legislature reaffirmed the Commission's commitment to improving the juvenile justice system by codifying juvenile justice as part of the Commission's scope.
5. The Legislature assigned an additional statutory group to the Commission, the Normalcy Taskforce, a group dedicated to monitoring and making recommendations on the implementation of Nebraska's Strengthening Families Act.
6. The Commission welcomed six new governor appointed voting members, and four new ex-officio members.

PRIORITIES

- 1. Workforce:** Foster a consistent, stable, skilled workforce serving children and families.
- 2. Community Ownership of Child Well-Being:** Encourage timely access to services, with a focus on prevention services, through community ownership of child well-being.
- 3. Data, Technology, Accountability, and Reporting:** Utilize technological solutions to information exchange and ensure measured results across systems of care.
- 4. System of Care:** Support a family driven, child focused, and flexible system of care through transparent system collaboration with shared partnerships and ownership.
- 5. Legal Parties:** Support the practice of juvenile law through the professionalization of juvenile practice, clarification and enhancement of legal party roles.

Strategic Plan 2016-2017

The Commission updated its Strategic Plan from 2012 during its annual retreat in 2016. The plan is meant to provide an overarching framework to child welfare and juvenile justice reform efforts. The Commission understands that if system improvement is to be effective and lasting it must happen at all levels including the system, program and practice levels. The three branches of government and the various system stakeholders must be dedicated to serving and supporting children and families with effective programs. At the practice level, all front-line case managers and their supervisors must be prepared and supported in their efforts of serving children and families differently. Furthermore, effective leadership is essential in successful child welfare and juvenile justice systems. There is a considerable amount of political will across Nebraska to address the challenges within the current child welfare and juvenile justice systems, and the Commission, as a high-level leadership body with representation from all three branches of government and private stakeholders, is in a unique position to support these positive changes. This political will is supported by optimism and the belief that children and families deserve safety and well-being.

The Commission revisited its priorities from the previous Strategic plan to reaffirm and add to these goals. The Commission has created workgroups to champion each goal and create recommendations to improve outcomes for all families and children in Nebraska.

The Commission's 2016-2017 Strategic Plan is available at <https://goo.gl/jsp4rY>.

Bridge to Independence Advisory Committee **(Mary Jo Pankoke, Chair)**

This Committee was created pursuant to [Neb. Rev. Stat. §43-4513](#) to make recommendations to DHHS and the Commission regarding the Bridge to Independence Program, extended guardianship assistance, and extended adoption assistance. This Committee, chaired by Mary Jo Pankoke (Nebraska Children and Families Foundation), has been active since 2012.

The Bridge to Independence (B2i) Program, implemented in October of 2014, was created to support youth who age out of the child welfare foster care system without achieving permanency.

The Committee's priority in 2016 has been the expansion of the program to include the juvenile justice population. Initial recommendations were created in 2015 as per [Neb. Rev. Stat. §43-4513](#). The recommendations resulted in the Legislative Bill ([LB866](#)), The Transition to Adult Living Success Program Act. While this Bill was not passed into law, the Committee reaffirms its strong belief that youth who are juvenile justice involved need access to transitional living supports. These youth receive supports through the Administrative Office of Probation, and need to access additional services after they reach the age of nineteen and transition to adulthood.

The Bridge to Independence Advisory Committee's 2016 annual report is available for review at <https://goo.gl/Ai2PHk>.

RECOMMENDATIONS AND PRIORITIES

1. There is a need for transition programs for youth who are leaving the juvenile justice system at age nineteen to prevent recidivism and ensure that youth are able to access employment and education.
2. Establish a path for enrollment in the current DHHS-facilitated Bridge to independence program for youth involved in Nebraska's Juvenile Justice System utilizing the following two criteria:
 - a. A young person must be in a court-ordered out of home placement as they age out of probation on their 19th birthday; and
 - b. Prior to aging out, the court must hold a hearing and make a finding that such placement is necessary because returning to the home would be contrary to the welfare of the child.
3. Continue to seek expertise into the ability for an interagency agreement between the Department of Health and Human Services and Nebraska Probation Administration to be established that would ease the youth's path into Bridge to Independence and enhance the state's ability to draw down federal Title IV-E Funding.

RECOMMENDATIONS AND PRIORITIES

1. The FCRRC recommends that the current Foster Parent Base Rates, Pre-Assessment rates, and Agency Support Rates should continue to be implemented.
2. The NCR Tool should continue to be implemented for all youth placed out of home by DHHS and NFC. The Committee made a number of updates to the NCR, including information about what steps foster parents should take if they disagree with the results of the assessment, information about the Reasonable and Prudent Parenting Standard of the Strengthening Families Act, and information about transportation in order to clarify the responsibilities of foster parents who have youth who are transitioning to living independently as an adult.
3. There is a need for family-like placements for youth with treatment needs in both the juvenile justice and child welfare systems. The Treatment Foster Care Workgroup will continue to work to create this rate structure and define treatment expectations.

Foster Care Reimbursement Rate Committee (FCRRC) (Peg Harriott, Co-Chair, and Gene Klein, Past Co-Chair)

The FCRRC was codified at [Neb. Rev. Stat. §43-4217](#) to make recommendations on foster care reimbursement rates, statewide standardized level of care assessment, and adoption assistance payments.

The Committee had two priorities in 2016. First, reviewing and revising recommendations from May 2014 to ensure that the current foster care reimbursement rates were still adequate and second, creating a rate structure for treatment foster care in Nebraska.

Following a lengthy review of its 2014 recommendations, the Committee found no indication that the current rates were unreasonable or unfair in any way, and identified additional processes for defraying the costs of foster parenting, including provisions for transportation reimbursement. The Committee created a Foster Parent Survey to capture feedback from foster parents regarding the Nebraska Caregiver Responsibilities (NCR) Tool, and found that the responses of foster parents indicated that the rates were adequate. Agency feedback and a survey of the Nebraska chapter of the Family Focus Treatment Association (FFTA) indicated that the no adjustment was necessary to agency support rates.

The Committee also create a Treatment Foster Care workgroup to research and make recommendations related to a rate structure that includes expectations regarding treatment components adequate to serve youth in out-of-home care for whom placement is problematic.

The 2016 report of the FCRRC is available here. Information about the Treatment Foster Care Workgroup is available at <https://goo.gl/JYACqU>.

Juvenile Services Committee

(Nicole Brundo and Kim Hawekotte, Co-Chairs)

Created by [LB821\(2012\)](#) and codified at [Neb. Rev. Stat. §43-4203](#), this Committee examines the structure and responsibilities of the Office of Juvenile Services and makes recommendations related to the Youth Rehabilitation and Treatment Centers (YRTC) and the juvenile justice system of care.

The Juvenile Services Committee has been working towards creating recommendations and submitting its fourth report to the Nebraska State Legislature.

The Committee focused in the beginning of the year on the Legislative Session, and contributing analysis and information related to the juvenile justice related bills to the Legislature. The Committee's many stakeholders gave their perspectives related to the legislation, resulting in a richer discussion about the reform of juvenile justice in Nebraska. Following the Legislative session, the Committee turned its attention to its 2013 Strategic Plan for Juvenile Justice and, with the assistance of a facilitator, devised a work plan to update its recommendations and create its 2016 annual report.

The Committee's Annual report includes information from four workgroups (Courts and Legal System, Data Mapping and Analysis, Evaluation and Assessment, and Service Coordination) and recommendations related to YRTCs.

The Juvenile Services Committee's 2016 Annual Report is available at <https://goo.gl/BIXJGX>.

RECOMMENDATIONS AND PRIORITIES

1. The Committee will continue to look at the current system utilizing the YRTC.
2. The Committee supports that the YRTCs remain open and serving the current high-risk population.
3. An evaluation and assessment process should be performed on the YRTCs to measure outcomes in order to confirm and enhance the progress of existing efforts.
4. Change statutory language to require that all youth have legal counsel and appropriate adequate funding for that requirement. Funding for youth level counsel would be maintained at the county level.
5. The Data Mapping and Analysis Taskforce will examine the lifetime consumption of resources of youth who are placed in YRTCs to determine patterns and needs that lead to YRTC Commitment.
6. A unified and shared database should be created to for agencies that assess, serve, and treated youth across the state. This database should allow for enhanced case management, as well as predication of needs across the state and individualized data outcomes for research.

NORMALCY TASK FORCE

- 1. Cross System Communication and Data Sharing.** Agencies must communicate and share data across systems to improve outcomes and enhance normalcy for youth.
- 2. Culture Change.** System-wide culture change is necessary to implement the Strengthening Families Act, starting with the principle that stakeholders should treat youth the way they would want their own children treated.
- 3. Family and Youth Voice.** All youth, families, and caregivers should be educated and empowered to drive their cases and receive necessary services and supports.
- 4. Transition to Adulthood.** Normalcy is essential for all youth in out-of-home placements to acquire skills and experiences needed for a successful transition to adulthood.
- 5. Youth Bill of Rights.** The Normalcy Taskforce's Bill of Rights should be adopted by the State and enforceable by youth aged fourteen and older.
- 6. Preventing Trafficking.** Normalcy is the backbone of preventing trafficking. Normalcy allowing youth to build healthy relationships and access supports to prevent being trafficked.

Normalcy Task Force

(Karen Authier, Interim Co-Chair and Sarah Helvey, Co-Chair)

The Normalcy Task Force (Task Force) was created under the umbrella of the Nebraska Children's Commission (Commission) to monitor and make recommendations related to Nebraska's implementation of the Federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183 (referred to in this document as the "Strengthening Families Act" or "SFA"). Nebraska's Strengthening Families Act, [LB746 \(2016\)](#), implements the federal SFA and initial stakeholder recommendations. Both the federal and state SFA represent a culture shift to allow children and youth to grow and thrive in less restrictive, more family-like environments and participate in age and developmentally appropriate activities.

The Task Force has met three times in since its codification in statute, and has done significant work through the following five subcommittees to create recommendations on priority areas of the Strengthening Families Act: Community and Family Voice, Grievance, Normalcy, Trafficking, and Training.

The Task Force and Subcommittees have created recommendations on the wide range of components included in the state and Federal Strengthening Families Act.

The full report of the Normalcy Taskforce is available at <https://goo.gl/o12vbP>.

Psychotropic Medications Committee **(Paula Wells and Gregg Wright, Co-Chairs)**

The Psychotropic Medication Committee was established by [LB821 \(2012\)](#) and codified at [Neb. Rev. Stat. §43-4203\(2\)\(a\)](#) to examine state policy regarding the psychotropic drugs prescribed for children who are wards of the state and administration of such drugs to such children.

The Committee recommended a framework based on the American Academy of Child and Adolescent Psychiatry's *Position Statement of Oversight of Psychotropic Medication Use for Children in State Custody: A Best Principles Guideline* in the Commission's 2012 Phase I Strategic Plan. Additionally, the Committee was authorized by the Commission in 2014 to provide guidance to research and assess practices for prescribing psychotropic medications to children and adolescents living in Nebraska.

This Committee has become highly active under its new leadership, with a renewed commitment to strong advocacy for youth who are state wards. In addition to a thorough review of the Committee's previous recommendations, the Committee has also created a taskforce to review the informed consent process for children who are state wards.

The group will be providing feedback to DHHS-CFS on psychotropic medication policy, supporting training for caseworkers related to psychotropic medications, monitoring the implementation of Heritage Health, and collaborating with Managed Care Organizations to promote best practices.

RECOMMENDATIONS

1. The group continues to endorse the best practices in the 2012 report, and will work with and support DHHS Division of Children and Family Services and Division of Public Health to improve outcomes for children and youth.
2. Training related to psychotropic medications for children and youth in the custody or supervision of the state needs to be system-wide and complete.
3. Proper diagnosis procedures should be promoted to allow for accurate mental health diagnosis.

RECOMMENDATIONS AND PRIORITIES

1. A strong neutral backbone entity is imperative in ensuring the success of collaboration within the communities.
2. Adequate funding and support is necessary to maintain a successful backbone entity
3. Data collection and sharing is key to providing efficient services to communities. This should include asset mapping to determine what resources and services exist and identify gaps to be filled.
4. Encourage public private partnerships with DHHS. Communities can provide support for young adults as they transition out of the child welfare system, and to families who are exiting the Alternative Response program.
5. When implementing national models, communities need to balance fidelity to the model with the needs and resources of the community. Communities discussed a need to implement the core components of national models that meet their needs.
6. Positive and empowering relationships enable families to access the help they need.

Community Ownership of Child Well-Being (COCWB) Workgroup **(Mary Jo Pankoke, Chair)**

Goal: Encourage timely access to services, with a focus on prevention services, through community ownership of child well-being.

The Commission renewed its support for the goals and work of the Community Ownership of Child Wellbeing group in its 2016 Strategic Plan.

In the last year, the COCWB Workgroup has focused its efforts on hosting community listening sessions to help document the successful prevention efforts underway and the existing barriers that still exist within communities that utilize the Collective Impact and Collective Response models. Four community listening sessions were held since October 2015 with the Fremont, Hall County, Panhandle, Sarpy County, Douglas County, Norfolk, Platte-Colfax County, and Dakota County regions.

Community Response (CR) is a series of services and supports provided by the community to their youth and families. These services work to ensure that families in need receive the necessary assistance that may ultimately prevent them from entering the child welfare or juvenile justice systems and provide them with the well-being they deserve. Community collaboratives and partnerships across the state gathered for a series of listening sessions to discuss how CR had effected their communities. Together, the workgroup and communities identified the essential elements for a successful Community Response Initiative, and will continue to work together to create recommendations to support communities.

The Community Ownership of Child Well Being 2016 Report is available at <https://goo.gl/RB0B9J>.

Data, Technology, Accountability, and Reporting (DTAR) Workgroup **(David Newell, Chair)**

Goal: Utilize technological solutions to information exchange and ensure measured results across systems of care.

Educating the Commission on Nebraska's data and how the data can be utilized to improve outcomes for children and families has been a key priority for the group. In 2016, the group developed an educational plan for the Nebraska Children's Commission. This plan includes regular updates from the Administrative Office of Probation, the Department of Health and Human Services, the Data Mapping and Analysis Taskforce, and the LB265 (2015) Out-of-Home Data Pilot Advisory Committee.

The CFSR data has been an additional noteworthy focus. The Department of Health and Human Services has presented regular updates on the measures and progress. The DTAR workgroup and the Commission support DHHS in achieving and exceeding these standards.

The group also supports the work of the Data Mapping and Analysis Taskforce of the Juvenile Services Committee, and the LB265 Out-of-Home Data Pilot.

The 2016 report of the DTAR Workgroup is available at <https://goo.gl/JNOVEs>.

RECOMMENDATIONS AND PRIORITIES

1. Increase the amount of juvenile justice data available to stakeholders and the public.
2. The seven outcome measures of the CFSR Round 3 provide a clear and thorough analysis of progress on child welfare indicators.
3. The Commission should continue to receive information and updates from the Department of Health and Human Services about the progress of CFSR measures. The group remains available to support DHHS in meeting and exceeding these standards.
4. Utilize lessons learned from the LB265 project to support increased data sharing and cross-system communication.
5. Continue to receive education about data, trends, and analysis.
6. Work to identify gaps in data, determine barriers to data collection, and create recommendations to minimize gaps in data.

RECOMMENDATIONS

1. Filing practices and decisions related to fault and no fault petitions under [Neb. Rev. Stat. §43-247\(3\)\(a\)](#) should be examined to improve outcomes for children and families.
2. In some areas of the state, especially areas in which County Courts sit as Juvenile Courts, attorneys report a lack of services that would improve outcomes for children.
3. Attorneys report a need for better cross-agency communication and collaboration between DHHS-CFS and Probation.
4. Increase the amount of juvenile practice specific trainings available to legal parties and other system stakeholders.
5. The Supreme Court of Nebraska is encouraged to required dedicated Continuing legal Education (CLE) hours for all legal parties who practice in juvenile court.
6. The Taskforce has identified a model statute as a solution to the problems posed by conflicting jurisdiction between juvenile and district courts and will release specific recommendations in its next report.
7. The Taskforce has continued to provide research and support to legislators considering legislation affecting the Juvenile Code, and remains available as a resource to any legislator or Committee seeking information or input.

Legal Parties Taskforce (Kim Hawekotte, Chair)

Goal: Support the practice of juvenile law through the professionalization of juvenile practice, clarification and enhancement of legal party roles.

This group has been working since 2014 to examine and make recommendations related to the roles of attorneys in juvenile court. This group was created to assist the Legislature as it created legislation related to Guardians ad Litem. Since that time, the role and scope of the Taskforce has expanded to creating and presenting Continuing Legal Education content to attorneys, creating surveys to capture information about the practice of juvenile law, and examining court structure and jurisdictional statutes.

The group undertook a Legal Party Survey to gain information from attorneys related to [Neb. Rev. Stat. §43-247](#) and found that attorneys indicate a wide variance of practice in filing Petitions under this section. Petitions under this section may be filed as alleging either parental fault, or no parental fault. In fault cases, the parent is placed on the Child and Adult Abuse and Neglect Central Registry and can be required to participate in a case plan and services. If the parent does not comply with the case plan, their rights may be terminated. When a petition is no-fault, the parent is not placed on the Central Registry and practice varies as to what services may be ordered for the parent, and whether parental rights can be terminated if the parent does not comply with the case plan.

Attorneys also believe that more services are necessary, especially in areas of the State that do not have Separate Juvenile Courts.

An executive summary of the Legal Party Survey is available at <https://goo.gl/uCUFdF>. A presentation on the survey is available for viewing at <https://goo.gl/rcWgE4>.

System of Care Workgroup **(Gene Klein, Past Chair)**

Goal: Support a family driven, child focused, and flexible system of care through transparent system collaboration with shared partnerships and ownership.

The Commission has been dedicated to promoting a seamless system of care for children and families in Nebraska since the creation of its 2012 Strategic Plan, and reaffirmed this priority in the 2016 Strategic Plan. In 2016, the Legislature has assigned the Commission with new tasks related to the System of Care, specifically to evaluate the feasibility of utilizing performance based contracting for specific child welfare services, including the feasibility of additional contractual requirements for service providers requiring service to all children without an option to deny services.

The group is actively engaged in the Division of behavioral Health System of Care implementation to ensure that child welfare and juvenile justice are front and center, and enhance collaboration and communication between systems and agencies.

The System of Care group has consistently supported the use of Alternative Response, and recommends that the program be reauthorized and its use expanded. The group testified in support of DHHS's [Alternative Response Regulations](#), and after reviewing the program's data has determined the regulations should be less restrictive to allow more participation in the program.

The group's statutorily required report to DHHS regarding implementation of the Alternative Response program can be reviewed at <https://goo.gl/zfpF4s>.

RECOMMENDATIONS

1. The System of Care should utilize the Commission's seven components of a seamless system of care.
2. Child welfare and juvenile justice should be front and center of the System of Care Plan.
3. Agencies should communicate across systems, and any barriers to cross systems communications should be identified and eliminated.
4. The Legislature should consider adding the position of the Director of the Division of Behavioral Health as an ex-officio member of the Commission.
5. Reauthorize the use of Alternative Response in the child welfare system.
6. Address the restrictive eligibility requirements of the current Alternative Response program. Due to the success seen in the implementation of the Alternative Response program, the Commission continues to recommend that more families become eligible to receive this service.
7. Continue to support DHHS as they expand the AR program and identify additional measures to improve this important program for children and families.

RECOMMENDATIONS

1. Caseworkers and caseworker supervisors are the foundation of the child welfare system.
2. Casework should not be seen as an entry level position. Casework is an extremely complex and difficult vocation that deeply impacts children and families, with caseworkers compensated and respected as professionals.
3. Caseworker salaries should be increased to attract and retain high quality caseworkers.
4. Caseworker salaries should include differentials based on experience, education, and proficiency in second languages, attainment of key competencies, and other relevant factors.
5. Addressing the restrictions to increasing caseworker salary differentials should be a priority.
6. System stakeholders must support caseworkers, starting with understanding the role of the caseworker and treating caseworkers with the respect they deserve.

Workforce Workgroup **(Susan Staab, Past Chair)**

Goal: Foster a consistent, stable, skilled workforce serving children and families.

This group has worked to support DHHS and agencies providing long-term case management in attracting and retaining caseworkers and supervisors. In 2016, the group recognized a need to develop child welfare workforce capacity to ensure that Nebraska has a pool of skilled workers.

The workgroup welcomed new members from the Schools of Social Work at the University of Nebraska, Kearney and Omaha to partner in the work. The Legislature assigned the Commission with performing salary comparisons with other states; utilizing incentives for persons who work in the area of child welfare; evidence based training requirements and collaborating with the University of Nebraska.

In addition to supporting increased salaries, salary differentials, and social work education, the group will work to support and listen to DHHS and agencies providing long-term child welfare case-management, providing education to all system stakeholders about the role of caseworkers, and addressing vicarious trauma.