

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

Fourteenth Meeting
December 10, 2013
9:00AM-4:30PM
Country Inns & Suites, Lincoln Room
5353 N. 27th Street, Lincoln, NE

Call to Order

Ellen Brokofsky and Marty Klein called the meeting to order at 9:13am 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, Sarah Forrest, Cindy Gans, Judge Larry Gendler, Kim Hawekotte, Anne Hobbs, Ron Johns, Nick Juliano, Tina Marroquin, Mark Mason, Jana Peterson, Corey Steel, Monica Miles Steffens, Dalene Walker, and Dr. Ken Zoucha.

Acting as resources to the committee: Tony Green, Liz Hruska, Doug Koebernick, Julie Rogers, and Dan Scarborough.

Subcommittee Member(s) absent: Barb Fitzgerald, and Pastor Tony Sanders.

Resource members absent: Senator Kathy Campbell, Senator Colby Coash, Jim Bennett, Jerall Moreland, Liz Neeley, Jenn Piatt, Hank Robinson, and Amy Williams.

Also attending: Bethany Connor and Leesa Sorensen.

Approval of Agenda

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

Approval of November 12, 2013, Minutes

A motion was made by Kim Hawekotte to approve the minutes of the November 12, 2013, meeting, seconded by Ron Johns. Voting yes: Martin Klein, Ellen Brokofsky, Kim Culp, Sarah Forrest, Cindy Gans, Kim Hawekotte, Anne Hobbs, Ron Johns, Nick Juliano, Tina Marroquin, Mark Mason, Jana Peterson, Corey Steel, Monica Miles Steffens, and Dr. Ken Zoucha. Voting

no: none. Barb Fitzgerald and Pastor Tony Sanders were absent. Judge Larry Gendler and Dalene Walker were absent for the vote. Motion carried.

Co-chair's Report

Ellen Brokofsky and Marty Klein gave a co-chair's report. Ellen noted that Amy Williams had resigned from her position with Senator McGill's office and would no longer be part of the Juvenile Services (OJS) Committee.

Marty and Ellen then talked about the task to be completed for the day. Ellen noted that the task for the day was to finish the report that is in front of the committee. Ellen noted that she and Marty had reviewed the draft report that was provided by the facilitator and had asked Leesa to look at whether or not the report had answered the questions from LB 561. It was determined that the report did not cover all of the necessary items. Therefore, another draft of the report was created. Ellen noted that the committee had been e-mailed both versions of the report for their review.

Ellen provided a copy of the letter to Senator Ashford asking for an extension on the delivery date of the report until December 15. Senator Ashford had granted the extension. Senator Ashford had also asked the Committee to make sure that their recommendations were specific, especially related to the answers to LB561. The committee was also told that the Judiciary committee had scheduled a briefing on the report for December 19.

The committee discussed which report to use. A motion was made Dr. Ken Zoucha to use the December 2013 version of the draft report (which is a revised version of the report from the facilitator) as the basis for the report that would be finalized by the Committee. The motion was seconded by Nick Juliano. Voting yes: Martin Klein, Ellen Brokofsky, Kim Culp, Sarah Forrest, Cindy Gans, Anne Hobbs, Ron Johns, Nick Juliano, Tina Marroquin, Mark Mason, Jana Peterson, Corey Steel, Monica Miles Steffens, and Dr. Ken Zoucha. Voting no: none. Kim Hawekotte abstained. Barb Fitzgerald and Pastor Tony Sanders were absent. Judge Larry Gendler and Dalene Walker were absent for the vote. Motion carried.

Draft Report Review and Discussion

The Committee reviewed the December 2013 version of the report and discussed the questions that were sent out in advance for consideration. The committee reviewed what youth should be placed at the YRTC's, how the Committee recommends identifying those youth, and if all cases should start in Juvenile Court. The Committee discussed recommendations related to youth having access to counsel and funding issues. The Committee discussed the creation of the Continuum of Care and how important having additional services in communities is to the process of keeping youth closer to home and out of the juvenile justice system. The Committee also discussed the educational needs of youth and how involvement in the juvenile justice system impacts youth. A suggestion was made that the report be reorganized to include an executive summary. One committee member also suggested that many of the items need to be assigned back to the Juvenile Services (OJS) committee or sub-committees for further development including the creating of a matrix to determine what youth should be assigned to the YRTC's.

A motion was made by Corey Steel to create a juvenile justice specific division within the Division of Behavioral Health of the Department of Health and Human Services for behavioral health service delivery, whose responsibility will be collaborating with local, county, regional, and state entities to create the Continuum of Care. This motion was seconded by Ron Johns. Voting yes: Martin Klein, Ellen Brokofsky, Kim Culp, Cindy Gans, Judge Larry Gendler, Kim Hawekotte, Anne Hobbs, Ron Johns, Nick Juliano, Mark Mason, Corey Steel, and Dr. Ken Zoucha. Voting no: Jana Peterson. Sarah Forrest abstained. Barb Fitzgerald, and Pastor Tony Sanders were absent. Tina Marroquin, Monica Miles Steffens, and Dalene Walker were absent for the vote. Motion carried.

The Committee then discussed how the report would be finalized for submission to the Judiciary committee. A suggestion was made to have a scheduled time to meet by conference call to give input on the final version of the report. The Committee informally agreed to this process. The conference call was set up for Thursday, December 12 at noon.

New Business

None.

Next Meeting Date

The next meeting is scheduled for January 14, 2014 from 9:00a.m. to 12:00p.m., if the Commission approves the continuation of the Committee.

Adjourn

A motion was made by Kim Hawekotte to adjourn the meeting, seconded by Dalene Walker. The meeting adjourned at 4:50p.m.

**Health and Human Services Committee Hearing
Briefing on Nebraska Children's Commission
Presented By**

**Karen Authier, Chair
Nebraska Children's Commission**

January 9, 2014

My name is Karen Authier and I serve as Chair for the Nebraska Children's Commission. The Commission began meeting June 7, 2012 and has scheduled monthly meetings since that first meeting. The Commission submitted a Phase I Strategic Plan for Child Welfare and Juvenile Justice Reform on December 15, 2012. In the past year the Commission has focused on developing a deeper understanding of the requirements for achieving the four broad goals included in the plan as we moved forward to identify steps necessary in implementing the strategic recommendations related to those goals. Commission members self selected into four work groups dedicated to prioritizing and further defining the proposed strategies and developing action steps under each of the following goal statements:

- Encourage timely access to effective services through community ownership of child well-being (Community Ownership of Child Well-Being Work Group)
- Support a family driven, child focused and flexible system of care through transparent system collaboration with shared partnerships and ownership (System of Care Work Group)
- Utilize technological solutions to information exchange and ensure measured results across systems of care (Information Technology Work Group)
- Foster a consistent, stable, skilled workforce serving children and families (Workforce Work Group)

In its continuing focus on the Strategic Plan, the Commission has consistently reiterated the intent expressed in the plan that action on the four goal statements include both child welfare and juvenile justice populations, issues and services.

In addition to attention to Phase II Strategic Plan recommendations, the Commission has served as the oversight body for several committees created by the Legislature that report to the Commission:

- Psychotropic Medication Committee
- Juvenile Services Committee
- IV-E Demonstration Committee; Department of Health and Human Services Alternative Response Stakeholders Group
- Foster Care Reimbursement Rate Committee
- Young Adult Voluntary Services and Support Committee

The Commission has varying levels of responsibility for appointment of members and review of the reports and recommendations of these committees and the Commission

devotes some portion of each agenda to committee reports and review of recommendations.

As the Commission has reviewed recommendations from the committees, I have noted that there are clear and consistent threads running through those recommendations regarding specific issues identified in the Strategic Plan including the importance of community based services and planning efforts; the critical need for improved systems for data collection, sharing and analysis; a focus on a skilled, competent workforce; and the need for well defined systems of care with accessible services from early intervention through "high end" services.

Action in the last session of the legislature resulted in some changes to Commission structure, staffing and location. The Commission is grateful for the funding that allowed the hiring of a policy analyst as a resource to the Commission. Bethany Connor, who was hired to fill that position, has been an asset to the work of the various committees and work groups whose efforts are critical to the Commission.

Status of Input from Work Groups

Utilization of work groups has provided opportunity for concentrated focus on each goal in the strategic plan. The work groups have included participation of non Commission members as well as participation of Commission members. Work group recommendations are presented to the Commission for further discussion, input and approval. The following summarizes the direction that each work group has taken.

Community Ownership of Child Well Being. (Mary Jo Pankoke, Chair)

- ❖ *Community Listening Sessions.* During the summer, the work group organized and sponsored a **series of on-line Community Listening Sessions to hear reports from identified communities that are in various stages of implementing collaborative efforts to improve child well-being by addressing risk factors and promoting protective factors.** Measurable outcomes are an important feature of these initiatives which are facilitated and coordinated by the Nebraska Foundation for Children and Families. **The work group developed a draft Model for Community Ownership of Child Well-Being (dated 10/15/13) based on Dr. Deborah Daro's research, "Creating Community Responsibility for Child Protection: Possibilities and Challenges." Dr Daro presented her model to the Commission on June 18.**
- ❖ *Facilitated Conferencing.* The language of LB821 included the expectation that the Commission review and address the role of facilitated conferencing. Facilitated conferencing is provided under the auspices of the Administrative Office of the Courts/Office of Dispute Resolution through mediation centers that are located in communities across the state. The Community Ownership Work Group assumed responsibility for assessing the role of facilitated conferencing and determined that the mediation centers are a key component of community based prevention systems for children and families, that the need for pre-hearing conferences and family group conferences exceeds current funding allocations, and that there is a need for a

dedicated, sustainable source of funding for both types of services for both child welfare and juvenile justice cases.

The Commission approved the following recommendation from the work group report: The Community Ownership of Child Well-Being Workgroup recommends that funding for pre-hearing conferences, court-ordered family group conferences and other relevant facilitated conferences for both child welfare and juvenile justice cases be funded by the Legislature as part of the Supreme Court's budget, not to exclude sliding fee scales, court fees and other potential sources of funding. Funding for tribal courts should be included in the budget as well as funding for a statewide independent evaluation. Family group conferences for non-court involved child welfare cases should continue to be funded through contracts between the Department of Health and Human Services and the Office of Dispute Resolution approved mediation centers.

System of Care Work Group. (Gene Klein, Chair)

- ❖ *DHHS Behavioral Health System of Care Grant.* The work group determined that the **federal System of Care grant offers the best opportunity to accomplish the multiple strategic recommendations related to establishing a statewide "family driven, child focused and flexible system of care."** Members of the work group are participating in grant activities and providing input to the Division of Behavioral Health.
- ❖ *Alternative Response.* The strategic recommendation to "develop a differential response system" remains a priority for the system of care work group and the **Commission supports the work of the Department to further develop the design of an alternative response system in pilot communities as part of the IV E Waiver.** The Commission provided feedback to Senator Coash regarding eligibility/ineligibility criteria that were included in the November 19 Department of Health and Human Services and Alternative Response Advisory Committee report, Alternative Response Model Development: LB561 Report to the Children's Commission. The survey of Commission members also obtained input on the elements of the plan that prohibited interviews with children without parental knowledge.

It is important to point out that feedback from individual Commission members on the specifics of the Alternative Response model reflected some sharp differences of opinion. Because of the diverse backgrounds of Commission members, it is not surprising that those different perspectives lead individual members to reach differing conclusions regarding some aspects of the design.

Information Technology Work Group. (Dave Newell and Nancy Forney, Co-Chairs)

The Technology Work Group has divided its focus to address the components of the two part goal to (1) "utilize technological solutions to information exchange" and (2) "ensure measured results across systems of care."

- ❖ *Technological Solutions.* One subgroup involved subject matter experts from state level public agencies and private organizations along with Commission members to explore and analyze potential information management/technology solutions that would provide improved system integration, coordination and accessibility with a focus on data sharing, communication and accountability and foster data driven decision making by administrators and policy makers. **A written report distributed at the December 17 Commission meeting was accepted by the Commission to be forwarded to the HHS Committee of the legislature.** The report summarizes three types of systems that meet the following work group criteria:

- ❖ Consistent and accurate data management;
- ❖ Improves reporting capabilities;
- ❖ Improves capacity of workers to perform the major functions of their jobs; and
- ❖ Provides stakeholders with access to information and tools that support consistent policy and practice standards across the state.

The promising systems identified fall into 3 categories: Management Information Systems, Data Aggregate Systems, and Predictive Analytics Systems. The work group does not view its role as recommending a specific product, but believes that each of the three types of systems should be more thoroughly explored as a potential solution to address the deficits in the current child welfare/juvenile services information technology environment.

- ❖ *Whole Population Outcomes.* While technological solutions are critical to achieving the stated goal, the work group also identified the **need to develop agreement around a shared set of whole population outcomes, indicators and measures that are critical to the goal of ensuring measured results across systems of care.** Child well-being was identified as the overriding goal for policies and delivery of services emphasized in the Strategic Plan.

Because other groups have been active in working on whole population outcomes, there was a decision to engage in collaborative discussion with the Prevention Partnership to determine a framework for adopting whole population measures applicable to child welfare/juvenile justice. That discussion, facilitated by Victoria Goddard – Truitt of Annie E. Casey Foundation, occurred December 17. The combined groups reached tentative consensus in some areas that will provide a foundation for further discussion.

Workforce Work Group (Susan Staab, Chair)

The Work Force work group has developed a set of key recommendations for staff recruitment, training and development, retention, salary and compensation and career trajectories that will be on the agenda for more discussion.

Overview of Committee Activity

Psychotropic Medication Committee. (Jennifer Nelson and Candy Kennedy Goergen, Co-Chairs)

The committee is monitoring the implementation of the American Academy of Child and Adolescent Psychiatrists Position Statement on the Oversight of Psychotropic Medication use for Children in State Custody by DHHS and will be providing input on the computer training modules.

Juvenile Services (OJS) Committee. (Marty Klein and Ellen Brokofsky, Co-Chairs)

The OJS Committee was created in 2012 by LB 821, the same bill that created the Commission. The scope of the committee's responsibilities was changed by LB 561 in the 2013 legislative session. Because of the broad scope of the legislative charge to the committee, the committee's Phase 1 Strategic Recommendations Report was not completed until December 2013. In the meantime, committee chairs kept the Commission informed about their work through progress reports at the monthly Commission meetings. **The Commission received the December report, but did not have adequate time at the December meeting to discuss, evaluate and render an opinion on the many recommendations included in the report. The Commission will continue review and discussion of the OJS Report recommendations at subsequent meetings.** It is noteworthy that there are parallels and common themes between the recommendations of the OJS report and the Strategic Recommendations of the Commission Strategic Plan.

Foster Care Reimbursement Rate Committee. (Peg Harriott, Chair)

As of the December Commission meeting, the committee is continuing to

- ❖ Review the ongoing results of the DHHS pilot project as reported by DHHS
- ❖ Identify and complete additional work with the Level of Care Assessment tool to fully operationalize the instrument
- ❖ Discuss implementation implications for current foster homes, supporting agencies, DHHS

Director Pristow and Liz Hruska provided assurances that sufficient funding was budgeted to cover the new base rates plus level of care payments. Therefore, the committee will not be recommending additional funding for implementation of the increased rates. The Committee has noted that use of funding in the DHHS budget for the new foster care rates would need to be included in budget negotiations with Probation and in the Nebraska Families Collaborative contract.

The next report from the committee to the Health and Human Services Committee is due February 1.

Young Adult Voluntary Services and Support Committee. At the November meeting, the Commission approved recommendations included in the Bridge to Independence and Support report that was submitted to the Health and Human Services Committee on December 15. **In addition to approving the recommendations developed by the committee, the Commission approved a motion that the cover letter for the**

submission of the report include a statement that the services and supports program be expanded to cover youth served through the juvenile justice system.

Summary

On behalf of the Commission, I thank the Health and Human Services Committee for the work of the Committee and individual senators to put the needs and well-being of children at the forefront of the legislative agenda. I thank the Committee for its vision in recognizing the importance of a high level leadership body to provide oversight and guidance regarding statewide initiatives to benefit vulnerable children and families. During its first year and a half, the Commission has consistently honored the charge in LB 821 that the Commission "provide a permanent forum for collaboration among state, local, community, public, and private stakeholders in child welfare programs and services." As indicated in this report, it is the opinion of the Commission that the issues of child welfare and juveniles services are intertwined and that the attention of the Commission should extend across both areas.