

**Nebraska Children’s Commission
Juvenile Services (OJS) Committee**

Thirty-Seventh Meeting
September 13, 2016
9:00 AM – 3:00 PM

Child Advocacy Center, Gary Lacey Training Building
5025 Garland Street, Lincoln, NE 68504

I. Call to Order

Nicole Brundo, Co-Chair of the Juvenile Services (OJS) Committee, called the meeting to order at 9:18 a.m.

II. Roll Call

Committee Members present (11):

Cassy Blakely	Dr. Anne Hobbs (9:57)	Juliet Summers
Jeanne Brandner	Ron Johns	Dr. Richard Wiener
Nicole Brundo	Nick Juliano	Dr. Ken Zoucha
Kim Hawekotte	Cynthia Kennedy	

Committee Members absent (4):

Judge Larry Gendler	Jana Peterson
Tom McBride	Vicki Thompson

Committee Resource Members present (6):

Christine Henningsen	Mark Mason	Deb VanDyke-Ries
Liz Hruska (1:00)	Dan Scarborough	Rico Zavala

Committee Resource Members absent (11):

Jim Bennett	Steve Milliken	Judge Linda Porter
Barb Fitzgerald	Jerall Moreland	Julie Rogers
Catherine Gekas Steeby	Lisa Neeman	Andrew Shapiro
Monica Miles-Steffens	Senator Patty Pansing Brooks	

A quorum was established.

Guests in Attendance (5):

Bethany Connor Allen	Nebraska Children’s Commission
Michael Fargen	Foster Care Review Office
Amanda Felton	Nebraska Children’s Commission
Mark LaBouchardiere	DHHS, Office of Juvenile Services
Chris Triebsch	Nebraska Legislative Council

a. Notice of Publication

Amanda Felton, indicated that the notice of publication for this meeting was posted on the Nebraska Public Meetings Calendar website in accordance with the Nebraska Open Meetings Act.

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 on the sign-in table near the entrance of the meeting room.

III. Approval of Agenda

Co-Chair Brundo entertained a motion to approve the Agenda. **A motion was made by Cassy Blakely to approve the agenda as written. The motion was seconded by Cynthia Kennedy.** No further discussion ensued. Roll Call vote as follows:

FOR (10):

Cassy Blakely
Jeanne Brandner
Nicole Brundo
Kim Hawekotte

Ron Johns
Nick Juliano
Cynthia Kennedy
Juliet Summers

Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (0):

ABSENT (5):

Judge Larry Gendler
Dr. Anne Hobbs

Tom McBride
Jana Peterson

Vicki Thompson

MOTION CARRIED

IV. Approval of the Minutes

Ron Johns moved to approve the minutes of the June 14, 2016 minutes as presented. Nick Juliano seconded the motion. There was no further discussion. Roll Call vote as follows:

FOR (9):

Cassy Blakely
Jeanne Brandner
Nicole Brundo

Kim Hawekotte
Ron Johns
Nick Juliano

Cynthia Kennedy
Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (1):

Juliet Summers

ABSENT (5):

Judge Larry Gendler
Dr. Anne Hobbs

Tom McBride
Jana Peterson

Vicki Thompson

MOTION CARRIED

V. Co-Chair Report

Co-Chairs Brundo and Hawekotte, did not have any information to present under their report.

VI. New Member Nominations

Co-Chair Hawekotte presented the two membership nominations to represent the Department of Health and Human Services, Office of Juvenile Services on the Committee. Nominations were as follows:

- Mark LaBouchardiere, Kearney YRTC Facility Administrator
- Dan Scarborough, Geneva YRTC Facility Administrator

It was explained that the two nominees would replace Tony Green and Jana Peterson who were moving to new positions outside of the Office of Juvenile Services.

It was moved by Kim Hawekottee to forward the nomination of Mark LaBouchardiere and Dan Scarborough to the Nebraska Children’s Commission to be appointed as voting members of the Juvenile Services Committee. Ron Johns seconded the motion. Juliet Summers inquired as to if Jana Peterson would be moved to a non-voting resource position. It was noted that outreach would be made to see if Ms. Peterson would be interested in continuing as a resource member of the Committee. Roll Call vote as follows:

FOR (9):

Cassy Blakely
Nicole Brundo
Kim Hawekottee

Ron Johns
Nick Juliano
Cynthia Kennedy

Juliet Summers
Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (1):

Jeanne Brandner

ABSENT (5):

Judge Larry Gendler
Dr. Anne Hobbs

Tom McBride
Jana Peterson

Vicki Thompson

MOTION CARRIED

VII. Workgroup Updates

a. Courts and Legal System Workgroup

Christine Henningsen, Chair of the Courts and Legal System Workgroup, began the update by discussing the issue of the court origin of juvenile filings. Ms. Henningsen commented on the work being done to compile a list of all of the felony examples that would be encompassed within the exception. The Workgroup planned to compare statistical data from the Administrative Office of the Courts from the last three years to identify any impact of the recent statutory changes regarding juvenile justice filings. Information from this effort would lead to the discussion surrounding increased costs of all youth violations originating in juvenile court.

The main area of focus for the Workgroup was around legal representation for youth. Members of the group had performed outreach to judges in rural areas to pilot providing legal representation to all youth in their areas. Two judges had indicated they would be willing to participate in the pilot to help determine the impact of providing all youth legal representation.

The Committee discussed possible next steps and assistance that could be provided to the Workgroup. A suggestion was made to request data from JUSTICE that would break down the number of misdemeanor and felony filings by county. This would provide an estimate of the cost that would accompany providing legal counsel for the youth. Researching the hourly rates for court appointed attorneys would also provide insight on the associated costs.

Efforts in offering diversion to youth pre-filing was another topic of discussion. The workgroup proposed a recommendation to require that all diversion efforts happen before filing a court case. Data was being gathered on the counties and their use of diversion pre and post filing. A collaboration was suggested with the Diversion Subcommittee of the Nebraska Coalition of Juvenile Justice (NCJJ) to look into the issue. There was also mention of having members of the Grant Subcommittee of the NCJJ reach out to grant recipients on their use of diversion efforts.

The Workgroup also touched on the issues of separate juvenile courts and the sealing and expungement of juvenile records, noting that further research would need to be done on both issues. The Court Improvement Project would be assisting the Workgroup with a survey for judges on the issue of separate juvenile courts. It was also planned to research the practices and standards of each county regarding the sealing of records.

b. Evaluation of Programs and Assessment of Youth Workgroup

An update of the Evaluation of Programs and Assessment of Youth (Evaluation and Assessment) Workgroup was given by the Workgroup Chair, Dr. Richard Wiener. Dr. Wiener summarized the three conclusions that the Workgroup had reached: utilizing the Child and Adolescent Service System Program (CASSP) principles as a guideline for future work, promotion of youth adjustment and positive health programs, and endorsing the principle that all systems measure, track and evaluate both recidivism and/or initial contact with the juvenile justice system.

Areas of action included working towards stakeholder education, standardizing criteria for evidence based practices, performing a survey of assessment techniques throughout the state, creation of a shared database, and support of the Data Mapping and Analysis (DMA) Taskforce and their continued work. While some of the issues were easily attainable, others needed additional research and resources to bring about.

The subject of the shared database brought discussion to LB265 regarding the data warehouse pilot project. With the input and support of the Evaluation and Assessment Workgroup the pilot project could accomplish its intended goals. It was mentioned that the pilot was set to expire in January of 2017 and that legislative support would be needed in order to extend it. The Evaluation and Assessment Workgroup was tasked with reviewing the bill to identify any necessary changes to increase its success. It was suggested that experts from other states who have experience with shared databases be brought into the discussion as well.

Another area that would continue movement was the work of the DMA Taskforce. The group felt that the scope of the taskforce needed to expand further. The group identified that there was a need to examine the opportunities and barriers throughout the state for youth involved in the juvenile justice system. In addition to identifying needs, the services available throughout the state also needed to be mapped out.

It was moved by Juliet Summers and seconded by Nick Juliano to forward the recommendations presented by the Evaluation and Assessment workgroup to the Nebraska Children's Commission for feedback. There was not further discussion.

FOR (10):

Jeanne Brandner
Nicole Brundo
Kim Hawekotte
Dr. Anne Hobbs

Ron Johns
Nick Juliano
Cynthia Kennedy
Juliet Summers

Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (0):

ABSENT (5):

Cassy Blakely
Judge Larry Gendler

Tom McBride
Jana Peterson

Vicki Thompson

MOTION CARRIED

c. *Services Coordination Workgroup*

Cassy Blakely, interim Chair for the Services Coordination Workgroup, provided the update for the group. Ms. Blakely noted that the ultimate goal of the Workgroup was to ensure that we are capitalizing on the existing efforts within the juvenile justice system. Several key elements were identified by the members of the group including use of braided funding, improved educational efforts for the juvenile justice population, collaboration with the System of Care initiative, promotion of Collective Impact and community collaboratives, and a focus on workforce development and services access.

Educational efforts was a subject of interest to the Committee members. It was brought to attention that the Nebraska Department of Education's (NDE) Out-of-Home Placement Committee was no longer active and it was unclear if there was another group targeting the educational needs of the juvenile justice population. Through dialogue it was highlighted that there may be a gap in work being done in this area. Suggestions for future efforts included reaching out to Michele Borg with NDE, look into collaboration with the NDE Council on Student Attendance, and take into consideration a recommendation to create an Education Committee under the Children's Commission.

It was moved by Juliet Summers to approve the recommendations to be presented to the Nebraska Children's Commission for feedback. Kim Hawekotte seconded the motion. Discussion included the suggestion to update language to clarify the focus on both treatment and non-treatment needs of youth. Ms. Summers and Ms. Hawekotte amended their motion and second to include this change. There was no further discussion. Roll Call vote as follows:

FOR (9):

Jeanne Brandner
Nicole Brundo
Kim Hawekotte

Ron Johns
Nick Juliano
Cynthia Kennedy

Juliet Summers
Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (1):

Cassy Blakely

ABSENT (5):

Judge Larry Gendler
Dr. Anne Hobbs

Tom McBride
Jana Peterson

Vicki Thompson

MOTION CARRIED

d. *Youth Rehabilitation Treatment Center and Out-of-Home Placement Workgroup*

The Youth Rehabilitation Treatment Center (YRTC) and Out-of-Home Placement (OOHP) Workgroup update was given by the Chair of the group, Nicole Brundo. Ms. Brundo explained that in order to meet statutory requirements, the Workgroup had focused its recommendation efforts of the YRTCs. She went on to outline the major themes the group discussed including the population served and services provided at the YRTCs, the placement of level five youth, staffing at the facilities, new law violations while in YRTC placement, and clarification of the statutory requirement to exhaust community resources.

It was acknowledged that many of the recommendations provided by this Workgroup were a substantial change from the recommendations of the Committee in 2013. The workgroup recommended that the YRTC locations remain open, with research to be completed on the creation of regional service centers to provide a spectrum of services levels to meet the needs of youth prior to and after placement at a YRTC. The Committee members discussed at length the best avenue to serve the juvenile justice population of the state.

There were several items that the group expressed agreement on. One item of consensus included that the YRTC facilities should not be closed, as doing so would leave a gap of services and placement options for the high risk youth population, leading to increased out-of-state placements. The group also agreed that given the small population of level five youth, creation of multiple facilities to house them was not feasible. Utilizing the current locations on the YRTC campuses would allow for an easier transition into and out of this highly structured environment. They also agreed that additional work would need to be done to ensure these level five youth receive the necessary services prior to aging out of their placements. The last item the group felt needed to be pushed forward as presented was the issue of appropriate staffing. In order to ensure a successful and safe environment for both youth and staff, staffing numbers needed to be adequate to meet these goals.

The group then turned discussion to the issues that may need additional work. The conversation reflected the group's desire to ensure that there were regionally based services to support the youth closer to their homes. This led to discussion on out of state placement and the interpretation of §43-286(1)(b)(ii) to mean even out of state placement should be utilized prior to sending youth to a YRTC. Per reports from the Foster Care Review Office (FCRO), the number of youth being sent out of state had decreased significantly in recent years. It was also noted, that in some instances placing out of state allows for the youth to stay closer to their home than an appropriate level of placement within the state would allow for. Additional information on this issue and the population being sent out of state would need to be gathered. The FCRO indicated that they could pull information related to this population for examination.

The Committee continued by reviewing the effects of a no eject/reject policy. It was noted that on its own, success would not be guaranteed as it would require a spectrum of services to be available and appropriate matching to be performed for each youth. This emphasized the need for a continuum of care that could meet the needs of the juvenile justice population.

After lengthy discussion and debate, **the group settled on the following motion made by Kim Hawekotte and seconded by Dr. Ken Zoucha that 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. 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. 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. There was no further discussion.**

Roll Call vote as follows:

FOR (10):

Cassy Blakely
Jeanne Brandner
Nicole Brundo
Kim Hawekotte

Dr. Anne Hobbs
Ron Johns
Nick Juliano
Juliet Summers

Dr. Richard Wiener
Dr. Ken Zoucha

AGAINST (0):

ABSTAINED (0):

ABSENT (5):

Judge Larry Gendler
Cynthia Kennedy

Tom McBride
Jana Peterson

Vicki Thompson

MOTION CARRIED

VIII. Lunch

The Committee recessed for lunch at 12:18 p.m.

The meeting resumed business at 1:00 p.m.

IX. Office of Juvenile Services Update

The update for the Geneva YRTC was given by the facility's administrator, Dan Scarborough. Mr. Scarborough noted the two recently implemented evidence based programs at the facility, Thinking for Change and Aggression Replacement Training (ART). The staff indicated excitement for both programs. While youth provided positive feedback on the Thinking for Change program, there was an especially encouraging response from the youth regarding the ART program. There had already been noticeable changes in the attitudes and responses of the participating youth.

Mr. Scarborough also touched on the challenges currently facing the facility. Mental health issues with the youth population was a concern that was raised. A 13% staff shortage was indicated for the Geneva YRTC. With the current shortage in treatment staff, it had proved a challenge to ensure the youth needs were being met. Efforts towards hiring and staff retention were underway.

The floor was then given to Mark LaBouchardiere, facility administrator at the Kearney YRTC. There were currently around 100 youth placed at the facility. The youth had just begun to use Skype video conferencing to contact their family. Using the software proved to be a beneficial move as it was a free application available to most parents on their mobile device. He also highlighted the recent trend of missing youth leaving the facility while given liberty to limited periods of time off campus. Often when the youth go missing they return to their homes. The difficulty in these situations was when parents do not know or care to contact the facility to notify them of the youth's location.

Mr. LaBouchardiere gave information on the Dickson unit at the Kearney YRTC. The unit had the capacity for 24 youth and averaged around 20 youth. Currently 16 youth were housed within Dickson. Another item mentioned included the recent incident involving the sexual assault of an YRTC youth by a staff member. Mr. LaBouchardiere indicated that a full investigation and report would be completed on the incident. He highlighted a shift in culture that would hold high standards for its staff. Between this culture shift and the increase in staffing at the facility, the youth had indicated they felt safer in the placement and were more likely to come forward with concerns.

Lastly, Mr. LaBouchardiere summarized a written update provided by Jana Peterson, former Juvenile Justice Collaboration Program Manager, who was unable to attend the meeting. The update let the member know that her last day with the division would be on October 7th. In addition to her position opening up, Tony Green, former Deputy Director with the Office of Juvenile Services had moved to another division with DHHS as well. Work was being done to fill the positions in a timely manner.

X. Standing Update Items

a. Court Improvement Project

Co-Chair Hawekotte welcomed Deb VanDyke-Ries as a new member of the OJS Committee and invited her to provide an update on the work of the Court Improvement Project (CIP). Ms. VanDyke-Ries shared that the Children's Summit in September had been host to over 600 stakeholders. The event had been a success and the CIP would be reviewing the event to evaluate ways to improve for the next Summit in 2019.

Other items covered were the upcoming work on the CIP strategic plan, the work of the Eyes of The Child Teams, and court observation. Ms. VanDyke-Ries mentioned the movement of the Multisystemic Therapy service model. At that point, 11 proposals had been submitted to their office regarding the project. She also talked about the work being done on the Crossover Youth Project, noting that they were now looking at ways to build in policies and practices on a systemic level.

b. *Georgetown Crossover Youth Practice Model*

The floor was given to Nick Juliano to provide an update on the Georgetown Crossover Youth Practice Model in Douglas County. Mr. Juliano highlighted the recent visit the program had from Shay Bilchik, Director of the Center for Juvenile Justice Reform at Georgetown University. There were currently 90 jurisdictions participating in the program throughout the state, with November 1st marking the 5 year anniversary of the rollout of the model in Douglas County.

c. *Juvenile Detention Alternatives Initiative*

Jeanne Brandner provided an update on the Juvenile Detention Alternative Initiative (JDAI). Ms. Brandner remarked on the goal to ensure best practices were in use across the state. The previous week had been host to the national JDAI meeting at which 21 different states attended a gathering in Omaha. She also informed the Committee of an upcoming site visit in San Jose, CA with a high level strategy group based out of Salt Lake City, to examine the facilities and examine the feasibility of implementing a similar model in Nebraska.

Ms. Brandner also briefly updated the Committee on the progress of the YLS study that the group had recommended be performed. The study had recently received the support of the Nebraska Supreme Court and would begin to move forward. She wrapped up by informing members of the departure of Mark Mason, Juvenile Justice Re-Entry Programs Specialist. Mark would be taking a position with Southeast Community College. She thanked him for his time and work with Probation.

d. *Evaluation of Community Based Aid Study*

Co-Chair Hawekotte shared a handout and data from Dr. Anne Hobbs on the evaluation of the Community Based Aid study. The dataset provided was the first in a statewide study of recidivism, showing that youth who complete a diversion program were statistically less likely to recidivate. The handout provided a number of statistical breakdowns including the total number of youth referred to diversion, the number of male and female participants, age range, race, and ethnicity. Dr. Hobbs indicated in her interest in providing a more in depth presentation for the Committee at a future meeting.

XI. Update on Collaboration between Nebraska Coalition for Juvenile Justice and the OJS Committee

Cassy Blakely, Chair of the NCJJ and Kim Hawekotte updated the Committee on the discussion of the collaboration between the two groups. They explained the need for a small group of people to delve into the two crosswalks previously shared with the group to ensure that issues were addressed and duplicate efforts avoided. The partnership would be time limited with only one or two meetings to sort through the information. Volunteers to be involved included Christine Henningsen, Kim Hawekotte, Jeanne Brandner, and Cassy Blakely.

XII. Public Comment

Co-Chair Hawekotte opened the floor for Public Comment. No Public Comment was given.

XIII. New Business

All items of new business were discussed under previous agenda items.

XIV. Upcoming Meeting Planning

A final report would be decided upon at the next meeting. Workgroups needing to update their recommendations would meet over the month of October and the next Committee meeting would be in November.

XV. Future Meeting Dates

The month of October would be used by the Workgroups to update their recommendations. The next Juvenile Services Committee meeting would be on November 8, 2016.

XVI. Adjourn

Ron Johns moved to adjourn. Cassy Blakely seconded the motion. There was no discussion. Motion carried by unanimous voice vote. The meeting adjourned at 2:29 p.m.

9/23/2016

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