

6/3/2019



# Nebraska Strengthening Families Act Committee 2018- 2019 Annual Report

Report to the Nebraska Children's Commission, the Governor, the Health and Human Services Committee of the Legislature, and the Department of Health and Human Services

Submitted Pursuant to Neb. Rev. Stat. §43-4218

## Background

The Nebraska Strengthening Families Act (NSFA) Committee was created as the Normalcy Task Force under the umbrella of the Nebraska Children’s Commission (Commission) to monitor and make recommendations related to Nebraska’s implementation of the Federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183 (referred to in this document as the “Strengthening Families Act” or “SFA”). Nebraska’s Strengthening Families Act, [§43-4702](#), implements the federal SFA and initial stakeholder recommendations. Both the federal and state SFA represent a culture shift to allow children and youth to grow and thrive in less restrictive, more family-like environments and participate in age and developmentally appropriate activities. Additional legislation related to best practices in implementation was passed as [LB225 \(2017\)](#).

## STATUTORY CHARGE

The Nebraska Strengthening Families Act Committee shall monitor and make recommendations regarding the implementation in Nebraska of the federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183, as such act existed on January 1, 2017, and the Nebraska Strengthening Families Act, [Neb. Rev. Stat. §43-4701 to §43-4715].

## PRIORITIES

1. Continue to monitor the implementation of the federal Strengthening Families Act.
2. Promote normalcy as the foundation to: prevent trafficking; address disparate impacts on minorities; and support the successful transition to adulthood
3. Coordinate implementation with other policy making bodies.

The Committee has met quarterly for the last year to accomplish its statutory mandates. The Committee created four Subcommittees to fulfill the detailed work of prioritized initiatives. These include: 1) the Trafficking Subcommittee, 2) the Another Planned Permanent Living Arrangement (APPLA) Subcommittee, 3) Normalcy Subcommittee and 4) the Court Implementation Subcommittee.

The Committee periodically creates and archives Subcommittees depending on their fulfillment of assignments from the Committee. Archived NSFA Subcommittees include: Community & Family Voice, Grievance Procedure, and Training. These groups may be called upon, reviewed and/or revived depending on need of the Committee and emerging issues.

For more information or to get involved, please visit our [website](#), or email [necc.contact@nebraska.gov](mailto:necc.contact@nebraska.gov).

## PRIORITIZED INITIATIVES

### Summary of Activities 2018-2019

During FY2019, the NSFA Committee, with the help of three branch participation, and community representatives, made great progress continuing to advance culture changes within the child welfare and juvenile justice systems to ensure normalcy for youth in out of home placement, identifying victims of child sex and labor trafficking, and ensuring supports are in place for a successful transition to adulthood.

Much of the focus of the last year's work was on carrying forward initiatives started in 2018 and planning around the sunset of the Nebraska Children's Commission (June 30, 2019). The need for the NSFA Committee to remain as a statutory body has been reviewed. Great progress has been made by the Committee, and further work remains.

The Normalcy Subcommittee reviewed Normalcy Plans and Reports submitted by child-caring agencies (pursuant to §43-4706) and issued a look-back survey to measure progress made since the enactment of the Nebraska Strengthening Families Act in 2016.

The APPLA Subcommittee collaborated with the Foster Care Alumni Nebraska Chapter to produce a video for the purpose of educating and promoting the role of the SFA Advisor (§43-1311.03(2)).

The Court Implementation Subcommittee revised the Youth Court Questionnaire and Caregiver Information forms used in juvenile court (abuse/neglect) proceedings to better incorporate normalcy and provisions of the NSFA as part of review hearing exhibits.

## RECOMMENDATIONS

1. Normalcy should extend to youth in care in all systems ~~including child welfare, juvenile justice, behavioral and mental health, and developmental disabilities~~ as appropriate and considering parental preference. The Committee recommends the statutory requirement for Normalcy Plans and Reports pursuant to §43-4706 be amended to include facilities which provide treatment services as a component of the placement, including treatment group homes and psychiatric residential treatment facilities.
2. Stakeholders should make every effort to make decisions that enhance and maximize normalcy and avoid placements and circumstances that are inherently not normal.
3. Children, youth and foster caregivers should be given the opportunity to be present at every court hearing. When this is not possible, court information forms should be available in every jurisdiction and provided to youth and their foster caregivers.
4. The court forms must have a party responsible for ensuring youth and foster caregivers receive forms and have a user-friendly way to return those forms to the Court prior to the hearing.

## SUBCOMMITTEES

### Another Planned Permanent Living Arrangement (APPLA)

Cristen White and Crystal Aldmeyer, Co-Chairs

The Subcommittee focuses its efforts on the provisions of the State and Federal Strengthening Families Acts related to Another Planned Permanent Living Arrangement (APPLA). This permanency goal means youth will be self-sufficient, including caring for themselves independently and providing for themselves financially, through either employment, supportive services or public financial assistance, and that reunification, adoption, and legal guardianship were attempted, but unsuccessful or not in the youth's best interest. Without a permanent family, these youth need extra support to attain their goals, achieve emotional permanency, and transition to adulthood.

Normalcy for youth transitioning out of the child welfare system includes creating a supportive network to help youth face life's challenges and a baseline of independent living skills.

**Activities:** The APPLA Subcommittee identified the Strengthening Families Act Advisor/Advocate pursuant to [Neb. Rev. Stat. §43-1311.03\(2\)](#) as a priority for 2018 and 2019. In the last year, the APPLA Subcommittee worked diligently to create Tip Sheets for Children & Family Service (CFS) Specialists at DHHS and Advisors to provide detailed information regarding this important role. The Subcommittee partnered with the Nebraska Chapter of the Foster Care Alumni of America to develop a video highlighting the role of the advisor. The video was written, directed and produced by Nebraska former foster youth who are now young adults. These unique perspectives highlight how an advisor could have helped them while they were in care, how to approach an adult to ask them to be an advisor, and the importance of normalcy for youth in placement.

This video is available on YouTube and can be accessed here by [clicking this link](#). It is for youth, foster parents, legal parties, community representatives interested in serving as an advisor and advocate for youth in foster care. The Subcommittee will work on promoting and disseminating the video. The next priority for this group is to continue researching a life skills assessment that could be used for transitional living plans. Key components of the life skills assessment identified by the Subcommittee are the application and utilization of the tool promoted, as well as the participation of the youth's team.

### Trafficking Subcommittee

Sarah Forrest, Chair

#### Core Values for Responding to Minor Victims of Third-Party/Non-Caregiver Trafficking:

- Minors who are missing and repeatedly missing from care are at-risk of being trafficked.
- Any minor who is a trafficking victim is a victim of child abuse, and should be treated as such.
- Minors who are trafficking victims should not be criminalized or penalized for behaviors, sexual or otherwise, related to their exploitation and should not be forced into the juvenile or criminal justice system.
- Minors who are trafficking victims and their families should have access to the services and supports they need.
- Our communities and all of our state and local agencies who serve children have a role to play in identifying and responding to minors who are victims of trafficking. If we are to successfully respond to trafficking, all of these agencies must devote time and resources to this challenge and work together.

**Purpose:** **1)** Monitor and make recommendations to ensure that the implementation of the Federal and State Strengthening Families Acts support the prevention of trafficking. **2)** Minimize victimization for system involved youth by creating and supporting collaborative approaches to trafficking.

**Activities:** This group has met semi-monthly for the last year and has focused on response to youth who go missing from care, and a coordinated response to minors who are alleged victims of trafficking when the perpetrator is not living in the household.

Currently, DHHS does not accept these cases for assessment or services and there are concerns that some youth are falling through the cracks. The reason they are not accepted is because the alleged perpetrator does not live in the home and is not considered to have access to the alleged victim, and the intake is referred to law enforcement and screened as “Law Enforcement Only” response.

As referenced in the [2018 Annual Report](#), the Subcommittee continues to advocate for these intakes to be accepted for investigation and assessment by DHHS. A coordinated response is needed to detangle the myriad of potential risk factors in the family home and other vulnerabilities which make minors susceptible to victimization.

During the 106<sup>th</sup> Legislature, 1<sup>st</sup> Session, [LB519](#) was passed which requires DHHS to investigate all allegations of alleged child sex and labor trafficking regardless of the perpetrator. This important legislation will improve our state’s coordinated response and intervention to child sex and labor trafficking.

## SUBCOMMITTEES

### Normalcy Subcommittee

Felicia Nelsen and Tom McBride, Co-chairs

**Purpose:** **1)** Monitor the implementation of the Strengthening Families Act, specifically to review the normalcy plans and reports pursuant to §43-4706, and **2)** Develop and conduct a Look Back Survey to measure progress since the enactment of the NSFA in 2016.

“Every child placed by the department in a foster home or child-care institution shall be entitled to access to reasonable opportunities to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.” Neb. Rev. Stat. §43-4704

**Activities:** This group was reconvened after the implementation of the statutorily required Normalcy Plans and Reports (LB225 in 2017) and to issue a survey in attempt to measure progress since the initial implementation of the NSFA. This group has met on a semi-monthly basis and has been very active in the last year.

#### **Normalcy Plans and Reports:**

The SFA Committee assigned the Normalcy Subcommittee the task of reviewing the Normalcy Plans and Reports submitted by child-caring institutions to the Department of Health and Human Services pursuant to [NRS §43-4706](#). The Normalcy Subcommittee reviewed Normalcy Plans and Reports for 13 child caring agencies. These child caring agencies provide congregate, non-treatment, placement settings (group homes and shelters) for state wards and youth under the supervision of Juvenile Probation. This component of the Act was passed in 2017 and implemented in child caring agency contracts with DHHS-DCFS in 2018. The Subcommittee collaborated with the Department of Health and Human Services in the development of a standardized format to be used in the reporting process.

During the review, it was noted the statute was not interpreted to apply to congregate treatment settings (psychiatric residential treatment facilities, or treatment group homes). Also, it does not cover child caring institutions which receive placement of state wards or juveniles under contract/voucher by other entities such as PromiseShip and the Administrative Office of the Courts and Probation.

*Additional information about the normalcy requirements across system partners and settings can be found here: [link to be inserted](#).*

## RECOMMENDATIONS

1. Normalcy should extend to youth in care in all systems, including child welfare, juvenile justice, behavioral and mental health, and developmental disabilities. The Committee recommends the statutory requirement for Normalcy Plans and Reports pursuant to §43-4706 be amended to include facilities which provide treatment services as a component of the placement, including treatment group homes and psychiatric residential treatment facilities.
2. Stakeholders should make every effort to make decisions that enhance and maximize normalcy and avoid placements and circumstances that are inherently not normal.

### **Look Back Survey 2019:**

While the Normalcy Subcommittee reviews the Normalcy Plans and Reports as an important aspect of its charge, it is also very important to the work of the NSFA to hear from youth and young adults directly about their out of home placement experiences and normalcy.

Based on the “Letting Kids Be Kids” survey conducted in 2015 by Nebraska Appleseed, this 2019 edition was created with the intent to measure progress and provide further guidance to the NSFA on areas of needed attention in the next biennium.

There were a total of 32 responses from youth and young adults, ages 15-21, including juveniles supervised by Probation, state wards, Bridge to Independence former foster youth. When compared with responses from 2015, indicators suggest there has been improvements to normalcy activities for youth in out of home placement for this sample of youth and young adults.

Due to the limited sample size, it is difficult to draw wide sweeping conclusions, however results suggest improvements overall, with 80% of respondents indicating “I did this or was allowed to do this” in all 36 normalcy activities measured.

Approximately one-fourth, or 20% of respondents indicated they were unable to participate because they were not allowed to do a number of social and school related activities such as having their photo in the school year book, getting senior pictures, having a friend spend the night, riding in cars with other teen drivers (their friends), and choosing whether to go to a place of spiritual worship.

The Normalcy Subcommittee and SFA Committee will continue to analyze the results and partner with system stakeholders to improve conditions for youth in out of home placement.

*For the complete report, please visit: [link to be inserted.](#)*

## SUBCOMMITTEES

### Court Implementation Subcommittee

Heather Colton, Chair

**Purpose:** Monitor and support the implementation of the Strengthening Families Act within the juvenile court setting and legal system partners.

Every effort should be given to provide children and youth voice and choice in their placement experience to the extent possible. The Court Implementation Subcommittee supports the practice of having children and youth, and foster caregivers present in court proceedings. When this is not possible, the use of court forms is a practical and useful way to gather information from the perspective of the child, youth and foster caregiver.

**Activities:** This Subcommittee was tasked with updating court forms used to provide detailed information to the Court at review hearings in abuse/neglect proceedings. Modifications were made to incorporate relevant provisions of the Strengthening Families Act, and alter language reflective of the intent to shift towards a culture of normalcy for youth in out of home placement.

The Youth Court Questionnaire is intended for older youth under the jurisdiction of the juvenile court. The Caregiver Information Form was created as a mechanism of the Courts to obtain information from foster parents caring for children under the Court's jurisdiction at review hearings pursuant to §43-1314.02. These forms have been in existence for several years and are available on the Nebraska Supreme Court's website. Despite the statewide availability, it was determined during the course of the Subcommittee work, use of the forms is limited to the southeastern region of the state. In order for the utilization and implementation to be effective, there must be a designated champion for the forms-responsible for distributing the forms to youth and foster caregivers, as well as ensuring there is a user-friendly way to get those forms back to the Court prior to the hearing.

The next steps for this Subcommittee are to disseminate the finalized documents and continue to promote the materials to targeted audiences.

*Copies of the modified court forms can be found here:*

*Older Youth Form – [link to be inserted.](#)*

*Caregiver Form – [link to be inserted.](#)*

## RECOMMENDATIONS

1. Children, youth and foster caregivers should be given the opportunity to be present at every court hearing. When this is not possible, court information forms should be available in every jurisdiction.
2. The court forms must have a party responsible for ensuring youth and foster caregivers receive forms and have a user-friendly way to return those forms to the Court prior to the hearing.



## Strengthening Families Act Committee Membership

Member Name	Member Type	Title and Organization	Representation
<b>Vernon Davis</b> (Co-Chair)	Voting	<b>Young Adult Previously in Foster Care</b> , Young Adult Previously in Foster Care	Young Adult Currently or Previously in Foster Care
<b>Sarah Helvey</b> (Co-Chair)	Voting	<b>Child Welfare Program Director / Staff Attorney</b> , Nebraska Appleseed	Child Welfare Advocacy Organization Representative
<b>Payne Ackerman</b>	Voting	<b>Former Foster Youth</b> , Project Everlast	Young Adult Currently or Previously in Foster Care
<b>Deanna Brakhage</b>	Voting	<b>Program Specialist</b> , DHHS, Division of Children and Family Services	Executive Branch Representative
<b>Ashley Brown</b>	Voting	<b>Program Director</b> , Nebraska KVC	Child Welfare Service Agency Representative
<b>Nathan Collier</b>	Voting	<b>Former Foster Youth</b> , Former Foster Youth	Young Adult Currently or Previously in Foster Care
<b>Heather Colton</b>	Voting	<b>Associate Attorney/Guardian Ad Litem</b> , Pollack & Ball, LLC	Guardian Ad Litem who practices in juvenile court
<b>Rebecca Daugherty</b>	Voting	<b>Former Foster Youth</b> , Former Foster Youth	Young Adult Currently or Previously in Foster Care
<b>Patricia Frost</b>	Voting	<b>Education Specialist II</b> , Nebraska Department of Education	Department of Education Representative
<b>Stephanie Gardella</b>	Voting	<b>Program Coordinator</b> , CASA for Douglas County	Child Welfare Advocacy Organization Representative
<b>Ron Giesselmann</b>	Voting	<b>Executive Director</b> , Masonic-Eastern Star Home for Children	Child Care Institution Representative
<b>Brandy Gustoff</b>	Voting	<b>Innovative Growth Leader</b> , Omaha Home for Boys	Independent Living Services Agency Representative
<b>Kim Hawekotte</b>	Voting	<b>Executive Director</b> , Foster Care Review Office	Executive Director of the Foster Care Review Office
<b>Terri Knutson</b>	Voting	<b>Certified Peer Support Provider</b> , Nebraska Family Support Network	Parent Who Has Experience in the Foster Care System
<b>Amara Madsen</b>	Voting	<b>Service Director</b> , CEDARS Youth Services	Child Care Institution Representative
<b>Sara Riffel</b>	Voting	<b>Project Director</b> , Project Everlast	Relevant Professional Practical Experience Representative
<b>Deb Shuck</b>	Voting	<b>Central Service Navigator for the Older Youth System of Care</b> , CAPWN	Agency Providing Independent Living Services Representative
<b>Lisa Story</b>	Voting	<b>Foster Parent Representative</b> , Foster Parent Representative	Current or Former Foster Parent
<b>Bailey Perry</b>	Resource	<b>Transitional Living Manager</b> , Omaha Home for Boys, Jacob's Place	Independent Living Services Agency Representative
<b>Deb VanDyke-Ries</b>	Ex-Officio	<b>Director</b> , Nebraska Court Improvement Project	Judicial Branch Representative
<b>Vacant</b>	Ex-Officio		Legislative Branch Representative
<b>Vacant</b>	Ex-Officio		Juvenile Probation System Representative