

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

Twelfth Meeting
October 8, 2013
9:00AM-4:30PM
Child Advocacy Center
5025 Garland Street, Lincoln, NE

Call to Order

Ellen Brokofsky and Marty Klein called the meeting to order at 9:15am and noted that the Open Meetings Act information was posted in the room as required by state law.

Roll Call

Subcommittee Members present: Martin Klein, Ellen Brokofsky, Kim Culp, Barb Fitzgerald, Sarah Forrest, Cindy Gans, Judge Larry Gendler, Anne Hobbs, Ron Johns, Nick Juliano, Jana Peterson, Corey Steel, and Dr. Ken Zoucha.

Acting as resources to the committee: Tony Green, Liz Hruska, Dan Scarborough, and Amy Williams.

Subcommittee Member(s) absent: Kim Hawekotte, Tina Marroquin, Mark Mason, Pastor Tony Sanders, Monica Miles Steffens, and Dalene Walker.

Resource members absent: Jim Bennett, Senator Kathy Campbell, Senator Colby Coash, Doug Koebernick, Jerall Moreland, Liz Neeley, Jenn Piatt, Hank Robinson and Julie Rogers.

Also attending: Leesa Sorensen, Nebraska Children's Commission.

Approval of Agenda

A motion was made by Nick Juliano to approve the agenda as written, seconded by Sarah Forrest. Voting yes: Martin Klein, Ellen Brokofsky, Kim Culp, Barb Fitzgerald, Sarah Forrest, Cindy Gans, Judge Larry Gendler, Ron Johns, Nick Juliano, Jana Peterson, Corey Steel, and Dr. Ken Zoucha. Voting no: none. Kim Hawekotte, Anne Hobbs, Tina Marroquin, Mark Mason, Pastor Tony Sanders, Monica Miles Steffens, and Dalene Walker were absent. Motion carried.

Approval of September 10, 2013, Minutes

A motion was made by Cindy Gans to approve the minutes of the September 10, 2013, meeting, seconded by Ron Johns. Voting yes: Martin Klein, Ellen Brokofsky, Kim Culp, Barb

Fitzgerald, Sarah Forrest, Cindy Gans, Judge Larry Gendler, Ron Johns, Nick Juliano, Jana Peterson, Corey Steel, and Dr. Ken Zoucha. Voting no: none. Kim Hawekotte, Anne Hobbs, Tina Marroquin, Mark Mason, Pastor Tony Sanders, Monica Miles Steffens, and Dalene Walker were absent. Motion carried.

Co-chair's Report

Ellen Brokofsky and Marty Klein gave a co-chair's report. Ellen informed the committee that Dr. Liz Neeley had been named Executive Director of the Nebraska Bar Association. Ellen and Marty reminded everyone of the timeline for completing the facilitated discussion and reviewing the draft report so that the report can be provided to the Nebraska Children's Commission members. The rest of the meeting was devoted to the facilitation discussion.

Strategic Planning Facilitated Discussion

Joyce Schmeackle and Joan Frances began the facilitation process by giving the committee an overview of the work plan for the day as noted in the agenda. Joyce provided a data summary about the Youth Rehabilitation and Treatment Centers (YRTCs) in both Geneva and Kearney to the committee for review and discussion. Joan provided a draft report and recommendations outline for the committee's review and discussion. The committee reviewed the data, the seven report themes, and the preliminary recommendations that were gleaned from the various reports and discussions. The committee also reviewed reports regarding the juvenile justice system, the Youth Rehabilitation and Treatment Centers, and the ideas that had been generated throughout the previous committee meetings. The committee discussed the roll of treatment, evidence-based practices, screenings and assessments, and how the YRTCs may fit into the juvenile justice system. The committee came to the following preliminary conclusions:

System Reform

- Legislation
 - Inter-disciplinary
 - Collaborative
- Be more prescriptive
 - Process
- Identify core components
- Evidence-based planning – data driven
- Stages work in collaboration
- State responsibility
 - 5-7 year timeline
- Create Infrastructure to support transition

Spectrum of Treatment

Consistencies with Behavioral Health and Juvenile Justice/Probation

- If Youth Fail Diversion & Drug Treatment then Supervision is needed
- Need to look at best practices from SAMHSA

- Medicaid system does not support
- Medical model vs Rehab. Model

The committee discussed the current trend data related to substance abuse. It was found that a high number of youth in the YRTC's had either a substance abuse or mental health disorder. The committee had a discussion of the need for additional treatment options to deal with youth who have treatment needs. The committee discussed the use of the Hastings facility and the need for additional treatment options at the YRTC's. It was noted that one of the problems is that the initial levels of care for some treatments may not be funded. It was noted during this discussion that the YRTC's will always be necessary because of the needs of certain youth and that the state has a responsibility to protect both the youth and the community. This discussion led to the following:

Assessment Tool both Treatment & offense	Access = Acceptance/Capacity = \$
Supervision	Treatment
Secure (Risk)	Access/acceptance/capacity/payment/cultural competence
Fire starter	For youth in
Sexual Perpetrators	Alcohol/Drug
Violent Offenses	Psychiatric
(Define community safety)	Med. Management
Examples where	Mental Health
	Family Therapy
	Conduct Disorder
	Behavior Management
	(Trauma Informed Care)
	Individualized

The committee members were then asked to vote on whether the YRTC's should be retained. Each committee member was also asked for their rationale for their individual vote. The vote and rationale were recorded as follows:

YRTC – Yes/No Vote with Rationale (Yes to Keep/No to Close)

- Yes For a specific populations
Better assessment
Tighter/Risk
- Yes Ditto
- Yes Ditto
- Yes Big Economic Impact of closing
- Yes Always be a need

- Yes Ditto
- Yes Deep End – utilize for that reason
- Yes Need to address distance
Need to use for right age
- No Cost required to do what we are going to do
Staff treatment
What & Where different
10 years secure core should look different
- No Smaller/more specialized
1 facility
More community based/residential
- Yes - Completely reconfigure
Regional/too
- Yes Completely reconfigure
Treatment/secure
Other system changes needed
- Yes Ditto
Population unknown
Would be different
More specializing
- No More regional
Family centered
Ideal facilities (YRTCs could be regional)
- No Ditto Marty

The committee then discussed the outcome of the vote. It was concluded based on the rationale that the yes and no votes were very similar in nature indicating that most participants agreed that the YRTC may fit in the future juvenile justice system in a modified way. It was suggested that facilities are needed in a more regional setting and that the YRTCs could be looked at to fit within a new regional facility model that would allow youth and their families to receive services in a more community based setting.

A motion was made by Nick Juliano to recess the committee meeting for lunch. The motion was seconded by Jana Peterson. Voting yes: Martin Klein, Ellen Brokofsky, Kim Culp, Barb Fitzgerald, Sarah Forrest, Cindy Gans, Judge Larry Gendler, Ron Johns, Nick Juliano, Jana Peterson, Corey Steel, and Dr. Ken Zoucha. Voting no: none. Kim Hawekotte, Anne Hobbs,

Tina Marroquin, Mark Mason, Pastor Tony Sanders, Monica Miles Steffens, and Dalene Walker were absent. Motion carried.

The committee recessed at 12:30p.m.

The committee reconvened at 1:20p.m.

Subcommittee Members present: Martin Klein, Ellen Brokofsky, Kim Culp, Barb Fitzgerald, Sarah Forrest, Cindy Gans, Judge Larry Gendler, Anne Hobbs, Ron Johns, Nick Juliano, Tina Marroquin, Jana Peterson, Dalene Walker, and Dr. Ken Zoucha.

Acting as resources to the committee: Tony Green, Jerall Moreland, Dan Scarborough, and Amy Williams.

Subcommittee Member(s) absent: Kim Hawekotte, Mark Mason, Pastor Tony Sanders, Corey Steel, and Monica Miles Steffens.

Resource members absent: Jim Bennett, Senator Kathy Campbell, Senator Colby Coash, Liz Hruska, Doug Koebernick, Liz Neeley, Jenn Piatt, Hank Robinson and Julie Rogers.

Also attending: Leesa Sorensen, Nebraska Children's Commission.

Facilitated Discussion (continued)

The committee continued its discussion of the various aspects of the juvenile justice process by breaking into discussion groups. The discussion groups were Big System Picture, Staff and Staff Training, Evidence-Based Practice, and Facilities. At the end of the discussion group time each group reported their ideas to the committee as follows:

Big System Picture

- Priority on funding the community based services on Continuum of Care
- Recommend cost sharing between counties and state at all levels
 - Develop formula to reduce deep end and high end
- Access and maximize federal funding
 - More from medical necessity model for Medicaid to Behavioral Health/Rehabilitation (Rehabilitative)

Staff and Staff Training

- Plug in to System of Care (SOC) planning related to recruiting, retaining and training staff
- Kearney has already tried many strategies to recruit staff. Additional/external support is needed (Marketing Plan)
- Recruitment efforts should target a variety of populations including retired persons and college students

- Partner with 2 and 4 year schools to create specific degrees/certifications. Pair this with incentives like tuition help/loan forgiveness. Include contract requirement . . . work for # of years. (letters behind your name). Improve job titles.
- Staff must demonstrate competency standards – both prior to employment and ongoing (all staff)
- Grandfather process for existing staff/new staff that have already received compatible training
- Staff ratios support best practice
- Plan for shortage of mental health professionals and make similar efforts to recruit, retain
- Train on social inequality and cumulative disadvantage
- Ensure consistent programming if system moves to a regional structure
- Provide external trainings (prosecutors, etc.) to inform on evidence-based practice, adolescent development, etc.
- Assure that all staff have consistent involvement in “BIG PICTURE”
- Focus recruitment of staff – varied racial and ethnic backgrounds

Facilities

- Dependent on what occurs
- Hold on major changes
- Continue to upgrade facilities as needed
- Watch data and close cottages as needed
- Incentivize counties with compensation
- Annual review and when get to high need population
- Based on population need
- Build structure around needs
- Prevention Deep End
- Annual Review

Evidence-Based Practices

(CMS Standards)

(Data-CQI)

Timeline: 1 year/2-3 year review (possible taskforce) [WHO]

Specifics:

- I. Screening/Assessments
 - a. Page 8-10 (Lee) = EBP List (Tiers)
- II. Referrals for accurate diagnoses using the screens and assessments
- III. Implement Treatment
 - a. Page 49 (Improving Programs: Lipsey, Howell, Kelly, Chapman & Carver)
 - b. Establish minimum standards for treatment provider ratio and frequency
- IV. Outcome/Recidivism

The committee discussed the fact that the overall recommendations of the committee represent a comprehensive and major reform initiative. The committee recommended that legislation be created that would put the committee’s plan in place and provide for the continued oversight of

this plan by the Nebraska Children's Commission, with an expectation that the Commission would provide leadership in regard to implementation of the recommendations.

The committee concluded the facilitated discussion time by reviewing the timeline for the report. Committee members were reminded that the draft report would be provided to them on November 5 or 6 for their review.

New Business

Next Meeting Date

The next meeting is scheduled for November 12, 2013 from 9:00a.m. to 4:30p.m.

Adjourn

A motion was made by Barb Fitzgerald to adjourn the meeting, seconded by Kim Culp. The meeting adjourned at 4:10p.m.

DRAFT

Juvenile Services (OJS) Committee Strategic Recommendations

The Legislature passed Legislative Bill 821 (LB 821) during the 2012 Legislative Session and created the Nebraska Children's Commission as a permanent forum for collaboration among state, local, community, public and private stakeholders in child welfare programs and services. The intent of the Legislature in creating the Nebraska Children's Commission was to establish the group as a high-level leadership body with membership from legislative, executive and judicial branches along with system stakeholders, to improve the safety and well-being of children and families in Nebraska, by ensuring:

- integration, coordination, and accessibility of all services provided by the state, whether directly or pursuant to contract;
- reasonable access to appropriate services statewide;
- efficiency in service delivery; and
- availability of accurate and complete data as well as ongoing data analysis to identify important trends and problems as they arise.

LB 821 also created the Juvenile Services (OJS) Committee as a subcommittee of the Nebraska Children's Commission to:

- examine the structure and responsibilities of the Office of Juvenile Services as they existed on April 12, 2012;
- review the role and effectiveness of the youth rehabilitation and treatment centers in the juvenile justice system and make recommendations to the Nebraska Children's Commission on the future role of the YRTCs in the juvenile justice continuum of care; and
- review the responsibilities of the Administrator of the Office of Juvenile Services (OJS administrator), including oversight of the youth rehabilitation and treatment centers and juvenile parole, and make recommendations to the Nebraska Children's Commission relating to the future responsibilities of the administrator.

The Juvenile Services (OJS) Committee held its first meeting on September 26, 2012. The committee began its thoughtful examination of the juvenile justice system by reviewing previous juvenile justice reform recommendations to determine what future changes, if any, needed to be recommended for the juvenile justice continuum of care. The committee's examination of the Nebraska Juvenile Justice system included:

- reviewing and updating the LR196 interim study findings of the Nebraska Juvenile Correctional Facilities Master Plan Update;
- reviewing statistical information on both YRTC-Kearney and YRTC-Geneva;
- touring YRTC-Kearney and the Nebraska Correctional Youth Facility (NCYF);
- speaking with youth that were committed to the YRTC-Kearney or incarcerated at the NCYF; and

- creating a proposed Juvenile Justice System Continuum of Service document.

On May 29, 2013, the committee's legislative charge was revised with the passage of LB 561 which implemented juvenile justice reform. The committee's charge to review the responsibilities of the OJS administrator was eliminated and the review of the YRTC's was expanded to include:

- what populations should be served;
- what treatment services should be provided at the centers in order to appropriately serve those populations; and
- how mental and behavioral health services are provided to juveniles in secure residential placements and the need for such systems of care services in the juvenile justice system throughout Nebraska.

The committee was also charged with collaborating with the University of Nebraska at Omaha, the Juvenile Justice Institute, the University of Nebraska Medical Center, the Center for Health Policy, the behavioral health regions as established in section 71-807, and state and national juvenile justice experts to develop recommendations. If the committee's recommendations include maintaining the Youth Rehabilitation and Treatment Center-Kearney, the recommendation shall include a plan to implement a rehabilitation and treatment model by upgrading the center's physical structure, staff, and staff training and the incorporation of evidence-based treatments and programs. The committee's recommendations are to be delivered to the Nebraska Children's Commission and electronically to the Judiciary Committee of the Legislature by December 1, 2013.

The Vision, Core Values, Goals, Issues to Address and Recommendations of the Juvenile Services (OJS) Committee of the Nebraska Children's Commission contained in this report are the product of a variety of strategic planning processes on the important work of reforming the juvenile justice system in collaborative concert with the other child welfare reform efforts being undertaken by the Nebraska Children's Commission. Therefore, the Juvenile Services (OJS) Committee would like to voice its continued support of the Nebraska Children's Commission vision to develop collaborative recommendations that strengthens both the child welfare and the juvenile justice systems by:

- creating a consistent, stable, skilled workforce that serves children and families;
- creating a family driven, child focused and flexible system of care that includes transparent system collaboration with shared partnerships and ownership that contemplate the needs of the juvenile justice continuum of care;
- developing community ownership of child well-being;
- enhancing timely access to services; and
- collaborating on the development of technologic solutions that properly enhance information exchange and create measured results across all systems of care.

This report details the committee work and findings through November 2013 in completing the tasks assigned originally in LB821 and more currently in LB561. Although the

committee's total assessment of all facets of the juvenile justice system is not complete, the committee offers the following recommendations to the Nebraska Children's Commission and the Judiciary Committee of the Legislature on the future role of the youth rehabilitation and treatment centers in the juvenile justice continuum of care and proposed changes for wide system reform.

The Juvenile Services (OJS) committee began its strategic recommendation process by answering the focus question: "What changes (or things to remain the same) will effectively improve and support a comprehensive, culturally competent, continuum of care; and accountability for youth and families involved in the juvenile justice system, while maintaining public safety?" Six elements formed the answer to the focus question and create the frame work for strategic recommendations were endorsed as essential to achieving these goals.

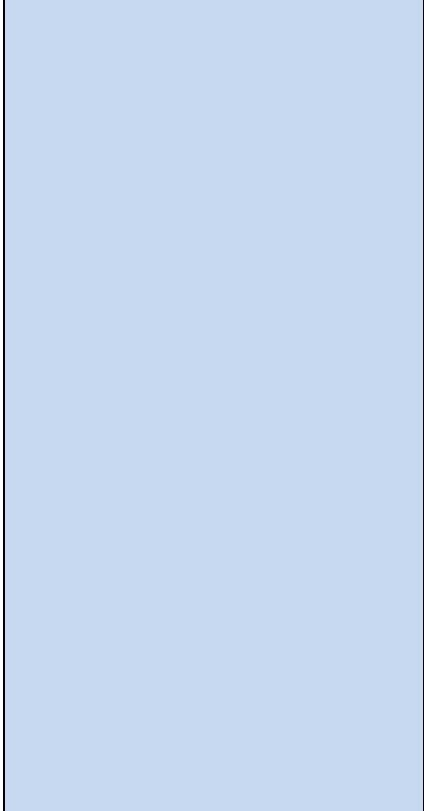
This report is a broad consensus document that provides a framework and structure for development of more detailed and specific recommendations and strategies in 2013 and beyond. The legislature's charge to the Juvenile Services (OJS) Committee is broad and far-reaching. Committee members undertook development of this plan for state-wide child welfare and juvenile justice reform with awareness of the importance of arriving at a shared vision and goals as an underpinning for subsequent discussion and decision making regarding myriad substantive issues. Subsequent work by this committee will include further study of complex issues and additional recommendations for child welfare and juvenile justice system reform that is responsive to needs, dynamic in nature, and effective in delivering services in all geographic areas of a state with both urban and rural challenges.

The committee members are committed to continuing the leadership journey that was started in 2012 and to taking ownership for a successful outcome to this reform effort. The committee looks forward to expanding the collaborative efforts as outlined in the remainder of this document.

Proposed Nebraska Juvenile Justice System Continuum of Service

Contact with Law Enforcement (LE)	<p>Objective decisions by law enforcement and schools (assessment)</p> <p>Better information sharing</p> <p>Options for law enforcement (assessment and support services)</p> <p>Trained workforce with support</p> <p>Paradigm shift – assessment before action (e.g. civil citation made)</p> <p>Not unnecessarily involving youth in juvenile justice system</p>	<p><u>Overarching Themes</u></p> <ul style="list-style-type: none"> • Restorative Justice to Victims • Timeliness • Savings Reinvestment • Collaborative Leadership • Data • Advocacy • Services Close to Home • Address poverty issues (basic needs met) • Coordinated case processing/management • Collaborate Across Multiple Commissions • JDAI (Juvenile Detention Alternatives Initiative)
Diversion		
JDAI	<p>Intake/entry</p>	
Charging Decision	<p>Access to information (N-Focus move from LE/schools-assessment centers)</p> <p>Access to Diversion – objective criteria</p> <p>All kids have access to counsel (waiver issues by youth & parents)</p> <p>Struggle of defense counsel between acting in best interest of child & pleading (statement info not used in adjudication)</p> <p>Youth start in juvenile court</p> <p>Training – (prosecutors understand juvenile justice, adolescent development)</p> <p>Should there be other referrals options besides decisions – information option</p> <p>Warning letter</p> <p>Cross-over youth</p>	

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Post Filing/Predisposition (trial)</p>	<p>Timeliness to adjudication – judges schedule vacant blocks of time (evaluations & back in front of judge within 10 days of evaluation)</p> <p>Pre-adjudication supervision/alternatives to detention</p> <p>Post filing diversion options</p> <p>Specialty courts</p> <p>Evaluations</p> <ul style="list-style-type: none"> - What needs to be included? - Duplication - Detention vs community based - How often are they needed? - Do they need to be a state ward? - Evaluations close to home - Don't do evaluations in detention/confinement - Education about what evaluations are for (judges, defense counsel, prosecutors) and using evaluations for alternate purposes <p>Cross-over youth</p> <p>Coordinated case processing/management</p>	<p><u>Overarching Themes</u></p> <ul style="list-style-type: none"> • Restorative Justice to Victims • Timeliness • Savings Reinvestment • Collaborative Leadership • Data • Advocacy • Services Close to Home • Address poverty issues (basic needs met) • Coordinated case processing/management • Collaborate Across Multiple Commissions • JDAI (Juvenile Detention Alternatives Initiative)
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Disposition (Decision)</p>	<p>Specialty courts</p> <p>Equal access to services (continuum of effective care)</p> <p>Consistent assessment tools/classification levels</p> <p>Over use of mental health or substance abuse evaluations</p> <p>Who makes the decisions/consistent application of statute</p> <p>Affordable and best interest of the child</p> <p>Promptness of disposition</p> <p>Objective admissions criteria for YRTC/all levels of care</p> <p>Levels of care (YRTC)</p> <ul style="list-style-type: none"> - What do they look like? <p>Where are they located?</p>	

<p>Post Disposition</p>	<p>Objective criteria for case closure</p> <p>How to evaluate progress?</p> <p>Kids aging out of juvenile justice</p> <p>Re-entry planning</p> <ul style="list-style-type: none">- Who makes those decisions (judge, agency, etc.)?- Family involvement- Independent living skills- Step down processes?- Homeless issues- Aftercare planning <p>What is our expected outcome?</p> <ul style="list-style-type: none">- How do we know the child was better in the end? <p>Extending jurisdiction?</p> <p>How do we handle parole violations/technical violations?</p> <ul style="list-style-type: none">- Graduated sanctions/incentives- Risk assessment at this point? <p>Re-commitments</p>	
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