

**Nebraska Children’s Commission**

Thirty-Fifth Meeting

November 17, 2015

9:00 AM – 3:00 PM

Airport Country Inn & Suites

1301 West Bond Circle

Lincoln, NE 68521

**I. Call to Order**

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The Nebraska Children’s Commission Chair, Beth Baxter, called the meeting to order at 9:01 a.m.

**II. Roll Call**

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*Commission Members present (12):*

Karen Authier	Kim Hawekotte	Mary Jo Pankoke
Beth Baxter	Gene Klein	Susan Staab
Holly Brandt	David Newell	Diana Tedrow (9:19)
Jennifer Chrystal-Clark	Deb O’Brien	Paula Wells (9:03)

*Commission Members absent (4):*

Teresa Anderson	Andrea Miller
Candy Kennedy-Goergen	Dale Shotkoski

*Ex Officio Members present (7):*

Senator Kate Bolz (9:13)	Katie McLeese Stephenson (9:09)	Julie Rogers
Ellen Brokofsky	Senator Patty Pansing-Brooks (10:58)	Doug Weinberg (10:18)
Senator Kathy Campbell (11:20)		

*Ex Officio Members absent (3):*

Dr. Matthew Blomstedt	Courtney Phillips	Judge Linda Porter
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A quorum was established.

*Guests in Attendance (9):*

Jeanne Brandner.....	Office of Probation Administration
Bethany Connor Allen.....	Nebraska Children’s Commission
Amanda Felton.....	Nebraska Children’s Commission
Sarah Forrest.....	Office of the Inspector General
Alyson Goedken.....	DHHS, Division of Children and Family Services
Peg Harriott.....	Child Saving Institute
Sarah Helvey.....	Nebraska Appleseed
Vicki Maca.....	DHHS, Division of Children and Family Services
Kate Stephenson.....	UNL, Center on Children, Families, and the Law

*a. Notice of Publication*

Recorder for the meeting, Amanda Felton, indicated that the notice of publication for this meeting was posted on the Nebraska Public Meetings Calendar website on October 14, 2015 in accordance with the Nebraska Open Meetings Act. The publication will be kept as a permanent attachment with the meeting minutes.

*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 at the sign-in table at the back of the meeting room.

### **III. Approval of Agenda**

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Chair Baxter presented the agenda to the Commission. She noted that several presenters on the morning agenda had indicated that they would be late. It was also noted that Mary Jo Pankoke would need to leave at lunch and may need to present on the Bridge to Independence Advisory Committee report earlier in the agenda.

**It was moved by Gene Klein and seconded by Mary Jo Pankoke to adjust the agenda as needed to accommodate the late arrivals and early departures of presenters.** There was no further discussion. Roll Call vote as follows:

#### **FOR (11):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
David Newell  
Deb O'Brien

Mary Jo Pankoke  
Susan Staab  
Paula Wells

#### **AGAINST (0):**

#### **ABSENT (5):**

Teresa Anderson  
Candy Kennedy-Goergen

Andrea Miller  
Dale Shotkoski

Diana Tedrow

#### **ABSTAINED (0)**

#### **MOTION CARRIED**

For the purpose of the minutes, all items will be written in the order of the original agenda.

### **IV. Consent Agenda**

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*a. Minutes of the September 15, 2015 Nebraska Children's Commission Meeting*

Chair Baxter brought the minutes from the previous September 15, 2015 meeting to the Commission's attention. She inquired as to if there were any corrections. No corrections were provided.

*b. Foster Care Reimbursement Rate Committee Nomination Report*

The Nominating Committee recommended the following individuals for appointment to membership on the Foster Care Reimbursement Rate Committee (FCRRC):

- Representative from a child advocacy organization that supports young adults who were in foster care as children:
  - Phillip Burrell – Project Everlast, Omaha, NE

*c. Juvenile Services Committee Nomination Report*

The Nominating Committee recommended the following individuals for appointment to membership of Juvenile Services (OJS) Committee:

- Representative of the Judiciary Committee of the Legislature:
  - Senator Patty Pansing Brooks
- Representative of the Department of Education:
  - Steve Milliken

**Susan Staab moved to approve the items of the Consent Agenda as presented. Jennifer Chrystal-Clark seconded the motion.** There was no discussion. Roll Call vote as follows:

**FOR (11):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
David Newell  
Deb O'Brien

Mary Jo Pankoke  
Susan Staab  
Paula Wells

**AGAINST (0):****ABSENT (5):**

Teresa Anderson  
Candy Kennedy-Goergen

Andrea Miller  
Dale Shotkoski

Diana Tedrow

**ABSTAINED (0)****MOTION CARRIED****V. Chairperson's Report**

Beth Baxter gave her report to the Commission members. She began with a moment of silence to honor member Norm Langemach who passed away in October. The Chair noted that everyone who had the opportunity to work with Norm appreciated his thoughtfulness, insight, and knowledge.

The Chair went on to discuss Nebraska's National Adoption Day celebrations. She also thanked all of the subgroups of the Commission for their work on the Commission's annual report.

**VI. Department of Health and Human Services (DHHS) Update**

Since Courtney Phillips was unable to attend the meeting, Doug Weinberg, Director of the Division of Children and Family Services, proceeded with his updates on the Legislative Reports.

*a. Child and Family Services Legislative Reports*

Mr. Weinberg directed everyone's attention to the handout that summarized the four legislative reports from the DHHS. While reviewing the information, Mr. Weinberg stated that DHHS was working with the Nebraska Families Collaborative to launch a pilot study to address the high removal rate and to reduce the number of out-of-home placements.

**VII. Probation Report**

Chair Baxter welcomed Ellen Brokofsky, State Administrator of the Administrative Office of Probation (AOP), to present on the Probation Report. Ms. Brokofsky introduced Jeanne Brandner, Deputy Administrator for the Juvenile Division of the AOP, and Steve Rowoldt, Deputy Administrator for the Administration and Operations Division of the AOP. Ms. Brokofsky gave a short history of the juvenile justice transition to the AOP.

Mr. Brokofsky indicated that it may take upwards of five years for reform efforts to hit their stride, but she expressed excitement at the information that was already beginning to immerge. Some information she shared included the decline in population at the Youth Rehabilitation Treatment Centers (YRTC's) and a decrease in the number of youth in detention. She also highlighted the complications stemming from the increased financial responsibility that probation incurred when taking on detention costs.

Ms. Brokofsky continued by addressing the Inspector General's report. She informed the Commission that a formal written response would be provided to the members after her presentation that would review the issues the AOP felt the Inspector General's report had presented incorrectly. The main objective mentioned was to build an infrastructure to decrease the amount of youth entering out-of-home care. Ms. Brokofsky turned the discussion to Ms. Brandner and Mr. Rowoldt for their presentations.

Jeanne Brandner summarized the monthly data report on reform efforts. She informed the members that they could find the monthly data reports on their website at <https://supremecourt.nebraska.gov/10824/juvenile-services>. In her presentation, Ms. Brandner mentioned the possibility of grant funding that would increase the intensive in-home services that could be provided.

Vice Chair, Gene Klein, referred to the chart indicating detention numbers for Douglas County on the handout. He asked if there was a way to know what percentage of the population this was for the County. He also expressed interest in knowing what the detention population looked like across the state in order to evaluate the trends. Ms. Brandner indicated that she could look into the numbers for Douglas County and get the statistics to the members.

Another information request came from Foster Care Review Office Director, Kim Hawekotte. She expressed interest in knowing the length of stay for the detention facilities. Knowing this information would help give an idea of what types of services were needed for the long term youth. Ms. Hawekotte inquired into the Council of State Governments Justice Center report as well. A copy of the report would be made available to the Commission.

Steve Rowoldt presented on the workforce data for the AOP. He highlighted that nearly 200 officers had been added to the staff over the last two years. Mr. Rowoldt focused on the increase in turnover percentage. A few of the contributing factors he listed were involuntary termination, upward movement, and retirement. Further discussion included the requirements for new hires, challenges in finding a qualified workforce in rural areas, the topic of mixed adult and juvenile caseloads, and training and support for trauma and trauma fatigue.

### **VIII. Office of the Inspector General Annual Report**

The Chair invited Inspector General, Julie Rogers, and Deputy Inspector General, Sarah Forrest, to present on their Annual Report. Ms. Rogers reviewed the Annual Report process. She noted that it was the duty of the Office of Inspector General (OIG) to highlight some of the more difficult issues in order to foster accountability, integrity, and high performance from all entities working in the child welfare system.

Ms. Rogers cited the major concerns of the OIG as listed in the report. Ms. Forrest provided a summary of contact data and the steps in the investigation process. Ms. Rogers detailed that there had been progress on the front of educating the child welfare workforce as a whole with special emphasis on attorneys and guardians ad litem. However, while the Department of Health and Human Services had been working on the issue of high caseloads, there was still work to be done in order to comply with the statutory requirements.

Ms. Forrest included information on the difficulty of fiscal analysis as well. With so many transitions, the shifting of responsibilities, and legislative changes it was difficult to determine a baseline of necessary financial resources. Senator Bolz agreed, saying that while it is not beyond reason to argue for additional resources, there needed to be more information gathered as to if the current funding was appropriate, but being used inefficiently or if the resources were simply inadequate. The Senator welcomed a follow up meeting with Ms. Forrest to discuss the impact of fiscal resources.

### **IX. Legislation Overview and Legislative Resolution Discussion**

Senator Kate Bolz began the Legislative discussion by reviewing LR 296, an interim study that looked at child welfare financing. The objectives of the study were to determine how to better match resources with needs. Senator Bolz's office was looking at ways in which Medicaid funding could be better leveraged. She also commented on a potential opportunity offered by the Pew Charitable Trust regarding their Results First Initiative. While this opportunity had promise, it was unclear if it was the right fit to provide the best value.

Senator Kathy Campbell began with a brief review of several Legislative Resolutions. She discussed LR 185 dealing with mental and behavioral health workforce issues and LR 231 that dealt with the monitoring of prescription drugs. The Senator moved to the feedback that she received indicating unanimous support for the Commission to continue. Senator Campbell encouraged the members to think of responsibilities or tasks that should be in the new legislation to reauthorize the Commission and requested that input be emailed to her attention.

Attention turned to Senator Patty Pansing Brooks. The Senator covered several of her objectives such as creating a minimum age for juvenile court, the sealing of juvenile records, human trafficking, right to counsel for juveniles, Miranda Rights for juveniles, creating standard guidelines regarding solitary confinement for juveniles, and raising standards for juvenile attorneys.

#### **X. Foster Care Reimbursement Rate Committee Report**

Chair of the Foster Care Reimbursement Rate Committee (FCRRC), Peg Harriot, gave information on the Committee's report. She mentioned that a full report from the FCRRC would be submitted to the Commission in March in order to have a final draft prepared for the July 1, 2016 deadline.

The report presented at the current meeting focused on the issue of actual costs for group homes examined by the Group Home Rate Sub-Committee. The discrepancy between the rates and the actual cost of running group homes reflected a significant amount. Further research was suggested to look at the discrepancy and evaluate the quality of group home care, cost of care, performance outcomes, and to address the acuity of the youth served in the group home setting.

Past Chair Authier stressed the importance of the work of this sub-committee along with all of the sub-groups who had presented. It raised the issue of a void in the structure for youth who await placement due to a lack of necessary supports. Lengthy dialogue occurred regarding the report.

**Karen Authier moved to accept the FCRRC report and recommendations given by the Group Home Rate Sub-Committee and that the FCRRC use their existing work to create recommendations regarding possible options for a rate structure with expectations of treatment components for out-of-home care adequate to serve the children currently unable to find placement. The motion was seconded by Mary Jo Pankoke.** No further discussion occurred. Roll Call vote as follows:

#### **FOR (12):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
David Newell  
Deb O'Brien

Mary Jo Pankoke  
Susan Staab  
Diana Tedrow  
Paula Wells

#### **AGAINST (0):**

#### **ABSENT (4):**

Teresa Anderson  
Candy Kennedy-Goergen

Andrea Miller  
Dale Shotkoski

#### **ABSTAINED (0)**

#### **MOTION CARRIED**

a. *Co-Chair Nomination for the Foster Care Reimbursement Rate Committee*

Past Chair, Karen Authier, refreshed the Commission members on the original goal to have Co-Chairs for each Committee that would include one Commission member. The FCRRRC did not have a member of the Commission co-chairing and Ms. Authier nominated Gene Klein to fill the role on the Committee. Mr. Klein expressed willingness to co-chair.

**It was moved by Kim Hawekotte and seconded by Susan Staab to add Gene Klein as Co-Chair of the Foster Care Reimbursement Rate Committee.** No further discussion ensued. Roll Call vote as follows:

**FOR (12):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
David Newell  
Deb O'Brien

Mary Jo Pankoke  
Susan Staab  
Diana Tedrow  
Paula Wells

**AGAINST (0):**

**ABSENT (4):**

Teresa Anderson  
Candy Kennedy-Goergen

Andrea Miller  
Dale Shotkoski

**ABSTAINED (0)**

**MOTION CARRIED**

**XI. Strengthening Families Act**

Sarah Helvey, Program Director and Staff Attorney with Nebraska Appleseed, spoke to the Commission about the Sex Trafficking and Strengthening Families Act. Ms. Helvey commented that she would mostly cover the "Normalcy" aspect of the Act with the Commission. Ms. Helvey explained that Normalcy is promoted with the use of the Reasonable and Prudent Parenting Standards (RPPS). The RPPS encourage foster parents to involve their foster youth in activities considered as social norms such as sleepovers, participating in sports, etc.

Ms. Helvey explained that several meetings with various stakeholders had already occurred. She expressed a need, moving forward, to establish a Taskforce for the group that could be under the umbrella of the Commission. With its diverse membership, Ms. Helvey felt that the Commission would be a positive and productive Administrative Entity for the work of the Strengthening Families Act.

**It was moved by Kim Hawekotte to establish a Taskforce around the Strengthening Families Act. Gene Klein Seconded the motion.** Discussion occurred as to if Co-Chairs should be established. Past Chair Authier suggested that Sarah Helvey and Katie McLeese Stephenson to Co-Chair the group. Both Ms. Helvey and Ms. McLeese Stephenson indicated that they would be willing.

**Kim Hawekotte amended her motion to establish a Taskforce around the Strengthening Families Act with Sarah Helvey and Katie McLeese Stephenson as Co-Chairs. Gene Klein amended his second.** No further discussion occurred. Roll Call vote as follows:

**FOR (10):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
Deb O'Brien  
Susan Staab

Diana Tedrow  
Paula Wells

**AGAINST (0):****ABSENT (6):**

Teresa Anderson  
David Newell

Candy Kennedy-Goergen  
Andrea Miller

Mary Jo Pankoke  
Dale Shotkoski

**ABSTAINED (0)****MOTION CARRIED****XII. Bridge to Independence Advisory Committee Report**

Mary Jo Pankoke presented the Bridge to Independence Advisory (B2i) Committee report. She explored several of the report's recommendations. Ms. Pankoke also discussed the recent Taskforce formed under the B2i Committee that addressed the extension of services to young adults aging out of the juvenile justice system.

Ms. Pankoke directed attention to Taskforce members Juliet Summers, Policy Coordinator with Voices for Children in Nebraska, and Jeanne Brandner with AOP. Ms. Summers described the series of workgroups put together over a 3-4 week period. These workgroups occurred across the state with youth currently and previously involved in the juvenile justice system as well as adults serving in various capacities within the system.

Research of the Taskforce found that allowing select juvenile justice youth to voluntarily enroll into the already successful B2i program, would reduce cost and allow the state to determine eligibility for Title IV-E funding to assist the youth. The Taskforce members voiced their willingness to continue work in order to address deeper issues and determine if services were being provided efficiently.

**There was a motion from Susan Staab to accept the recommendations included in the Bridge to Independence Report and to support the continuation of the Juvenile Justice Extension Taskforce. Paula Wells seconded the motion.** There was no further discussion. Roll Call vote as follows:

**FOR (12):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
David Newell  
Deb O'Brien

Mary Jo Pankoke  
Susan Staab  
Diana Tedrow  
Paula Wells

**AGAINST (0):****ABSENT (4):**

Teresa Anderson  
Candy Kennedy-Goergen

Andrea Miller  
Dale Shotkoski

**ABSTAINED (0)****MOTION CARRIED**

### **XIII. Lunch**

The Committee recessed for lunch at 12:13 p.m.

The meeting resumed business at 1:05 p.m.

### **XIV. Juvenile Services Committee Report**

Chair Baxter asked Kim Hawekotte, Director of the Foster Care Review Office, to present on the Juvenile Services (OJS) Committee Report. Ms. Hawekotte directed the Committee members to review the section of the OJS Committee report highlighting the accomplishments of the group. She explored the number of recommendations listed in the report. She noted that the Committee planned to tackle several issues moving forward including how to handle status offenders and the high YRTC population that is 18 years of age.

**Gene Klein moved to accept the report and recommendations of the Juvenile Services Committee. Susan Staab seconded the motion.** No further discussion ensued. Roll Call vote as follows:

#### **FOR (11):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
David Newell  
Deb O'Brien

Susan Staab  
Diana Tedrow  
Paula Wells

#### **AGAINST (0):**

#### **ABSENT (5):**

Teresa Anderson  
Candy Kennedy-Goergen

Andrea Miller  
Mary Jo Pankoke

Dale Shotkoski

#### **ABSTAINED (0)**

#### **MOTION CARRIED**

### **XV. Commission Legislative Annual Report**

Chair Baxter presented the draft of the Nebraska Children's Commission Annual report. The Chair stated that the report would also include the newly added Taskforce for the Strengthening Families Act and information regarding the addition of addressing treatment components under the Foster Care Reimbursement Rate Committee's responsibilities.

**It was moved by Paula Wells and seconded by Susan Staab to approve the Nebraska Children's Commission annual report with the alterations identified by the Chair.** No further discussion incurred. Roll Call vote as follows:

#### **FOR (11):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
David Newell  
Deb O'Brien

Susan Staab  
Diana Tedrow  
Paula Wells

#### **AGAINST (0):**

#### **ABSENT (5):**

Teresa Anderson  
Candy Kennedy-Goergen

Andrea Miller  
Mary Jo Pankoke

Dale Shotkoski

**ABSTAINED (0)**

**MOTION CARRIED**

**XVI. Alternative Response Report**

Doug Weinberg invited several speakers from the Division of Children and Family Services (DCFS) and the Center on Children, Families and the Law (CCFL) to assist in presenting on the Alternative Response Report. He was joined by Vicki Maca, DCFS Deputy Director of Child Welfare Operations, Alyson Goedken, DCFS Administrator, and Kate Stephenson, CCFL Director for the IV-E Waiver Project.

Ms. Goedken shared the steps in the Alternative Response program and how it was evaluated. There was to be several smaller reports released over the next five years to provide preemptive data prior to the final evaluation in 2020. Education was provided by Ms. Goedken and Ms. Maca on the complications that arose in the Alternative Response pilot and how DHHS addressed the issues.

The group explored several subjects relating to Alternative Response. Gene Klein thanked the presenters for their information. Mr. Klein summarized some of the feedback of the Commission members that was provided during discussion. Feedback included limiting the criteria used, ensuring that expansion occurs only in counties that are prepared, and improving collection of data with the updated PFQWB. He suggested that the Alternative Response team report back to the Commission in July of 2016 to provide an update on the program.

**Paula Wells moved to approve the Alternative Response plan presented and authorize recommendations to be created by Gene Klein and Bethany Connor Allen based on the meeting discussion. Deb O'Brien seconded the motion.** No further discussion ensued. Roll Call vote as follows:

**FOR (11):**

Karen Authier  
Beth Baxter  
Holly Brandt  
Jennifer Chrystal-Clark

Kim Hawekotte  
Gene Klein  
David Newell  
Deb O'Brien

Susan Staab  
Diana Tedrow  
Paula Wells

**AGAINST (0):**

**ABSENT (5):**

Teresa Anderson  
Candy Kennedy-Goergen

Andrea Miller  
Mary Jo Pankoke

Dale Shotkoski

**ABSTAINED (0)**

**MOTION CARRIED**

**XVII. Public Comment**

No Public Comment was given.

**XIII. New Business**

There was no New Business to present at this time.

**XIX. Upcoming Meeting Planning**

The Chair reminded the members that the next Commission meeting would be on Wednesday, January 20, 2016 from 9:00 a.m. – 3:00 p.m. The location of the meeting will be the Country Inn & Suites located at 5353 N. 27<sup>th</sup> Street, Lincoln, NE. She also addressed the Annual Retreat of the Commission, saying that it may occur

in either May or July. A final decision would be made on the date of the retreat pending on the continuation of the Commission. Dave Newell suggested that the Commission consider moving to a quarterly meeting format. Lastly, Chair Baxter had representatives from the local detention centers request to give reports at the next meeting.

**XX. Adjournment**

**It was moved by Susan Staab and seconded by Paula Wells to adjourn the meeting.** There was no discussion. Motion carried by unanimous voice vote. The meeting adjourned at 2:50 p.m.

11/30/2015

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