

**Nebraska Children’s Commission Meeting**

January 19, 2021  
9:00 a.m. – 1:00 p.m.  
Webex

**1. Call to Order**

Chair Jeanne Brandner welcomed everyone and called the meeting to order at 9:08 a.m.

**2. Introductions and Roll Call**

***Commission Members Present (14)***

Breanna Anderson	Kathy Dinkel	Felicia Nelsen
Beth Baxter	Misty Frazier	Lana Temple-Plotz
Jim Blue	Ron Giesselmann	Susan Thomas
A’Jamal Byndon	Richard Hasty	Melanie Williams-Smotherman
Vernon Davis (10:35 am)	Terri Knutson	

***Commission Members Absent (1)***

Jessica Rockemann

***Commission Ex-Officio Members Present (9)***

<i>Proxy for Stephanie Beasley</i> , Emily Kluver	Jennifer Carter	Judge Roger Heideman
Michele Borg	Sheri Dawson (10:15 am)	Deb VanDyke-Ries
Jeanne Brandner	Senator Myron Dorn	
	Monika Gross	

***Commission Ex-Officio Members Absent (2)***

Senator Patty Pansing Brooks	Senator Lynne Walz
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**Roll call was taken through introductions, and a quorum was established.**

***Guests in Attendance (10)***

Payne Ackerman	Project Everlast
Adam Anderson	Nebraska Children’s Commission
Janet Anderson	Nebraska Legislative Council
Peg Harriott	Child Saving Institute
Mark LaBouchardiere	Nebraska Department of Health and Human Services
Cornelius Levering	Nebraska Appleseed
Laura Opfer	Nebraska Children’s Commission
Kari Rumbaugh	Administrative Office of the Courts and Probation
Ivy Svoboda	Nebraska Alliance of CACs
Julie Smith	Administrative Office of the Courts and Probation

*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 Children’s Commission Website.

### 3. Approval of Agenda

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It was moved by Beth Baxter and seconded by Kathy Dinkel to approve the agenda as presented. There was no further discussion. Roll call vote as follows:

**FOR (13):**

Breanna Anderson  
Beth Baxter  
Jim Blue  
A'Jamal Byndon  
Kathy Dinkel

Misty Frazier  
Ron Giesselmann  
Richard Hasty  
Terri Knutson  
Felicia Nelsen

Lana Temple-Plotz  
Susan Thomas  
Melanie Williams-Smotherman

**AGAINST (0):**

**ABSTAIN (0):**

**ABSENT (2):**

Vernon Davis

Jessica Rockemann

**MOTION CARRIED**

*Note that the order of items in the minutes will be reflective of the original agenda*

### 4. Approval of Consent Agenda

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- a. [Approval of August 18, 2020 Meeting Minutes](#)
- b. [Committee Member Nomination Report](#)
- c. [B2i Co-Chair Nomination Report](#)

Richard Hasty moved to approve the consent agenda items with a correction to the Nomination Report to include Jill Holt to the B2i Committee as a voting member, representative of a child welfare advocacy organization. Felicia Nelsen seconded the motion. No further discussion ensued. Roll call vote as follows:

**FOR (13):**

Breanna Anderson  
Beth Baxter  
Jim Blue  
A'Jamal Byndon  
Kathy Dinkel

Misty Frazier  
Ron Giesselmann  
Richard Hasty  
Terri Knutson  
Felicia Nelsen

Lana Temple-Plotz  
Susan Thomas  
Melanie Williams-Smotherman

**AGAINST (0):**

**ABSTAIN (0):**

**ABSENT (2):**

Vernon Davis

Jessica Rockemann

**MOTION CARRIED**

## 5. Strengthening Families Act Committee Co-Chair Nomination

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**Melanie Williams-Smotherman moved to appoint Misty Frazier as Co-Chair of the Strengthening Families Act Committee. Kathy Dinkel seconded the motion.** Staff member Adam Anderson clarified the voting options. No further discussion ensued. Roll call vote as follows:

**FOR (12):**

Breanna Anderson  
Beth Baxter  
Jim Blue  
A’Jamal Byndon

Kathy Dinkel  
Ron Giesselmann  
Richard Hasty  
Terri Knutson

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

**AGAINST (0):**

**ABSTAIN (1):**

Misty Frazier

**ABSENT (2):**

Vernon Davis

Jessica Rockemann

**MOTION CARRIED**

## 6. Strategic Priorities

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Vice-Chair Lana Temple-Plotz reminded the Commission regarding the Strategic Priorities and the goals and next steps in place regarding those priorities, including Committee assignments and upcoming legislation. Highlights from the next steps include: Inviting experts to provide updates to the Commission, such as the Directors of DHHS, FCRO and the Inspector General; provide feedback and recommendations to the legislature; and invite Committee Chairs to provide updates to the Commission.

Policy Analyst Laura Opfer noted that through discussion with the Executive Committee it was decided that the Strategic Priorities be reviewed during the meeting to guide meeting discussion and deciding action steps as needed.

Chris Triebisch, from the Office of Senator Pansing Brooks noted that legislation regarding truancy was to be introduced this day. Triebisch answered questions regarding public input to the legislation, noting that this particular legislation may end up carrying over into the next session, and some of the other bills that are more finalized may end up becoming the focus this year.

## 7. DHHS Update: Prevention Continuum

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Emily Kluver, Prevention Administrator from DHHS, Division of Children and Family Services provided an update regarding the Prevention Continuum. Kluver shared that Nebraska Children and Families Foundation is the lead of the Bring Up Nebraska program, and invited the Commission to invite Mary Jo Pankoke or Jennifer Skala to present information regarding the history and details of Bring Up Nebraska. Kluver added that Bring Up Nebraska is focused on supporting local community collaboratives. She shared a link in the chat of a list of collaboratives and their location in the state: [Community Well-Being | Nebraska Children](#). Kluver added that prior to the COVID-19 pandemic the number of collaboratives was 14, and since then that number has grown, as they have expanded their reach to additional counties and new collaboratives have been formed in order to meet the new needs at the community level. She continued to explain that while DHHS is at the table, the priorities are set by the community

through completion of needs assessments to determine the gaps in services in the community. Kluver noted that through the work in 2021 a main goal is to focus on youth and family voice, and that the true solutions need to come from the people that are most impacted. Over the next year DHHS is looking to host a number of youth forums in the communities to hear directly from young people with system experience about what they need to thrive. Communities will also be offered an Inclusivity Workshop to develop an understanding of diversity in their communities and what is needed to work through the institutional barriers regarding race and equity.

Kluver answered a question regarding inclusion of community members directly served by the system by noting that it is a main concern to solve the problems being faced. She noted that while it is a focus of the collaboratives it is difficult to get feedback and participation in the forums. Kluver welcomed suggestions and feedback regarding this concern. She added that DHHS has support from the Casey Family Foundation regarding compensation for youth and families to be at the table during the discussion. Members reinforced the idea of inviting and compensating youth and family for their participation. Additionally, Members discussed the efforts of the collaboratives to engage community leaders to provide youth and family feedback in the process.

Kluver added that DHHS is also exploring additional collaboration regarding COVID-19 related housing issues with Housing and Urban Development and the National Association of Insurance and Financial Advisors.

Kluver offered to reach out to the tribal partners to include their voice in the conversation.

Lastly, Kluver provided the metrics for success, noting that the Collaboratives and DHHS will not only be tracking numbers of system-involved families and calls to the hotline, but also tracking increases in protective factors, reviewing well-being outcomes for children and families such as: high-school graduation rates, poverty rates, hours to work to rent a two-bedroom apartment in the area, and tracking disproportionality; hoping to see a decrease in a five-year period.

## **8. Statutory Committees**

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### **a. Foster Care Reimbursement Rate Committee**

Laura Opfer shared information regarding the Foster Care Reimbursement Rate Committee's work regarding legislation to enact the reimbursement rate changes from their most recent report. Opfer thanked Committee Co-Chair Peg Harriot for her direction since the inception of the Rate Committee. Opfer noted that LB127 has been introduced regarding guardianship subsidies, and that additional legislation will be introduced regarding additional rate changes. She welcomed questions about how to be involved in the process.

### **b. Strengthening Families Act Committee**

Laura Opfer shared information regarding the work of the Committee. She shared that the Committee mobilized the Youth and Family Voice Subcommittee to work on the Youth Bill of Rights. She noted that the Subcommittee provided input on LB357 which introduces a Youth in Care Bill of Rights. Additionally, Opfer shared that the Normalcy Subcommittee has detailed action plans in order to work with providers to enhance normalcy plans for their agencies.

### **c. Juvenile Services Committee**

Laura Opfer shared information regarding the Committee. She noted that the Committee is currently working on reorganizing and refocusing the workgroups of the JSC. She added that new workgroups consist of the Racial and Ethnic Diversity Workgroup, YRTC Workgroup, and the Needs Assessment Workgroup. Opfer continued by stating that the JSC is keenly interested in the legislation being introduced regarding the YRTC oversight, reorganization, and any possible reform to those treatment centers.

### **d. Bridge to Independence Advisory Committee**

Commission Chair and former B2i Co-Chair Jeanne Brandner noted that per the earlier agenda item, Vernon Davis will be taking over her role as Co-Chair of the B2i Committee. She shared that she is excited that Vernon will be taking over. She reflected that her work in the Committee has been very informative over her

years of service. Brandner noted that much of the work of the Committee in recent years had focused on the evaluation of the program. Now with data to show that the program and services are successful helping youth she questioned where the Committee can now extend services to other populations. She noted that this year the Legislature has introduced a bill to extend B2i to a subset of juvenile probation youth. Brandner expressed excitement with the prospect of this legislation. She continued by noting that the Committee has looked at immigration status as a barrier to enrolling in the B2i program. She added that because of the wording of the state statutes it is barring juveniles with Special Juvenile Immigrant Status from enrolling in the B2i program. With assistance with a Senator, the Committee looks to close the gap and allow all who are eligible to apply regardless of immigration status, as was intended when B2i was introduced.

Laura Opfer added that there have been many private organizations that have stepped up during COVID-19 in order to provide services for youth that have aged out of B2i during this challenging time.

Brandner replied to a question in the chat regarding immigration status. She noted that legislation was not intentionally created to exclude special juvenile immigrants, rather an oversight in language that specifically allows for those youth to enroll. She added that Voices for Children and Applesseed have been assisting in this legislative change and offered to connect those organization with anyone interested.

## 9. Legislative Update

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Laura Opfer shared information regarding the legislation currently being followed by the Commission and directed the members' attention to the [Nebraska Children's Commission Bills of Interest 2021 - Google Sheets](#). She encouraged members to follow along. She highlighted LB83, allowing virtual meetings during emergency declarations. Opfer noted LB127 regarding a restructuring of the guardianship assistance program to allow families increases if there is a change in need in guardianship circumstances. She added that an increase is allowed in adoptions but not currently for guardianships. Continuing, she noted LB202 adds a subset of juvenile justice youth eligibility to the B2i program. Opfer noted that LB202 does not include all juvenile justice youth, but it lists out youth that have a lack of support, who have a risk of homelessness. Opfer also added that LB262 closes the gap in eligibility for youth with Special Juvenile Immigrant Status, specifically allowing youth to apply regardless of immigration status. Opfer continued by noting LB357 was introduced last year by Senator Hunt as LB941. She added that LB357 has removed the probation population as parental rights in the juvenile justice population created some issue in the original LB941.

Opfer shared that a cluster of bills relating to the YRTCs has been introduced. LB425-LB429 are all related to juvenile justice and the YRTCs. She noted that the Executive Committee will be meeting to discuss options for support of legislation.

Lastly, Opfer shared that LB495 has been introduced regarding the Foster Care Reimbursement Rates. She shared options regarding support.

Chris Triebisch also shared information regarding LB307 which is a revised bill from the previous session regarding a youth's right to counsel. Senator Pansing Brooks' office has worked with original opponents on this bill to hopefully agree on a compromise to pass this legislation. Additionally, Triebisch shared information regarding LB308, the indigent defense fund that is not tied to the right to counsel legislation, to provide funding for youth that are not able to afford counsel. LB308 allows funding for counties to afford those that are not able. Triebisch shared the LB201 will provide that Juvenile Court will provide original jurisdiction in most cases involving youth. LB203 will prevent colleges or universities from inquiring about criminal or juvenile court information as a part of the application process. Other legislation regarding mental health taskforce was also shared.

Deb VanDyke-Ries shared information regarding an upcoming legislative overview listening session.

A'Jamal Byndon encouraged Members to share with those they serve avenues to provide input and feedback to the Legislature.

Sheri Dawson shared information regarding the work being done in respect to mental health and the 988 system.

## 10. FCRO Update and Annual Report

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Chair Brandner welcomed FCRO Executive Director Monika Gross to provide information regarding the FCRO Annual Report, released in 2020. Prior to updating the Commission, Gross noted that Heather Wood has been hired as FCRO Research Director to replace Dr. Katie Bass, who recently left the FCRO.

Director Gross also shared information regarding legislation introduced that would exempt the local foster care review boards from the Open Meetings Act. Melanie Williams-Smotherman was concerned with this information, noting that it is important to conduct these meetings in the public. Discussion ensued regarding the exemption, and Director Gross offered to continue the discussion offline in order to maintain the meeting schedule.

Director Gross shared a [PowerPoint Presentation \(nebraska.gov\)](#) regarding the FCRO Annual Report. Highlights from the [2020 FCRO Annual Report \(nebraska.gov\)](#) detailed numbers of dually-involve youth, noting a decline during the COVID-19, disparities between males and females in outcomes, and details regarding the population. Gross also highlighted the population of the YRTCs during the period of time. Additional information shared outlines the number of placements, offenses of the residents of YRTCs, and psychotropic medication. Gross also shared new information collected regarding the progress of mothers and progress of fathers and a breakdown of services provided to parents.

Director Gross provided information regarding the process when information reviewed by the caseworker is different than that of the system worker and noted that the reviews do not simply rely on one data source, but rather all parties that provide information into the case. Additionally, she noted that there is a category for unable to determine.

Gross continued by sharing parenting time/visitation and answered questions regarding the training FCRO staff and board members receive.

Gross shared information regarding racial and ethnic make-up of the child welfare population. Members raised the issue of noting racial and ethnic disparities based on urban vs. rural rather than statewide. Gross noted that FCRO has the ability to breakdown data by region. She added that she is interested in tracking this data for review. Members also discussed the issue of making connections culturally and the possibility that adjudications were based on allegations of abuse by the father, noting the discrepancy of father progress in the case. Gross shared that progress on the father is based on case plan that indicate reunification with father. Judge Heideman noted a recent Supreme Court decision involving a non-custodial father that was denied placement without allegations. The decision noted that without allegations that the father can defend, Parental Preference Doctrine say that he will get his child and there should be transition planning. Gross noted that the data is shared to the legislature, DHHS, and posted to the Legislature website, but also welcomes the opportunity to share this data with local communities.

## 11. Inspector General Annual Report

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Vice-Chair Temple-Plotz welcomed Jennifer Carter, the Nebraska Inspector General of Child Welfare. Carter shared [Office of Inspector General of Nebraska Child Welfare PowerPoint](#) with information from the [Inspector General of Nebraska Child Welfare Annual Report 2019-2020.pdf](#). She gave a brief overview of the duties of the Office of Office of Inspector General (OIG).

Carter noted two areas of focus for this report: The issue of the YRTCs and caseload sizes in the Eastern Service Area (ESA). She added that a full and separate report for the issue of the YRTCs is also available. She continued by noting that caseload compliance is at 80% statewide, down from 92%, and that the ESA is contributing significantly to the decline. She noted that ESA currently sits at around the high 40% after one year of service provision.

Carter provided detailed information regarding critical incidents received by the OIG. She also provide specific information regarding the investigations completed during the year, and investigations regarding juvenile room confinement. Carter answered a question regarding the sexual abuse and room confinement data and how those involved are held accountable. She noted that the OIG conducts their investigations and provides information to DHHS and Probation so issues don't happen again, and also to the Legislature so it can decide if the issue is concerning enough to change or enact laws regarding the issues. She added that the OIG does not generally make human resource recommendations to DHHS, but it has been done in egregious cases.

Carter answered a question regarding racial and ethnic data by noting that it isn't currently being done by the OIG, but Carter would like to begin breaking down that data by race and ethnicity. She added that it would be helpful to know if

the misuse of policy is being focused on people of color and she would be more than welcome to share with communities.

Members discussed opportunities for the spread of information to communities that may not know about the existence of the OIG.

Carter shared information regarding the recent release of the [OPC & OIG YRTC-Geneva Special Report 2021.pdf \(nebraska.gov\)](#). She clarified that the investigation contains information that led up to the August 2019 incident at YRTC Geneva and not information that she shared in the OIG annual report. Carter shared a history of the investigation and the work done for the report. She emphasized that in the report the OIG focused on what happened to the girls at the Geneva Campus, as they were profoundly affected by what happened. She shared a breakdown of the youth involved. Carter provided a detailed history of the staffing, leadership, and training issues faced at Geneva. She added that an additional finding in the report was a lack of trauma-informed care at Geneva during this time.

Carter shared the recommendations made to DHHS, noting that only one was rejected. She added that the rejected recommendation involved licensing the YRTCs as childcare facilities. DHHS responded that the YRTC does not meet the definition of a childcare facility but is researching other licensing options.

Members discussed their disappointment in the situation that occurred and questioned why juveniles were being held for misdemeanors. Carter responded by sharing that laws have been changed that make admission to the YRTCs more stringent, and that commitments are not made based on law violations, but rather whether the youth is a danger to the community and community-based resources have failed. She speculated that if there were more community-services available that would help. Judge Heideman noted that a robust diversion program, and broad community resources help. He added that he only has one youth placed at YRTC. Chair Brandner shared information regarding juvenile offenses.

## **12. Public Comment**

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Chair Jeanne Brandner opened the floor for public comment. Cornelius Levering introduced himself and shared information regarding his history and the work he is currently doing for Appleseed. He expressed hope for the increase of services for youth aging out of child welfare.

## **13. New Business**

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## **14. Upcoming Meeting Planning**

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April 20, 2021

August 17, 2021

October 19, 2021

## **15. Adjourn**

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The meeting adjourned at 1:06 p.m.

Respectfully Submitted,  
Adam Anderson