

LR451 Summary and Findings

Background

During the interim, Senator Bolz introduced LR451 to examine the work of the Nebraska Children's Commission and to evaluate the need for the Commission's continuation and any revisions to its structure and purpose. This legislative resolution sparked important and necessary discussion for the Commission to consider the appropriate structure and role, as well as what changes could be made to enhance efficiencies and drive results.

To address this resolution, much work and research was completed, as well as consultations with members in a special subgroup, the Structure Task Force.

Related Research and Alternative Models Considered

During the course of the interim in 2018, the Structure group researched various cabinets, commissions and three branch collaboratives across the United States through the Children's Cabinet Network. Consultation calls were held with the National Conference of State Legislators' Three Branch Institute and the Executive Director of the Commission on Improving the Status of Indiana Children. A review of existing children, juvenile and family commissions and committees in Nebraska was also conducted. It was found there are 21 parent groups, commissions, and task forces in Nebraska related to children, juveniles and families (reference page 6).

Locally, the group reviewed other models to consider within Nebraska including Disability Rights Nebraska, the Nebraska Center for Justice Research (NCJR) through the University of Nebraska-Omaha, the Juvenile Justice Institute (JJI) through the University of Nebraska-Lincoln, and the Center for Children Families and the Law (CCFL) through the University of Nebraska- Lincoln.

After considering various approaches such as a refined model like one that already exists either here or in another state, as well as a capacity building, research and technical assistance center like that of NCJR, JJI or CCFL referenced above, the Task Force considered the Commission's roots further. A review of legislative bodies such as the Executive Board, the Legislative Planning Committee and the Legislative Research Office were also considered to examine what exists within the Legislature, and help determine how the Commission fills a need in Nebraska.

The Commission's Structure Task Force invited former senators Kathy Campbell and Annette Dubas, current senators Patty Pansing Brooks and Kate Bolz to attend a meeting October 15, 2018. There was considerable discussion surrounding the creation and intention of creating the Children's Commission. The Legislative Resolution 37 from 2011 was discussed, including the original recommendations for the Children's Commission. The driving question at that time, according to Kathy Campbell, was "Where are the children?" How well are they served and are they protected? Some of the members of the Task Force asserted, based on the annual reports of the Foster Care Review Office and Office of the Inspector General, that these questions had not yet been answered seven years later.



Findings

Based on the research conducted, the Nebraska Children's Commission finds:

1. There are Commissions for child protection which exist in the Executive and Judicial branches of government, but not the Legislative.
2. The Children's Commission is only able to operate as a three branch collaborative if it has the engagement and buy in of all three branches to carry out the recommendations and findings. Since only one branch can carry a vote, based on the Separation of Powers outlined within the State's Constitution, only one branch could be represented in the actions of the Commission.
3. The role of the Children's Commission has historically been to serve the Legislature for oversight monitoring, and implementation, as well as research and policy development, for child welfare and juvenile justice.
4. As originally outlined, the Commission was to devise a plan for the reform of child welfare as it existed in 2012. Child Welfare and Juvenile Justice in Nebraska has transformed since then, and the Commission can evolve to serve a refined purpose from 2019 and into the future. The Commission no longer needs to create a strategic plan for child welfare and juvenile justice reform.
5. The performance of child welfare and juvenile justice outcomes and indicators is not the work of DHHS-Children and Family Services and Probation alone. They operate within a system, which requires collaboration, strong relationship building, institutional history, transparency and accountability in partnership with the Legislature. The Commission is available to support the work of the executive and judicial branches.
6. The Commission was created out of an expressed need for the Legislature to be informed of the needs and issues facing children and juveniles served in Nebraska. To that end, there will always be a need for policy makers to have a forum for education, collaboration and input from the community and the agencies administering those services. Having been extended twice before in 2014 and 2016, the Commission continues to be a solution-focused body, ready to address the cross-cutting challenges facing Nebraska's children and families.

Recommendations

The recommendations regarding the continuation and amendments to the structure are as follows:

1. **Continue the Nebraska Children's Commission.** Introduce a bill with an appropriation to continue the Commission and sustain funding for staff resources. The Task Force has concluded the Children's Commission should continue, though the most beneficial structure, role and purpose will be better defined by the Legislature as the Commission serves at the pleasure of the Legislature.
2. **The Commission needs a "home."** The Commission was born out of the Health and Human Services Committee. As such, it is our recommendation that the HHS Committee serve as a partner for the Commission with either the Committee Chair or Vice Chair to serve as the chairperson of the Children's Commission.
3. **The Commission needs leadership in the Legislature.** The leadership of the Commission should take the form of a senator-led Steering Committee to replace the Executive Committee. The



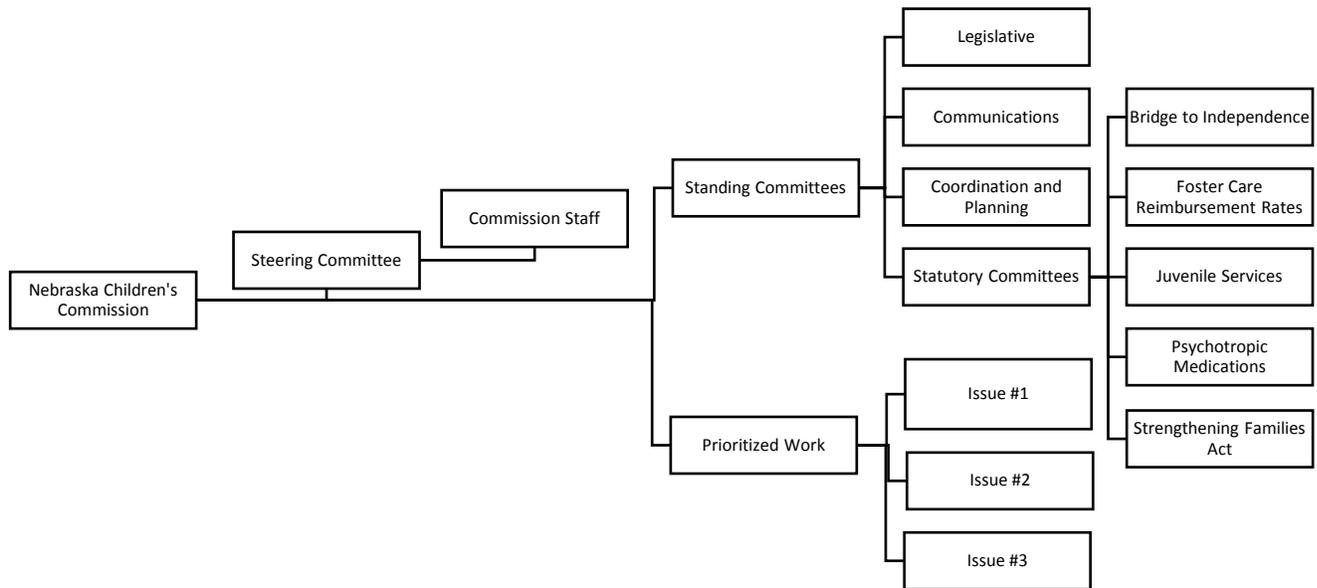
Steering Committee, with input from the body of the membership, would identify the 3-5 issues of concern in need of action and policy development in support of the executive and judicial branches for the biennium. The Steering Committee would be comprised of:

- a) Chairperson of the Health and Human Services Committee
 - b) Chairperson of the Judiciary, or their designee;
 - c) Chairperson of Appropriations, or their designee; and
 - d) Two additional Legislative members at large
4. **Eliminate the sunset date of the Children’s Commission.** The Commission’s sunset date has been extended twice previously (2014, 2016) and it takes considerable resources to continue justifying its existence with the limited staff available and the ongoing uphill challenge of term limits within the Legislature.
5. **Amend the statutory charge of the Commission.**
- a. Annual hearings in front of the Health and Human Services Committee as opposed to annual reports. Report of the three to five priorities and actions to achieve the outcomes identified for the biennium.
 - b. Eliminate the strategic plan and give the Commission the authority to take action to support the work of child welfare and juvenile services. Add the requirement of the Commission to review, at minimum, the annual reports of the Office of Inspector General of Child Welfare, and the Foster Care Review Office, to inform the work of the next biennium.
 - c. Amend language to provide the flexibility for the Children’s Commission to implement sunset dates for the current statutory committees. At this time, the statutory committees under the umbrella of the Children’s Commission should continue.
 - d. Eliminate sections which have already been accomplished and are no longer needed.
6. **Membership Alterations.**
- a. Add representatives from Medicaid, and Developmental Disabilities
 - b. Legislative branch will be voting members. Executive and Judicial branches will be non-voting ex-officio members.
7. **Add a Director of the Commission.**
- a. A Director role would provide independent, neutral leadership and direction of the Commission activities and be available to the staff, without preference to any branch, agency or other entity which may present a conflict of interest. The Director would be responsible for providing testimony and public representation of the Commission. The Director would be accountable to the members and Steering Committee.



Organizational Structure

This organizational framework is a proposal and is subject to change based on the legislative process.



Organizational Home: Independent Agency

Membership Appointments: Membership to be appointed by the Legislature. Certain positions may not send a designee to maintain the leadership collaborative as originally intended. Voting members would be representatives of the legislative branch.

Scope/Population: Nebraska’s vulnerable children & youth (including child welfare, developmental disabilities, juvenile justice, those served by early childhood programming, education and behavioral health).

Commission Staff: Staffing changes to improve the operations of the Commission, clarify roles, responsibilities and maximize performance. Staff would include a Director, a research analyst and an administrative coordinator. These recommendations come from the Commission staff, and were approved by the Executive Committee.

Committees:

Legislative

1. Works with Senators to propose legislation of interest to NCC,



2. Monitors bills of interest,
3. Presents key issues to NCC,
4. Prepares and Testifies on behalf of NCC at hearings.

Communications

1. Preserves institutional knowledge; works with Senators, Agency heads, Administrations in transition, etc.
2. Develops communication plan for NCC activities, annual reports, presentations to stakeholders, findings & recommendations roll out.

Coordination & Planning

1. Assesses periodic reports and plans for children and juveniles. Identifies gaps and duplications and provides updates to larger NCC and steering committee for prioritization or work.
2. Maps and coordinates efforts and initiatives with other entities.

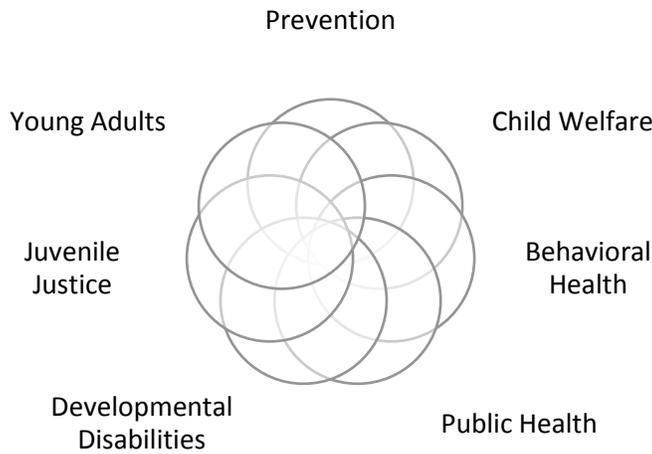
Statutory Committees

1. The five statutory committees currently under the Children's Commission will continue to operate and fulfill their statutory obligations.

Prioritized Work: Assigned based on the three to five prioritized issues identified for the biennium. The prioritized workgroups would have membership composition according to the subject matter at hand and would be responsible for providing an end product, and/or take action within a specified timeframe. The identification and prioritization process will include issues which cannot be done by one agency alone, and the issue is of multidisciplinary interest which will improve services for children and families in Nebraska.

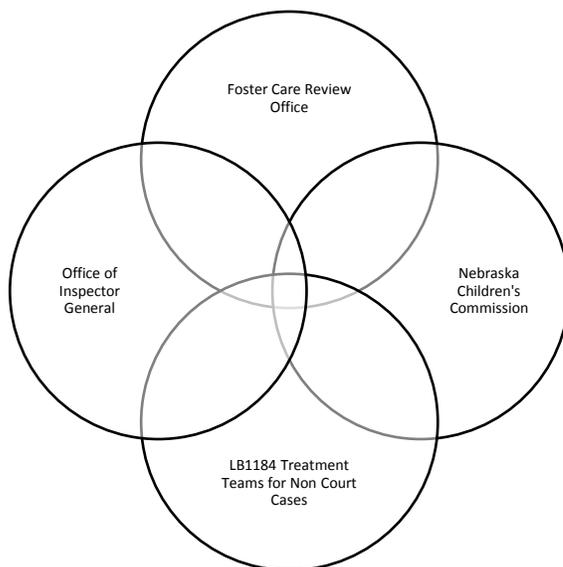


Nebraska Parent Commissions, Initiatives, Task Forces & Statutory Groups*



*A matrix of these groups, detailing the strategic priorities and membership, is available upon request.

Nebraska Child Welfare & Juvenile Services Oversight Entities



1. Advisory Committee on Developmental Disabilities
2. Bring Up Nebraska
3. Child Abuse Prevention Fund
4. Governor's Commission for the Protection of Children
5. Data Feasibility Study Advisory Group
6. Foster Care Advisory Council
7. Juvenile Crossover Youth Practice Model
8. NE Child and Maternal Death Review Team
9. NE Children's Commission
10. NE Coalition for Juvenile Justice
11. NE Commission on Law Enforcement and Criminal Justice Community Based Juvenile Services Aid
12. NE System of Care
13. NDHHS DBH 5 Year Prevention Statewide Strategic Plan
14. NE Human Trafficking Task Force Advisory Group
15. NE Statewide Collaborative for JDAI
16. Operation Youth Success
17. Salt Lake City Group
18. Supreme Court Commission on Children in the Courts
19. Strategic Plan for NE Problem-Solving Courts
20. Nebraska Human Trafficking Task Force
21. Healthcare Oversight Committee

