

Nebraska Children's Commission
Juvenile Services Committee
Thirty-Ninth Meeting
February 14, 2017
Hruska Law Center, Nebraska Bar Foundation
635 14th St, Lincoln, NE 68508

I. Call to Order

Kim Hawekotte, Co-Chair of the Juvenile Services Committee (JSC), called the meeting to order at 9:19 a.m.

II. Roll Call

Committee Members Present (15):

Jim Bennett	Dr. Anne Hobbs	Kari Rumbaugh
Cassy Blakely	Ron Johns	Dan Scarborough
Nicole Brundo	Nick Juliano	Juliet Summers (9:23)
Judge Larry Gendler	Mark LaBouchardiere	Vicky Thompson Smith
Kim Hawekotte	Tom McBride	Dr. Richard Wiener

Committee Members Absent (2):

Cynthia Kennedy	Dr. Ken Zoucha
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Committee Resource Members Present (7):

Nicole Berggren	Julie Rogers (11:11)	Deb VanDyke-Ries (9:40)
Christine Henningsen (9:30)	Julie Smith	Rico Zavala
Lisa Neeman		

Committee Resource Members Absent (8):

Michele Borg	Liz Hruska	Senator Patty Pansing Brooks
Barb Fitzgerald	Monica Miles-Steffens	Judge Linda Porter
Catherine Gekas Steeby	Jerall Moreland	

A quorum was established

Guests in Attendance (5):

Bethany Connor Allen.....	Nebraska Children's Commission
Amanda Felton.....	Nebraska Children's Commission
Mary Ann Harvey.....	Nebraska Court Improvement Project
Matt Lewis.....	Nebraska Court Improvement Project
Sarah Mitchell.....	Project Everlast
Trevor Spiegel.....	DHHS, Office of Juvenile Services

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 Meeting 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 and seconded by Ron Johns to approve the agenda as presented.
No further discussion ensued. Roll call vote as follows:

FOR (13):

Jim Bennett
Cassy Blakely
Nicole Brundo
Judge Larry Gendler
Kim Hawekotte

Dr. Anne Hobbs
Ron Johns
Nick Juliano
Mark LaBouchardiere
Tom McBride

Kari Rumbaugh
Dan Scarborough
Vicky Thompson Smith

AGAINST (0):

ABSTAINED (0):

ABSENT (4):

Cynthia Kennedy
Juliet Summers

Dr. Richard Wiener
Dr. Ken Zoucha

MOTION CARRIED

IV. Approval of the Minutes

A motion was made by Cassy Blakely and seconded by Ron Johns to approve the agenda as presented.
No further discussion ensued. Roll call vote as follows:

FOR (12):

Jim Bennett
Cassy Blakely
Nicole Brundo
Judge Larry Gendler
Kim Hawekotte

Ron Johns
Mark LaBouchardiere
Tom McBride
Kari Rumbaugh
Dan Scarborough

Vicky Thompson Smith
Dr. Richard Wiener

AGAINST (0):

ABSTAINED (1):

Nick Juliano

ABSENT (4):

Dr. Anne Hobbs
Cynthia Kennedy

Juliet Summers
Dr. Ken Zoucha

MOTION CARRIED

V. Co-Chair's Report

Neither Co-Chair Kim Hawekotte nor Nicole Brundo had information to share under this item.

VI. Legislative Discussion

The Committee members reviewed a number of Legislative Bills as noted on the Bills of Interest handout. Bills that inspired discussion are noted below:

- **LB8** – The Juvenile Detention Alternatives Initiatives (JDAI) Steering Committee spearheaded this effort to transition away from sanctioning youth and move toward response incentives. The bill would allow for the creation of a response grid that would have the flexibility to change over time as research

comes to light. Kari Rumbaugh indicated that additional information could be presented at the next meeting.

- **LB11** – This bill related to the motions to transfer between juvenile and criminal court, allowing the timeline for appeal to be earlier in the process. This bill would also provide the county attorney the ability to appeal in these cases. There was agreement that this bill would potentially expedite the appeal process, which currently took up to 9 months.
- **LB158** – This legislation would expand the requirement for appointment of legal counsel for juveniles to all counties, rather than those with populations of 150,000 or more. It would allow for appointment at the time of filing, eliminating the need for a second hearing specifically for appointment of legal counsel. An amendment had recently been added that specified that a youth could rescind their decision to decline legal counsel at any time.

Discussion addressed the concerns of both proponents and those in opposition of the bill. Proponents argued that it would both reduce costs as well as expedite the process. An issue of debate was around the counties who did diversion post filing. For these areas, the costs could increase as youth may not need legal representation in cases of diversion. Another item that could prove to be a difficult hurdle was the lack of available lawyers in rural areas of the state. Alternatively, it was argued that diversion efforts should be completed before filing occurs, which would greatly reduce the number of cases in need of counsel.

- **LB179** – The Bridge to Independence Advisory Committee pushed for this bill alongside Senator Bolz to extend the program to youth aging out of the juvenile justice systems. While there had been interest expressed from a number of senators, the fiscal cost would most likely prevent it from moving forward this session.
- **LB434** – Concern was raised over the provision surrounding video conferencing included in this bill. While this would provide for greater latitude for when youth want to appear in court, there was fear as to how due process would be maintained during video hearings. Video conferencing is a helpful tool already used in many areas, but should not be mandated.
- **LB511** – The language surrounding “best interest” of the child was marked as an area for members to look into. There was a chance that the changes could impact the length of the placement process and it was unclear how it would intersect with the Student Succeed Act.
- **LB556** – Members discussed the ramifications of this bill for juvenile records that had been sealed. It was unclear if this would require sealed records to be reopened and accessible.

VII. Informational Presentation and Updates

a. DHHS, Office of Juvenile Services Update (OJS)

Dan Scarborough, Facility Administrator, gave an update on the Geneva Youth Rehabilitation Treatment Center (YRTC). Scarborough indicated that the number of young women at the facility had seen a decrease. In addition the population served by the facility were youth of moderate to high risk, showing that the target population was being committed. He went on to share information on the cognitive based treatment programs offered to the youth once the school day concluded at 3:00.

An update on the Kearney YRTC was given by Trevor Spiegel, Facility Administrator. The current population of the facility was between 90 and 100. He noted the high number of young men currently at the facility with mental health issues. Despite this, the number of assaults in the facility had gone down in recent months from an average of 20 to around 9. Spiegel went on to talk on the increased employment applications from individuals with therapeutic backgrounds, contributing this to the efforts of the HR team and the culture change within the facilities.

b. Probation, Juvenile Services Division Update

Jim Bennett, Director of Placement - Supervision Services, and Kari Rumbaugh, Assistant Deputy Administrator, provided an update on the Juvenile Services Division of the Administrative Office of Probation. Rumbaugh began by discussing data collection, directing members to review the annual

data analysis that was available on their website. She also touched on the work happening to update the service definitions. These would better target the necessary services and outline the expected outcomes.

Conversation arose on the complications that come with service definitions. Collaboration with the Department of Health and Human Services (DHHS) had occurred to ensure that the reimbursement for services would reflect the updated definitions. This brought about lengthy discussion of the definition of recidivism. While the Supreme Court definition of recidivism would continue to be used, more comprehensive data relating to it was being collected. Dr. Hobbs discussed the methods currently used in the evaluation of Community Based Aid (CBA) programs noting that they use the Supreme Court definition as well as several others to give a broad view of the data. Dr. Hobbs and Dr. Wiener indicated that they could provide a presentation on the various recidivism definitions that are commonly used in their research.

Bennett reviewed the pilot project regarding status youth in the 3J probation district (city of Lincoln area). This pilot utilized the Juvenile Inventory for Functioning (JIFF) tool to frame a plan around the needs of the youth. The program had shown a reduction in youth in out-of-home placement as well as the overall time involved with probation. Bennett also mentioned the collaborative efforts with the schools to address the needs of these youth. There was an evaluation of identified outcomes over time and a data document could be distributed to members at the next meeting.

VIII. Discussion of YRTC and Out-of-Home Placement

Julie Smith, Reentry Specialist, introduced herself and began a presentation on the Juvenile Services Division of the Administrative Office of Probation. The presentation by reviewing the various assessments the probation youth experience, noting that a youth can be brought back to the court at any time to tailor to their developing needs and risk. She went on to describe the support offered through community based supervision, the types of services provided, and the definition and process of exhausted efforts prior to YRTC or out-of-home placements.

Jim Bennett continued by sharing data snapshots of information on the various types of placements. Bennett remarked that the out-of-home placement numbers often fluctuate. He also commented on placement out-of-state, explaining how a majority of these placements go to neighboring states that may be closer to family than the equivalent in-state placement. Bennett also touched on the seasonal flux in the number of placements.

The presentation was turned over to OJS with Nicole Berggren, Juvenile Justice Administrator, introducing herself. She referred to Trevor Spiegel and Dan Scarborough to share information on the YRTC facilities. The facility administrators shared information on the assessments and programs used, the demographics of their populations, the community involvement, and special programs and recreation opportunities provided the youth.

In discussing the youth currently housed at the facilities Mark LaBouchardiere, OJS Administrator, discussed the population in need of high treatment needs. The facilities experienced the situations where a youth would be rejected or ejected by a more appropriate Psychiatric Residential Treatment Facilities (PRTF) placement. The facility is then responsible for the rehabilitation of the youth, but lack the available services to meet their needs.

This issue prompted lengthy dialogue on how to address this system shortfall. Members acknowledged the long term work that would be necessary to implement a system change to better serve this population. Judge Gendler suggested steps for the immediate that included the facilities alerting the involved parties – probation, Judge, and legal parties – of the higher needs of the youth that cannot be met at the YRTC. LaBouchardiere indicated that he would attempt the process, and would report back to the Committee on the results at their next meeting.

Discussions circled back to the importance of collaboration. They emphasized importance of the progress made in engagement with the families and communities. In addition, partnerships with the Department of Labor, Vocational Rehabilitation, and Probation work to ensure that youth are provided educational, vocational,

and employment opportunities. This both helped youth gain the necessary skills to help them reintegrate into the communities after leaving the facilities.

After reviewing some of the barriers faced by both Probation and OJS, the presentation concluded with a series of recommendations. Recommendations supported continued cross agency collaborations, engagement with the System of Care efforts, enhanced opportunities for family engagement and skill building, streamlined information sharing, and increased staff to meet Prison Rape Elimination Act (PREA) standards.

IX. Lunch

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

The meeting resumed business at 12:35 p.m.

X. Standing Update Items

a. Court Improvement Project

Deb VanDyke-Ries, Director of the Court Improvement Project, gave an update. She informed the Committee that work had begun to plan their two regional conferences which would have a primary focus of racial equity. Other topics touched on included various webinars being offered, judicial training on the Indian Child Welfare Act (ICWA), the work of the Supreme Court Commission on Children in the Courts, Court Observation Project, the Juvenile Justice Home Based Initiative, and Multisystemic Therapy (MST).

VanDyke-Ries expanded on the work around MST, remarking that providers had been selected and that training will begin in quarter two. Service was set to begin shortly thereafter once staff had been hired by the providers. She noted an external evaluator, TerraLuna Collaborative, would be performing a developmental evaluation. A finalized developmental evaluation should be available sometime in March and information would be shared with the Committee.

b. Georgetown Crossover Youth Practice Model

Nick Juliano, Director of Regional Advocacy and Public Policy with Boys Town, informed members that project had reached its 5th year. Youth Impact!, the Crossover project in Douglas County, had served 355 youth in that time. The program had seen a rate around 90% of cases utilizing options other than filing in court due to complete information being provided to the County Attorneys.

Juliano also mentioned an evaluation of the Douglas County Crossover project being completed by Dr. Spohn and Dr. Wright. The evaluation would include a process evaluation, cost/benefit analysis, and outcome monitoring. He suggested having the two present information on the evaluation at the next meeting.

VanDyke-Ries also mentioned that the Center for Juvenile Justice Reform (CJJR) will come into Nebraska March 1st to work with the Sarpy Crossover Team. They will also be working with the statewide implementation team while here. CJJR representatives will return at the end of August to facilitate cross site work with all teams.

c. Juvenile Detention Alternative Initiatives

Jim Bennett provided a brief update on the Juvenile Detention Alternatives Initiative (JDAI). Otoe County is launching the newest JDAI site with the assistance of CIP and the Juvenile Justice Institute (JJI). Bennett also touched on the Douglas county site and their work with the Annie E. Casey Foundation, noting that their participation numbers were holding at around 55 youth. Lastly, he discussed the happenings of the Sarpy County site indicating that a new Program Coordinator.

d. *Evaluation of Community Based Aid Study*

An update on the evidence based work around the Community Based Aid (CBA) was provided by Dr. Anne Hobbs. She reviewed information regarding CBA noting over 13,000 youth were served by the program. Hobbs shared that of the 21 truancy programs, 95% demonstrated a measurable improvement in attendance of youth who completed them. A question for future research is the sustainability of the program effects. Also highlighted was the success of the diversion programs whose results showed that 70% of youth who completed these programs did not have further law violations 2-3 years later.

XI. Update on Progression Standards Committee

VanDyke-Ries presented on the Case Progression Standards Committee progress. She noted that standards had been sent to the Supreme Court and they were awaiting feedback for next steps. Additional information could be provided as the group's work continued.

XII. Subgroup Updates

a. *Courts and Legal System Workgroup*

Workgroup Chair and Staff Attorney with the Center on Children, Family and the Law, Christine Henningsen, provided an update on the work of the group. Henningsen informed the Committee that a survey had been released to gather information from judges across the state regarding system structure. Information would be shared with the Committee once responses had been collected. The other item of focus for the group was the current sealing process for juvenile records. Most likely, Senator Pansing Brooks would put out a Legislative Resolution regarding the issue to ensure that uniform practices were being followed throughout the state. Henningsen encouraged anyone who had interest in the issue to let her know.

b. *Data Mapping and Analysis (DMA) Taskforce*

An update on the DMA Taskforce was provided by Deb VanDyke-Ries. She informed the Committee that Mike Fargen had accepted a position with the Crime Commission, but would remain involved as Co-Chair of the group. New members had recently joined from probation and DHHS. More information would be provided at future meetings.

c. *Evaluation and Assessment Workgroup*

Dr. Richard Wiener, Workgroup Chair and Beddy Professor of Psychology at UNL, discussed the progress of the Evaluation of Programs and Assessment of Youth Workgroup. One area of the group's focus was stakeholder education which would be accomplished mostly through webinar trainings in partnership with CIP. The group was also investigating the possibility of presenting at the two regional conferences hosted by CIP as well as the local Eyes of the Child Team meetings. In addition to those efforts the workgroup was working to create and distribute a survey to collect information on what tools are used by the various institutions and agencies.

d. *Service Coordination Workgroup*

Vicky Thompson Smith, Workgroup Chair and Program Managers with CEDARS, presented for the group. The workgroup had yet to meet since the last Committee meeting. Thompson Smith turned to the Committee to provide guidance on next steps and areas of focus for the group. Co-Chair Hawekotte indicated that this could be a topic of discussion at the next meeting.

XIII. Public Comment

Co-Chair Hawekotte invited any members of the public forward to speak. No public comment was offered.

XIV. New Business

There was no new business.

XV. Upcoming Meeting Planning

Co-Chair Hawekotte reviewed the discussion from the day making note of topics for future meeting discussion. This included the following:

- Graduated Sanctions Response Matrix Presentation
- Report on updated Probation service definitions
- An update on Probation's JIFF Pilot Project in district 3J
- A presentation from Dr. Hobbs and Dr. Wiener on the various definitions of recidivism
- A report on the results of YRTC staff outreach to legal parties regarding youth with higher needs than what could be provided at the facility
- An update on the TeraLuna Evaluation from CIP
- Updates, as they arise, on the progress of MST implementation
- Review of the August CCJR Evaluation of the Georgetown Crossover Youth Initiative
- A presentation from Dr. Spohn and Dr. Wright on the Evaluation of the Douglas County Crossover Youth Project
- Updates, as they arise, on the work of the Case Progression Standards Subcommittee of the Supreme Court Commission on Children in the Courts
- An update on the work of the Juvenile Court Defense Standards Subcommittee of the Supreme Court Commission on Children in the Courts
- Areas of focus for the Service Coordination Workgroup
- A presentation on the crisis response programs happening in Sarpy County

XVI. Future Meeting Dates

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| a. April 11, 2017 | d. October 11, 2017 (Moved to a Wednesday due to a Monday holiday) |
| b. June 13, 2017 | |
| c. August 8, 2017 | e. December 12, 2017 |

XVII. Adjourn

It was moved by Ron Johns and seconded by Mark LaBouchardiere to adjourn the meeting. Motion carried by unanimous voice vote. Meeting adjourned at 2:57 p.m.

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