

**Nebraska Children's Commission
Juvenile Services (OJS) Committee**

Thirty-Eighth Meeting

November 8, 2016

9:00am – 3:00 pm

Southeast Community College, Rooms V103 & 104
8800 O Street, Lincoln, NE 68520

I. Call to Order

Kim Hawekotte, Co-Chair of the Juvenile Services (OJS) Committee, called the meeting to order at 9:00 a.m.

II. Roll Call

Committee Members present (12):

Cassy Blakely	Ron Johns	Juliet Summers
Jeanne Brandner	Mark LaBouchardiere	Vicki Thompson
Judge Larry Gendler (9:14)	Tom McBride	Dr. Richard Wiener
Kim Hawekotte	Dan Scarborough	Dr. Ken Zoucha

Committee Members absent (4):

Nicole Brundo	Nick Juliano
Dr. Anne Hobbs	Cynthia Kennedy

Committee Resource Members present (5):

Michele Borg	Judge Linda Porter (9:05)	Julie Smith
Christine Henningsen	Julie Rogers	

Committee Resource Members absent (11):

Jim Bennett	Monica Miles-Steffens	Andrew Shapiro
Barb Fitzgerald	Jerall Moreland	Deb VanDyke-Ries
Catherine Gekas Steeby	Lisa Neeman	Rico Zavala
Liz Hruska	Senator Patty Pansing Brooks	

A quorum was established.

Guests in Attendance (8):

Dr. Katie Bass.....	Nebraska Court Improvement Project
Bethany Connor Allen.....	Nebraska Children's Commission
Amanda Felton.....	Nebraska Children's Commission
Mary Ann Harvey.....	Nebraska Court Improvement Project
Lori Lewis.....	DHHS, Division of Medicaid & Long-Term Care
Sarah Mitchell.....	Project Everlast
Kari Rumbaugh.....	Administrative Office of Probation, Division of Juvenile Services
Chris Triebisch.....	Nebraska Legislative Council

a. Notice of Publication

Amanda Felton, indicated that the notice of publication for this meeting was posted on the Nebraska Children's Commission and Nebraska Public Meetings Calendar websites on September 30, 2016 in accordance with the Nebraska Open Meetings Act.

b. *Announcement of the placement of Open Meetings Act information*

A copy of the Open Meetings Act was available for public inspection and was located on the sign-in table near the entrance of the meeting room.

III. Approval of Agenda

A motion was made by Cassy Blakely to approve the agenda as written. The motion was seconded by Ken Zoucha. No further discussion ensued. Roll Call vote as follows:

FOR (11):

Cassy Blakely
Jeanne Brandner
Kim Hawekotte
Ron Johns

Mark LaBouchardiere
Tom McBride
Dan Scarborough
Juliet Summers

Vicki Thompson
Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (0):

ABSENT (5):

Nicole Brundo
Judge Larry Gendler

Dr. Anne Hobbs
Nick Juliano

Cynthia Kennedy

MOTION CARRIED

IV. Approval of the Minutes

Ron Johns moved to approve the minutes of the September 13, 2016 minutes as presented. Vicky Thompson seconded the motion. There was no further discussion. Roll call vote as follows:

FOR (11):

Cassy Blakely
Jeanne Brandner
Kim Hawekotte
Ron Johns

Mark LaBouchardiere
Tom McBride
Dan Scarborough
Juliet Summers

Vicki Thompson
Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (0):

ABSENT (5):

Nicole Brundo
Judge Larry Gendler

Dr. Anne Hobbs
Nick Juliano

Cynthia Kennedy

MOTION CARRIED

V. Co-Chair Report

Co-Chair Hawekotte did not have any information to present under this report.

VI. Workgroup Recommendations

a. Courts and Legal System Workgroup

Christine Henningsen, Chair of the Courts and Legal System workgroup and Staff Attorney with Center on Children, Family and the Law, began the update by discussing the pilot efforts in rural Nebraska to promote legal counsel for all youth. Two judges in the Columbus area had agreed to appoint counsel to youth pre-filing. The hope was to gather data from the pilot to aid in a change to the legislative wording require all counties to appoint legal counsel to youth. Juliet Summers, Policy Coordinator with Voices for Children in Nebraska, commented that JUSTICE data indicated that a majority of counties would only see a difference in practice of one youth should this requirement be extended statewide.

The workgroup had also explored the issue of separate juvenile courts. Ms. Henningsen had met with Judge Gendler and Mary Ann Harvey to review potential system structures. A set of questions were created to be distributed to county court judges to help gain knowledge on how to streamline the process to better assist them. The Court Improvement Project (CIP) would be working with the Commission to release the survey for feedback.

Another task the workgroup examined was the court origin of juvenile filings. The workgroup planned to continue to research this area, and would most likely have recommendations in the spring of 2017. Ms. Summers noted that the preliminary data from the Kids Count report showed a dramatic decrease in the number of cases for minors being filed in adult court.

The workgroup had also discussed offering diversion to youth pre-filing. This would encourage all diversion efforts to happen before filing a court case. A collaboration with the Nebraska Coalition of Juvenile Justice (NCJJ) was in progress and would examine this issue at their meeting on November 18th. Co-Chair Hawekotte explained how some courts lean on the filing as a “hammer” to hold over the youth. An alternate reasoning explained that filings were done to ensure that data reflected high caseloads. It was suggested to connect with Dr. Anne Hobbs regarding her evaluation of Community Based Aid (CBA) funding to see if she would be able to collect data on pre vs. post filing diversion efforts.

The sealing and expungement of juvenile records, was another task that was still in progress for the workgroup. There was much debate on if expungement of records would be beneficial. Before the Committee could confidently take a stand on the issue, members wanted a definition for both sealing and expunging as well as a review of the current sealing processes. There was concern over the loss of data for research purposes that could happen with the expungement of records.

Co-Chair Hawekotte took a moment to ask Judge Linda Porter to talk about her work with the Commission on Children in the Courts. Judge Porter indicated that she was chairing a subcommittee that would look at progression standards for juvenile justice cases. They were working to form recommendations for best practice. Moving forward judges would get a monthly printout of their progression standard compliance to assist in balancing their caseloads. An update on this group’s progress would be added to the OJS Committee agenda for January.

b. Evaluation of Programs and Assessment of Youth Workgroup

An update of the Evaluation of Programs and Assessment of Youth (Evaluation and Assessment) workgroup was given by the workgroup Chair and Beddey Professor of Psychology at UNL, Dr. Richard Wiener. Dr. Wiener summarized areas of action including work towards stakeholder education, standardizing criteria for evidence based practices, performing a survey of assessment techniques throughout the state, creation of a shared database, and support of the Data Mapping and Analysis (DMA) Taskforce and their continued work.

The workgroup would work to coordinate with the CIP to create trainings for stakeholders on the importance of evaluations and assessments. CIP would lend its brand and assistance in promotion of

the trainings, with members of the workgroup identifying topics and locating presenters for the trainings.

The White Paper completed by Dr. Wiener, Dr. Spohn, and Dr. Hobbs would be presented to the Children's Commission at their November 15th meeting. The hope was to receive their approval to utilize the paper's system wide categorization of Evidence Based Practices in providing a working definition of what would and would not constitute EBP programming in Nebraska.

Members of the workgroup would also create, distribute, and analyze a survey regarding the assessment techniques across the state. A small budget was requested to assist in the collection of data which would be calculated and submitted to the Committee. Co-Chair Hawekotte also suggested utilizing the Grant Review Committee of the NCJJ. If provided a list of questions, the Committee could provide answers regarding diversionary programs while reviewing applications for CBA. Dr. Wiener would confer with Dr. Hobbs to ensure that duplicate efforts would not result from delving into diversion assessments. Ms. Blakely, Assistant Vice President of Youth Policy with Nebraska Children and Families Foundation, also mentioned that the System of Care (SOC) implementation team was looking at assessments and screening tools. She recommended that Dr. Wiener connect with Nathan Busch.

The subject of the shared database brought about lengthy discussion. While reviewing LB265, the workgroup had felt that the population targeted needed to expand to include more than just out-of-home youth. They also recommended additional membership to the pilot advisory group, pulling in an expert from out of state for input, utilizing an outside/neutral entity to host the database warehouse, and that it include of a fiscal note to provide advisory group a budget. Co-Chair Hawekotte informed members that the bill would sunset in December, but that there was legislative support to propose a bill that would extend it through 2020. She agreed that bringing in experts from other states who have shared database would be beneficial to the process. It was agreed that the Committee would look to host a meeting and bring in Iowa and potentially other states to discuss the process behind forming their shared database.

Lastly, the workgroup supported the Data Mapping and Analysis Taskforce and encouraged that it remain active. Mike Fargen, Research Director with the Foster Care Review Office, and Dr. Katie Bass, Research and Evaluation Specialist with the CIP, agreed to Co-Chair the Taskforce and meet to determine the group's next steps. They noted that a new dataset would most likely need to be pulled.

c. Services Coordination Workgroup

Cassy Blakely, interim Chair for the Services Coordination workgroup, provided the update for the group. Ms. Blakely informed the group that there had not been any changes since the last presentation, but that progress had been made in a few areas of the identified next steps. Initial communication had begun with the NCJJ regarding the use of braided funding. They had also pulled in Michele Borg as a member of the workgroup to assist in advancing the educational efforts for juvenile justice youth.

The members agreed that a member from the Division of Behavioral Health would be beneficial for the Committee. The discussion delved into the crisis intervention priority of the SOC initiative and how having those supports not only help the youth and family, but the school and community around them. Judge Gendler explained the program in Sarpy County that allows for a contracted agency to respond to situation where police are called. That organization attempts to intervene and avoid court involvement. A second team is called in situations of contemplated suicide. So far, the response and outcomes have been positive. Similar programs were also being implemented in Saunders County. The Co-Chair indicated that she would reach out to the entities for a future presentation.

It was moved by Tom McBride to approve the recommendations and information on the next steps of the Courts and Legal System Workgroup, Evaluation and Assessment Workgroup, and the Service Coordination Workgroup to be presented to the Nebraska Children's Commission for approval. Juliet Summers seconded the motion. There was no further discussion. Roll Call vote as follows:

FOR (12):

Cassy Blakely
Jeanne Brandner
Judge Larry Gendler
Kim Hawekotte

Ron Johns
Mark LaBouchardiere
Tom McBride
Dan Scarborough

Juliet Summers
Vicki Thompson
Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (0):

ABSENT (4):

Nicole Brundo
Dr. Anne Hobbs

Nick Juliano
Cynthia Kennedy

MOTION CARRIED

VII. Develop YRTC and Out-of-Home Placement Recommendations

The Co-Chair began conversation on the Youth Rehabilitation Treatment Centers (YRTCs) and Out-of-Home Placement recommendations by drawing attention to the data requests that had been sent to both the Department of Health and Human Services (DHHS) and the Administrative Office of Probation. Neither entity had data to provide at this meeting and indicated that additional time was needed to gather the information. Jeanne Brandner, Deputy Probation Administrator, asked for clarification on what information the group was looking for. She expressed the hope for the day's discussion to provide insight into the data that would be most beneficial to the work of the Committee.

Much of the dialogue circled around the need for a multi-level continuum of care available to youth involved with the juvenile justice system. The members acknowledged that the YRTC played a part in the continuum, but that supports were needed both prior to entering and after exiting them. Youth with mental health needs, in particular, were a population of discussion. The YRTCs noted experiencing difficulties in meeting the needs of these youth. Complications arose when all other entities, including Psychiatric Residential Treatment Facilities (PRTFs), would reject or eject these youth leaving the YRTC as the only placement option available to them.

Members also emphasized how many youth do well in a structured environment where they have access to education, art, and treatment. However, when they leave that environment they backtrack to previous negative behaviors, emphasizing the need for transitional services. Several members had attended a recent site visit to a juvenile detention facility in San Jose, California. Their system had focused on providing resources and services at the front end to prevent youth from entering deeper into the system. The result led to only youth who habitually assaulted, went missing, or who had extreme behaviors being placed in their facility. With a defined population entering, they were able to provide the services necessary for rehabilitation.

The need for regional services and resources was brought up numerous times during the discussion. The SOC method of identifying community resources was mentioned as a step that should be implemented within juvenile justice. It was also argued that the current options available to judges were not being utilized to their fullest extent. In contrast, it was voiced that a large portion of the state did not have the same opportunities as the metro areas where a larger amount of workforce and services were available.

The Committee struggled to identify how the YRTC would best fit within the continuum. There was no consensus among the group. Members jumped from using the facilities strictly as a "last resort" to utilizing them specifically to address the youth with extreme needs. In identifying a specific population to be served at the YRTCs, it would most likely require a change the current statutory language. It would need to enable youth who are assessed to be best served at the YRTCs to be placed there without the need to "fail" out of every other community based resource.

This roused examination of a no eject/no reject policy. Caution was issued regarding this requirement, as its intent was not meant to force facilities to take in youth who they may not have the means to provide services. Attention to matching youth and placement was key to ensuring their success. This also tied back to the need for multiple levels of services for youth to access that would match their needs.

VIII. Lunch

The Committee recessed for lunch at 12:15 p.m.

The meeting resumed business at 12:55 p.m.

IX. Develop YRTC and Out-of-Home Placement Recommendations (Continued)

Members visited the idea of a emulating a medical model. This would require a shift in viewing the population placed in the facility from the “worst” to the “most in need.” The facility would become the location that housed the experts in behavioral and mental health care to serve the youth with the highest needs and risk level. Dr. Ken Zoucha, Supervising Physician with the Hastings Juvenile Chemical Dependency Program, used the analogy of a person with a physical illness. It would require continued assessments of the health of the patient and an acknowledgment that recovery needed to be viewed on a holistic level. If the illness continued to worsen, then they would be sent to specialists at a hospital (the YRTCs) to target the health issue, after which the patient would return to their regular physician for treatment and follow up care prior to returning home permanently.

Lengthy debate occurred on the population best served at the YRTC and the need for regional levels of care. All of the suggestions and ideas discussed would require additional funding to accomplish. Even the most basic and immediate need of the facility, staffing to meet federal Prison Rape Elimination Act (PREA) standards, would require additional funding. With the YRTC currently operating as a prison like facility, federal Medicaid funding was not an option. Lori Lewis, Program Coordinator with the Division of Medicaid and Long-Term Care, indicated that she would reach out to her administrator to identify potential options to access Medicaid funding.

Due to several members exiting the meeting during the afternoon portion, a quorum of members was lost. The group reviewed the topics of discussion from this agenda item, but no new recommendations were put forward, as an official vote could not be taken.

X. New Business

Co-Chair Hawekotte reminded the Committee of the joint effort subgroup between the OJS Committee, NCJJ, and the Juvenile Detention Alternatives Initiative (JDAI).

XI. Upcoming Meeting Planning

The Co-Chair noted that there would be efforts to combine future meeting times with the NCJJ and that more information would be available at a later date. Other items mentioned for future meetings included a presentation from representatives in Iowa on the creation of their shared database and a presentation from the crisis response programs in Sarpy and Saunders counties.

XII. Future Meeting Dates

The next meeting was set for January 10, 2017 and would be held at Southeast Community College.

XVI. Adjourn

The meeting adjourned at 2:49 p.m.

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