

Nebraska Children’s Commission Meeting

November 18, 2019

9:00 a.m. – 3:00 p.m.

SCC Continuing Education Center, Rooms 303 & 304

301 South 68th Street Place, Lincoln, NE 68510

1. Call to Order

Acting Chair Jeanne Brandner called the meeting to order at 9:10 a.m., welcomed everyone to the meeting, and asked everyone to introduce themselves.

2. Introductions and Roll Call

Commission Members Present (13)

Beth Baxter	Ron Giesselmann	Lana Temple-Plotz
Jim Blue	Richard Hasty	Susan Thomas
A’Jamal Byndon (9:35 a.m.)	Jessica Hilderbrand	Melanie Williams-Smotherman
Kathy Dinkel	Terri Knutson (9:21 a.m.)	
Misty Frazier	Felicia Nelsen	

Commission Members Absent (2)

Breanna Anderson
Vernon Davis

Commission Ex-Officio Members Present (7)

Jeanne Brandner	Kim Hawekotte	Deb VanDyke-Ries
Sherri Dawson	Judge Roger Heideman	
Lori Harder	Julie Rogers	

Commission Ex-Officio Members Absent (4)

Senator Kate Bolz
Michele Borg
Senator Patty Pansing Brooks
Senator Lynn Walz

Roll call was taken through introductions and a quorum was established.

Guests in Attendance (10)

Adam Anderson	Nebraska Children’s Commission
Jodie Austin	Saint Francis Ministries
Katie Bass	Foster Care Review Office
Doug Beran	Nebraska Department of Health and Human Services
Jennifer Carter	Nebraska Health and Human Services Committee
Sarah Forrest	Nebraska Alliance of Child Advocacy Centers
Peg Harriot	Chair of the Foster Care Reimbursement Rate Committee
Chris Jones	Nebraska Children’s Commission
Ross Manhart	Nebraska Department of Health and Human Services
Tami Soper	Office of Senator Kate Bolz
Ivy Svoboda	Nebraska Alliance of Child Advocacy Centers
Chris Triebisch	Office of Senator Patty Pansing Brooks

a. Notice of Publication

Recorder for the meeting, Adam Anderson, 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 Jessica Hilderbrand and seconded by Kathy Dinkel to approve the agenda as presented.

There was no further discussion. Roll call vote as follows:

FOR (10):

Beth Baxter	Richard Hasty	Susan Thomas
Kathy Dinkel	Jessica Hilderbrand	Melanie Williams-Smotherman
Misty Frazier	Felicia Nelsen	
Ron Giesselmann	Lana Temple-Plotz	

AGAINST (0):

ABSTAIN (0):

ABSENT (5):

Breanna Anderson	Vernon Davis
Jim Blue	Terri Knutson
A’Jamal Byndon	

MOTION CARRIED

Note that the order of items in the minutes will not be reflective of the original agenda

4. Approval of Consent Agenda

- a. [*Approval of October 15, 2019 Meeting Minutes*](#)
- b. [*Committee Member Nomination Report*](#)

Bridge to Independence Advisory Committee

- Representative of a Child Welfare Advocacy Organization
 - **Juliet Summers, seeking re-appointment (Voting)** – Policy Coordinator, Voices for Children in Nebraska

Foster Care Reimbursement Rate Committee

- Representative of a Lead Agency
 - **Jennifer Potterf, to replace Robin Chadwell (Voting)** – Director of Kinship/CPA Services, Saint Francis Ministries
- Representative from the Division of Children and Family Services from the Southeastern Service Area
 - **Doug Kreifels, to replace Rochelle Dotson (Non-Voting)** – Southeastern Service Area Administrator, Nebraska Department of Health and Human Services Division of Children & Family Services

Juvenile Services Committee

- Nebraska Crime Commission Representative
 - **Amy Hoffman, to replace Cynthia Kennedy (Voting)** – Director of Juvenile Diversion and Community-based Aid, Nebraska Crime Commission

Beth Baxter moved to approve the Consent Agenda items as presented. Misty Frazier seconded the motion. No further discussion ensued. Roll call vote as follows:

FOR (11):

Beth Baxter	Ron Giesselmann	Lana Temple-Plotz
Jim Blue	Richard Hasty	Susan Thomas
Kathy Dinkel	Jessica Hilderbrand	Melanie Williams-Smotherman
Misty Frazier	Felicia Nelsen	

AGAINST (0):

ABSTAIN (0):

ABSENT (4):

Breanna Anderson
 A’Jamal Byndon
 Vernon Davis
 Terri Knutson

MOTION CARRIED

5. Governance Discussion

a. Approval of the Governance Memo

Chair Member Richard Hasty discussed the changes made to the [Governance and Organizational Structure Memo](#). Changes in the Mission Statement were made to come in line with statute 43-4202. Changes were made to Executive Committee and the terms of the Chairpersons. Hasty thanked Member Brandner for her historical perspective.

Commission Policy Analyst Chris Jones explained the historical context of the Mission Statement, and that recent changes were made to come in line with current statutory obligations.

Members discussed specific language clarification regarding voting and non-voting members serving as Chairs of Second-Tier Committees. Chair Brandner clarified that the intent of the revision was to allow non-voting members of the Commission to serve as Chairs of Second-Tier Committees. Chris Jones proposed language to the Governance Document be changed in paragraph one, page four, to read, “At least one chair of each second tier subgroups must be a member of the Commission, either voting or nonvoting.”

Lana Temple-Plotz moved to approve the Children’s Commission Governance Document with proposed language clarification of voting and non-voting members serving as Chairs of Second-Tier Committees. Felicia Nelsen seconded the motion. No further discussion ensued. Roll call vote as follows:

FOR (11):

Beth Baxter	Misty Frazier	Jessica Hilderbrand
Jim Blue	Ron Giesselmann	Terri Knutson
Kathy Dinkel	Richard Hasty	Felicia Nelsen

AGAINST (1):

Melanie Williams-Smotherman

ABSTAIN (0):

ABSENT (3):

Breanna Anderson
A’Jamal Byndon
Vernon Davis

MOTION CARRIED

b. Nomination and Election of Chair & Vice Chair

Chair Member Hasty briefly discussed the decision to nominate Jeanne Brandner as Chair and Lana Temple-Plotz as Vice Chair of the Commission.

Susan Thomas moved the Commission to elect Jeanne Brandner as the Chair and Lana Temple-Plotz as the Vice Chair of the Nebraska Children’s Commission. The motion was seconded by Jim Blue. No further discussion ensued. Roll call vote as follows:

FOR (12):

Beth Baxter	Ron Giesselmann	Felicia Nelsen
Jim Blue	Richard Hasty	Lana Temple-Plotz
Kathy Dinkel	Jessica Hilderbrand	Susan Thomas
Misty Frazier	Terri Knutson	Melanie Williams-Smotherman

AGAINST (0):

ABSTAIN (0):

ABSENT (3):

Breanna Anderson
A’Jamal Byndon
Vernon Davis

MOTION CARRIED

6. Legislative Update on Interim Studies

Chair Brandner reminded the Commission Members of the need in the near future to develop priority areas for the Commission to delve into. Brandner welcomed representatives of the Legislature to give updates and review and recent interim studies.

Jennifer Carter presented to the Commission recent and upcoming interim studies and legislative hearings. Some important recent hearings of importance revolve around the recent DHHS Business Plan, the transition in the Eastern Service Area, and the conditions of YRTC-Geneva. Carter relayed that there is an upcoming hearing in the afternoon

of December 18th. There is ongoing concern about how DHHS will provide the same level of services at a cost that is 60% less than budgeted, and that there is speculation that the savings from the transition will be shifted out of child welfare. She added, other important items to the Health and Human Services Committee involve oversight of non-court involved families, and implementation of the Families First Prevention Act. Lastly, another issue of importance is the implementation of a Federal fingerprinting of childcare licensing requirements, which has been a challenge. Carter answered questions regarding oversight of non-court involved families, and the importance of possibly clarifying with the Health and Human Services Committee if the needs of the families are being met and they are safe. Additionally, under Alternative Response it will be important after the reduction of exclusionary criteria to make sure there is oversight to keep children safe as families come for assistance under that program.

Tom Arnsberger, from the Office of Senator Walz provided information on studies and proposals from Senator Walz office. Her office has proposed legislation regarding free and reduced lunches. Arnsberger shared that studies this year are more tangentially related to child welfare. Senator Walz has completed interim studies regarding individuals under the developmental disabilities waiver, including the transitional waiver for those under 21 move from high school on to college and into the workforce.

Tami Soper, from the Office of Senator Bolz noted that a hearing is schedule on December 18th regarding [LR 193](#), a study to assess the implementation of the Family First Prevention Act. DHHS and CAFCON have been invited to provide an update at that time. At that time the Committee will decide if there is any assistance need from the Legislature to make implementation go smoothly.

Chris Triebisch, from the Office of Senator Pansing Brooks relayed that a number of items from the previous session on General File will be carried into this session, and they will be able to get to them before priority items begin to slow things down. Triebisch noted that [LB 231](#), the Right to Counsel Bill, which allows a juvenile the right to counsel at the time of petition is on General File, and will be up pretty early next session, that the will be working hard to get through. He added that LB 231 was close to being passed previously. Triebisch also noted that [LB230](#), also on General File, eliminates the use of solitary confinement for juveniles unless there is immediate risk of harm to self or others. There was no opposition to that bill last year. Triebisch noted the [LB 132](#), also on General File, is a ban on juvenile mandatory minimum. He stated that a relating bill, [LB 131](#) sets the ½ rule regarding minimum sentences cannot exceed ½ of the maximum sentence, making prisoners and those eligible for parole at earlier dates. A Senator Linehan bill with support from Senator Pansing Brooks, [LB 518](#) provides support for human trafficking survivors. Triebisch also noted, [LR 208](#), which arose from discussion regarding Senator Groene's [LB 147](#), concerning restraint of children at school. Senator Pansing Brooks is working with Senator Groene's office and other stakeholders, looking into best practices to put into law. Lastly, Triebisch noted that Senator Pansing Brooks is also looking at truancy issues and [LB 390](#), passed last year which delineates the responsibilities of schools regarding training and duties of School Resource Officers. The Department of Education is working on a Memorandum of Understanding, that should be coming out later this year, which the Senator's office is very happy about.

7. Children and Family Services Review Discussion

Chair Brandner welcomed Doug Beran, from the Department of Health and Human Services. Doug Beran directed the Commission's attention to an accompanying [PowerPoint presentation](#). Beran presented to the Commission an overview, data, and historical information regarding the Federal Children and Family Services Review. He noted that the State continues struggle in the Timeliness and Permanency of Reunification category, failing to meet the standards of the review. Beran also presented information regarding the Program Improvement Plan which seeks to remedy deficiencies in Case Reviews. Additionally, Beran presented information regarding the DHHS quarterly internal reviews of 65 cases per quarter, which will continue until July 2021, the timeline set forth for Nebraska DHHS to correct deficiencies in ten key areas. Beran also provided background information on the ten key areas which are under review.

Members discussed discrepancies regarding data as contained in the CFSR versus data as reported by former participants in the Child Welfare System. Members also discussed the lack of Tribal data.

Beran answered that non-court and alternative response cases are included in DHHS reviews and addressed dramatic changes in data as perhaps a result of random sampling of cases, but added that everyone in the department is aware of the reviews. Lori Harder interjected that the department has begun to introduce Safety Organized Practice in response to failing the family engagement portion of the CFSR. Harder also addressed that a safety plan is immediately put in

place upon a removal of a child. which will also help keep families safe. Beran added that all cases are eligible for review indeterminate of the progress of the case. Lastly, Beran responded that he has demographic information of the cases and would be able to provide that information to the Commission.

8. Foster Care Review Office Annual Report and Discussion

Chair Brandner welcomed Dr. Katie Bass, from the Foster Care Review Office. Dr. Bass directed the Commission's attention to a [PowerPoint presentation](#). She provided an overview regarding the process of review, collaboration, data collection and monitoring, and recommendations of the FCRO. The FCRO is very focused on the best interests of the child and can make recommendations throughout the life of the case, but also has the ability to review data to make systemic recommendation, as the FCRO is an independent state agency. Dr. Bass explained the Foster Care Tracking System (FCTS) as their independent database that receives updates from the DHHS NFOCUS system.

Dr. Bass provided historical information regarding youth coming into care, and clarified that the FCRO does not have information regarding Tribal wards, unless the ward is in the state court system, and identified under the Indian Child Welfare Act (ICWA). She relayed information regarding legislative recommendations. One recommendation is to conduct a study examining changes needed to the juvenile court jurisdiction statute found at [Neb. Rev. Stat. §43-247](#). Another recommendation is to 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. She added that daily population of state wards has been rapidly declining since June 2017, and at the same time non-court involved families was increasing due to the use of "Informal Living Arrangements." Further recommendation to the Legislature proposes to 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. Dr. Bass added that data regarding youth attendance at court hearings is around 14%. Dr. Bass also provide information regarding to specific recommendations to DHHS.

Dr. Bass answered questions regarding youth coming into care under "Informal Living Arrangements," that the data hasn't been historically provided to the FCRO. Member Hawekotte answered questions regarding specific reasons for placement and data showing multiple placements for younger children.

Lori Harder answered the question that IV-E funding can only be drawn on licensed homes. She relayed to the Commission that Relative and Kinship homes can now complete training and receive licensure via online training, thus allowing IV-E funding to be drawn down to support the foster family. Members discussed the proposed training for kinship and relative foster parents. Harder also clarified a change in process of completing home studies.

Member Hawekotte added that [LB 388](#), currently in the Judiciary Committee seeks to address the filing of termination of parental rights. Hawekotte also clarified the recommendation that the Guardian Ad Litem be provided a copy of the Home Study, as the GALs are not currently receiving copies.

9. Nebraska Alliance of Child Advocacy Centers Non Court Cases

Chair Brandner welcomed Ivy Svoboda and Sarah Forrest from the Nebraska Alliance of Child Advocacy Centers. Svoboda directed the Commission's attention to a copy of the [NACAC 2019 Annual Non-Court Child Welfare Report](#) and provided a brief overview of the Alliance of CACs and their child welfare oversight and collaborative role.

Sarah Forrest discussed data regarding non-court cases. In May of 2018 DHHS changed policy regarding referring for non-court oversight. Forrest answered questions regarding the data presented, that it comes from informal surveys of multidisciplinary team members and not a centralized data tracking system. Lori Harder added that during the flooding, the Bring Up Nebraska Initiative and the Douglas County Collaborative helped keep families from 400 evacuated homes from coming into care by referring those families to community prevention providers to meet the needs of the families without DHHS involvement. Harder noted that this is happened ahead of the Families First Prevention Act implementation.

10. Eastern Service Area Transition from PromiseShip to Saint Francis.

Dustin Zabokrtsky, Ross Manhart and Jodi Austin came before the Commission to provide updates and answer questions regarding the transition of child welfare case management from PromiseShip to Saint Francis in Douglas and Sarpy Counties.

Zabokrtsky relayed to the Commission the goals and progress of the ESA case management transition to Saint Francis. He welcomed Commission Members to provide feedback and offer opportunities for improvement. He added that this open communication may allow the community to dispel and stories or rumors that may be out there. Zabokrtsky announced that approximately 1000 cases and/or families have been transferred, which is about 60%. 58 case managers have transferred along with their caseloads. 100 case managers have been hired. Eight directors, twenty-two supervisors have also been hired. There is a weekly transfer meeting between DHHS, PromiseShip and Saint Francis. There is a Second Office in Sarpy County. 100% of the Readiness Assessment for Case Management and 67% of Total Transition Readiness Items are currently complete, and on track to be completed by January 1, 2020. It will be available online and updated every three weeks on the DHHS website.

Ross Manhart announced that DHHS plans to do a town hall meeting in December and then another in January. Location to be determined. Manhart referred to a link on the DHHS website called [ESA Transition](#) that contains helpful information up for public consumption.

Austin answered a question regarding diversity and inclusion. She stressed the importance of maintaining the current workforce that serve the current families. Commission Members believed that staff being hired from PromiseShip were proportionately diverse in respect to the communities served. Austin added that she believed after the end of the year, a focus could be made to increase the diversity of the workforce, but the current focus is to maintain current relationships between workers and families.

In response to the caseload numbers, Austin addressed the staffing level concern that staffing ratios were being exceeded. There was a language clarification regarding kinship work in Kansas versus Nebraska. She added that ongoing training will be provided in the future, and that currently training is provided by CCFL. Austin announced that contracts hope to be in place by the end of November, however would like to get them out prior to thanksgiving.

Zabokrtsky and Austin addressed the question regarding staffing concerns and infrastructure regarding the transition. Austin assured the Commission that infrastructure and services are in place. There is an issue regarding firewall and email access that Saint Francis is currently working on. Austin noted that there was a workaround for those that needed emergency access to email, and that this issue should be resolved soon.

Austin added that she will relay information regarding the makeup of the board of directors, and the financial stability of Saint Francis is healthy. Saint Francis is also supported by a foundation that can step in and help if needed.

Austin responded to a question regarding ICWA compliance, that an ICWA Specialist has been hired, and that two individuals have been hired that are able to testify as qualified expert witnesses in those matters.

Manhart noted that the questions provided to this panel will be posted on the DHHS website. Lori Harder added that Ross Manhart's role at DHHS has been added as a result of the RFP for transition to Saint Francis.

Zabokrtsky reiterated the fact that everyone has the common goal of protecting children and families, and that communication is the key. He welcomed the opportunity to inform the Commission on strategic planning.

11. Office of Inspector General of Child Welfare Annual Report and Discussion

Chair Brandner introduce and welcomed Julie Rogers, Inspector General of Child Welfare. Rogers provided an overview and history of the Office of Inspector General of Child Welfare. She provided data regarding the investigations completed by the Office of Inspector General and discussed the DHHS recommendations, and the process her office completes after making recommendations. Rogers added that DHHS has yet to meet the requirements per the statutorily required caseload standard. Lori Harder responded that there have been ongoing discussions regarding caseload standards.

Rogers continued by presenting outcomes and recommendations as a result of actual events.

Rogers clarified that the report on Juvenile Room Confinement does not cover schools. There is interpretation discrepancies regarding reporting per the Juvenile Room Confinement statute. Additionally, Rogers clarified the process of accepting, rejecting, or requesting modification on recommendations. She also clarified that the OIG does not review Tribal data.

Rogers presented information regarding a County Attorney Non-Court Survey, conducted this fall. This survey will be available from the oig.legislature.ne.gov website.

Commission Staff previously emailed a link to the [OIG Annual Report](#) referenced during Rogers' presentation.

Williams-Smotherman added that IV-E funds may be able to be drawn down to provide 50% of the legal fees for representation for parents and youth per the FFPSA. Member VanDyke-Ries also added that Court Improvement Project will be looking into this possibility.

12. Strategic Priority Discussion

Commission Policy Analyst Chris Jones and Chair Brandner led discussion on Strategic Priorities. Members recommended Tribal youth data, quality legal representation, services to families in crisis, data based on demographics, youth attending court, out of home maltreatment data, oversight of non-court cases, collaboration, safety of youth in out of home care, suicide, red-flag laws, race data, community engagement, lack of services for youth with high-level needs in out of state placements, YRTCs, Regional Centers, behavioral health service array, monitoring ESA transition including financial stability, CAC non-court data collaboration, placement stability (including guardianship and adoption), engagement and approach, B2i program; Tribal Youth eligibility, education of state wards (career prep/basic life schools), sex trafficking (missing and murdered indigenous women and children), monitoring YRTC placements, rural resources (service access), and substance abuse services.

13. Public Comment

Chair Brandner opened the floor for public comment. There was no public comment offered.

14. Upcoming Meeting Planning

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| a. December 10, 2019 9:00am to 3:00pm | d. August 18, 2020 9:00am to 3:00pm |
| b. February 18, 2020 9:00am to 3:00pm | e. November 17, 2020 9:00am to 3:00pm |
| c. May 19, 2020 9:00am to 3:00pm | |

15. Adjourn

The meeting adjourned at 3:04 p.m.

Respectfully Submitted,
Adam Anderson