

Nebraska Children's Commission



Annual Report to the Governor and the Health and Human Services Committee of the Legislature

November 17, 2015

Submitted Pursuant to Neb. Rev. Stat. §43-4207

The Nebraska Children's Commission
Annual Report and Update on Activities

December 1, 2015

The Nebraska Children's Commission (Commission) was created in 2012 by the Nebraska State Legislature to provide a leadership forum for the collaboration in child welfare and juvenile justice reform among the three branches of government and public and private stakeholders at the state, regional, and community levels and devise a strategic plan for child welfare and juvenile justice. The Commission is required to submit an annual report of its activities as per LB87 (2015). It is the intent of the Commission that this document serves not only as a report of activities, but also as a meaningful and thoughtful contribution to the continued reform and improvement of Nebraska's child welfare and juvenile justice systems.

Commission History

The Nebraska Children's Commission was created as a result of LR37, an investigation by the Health and Human Services Committee that identified a number of gaps in the service delivery model for children and families. LR37 evaluated and assessed the effects of child welfare reform started in 2009 by the Department of Health and Human Services (DHHS).

One of LR37's many significant findings was that a lack of clear vision and overarching planning for the provision of services for children has created a fragmented system. Nebraska, like many states, had implemented a number of child welfare and child abuse initiatives. These initiatives lacked a long term coordinated plan, and did not achieve true reform. To help remedy this problem, the legislature created the Nebraska Children's Commission to serve as a leadership body for child welfare and juvenile justice, and to create a statewide strategic plan for child welfare and juvenile justice reform.

2015 Activities

The Commission is now in its fourth year and continues to work on the original charges as provided by LB821, responsibilities added by subsequent legislation, and strategic plan priorities. Some highlights from the year include:

- In January members met for the Commission's first annual retreat featuring a presentation on leadership from Senator Colby Coash, information regarding the utilization of data enhance the child welfare system from Chapin Hall's Jennifer Haight, and a facilitated discussion to reaffirm the Commission's direction and focus. The Commission will continue to hold an annual retreat.

- In July the Commission experienced a change in leadership when Beth Baxter became Chair, Gene Klein became Vice-Chair, and Karen Authier moved into the role of Past Chair.
- The Commission released the Child Welfare Financing Primer, a document intended to inform thoughtful discussion about child welfare funding in Nebraska.
- New voting member Paula Wells was welcomed in the role of foster parent. Matthew Blomstedt (Commissioner of Education) designee Steve Milliken, Katie McLeese Stephenson (Court representative), Courtney Phillips (CEO of the Department of Health and Human Services), and Doug Weinberg (Director of Children and Family Services) were also welcomed as ex-officio members. Senator Kate Bolz (Appropriations Committee) and Senator Patty Pansing-Brooks (Judiciary Committee) also joined as legislative representatives. A list of current membership is attached as [Appendix A](#).
- The Commission expanded its knowledge and familiarity with the communities and initiatives of Nebraska by holding meetings outside of the usual meeting location in Lincoln, including Omaha and Grand Island.
- Significant progress was made on the Commission's website, accessible at <http://childrens.nebraska.gov>.

Committees

The Commission completes some of its assigned tasks through Committees created by legislation. The Commission appoints members to ensure that each Committee has a balanced membership representing all three branches of government, system stakeholders, community representatives, and families and youth whose lives have been impacted by the child welfare and juvenile justice systems. Committees complete their work and forward recommendations to the Commission for approval and advancement to the Legislature, Governor's Office, and DHHS.

Bridge to Independence Advisory Committee (Mary Jo Pankoke, Chair)

Statutory Information: This Committee was created by LB216 (2013) and codified at Neb. Rev. Stat. §473-4513 to make recommendations to the Department of Health and Human Services (DHHS) and Commission regarding the Bridge to Independence Program, extended guardianship assistance, and extended adoption assistance.

The Bridge to Independence Advisory Committee has been meeting since July 2013 to make recommendations regarding the creation of a program offering voluntary services and support for youth who have aged out of foster care before attaining permanency. This program was implemented on October 1, 2014, and the Committee continues to monitor the program and make recommendations for improvement.

This Committee has also focused its attention on youth served in the juvenile justice-system. Recognizing that this population needs similar supports and services, a workgroup was formed to examine the possibility of implementing a similar program to serve these youth. The workgroup has consulted with a national firm to perform an analysis of the program's potential fiscal impact.

Priority Recommendations/Focus:

1. The Committee will continue to focus on monitoring the implementation of B2i in partnership with DHHS, the Foster Care Review Office, and other stakeholders to create recommendations for improvement to the B2i program.
2. Support the Juvenile Justice Extension Task Force's recommendation to expand the B2i program to the juvenile justice population, by allowing the young people under the jurisdiction of the Administrative Office of Probation and 3B wards under the jurisdiction of DHHS who are in out-of-home placement at age 18 to voluntarily enroll in the B2i program.

See [Appendix B](#) for full *Bridge to Independence Advisory Committee* report.

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

Statutory Information: This Committee was created by LB530 (2013) and codified at Neb. Rev. Stat. §43-4217 to make recommendations on foster care reimbursement rates, statewide standardized level of care assessment, and adoption assistance payments.

The Committee submitted final recommendations regarding implementation of a new rate structure, and level of care assessment tools in May 2014. The Committee continues meeting to monitor the rate implementation and complete other tasks requested by the Commission and DHHS.

The FCRRC created the Level of Care Subcommittee (now called the Level of Responsibility Workgroup) to create a tool to identify the level of care needed by the child, and identify the responsibilities of the caregiver to ensure the child receives the appropriate level of care to address his/her needs. The Level of Responsibility workgroup has resumed meeting to refine and revise this tool, the Nebraska Caregiver Responsibilities Tool (NCR). The workgroup has identified a number of proposed changes to the tool, including changing the name to reflect the purpose of the tool, including information about transportation responsibilities, and language from the Preventing Sex Trafficking and Strengthening Families Act regarding the reasonable and prudent parent standard.

The Foster Care Rates Subcommittee has also resumed meeting to examine the efficacy of the current foster care reimbursement rates that became effective of July 1, 2014. Members include representatives from agencies that administer the rates, DHHS, lead agency

Nebraska Families Collaborative, and Probation and a representative of the Nebraska Foster and Adoptive Family Association (NFAPA). This group will work to advance recommendations to the FCRRRC on any potential changes that should be made to the base rates. Work includes a review of agency policies surrounding transportation, foster parent reimbursement structures in other states, and information on child raising costs from the United States Department of Agriculture (USDA).

DHHS requested that the Foster Care Reimbursement Rate Committee unbundle the group home rates for purposes of Title IV-E compliance. The Foster Care Reimbursement Rate Committee convened the Group Home Rate Sub-Committee to perform this task with membership representation from group home providers, DHHS and Probation. The Group Home Rate Subcommittee completed the task to the satisfaction of DHHS. The FCRRRC and Commission requested that the subcommittee continue to meet to calculate the actual costs of providing group home services utilizing the same methodology used to unbundle the rates. The Subcommittee completed this task, and the final report is attached. In addition to its assigned tasks, the subcommittee also provided a forum for group home providers to share information about policies and practices with the intent of improving the effectiveness of group home care. The FCRRRC received an additional assignment at the November 2015 Commission meeting to use the existing work to create recommendations for out of home care options with a rate structure that includes expectations regarding treatment components that would be adequate to serve children for whom placement currently is problematic

Priority Recommendations/Focus:

1. There is a need for the issue of group home care to be looked at further through a legislative review, in order to measure the quality of care, cost of care, and performance outcomes. Identifying the acuity of children and youth served is important when considering outcome based performance measures.
2. The FCRRRC is focused on creating recommendations on foster care reimbursement rates and the statewide standardized level of care assessment for its report to the legislature in 2016.

See [Appendix C](#) for full FCRRRC update and Group Home Subcommittee Report.

Juvenile Services Committee (Nicole Brundo and Kim Hawekotte, Co-Chairs)

Statutory Information: Created by LB821(2012) and codified at Neb. Rev. Stat. §43-4203, this Committee examines the structure and responsibilities of the Office of Juvenile Services and makes recommendations related to the Youth Rehabilitation and Treatment Centers (YRTC's) and the juvenile justice system of care.

The Juvenile Services Committee has remained highly active with monthly meetings after submitting its Phase I Strategic Recommendations in 2013. The Committee structured its work in 2015 by thoroughly reviewing its Phase I Plan and delving more deeply into the report's priority topics to create the recommendations in the 2015 Report.

The Committee focused on its recommendation to transition Nebraska's juvenile justice system to a regional model. The Director and Deputy Director of Missouri's Division of Youth Services traveled to Nebraska to provide consultation and information about Missouri's regional juvenile justice model. The Committee is utilizing the insight provided from this presentation to inform their recommendations to implement changes necessary to transition to a regional model.

Priority Recommendations/Focus:

1. The Committee has created a Data Analysis and Mapping Taskforce ("Taskforce") to create recommendations related to the process of moving to a regional system. The Taskforce has representation from the Office of Juvenile Services, Probation, the Foster Care Review Office, and the Juvenile Justice Institute at the University of Nebraska – Omaha. The first meeting of the Taskforce will take place on December 8, 2015, and will report to the full Committee at its January meeting.
2. The Committee will use the information identified by the Data Analysis and Mapping Taskforce to create recommendations regarding a pilot site for a regional facility, to determine the type of youth to be served, the kinds of programs to be offered, and the intake requirements. Potential populations to be served at this pilot site include the population of juvenile justice system involved youth who are receiving treatment out of state, youth who are committed to a YRTC at the age of 18, or another population identified by the Taskforce.
3. As additional legislative bills are introduced to continue or restructure the juvenile justice reform efforts, the Committee will provide feedback and recommendations to the Nebraska Children's Commission and Judiciary Committee of the Legislature.

See [Appendix D](#) for full Juvenile Services (OJS) Committee Report.

Psychotropic Medication Committee (Candy Kennedy-Goergen, Chair)

Statutory Information: The Psychotropic Medication Committee was established by LB821 (2012) and codified at Neb. Rev. Stat. §43-4203(2)(a) to examine state policy regarding the psychotropic drugs prescribed for children who are wards of the state and administration of such drugs to such children.

The Committee recommended a framework based on the American Academy of Child and Adolescent Psychiatry's *Position Statement of Oversight of Psychotropic Medication Use for*

Children in State Custody: A Best Principles Guideline of policies and procedures for children receiving psychotropic medications in the Commission's 2012 Phase I Strategic Plan. Additionally, the Committee was authorized by the Commission in 2014 to provide guidance to research and assess practices for prescribing psychotropic medications to children and adolescents living in Nebraska.

The Psychotropic Medications Committee has resumed meeting with the intention of reviewing the policies and procedures of administering psychotropic drugs to state wards and providing guidance on psychotropic medication research protocols. The Committee receives updates from the Department on the implementation of policy and procedure designed to provide oversight and monitoring for the utilization of psychotropic medications in children who are state wards.

Priority Recommendations/Focus:

1. Continue to support DHHS's implementation of the Commission's approved framework for the utilization of psychotropic medication for children who are state wards.
2. Continue to partner with Nebraska's universities to support and provide guidance on psychotropic medication research protocols.

Workgroups

The Nebraska Children's Commission was charged with the statutory duty of creating a statewide strategic plan for child welfare and service reform under Neb. Rev. Stat. §43-4204. The Commission created four workgroups to create recommendations to further the goals identified in the Phase I Strategic Plan. Each is chaired by a Commission member and provides regular updates and reports to the Commission on the workgroup's progress toward its strategic plan goals.

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

Strategic Plan Goal: Encourage timely access to effective services through community ownership of child well-being.

The Community Ownership of Child Well-Being workgroup has been meeting regularly and working diligently on a number of important topics, including creating common criteria for evidence based and informed practices, inventorying evidence based programs in Nebraska, and identifying existing community collaboration efforts to enhance efforts and reduce duplication. The group put forth a vision for a state level collective impact group, and recommended the Commission recognize the Prevention Partnership as that group focused on improving the well-being of children. The Commission approved the Prevention Partnership as this body at the May 2015 meeting. In 2013, the workgroup held a number

of listening sessions across the state to learn about the ongoing child well-being activities in communities and how the Commission could support their work. The workgroup will also hold another round of community listening sessions in Fremont, Omaha, Sarpy County, Lincoln, Grand Island, North Platte, and the Panhandle region to obtain information from communities that are implementing Community Response to obtain data on the results and how it is coordinated with Alternative Response.

Priority Recommendations/Focus:

1. Establish a clear understanding of how successful prevention efforts across the state support the Alternative Response Program.
2. Document successful prevention efforts underway in communities across the state.
 - a. The workgroup has provided an inventory of evidence based programs in communities that have implemented Alternative Response (attached to workgroup report).
 - b. The workgroup is working with the Prevention Partnership to identify existing community collaboration efforts, categorized by community, county, system and outcome.

See [Appendix E](#) for full *Community Ownership of Child Well-Being* report.

Data, Technology, Accountability and Reporting (DTAR) (David Newell, Chair)

Strategic Plan Goal: Utilize technological solutions to information exchange and ensure measured results across systems of care.

The Data, Technology, Accountability and Reporting Workgroup has been meeting to work towards the statutory duty to identify the type of information needed for a clear and thorough analysis of progress on child welfare indicators as per Neb. Rev. Stat. §43-4204(1)(d). Formerly the IT Workgroup, the group reviewed its role in the Commission and renewed its focus after a report to the Health and Human Services Committee of the Legislature providing information on three categories of promising technological solutions: case management software, data warehouse, and predictive analytics software. The group has collaborated with Chapin Hall to bring presentations on the use of data in child welfare and juvenile justice to the Commission.

Priority Recommendations/Focus:

1. Data transparency and comparability promotes ongoing quality improvement in child welfare. The following steps should be undertaken to support ongoing quality improvement:
 - a. Nebraska should make the Nebraska Foster Care Profile and Hot Spot reports produced by Chapin Hall publically available as soon as possible.

- b. Nebraska should increase the amount of juvenile justice data available to stakeholders and the public. The measures necessary to monitor the juvenile justice system should be determined and made widely and publically available.
- c. Support Nebraska's migration from the Child and Family Services Review (CFSR) Round 2 measures to the CFSR Round 3 measures (or closest proxies) as soon as possible and make plans to sunset the use of CFSR Round 2 measures.

System of Care (Gene Klein, Chair)

Strategic Plan Goal: Support a family driven, child focused, and flexible system of care through transparent system collaboration with shared partnerships and ownership.

The System of Care Workgroup has remained active in the Division of Behavioral Health's Design for a Nebraska System of Care (SOC) Planning Project. The workgroup continues to advocate moving forward with the implementation of the project.

The Workgroup also continues to support the implementation of the Division of Children and Family Services' Alternative Response Project. Most recently System of Care Workgroup Chair and Commission Vice Chair Gene Klein provided public comment on the Alternative Response regulations to support the Department's implementation of the program. The Commission will provide feedback on the Department's report on the Alternative Response evaluation as per Neb. Rev. Stat. §28-712(1) with the assistance of the System of Care Workgroup.

Priority Recommendations/Focus:

1. The System of Care Workgroup's priority is to partner with DHHS in its implementation and continued improvement of Alternative Response. The workgroup looks forward to working with DHHS to provide feedback following the Alternative Response evaluation report.
2. An additional priority is to support the implementation of the Division of Behavioral Health's Design for a Nebraska System of Care (SOC) Planning Project.

Workforce (Susan Staab, Chair)

Strategic Plan Goal: Foster a consistent, stable, skilled workforce serving children and families.

The Workforce Workgroup recognizes the critical importance of caseworkers to achieving safety, permanency, and well-being for children in Nebraska. The group developed a report with recommendations related to the recruitment and retention of quality caseworkers. This

continued the work done by the group in 2014 to identify the priority areas to achieve its strategic plan goal. DHHS and lead agency Nebraska Families Collaborative (NFC) presented information to the Commission following the workgroup's report regarding their efforts to recruit and retain skilled caseworkers. The Commission and workgroup support DHHS and lead agency NFC's continued efforts to professionalize and enhance the role of caseworker in the child welfare system. The workgroup has additionally identified a need to increase the number of caseworker and supervisor candidates with Bachelor and Master Degrees in social work.

Priority Recommendations and Focus:

1. The Workforce Workgroup continues to support its two key focus areas to recruit and retain child welfare workers in Nebraska: increased salary and compensation, and the development of career trajectories.
2. Examine ways to increase the number of candidates with Bachelor and Master of Social Work degrees in the child welfare workforce, including:
 - a. Continuing to explore financial incentives for attaining a Master of Social Work degree, such as a salary differential for attaining higher education, tuition reimbursement or loan forgiveness programs, and
 - b. Stakeholder partnership with Nebraska's Schools of Social Work to increase capacity in building a child welfare workforce with social work education through long term investment and collaboration.
3. Examine the possibility of requiring all child welfare case managers and supervisors to have degrees from accredited schools of social work, with the understanding that this would require a long term plan of investment in and partnership with Nebraska's universities.

The full report of the Workforce Workgroup is attached as [Appendix C](#) of the Lead Agency Taskforce Report.

Taskforces

The Commission has created taskforces to create recommendations on limited scope issues that do not fall within existing Committees or Workgroups.

Lead Agency Taskforce (Beth Baxter, Chair)

Statutory Information: The Commission was charged by LB821 and codified at Neb. Rev. Stat. §43-4204 with creating recommendations relating to the potential of contracting with not for profit entities as lead agencies.

The Commission convened a group of stakeholders to have a series of thoughtful conversations about what an ideal child welfare system should look like, and the potential

role of a lead agency within that system. The taskforce created a report setting forth the seven components of a seamless system of care necessary for any child welfare agency, public or private, to effectively serve children and families. The report included recommendations on the potential role of a private agency within the ideal seamless system of care. The Lead Agency Taskforce is not currently active, but is awaiting the further direction of the Health and Human Services Committee of the Legislature and Governor's Office, and remains willing to resume work in support of a successful child welfare system.

Priority Recommendations and Focus:

1. The Lead Agency Taskforce believes that the lead agency model can be effective if the seven components of a seamless system of care are present: (1) Outcomes and Accountability; (2) Clarification of Roles and Responsibility; (3) Quality Case Management Workforce; (4) Trust; (5) Adaptive and Individualized to Children, Families, and Communities; (6) Coordinated and Flexible Service Delivery Model; and (7) Single Data Repository/Warehouse.
2. Those in authority for determining whether lead agencies will be utilized should consider the broader issues of whether or not Nebraska should establish contracts that delegate child welfare responsibilities. The State remains responsible for the placement and care of children who are state wards when lead agencies are utilized.
3. Case managers and supervisors are the foundation of the child welfare system. If the foundation of case workers and supervisors is built, the State will have a strong child welfare system regardless of the structure.

See [Appendix F](#) for full Lead Agency Taskforce Report.

Legal Parties Taskforce (Kim Hawekotte, Chair)

Issue: The Commission formed this group to examine and make recommendations related to legal parties and the practice of law in the Juvenile Court.

This Taskforce was initially formed to begin its examination of legal parties with Guardians ad Litem charged with representing the best interests of children involved in child welfare cases following LR542 examining issues regarding the current Guardian ad Litem system and report from the Office of the Auditor of Public Accounts on the Douglas County Juvenile Court Guardian ad Litem System. The Taskforce thoroughly examined the role of the Guardian ad Litem in Nebraska and other states to create recommendations to the Judiciary Committee of the Legislature, some of which were codified in LB15 (2015).

Since submitting these recommendations, the Taskforce has continued working to elevate and professionalize the practice of law in the Juvenile Court and is in the process of creating presentations for court stakeholders on recent juvenile law practice related legislation.

Priority Recommendations and Focus:

1. Continue enhancing the professionalism of the legal parties within juvenile court through the evaluation of the roles and responsibilities of legal parties.
2. Encourage professionalism and attainment of competencies in the practice of juvenile law by:
 - a. Increasing the amount of juvenile practice specific trainings available to legal parties and other system stakeholders,
 - b. Encouraging the Supreme Court of Nebraska to require dedicated Continuing Legal Education (CLE) hours for all legal parties who practice in juvenile court, and
 - c. Researching the legal education in law schools provided to students with interest in pursuing careers in juvenile practice.
3. Research and evaluate the prosecutorial models of Nebraska and other jurisdictions.
4. Research and evaluate solutions to the problems posed by conflicting jurisdiction between the district and juvenile courts, including the feasibility of implementing a unified family court system in Nebraska or codification of the holding of *In Re Stephanie H.*, 10 Neb. App. 908, 639 N.W.2d 668 (2002).
5. Review data regarding the timeliness of adjudication hearings and appeal process in Nebraska, and other states' processes for possible improvement.

Strengthening Families Act Implementation Taskforce (Katie McLeese-Stephenson and Sarah Helvey, Co-Chairs)

Issue: The Commission formed this group to make recommendations related to the implementation of the Preventing Sex Trafficking and Strengthening Families Act of 2014 (“Strengthening Families Act”).

This group was created at the November 17, 2015, Commission meeting to act as an advisory body as the “normalcy” provisions of the Strengthening Families Act are implemented in Nebraska. This group will create recommendations surrounding the provisions that support youth in foster care to engage in normal childhood activities, such as sleepovers, extracurricular activities, sports participation, sleep-away camp, and other pro-social activities that encourage healthy development. Membership will be populated by a stakeholder group with background and expertise in the Strengthening Families Act. As this group was created in November of 2015, work has only just begun to establish its priorities and focus.