

2023-2024

NEBRASKA CHILDREN'S COMMISSION 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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INTRODUCTION

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 26 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.

This year, the Commission met directly with senators and agency leadership to address priorities to meet the needs of families in Nebraska. The Commission also provided a response and support of Reimagine Wellbeing Finance and Practice Models that resulted from LB1173. The Commission continues to be a knowledgeable stakeholder group that could continue to push the initiatives suggested in these models forward.

The Nebraska Children's Commission Annual Report is a summary of the work done throughout the year on each of the statutory committees. More detailed annual reports can be found here: <https://childrens.nebraska.gov/publications.html>



STRATEGIC PRIORITIES FOR 2022–2024



Leadership for the Commission met at a retreat to begin strategic planning for the upcoming biennium in an effort to gain understanding of what the Commission has done, what opportunities still exist, and what goals can be set for the future. Membership agreed that racial equity and inclusion remain significant topics and should be included with each conversation related to Child Welfare and Juvenile Justice improvement.

Work has been done this year by establishing a “Lived Experience Workgroup” to discuss how to include those that are not professionally linked to the Commission. **Once the group has determined best practices, these will become part of the NCC’s governance to ensure this voice is a part of each recommendation.**

The goal of the Commission remains to promote meaningful dialogue that can influence change within child welfare and juvenile justice systems. There is acknowledgement of the obligation to create a collaborative environment for all willing to engage to be successful in this change.

The following are the Commission’s current priorities for Nebraska’s Child Welfare and Juvenile Justice systems:

- **Placement Stability & Solutions:** Provide recommendations to increase the level of support available to relative and kinship placements
- **Service Array:** Identify what new or innovative evidence based practices and services could be implemented in the State of Nebraska to improve placement stability
- **Prevention Continuum:** Create recommendations on how to better educate the people of Nebraska about services available for families and children

RECOMMENDATIONS BY COMMITTEE

The Commission is required to provide a written report to include recommendations regarding child welfare priorities and progress towards addressing those priorities. Below are the identified recommendations from each committee within the Commission, which strategic priority intended to be addressed, and the page number to the committee summary supporting the recommendation.

Foster Care Reimbursement Rate Committee Recommendations:	Strategic Priority	Page # of Report
Foster Care reimbursement rates be annually adjusted 5% for each of the next six years.	<ul style="list-style-type: none"> Placement Stability and Solutions 	Page 8
DHHS adopt the recommendations surround the the Therapeutic Family Care service definition and rate structure created in 2019.	<ul style="list-style-type: none"> Placement Stability and Solutions 	Page 8
Review and adoption of changes surrounding the Nebraska Caregiver Responsibility tool.	<ul style="list-style-type: none"> Placement Stability and Solutions 	Page 8
An annual report be submitted with recommendations surrounding reimbursement rates for foster parents and placing agencies.	<ul style="list-style-type: none"> Placement Stability and Solutions 	Page 8
Juvenile Services Committee Recommendations:	Strategic Priority	Page # of Report

The workgroup recommends there be a collaborative effort to increase awareness, define roles and partner with Managed Care Organizations (MCOs) to increase access to the services available through not only Medicaid but all funding streams.

- Services Array

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Strengthening Families Act Recommendations	Strategic Priority	Page # of Report
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Normalcy should extend to youth in care in both DHHS and Juvenile Probation systems as appropriate while considering parental preference. The Committee recommends the statutory requirement for Normalcy Plans and Reports pursuant to §43-4706 be amended to include facilities beyond child-care institutions and foster family homes such as psychiatric residential treatment facilities, treatment group homes, or other facilities that may not have a child-care institution contract with Child and Family Services but care for youth.

- Services Array

Page 11

Every reasonable effort should be made for youth in out of home care to have the opportunity to participate in activities that enhance and maximize normalcy based on their individualized needs.

- Services Array

Page 11

DHHS should utilize an evidence-informed, strength-based, youth-led intervention for case management that includes older youth best practices. This intervention should incorporate a tested evaluation tool.

- Services Array

Page 11

DHHS should address barriers to foster youth attaining a Driver's License.

- Placement Stability and Solutions

Page 11

Continued efforts be made through pandemic adaptations for children, youth, and foster caregivers to participate in every court hearing through video conferencing or virtual options are recommended.

- Services Array

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Strengthening Families Act Recommendations	Strategic Priority	Page # of Report
<p>Nebraska Judicial Branch should track youth and foster caregiver forms to determine common themes or issues. Part of this tracking includes user-friendly ways of returning the forms to the Court prior to the hearing.</p>	<ul style="list-style-type: none"> • Services Array 	<p>Page 11</p>
Alternative Response (AR) Recommendations	Strategic Priority	Page # of Report
<p>DHHS should track data regarding how many families decline to engage in AR services. Currently, to gather data on how many families decline AR services, DHHS would need to review case information from each AR case. DHHS should adjust NFOCUS to capture more easily when a family chooses not to engage in AR so that data reports could be run. The workgroup also recommends this data indicate at what point in the process the family declined services – for example, whether a family declined services after DHHS’s initial attempt to engage the family or declined after the assessment or after services have been received. This data is intended to help the workgroup and the Department understand the effectiveness of or challenges with engagement strategies and efforts. It will also provide some basic data on how many AR eligible families actively participate in AR services. This data should be provided to the Nebraska Children’s Commission.</p>	<ul style="list-style-type: none"> • Placement Stability and Solutions 	<p>Page 12</p>
<p>DHHS should provide to the Nebraska Children’s Commission a monthly or quarterly report on subsequent intakes within 12 months of the closure of an AR case and whether those cases were referred to AR or traditional response on the subsequent intake.</p>	<ul style="list-style-type: none"> • Placement Stability and Solutions 	<p>Page 12</p>

Alternative Response (AR) Recommendations	Strategic Priority	Page # of Report
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DHHS should reinstitute exit surveys with families to understand how AR is working or not working for them. The recommendation is to conduct these surveys through a third party as was done during the AR pilot. The workgroup recognizes this may require funding if this work cannot be done under an existing contract. As with the pilot, the trends should be shared with DHHS without any identifying information, so the families do not have any sense of risk of retribution for their input.

- Placement Stability and Solutions

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Bridge to Independence (b2i) Advisory Committee Recommendations	Strategic Priority	Page # of Report
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DHHS should identify and implement best practices and ongoing evaluation mechanisms for the b2i program.

- Prevention Continuum

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Clarify in statute that youth can be eligible for the B2i program regardless of their immigration status.

- Placement Stability and Solutions

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FOSTER CARE REIMBURSEMENT RATE COMMITTEE

Felicia Nelsen, Theresa Goley and Michelle Moline, Co-Chairs

The Foster Care Reimbursement Rate Committee (FCRRC) was codified at Neb. Rev. Stat. §43-4217 to make recommendations on foster care reimbursement rates, a 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 their report in June 2024 identifying higher reimbursement rates for foster parents and supporting agencies are vital to maintaining youth in foster care placements. The the cost of caring for a child has increased significantly since the last legislative report due to inflation, and agencies are also addressing higher behavioral needs once youth are placed. Continued support for reimbursement increases in the legislature and with DHHS is required to maintain a system of support for youth placed out of home.

Therapeutic Family Care was implemented this year, and the FCRRC intends to monitor how the service is provided, as well as offer recommendations for improvement and measuring success. The FCRRC would continue to advocate for full implementation of the 2019 TFC definition to include more youth who do not currently meet eligibility requirements.

With the support of DHHS, the FCRRC is also reviewing the Nebraska Caregiver Responsibility tool. It was last reviewed in 2012, and the common concern is this tool evaluates what foster parents are doing rather than the behaviors of a child. By making the reimbursement level dependent on both the child's behavior and the foster parent's efforts, a more accurate level can be determined.

Finally, the FCRRC recognizes that many factors can change year to year, and determining a reimbursement rate for six years into the future is unrealistic. Moving forward, the FCRRC would like to submit annual reports to coincide with other Commission reports in September to better capture current and accurate trends related to caring for a child and the resources required.

JUVENILE SERVICES COMMITTEE

Nick Juliano and Deb VanDyke-Ries, Co-Chairs

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). To enhance collaboration, coordinate initiatives, and increase the impact and efficacy of juvenile justice reform in Nebraska, the JSC and NCJJ hold joint meetings and reporting.

During this reporting year, the JSC acknowledged that racial and ethnic disparities (R/ED) was a larger conversation than what one workgroup can do. Within the JSC and the Commission, these topics need to be a part of every conversation surrounding juvenile justice. The R/ED workgroup will reconvene if there are specific issues to be addressed but have not met on a regular basis this year because of how intertwined conversations are with other issues.

The JSC is charged with reviewing the role and effectiveness of the YRTC and established a workgroup to address this in previous years. DHHS has created a 5-year plan the JSC supports and has not identified any immediate recommendations for the upcoming year. The JSC intends to keep the YRTC as an ongoing item of discussion and create a workgroup as needed.



JSC WORKGROUP



Access to Treatment Workgroup Julie Smith, Chair

The Access to Treatment Workgroup was formed in July 2022 bringing together experts from the community to explore the scope of the problem, identify underlying issues contributing to the problem; and develop actionable steps to improve timely access to clinically indicated treatment services.

The workgroup identified several systemic issues that have a direct impact on access to services. Policy, statute or regulation assessment and change will be necessary priorities of any further cross-systems work related to access to services. These areas have a direct impact on access to treatment services and should be considered priorities of any further cross-systems work related to access to treatment. This will not address the needs of the highest needs youth with complexity however is intended to offer alternatives to Psychiatric Residential Treatment Facilities for youth with less acuity making more capacity for youth with the highest need.

The workgroup has also identified that the Community Treatment Aide service is underutilized due to the reimbursement rate from Medicaid, providers do not currently have a workforce to provide the service, and it is not a service often recommended outright. By building capacity to provide this service, youth will be served in their own communities reducing out-of-state treatment utilization. The workgroup recommends that efforts to incentivize the development of this service be explored and the rate be evaluated to ensure a highly skilled workforce is recruited and retained to provide interventions to youth requiring additional supports to maintain outside of a hospital setting.

CTA can be used as a support only if the treatment team can effectively write a plan that will support the family and is connected to the treatment goal. Prevention is important to reduce system involvement, and this group acknowledges more comprehensive response to mental health that can respond to families in active crisis has the potential to make a large impact.

STRENGTHENING FAMILIES ACT COMMITTEE

Payne Ackerman and Ron Giesselmann, 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 to monitor and make recommendations related to Nebraska’s implementation of the Federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183. Nebraska’s Strengthening Families Act, §43-4702, implements the federal Strengthening Families Act (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 is responsible for fulfilling the Commission’s requirement to review normalcy plans, consider and review trafficking efforts in Nebraska, and make recommendations related to Another Planned Permanent Living Arrangement (APPLA) planning. Since inception, DHHS has implemented recommendations of the Committee that has helped improve family experience while system involved.

The Committee identified that normalcy reports are showing overall improvement in most areas, most specifically in having youth boards and having procedures for developing goals and action steps with youth in congregate living settings. Opportunities still exist in addressing disproportionate impact on families and children within systems, but it is understood most of these agencies don’t determine who is referred to their facilities. Agencies continue to increase ways to address normalcy barriers, and the Committee is hopeful progress will continue. A memo was sent to all reporting facilities giving examples of how to improve their reporting for the coming year.

The Attorney General’s office takes the lead on trafficking activities in Nebraska, and this year a focus for the Committee was labor trafficking. The Immigrant Legal Center has been working with the Attorney General’s office to determine how to prosecute labor trafficking cases, and the Committee would support efforts from the Legislature that do not capitalize on child labor or situations where minors feel pressured to work to provide for their families.

APPLA efforts continue to be reviewed at DHHS and discussed, and at this time there are not significant changes from previous years. DHHS continues to implement Youth Thrive as an opportunity to assess the needs of youth, but are not moving forward on funding activities related to getting a driver’s license or qualifying for car insurance. The Committee would recommend these activities be at the forefront of the discussion surrounding older youth evaluating alternative living arrangements.

ALTERNATIVE RESPONSE COMMITTEE

Monika Gross and Susan Thomas, Co-Chairs



The Alternative Response Advisory (AR) Committee was created by LB1061 in 2020 under the umbrella of the Nebraska Children’s Commission to examine the department’s alternative response to reports of child abuse and neglect to make recommendations to the Legislature, the department, and the Commission regarding four key areas. The four statutory responsibilities include: 1) the receipt and screening of reports of child abuse or neglect by the department, 2) the ongoing use of alternative response, 3) the ongoing use of traditional response, and 4) the provision of services within alternative response and non-court-involved cases to ensure child safety, §28-712.

In December 2023, the AR Committee submitted an annual report to the legislature and DHHS with recommendations surrounding the statutory responsibilities. This committee is not statutorily required to submit a report but felt the recommendations were vital to consider prior to the beginning of the Legislative session.

ADDITIONAL AR WORKGROUPS

Legal Resource Workgroup *Pat Carraher, Chair*

The Legal Resource Workgroup was established by the Committee to review how families involved in non-court juvenile cases are served by protecting their legal rights and identifying legal services to prevent court involvement. The most common request for legal assistance includes children and family-related legal problems, income and benefits-related legal problems, house-related legal problems, and debt and finance-related legal problems. The workgroup plans to do an analysis of what is happening throughout Nebraska to identify impactful work that can be expanded on in helping children and families with access to legal resources. There is also interest in reviewing legal service models in other states for future recommendations.

BRIDGE TO INDEPENDENCE ADVISORY COMMITTEE

Brandi Gustoff & Richard Hasty, 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.

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. Youth aging out of the tribal court system were included in 2021. In 2023, legislation was passed that requires youth involved in the Juvenile Justice System who are in a court-ordered out-of-home placement on their 19th birthday shall receive information regarding b2i and requires DHHS to implement by January 1, 2025. This has been a long-standing recommendation of the Committee and members are committed to ensuring the b2i program is accessible to youth involved in out-of-home placement at the time they reach adulthood.

To continue accessibility to the b2i program, youth need to be eligible for the services regardless of their immigration status. Stakeholders including providers, agencies, and culturally community leaders met over the last year to determine what would best help young adults who were previously state wards and had access to services but no longer qualify.

The Sustainability Workgroup chaired by Keenan Page meets to discuss what sustainability means for youth who leave the b2i program. The focus for the upcoming year is to create a vision that can communicate how things would look if sustainability in b2i was perfectly addressed. From there, the group will be able to identify recommendations to meet this vision.

The Data Collection and Evaluation Workgroup is chaired by Heather Wood and pulls data from the Foster Care Review Office to identify any trends that may need to be addressed related to b2i youth. The most significant observation made this year was how impactful a reliable support system and stable housing is to a youth's success in the program. Finding ways to increase these two factors in each participant's life has potential to have long term positive effects.

Nebraska Children's Commission Members

Member Name	Member Type	Title and Organization	Representation
Jarren Breeling	Voting	Voice and Choice Advocate, DHHS, Division of Children and Family Services	Stakeholder of the Child Welfare or Juvenile Justice System
A'Jamal Byndon	Voting	Stakeholder	Stakeholder of the 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 of the Child Welfare or Juvenile Justice System
Misty Flowers (Chair)	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 of the Child Welfare or Juvenile Justice System
Richard Hasty	Voting	Superintendent and Special Education Director, Plattsmouth Community Schools	Stakeholder of the Child Welfare or Juvenile Justice System
Sara Hoyle	Voting	Human Services Director, Lancaster County	Stakeholder of the Child Welfare or Juvenile Justice System
Terri Knutson	Voting	Parent	Biological Parent currently or previously involved with the Child Welfare or Juvenile Justice System
Melissa Nance (Vice Chair)	Voting	Vice President of Service Delivery, CEDARS Youth Services	Stakeholder of the Child Welfare or Juvenile Justice System
Felicia Nelsen	Voting	Executive Director, Nebraska Foster and Adoptive Parent Association	Stakeholder of the Child Welfare or Juvenile Justice System
Lana Temple-Plotz	Voting	Chief Executive Officer, Nebraska Children's Home Society	Stakeholder of the Child Welfare or Juvenile Justice System
Susan Thomas	Voting	Court Appointed Special Advocate, Nebraska CASA Association	Stakeholder of the Child Welfare or Juvenile Justice System
LaShawn Young	Voting	Attorney, Young & Young Attorneys at Law	Stakeholder of the Child Welfare or Juvenile Justice System
Sen. Beau Ballard	Ex-Officio	Senator, District 21, Nebraska Legislative Council	Designee of the Chairperson of the HHS Committee of the Legislature
Sen. Carol Blood	Ex-Officio	Senator, District 3, Nebraska Legislative Council	Designee of the Chairperson of the Judiciary Committee of the Legislature
Jeanne Brandner	Ex-Officio	Deputy Administrator of the Division of Juvenile Services, Administrative Office of Probation	Appointed by the State Court Administrator
Jennifer Carter	Ex-Officio	Inspector General of Nebraska Child Welfare, Office of Inspector General of Nebraska Child Welfare	Inspector General of Nebraska Child Welfare
Sen. Myron Dom	Ex-Officio	Senator, District 30, Nebraska Legislative Council, District 30	Designee of the Chairperson of the Appropriations Committee of the Legislature
Monika Gross	Ex-Officio	Executive Director, Foster Care Review Office	Executive Director of the Foster Care Review Office
LaDonna Jones-Dunlap	Ex-Officio	Systems Involved Youth Specialist, Nebraska Department of Education/Nebraska Children and Families Foundation	Designee of the Commissioner of the Department of Education
Judge Amy Schuchman	Ex-Officio	Separate Juvenile Court Judge, Douglas County Separate Juvenile Court	Appointed by the State Court Administrator
Vacant	Ex-Officio	Director, Division of Behavioral Health, DHHS, Division of Behavioral Health	Director of Behavioral Health Division of DHHS.
Vacant	Ex-Officio	Director, Division of Children & Family Services, DHHS, Division of Children and Family Services	Director of Children and Family Services Division of DHHS
Deb VanDyke-Ries	Ex-Officio	Director, Nebraska Court Improvement Project	Appointed by the State Court Administrator

NEBRASKA CHILDREN'S COMMISSION ORGANIZATIONAL STRUCTURE

