

Nebraska Children's Commission Meeting

January 23, 2019

3:00 p.m. – 6:00 p.m.

Lincoln Community Foundation, 215 Centennial Mall South,
5th Floor Conference Room, Lincoln, NE 68508

1. Call to Order

Chairperson Dave Newell called the meeting to order at 3:06 p.m.

2. Roll Call

Commission Members Present (12)

Beth Baxter	Kim Hawekotte	Deb O'Brien
Jim Blue	Terri Knutson	Lisa Story
Vernon Davis	Felicia Nelsen	Susan Thomas
Misty Frazier	Dave Newell	Bill Williams

Commission Members Absent (4)

Teresa Anderson	Janine Uchino
Holly Brandt	Kelli Wacker

Commission Ex-Officio Members Present (4)

Jeanne Brandner	Deb VanDyke-Ries
Julie Rogers (3:13)	Matthew Wallen

Commission Ex-Officio Members Absent (5)

Senator Kate Bolz	Senator Sarah Howard	Judge Linda Porter
Michele Borg	Senator Patty Pansing Brooks	

A quorum was established.

Guests in Attendance (7)

Amanda Felton.....	Nebraska Children's Commission
Chris Jones.....	Nebraska Children's Commission
Kari Rumbaugh.....	Office of Sen. Kate Bolz
Tami Soper.....	Office of Sen. Kate Bolz
Chris Triebisch.....	Office of Sen. Patty Pansing Brooks
Mikayla Wicks.....	DHHS, Division of Children and Family Services

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 and Nebraska Children's Commission websites in accordance with the Nebraska Open Meetings Act. The publication would 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 on the sign in table near the entrance of the room.

3. Approval of Agenda

It was moved by Deb O'Brien and seconded by Vernon Davis to approve the agenda as presented. There was no further discussion. Roll call vote as follows:

FOR (12):

Beth Baxter
Jim Blue
Vernon Davis
Misty Frazier

Kim Hawekotte
Terri Knutson
Felicia Nelsen
Dave Newell

Deb O'Brien
Lisa Story
Susan Thomas
Bill Williams

AGAINST (0):

ABSTAIN (0):

ABSENT (4):

Teresa Anderson
Holly Brandt

Janine Uchino
Kelli Wacker

MOTION CARRIED

4. Approval of Minutes

Felicia Nelsen moved to approve the November 14, 2018 meeting minutes as presented. Susan Thomas seconded the motion. No further discussion ensued. Roll call vote as follows:

FOR (12):

Beth Baxter
Jim Blue
Vernon Davis
Misty Frazier

Kim Hawekotte
Terri Knutson
Felicia Nelsen
Dave Newell

Deb O'Brien
Lisa Story
Susan Thomas
Bill Williams

AGAINST (0):

ABSTAIN (0):

ABSENT (4):

Teresa Anderson
Holly Brandt

Janine Uchino
Kelli Wacker

MOTION CARRIED

5. Legislative Discussion

Discussion began with an overview of [LB330](#) provided by Chair Newell and Policy Analyst for the Commission, Chris Jones. Jones directed members to the [overview handout](#) as she discussed the major changes that the bill would enact. Jeanne Brandner noted that much of the bill language focused on child welfare issues and did not address juvenile justice issues as often. It was suggested that language be updated ensure work continued to support both the child welfare and juvenile justice systems.

Concern was voiced over the shift in membership structure. It was explained by Tami Soper, Legislative Aide to the Office of Senator Kate Bolz, that the voting members of a legislative branch Commission could only consist of members of the legislature. This structure requirement was not intended to diminish the voice of the non-voting members outlined in in the proposed bill, but to provide a more direct route for the legislature to receive information and recommendations from them.

Membership discussion continued regarding the proposed composition. Members referenced page 4, Lines 26-29, noting the broadness of the language regarding community stakeholders. There was hesitance in removing the specific community stakeholder positions, citing that it could lead to important voices being absent from the membership. Conversely, it was also discussed how this language would allow the flexibility to ensure appropriate membership voice and expertise as the priorities and tasks shifted without being limited by statutory positions. In a compromise members expressed that they would prefer language to include a minimum of four community representatives for Commission membership.

Members discussed other membership changes that they believed would benefit and strengthen the proposed structure. These included adding at least one more representative of the judicial branch, specifically someone closely connected to juvenile justice issues and adding the Director of the Division of Behavioral Health or their designee. It was also proposed that the Chairperson of the Education Committee of the Legislature or their designee be added to the voting membership.

There was dialogue regarding the shift in agency home of the Commission from a non-code agency under the executive branch to an agency of the legislative branch. In the last year, the Commission's strategic planning research and work under LR451 highlighted that both the executive and judicial branches had advisory Commissions of their own: the Governor's Commission for the Protection of Children and the Supreme Court Commission on Children in the Courts, respectively. Given the lack of a legislative advisory Commission along with the Commission's current process of providing recommendations to the legislature, the proposed bill placed the restructured Commission under the legislative branch. Doing this would also provide an avenue for issues relating to child welfare and juvenile justice to be funneled to the Children's Commission rather than with the creation of additional task forces or committees. This would then reduce the number of Committee, Task Force, and Commission positions required by Senators in separate venues, and provide an opportunity for a centralized and holistic discussion.

There was apprehension in shifting the leadership entirely to senators given their already burdensome set of responsibilities. At the same time, providing the senators with voting authority and the ability guide the priorities would allow for child welfare and juvenile justice issues to remain at the forefront of legislative discussion. It would also provide a beneficial avenue for the legislative branch to conduct research, provide education, and ensure historical knowledge.

The Performance Audit Committee was provided as an example of a body with similar structure under the legislative branch. This Committee had grown since its inception and now directed actions of the Legislative Audit Office. This prompted discussion of the potential for the Children's Commission to evolve over time. Chair Newell emphasized that this legislation was only the next evolution of the Commission. As the landscape shifted, there would most likely be continued change to the structure to ensure efficiency in tackling the issues within the system. He provided the example of the previously discussed Executive Director position. While this bill did not propose that addition, it may be beneficial to the structure and could be proposed within future legislation.

Discussion resolved with acknowledgement that the proposed LB330 addressed two of the most pressing issues: eliminating the sunset date and significantly revised of the current structure. If members had any additional questions or concerns, they could be sent to Tami Soper.

It was moved by Vernon Davis to endorse LB330 and recommend the following amendments:

- **Inclusion of juvenile justice language throughout the proposed bill**
- **Addition of the Chairperson of the Education Committee of the Legislature or designee as a voting member of the Commission**
- **Adjustments to ensure a minimum of four community stakeholders as non-voting members**
- **Addition of at least one additional Courts representative with connections to Juvenile Justice programs/services as a non-voting member**
- **Addition of the Director of Behavioral Health or their designee as a non-voting member**

Deb O'Brien seconded the motion. There was no further discussion. Roll call vote as follows:

FOR (6):

Beth Baxter

Vernon Davis

Terri Knutson

Dave Newell

Deb O'Brien

Bill Williams

AGAINST (2):

Misty Frazier

Susan Thomas

ABSTAIN (4):

Jim Blue

Kim Hawekotte

Felicia Nelsen

Lisa Story

ABSENT (4):

Teresa Anderson
Holly Brandt

Janine Uchino
Kelli Wacker

MOTION CARRIED

Legislative discussion continued with discussion on [LB332](#). Members discussed the language to eliminate Bridge to Independence (B2i) program stipends for young adults receiving funds for housing under Medicaid’s home and community based services waiver. It was clarified that while the young adult would not receive the stipend, case management services through the B2i program would still be provided. Other changes included extending eligibility to young adults with disrupted adoption and guardianships and continuation provisions should the Commission sunset.

Members briefly reviewed the other bills included on the [Commission’s bill tracker](#). Commission Chair and staff reminded members of the past practice of bill support. For bills that support recommendations of the Commission or its subgroups, draft testimony would be dispersed to members. An opportunity for review and feedback would be provided prior to submitting testimony.

6. Foster Care Reimbursement Rate Committee Update

Bill Williams, Co-Chair of the Foster Care Reimbursement Rate Committee (FCRRC) provided an update on the work of the group. He noted that 2019 would be spent in preparation for the 2020 FCRRC report due to the legislature. Four groups would be forming and meeting over the next several months. Issues that they would be researching included the addition of a fourth level of care for the Nebraska Caregiver Responsibility (NCR) tool and the associated reimbursement rate, recommendations on the agency administration and support rates, a survey foster parents on the NCR tool, recommendations for base reimbursement rates, and recommendations for Treatment Family Care (TFC) rates.

a. Treatment Family Care (TFC) Update

Due to a scheduling conflict, Jodie Austin, Chair of the TFC workgroup, was unable to attend the meeting. Members were directed to the [service definition](#) for feedback. Members were made aware that the proposed service definition had been sent to DHHS for review and feedback. Their response indicated that the federal Center for Medicaid and Medicare Services (CMS) would have the final say in what service definition is proposed and that it was unlikely that they would allow the service to be offered in a biological home. There was no timeline provided for when DHHS would be submitting proposed regulations to CMS for review. Members decided to postpone action on the service definition until the next meeting with the hopes that Austin would be available to present.

7. Juvenile Services Committee Update

Kim Hawekotte, Co-Chair of the Juvenile Services Committee, gave an update on the work of the group. The current initiative was to look into the potential of hosting a conference regarding the rising suicide rates of youth involved in the juvenile justice system. A [handout](#) was provided to members that explained the goals and provided a general outline of what the conference agenda would be.

It was moved by Vernon Davis and seconded by Deb O’Brien to support the committee in their efforts to host the conference and locate private funds to support the initiative. There was no further discussion. Roll call vote as follows.

FOR (12):

Beth Baxter
Jim Blue
Vernon Davis
Misty Frazier

Kim Hawekotte
Terri Knutson
Felicia Nelsen
Dave Newell

Deb O’Brien
Lisa Story
Susan Thomas
Bill Williams

AGAINST (0):

ABSTAIN (0):

ABSENT (4):

Teresa Anderson
Holly Brandt

Janine Uchino
Kelli Wacker

MOTION CARRIED

8. Strengthening Families Act Committee Update

A review of the work happening under the Strengthening Families Act (SFA) Committee was given by Committee Co-Chair Vernon Davis. He directed members to the [handout](#) breaking down priorities and action steps of the group. Highlights included efforts to create a helpful training video on the SFA Advisor role for youth and stakeholders in partnership with the Nebraska Foster Care Alumni Association and the Nebraska Children and Families Foundation, as well as a survey of current and former foster youth on their experiences with normalcy since the implementation of the SFA.

Susan Thomas motioned to support the efforts of the SFA Committee in locating private funds to complete their proposed initiatives. Misty Frazier seconded the motion. There was no further discussion. Roll call vote as follows:

FOR (12):

Beth Baxter
Jim Blue
Vernon Davis
Misty Frazier

Kim Hawekotte
Terri Knutson
Felicia Nelsen
Dave Newell

Deb O'Brien
Lisa Story
Susan Thomas
Bill Williams

AGAINST (0):

ABSTAIN (0):

ABSENT (4):

Teresa Anderson
Holly Brandt

Janine Uchino
Kelli Wacker

MOTION CARRIED

9. Commission Structure

All discussion on this topic was previously discussed during agenda item five.

10. Probation Update

Jeanne Brandner provided an update on the Juvenile Services division of the Administrative Office of Probation. She shared the news of Deborah A. Minardi being named State Probation Administrator. She also passed out the [2017-2018 Juvenile Services Detailed Analysis](#) for members. An overview of the information was given with highlights including the expansion of in-home services, use of the juvenile intake tool, and the rise in truancy cases.

11. Department of Health and Human Services Update

The floor was given to Matt Wallen, Director of the Division of Children and Family Services (DCFS), and Mikayla Wicks, Program Specialist with DCFS. The update began with a brief follow up discussion on the recently released [Alternative Response \(AR\) report](#). Members were provided with a [crosswalk](#) of current regulations alongside the proposed changes included in the report. Wicks clarified for members that an increase of AR cases would not be an additional burden on the system since it would just be a shift in engagement practices for cases otherwise served in traditional response.

There was lengthy discussion on the impact of the proposed reduction of exclusionary criteria. Members inquired about the review of cases with repeat maltreatment and if they would have any correlation to the exclusionary criteria categories

for which removal was proposed. While no analysis had yet occurred, Wicks indicated that there were plans to examine these numbers now that 2018 data was available.

Wicks explained that the reduction of criteria was to better align the AR program intake with the Families First Prevention Services Act (FFPSA). Wallen built upon that by stating that AR provided youth with a less restrictive, trauma informed, in-home service. Inspector General of Nebraska Child Welfare, Julie Rogers, expressed her support for AR while also encouraging planful and data driven decisions regarding regulation changes. Disappointment was expressed by members that due to the timing of the report release, the Commission was not able to view and respond to recommended changes prior to the draft rules and regulations being formally submitted.

The date for public hearing regarding the proposed rules and regulations had yet to be set, but a public notice would go out 60 days prior. With the lengthy review process for rules and regulations, it was likely to be several months to a year before a hearing would be set. Given the uncertainty of the Commission's continuation past June, the issue would be revisited once a hearing date was set to discuss a formal response to the proposed changes.

Director Wallen wrapped up the DHHS update by sharing the appointment of Dannette Smith as CEO of DHHS. Other topics covered included continued feedback and drafts of the round three Child & Family Services Reviews, work towards implementation of the FFPSA, and Safety Organized Practice (SOP) training happening statewide.

12. Public Comment

Chairperson Newell opened the floor for public comment. No public comment was given.

13. New Business

Deb VanDyke-Ries, Director of the Nebraska Court Improvement Project (CIP), provided information on the upcoming Children's Summit set for September 11-12, 2019. She also informed members that registration the CIP legislative overview webinar scheduled for February 2, 2019 was full, but that a [recorded version](#) of it would be made available for review.

14. Upcoming Meeting Planning

Chair Newell reminded members of the future meeting dates which were:

- a. March 19, 2019 from 3:00 – 6:00 p.m.
- b. May 21, 2019 from 3:00 – 6:00 p.m.
- c. July 16, 2019 from 9:00 a.m. – 3:00 p.m.

15. Adjourn

The meeting adjourned at 6:20 p.m.