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Nebraska Children's Commission 2019- 2020 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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* Due to the Covid-19 pandemic, several statutory committees were not able to formally vote on approval of their reports. The reports were sent to committee members for informal feedback and the final reports reflect their input.

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 actively determined strategic priorities in 2019 and encountered challenges and delays in 2020 with the Covid-19 pandemic. The pandemic created difficulties for meeting in person and also barriers with unexpected scheduling conflicts as a result of many members working from home. The Commission continued to make progress through the work of subcommittees and workgroups for each of the statutory committees.

2019-2020 HIGHLIGHTS

1. The Commission sunset date was removed in 2019 by LB600. Much of the focus over the last year has been rebuilding the Children’s Commission and determining strategic priorities.
2. The Commission approved the work products of the Statutory Committees submitted and presented over the last year and advances them to the Legislature, Department of Health and Human Services (DHHS), and the Governor for consideration.
3. The Foster Care Reimbursement Rates Committee submitted a thorough report with crucial recommendations for foster care rates in Nebraska.

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 (b2i) 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 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 introduced by Senator Pansing Brooks that extends the age of eligibility for youth aging out of the tribal court system. [LB849](#) was amended into [LB848](#), which was not advanced through final reading.

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. Several key findings came out of the evaluation and will be further investigated by workgroups within the b2i committee. A copy of the external evaluation can be reviewed at: [\(link will be inserted from NCC website\)](#)

The Bridge to Independence Advisory Committee's 2019-2020 annual report is available for review at:

<https://tinyurl.com/B2iReport2019>.

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 before their 19th 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. Caseworkers for pending b2i participants should work closely with Independence Coordinators to help educate young people about the program and help establish a budget before they receive their first monthly financial stipend.

STATUTORY GROUPS

Foster Care Reimbursement Rate Committee

Peg Harriott, Chair

The Foster Care Reimbursement Rate Committee (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 submitted the 2020 legislative report and recommendations, to the Legislature on June 22, 2020. In preparation for this report, the FCRRC developed recommendations derived from the FCRRC statutory charge, as well as work that has been assigned to the FCRRC through the Commission. Since 2016, the FCRRC and Children's Commission identified the need for the development of a higher level of caregiving reimbursement for children with exceptional medical, developmental and/or behavioral health needs, and the need for an in-home wraparound treatment family care model to maintain family like settings and prevent residential treatment placement.

The FCRRC divided the work into four workgroups comprised of state and child placing agency representatives, foster care and foster parent advocates and stakeholders. The recommendations contained in the report are based on federal reports, Nebraska foster care data, use of past formulas and historical information, national and border state research, Nonprofit of the Midlands Salary indices, surveys with foster parents and foster care agencies and market rate of current Professional Foster Care services by Promiseship and Juvenile Probation.

The 2020 report of the FCRRC is available at:
<https://tinyurl.com/FCRRCReport2016>.

RECOMMENDATIONS

1. The FCRRC recommends the Foster Parent reimbursement rates be adjusted for a 2% inflation over the next six years. An inflation increase to the foster parent reimbursement rates and agency supported foster care rates to span until the 2025 legislative session immediately following the report due in 2024.
2. The FCRRC recommends the development and implementation of a fourth tier of reimbursement for specialized caregiving for children who have exceptional medical, behavioral or developmental needs which necessitate extenuating caregiving responsibilities.
3. The FCRRC Recommends DHHS, Saint Francis and Tribal Courts adopt and implement the use of the revised Nebraska Caregiver Responsibility Tool. The Nebraska Caregiver Responsibility assessment tool modifications contained herein reflect the uniqueness of the specialized level of responsibility and the needs of children and their caregivers achieving permanency through adoption or legal guardianship.
 - a. Implement the use of the NCR at DHHS, Saint Francis and in Tribal Courts.
 - b. Develop revised training curriculum for the most recent version of the NCR for case managers and supervisors.
 - c. Assimilate components of the NCR Specialized Level of Care with service definitions and vouchers for Juvenile Probation.
 - d. Utilize the NRC Specialized Level of Care to minimize letters of agreement and reduce permanency barriers.
4. The FCRRC recommends DHHS Divisions of Medicaid and Long Term Care and Children and Family Services adopt the recommended Treatment Family Care service definition and rate structure.
5. The FCRRC recommends updates to the Nebraska Administrative Code 479, Chapters 7 & 8 specific to the Guardianship and Adoption Assistance programs increase request and appeal process to ensure equitable access to services and support to all children subject to assistance agreements.

STATUTORY GROUPS

Juvenile Services Committee

Nick Juliano, Chair

The Juvenile Services Committee (JSC) of the Nebraska Children’s Commission and the Nebraska Coalition for Juvenile Justice (NCJJ) present their 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.

ZERO Suicide Presentation

Dr. Kate Speck from the University of Nebraska Public Policy Center presented on the ZERO suicide initiative at the January 30, 2020 meeting. The State of Nebraska has received two significant suicide prevention grants that have been distributed across the state. The Behavioral Health Regions have built solid infrastructure for suicide prevention. The most significant data point shared during this presentation was the increased rate of suicide in 10-24 year olds and the corresponding higher rate than national average. Suicide is the second leading cause of death for youth under the age of 24. Dr. Speck also noted that there are regional difference in suicide rates. Dr. Speck emphasized the importance of the working collaboratively as a system to address gaps in suicide prevention efforts. With the approval of NCC, a new workgroup will be started to look at a gap analysis on suicide prevention.

Juvenile Justice Reform Initiative

Deputy Director of Juvenile Probation, Kari Rumbaugh shared the Juvenile Justice Action Plan for Juvenile Justice Reform with this Committee at the January 30, 2020 meeting. Part of the plan is focused on promoting individual behavior change through models such as Advanced Coaching 4 Excellence (AC4E), which was launched in 2017 in order to improve and streamline their work. Juvenile Probation officers will be trained on skill building and case plans are now referred to as success plans in order to emphasize youth driven plans for success.

Transitions

This has been a year of transitions for leadership at Juvenile Services Committee and the Nebraska Children’s Commission. Former JSC chair, Kim Hawekotte transitioned out of her role as the FCRO Executive Director and vacated her seat as chair of JSC. Nick Juliano was appointed as chair in May of 2020 and **Deb VanDyke Ries’ chair appointment will go before NCC for a vote in August 2020**. With two new leaders at the helm of JSC, we will be focusing on strategic planning and re-prioritizing workgroups for 2021. In addition to changes in leadership roles, this year also brought a pandemic with the Covid-19 outbreak. The pandemic significantly impacted JSC members and the juvenile justice system as a whole. During the pandemic, JSC took a pause from meetings to allow members to focus on their respective agencies to ultimately ensure stability for the juveniles and families they serve.

The Juvenile Services Committee’s 2019-2020 Annual Report is available at:
<https://tinyurl.com/JSCReport2019>.

RECOMMENDATIONS

1. Normalcy should extend to youth in care in all systems, 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 Jessica Rockeman, 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 has three active Subcommittees to fulfill the detailed work of prioritized initiatives. These include: 1) the Trafficking Subcommittee, 2) the Another Planned Permanent Living Arrangement (APPLA) Subcommittee and 3) Normalcy Subcommittee.

Summary of Activities 2019-2020

During FY2020, the NSFA Committee, with the help of system stakeholders, made great progress continuing to advance culture changes within the child welfare and juvenile justice systems. Collaboration helped 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 on planning around strategic priorities determined by NCC members after the sunset date was removed in 2019.

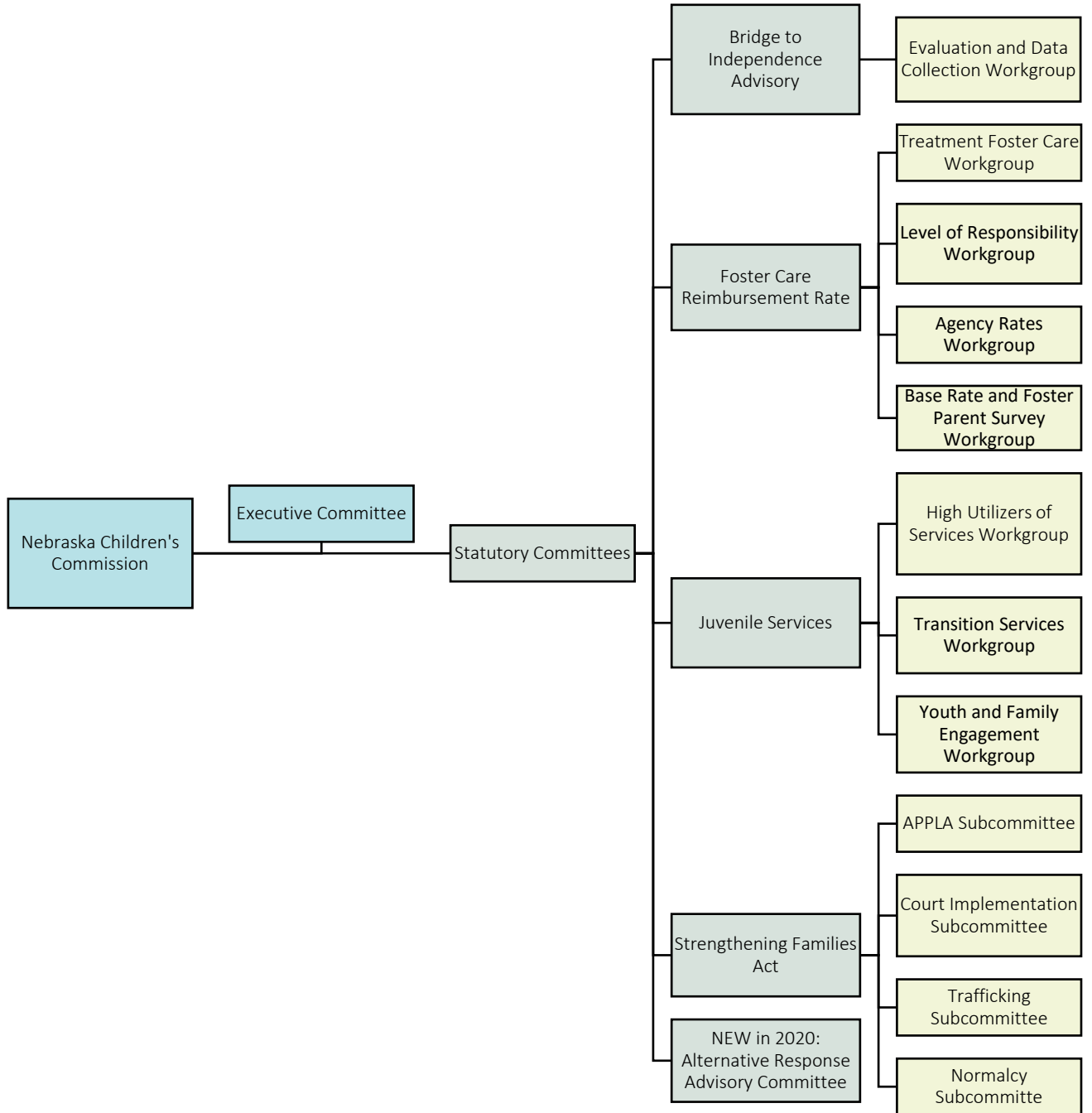
The Normalcy Subcommittee reviewed Normalcy Plans and Reports submitted by child-caring agencies (pursuant to [§43-4706](#)) and plans to work with agencies

The APPLA Subcommittee reviewed the [FCRO 2019 Annual Report](#), which identified concerns with Independent Living Assessment (ILA). The ILA is completed for youth ages 14-18. It was completed for 38.2% of youth during the fiscal year reviewed. During the next report year, the Subcommittee plans to further examine this data in partnership with FCRO and other stakeholders in order to develop recommendations for improving this area for youth.

The Trafficking Subcommittee reviewed trafficking related intake information from DHHS. Data from the May 2020 meeting can be found on pages 7-9 of the NSFA Annual Report. Additionally, this Subcommittee will work in collaboration with NHTTF to identify areas of need. Currently, NHTTF does not have subgroups specifically focused on youth trafficking, services or response. These may be areas for this Subcommittee focuses on during the next report year.

The Strengthening Families Act Committee 2019-2020 Annual Report is available at: <https://tinyurl.com/SFARReport2019>.

NEBRASKA CHILDREN'S COMMISSION ORGANIZATIONAL STRUCTURE



NEBRASKA CHILDREN'S COMMISSION MEMBERS

Member Name	Member Type	Title and Organization	Representation
Breanna Anderson	Voting	Platte County Deputy County Attorney Platte County Nebraska	Stakeholder in Child Welfare or Juvenile Justice System
Beth Baxter	Voting	Administrator , Behavioral Health Region 3	Stakeholder in Child Welfare or Juvenile Justice System
Jim Blue	Voting	President & Chief Executive Officer , CEDARS Youth Services	Stakeholder in Child Welfare or Juvenile Justice System
A'Jamal Byndon	Voting	Racial and Ethnic Disparities Coordinator , Douglas County	Stakeholder in Child Welfare or Juvenile Justice System
Vernon Davis	Voting	Young Adult , Young Adult Previously in Foster Care	Young Adult previously in Foster Care
Kathy Dinkel	Voting	Adoptive Parent ,	Stakeholder in Child Welfare or Juvenile Justice System
Misty Frazier	Voting	Executive Director , Nebraska Indian Child Welfare Coalition	Representative of a federally recognized Indian tribe residing within the State of Nebraska
Ron Giesselmann	Voting	Executive Director , Masonic-Eastern Star Home for Children	Stakeholder in Child Welfare or Juvenile Justice System
Richard Hasty	Voting	Superintendent and Special Education Director , Plattsmouth Community Schools	Stakeholder in Child Welfare or Juvenile Justice System
Terri Knutson	Voting	Parent ,	Biological Parent currently or previously involved in CW or JJ
Felicia Nelsen	Voting	Executive Director , Nebraska Foster and Adoptive Parent Association	Stakeholder in Child Welfare or Juvenile Justice System
Jessica Rockemann	Voting	Child and Family Advocate , Nebraska Children and Families Foundation	Stakeholder in Child Welfare or Juvenile Justice System
Lana Temple-Plotz (Vice Chair)	Voting	Chief Program Officer , Nebraska Children's Home Society	Stakeholder in Child Welfare or Juvenile Justice System
Susan Thomas	Voting	Court Appointed Special Advocate , Nebraska CASA Association	Stakeholder in Child Welfare or Juvenile Justice System
Melanie Williams-Smotherman	Voting	Executive Director , Family Advocacy Movement	Stakeholder in Child Welfare or Juvenile Justice System
Stephanie Beasley	Ex-Officio	Director, Division of Children & Family Services , DHHS, Division of Children and Family Services	Director of Children and Family Services Division of DHHS
Michele Borg	Ex-Officio	Education of Systems-Involved Students (ESIS) Coordinator , Nebraska Department of Education	Designee of the Commissioner of the Department of Education
Jeanne Brandner (Chair)	Ex-Officio	Deputy Administrator of the Division of Juvenile Services , Administrative Office of Probation	Appointed by the State Court Administrator

Member Name	Member Type	Title and Organization	Representation
Sheri Dawson	Ex-Officio	Director , DHHS, Division of Behavioral Health	Director of Behavioral Health Division of DHHS.
Monika Gross	Ex-Officio	Executive Director , Foster Care Review Office	Executive Director of the Foster Care Review Office
Judge Roger Heideman	Ex-Officio	Separate Juvenile Court Judge , Lancaster County Separate Juvenile Court	Appointed by the State Court Administrator
Sen. Patty Pansing Brooks	Ex-Officio	Senator, District 28 , Nebraska Legislative Council, District 28	Designee of the Chairperson of the Judiciary Committee of the Legislature
Vacant	Ex-Officio	,	Designee of the Chairperson of the Appropriations Committee of the Legislature
Vacant	Ex-Officio	,	Inspector General of Nebraska Child Welfare
Deb VanDyke-Ries	Ex-Officio	Director , Nebraska Court Improvement Project	Appointed by the State Court Administrator
Sen. Lynne Walz	Ex-Officio	Senator, District 15 , Nebraska Legislative Council	Designee of the Chairperson of the HHS Committee of the Legislature

Eff. August 2020