

6/6/2019



# Nebraska Children's Commission 2018- 2019 Annual Report

Recommendations to the Governor  
and the Health and Human Services  
Committee of the Legislature

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

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## Commission Activities

The Nebraska Children's Commission (Commission) was created in 2012 by the Nebraska State Legislature. The Commission serves as a leadership forum for collaboration on child welfare and juvenile justice reform among the three branches of government and public and private stakeholders at the state, regional, and community level. The organizational model consists of 32 Commission Members including voting and non-voting members, an executive committee, a chairperson, and several statutory committees and Commission made workgroups.

The Commission votes to appoint members of the statutory Committees to ensure that each 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. Over 250 stakeholders and community members across the state participate in the Commission's initiatives, which have significant impact on child welfare and juvenile justice policy and legislation.

The Commission was very active in 2018 and 2019, with a total of six meetings occurring. In 2018, LB732 was codified at NRS §43-4207, which altered the annual reporting timeframe to better align the timing of the Commission recommendations with the Legislative calendar. The Commission's annual report deadline was altered from December 1<sup>st</sup> to September 1<sup>st</sup>. This prompted the Commission to change the reporting timeframe from calendar year to state fiscal year. The contents of this year's report covers July 2018 to June 2019.

During the 2018 interim, Senator Kate Bolz introduced [LR451](#) to examine the work of the Nebraska Children's Commission and to evaluate the need for the Commission's continuation and any revisions to its structure and purpose. This legislative resolution sparked important and necessary discussion for the Commission to consider the appropriate structure and role, as well as what changes could be made to enhance efficiencies and drive results.

### 2018-2019 HIGHLIGHTS

1. The Commission was previously set to terminate on June 30, 2019 by statute. Much of the focus over the last year has been directed toward continuing the Children's Commission.
2. [LB600](#) was introduced by Senator Walz and amended by Senator Bolz to include the provisions necessary to continue the Commission. Legislation was passed and signed by the Governor to continue the Commission without a sunset provision.
3. The Commission approved the work products of the Statutory Committees submitted and presented over the last year and advances them to the Legislature, DHHS, and the Governor for consideration.

To address this resolution, much work and research was completed, as well as consultations with members in a special subgroup, the Structure Task Force. A summary of findings and recommendations were culminated in an effort to respond to the legislative resolution.

The LR451 Summary and Findings document can be found here ([insert link](#)).

During the 106<sup>th</sup> legislature, 1<sup>st</sup> session, [LB600](#) was introduced by Senator Walz, and amended by Senator Bolz, to include the provisions necessary to extend the Nebraska Children's Commission. There were a number of changes brought forth by the legislation including:

- Altering the membership composition of the Commission to broaden the voting membership and amend the membership of the nonvoting ex-officio members ;
- Changing from a Commission strategic plan for reform to strategic priorities for research or policy development within the child welfare and juvenile justice systems;
- Adding the requirement for the strategic priorities to be in part informed by the federal Child and Family Service Reviews, the annual reports of the Foster Care Review Office and the Office of the Inspector General;
- Adding an annual hearing in front of the Health and Human Services Committee of the Legislature; and
- Removing provisions no longer needed.

The statutory committees will continue to operate under the Nebraska Children's Commission, with members appointed by the Commission and the support of the Commission staff.

Over the interim, the newly appointed Commission members will convene to receive an orientation and overview of the scope of duties, elect an executive committee and Chair, and make a plan for the next year's work.

### **Bridge to Independence Advisory Committee**

**Jeanne Brandner and Christina Lloyd,  
Co-chairs**

This Committee was created pursuant to [Neb. Rev. Stat. §43-4513](#) to make recommendations to DHHS and the Commission regarding the Bridge to Independence Program, extended guardianship assistance, and extended adoption assistance. This Committee, currently co-chaired by Jeanne Brandner (Administrative Office of the Courts and Probation) and Christina Lloyd (Cedars), has been active since 2012.

The Bridge to Independence (B2i) Program, implemented in October of 2014, was created to support youth who age out of the child welfare foster care system without achieving permanency. This year, [legislation](#) was passed, which expands eligibility for the B2i program to youth subject to a disrupted guardianship/adoption (NRS §43-247(8), requires additional judicial determinations to maintain title IV-E funding, introduces a Nebraska residency provision as part of the program's eligibility, and eliminates duplication of services for youth eligible to receive through the DHHS Divisions of Developmental Disabilities and Medicaid.

The Committee's priority over the last year has been the external evaluation of the program made possible by the collaboration and support of Nebraska Children and Families Foundation, the Foster Care Review Office and DHHS.

*The Bridge to Independence Advisory Committee's 2018-2019 annual report is available for review at [insert link](#).*

### RECOMMENDATIONS

1. A statutory language change is recommended to extend eligibility for the Bridge to Independence program to native youth aging out of Tribal Court proceedings at the age of majority as defined by the Tribe, to mend the year gap in supports between ages 18 and 19 due to the State age of majority, when Bridge to Independence begins.
2. Establish a path for enrollment in the current DHHS-facilitated Bridge to independence program for youth involved in Nebraska's Juvenile Justice System utilizing the following two criteria:
  - a. A young person must be in a court-ordered out of home placement as they age out of probation on their 19th birthday; and
  - b. Prior to aging out, the court must hold a hearing and make a finding that such placement is necessary because returning to the home would be contrary to the welfare of the child.
3. Independence Coordinator must meet with youth prior to aging out a minimum of six months prior to their 19<sup>th</sup> birthday.
4. Consistent with the Case Management Workgroup recommendations in 2015, it is recommended DHHS ensure Independence Coordinators have a specialized B2i caseload no more than 15 young adults per Coordinator in rural areas and 20 per Coordinator in urban areas of the state. The Advisory Committee will re-examine caseload size following the external evaluation to reassess appropriate caseload sizes.
5. System partners will collaborate to explore how Bridge to Independence participants can access services available through the federal Family First Prevention and Services Act, including vulnerable populations such as pregnant and parenting young adults exiting child welfare.

### **Foster Care Reimbursement Rate Committee (FCRRC)**

**Peg Harriott and Bill Williams, Co-chairs**

The FCRRC was 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 is required to submit reports to the Health and Human Services Committee of the Legislature once every four years.

The FCRRC is currently focused on the 2020 legislative report and recommendations due to the Legislature July 1, 2020. The Committee will be conducting its work through subcommittees (see page 9) specific to the role, scope and authority granted through statute and Commission special assignment. This year, the DHHS Division of Children and Family Services introduced a pilot process to implement a standardized rate methodology to be used in adoption and guardianship assistance agreements. The proposed rate methodology differs from that which was created and recommended by the FCRRC. During the March 2019 Commission meeting, the Commission assigned the FCRRC to research the adoption subsidy pilot, its rate methodology and provide recommendations.

*The 2016 report of the FCRRC is available [here](#).*

During the last year, the FCRRC workgroups have focused on the enhancements and changes to better meet the needs of adoptive families by creating an adoptive parent and guardian responsibility tool to be used in preparation for and after permanency. With the expertise of the Level of Responsibility Workgroup, which developed the Nebraska Caregiver Responsibility Tool, adoption professionals, foster parent organizations and DHHS came together to create the Nebraska Permanency Resource Responsibility Tool (NPRRT). The FCRRC finalized the newly created tool and approved it in May 2019. A copy of the NPRRT can be found [here](#).

The Treatment Family Care Workgroup of the FCRRC put forth a Treatment Family Care service definition as part of its previous assignment to recommend a rate structure for Treatment Family Care. The Commission approved the service definition in March 2019 and the FCRRC will continue to oversee and support the work of the Treatment Family Care workgroup as it develops rate recommendations.

*For more information about the Treatment Family Care Workgroup and the service definition [insert link](#).*

## Statutory Groups

### **Juvenile Services Committee**

**Nicole Brundo and Kim Hawekotte, Co-Chairs**

The Juvenile Services Committee (“JSC”) of the Nebraska Children’s Commission and the Nebraska Coalition for Juvenile Justice (“NCJJ”) present this joint report as a thoughtful contribution to the reform of juvenile justice in Nebraska and in compliance with [Neb. Rev. Stat. 43-4203](#) and [43-2412\(1\) \(b\)](#). In order to enhance collaboration, coordinate initiatives, and increase the impact and efficacy of juvenile justice reform in Nebraska, the JSC and NCJJ have begun collaborating in the form of joint meetings, joint reporting, and inclusive workgroups.

At their October 16, 2018 meeting, the JSC and the NCJJ reviewed the [2018 annual report of the Office of Inspector General of Child Welfare](#). During the review, members noted the rise in the reports of suicide attempts over the last three fiscal years. Members identified the need for systemic discussion on the issue of suicide prevention as it relates to youth involved in the juvenile justice system.

The JSC and NCJJ collaborated with representation from the Division of Behavioral Health, Juvenile Probation, and numerous other stakeholders to organize a free, one-day suicide prevention conference focusing on youth involved in the juvenile justice system held on May 20, 2019. The conference provided a forum for education and action planning to better support juvenile justice youth at risk of suicide.

Participants included attorneys, therapists, school social workers, direct service workers in juvenile justice and child welfare, community coaches, foster care, youth and family members, and many others.

A wealth of information and feedback was cumulated during the day’s events. Overlapping themes appeared across several groups and satellite sites including communication and collaboration, enhanced training, reducing stigma, funding, increasing access and availability of services. During the interim, the JSC and NCJJ will work on refining the final recommendations and priorities which emerged from this conference.

*The Juvenile Services Committee’s 2018-2019 Annual Report is available at [insert link](#).*

### 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.

### **Strengthening Families Act Committee**

**Vernon Davis and Sarah Helvey, Co-Chairs**

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 \(2017\)](#).

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.

### **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

## Statutory Committees

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.

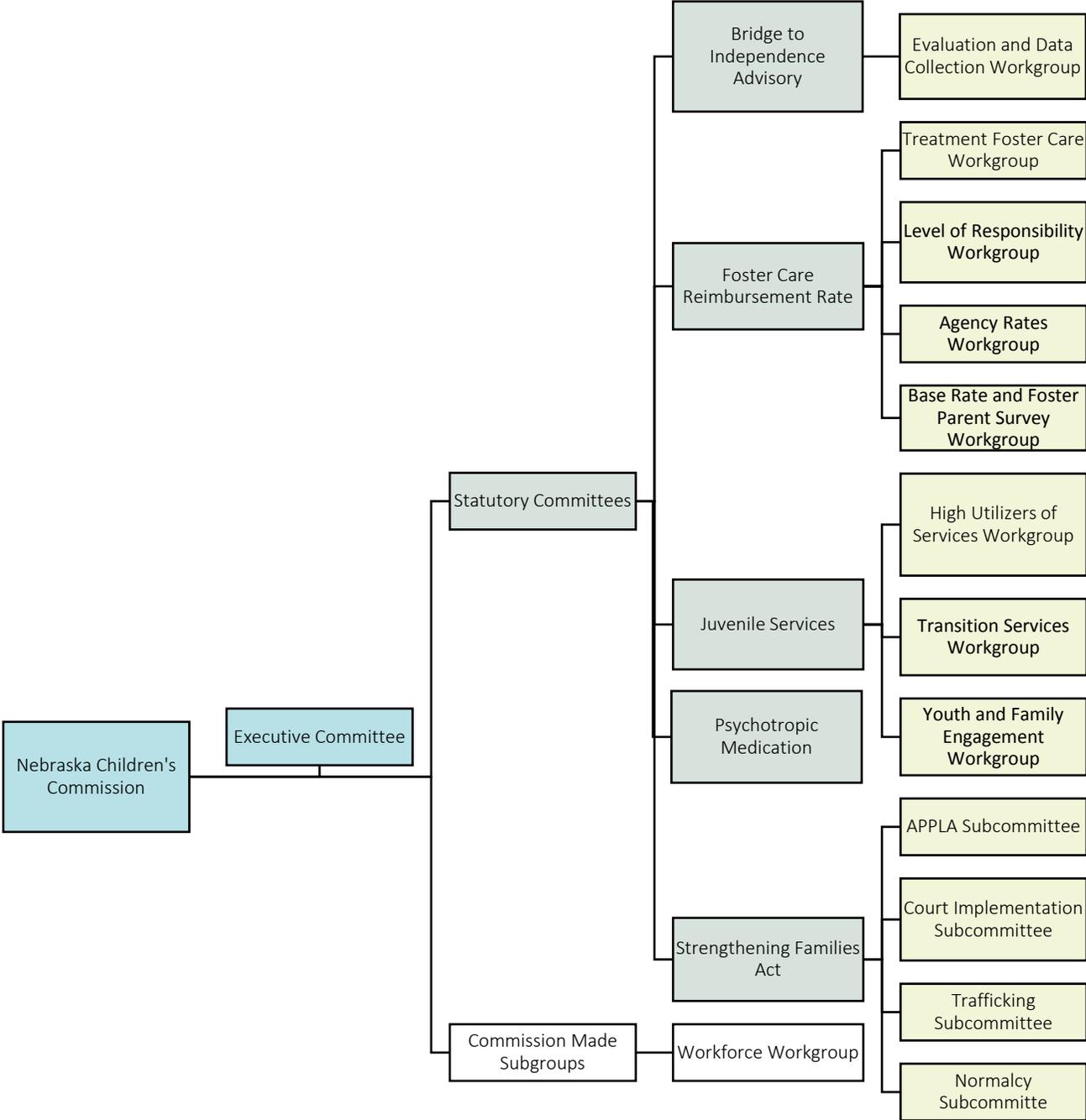
The Normalcy Subcommittee reviewed Normalcy Plans and Reports submitted by child-caring agencies (pursuant to §43-4706) and issued a look-back survey to measure progress made since the enactment of the Nebraska Strengthening Families Act in 2016.

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.

*The Strengthening Families Act Committee 2018-2019 Annual Report is available at [insert link](#).*

# Nebraska Children's Commission Organizational Structure



## Nebraska Children's Commission Members

Member Name	Member Type	Title and Organization	Representation
<b>Jeanne Brandner</b> (Acting Chair)	Ex-Officio	<b>Deputy Administrator of the Division of Juvenile Services</b> , Administrative Office of Probation	State Court Administrator Representative
<b>Teresa Anderson</b>	Voting	<b>Health Director</b> , Central District Health Department	Community Representative - Central Service Area
<b>Beth Baxter</b> (Past Chair)	Voting	<b>Administrator</b> , Behavioral Health Region 3	Administrator of a Behavior Health Region
<b>Jim Blue</b>	Voting	<b>President and CEO</b> , CEDARS Youth Services	Child Welfare Service Agency Representative
<b>Holly Brandt</b>	Voting	<b>Executive Director</b> , CAPstone Child Advocacy Center	Community Representative - Western Service Area
<b>Vernon Davis</b>	Voting	<b>Young Adult Previously in Foster Care</b> , Young Adult Previously in Foster Care	Young Adult Previously in Foster Care
<b>Misty Frazier</b>	Voting	<b>Director of the Dakota Tiwahe Service Unit</b> , Santee Sioux Nation of Nebraska	Tribal Representative of a Federally Recognized Indian Tribe Residing within the State of Nebraska
<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>Biological Parent</b>	Biological Parent Currently Or Previously Involved In The Child Welfare System or Juvenile Justice System
<b>Felicia Nelsen</b>	Voting	<b>Executive Director</b> , Nebraska Foster and Adoptive Parent Association	Community Representative - Southeast Service Area
<b>Deb O'Brien</b>	Voting	<b>FCRB Member</b>	Local Foster Care Review Board Member
<b>Lisa Story</b>	Voting	<b>Community Member/Foster Parent</b> , Community Representative of the Northern Service Area	Community Representative - Northern Service Area
<b>Susan Thomas</b>	Voting	<b>CASA Volunteer</b> , Nebraska CASA Association	Court Appointed Special Advocate Volunteer
<b>Janine Uchino</b>	Voting	<b>Attorney</b> , Law Office of Janine Uchino	Guardian Ad Litem
<b>Kelli Wacker</b>	Voting	<b>Director</b> , Northeast Nebraska Child Advocacy Center	Child Advocacy Center Director

<b>Bill Williams</b>	Voting	<b>Chief Operating Officer, COMPASS</b>	Child Advocacy Organization Representative
<b>Sen. Kate Bolz</b>	Ex-Officio	<b>Senator, Nebraska Legislative Council</b>	Appropriations Committee of the Legislature Representative
<b>Michele Borg</b>	Ex-Officio	<b>Education of Systems-Involved Students (ESIS) Coordinator, Nebraska Department of Education</b>	Commissioner of the Department of Education or Designee
<b>Sen. Patty Pansing Brooks</b>	Ex-Officio	<b>Senator, Nebraska Legislative Council</b>	Judiciary Committee of the Legislature Representative
<b>Danette Smith</b>	Ex-Officio	<b>Chief Executive Officer, Nebraska Department of Health and Human Services</b>	CEO of Nebraska Department of Health and Human Services
<b>Judge Linda Porter</b>	Ex-Officio	<b>Judge, Lancaster County Juvenile Court</b>	State Court Administrator Appointed Representative
<b>Sen. Lynn Walz</b>	Ex-Officio	<b>Senator, Nebraska Legislature</b>	HHS Committee of the Legislature Representative
<b>Julie Rogers</b>	Ex-Officio	<b>Inspector General, Office of Inspector General of Nebraska Child Welfare</b>	Inspector General of Nebraska Child Welfare
<b>Deb VanDyke-Ries</b>	Ex-Officio	<b>Director, Nebraska Court Improvement Project</b>	State Court Administrator Appointed Representative
<b>Matthew Wallen</b>	Ex-Officio	<b>Director, DHHS, Division of Children and Family Services</b>	Director of Children and Family Services, DHHS
<b>Vacant</b>	Voting		Prosecuting Attorney Who Practices in Juvenile Court
<b>Vacant</b>	Voting		Community Representative - Eastern Service Area (Lead Agency)
<b>Vacant</b>	Voting		Foster Parent

Eff. June 2019