



2019 Annual Report Recommendations

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Outline

- The FCRO and the FCTS Database
- 2019 Annual Report Recommendations
 - Legislature
 - NDHHS
 - Judicial System
 - Juvenile Probation
 - Multi-system Stakeholders
- Collaboration between NCC and FCRO

Foster Care Review Office (FCRO)



Foster Care Tracking System (FCTS)

All Children and Youth Out-of-Home

- Nightly automatic updates from NDHHS (all out-of-home)
- Weekly manual updates from AOP (all out-of-home)
- Private Agency Reports as needed

Children and youth reviewed by FCRO

- Updates and corrections to historical information received from NDHHS or Probation
- Complete Data Form quantifying elements of the youth's experiences that lead to out-of-home care and during out-of-home care

Legislative

Conduct a legislative study examining changes needed to the juvenile court jurisdiction statute found at Neb. Rev. Stat. §43-247 and ways to improve the prosecutorial model used in Nebraska to effectively address the needs of children and families. This study must include the following:

- a) the scope of the legal ability of the court in delinquency actions to require parents to participate in services;
- b) the legal definitions regarding a no-fault abuse/neglect filing and a status offender filing;
- c) the legal definitions regarding a juvenile mental health commitment filing; and
- d) ways to achieve consistency in the filing of juvenile court actions.
(Reissued from 2018 Annual Report)

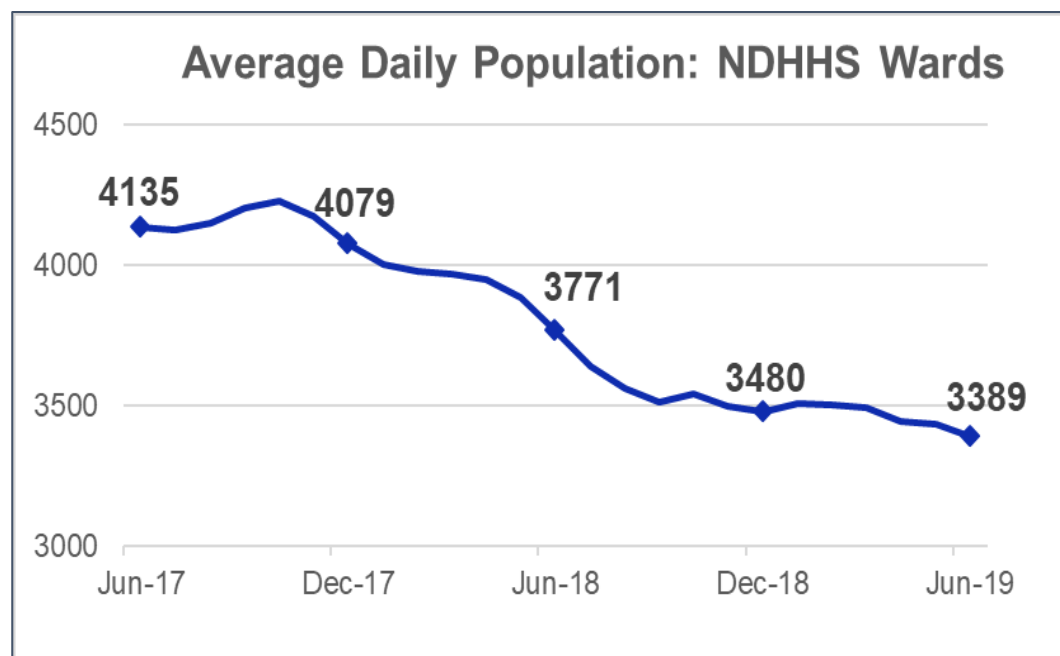
Legislative

Conduct a legislative study to assist in developing an external oversight system for non-court child welfare families, which would include compliance with NDHHS-CFS policy and Nebraska statutes and the need and availability of services statewide to ensure children remain safe and their best interests remain at the forefront.

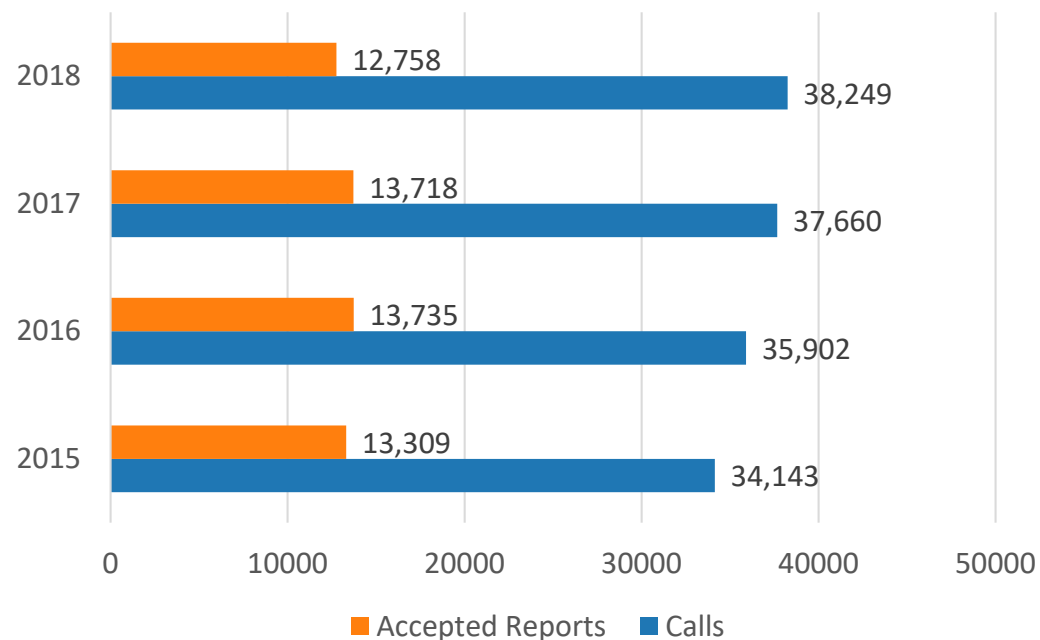
(Reissued from 2018 Annual Report)

Decline in out-of-home population

FCRO Data



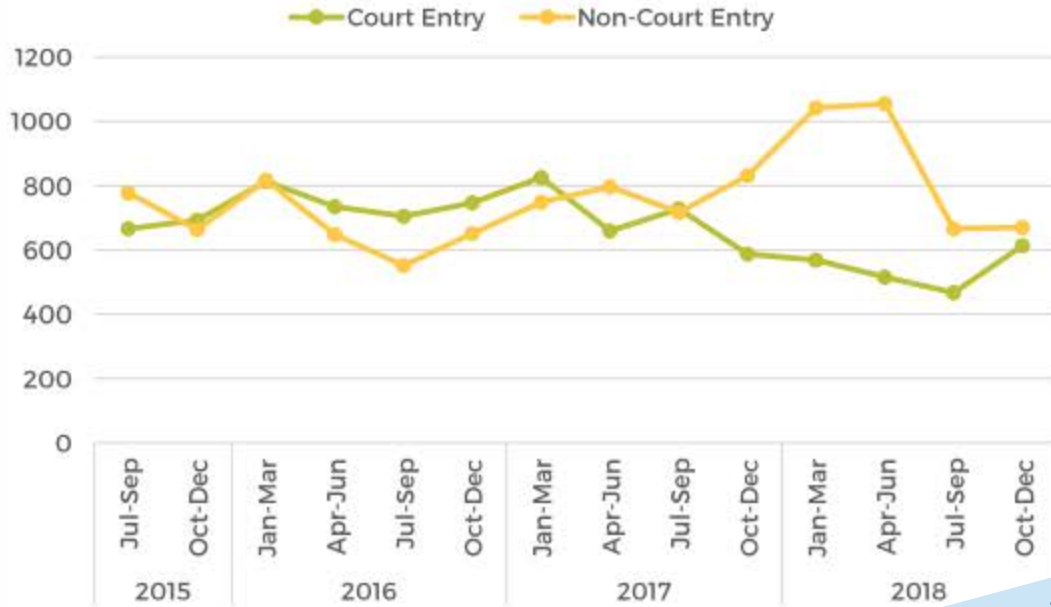
DHHS Data from Legislative Briefing



Source: Child Protective Services Legislative Briefing.
<http://dhhs.ne.gov/Pages/CFS-Data-and-Reports.aspx>

Accepted Reports of Abuse and Neglect

Youth Entries into Care



Alternative Response Entries into Care



Source: Child Protective Services Legislative Briefing.
<http://dhhs.ne.gov/Pages/CFS-Data-and-Reports.aspx>

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

Helping People Live Better Lives.

Legislative

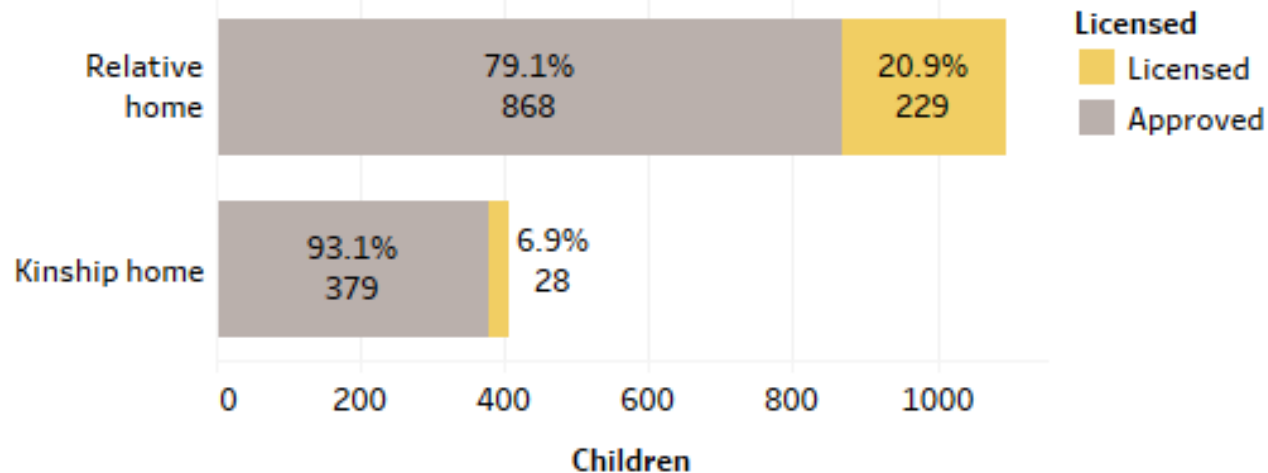
Enact legislation requiring that all children/youth involved in the child welfare and juvenile justice system must attend every court hearing after adjudication unless the court waives their presence after a court hearing. By keeping the child/youth at the forefront, this requires all parties to be trauma-informed and sensitive to their needs. (Reissued from 2018 Annual Report)

- **During FY 2018-19 just 14.6% of children aged 10-18 attended court hearings** (*FCRO Annual Report, page 40*).
- The court is to inquire if children 14-18 were involved in developing the case plan, however the FCRO could confirm this occurred in **only 42.7% of cases**, which was a significant increase from the 14.6% the previous year (*FCRO Annual Report, page 40*).

Legislative

Enact legislation requiring that all relative and kinship placements must obtain a child-specific foster care license within 120 days of placement. This legislation must include the requirement that NDHHS, through its regulations, create the process for obtaining a child-specific foster care license. (Reissued from 2018 Annual Report)

Figure 18: Licensing Status of Relative and Kinship Placements
6/30/2019, n=1,504 (FCRO Annual Report, page 16)



Legislative

Enact legislation ensuring that all youth involved in the juvenile justice system have access to court-appointed legal counsel unless waived by the youth. (Reissued from 2018 Annual Report)

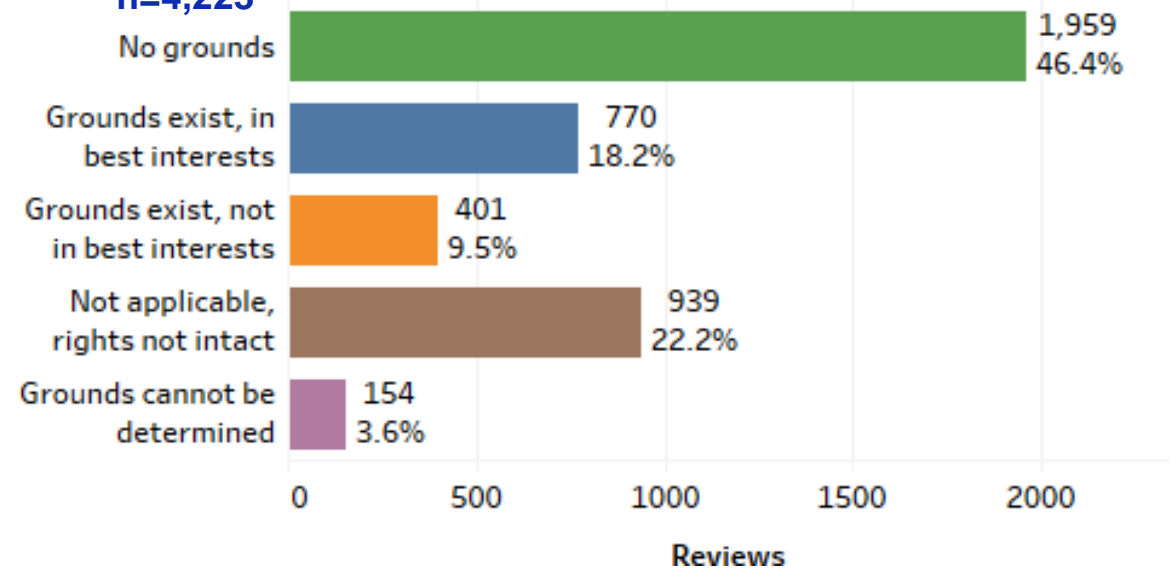
- When involved in a court case it is critical to have adequate legal representation (*FCRO Annual Report, page 70*).
 - Most (95.4%) youth reviewed had a court-appointed attorney; however, the majority of cases reviewed were from Douglas and Lancaster County, where it is required by law.
 - Three of the youth who did not have legal representation were from Washington county. Richardson, Saline, Hall, Dawes, Stanton, Knox, Red Willow, Nemaha, and Thurston counties each had one reviewed youth in out-of-home care who did not have legal representation.

Legislative

Enact legislation amending the Nebraska statutes regarding the legal basis for the termination of parental rights and the process for the filing of these legal actions.
(Reissued from 2018 Annual Report)

- For more than half (55.6%) of the children reviewed by the FCRO, return to parents was unlikely (*FCRO Annual report, page 41*)

Figure 35: Existence of TPR Grounds and Best Interests, n=4,223



NDHHS

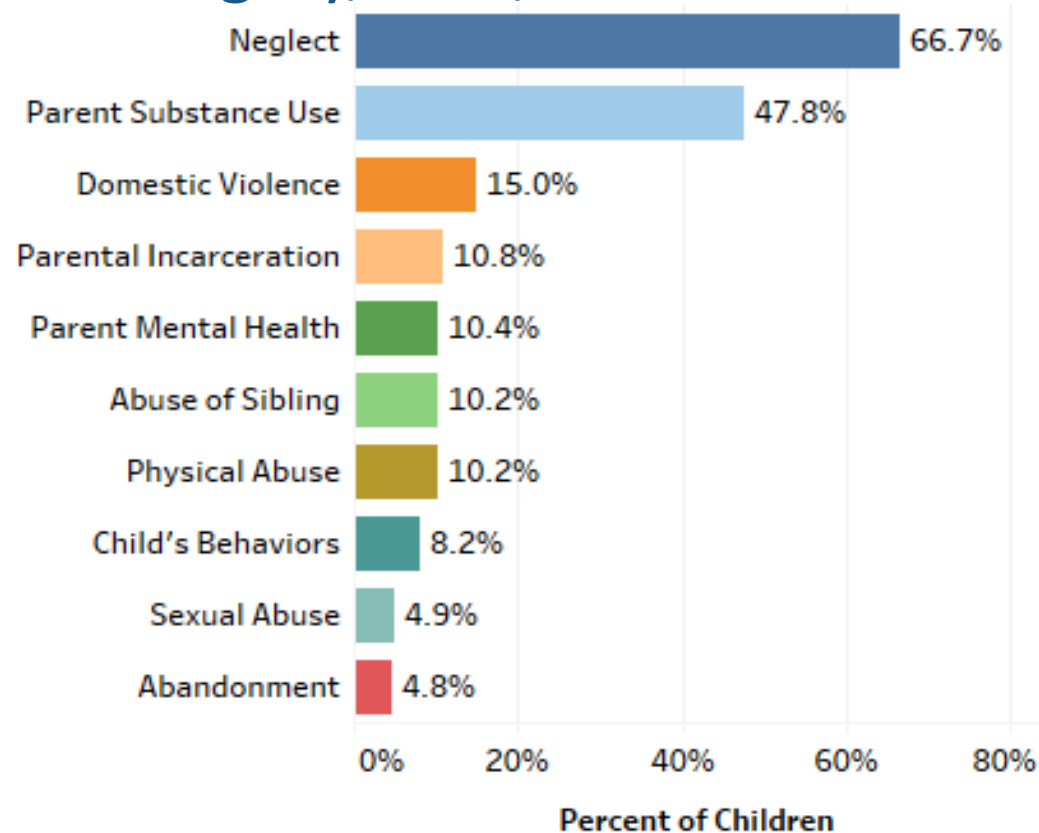
Establish an effective, evidence-supported, goal driven, outcome based service array throughout the State to meet the needs of children and families involved in the child welfare system to include the following:

- Preventative services for neglect and substance use in collaboration with NDHHS Behavioral Health;
- Out-of-home services such a family support and parenting time services that have the least traumatic impact on children.
- Stabilization of placements and recruitment of foster parents based upon the needs of the child/youth in collaboration with foster care providers;
- Creation of treatment foster care services which actively engage families and would meet the needs of older youth;
- In-home supports for foster parents especially relative/kin placements;
- Mental and behavioral services for children/youth in collaborations with NDHHS Behavioral Health;
- Developmental disability services for children/youth in collaboration with NDHHS Developmental Disabilities; and
- Enhanced services and case management for older youth.

(Reissued from 2018 Annual Report)

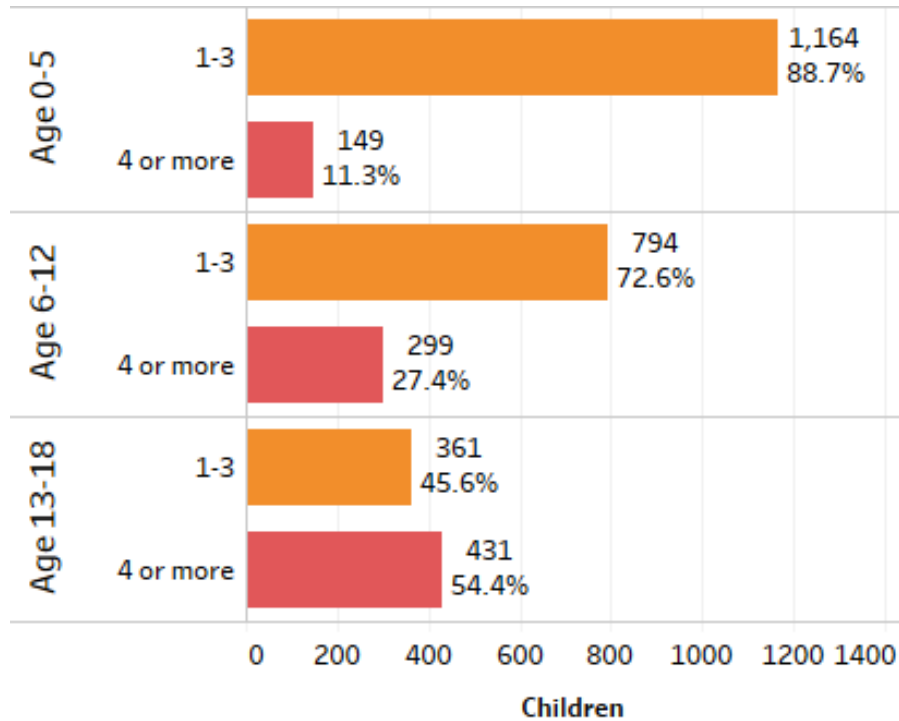
NDHHS – Prevention Services

Most Common Adjudicated Reasons for Removal from the Home by Major Category, n=3,277 (*FCRO Annual Report, page 21*)

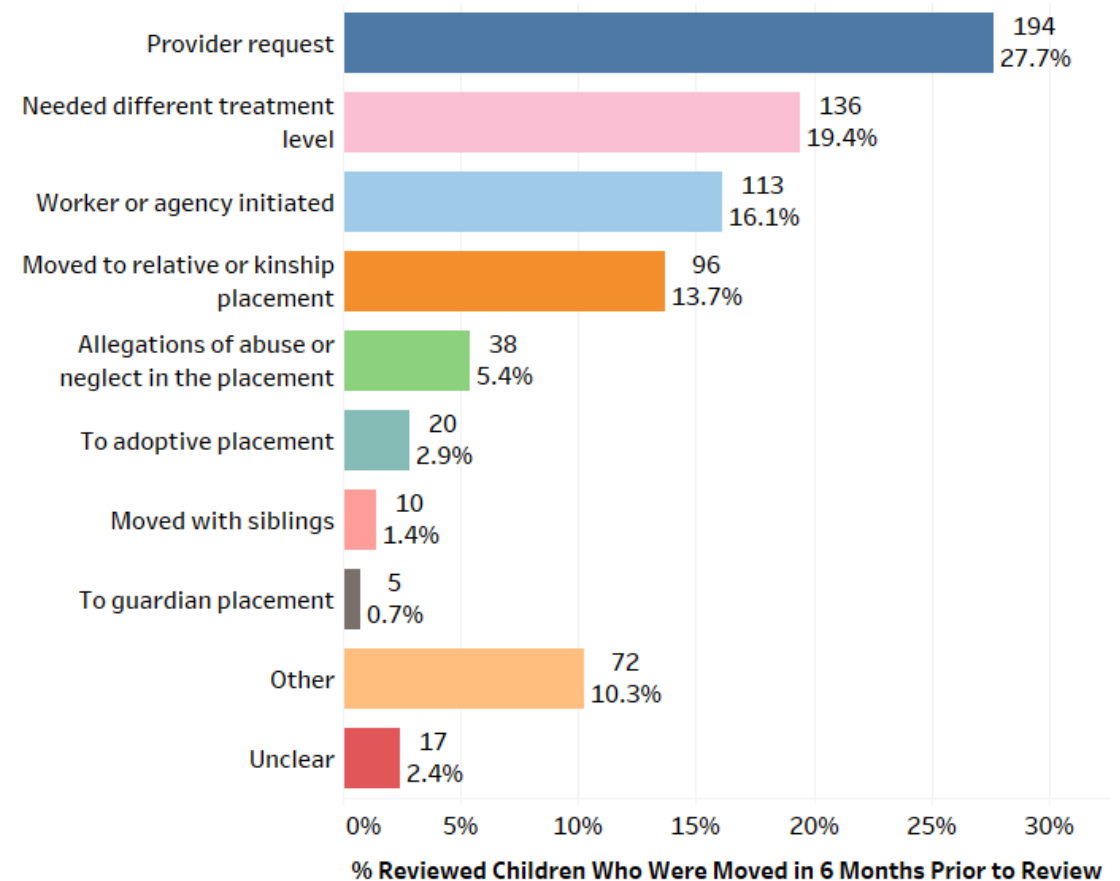


NDHHS – Placement Stabilization & Treatment Foster Care

Lifetime Placements for NDHHS Wards in Care 6/30/2019, n=3,198

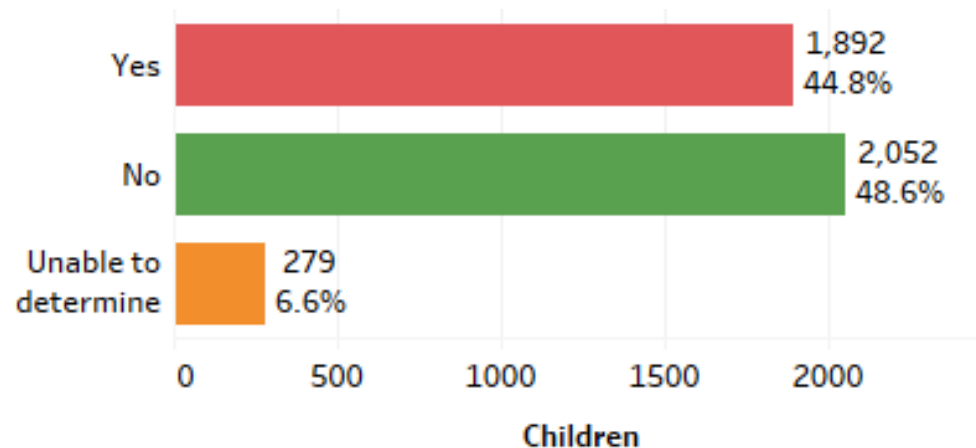


Reason for Most Recent Placement Change If One Occurred Within the Six Months Prior to Review, n=701

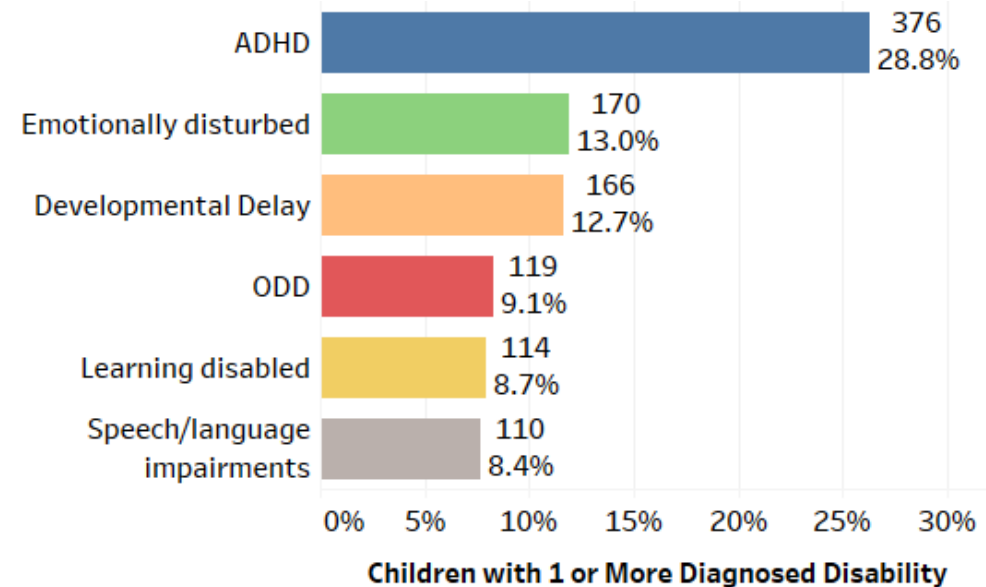


NDHHS - Mental and Behavioral Health Services for Children and Disability Services

Verified Mental Health Condition at Time of Review, n=4,223 (FCRO Annual Report, page 47)



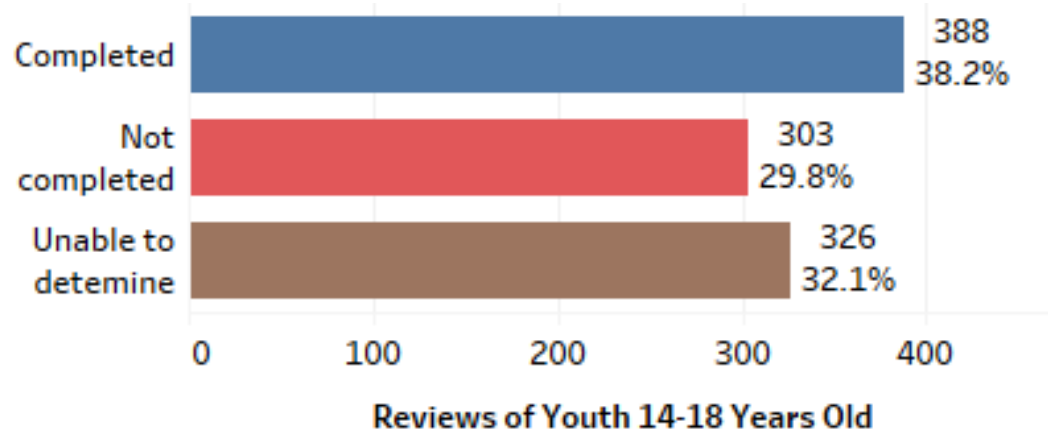
Most Frequent Impairment Type(s) for Children with a Verified Impairment n=1,306 (FCRO Annual Report, page 49)



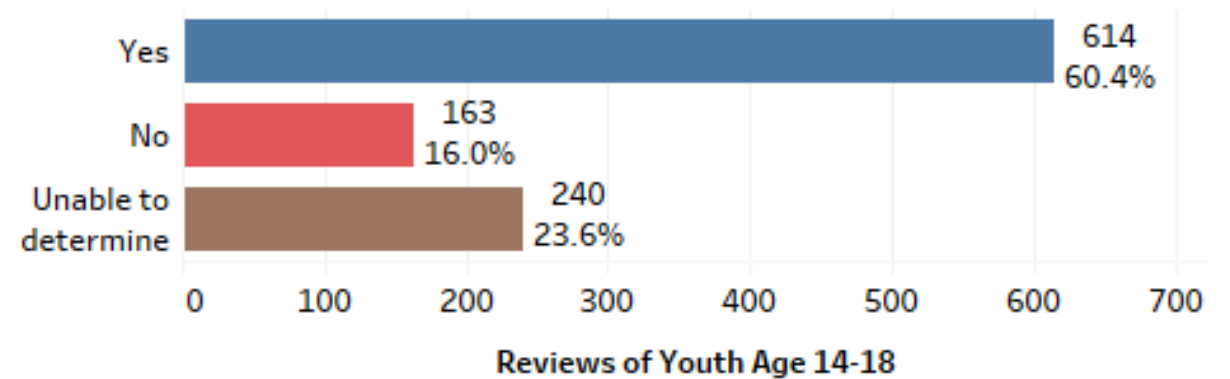
Only 38.7% (46 of 119 children) that were qualified for Developmental Disabilities Services were documented as receiving services through developmental disabilities specialists. This means a significant percentage are not receiving the needed disability services through the NDHHS Division of Disability Services.

NDHHS – Older Youth

Independent Living Assessment Completed, Youth Age 14-18, n=1,017
(FCRO Annual Report, p 52)



Obtaining Skills for Adulthood, Youth 14-18, n=1,017
(FCRO Annual Report, p 53)



NDHHS

Establish clear and concise policy and procedures with regard to effective safety planning to include clear expectations for the families and mechanisms to ensure compliance with the safety plan. This is true whether the safety plan involves a court-involved case or non-court case or out-of-home placement. (Reissued from 2018 Annual Report)

- Safety measures were in place for **94.4%** (3,461 of 3,666) of out-of-home children and **89.6%** (499 of 558) of children on trial home visit at time of review.

Judicial System

Require that all guardians ad litem must receive a copy of the home study prior to placement of a child in a home or within 60 days if the placement is the first placement of a child. (Reissued from 2018 Annual Report)

- In FY2018-19, **93.0% of the children were in a safe placement, 1.1% were in an unsafe placement, and for 5.9% safety could not be determined, often due to a lack of critical documentation.** This is similar to last year.
- **Of the children who were determined safe, 93.7% were in an appropriate placement, 4.2% were inappropriate, and 2.0% could not be determined.** Appropriateness includes if the child is in the least restrictive placement possible and that the placement can meet the child's needs.

Judicial System

Ensure compliance with the Supreme Courts' Progression Standards for juvenile court. (Reissued from 2018 Annual Report)

- Based upon the case file review process, the FCRO finds that in practice:
 - **Adjudication within 90 days (3 months) occurred for 69.3% of children** reviewed in FY2018-19. That is an improvement from FY2017-18, when it was 65.3%.
 - For **21.5%** of children adjudication occurred 4-6 months after removal, and
 - In **6.2%** of cases it took more than 7 months.
 - The remainder were not yet adjudicated at time of review.

Judicial System

Ensure that the child/youth's voice is integrated into all legal proceedings including appearance at court hearings and involvement in all aspects of case planning.
(Reissued from 2018 Annual Report)

- **During FY 2018-19 just 14.6% of children aged 10-18 attended court hearings** (*FCRO Annual Report, page 40*).
- The court is to inquire if children 14-18 were involved in developing the case plan, however the FCRO could confirm this occurred in **only 42.7% of cases**, which was a significant increase from the 14.6% the previous year (*FCRO Annual Report, page 40*).

Juvenile Probation

Create concrete action steps when parents' issues prevent a youth from returning home in collaboration with all juvenile justice stakeholders. (Reissued from 2018 Annual Report)

- The actions or inactions of parents may be a barrier to probation supervised youth returning home (*FCRO Annual Report, page 66*).
 - The most common parental issue is lacking the skills needed to manage the youth and to help the youth learn to self-regulate their behaviors (**49, 18.7%**).
 - Related to that is parental unwillingness to accept or care for the youth in the home (**19, 7.3%**).
 - For some youth, an abuse/neglect/abandonment petition is needed due to parental actions or inactions (**7, 2.7%**).

Juvenile Probation

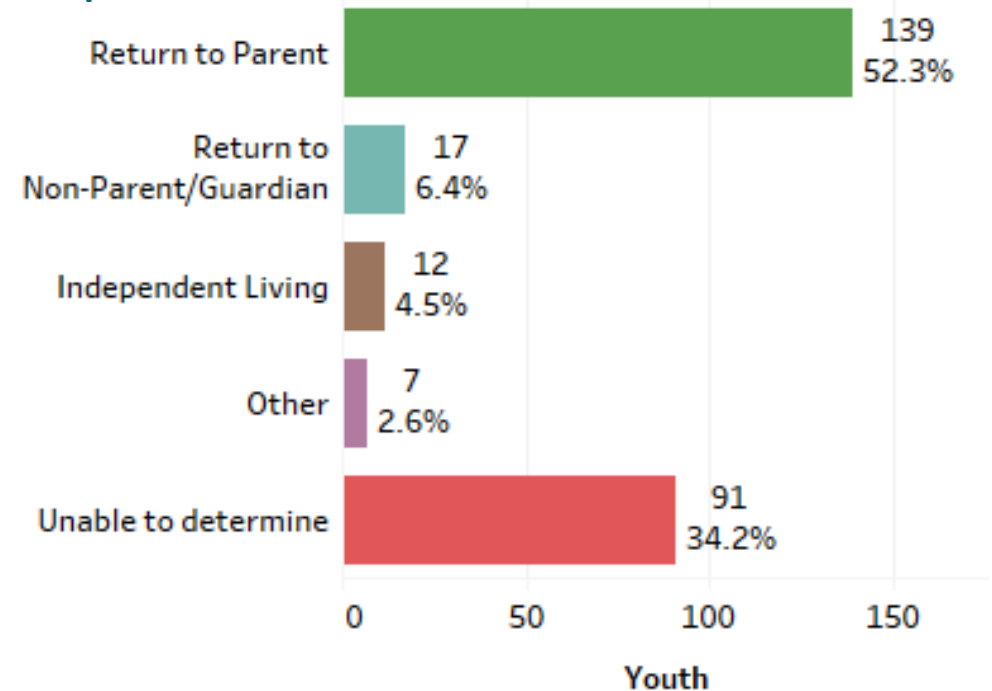
Consistently create and use individual transition plans as a guide for readying youth to return to his or her community.

Individualized Transition Plans (ITPs) are to include goals and steps toward achieving those goals. Of the youth who should have an ITP:

- The FCRO was provided a written plan for review in **79.6% of the cases**.
- The plan was not provided in **20.4% of cases**.

Youth in the 4J and 3J Probation Districts (Douglas and Lancaster counties, respectively) were much more likely to have a written ITP available for review than all other Probation Districts; **91.8% compared to 60.8%** (*FCRO Annual Report, page 62*).

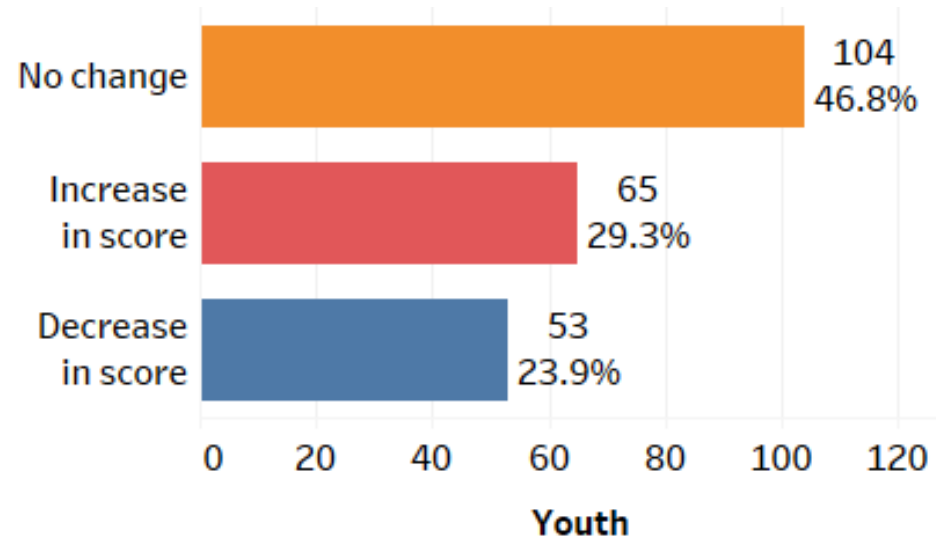
Plan Objective at Time of Review for Probation Supervised Youth Reviewed FY2018-19, n=266



Juvenile Probation

Determine why for so many youth the YLS score of risk to re-offend remains constant or even increases after six months or more of Probation out-of-home care.

**Change in YLS Score from Adjudication to Review,
n=222 (FCRO Annual Report, page 65)**



Multi-System Stakeholders

Utilize the Nebraska Children's Commission to complete a collaborative study regarding creation of a systemic response when a child or family is in crisis.

- This must be based on the needs of the child and not just on the fastest or easiest way to access services.
 - Too often, the child welfare system is the quickest way to access services but not always the most appropriate and even sometimes can do the most harm to the child.
- This study should include ways to break down silos within NDHHS to ensure that the most appropriate NDHHS division is meeting the short-term and long-term needs of the child and family.
- This study must also include an evaluation of the various State and federal funding sources for each of these divisions and re-appropriation of funds between NDHHS divisions as needed. (Reissued from 2018 Annual Report)

How can we help?

- Provide requested data to the Commission
- Presentation on topic areas determined by the Commission
- Participate in studies conducted by the Commission