

Nebraska Children's Commission Meeting

December 10, 2019

9:00 a.m. – 3:00 p.m.

CEDARS Northbridge 1533 N 27th St, Lincoln, NE 68503

1. Call to Order

Vice Chair Lana Temple-Plotz noted the absence of Chair Jeanne Brandner and called the meeting to order at 9:10 a.m. She welcomed everyone to the meeting, and asked everyone to introduce themselves.

2. Introductions and Roll Call

Commission Members Present (13)

Breanna Anderson (11:50 a.m.)	Ron Giesselmann	Lana Temple-Plotz
Jim Blue	Richard Hasty	Susan Thomas
A'Jamal Byndon	Jessica Hilderbrand	Melanie Williams-Smotherman
Kathy Dinkel	Terri Knutson	
Misty Frazier	Felicia Nelsen	

Commission Members Absent (2)

Beth Baxter
Vernon Davis

Commission Ex-Officio Members Present (6)

<i>Proxy for Sherri Dawson</i> , Tamara	Kim Hawekotte	Julie Rogers
Gavin	Sen. Patty Pansing Brooks (10:56 a.m.)	Deb VanDyke-Ries
Lori Harder		

Commission Ex-Officio Members Absent (5)

Senator Kate Bolz	Jeanne Brandner	Senator Lynn Walz
Michele Borg	Judge Roger Heideman	

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

Guests in Attendance (10)

Adam Anderson	Nebraska Children's Commission
Katie Bass	Foster Care Review Office
Peg Harriot	Chair of the Foster Care Reimbursement Rate Committee
Chris Jones	Nebraska Children's Commission
Tami Soper	Office of Senator Kate Bolz
Chris Triebisch	Office of Senator Patty Pansing Brooks
Bill Williams	Co-Chair of the Foster Care Reimbursement Rate Committee

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 Susan Thomas and seconded by Jessica Hilderbrand to approve the agenda as presented.

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

FOR (12):

Jim Blue	Ron Giesselmann	Felicia Nelsen
A'Jamal Byndon	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
Beth Baxter
Vernon Davis

MOTION CARRIED

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

4. Approval of Consent Agenda

Prior to the meeting it was noted by Policy Analyst, Chris Jones that the Committee Member Nomination of Julie Smith had been withdrawn from the Consent Agenda pending further discussion and a decision by Nebraska Administrative Office of the Courts and Probation.

- a. [Approval of November 18, 2019 Meeting Minutes](#)
- b. ~~Committee Member Nomination Report~~

Strengthening Families Act

- ~~• Representative from the Juvenile Probation System~~
 - ~~○ Julie Smith, to replace Jim Bennet (Non-Voting) Juvenile Justice Program Specialist, Nebraska Administrative Office of the Courts and Probation~~

Felicia Nelsen moved to approve the November 18, 2019 Meeting Minutes as presented. Misty Frazier seconded the motion. No further discussion ensued. Roll call vote as follows:

FOR (12):

Jim Blue	Ron Giesselmann	Felicia Nelsen
A'Jamal Byndon	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

Beth Baxter
Vernon Davis

MOTION CARRIED

5. Chair Report

Vice Chair Lana Temple-Plotz reminded Members that the Eastern Service Area transition materials were sent yesterday to Members. She noted that there is a town hall coming up for the ESA transition to Saint Francis, and encouraged Members to attend. Temple-Plotz also noted that there is a briefing on Friday, 12/13/19 where Policy Analyst Chris Jones will present an overview of the Commission and the upcoming recommendations to the Health and Human Services Committee of the Legislature. Jones noted that she will be highlighting the historical background, annual report and strategic priorities for the upcoming year. Executive Committee Member Hasty will be in attendance at the hearing and offered that it would be helpful for others to attend to show support, if schedules permit.

6. Foster Care Reimbursement Rate Committee

Peg Harriott and Bill Williams, Co-Chairs of the Foster Care Reimbursement Rate Committee, provided a historical overview of the FCRRRC. Harriott directed Commission Members' attention to the [handouts provided](#) and [PowerPoint presentation handout](#). She explained the research completed to develop rates assigned to the FCRRRC and the Workgroups. Williams added detail about the specific work of the Workgroups and noted the process in which recommendations are brought forward to the larger FCRRRC Committee. Harriott noted additional information about the rates and the methodology used to determine the rates.

Harriott answered questions regarding rate transparency to the foster parents, noting that occasionally the Committee has heard of concerns of the Nebraska Caregiver Responsibility Tool not being filled out in the presence of the Foster Parent. Vice-Chair Temple-Plotz added that DHHS assesses the needs of the children and the NCR assesses the level of responsibility of the foster parent, and the payment is based on the willingness of the foster parent to provide those accommodations to the children. Members discussed the oversight of the foster parents.

CFS Deputy Director, Lori Harder, answered specific questions regarding kinship and relative placements, and how DHHS is managing and training specific placements.

Harriott continued by updating the Members regarding the adoption and guardianship rate recommendations and discussions had by the Committee.

Commission Policy Analyst, Chris Jones addressed the question regarding Probation's utilization of only the highest level of foster care parent, as youth that are placed out of home in the Probation system represent youth with the highest level of need.

7. Strengthening Families Act Committee

Chris Jones directed the Commission's attention to a [PowerPoint handout](#) and provided a historical and organizational overview of the Strengthening Families Act Committee. Jones noted the work of the Subcommittees and Workgroups of the Committee, such as the work of the Normalcy Subcommittee regarding reviewing normalcy plans of the providers, the work of the Trafficking Subcommittee regarding keeping youth from becoming victims of sex-trafficking. Jones noted that the APPLA workgroup reviewed the best practice for transitional-aged youth life-skills assessments, and the Court Implementation Workgroup looked at inclusion of parents and youth in court proceedings.

Members discussed the youth notifications of rights and courtroom attendance at hearings. Member VanDyke-Ries noted that Juvenile Court Judges have been reminded to include information about response forms and youth attending court hearings. Jones noted that this has been recommended by the Committee however it is not required by statute.

Lastly, Jones provided the SFA Committee’s Annual Report Recommendations, which were approved by the Commission in 2019; and provided the work of the Committee in 2020.

8. Juvenile Services Committee Update

Juvenile Services Committee Co-Chair, Kim Hawekotte, directed the Commission’s attention to the [PowerPoint handout](#) and provided a historical and organizational overview. She noted that the JSC has a collaboration with the Nebraska Coalition for Juvenile Justice. Hawekotte provided information regarding the emerging priorities of the JSC and the NCJJ. She noted that youth suicide is an increasing issue in the state as well as with the youth in the juvenile justice system. The JSC and NCJJ held a conference in 2019 regarding youth suicide. Additionally, Hawekotte discussed the work the Committees have done in collaboration with the Office of Senator Pansing Brooks on increasing legal representation for youth and families, an issue pointed out by the OIG. The priorities also include dually-adjudicated youth, high utilizers of service, racial and ethnic disparities, and the YRTC system. Hawekotte offered for Members to provide feedback or answer questions. Members discussed the need for collaboration between the Division of Children and Families and Probation, and perhaps evaluations needed regarding Developmental Disabilities.

9. Bridge to Independence Advisory Committee

Policy Analyst, Chris Jones directed the Commission’s attention to a [PowerPoint handout](#), provided an overview of the Bridge to Independence Advisory Committee and discussed the scope of the Committee and its third-tier groups. Jones noted the statutory history of the B2i Advisory Committee and the evaluation of the B2i Program.

Evaluation and Data Collection Chair, Dr. Katie Bass provided an overview of the B2i Program Evaluation. Bass noted the struggles in data collection for this particular youth cohort. Data for the evaluation came from youth who have accessed services in some way. Bass presented some key findings from the [B2i Program Evaluation](#), including youth who had higher levels of hope than non-participants, and the levels of success, as defined by youth participants. Definitions of success from the youth differ from operational definitions of success such as enrolling in college, as that is not a goal for all youth. Youth defined success as feeling “normal.” Lastly, Bass noted another key finding that recommended ongoing evaluation of the program.

Dr. Bass answered questions regarding the utilization of Opportunity Passport.

Members discussed the “cliff effect” of ending the stipend at age 21 and the normalcy of becoming an adult. During the discussion, Lori Harder noted that the B2i is about voice and choice, and that it is a person-center led plan led by the individual, and the Independence Coordinators are trying to provide informed consent about decision-making. She noted that youth are predominately located in the eastern half of the state, and that DHHS is looking at the uniformity of this program to address this issue the state.

Members discussed recommendations to the Legislature, support of current legislation, and long-term strategic planning. Senator Pansing Brooks discussed the utilization of the Commission to support current legislation and welcomed open discussion. Chris Jones noted that the B2i Committee is seeking approval to discuss with agency partners a legislative change to resolve eligibility barriers for developmental disability eligible youth.

Melanie Williams-Smotherman moved to approve the recommendations of the Bridge to Independence Advisory Committee as presented, to include: seeking a statutory language change 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; and seeking to pursue a statutory change to §43-4504(5) to resolve any eligibility barriers for young adults in need of services and support. A’Jamal Byndon seconded the motion. Chris Jones clarified the role and actions of the Committee and Commission that would follow an approval. Roll call vote as follows:

FOR (12):

Breanna Anderson
A’Jamal Byndon
Kathy Dinkel
Misty Frazier

Ron Giesselmann
Richard Hasty
Jessica Hilderbrand
Terri Knutson

Felicia Nelsen
Lana Temple-Plotz
Susan Thomas
Melanie Williams-Smotherman

AGAINST (0):

ABSTAIN (0):

ABSENT (3):

Jim Blue

Beth Baxter

Vernon Davis

MOTION CARRIED

10. DHHS Update

DHHS Deputy Director, Lori Harder announced to the Commission that Nebraska got an “A” in the laws protecting kids from criminal sexual exploitation of children from the Share of Hope International, up from a “B” last year, and an “F” in 2011. Nebraska is one of only six states that have improved four letter grades since 2011. Chris Jones noted this grade stemmed from changes in laws, prosecution, intervention and policy supporting survivors. She noted one law enacted this year requires DHHS to investigate all allegations involving child sexual exploitation, regardless of who the caregiver is. Harder continued by sharing that DHHS is working on implementing FFPSA, allowing the states to receive Title IV-E funding for prevention services. Nebraska was one of the early adopters of this Federal program that allows for IV-E funds drawdown. Harder stated that DHHS submitted their five-year plan on October 16th. She added that Nebraska was one of the only states that expanded the criteria for candidacy for foster care. Harder noted the expanded criteria for candidacy that includes, “any child presenting with extraordinary needs, whose parents or caretakers are unable to secure assistance for them.” This would include the high number of kids that are coming into the system that are developmental disability eligible that are not funded. On November 21st, the Federal partners responded for planning information, but did not question the expanded definitions for candidacy. That response sparked great joy in the office, as it will now allow DHHS to refer any youth fitting those criteria to community-based services, using a well-supported evidence-based practice, to draw down 50% on all the services. This will allow DHHS to expand their service array to meet the needs of children. Harder noted there is a FFPSA page that members can subscribe to for updates. DHHS.NE.GOV and [search for FFPSA](#). Chris Jones will share this information with Commission Members.

Harder updated the Commission regarding the qualified residential treatment program and the criteria for placements drawing down IV-E funding. She noted the criteria for accreditation and shared that DHHS is working with providers to become QRTP accredited. This will allow federal funding drawdown for at least one year after the medical necessity would end, as long as the placement is deemed necessary by a third party evaluation, conducted by the Behavioral Health Region partners. Currently OMNI is accredited, and border states as long as they are Nebraska Medicaid providers.

Harder answered questions regarding FFPSA and no-fault adjudications as they relate to terms of the abuse and neglect laws. She noted, to fix this issue of no-fault filings DHHS recommended one criteria be that a child with extraordinary circumstances whose parents are not able to provide for that child would be a candidate for foster care. This would address the youth that came into the system during the original Safe Haven law enactment.

Harder provided history and context regarding the Alternative Response Pilot and updated the committee regarding expansion of the pilot. After meeting AR eligibility there was a randomizer that selected 50% for AR. As of November 11th, the randomizer has been moved up to 75%, and staff have been trained to do AR statewide. She noted that AR comes from Minnesota, whose laws are far more specific regarding child abuse. Harder explained some of the history and reasoning behind the exclusionary criteria for AR eligibility the criteria being related to criminal statutes in Nebraska. At public hearing there were concerns from stakeholders regarding the reduction in exclusionary criteria. Harder noted that Minnesota revised statutes at the same time as bringing in AR. Member Hawekotte added information regarding child welfare law in Minnesota. AR in Nebraska is expanding, and will possibly be revised with reduced exclusionary criteria.

Lastly, Harder updated the Commission regarding Safety Organized Practice, which will be rolling out. Harder noted that SOP training will become part of new worker training. She answered specific questions regarding AR training and the AR program for the Tribes.

11. Strategic Priorities

Members engaged in lengthy discussion and activity regarding strategic priorities and added suggestions to the list of strategic priorities for voting purposes. Policy Analyst, Chris Jones, will take the list of voted on priorities to develop policy statements.

It was moved by A’Jamal Byndon to approve the priority areas as presented during the strategic priority presentation and discussion, to include: uphold the work of statutory committees; placement stability; racial and ethnic disparities; prevention; truancy and status offense filing statutes. Misty Frazier Frazier seconded the motion. There was no further discussion. Roll call vote as follows:

FOR (13):

Breanna Anderson
Jim Blue
A’Jamal Byndon
Kathy Dinkel
Misty Frazier

Ron Giesselmann
Richard Hasty
Jessica Hilderbrand
Terri Knutson
Felicia Nelsen

Lana Temple-Plotz
Susan Thomas
Melanie Williams-Smotherman

AGAINST (0):

ABSTAIN (0):

ABSENT (2):

Beth Baxter
Vernon Davis

MOTION CARRIED

12. Public Comment

Vice Chair Temple-Plotz opened the floor for public comment. There was no public comment offered.

13. New Business

Vice Chair Temple-Plotz proposed to the Commission Members the idea to create a Subcommittee to work with the Policy Analyst to develop and maintain a list legislative bills relating to child welfare that will in turn receive support or opposition from the Commission. The group will have 3-5 members with the Policy Analyst as a lead. This Subcommittee will allow the Commission to keep current child welfare legislation in front of the Commission in order to quickly take positions on said legislation.

It was moved by A’Jamal Byndon to create a Legislative Workgroup, comprised of 3-5 Commission Members and led by the Policy Analyst of the Nebraska Children’s Commission, to track and present information to the Commission regarding current and upcoming legislation pertaining to Child Welfare and Juvenile Justice. The motion was seconded by Susan Thomas. There was no further discussion. Roll call vote as follows:

FOR (13):

Breanna Anderson
Jim Blue
A’Jamal Byndon
Kathy Dinkel
Misty Frazier

Ron Giesselmann
Richard Hasty
Jessica Hilderbrand
Terri Knutson
Felicia Nelsen

Lana Temple-Plotz
Susan Thomas
Melanie Williams-Smotherman

AGAINST (0):

ABSTAIN (0):

ABSENT (2):

Beth Baxter

Vernon Davis

MOTION CARRIED

Lastly, Temple-Plotz formally recognized Chris Jones for her dedicated work on the Commission, for working on legislation to keep the Commission alive, and for everything she has done since coming to the Commission, at which time Jones received a round of applause. Kim Hawekotte noted that the FCRO will delegate Chris Jones' exit interview to the Executive Committee of the Commission.

14. Upcoming Meeting Planning

- a. February 18, 2020 9:00am to 3:00pm
- b. May 19, 2020 9:00am to 3:00pm
- c. August 18, 2020 9:00am to 3:00pm
- d. November 17, 2020 9:00am to 3:00pm

15. Adjourn

The meeting adjourned at 2:30 p.m.

Respectfully Submitted,
Adam Anderson