

Juvenile Services Committee

Update to the Nebraska Children's Commission

September 20, 2016

The Juvenile Services Committee was created in 2012 to make recommendations to the Judiciary Committee of the Legislature. Since its creation, the Committee has released three legislative reports and its scope has been expanded twice. The Committee's current scope includes examining the Office of Juvenile Services and the Juvenile Services Division of the Office of Probation Administration, evaluating the role and effectiveness of out-of-home placements utilized in the juvenile justice system including the Youth Rehabilitation Treatment Centers (YRTCs), and making recommendations to the commission on the juvenile justice continuum of care. The Committee recently reviewed its Phase I Strategic Recommendations from 2013 to reassess the recommendations and structure its 2016 work plan. The recommendations were broken into four categories and reviewed in light of the legislative, policy, and practice changes that occurred following the 2013 report to create the current preliminary priorities and recommendations.

Courts and Legal System

Recent changes to the courts and legal systems include [LB894](#)'s provisions for increased access to counsel for juveniles in counties with a population of one hundred fifty thousand or more, a requirement that the Supreme Court provide guidelines setting forth standards for all attorneys who practice in juvenile court, and additional requirements for a court to accept a juvenile's waiver of counsel. Following a review of legislative changes and current court practices and procedures, the workgroup identified the following below priorities to support best practices in juvenile court processes:

1. **Youth Access to Legal Counsel.** The group has identified youth access to legal counsel at the time of filing as a priority. This includes exploring a possible change in statutory language requiring that youth, regardless of the county, be appointed legal counsel. Prior to a statutory change, next steps include performing a pilot study providing legal counsel to youth at the time of filing in a rural county to examine the impact on resources.
2. **Youth Access to Diversion Pre-Filing.** Encourage counties to engage in the best practice of offering diversion to youth pre-filing. This includes outreach to counties to determine current diversion practices, and education to increase the number of counties engaging in best practices.
3. **Establishment of Separate Juvenile Courts in All Counties.** The group will continue to engage in research regarding juvenile court models in other states. The Court Improvement Project will assist in outreach to judicial representatives throughout the state to gather input on the potential for separate juvenile courts. The group recognizes that County Court judges currently have a workload with a wide range of subject matter and geography, and is working to ensure the juvenile court structure in all counties supports best practices in the administration of juvenile justice.
4. **Sealing and Expunging Juvenile Records.** The group will continue discussion and research in the impact of expunging juvenile records, including outreach to county attorneys to gain information on current processes for sealing and expunging juvenile records.

Evaluation and Assessment

This group focused on the evaluation of programs and assessment of youth. The group reviewed the 2013 recommendations through application of the highest standards of evaluation, assessment, and research in the social sciences to the existing needs of youth in Nebraska. The group endorses the current emphasis on actions that prevent initial contact with the juvenile justice system, including efforts to promote youth adjustment and positive health programs through early assessment, intervention and diversion. The foundation of this group's work is the principle that all systems should measure, track, and evaluate both recidivism and/or initial contact with the juvenile justice system, in order to ensure that the necessary services and programs exist to serve Nebraska's juvenile justice population, and that youth are accurately matched to the services they need.

1. **Education of Stakeholders.** The Committee will adopt an education plan for judges, other legal professionals and other stakeholders who carry out significant roles in the juvenile justice and health and human service systems. This training will include the following topics:
 - a. Appropriate use of assessment devices in making evidence based decisions and the importance of uniform standards and procedures in assessment practices.
 - b. The nature of evidence based practices (EBP) and the importance of program evaluation in successful treatments.
 - c. The importance of adequate and consistent dosage in EBP treatments delivered by qualified service delivery staff.
 - d. The role of valid assessment and evidence based treatments in bringing about successful youth and family outcomes.
2. **Evidence Based Practices.** The Committee should adopt a system-wide categorization of EBP in Nebraska's juvenile justice system, specifically the University of Nebraska White Paper (Lincoln and Omaha – Wiener, Hobbs, and Spohn, 2014).
3. **Assessment Survey.** The Committee should perform a statewide study of existing assessment techniques that state and private agencies use with youth across the state of Nebraska.
4. **Shared Database.** The Committee recommends the creation of a unified and shared database for agencies that assess, service, and treat youth across the state. The Committee will assess current efforts and LB265, legislation creating a database pilot project, to determine if they are adequate, or if additional legislation or efforts are necessary. The group will undertake a review of the LB265 language and any relevant proposed legislation to determine if additional statutory changes are necessary to support this project.
5. **Data Mapping and Analysis.** The Committee supports the continued work of the Data Mapping and Analysis Taskforce to focus on identifying both the needs of the juvenile justice population and the resources available to them throughout the state. This work is critical to future service delivery and successful treatment of youth and families in the state of Nebraska.

Services Coordination

This group focused on recommendations related to cross-system efforts from 2013. There are many organizations and bodies working to improve outcomes for youth who are juvenile justice involved, and efforts may become duplicative if strong collaboration and information sharing does not occur. This group recognizes that outcomes are improved and use of funds is maximized when communities and organizations work together. This group reviewed the recommendations in light of current efforts to

identify areas in which increased collaboration can improve access to services and use of braided funding to support Nebraska's juvenile justice population statewide.

1. **Collaboration to Promote the Use of Braided Funds.** The Committee recommends promoting a collaboration between Nebraska's Commission on Law Enforcement and Juvenile Justice (the Crime Commission) and the Nebraska Coalition for Juvenile Justice (NCJJ) to capture more accurately the current efforts toward and barriers preventing the braiding of funds. This collaboration will include a technical assistance request to the Center for Coordinated Assistance to the State (CCAS) for a crosswalk analysis of current efforts and gaps in the braiding and blending of the community based funds.
2. **Collaboration to Improve Educational Outcomes.** Assess current collaborative groups with an education focus to determine if any are assessing and/or addressing the educational needs of youth involved in the Nebraska juvenile justice system and ensure that the Department of Education is represented on the Committee.
3. **Collaboration to include juvenile justice in the System of Care.** Review the data related to service gaps and outcomes gathered as part of the System of Care to assess its ability to address the treatment and non-treatment needs of youth involved in the Nebraska Juvenile Justice system. The Division of Behavioral Health and/or its partners should be requested to present updates to the Committee on a quarterly basis, and a representative from the Division of Behavioral Health is requested to be on the Committee as a resource member.
4. **Collaboration to Promote Collective Impact and Community Collaboratives.** Identify policy barriers that communities face in using the Collective Impact model or creating and maintaining community collaboratives and create recommendations to address or remove the barriers. Encourage state funded entities to fund in a manner that boosts the use of the Collective Impact model.
5. **Collaboration for Workforce Development and Service Access.** Service access in rural areas is an important issue to address to ensure youth can be served in their communities when at all possible. To support this, consider encouraging the use of Telehealth to increase access to services across the state. To support the workforce necessary for access to services, consider incentivizing professionals and service providers practicing in rural areas to acquire necessary training, certification, approval, and/or utilize certain payor sources to serve youth with involvement or at-risk of involvement in the juvenile justice system with increased payment, mileage, or other financial incentives. Encourage the use of three process measures below when programs, services, and models are implemented in Nebraska to ensure that they system design matches the workforce:
 - a. Engage with the workforce to determine feasibility and ease of implementation.
 - b. Engage with licensing entities to ensure that the program is in line with licensure requirements and billing practices.
 - c. Prior to implementation, solicit comments from public and private stakeholders.

Youth Rehabilitation and Treatment Centers (YRTC) and Out-of-Home Placement (OOHP)

This group convened to review recommendations related to the juvenile justice system's out of home placement continuum of care, including the YRTCs. The YRTCs have undergone significant changes, both legislative, and in practice and policy. Following the initial recommendations in 2013, the Legislature required that in order for a youth to be placed at the YRTC, all levels of probation supervision and options

for community based services must have been exhausted and placement of the youth must be a matter of immediate and urgent necessity for the protection of the youth or the person or property of another, or if the youth is a likely to flee the jurisdiction of the court. This requirement has dramatically changed the composition of the YRTC's population. Youth who are low to moderate risk are no longer committed, resulting in a lower population, higher risk youth, and a longer average length of stay. The group will continue to monitor these changes, along with the existing juvenile justice service array. The Committee will continue to work towards making recommendations on the future role of the YRTCs as one part of the juvenile justice continuum of care.

1. **YRTC Related Recommendations.** The Committee's initial recommendations were created while the YRTCs had significantly more youth and youth who were low or moderate risk. Following the significant legislative changes to the YRTCs as well as internal practice and program improvements, the Committee finds it necessary to gather current data trends and research to review its initial recommendations and ensure that the juvenile justice youth out-of-home continuum of care addresses the needs of Nebraska's youth.
 - a. At this point, the Committee will continue to look at the current system utilizing the YRTC, supporting that the YRTC remain open serving the current high-risk population.
 - b. The Committee recommends that an evaluation and assessment process be performed on the YRTCs to measure outcomes in order to confirm and enhance the progress of the existing efforts.
 - c. The Committee will continue to research alternative systems that promote a continuum of care, encompassing YRTC as a part of the system of care in treating the juvenile justice population.
2. **Level Five Youth.** The Committee continues to recommend that high-risk youth receive treatment in a highly structured facility. The Committee's 2013 recommendations for the creation of a Level Five facility in an urban area are not necessary to meet the needs of high-risk juvenile law violators in a highly structured treatment facility. The group believes that the YRTC campus is the most appropriate place for this facility, as placing this facility in an urban area could increase the number of youth who go missing from care. A facility exists on each YRTC campus that is being restructured to meet the needs of high-risk youth. Allowing these youth to remain in the YRTC campus would enhance the treatment, programs and services by allowing youth to remain in a familiar place and have contact with familiar people. These facilities can provide short-term secure care and ease the youths' transition back into the general population. The group will continue to work to create recommendations to address gaps in community services for level five youth who are aging out of their placements.
3. **Staffing.** The Office of Juvenile Services should be adequately funded to pay staffing for the population of youth in the YRTCs. A staffing analysis has been undertaken by the Office of Juvenile Services, and the Committee recommends staffing consistent with this analysis.