

**REPORT TO THE NEBRASKA LEGISLATURE
ON THE
YOUTH REHABILITATION AND TREATMENT CENTERS**

Health and Human Services Committee

January 22, 2020

We live in a world in which we need to share responsibility. It's easy to say "It's not my child, not my community, not my world, not my problem." Then there are those who see the need and respond. I consider those people my heroes.

-Fred Rogers

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EXECUTIVE SUMMARY

Nebraska's Youth Rehabilitation and Treatment Centers – or YRTCs – serve youth ages fourteen to nineteen in the state's juvenile justice system. The YRTCs are under the jurisdiction of the Department of Health and Human Services. The Youth Rehabilitation and Treatment Center in Geneva has served girls since 1891 and the Youth Rehabilitation and Treatment Center in Kearney has served boys since 1881.

In early August a crisis arose at the Youth Rehabilitation and Treatment Center in Geneva (YRTC-Geneva). In response, the HHS Committee spent the next six months trying to understand what occurred and working towards solutions for the future. The HHS Committee's work included:

- Three public hearings in Geneva, Kearney, and Lincoln;
- Multiple tours of both YRTCs in Geneva and Kearney and tours of other facilities treating juveniles;
- Numerous interviews with not only the girls affected but parents, current and former staff, and community members;
- Regular collaboration with the Office of the Inspector General for Child Welfare and the Ombudsman's Office; and
- Weekly, at times daily, contact with the Department of Health and Human Services (DHHS), specifically CEO Dannette Smith.

This report is the product of these last many months of work. It is intended to do the following: provide an understanding of the history and current role of the YRTCs; identify the issues that arose, specifically at YRTC-Geneva, in the summer and fall of 2019; and make recommendations for next steps as the Legislature, the Department of Health and Human Services, and other stakeholders work together on a path forward. The report includes:

A History of the YRTCs (pages 1-3):

The YRTCs have a long history in Nebraska. What is now YRTC-Kearney was originally created in 1879 and what is now YRTC-Geneva was created in 1891. The names of the facilities have changed over the years as has the mission. In 1994, the YRTCs were placed under direction of the newly created Office of Juvenile Services with the goal of increasing programming, including mental health and substance abuse treatment, as well as job training. In 1997, the Office of Juvenile Services was moved from the Department of Corrections to Department of Health and Human Services.

An Overview of the Statutory Framework (pages 4-7):

This section provides a summary of the standards that must be met to commit a juvenile to a YRTC. A youth may not be placed at a YRTC unless all other levels of probation and community-based services have been exhausted. In addition, a juvenile under the age of fourteen may not be placed at a YRTC. This section also describes how a youth may be discharged from a YRTC and the programs and services that OJS is required to provide to a youth at the YRTC.

YRTC Population at a Glance (pages 8-14):

This section provides data on the population being served at the YRTCs. It includes information about admissions and how many youth have been served at the YRTCs since 2008. The charts on pages 9 and 10 show a decrease in the YRTC populations since 2013. Data is also provided on racial disparities in the population at the YRTCs; the home county of the youth placed at the YRTCs; the offenses that lead to commitment of a juvenile to a YRTC; and the significant proportion of YRTC youth who have also experienced child abuse and neglect.

A Summary of Past Reports on the YRTCs (pages 15-17):

Nebraska's juvenile justice system, and the Youth Rehabilitation and Treatment Centers in particular, have been studied several times over the years. This section gives a brief overview of the findings of the two most recent studies: the Nebraska Juvenile Correctional Facilities Master Plan Update from 2007 and the Nebraska Children's Commission, Juvenile Services (OJS) Committee, Phase I Strategic Recommendations from 2013. Highlighted in this summary are the often similar recommendations for improvements to the YRTCs, such as creating a community-based continuum of care and improving programming at the YRTCs.

A Detailed Timeline of Events (pages 18-34):

This section provides a detailed and documented timeline of events since the issues arose at YRTC-Geneva. It includes:

- A summary of the actions taken in the immediate aftermath of the crisis, including moving all the girls at YRTC-Geneva to YRTC-Kearney;
- A summary of the visits to the facilities by the HHS Committee members and others, including photos;
- Communications from the HHS Committee to the Legislature with ongoing updates on the situation;
- Communications to and from DHHS's CEO Smith and members of the Legislature and others; and

- Communications to and from the Department of Administrative Services and members of the Legislature.

A Brief Summary of the Conditions at YRTC-Geneva (pages 35-36):

Several senators visited YRTC-Geneva the week the issues at YRTC-Geneva reached a crisis point. The senators toured each cottage (or living area), the school, and the cafeteria. This section provides a summary of the conditions as they found them, including major unfinished repairs, significant water damage along with a resulting musty smell, holes in the walls between rooms large enough for the girls to fit through, broken walls with the sharp mesh exposed from the plaster and lathe, and a broken fire safety system. This section also summarizes some of the conversations the senators had with the girls.

Common Themes Regarding the Challenges at the YRTCs (pages 37-40):

Over the course of three public hearings held by the HHS Committee and numerous conversations between members of the HHS Committee and youth, parents, staff, and community members, certain themes emerged about the key issues that preceded the crisis at YRTC-Geneva. Specifically, there were challenges related to facilities maintenance, staffing, and programming. This section provides a summary of those concerns. In addition, this section notes other challenges that have arisen as a result of the transfer of the girls to YRTC-Kearney, including concerns about the transfers themselves, the difficulties of providing the girls with an education in an appropriate space and for the necessary number of hours, and the effect on the Geneva community.

HHS Committee Recommendations (pages 44-48):

The product of the HHS Committee's six months of work is a list of legislative recommendations – both short and long term – that would begin to address the challenges facing the YRTCs and help the state better serve the youth in its care. The recommendations are as follows:

1. Require DHHS to have a long-term plan for the YRTCs
2. Create enabling legislation for the YRTCs
3. Create a special committee for ongoing oversight of the YRTCs
4. Allow for use of a county detention facility in the event of an emergency at the YRTCs
5. Put YRTC schools under the jurisdiction of the Nebraska Department of Education
6. Require a cost study and needs assessment for an inpatient residential adolescent psychiatric unit

7. Discontinue Department of Administrative Services maintenance of 24-hour residential facilities that are under the jurisdiction of DHHS
8. Require capital improvements at the YRTCs
9. Require an annual facilities review by the Ombudsman
10. Give the Office of Inspector General for Child Welfare notice of Prison Rape Elimination Act violations at the YRTCs
11. Give the Office of Inspector General of Child Welfare quarterly reports of grievances
12. Require DHHS to create a policy regarding the use of mechanical restraint, including shackling, and when it may be used at the YRTCs
13. Require DHHS to create a policy on transporting youth to, from, and between the YRTCs
14. Require notice to the juvenile courts and appropriate parties of movement of youth including between YRTCs

REPORT TO THE NEBRASKA LEGISLATURE ON THE YOUTH REHABILITATION AND TREATMENT CENTERS

Introduction

The state has a legal obligation to care for both the children who enter Nebraska's child welfare system as a result of abuse and neglect, as well as the children in the state's juvenile justice system. When youth enter the juvenile justice system, the goal is to provide them with treatment and rehabilitation to address the issues that have led to their behavior and to help set them on the right course for the future. The Youth Rehabilitation and Treatment Centers (YRTCs) in Geneva and Kearney play a crucial role in this system.

This last year, the State of Nebraska saw a crisis arise at the Youth Rehabilitation and Treatment Center in Geneva. This report is intended to do the following: provide an understanding of the history and current role of the YRTCs; identify the issues that arose, specifically at YRTC-Geneva, in the summer and fall of 2019; and make recommendations for next steps as the Legislature, the Department of Health and Human Services, and other stakeholders work together on a path forward.

History of the Youth Rehabilitation and Treatment Centers

In 1879, the Nebraska Legislature established the Nebraska Reform School for Juvenile Offenders in Kearney, Nebraska and it received its first charge, a boy, in 1881. For the first 10 years, the Nebraska Reform School served both boys and girls. However, in March of 1891, the Legislature established the Girls Industrial School in Geneva, Nebraska. A year later, 57 girls were transferred from the Nebraska Reform School in Kearney, to the Girls Industrial Home in Geneva. Over the course of their first century in existence, these homes were called reform homes, industrial schools, training schools, and until the 1990s, Youth Development Centers. *(Transcript of the Judiciary Committee Hearing on LB 988, Jan. 19, 1994, Exhibit A at 33-36.)*

In 1994, the Legislature passed LB 988 which changed the name of these homes to the Youth Rehabilitation and Treatment Centers – or “YRTCs” – as we know them today. LB 988 also modified the mission of the YRTCs. One of the goals of LB 988 was to reform the YRTCs to increase programming, including mental health and substance abuse treatment, as well as job training. According to the testimony of then Governor Ben Nelson, LB 988 was the

result of a collaboration over many years. (*Transcript of the Judiciary Committee Hearing on LB 988, Exhibit A at 31.*)

LB 988 created the intent language for Nebraska's juvenile justice system, which remains today, with minor changes, in Neb. Rev. Stat. § 43-402: "It is the intent of the Legislature that the juvenile justice system provide individualized accountability and individualized treatment for juveniles in a manner consistent with public safety to those juveniles who violate the law."¹ The goal of the juvenile justice system is to provide a range of services that can maintain a juvenile (1) in his or her home when possible, (2) in the least restrictive environment, (3) in community-based settings, and, (4) when necessary, provide "humane, secure, and therapeutic confinement" to those who present a danger to the community. (*Neb. Rev. Stat. § 43-402.*)

LB 988 also created the Office of Juvenile Services (OJS) within the Department of Corrections. The Director of the Office of Juvenile Services was appointed by the Governor and approved by the Legislature. (*LB 988, Slip Law, § 11, Exhibit B.*) In 2007, this provision was repealed and currently the Director of Juvenile Services is appointed by the Chief Executive Officer of the Department of Health and Human Services (DHHS). (*Neb. Rev. Stat. § 43-404(2); Department of Health and Human Services, Office of Juvenile Services, Annual Legislative Report, FY 2019, Sept 15, 2019 at 2.*)²

In LB 988, OJS was given the responsibility to administer the YRTC's and to create programs and treatment services at the facilities. (*LB 988, Slip Law, §§ 13 and 14, Exhibit B; Neb. Rev. Stat. § 43-407.*) When creating the programming and treatment services, OJS was to, among other things, develop a risk and needs assessment to use when the juvenile enters the system and develop a public-private partnership to create a community-based continuum of care. (*LB 988, Slip Law, § 15, Exhibit B.*) LB 988 also required OJS to plan for the construction of a secure confinement facility in a city of the metropolitan class. This provision was removed in the following years, prior to the next major overhaul of the juvenile justice system through LB 561 in 2013.

¹ The original language under LB 988 stated the juvenile justice system should provide individualized "supervision [and] care" as well as accountability and treatment. (LB 988, Slip Law, §10, Exhibit B.)

² The full report can be found at:

[https://nebraskalegislature.gov/FloorDocs/106/PDF/Agencies/Health and Human Services Department of f488 20190916-162916.pdf](https://nebraskalegislature.gov/FloorDocs/106/PDF/Agencies/Health%20and%20Human%20Services%20Department%20of%20f488%2020190916-162916.pdf)

Only three years later, in 1997, the Office of Juvenile Services was transferred from the Department of Corrections to the newly created Department of Health and Human Services (DHHS) through LB 1044. *(LB 1044, § 46, Exhibit C.)* LB 1044 consolidated five separate departments into three inter-related departments: the Department of Health and Human Services, the Department of Health and Human Services Standards & Evaluations, and the Department of Finance and Support. The legislative history for LB 1044 suggests that OJS was moved from the Department of Corrections to DHHS because many of the families whose children are served by OJS were often in need of or already accessing services under DHHS. The goal was to create efficiency and better services for those youth by eliminating the disconnect between those two Departments. *(Transcript of floor debate, LB 1044, Feb. 12, 1996, Exhibit D at 10975-10982.)*

This basic framework – the YRTC's under the authority of OJS and OJS as part of DHHS – has been in place for the last 20 years.

Today, OJS's mission continues to mirror the stated legislative goals for the juvenile justice system: "to provide individualized supervision, care, accountability, and treatment, in a manner consistent with public safety, to those youth committed to the Youth Rehabilitation and Treatment Centers." *(OJS Annual Report, FY2019 at 2.)*

Statutory Framework for the Youth Rehabilitation and Treatment Centers

It is helpful to understand the statutory framework for the Youth Rehabilitation and Treatment Centers (YRTC), including how youth can be placed at a YRTC and the role they play in the juvenile justice system. The YRTCs are a key intersection between the juvenile justice and the health and human services systems. A youth who has entered the juvenile justice system is under the jurisdiction of the juvenile courts and under the supervision of the Office of Probation Administration. However, that youth may be placed at a YRTC, and therefore in the care of DHHS, for intensive probation.³ As discussed below, placement at a YRTC may only occur after all other options have been exhausted.

Youth Rehabilitation and Treatment Center Facilities

There is no enabling language in statute for the Youth Rehabilitation and Treatment Centers. Rather, the YRTCs appear in statute as part of a list of the facilities under the jurisdiction of DHHS. The Youth Rehabilitation and Treatment Center in Kearney and the Youth Rehabilitation and Treatment Center in Geneva are the only YRTCs listed. (*Neb. Rev. Stat. §§ 83-107.01(5)-(6)*). The YRTCs are included in the definition of “juvenile facility” for regulation and oversight purposes. (*Neb. Rev. Stat. § 83-4,125.*) As noted, the Office of Juvenile Services within DHHS controls the YRTCs. (*Neb. Rev. Stat. § 43-404(2).*) OJS is required to utilize risk and needs assessment instruments to determine the level of treatment for each juvenile and a case classification process and case management standards for each level of treatment. (*Neb. Rev. Stat. §§ 43-406(1)-(2).*)

Juvenile Commitment Process

A juvenile under the age of fourteen cannot be placed at a YRTC. (*Neb. Rev. Stat. § 43-251.01(4).*) A juvenile adjudicated as an “abuse and neglect” case or a “status offender” cannot be placed at a YRTC. (*Neb. Rev. Stat. § 43-251.01(2).*)

A motion to commit a juvenile to a YRTC may be filed when it is alleged all levels of probation supervision and options for community-based services have been exhausted.

³ Intensive supervised probation means “that the Office of Juvenile Services shall be responsible for the care and custody of the juvenile until the Office of Juvenile Services discharges the juvenile from commitment to the Office of Juvenile Services.” *Neb. Rev. Stat. § 43-286(1)(b)(ii).*

(Neb. Rev. Stat. § 43-286(1)(b)(ii).) The motion must include specific factual allegations and be served on both the juvenile and the juvenile's parents or custodians. *(Neb. Rev. Stat. § 43-286(1)(b)(ii)(A).)* The juvenile is entitled to a hearing on the motion and the state has the burden to prove by a preponderance of the evidence that:

(I) All levels of probation supervision have been exhausted; (II) All options for community-based services have been exhausted; and (III) Placement at a youth rehabilitation and treatment center is a matter of immediate and urgent necessity for the protection of the juvenile or the person or property of another or if it appears that such juvenile is likely to flee the jurisdiction of the court.

(Neb. Rev. Stat. § 43-286(1)(b)(ii)(B).)

In 2013 and 2014, the Legislature made significant changes to the juvenile justice system through LB 561 and LB 464, respectively. Prior to the enactment of LB 561 and LB 464, juvenile courts had significantly more discretion to commit youth to a YRTC. As part of a major overhaul of the juvenile justice system in LB 561 and LB 464, the Legislature deliberately restricted YRTC placements because such placements had been shown to be expensive, ineffective, and often counterproductive. These reforms also gave the juvenile courts more authority to supervise youth who exit the YRTCs and re-enter the community.

After a hearing, the court may commit the juvenile to the care and custody of OJS for placement at a YRTC as a condition of an order of intensive probation. *(Neb. Rev. Stat. § 43-286(1)(b)(ii).)* The committing court continues to maintain jurisdiction over the juvenile in order to review the juvenile's probation when a youth is discharged from the YRTCs and OJS care and custody. *(Neb. Rev. Stat. § 43-408(2)(b).)* The juvenile court also retains the power to order a change in custody and care of any juvenile, if it is in the juvenile's best interest. *(Neb. Rev. Stat. § 43-295.)* A juvenile committed to OJS remains committed until legally discharged or reaching age nineteen. *(Neb. Rev. Stat. § 43-412(1).)*

DHHS has the general authority, with the consent of the juvenile court, to determine the care, placement, medical services, and psychiatric services provided to a juvenile placed in its care and custody. *(Neb. Rev. Stat. § 43-285(1).)* Because OJS is part of DHHS, this would apply to a juvenile placed with OJS for commitment to a YRTC. To change the placement of a juvenile, DHHS must file a report and notice of placement change at least seven days before the change. *(Neb. Rev. Stat. § 43-285(3)(b).)* The court, or any interested

party, may object to the change. The court may stay the change in placement until completion of a hearing to review the proposed change in placement. (*Id.*) DHHS is permitted to make an immediate change in placement only if the juvenile is in a harmful or dangerous situation, but must seek approval of the court within twenty-four hours, or as soon as possible thereafter. (*Id.*)

Discharge of a Youth from the Youth Rehabilitation and Treatment Centers

A juvenile remains under the order of intensive probation until OJS discharges the juvenile from its custody. (*Neb. Rev. Stat. § 43-286(1)(b)(ii).*) In determining when to discharge a youth from the YRTC, OJS is required by statute to consider whether:

- (a) the juvenile has completed the goals of his or her individual treatment plan or received maximum benefit from institutional treatment,
- (b) the juvenile would benefit from continued services under community supervision,
- (c) the juvenile can function in a community setting,
- (d) there is reason to believe that the juvenile will not commit further violations of law, and
- (e) there is reason to believe that the juvenile will comply with the conditions of probation.

(*Neb. Rev. Stat. § 43-417(2).*)

OJS is required to provide notice of a pending discharge of a juvenile from a YRTC to all interested parties 60 days prior to release and again not less than 30 days prior to discharge. (*Neb. Rev. Stat. § 43-286(1)(b)(ii).*) Upon receipt of the notice of pending discharge, the committing court is required to set the matter for a hearing in anticipation of re-entry. (*Id.*) Prior to the hearing, OJS and Probation are required to collaborate to develop the individualized re-entry plan for the juvenile. OJS is required to provide a copy of the plan to the juvenile, the juvenile's attorney, and the prosecutor prior to the re-entry hearing. At the hearing, the judge reviews the re-entry plan and approves the plan as written or with modifications, places the juvenile on probation, and enters any other order allowed by law. (*Id.*) It may also be possible for OJS to file a motion under § 43-2,106.03 to request a finding by the juvenile court that the juvenile is not amenable to rehabilitative services that can be provided under the juvenile code. If the juvenile court finds that the juvenile is not amenable to rehabilitation, it can result in the dismissal of the juvenile court case.

Programs and Services at the Youth Rehabilitation and Treatment Centers

By statute, OJS is required to make programs and treatment services available through YRTC-Kearney and YRTC-Geneva and to implement evidence-based practices, policies, and procedures. (*Neb. Rev. Stat. § 43-407(2)-(3).*) The programs and treatment services at a YRTC are required to be based on an individual or family evaluation process and a treatment plan developed within 14 days of admission. (*Id.*) The programs and services available at the YRTCs are required to address:

- (a) Behavioral impairments, severe emotional disturbances, sex offender behaviors, and other mental health or psychiatric disorders;
- (b) Drug and alcohol addiction;
- (c) Health and medical needs;
- (d) Education, special education, and related services;
- (e) Individual, group, and family counseling services as appropriate with any treatment plan related to subdivisions (a) through (d) of this subsection. Services shall also be made available for juveniles who have been physically or sexually abused;
- (f) A case management and coordination process, designed to assure appropriate reintegration of the juvenile to his or her family, school, and community. This process shall follow individualized planning which shall begin at intake and evaluation. Structured programming shall be scheduled for all juveniles. This programming shall include a strong academic program as well as classes in health education, living skills, vocational training, behavior management and modification, money management, family and parent responsibilities, substance abuse awareness, physical education, job skills training, and job placement assistance. Participation shall be required of all juveniles if such programming is determined to be age and developmentally appropriate. The goal of such structured programming shall be to provide the academic and life skills necessary for a juvenile to successfully return to his or her home and community upon release.

(*Neb. Rev. Stat. § 43-407(2).*)

While a juvenile is placed at a YRTC, OJS is required to conduct monthly team meetings with the juvenile, the juvenile's family, OJS staff, and other appropriate personnel to develop an individual re-entry plan for the juvenile's return to the community. (*Neb. Rev. Stat. § 43-425(2).*) The re-entry plan shall be finalized 30 days before the juvenile's discharge from the YRTC. (*Neb. Rev. Stat. § 43-425(4).*) OJS is also required to conduct an evidence-based risk screening and needs assessment of the juvenile within 60 days of discharge. (*Neb. Rev. Stat. § 43-425(3).*)

Youth Rehabilitation and Treatment Centers Population at a Glance

Data on Admissions

The populations at the Youth Rehabilitation and Treatment Centers have been in decline since 2013. The number of youth at the YRTCs was reduced most significantly after standards for placing a youth at a YRTC were heightened by LB 561 and LB 464.

The information in the charts below comes from Annual Reports that each YRTC in both Kearney⁴ and Geneva⁵ filed at the end of each fiscal year. Those reports were filed from FY 2003 through FY 2017 (with the exception of FYs 2016, 2018, and 2019 for which there are no reports).⁶ The data for FY 2018 and FY 2019 comes from the OJS Annual Report for FY 2019.⁷

YRTC-Geneva Population Data

Fiscal Year	Admissions (Annual)	Average Daily Census	Average Length of Stay (months)	Average Age at Admission
2008	153	71	7.3	16
2009	114	73	7.75	16
2010	143	75	7.75	16
2011	140	81	6.93	16.46
2012	140	81	6.61	16.17
2013	110	62	6.7	16.32
2014	89	59	7.04	15
2015	65	42	7.81	16
2016	61	49	8.5	17
2017	40	33	8.67	16
2018	38	26	9.54	16
2019	43	35	7.8	16

(Data for FY 2008-FY 2017 from YRTC-Geneva Annual Reports. Data for FY 2018 and FY 2019 from OJS Annual Report, FY 2019.)

⁴ The Annual Reports from YRTC-Kearney from FY 2003 through FY 2017 (with the exception of FY 2016 and 2018) can be found at: <http://govdocs.nebraska.gov/epubs/H8051/A002.html>.

⁵ The Annual Reports from YRTC-Geneva from FY 2003 through FY 2017 (with the exception of FY 2016 and 2018) can be found at: <http://govdocs.nebraska.gov/epubs/H8051/A001.html>.

⁶ The Youth Rehabilitation and Treatment Center-Geneva Annual Report for FY 2017 contained the admissions data for FY 2016 used in the table above.

⁷ See footnote 2 for link to OJS Annual Report.

YRTC-Kearney Population Data

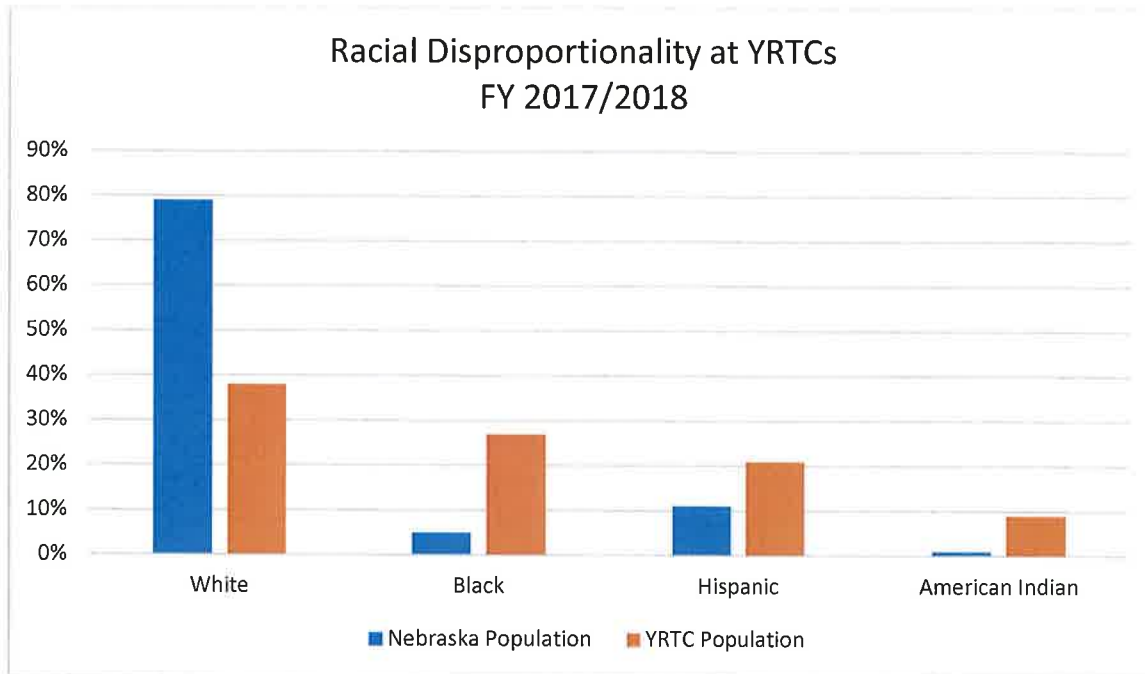
FY Year	Admissions (Annual)	Average Daily Census	Average Length of Stay (Months)	Average Age at Admission
2008	466	170	5.7	16
2009	489	169	5.6	16
2010	449	151	5.3	16
2011	449	147	4.9	16
2012	425	160	5.1	16
2013	350	142	5.6	16
2014	203	111	6.8	16
2015	161	98	8.0	16
2016	142	108	9.6	16
2017	132	97	9.4	16
2018	132	103	8.9	16
2019	109	87	10	17

(Data for FY 2008-FY 2017 from YRTC-Kearney Annual Reports. Data for FY 2018 and FY 2019 from OJS Annual Report, FY 2019.)

The data in these charts indicates that female youth spent, on average, more time at the YRTCs than male youth did until about 2015. In addition, at both YRTCs, as the populations declined, the average time a youth spent at the facility increased.

Racial Disparities in the Youth Rehabilitation and Treatment Center Populations

Racial disparities have long been evident in the populations served at the YRTCs. The chart below, compiled and created by DHHS, shows the racial disparities for the populations at both YRTCs combined. For example, Black youth accounted for 27% of the population at the YRTCs in FY 2018 but only make up 5% of Nebraska's population. Similarly, American Indian youth were overrepresented as 9% of the population at the YRTCs, while only making up 1% of the population at large in Nebraska. *(Nebraska Children and Families Visioning Session, July 2019, Exhibit I at 4-6.)*



Geographic Breakdown of the Home County of Youth at the Youth Rehabilitation and Treatment Centers

Geographically, the majority of female youth being committed to YRTC-Geneva come from Lancaster and Douglas counties. *(Annual Reports, YRTC-Geneva, FY 2008 – FY 2017.)* In some years, specifically 2012, 2013, and 2017, Lancaster County committed higher numbers of girls than Douglas County despite being an area with a smaller population. While girls are sent to YRTC-Geneva from all over the state and from each of the Child Welfare Service Areas, the other counties that committed female youth in the next highest numbers were often Madison County in the Northern Service Area, Lincoln County in the Western Service Area, and Hall County in the Central Service Area.

The geographic breakdown is similar for boys being sent to YRTC-Kearney. Lancaster and Douglas counties consistently commit the most youth to YRTC-Kearney often making up 40-50% of the commitments to Kearney. Hall County was the next highest in terms of committing boys to the YRTC. *(Annual Reports, YRTC-Kearney, FY 2008 – FY 2017.)* Scottsbluff and Lincoln counties in the Western Service Area and Madison County in the Northern Service Area also consistently sent youth to YRTC-Kearney in higher numbers.

Violations Leading to Placement of Youth at the Youth Rehabilitation and Treatment Centers

The top offenses committed by youth at YRTC-Geneva have not changed over the last ten years. As noted in the chart below, assault has been the most common offense for youth committed to YRTC-Geneva for more than 10 years, followed by theft and shoplifting. Youth who have been admitted with an offense of assault have made up between 24% and 42% of the population at Geneva in the last several years. Those youth were 37% of the population in FY 2017. It appears that the type of offenses have not changed for those entering YRTC-Geneva. But as the population has declined overall, a higher proportion of the youth at the YRTC have committed offenses like assault.

Other offenses that are consistently listed, but at lower levels, were drug possession, disturbing the peace, and criminal mischief.

YRTC-Geneva Top Offenses Leading to Admission to YRTC

Fiscal Year	Total Pop.	Assault	Theft	Shoplifting
2008	153	39	13	22
2009	114	33	11	21
2010	143	36	17	16
2011	140	46	14	20
2012	140	48	19	13
2013	110	39	15	16
2014	89	31	16	5
2015	65	29	9	1
2016	61	n/a	n/a	n/a
2017	40	15	4	4

(Data from YRTC-Geneva Annual Reports. Annual reports not available for FY 2016 and FY 2018.)

The same is true for YRTC-Kearney. Assault, theft, burglary, and drug possession have long been the top offenses committed by those admitted to Kearney. Criminal mischief was the next most common offense.

YRTC-Kearney Top Offenses Leading to Admission to the YRTC

FY Year	Total Pop.	Assault	Theft	Burglary	Drug Possession
2008	466	108	95	33	54
2009	489	104	85	51	50
2010	449	129	81	40	50
2011	449	114	91	39	69
2012	425	88	76	44	45
2013	350	96	62	27	53
2014	203	59	28	20	25
2015	161	34	20	13	8
2016	142	n/a	n/a	n/a	n/a
2017	132	25	21	9	4

(Data from YRTC-Kearney Annual Reports. Annual reports not available for FY 2016 or FY 2018.)

The proportion of youth who have committed an assault before entering YRTC-Kearney remained between 20% to 28% of the population from FY 2008 – FY 2017. For the most recent data in FY 2017, the percentage was 21%.

In 2016, the Legislative Performance Audit Committee directed the Legislative Audit Office to audit the YRTCs in Kearney and Geneva to examine whether violent incidents were on the rise in the facilities as a result of the juvenile justice reforms in LB 561 and LB 464. *(Assessment of Violent Infractions and Staffing at the Youth Rehabilitation and Treatment Center–Kearney, 2018 at 1.)*⁸ After some initial research, the Audit Office determined that the safety issues were mainly at YRTC-Kearney, and therefore, focused the audit exclusively on that facility. As a result, their findings cannot be applied to YRTC-Geneva.

As it relates to YRTC-Kearney, the audit examined all offenses considered “violent” which led to the youth’s commitment to the YRTC. Those offenses included arson, assault, attempted arson, attempted robbery, child abuse, child enticement, disorderly conduct, driving under the influence, false imprisonment, intimidation by phone, obstructing a police officer, resisting arrest, robbery, sexual assault, strangulation, terroristic threats, use of a firearm to commit a felony, and willful reckless driving. *(Assessment of Violent Infractions at 15.)* When all of those offenses are examined together, the Audit Office found

⁸ The full Audit Report is available online:
https://nebraskalegislature.gov/pdf/reports/audit/yrtc_kearney_2018.pdf.

an increase of about 10% in the number of violent offenses leading to commitment at Kearney. *(Id. at 15.)*

However, the report does not draw any definitive conclusions about the relationship between the violent offenses that lead to a youth's admission to the YRTC and the likelihood of violent infractions once in the YRTC. The report notes:

According to social science research, conditions of confinement can be as significant as a juvenile's history of violence in explaining why confined youth engage in aggressive behavior. Additionally, peer pressure, crowdedness, the quality of the youth-staff relationships, and juvenile's perceptions of the fairness of the institutions disciplinary procedures have all been shown to impact how well juveniles adjust to detention.

(Assessments of Violent Infractions at 14.)

Overall, the Audit found a decrease since FY 2012 in the proportion of violent infractions that took place at the YRTC. *(Assessment of Violent Infractions, Figure 2.4, at 19.)* However, the report did find that after FY 2012, a higher number of the youth who were placed at YRTC had committed multiple violent infractions. *(Id. at 20-25.)* For example, in FY 2012, 83% of the youth at YRTC-Kearney committed between 1-5 violent infractions each and 16% had committed between 6-30 violent infractions. In FY 2016, those numbers shift: 69% of youth committed between 1-5 violent infractions, while the percentage of youth who had committed between 6-30 violent infractions increased to 31%. *(Id., Figure 2.8, at 22.)*

In addition, there was an increase in staff assaults between FY 2014 and FY 2016. Staff assaults decreased again after FY 2016 which YRTC-Kearney staff attributed to changes in security and safety at the facility. *(Id. at 24-25.)*

Backgrounds of the Youth Placed at the Youth Rehabilitation and Treatment Centers

A majority of the youth placed at the YRTCs have experienced abuse and neglect. The Juvenile Justice Institute (JJI) at the University of Nebraska-Omaha released a report examining youth re-entering Lancaster County after a stay at the YRTCs. As part of that research, JJI found that 87.3% of the youth they sampled (in a sample size of 150) had a history of involvement with Child Protection Services as victims of abuse and/or neglect. *(Youth Re-Entering Lancaster County after Commitment to a State Youth Rehabilitation Center, Exhibit E at 5.)*

The report notes the research which shows children in the child welfare system have a higher likelihood of involvement with the juvenile justice system. (*Id.*, Exhibit E at 5,.) “Child abuse and neglect increase the risk of any arrest of a juvenile by 55 percent and the risk of committing a violent crime by 96 percent.” (*Id.*)

Past Reports on the Youth Rehabilitation and Treatment Centers

To know how to move forward it can be helpful to see what has come before. The YRTC's and the juvenile justice system have been studied numerous times. This report only examines the most recent reports from 2007 and 2013.

In 2007, the Nebraska Juvenile Correctional Facilities Master Plan Update was prepared for the Nebraska Juvenile Project Steering Committee by Chinn Planning and Carlson West Povondra Architects. The Nebraska State Building Division commissioned the contract to update a 1999 Office of Juvenile Services Master Plan completed by the same firms. The main focus of the Master Plan Update was substance abuse treatment needs for juveniles. As a result, the Hastings Regional Center was included as were both YRTC's.

(Nebraska Juvenile Correctional Facilities Master Plan Update, June 15, 2007, Exhibit F at 1-1.)

The Facilities Master Plan contains an overview of the juvenile justice system in Nebraska, including assumptions about trends and growth in the system related to each facility. The Facilities Master Plan report assumes a huge growth in the juvenile justice population at the YRTC's. As noted previously, there has actually been a significant decrease in the YRTC population since 2013. The report also includes an operation and facilities assessment of each facility. It then makes some overlapping system and operational recommendations, based on best practices in juvenile justice in 2007 such as:

- Creating a single point of entry into the system with an enhanced risk assessment and evaluation process with evaluations that are objective and consistent.
- Expanding community-based and non-residential supervision programs to ensure that there are treatment options to meet the needs of the youth in the system.
- Reducing the length of stay at the YRTC's through individualized treatment programming, a review of release decision making, a stronger aftercare process, and expanded community-based transition programming.
- Expanding programming for youth with special needs, such as female youth, sex offenders, youth with significant mental health needs, and youth with substance abuse issues.
- Expanding direct care and treatment staffing levels at the YRTC's.
- Enhancing aftercare programming.
- Expanding vocational programming for older youth.

Notably, the report suggests that the dormitory style living arrangements at YRTC – Kearney are not best practice. (*Facilities Master Plan, Exhibit F at 5-1.*) In addition, the report notes that best practices include creating facilities with “normative environmental character” and using behavior management as the basis for safety and security. (*Facilities Master Plan, Exhibit F at 7-1.*)

In 2013, the Juvenile Services Committee of the Nebraska Children’s Commission completed its Phase I Strategic Recommendations. Through LB 821 in 2012 (which created the Commission and the OJS Committee) and later LB 561, which implemented significant juvenile justice reform, the OJS Committee was charged with reviewing the following: the effectiveness of the YRTCs; what populations should be served at the YRTCs; what treatment services should be provided at the centers; and how mental and behavioral health services are provided to juveniles in secure residential placements and the need for such systems of care services in Nebraska. (*Nebraska Children’s Commission, Juvenile Services (OJS) Committee, Phase I Strategic Recommendations, December 2013, Exhibit G at 1.*)

The OJS Committee’s mission statement was to design “a comprehensive, culturally competent, continuum of care in the juvenile justice system that provides for accountability for youth and families, while maintaining public safety.” The vision statement included a desire to provide the right youth, with the right services, at the right time. (*Phase I Report, Exhibit G at 9.*)

The Phase I report took a broader view of the needs of the juvenile justice system and made comprehensive recommendations that included foundational principles, legal system changes, core design recommendations, YRTC-related recommendations, and recommendations related to the Nebraska Children’s Commission. The recommendations most directly related to the YRTCs include:

- Establishing and requiring a statewide screening and assessment tool, which would include an educational assessment, to be used when the youth first encounters the system. They may also be conducted when moving between levels of care and when there is a change in status or presentation.
- Requiring the behavioral health regions and state-funded entities to create a community-based continuum of care located within counties so that youth remain connected to family and community.

- Creating an intensive and highly structured treatment facility in an urban area with programming for high-risk juveniles.
- Requiring the YRTC's to provide evidence-based, trauma-informed treatment for behavioral health disorders, mental health disorders, and substance use disorders.
- Continuing renovations at the YRTC's to create an enhanced therapeutic environment.
- Creating a regionally based system of treatment facilities and assessing the role of the current YRTC's in that system.

(Phase I Report, Exhibit G at 3-6.)

In July 2019, Department of Health and Human Services CEO Dannette Smith began a process to convene a broad group of stakeholders to discuss the future of the YRTC's. As evidenced in the timeline of events below, this group has not met again since August 27, 2019. However, CEO Smith has stated that she will reconvene this visioning group to help evaluate possible consulting firms who could conduct a system wide evaluation of not just the YRTC's but all of the services provided to vulnerable families. *(Written Testimony of CEO Smith, LR 163 Joint Hearing, Dec. 18, 2019, Exhibit VV.)*

2019 Timeline of Events for the Youth Rehabilitation and Treatment Centers

Tuesday, July 9, 2019

- Department of Health and Human Services CEO Dannette Smith convened a broad cross-section of stakeholders to discuss the vision and purpose of the YRTC. (*Letter from CEO Smith, June 14, 2019, Exhibit H.*) Health and Human Services (HHS) Committee Legal Counsel attended.
 - The meeting was facilitated by Casey Family Programs.
 - The Executive Summary from that meeting notes:
 - The purpose was to “develop a shared vision and desired future state for children and families served by the YRTCs” and to begin “to outline a roadmap” to get there. (*Nebraska Children and Families Visioning Session, July 2019, Exhibit I.*)
 - There were several points of consensus on the desired future state including: (1) giving children hope and a sense of the future; (2) giving children voice and choice in plans for their future and the services they need; and (3) focus on treatment of the whole family. (*Exhibit I.*)
 - One of the next steps from the meeting was for CEO Smith to convene a smaller group to create a draft implementation plan for review by the larger visioning group. (*Exhibit I.*)

Thursday, August 1, 2019

- CEO Smith convened the YRTC Visioning Small Group. Participants included representatives from DHHS, the Office of Probation, the Foster Care Review Office, Voices for Children in Nebraska, the YRTC-Kearney Administrator, and the HHS Committee Legal Counsel.

Monday, August 12, 2019

- Department of Health and Human Services CEO Dannette Smith and DHHS’s Medical Director, Dr. Janine Fromm, informed Senator Howard that the conditions at YRTC-Geneva had become unsafe due to damage to the property, a lack of programming, and staffing issues.
 - The property damage had resulted in the closure of a second building, leaving only two buildings available to house the girls. CEO Smith also stated they only had enough staff to appropriately staff two buildings.

- There were 30 girls on the YRTC-Geneva campus at that time. CEO Smith communicated that she wanted to reduce the census immediately to be able to house the girls safely.
- CEO Smith planned to:
 - Send four girls to the Lancaster County Youth Services Center (YSC), the county juvenile detention facility, that day;
 - Send four girls to the YRTC-Kearney campus to be housed at the Dickson Building that day;
 - Have the girls re-evaluated by Dr. Hugo Gonzalez with Richard Young Hospital or by doctors at Boys Town through tele-health; and
 - Discharge six additional girls later that week.
- This plan would reduce the census to 16 on the Geneva campus.
- Corey Steel, Nebraska State Court Administrator, Julie Rogers, the Inspector General for Child Welfare (IG), and Jerall Moreland, Deputy Ombudsman for Institutions, were also informed of the situation by CEO Smith.
- Four of the girls were moved to the Lancaster County Youth Services Center that afternoon. The other four girls were not moved to YRTC-Kearney due to concerns the Fire Marshall had and they remained at YRTC-Geneva.
- CEO Smith requested that this information remain confidential until the girls were stabilized.

Tuesday, August 13, 2019

- CEO Smith texted Senator Howard and spoke to HHS Committee Legal Counsel with an update on the moves.
- CEO Smith reported she had spoken with Senator Brandt.
- IG Julie Rogers and Deputy Ombudsman Jerall Moreland met with HHS Committee Legal Counsel to confer on the YRTC situation.

Wednesday, August 14, 2019

- IG Julie Rogers and Deputy Ombudsman Jerall Moreland visited YRTC-Geneva.

Thursday, August 15, 2019

- CEO Smith met with the Lancaster County Board of Commissioners who were supportive of the four girls staying at the Lancaster County Youth Services Center. However, the Lancaster County Attorney's office was concerned that housing the

girls at the YSC violated state statute and sought a court order to remove the girls from the YSC.

- At 4:30 p.m., the court granted the order to send the girls back to YRTC-Geneva. *(Exhibit J.)*
- At 5:01 p.m., several members of the Legislature, the Ombudsman's office, the Governor's office, and DHHS CEO Smith received a letter from the Lancaster County Board of Commissioners stating that space was available for lease at the YSC should the state want to pursue that option to house the girls committed to YRTC-Geneva. *(Exhibit K.)*
- According to a call from CEO Smith to Senator Howard, the four girls staying at the Lancaster County Youth Services Center were transported from the YSC to YRTC-Geneva later that evening. Once at Geneva they were immediately transported to YRTC-Kearney.
- Senator Howard called the members of the Health and Human Services Committee that night to apprise them of the situation.

Friday, August 16, 2019

- Senator Howard sent an email to the Legislature informing them of the crisis at YRTC-Geneva. *(Exhibit L.)*
- Senator Kate Bolz sent an email to CEO Smith requesting an update on the necessary repairs and the status of the facility at Geneva as well as any changes to the process for maintaining facilities. *(Exhibit M.)* The email also:
 - Attached the August 15th letter from the Lancaster County Board of Commissioners *(Exhibit K)*;
 - Attached the DHHS request to the Appropriations Committee to move facilities maintenance positions to the Department of Administrative Services (DAS) to achieve "standardization, streamlining, and efficiency." *(Exhibit M.)*
- IG Julie Rogers shared a letter with the Legislature and the Ombudsman's office addressed to CEO Smith outlining the Office of Inspector General's (OIG) concerns with the situation at YRTC-Geneva and suggesting immediate next steps that should be taken. *(Exhibit N.)*
 - IG Rogers notes in her letter that CEO Smith described the issues at YRTC-Geneva as a "Three-Tiered Problem": (1) the acuity of the girls placed there; (2) the staffing challenges leading to overtime and double shifts; and (3) the disrepair of the facility.
 - The letter also notes that after their tour of YRTC-Geneva on August 14th, IG Rogers and Deputy Ombudsman Moreland spoke with the four girls moved to

the Lancaster County YSC. The information reported from those conversations supported CEO Smith's concerns about a lack of programming and deteriorating facilities at YRTC-Geneva.

- The letter notes that "Change of Location" documents do not appear to have been filed in any of the juvenile cases.
- Senator Howard met again briefly with CEO Smith.
- Senator Howard, Senator Steve Lathrop, Senator Patty Pansing Brooks, and Senator Tom Brandt visited YRTC-Geneva. The senators stayed for four hours, toured every building, and spoke with staff and girls. (*Exhibit O, see photos.*)
 - A summary of the conditions at YRTC-Geneva that the senators found on their visit can be found on pages 35-36.

Saturday, August 17, 2019

- Senator Howard emailed the HHS Committee with an update on her visit to Geneva. (*Exhibit O, see photos.*)
- Senator Howard called the Governor to update him on the situation at YRTC-Geneva.

Sunday, August 18, 2019

- Senator John Lowe visited the four girls placed at YRTC-Kearney and met with Paul Gordon, the YRTC-Kearney Facility Administrator.

Monday, August 19, 2019

- DHHS sent out a press release announcing that all girls at YRTC-Geneva had been moved to YRTC-Kearney.⁹
- Senator Howard sent an update to the Legislature from CEO Smith regarding the relocation of the girls. (*Exhibit P.*) The update noted that:
 - Upon arrival at YRTC-Kearney the girls were greeted with a welcome basket, a pizza party, and a tour of the Kearney campus, as well as a review of expectations now that they were at a different campus;
 - DHHS planned to transport all direct care staff, case managers, mental health staff, and food service staff to and from Geneva and Kearney each day to ensure appropriate staffing;
 - DHHS would contract with a psychiatrist to assess each of the girls;
 - The girls and boys would be separated at all times; and

⁹ Press release available at: <http://dhhs.ne.gov/Pages/Youth-from-Rehabilitation-and-Treatment-Center-in-Geneva-Relocating-to-Kearney.aspx>

- The Department of Administrative Services (DAS) would be assessing the facilities at Geneva.
- The update also noted that all of the juvenile court judges and parents were informed of the move.
- Senator Dave Murman visited YRTC-Geneva and received a tour from the Recreation Director.

Tuesday, August 20, 2019

- Senator Erdman sent an email to the Legislature clarifying the role of the Building Maintenance Committee and the 309 Task Force for Building Renewal. *(Exhibit Q.)* Senator Erdman's email:
 - Included an attachment with an accounting of the 13 allocations for repair work at YRTC-Geneva totaling over \$1.9 million; and
 - Noted that the 309 Task Force toured YRTC-Geneva on June 4, 2019.

Wednesday, August 21, 2019

- Senator Bolz sent a letter to CEO Smith. *(Exhibit R.)*
 - It requested the status of the facilities at YRTC-Geneva and any needed repairs, as well as any plans to change the process regarding facilities maintenance.
 - The letter noted that DHHS had recently requested that the Appropriations Committee transfer appropriations for maintenance positions from DHHS to DAS to streamline the maintenance at the YRTCs.

Thursday, August 22, 2019

- Senator Howard met with IG Julie Rogers and Deputy Ombudsman Jerall Moreland regarding the YRTC situation.
- Senator Howard met with Joe Kohout and Lancaster County Commissioner Sean Flowerday regarding the potential lease of space at the Lancaster County Youth Services Center.

Friday, August 23, 2019

- Senator Howard sent an email update to HHS Committee members. *(Exhibit S.)* The email included:
 - An update on the work of the OIG and Ombudsman;

- An update on the construction at Geneva, the completion date for the work, and noted it was not clear if and when the girls would be moved back to the Geneva campus; and
- An invitation to tour the prospective leased space at the Lancaster County Youth Services Center on August 28th.
- CEO Smith sent the Legislature an update on the YRTC situation. (*Exhibit T.*) The update noted that:
 - Six boys had eloped from the YRTC-Kearney facility that morning after assaulting a staff member and scaling the fence. At that time DHHS, the State Patrol, the Kearney Police Department, and the Buffalo County Sheriff's Office were working to locate the youth. (*"Multiple Youths Escape from YRTC" and "Three of six YRTC escapee's now back..." The Kearney Hub, August 23, 2019 & August 27, 2019, Exhibit U.*);
 - The girls who were moved to YRTC-Kearney were assessed by a physician on August 20th and parents and guardians were made aware of any medication adjustments. Each girl was also assigned a Licensed Mental Health Practitioner and a case manager;
 - Programming, including mental health and education, began for the girls on August 23rd;
 - Teachers from YRTC-Geneva were being transported back and forth to YRTC-Kearney; and
 - Department of Administrative Services (DAS) and DHHS were continuing to assess the Geneva facility.
- CEO Smith sent a letter to Senator Bolz (*Exhibit V*) in response to Senator Bolz's August 21st letter (*Exhibit R*). Senator Bolz's letter had requested the status of the facilities at YRTC-Geneva and any needed repairs, as well as any plans to change the process regarding facilities maintenance. In response, CEO Smith's letter:
 - Referred to DHHS's press release of August 19th in answer to some of Senator Bolz's questions; and
 - Noted that DHHS would follow up with additional information once DAS had an opportunity to assess the facilities and provide DHHS with information on any necessary repairs.

Saturday, August 24, 2019

- IG Julie Rogers, Senator Howard, and Senator Machaela Cavanaugh visited YRTC-Kearney.

- The senators visited the Dickson and Bryant buildings. They were able to see the dormitory style sleeping quarters, the communal showers, and the common area.
- The senators and IG Rogers spoke with several girls and several staff members.
- DHHS staff, including CEO Smith, met with parents on the YRTC-Kearney campus.

Monday, August 26, 2019

- Senator Howard sent an email update to the HHS Committee members on the visit to YRTC-Kearney. (*Exhibit W.*) It noted:
 - The girls seemed stable and programming was being implemented. The girls were using the “levels” program which allows them to earn their way to more independence and responsibility with good behavior. (*Handout of Phase Level Program from HHS Committee tour of YRTC-Kearney, October 3rd, 2019, Exhibit X.*) It appeared to be helpful for the girls to understand there is a system in place and a path forward to leave the YRTC.
 - Challenges remained, particularly that the girls were in a dormitory setting unlike the individual rooms they had at Geneva.
 - Construction had begun on the LaFlesche building on the Geneva campus.

Tuesday, August 27, 2019

- Senator Bolz sent a follow up letter to CEO Smith. (*Exhibit Y.*)
 - It reiterated a request that CEO Smith identify any changes to the facilities maintenance process to ensure that the current situation is remedied and the facilities are not allowed to deteriorate in the future.
 - Jason Jackson, the Director of Department of Administrative Services, is cc'd.
- CEO Smith held the second YRTC Visioning Small Group session. (*Exhibit Z.*) Discussion from that session included:
 - A conversation about the needs of the youth in the care of the YRTCs, most particularly the acute psychiatric need of some, as well as the broad spectrum of needs across the YRTC population and the challenge of crafting programming to meet all those needs;
 - The possible utilization of an outside consultant to complete an assessment of Nebraska's YRTCs;
 - The importance of including other stakeholders; and
 - Plans to reconvene on September 16th.

Wednesday, August 28, 2019

- Senator Howard, Senator Cavanaugh, IG Julie Rogers, and representatives from the Lancaster County Board of Commissioners toured the Lancaster County Youth Services Center to see the space DHHS might lease.

Thursday, August 29, 2019

- CEO Smith sent a letter to IG Julie Rogers (*Exhibit AA*) in response to the OIG's August 16th letter (*Exhibit N*) which outlined the OIG's concerns with the situation at YRTC-Geneva. CEO Smith's letter notes DHHS's belief that Nebraska law does not require a court order to change a youth's location once that youth is committed to OJS.

Friday, August 30, 2019

- Senator Howard sent an email update to the HHS Committee members describing the Lancaster County YSC after the tour. (*Exhibit BB, see photos.*)
- CEO Smith sent an update to the Legislature on the situation at YRTC-Kearney. (*Exhibit CC*). The update noted:
 - The 26 girls on the YRTC-Kearney campus were moved from the Bryant building to the Morton building which is a standalone building and has individual rooms;
 - The girls were attending school, group sessions, and had each been assigned a mental health therapist;
 - Staff was still being transported from Geneva to Kearney by DHHS;
 - A private security company was being paid to have four security officers monitoring the perimeter of the campus 24 hours a day, 7 days a week; and
 - CEO Smith toured Geneva with representatives from the Department of Administrative Services and representatives from engineering and architecture firms.

Tuesday, September 3, 2019

- Senator John Arch toured the YRTC-Geneva campus.
- Four girls eloped from YRTC-Kearney. All four were found – one of them was arrested. (*Exhibit DD.*)

Wednesday, September 4, 2019

- Several members of the HHS Committee toured Boys Town's Residential Treatment Center.

- Senator Arch arranged the tour.
- Part of the purpose was to understand how Boys Town approaches the treatment of youth with issues similar to, if at times less intense, than the youth being treated at the YRTC's.
- Part of the tour focused on how Boys Town achieves a therapeutic environment in their facility while also building it to anticipate the potentially destructive behaviors of those they are treating. For example, all sprinkler heads were recessed or covered to prevent a youth from breaking them off.
- The HHS Committee learned about the requirements to enter the Boys Town program. Youth must have a DSM diagnosis and be at-risk. There are also several exclusionary criteria, such as a high level of aggression or a low IQ. The average length of stay is three to four months.
- Two public defenders visited their clients at YRTC-Kearney. (*Exhibit EE.*) Their notes include:
 - A synopsis of the significant differences for their clients between YRTC-Geneva and YRTC-Kearney;
 - A summary of the original incident at YRTC-Geneva according to their clients;
 - A summary of their client's experience in their transition to YRTC-Kearney (including a description of shackling, their clients' inability to bring personal items with them, and where their clients were housed upon arrival);
 - A description of specific concerns such as supervision of phone calls with attorneys, communal showering, and culturally inappropriate hair products; and
 - A description of their clients' experiences in solitary confinement.

Thursday, September 5, 2019

- Department of Administrative Services Director Jason Jackson sent a letter to Senator Bolz in response to Senator Bolz's her letter. (*Exhibit FF.*) Senator Bolz's August 27th letter (*Exhibit Y*) referenced the transfer of funding and personnel to DAS to maintain the YRTC facilities and requested a plan to ensure the facilities will not deteriorate in the future. Director Jackson's response notes:
 - The safety and wellbeing of the youth in the state's care is DAS's primary concern. That remained the primary concern after a surge in vandalism that began in October 2018 and included 12 separate incidents of fire suppression heads being destroyed resulting in flooding.

- All damage to the buildings is attributable to “deliberate acts of vandalism” and notes that DAS and DHHS staff have worked together to mitigate the damage.
- No personnel or process changes have occurred since the funding of facility maintenance personnel was moved from DHHS to DAS in April 2017.
- DAS is working to reinforce the structures to “better withstand the abuse inflicted by the youth” served there.

Friday, September 6, 2019

- CEO Smith sent the Legislature an update on the YRTCs. (*Exhibit GG.*) It noted that:
 - The census of girls at the YRTC-Kearney facility was 25;
 - Four girls eloped from YRTC-Kearney after stealing keys from a staff member. Using the information from the private security company DHHS had contracted with, all four girls were found by law enforcement within two hours. Three girls were returned to the YRTC-Kearney facility and one was placed in the Buffalo County Jail. Changes were made to procedures and staffing schedules in response to this incident; and
 - Two additional Anger Replacement Therapy (ART) groups were added.

Saturday, September 7, 2019

- Senator Howard visited YRTC-Kearney and spoke with several of the girls.

Thursday, September 12, 2019

- CEO Smith’s office sent an email postponing the YRTC Visioning Small Group meeting set for September 16, 2019. (*Exhibit HH.*)

Friday, September 13, 2019

- DAS Director Jackson sent a letter to the Legislature detailing 12 separate incidents of broken sprinkler heads from May 28, 2019 to August 9, 2019 at YRTC-Geneva. (*Exhibit II.*)
- CEO Smith sent a memo update on the YRTC situation to Senator Howard. (*Exhibit JJ.*) It noted:
 - As of that date there were 24 female and 92 male youth on the YRTC-Kearney campus;
 - All girls were seen by a medical provider when they arrived at YRTC-Kearney. Dr. Janine Fromm, the State’s Executive Medical Director, reviewed all the medical files, including medications, and made some minor medication

adjustments. Dr. Fromm felt the medical professionals treating the girls had done a good job; and

- A hiring recruitment fair was planned at both YRTC campuses in Kearney and Geneva on September 21, 2019.

Friday, September 20, 2019

- CEO Smith emailed a YRTC update to the Legislature. (*Exhibit KK.*) It noted that:
 - The current census was 23 female and 89 male youth;
 - 13 students from UNL's Re-entry Mentors program came out to visit the youth at the Kearney campus;
 - Boys Town was contracted to provide psychotherapy through tele-health for the female youth;
 - The girls were receiving new physical exams and treatment by Family Medicine physicians Drs. Hilliard, Wewel, and Meyers; and
 - On Wednesday, September 18, three boys tried to elope by overpowering a staff member. Two were able to scale the fence. One was quickly apprehended. The other boy remained at large as of that date.

Saturday, September 21, 2019

- DHHS held job fairs for YRTC-Geneva and YRTC-Kearney. (*Written Testimony from CEO Smith at Public Hearing in Geneva, October 2, 2019, Exhibit LL at 3.*)
 - DHHS conducted twelve interviews.

Friday, September 27, 2019

- CEO Smith sent an update to the Legislature. (*Exhibit MM.*) It noted:
 - A job fair was held at YRTC-Geneva and YRTC-Kearney;
 - YRTC-Kearney hosted its 4th Annual Law Enforcement Appreciation Picnic; and
 - Representatives from the Nebraska Department of Labor, Vocational Rehabilitation, and the American Association of Builders and Construction Workers visited the YRTC-Kearney campus as part of ongoing efforts to improve vocational rehabilitation opportunities.
- Deputy Ombudsman Jerall Moreland sent an email to Senator Howard forwarding an update from Nicole Berggren, Juvenile Justice Administrator. (*Exhibit NN.*) The update noted that:

- Another female youth had been discharged bringing the census of female youth at YRTC-Kearney to 20; and
- Representatives from the Department of Labor and Vocational Rehabilitation visited YRTC-Kearney to discuss apprenticeship opportunities.

Wednesday, October 2, 2019

- Members of the HHS Committee, Senators Brandt and Lowe, IG Julie Rogers, CEO Smith and members of her staff, and representatives from DAS toured YRTC-Geneva in the morning.
 - A discussion was held over lunch after the tour.
 - Senators saw that the repairs at LaFlesche were close to completion.
 - Senators were told by the workers that mold remediation was being done in Burroughs Cottage.
- The HHS Committee held a public hearing in Geneva on LR 103 introduced by Senator Lowe regarding staffing at the YRTCs and LR 200 introduced by Senator Quick regarding programming at the YRTCs. *(Transcript of Geneva Public Hearing.)*¹⁰
 - Over 70 people attended and 12 people testified.

Thursday, October 3, 2019

- The HHS Committee along with Senators Quick and Lowe, and CEO Smith and her staff, toured YRTC-Kearney in the morning.
- The HHS Committee held a public hearing in Kearney in the afternoon on LR 103 and LR 200. *(Transcript of Kearney Public Hearing.)*¹¹
 - At least 40 people attended and 11 people testified (the only common testifier between Kearney and Geneva being CEO Smith).

Friday, October 4, 2019

- CEO Smith sent an email to the Legislature with an update on the YRTCs. CEO Smith stated there was nothing new to report. *(Exhibit OO.)*

¹⁰ The full transcript is available online at:

<https://www.nebraskalegislature.gov/FloorDocs/106/PDF/Transcripts/Health/2019-10-02.pdf>

¹¹ A full transcript is available online at:

<https://www.nebraskalegislature.gov/FloorDocs/106/PDF/Transcripts/Health/2019-10-03.pdf>

Monday, October 21, 2019

- DHHS releases a Draft Youth Rehabilitation and Treatment Center Business Plan. *(Exhibit PP.)*
- The YRTC Business Plan proposes to:
 - Create a YRTC-Lincoln at the Lancaster County Youth Services Center;
 - Make YRTC-Kearney the hub of the YRTC system;
 - Send all youth – male and female – to YRTC-Kearney first for evaluation;
 - Send high-needs male or female youth to YRTC-Lincoln for intensive behavior modification, family treatment, and support;
 - Return youth to YRTC-Kearney, once stabilized;
 - Send female youth to YRTC-Geneva once they are ready to transition out of the YRTCs.
 - Note, the plan anticipates only 3-6 girls at Geneva at a time.
- In her discussions with Senator Howard, CEO Smith proposed using the campus at Geneva for Medicaid eligibility processing.

Thursday, October 24, 2019

- Senator Howard and Senator Williams received a letter on behalf of all nine Separate Juvenile Court Judges expressing concerns with the YRTC Business Plan. *(Exhibit QQ.)* The letter:
 - Expressed concerns about placing youth at a detention facility under Neb. Rev. Stat. § 43-408(2)(c) which states that “placement of a juvenile in detention shall not be considered a treatment service”;
 - Expressed concern that it might not be possible to provide appropriate rehabilitation services at the Lancaster County Youth Services Center if no structural changes are made to alter it from its current function as secure detention; and
 - Clarified that the Juvenile Court Judges did not collaborate on the development of the DHHS YRTC Business Plan, dated October 21, 2019.
- Corey Steel, Nebraska State Court Administrator, also sent an email to Senator Howard expressing concern with the Draft YRTC Business Plan. *(Exhibit QQ.)*
 - Mr. Steel wanted to clarify that the Administrative Office of the Courts and Probation did not have input into the plan and are not supportive of parts of the plan such as utilizing secure detention for youth in need of treatment.

Tuesday, October 29, 2019

- CEO Smith sent letters to both Senators Howard and Williams and also to Judge Ryder in response to the letter from the Juvenile Court Judges. (*Exhibit RR.*) The letters:
 - Reiterate the short-term goals of the Draft YRTC Business Plan;
 - Note that the plan is a first step towards population specific programming;
 - Clarify that while DHHS provided the Court Administrator, Corey Steel, and the Deputy Probation Administrator, Jeanne Bradner, an opportunity to review the plan, DHHS did not mean to imply any collaboration or approval by the Juvenile Court Judges;
 - Note that in their research for the Draft YRTC Business Plan, DHHS identified two key points: (1) that a community-based approach is best, and (2) there is an opportunity to improve the continuum of care for juveniles; and
 - Note that DHHS plans to have a nationally recognized consulting firm conduct an assessment of Nebraska's current continuum of care and will engage key stakeholders in the planning process.
 - In the email attaching the response letters, DHHS also attached a 2013 report from the Juvenile Services Committee of the Nebraska Children's Commission which had strategic recommendations for the YRTC programs that DHHS believed aligns with their long-term goals. (*Phase I Strategic Recommendations, Exhibit G at 2-6.*)
- The Lancaster County Board of Commissioners approved the lease agreement with the State to house youth in the secure portion of the Lancaster County Youth Services Center. (*Exhibit SS.*)
 - The leased space in the YSC would become the proposed YRTC-Lincoln.
 - The lease is for five years at a cost of \$352,946 for the first year with 2% increases in each subsequent lease year.

Thursday, October 31, 2019

- Senator Howard visited YRTC-Kearney and spoke with several of the girls.

Tuesday, November 5, 2019

- DHHS issued a press release noting the need for additional staffing at YRTC-Kearney and the proposed YRTC-Lincoln.¹²
- DHHS issued reduction in force letters to the majority of staff at YRTC-Geneva, including the principal of the school. (*Layoff Plan for NAPE/AFSCME, Exhibit TT.*)

Friday, November 15, 2019

- CEO Smith held a meeting with all teachers from YRTC-Kearney and YRTC-Geneva, as well as representatives from the State Code Agencies Teachers Association (SCATA) and the Nebraska State Education Association (NSEA), regarding the education plan going forward and examining ways to make up education hours for the girls from Geneva. (*Written testimony of CEO Smith, LR 163 Joint Hearing, Exhibit VV.*)

Tuesday, November 19, 2019

- Senator Howard's office emailed an update to the HHS Committee members on the education plan based on conversations with DHHS. (*Exhibit UU.*) The update notes that:
 - DHHS held meetings with the Nebraska State Education Association, teachers, and several elected officials in Geneva and Kearney including Senators Brandt, Quick, and Lowe;
 - As of November 19th, a total of 368 education hours needed to be made up by the girls;
 - On Friday, November 15th, DHHS met with the YRTC teachers, SCATA, and NSEA representatives to propose three different staffing options for providing extended days to make up some of those hours;
 - Under these staffing options, teachers would volunteer to change their hours and would be paid for their time;
 - The teachers asked to take some time to prepare their own proposals which was welcomed by DHHS and another meeting date was set;
 - DHHS was working with the Commissioner of Education Matt Blomstedt; and
 - The long-term goal is to create a special purpose school district that would include the proposed YRTC-Lincoln.
- Senator Arch organized and attended a tour of the Lancaster County Youth Services Center. Staff from Senator Arch's, Senator Howard's, and Senator Ben Hansen's

¹² The press release is available online at: <http://dhhs.ne.gov/Pages/DHHS-Announces-YRTC-Staffing-Changes.aspx>.

offices attended, as well as representatives from the Lancaster County Board of Commissioners.

Thursday, November 21, 2019

- Senator Howard presented an update on the YRTC situation to all Senators at the Legislative Council meeting.

Friday, November 22, 2019

- Senator Howard organized a meeting between the HHS Committee and the Judiciary Committee members (and any other senators who chose to attend), about the YRTCs and the Legislature's role in helping find a path forward.

Wednesday, November 27, 2019

- DHHS met again with the YRTC teachers, SCATA, and the NSEA about staffing options. (*Written testimony of CEO Smith, LR 163 Joint Hearing, Exhibit VV.*)

Friday, December 6, 2019

- DHHS met again with the YRTC teachers, SCATA, and the NSEA about staffing options. (*Written testimony of CEO Smith, LR 163 Joint Hearing, Exhibit VV.*)

Wednesday, December 18, 2019

- The HHS and Judiciary Committees held a joint hearing on LR 163, an interim study to examine issues under the jurisdiction of the HHS Committee, which was used to continue the examination of the issues at the YRTCs.¹³ (*Written testimony of CEO Smith, LR 163 Joint Hearing, Exhibit VV.*)

In addition to the events detailed above, Senator Howard and her colleagues had numerous confidential conversations and meetings with the girls, parents, former and current staff at YRTC-Geneva, as well as other stakeholders and experts in the field who shared their experiences. Her office also received confidential communications from others with knowledge of the situation at Geneva sharing their thoughts and expressing concern.

¹³ Transcript of the LR 163 Joint Hearing is forthcoming and will be available at https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=40289

Throughout this time, Senator Howard was also in very close contact with Office of the Inspector General for Child Welfare (OIG) and IG Julie Rogers. The Office of Inspector General is completing its own investigation into what happened at YRTC-Geneva and the conditions at YRTC-Kearney when both boys and girls are housed there. That report is expected in early 2020. The Ombudsman's Office has also been engaged on this issue, visiting the facilities and has been in contact with both the OIG and Senator Howard.

The Conditions at the Youth Rehabilitation and Treatment Center in Geneva

On Friday, August 16th, Senators Howard, Lathrop, Pansing Brooks, and Brandt visited YRTC-Geneva and toured the school, cafeteria, and each cottage.

In the LaFlesche cottage, the newest building on the YRTC-Geneva campus, a trench had been dug in the bathroom and shower area in one of the pods to address a plumbing issue earlier in the year. The trench was still there when the senators visited and had not been addressed for several months. The senators also saw graffiti in numerous rooms. It appeared that work had begun in some of the rooms, but was unfinished.

In the Sacajawea cottage (often referred to as Sac), where the events occurred that precipitated the move to YRTC-Kearney, the senators saw and experienced the significant water damage, including a musty smell. In the rooms where girls were housed there were holes in the walls large enough for the girls to fit through. In the common area in Sac there were wires hanging down from the ceiling.

In the Burroughs cottage, where some girls were living before the move to YRTC-Kearney, the senators found the walls were broken with the mesh from the plaster and lathe exposed. Senators were told by the girls that this sharp mesh could be used for self-harm. In addition, the girls were housed in rooms that could not easily be unlocked in the event of a fire. The doors to the individual rooms were supposed to be unlocked at one time, by one key, with a fire safety system. That system was broken, creating a serious fire hazard for the girls living in those rooms. Senators observed broken lights in the rooms used for confinement and one girl who was confined in her room with no light and no mattress.

Senators also visited the Sandoz cottage which had been cleaned prior to their visit.

Senators observed that the staff did not interact at all with the girls. The girls the senators spoke with reported that once school ended there was no programming. The staff watched the girls play cards or watch TV. The girls reported that they were not allowed to go outside.

In speaking with the girls, senators were informed of an incident that precipitated a call to the sheriff and the Nebraska State Patrol. A few days prior to the incident, a resident had broken a sprinkler head, flooding Sacajawea Cottage. Subsequently, the girls had been spending their days in the gym, and then were still sleeping overnight in the Sacajawea

cottage. One girl reported that there were fans running constantly in Sacajawea to address the water damage and smell. This made it impossible for staff to hear the girls banging on the doors to ask to go to the bathroom at night. On the third evening of sleeping in these conditions, the girls picked up whatever they could find (a vacuum attachment, extension cord) to barricade themselves in an office and used an office phone to call their parents, the Ombudsman, and the Child Protective Services' hotline.

Senator Howard and others had numerous conversations with both the girls at Geneva, parents, current and former staff, and other interested parties. There were several repeated themes to these conversations. First, most reported a total lack of programming at Geneva in the months before the crisis point in August. Second, there was a lack of treatment. Several girls and families reported that the girls did not receive therapy for months at a time. It was reported that one girl was held in room confinement for five days and the room did not have a working light. Third, most girls noted the issues with mold and mildew at the facility. One youth reported that the smell was so terrible from the water damage that girls were getting sick. Finally, several staff members reported having to do mandatory overtime at Geneva. Some staff were being pulled from other facilities to do overtime at Geneva and no training was provided for these employees on how best to work with the girls.

Common Themes Regarding the Challenges at YRTC-Geneva

The Office of the Inspector General's report will offer a more comprehensive understanding of how YRTC-Geneva could have reached a crisis point. However, the Health and Human Services Committee has heard several common themes through numerous communications with persons connected to the YRTC and through testimony at hearings.

Facility and Maintenance Issues

The HHS Committee heard that in the past, facilities and maintenance issues were always immediately addressed at YRTC-Geneva. At the public hearing in Geneva, one such testifier was Frank Heinisch, who serves as the Chair of YRTC-Geneva's Advisory Board. Mr. Heinisch has served on the Board for over 30 years and had gone to the YRTC at least monthly during the winters to eat lunch with the girls. Mr. Heinisch testified to recent maintenance challenges on campus. In early 2019 a sewer problem was identified in the LaFlesche building on Geneva's campus. Work began to address it and a large trench was dug through the concrete floor in one bathroom and shower area. It was Mr. Heinisch's understanding that when it was discovered the problem was more extensive and more costly, the work stopped and the trench was never addressed. As a result, that pod of LaFlesche became uninhabitable. Soon after, damage to the other pod in LaFlesche was sustained. Mr. Heinisch believes that damage was caused by the girls. Damage to both pods meant that LaFlesche became unusable and was shut down. This was of particular concern because LaFlesche was the building used for the girls with higher needs and more intense behavior issues. Without LaFlesche, those higher-need girls had to be housed with the lower-risk, lower-need girls on campus. *(Transcript of Geneva Public Hearing, Testimony of F. Heinisch, October 2, 2019, at 30-32.)*

A former Facility Operating Officer at YRTC-Geneva, Mary Stofer, testified that maintenance concerns arose after the Department of Administrative Services began supervising the maintenance staff. *(Transcript of Geneva Public Hearing, Testimony of M. Stofer, at 60-73.)* Ms. Stofer testified that prior to DAS being responsible for maintenance, the maintenance staff at YRTC-Geneva would shovel snow, repair appliances, mow the grass, etc. However, DAS's policy was that it was only responsible for the maintenance of the buildings. As a result, YRTC-Geneva had to contract for other services like shoveling

snow. (*Id. at 61-62.*) Ms. Stofer's experience was that prior to DAS's oversight, maintenance supervisors on Geneva's campus would have been able to handle a broken sprinkler head immediately. (*Id. at 66-68.*) Ms. Stofer also made the point that the facilities are intertwined with the programming in a critical way. The example she gave was that one could not put a girl in her room if the light did not work. When the facility is not responsible for maintenance, it becomes harder to make the connection between the physical plant and how it affects the programming. (*Id. at 68-69.*)

According to correspondence between the Director of DAS and Senator Bolz, DAS took over responsibility for maintenance in April 2017. (*Exhibit FF.*) In that same letter, the Director of DAS noted a "recent surge in vandalism" since October 2018. (*Id.*) The Committee heard varying reports on why the maintenance challenges arose. According to one former maintenance staff member, at some point in late 2018, the new maintenance supervisor told the maintenance staff that they were not to fix or repair any damage caused by the youth housed at the YRTC. (*Email from Mr. Mike Finley dated Sept. 4, 2019, Exhibit WW.*) Another maintenance staff member, in a conversation with an HHS Committee member, stated that it became too hard to keep up with the damage caused by the girls. Ms. Stofer, the former Facility Operating Officer, stated that "rumor had it" there was a disagreement between DAS and DHHS on who should be responsible for the damage caused by the girls, with DAS asserting that it would not pay for the damages and DHHS should assume responsibility. (*Transcript of Geneva Public Hearing, Testimony of M. Stofer, at 62.*) A letter from the Director of DAS dated September 13, 2019, lists 12 separate acts of sprinklers being broken between May 28th, 2019 and August 9th, 2019. (*Exhibit II.*) There is no evidence that any steps were taken to prevent the breaking off of sprinkler heads after the first few incidents.

Programming & Mental Health Treatment

Prior to 2018, YRTC-Geneva had a clinical psychologist on staff named Dr. Cindy Nash. (*YRTC-Geneva Annual Reports, FY 2014 – FY 2017.*) According to testimony at the public hearing in Geneva, Dr. Nash was running successful programming. (*Transcript of Geneva Public Hearing, Testimony of F. Heinisch, at 46-47.*) Dr. Van Winkle who was the clinical psychologist at YRTC-Kearney had also created a program centered around

treatment and staff were trained in this program. In addition, staff, including cottage supervisors, were trained every month on trauma informed care.

Another testifier, Bette Mattox, worked at YRTC-Geneva for 32 years, the majority of that time as a caseworker, and had recently retired prior to the October hearing in Geneva. She testified that in late June 2019, the programming that Dr. Nash had created was eliminated with the goal of moving to the phase programming utilized at YRTC-Kearney. However, the staff had not been trained on the phase programming and so it was not used. According to Ms. Mattox essentially all programming stopped in June 2019. (*Transcript of Geneva Public Hearing, Testimony of B. Mattox, at 83.*)

Staffing

According to the YRTC-Geneva Annual Reports, Dan Scarborough was Facility Administrator at YRTC-Geneva for over a decade from at least FY 2004 through FY 2017. Jana Peterson was the Facility Administrator at YRTC-Kearney beginning in FY 2010 through at least FY 2015. Prior to that, she had served as the Facility Operating Officer. (*YRTC-Kearney, Annual Report, FY 2010.*) (There are no Annual Reports for FY 2016 or FY 2018, so it is not clear when Mr. Scarborough and Ms. Peterson left those positions.)

Sometime prior to the end of FY 2017, Trevor Spiegel took over as Facility Administrator at YRTC-Kearney. (*YRTC-Kearney, Annual Report, FY 2017.*) By 2019, Mr. Spiegel was also the Facility Administrator at YRTC-Geneva. It is not clear when his tenure in Geneva began.

It is also not clear why there was a change in the Facility Administrator at Geneva from Mr. Scarborough to Mr. Spiegel. Testimony and other conversations indicate that Mr. Scarborough maintained the facility well and was well regarded. Most notably, senators heard from Bobbi Taylor in testimony, a former resident at Geneva, who described Mr. Scarborough as the “person who gave her a second chance.” (*Transcript of LR 163 Joint Hearing, Testimony of B. Taylor.*)

According to testimony, the staffing at YRTC-Geneva had previously been stable and there was considerable staff longevity there. (*Transcript of Geneva Public Hearing, Testimony of M. Stofer, at 70.*) However, the staffing was always tight. Ms. Stofer described

how the staffing and scheduling left little margin. So if someone got sick or was unable to work, mandatory overtime was generally required. (*Id.*)

Ms. Mattox testified at the Geneva hearing that more recently key positions were left vacant at YRTC-Geneva. (*Transcript of Geneva Public Hearing, Testimony of B. Mattox, at 76-77.*) The Training Coordinator position at Geneva was left vacant. (*Id. at 76.*) The Facility Operating Officer was left vacant after 2018, although for a while it was staffed by someone who also had responsibility for Whitehall, another of DHHS's 24 hour facilities located in Lincoln. (*Id. at 77.*) When Dr. Nash left in 2018, the Clinical Psychologist role was not filled. Dr. Van Winkle, the Clinical Psychologist for YRTC-Kearney, covered both facilities for a while.

One key position that was also eliminated were cottage supervisors. (*Transcript of Geneva Public Hearing, Testimony of B. Mattox, at 76-77.*) Cottage supervisors stayed with the same girls in one specific living unit. They were responsible for things like general supervision of the girls, getting the girls up in the morning, making sure they were ready for school, taking them to meals, and organizing their recreation. These positions built positive and ongoing relationships with the girls at YRTC-Geneva and created continuity and stability in the community. Cottage supervisors also trained new workers within a cottage. (*Id. at 80-81.*) When these positions were eliminated the former cottage supervisors were given different duties and other staff absorbed the cottage supervisor duties into their existing positions. The result was that workers were spread too thin, the training became inadequate, and the cottages became less stable. (*Id. at 76-77.*)

Similar themes emerged at the public hearing in Kearney. A long-time employee of YRTC-Kearney, Robin Smith, opined in his testimony that staff retention had become a key issue at the YRTC-Kearney facility. Mr. Smith stated that the pay was low and the staffing was inadequate resulting in a lot of mandatory overtime which is hard on a worker's family. In addition, he has heard from other staff that it is a tough job with verbal abuse and the threat of physical assault due to a lack of programming. Staff feel they have no value but to meet a mandatory ratio requirement for Prison Rape Elimination Act. (*Transcript of Kearney Public Hearing, Testimony of R. Smith, at 27-36.*)

Other Challenges to Note

Education

Each of the YRTC facilities has a school for the youth they serve. Presently, the schools at the YRTCs are accredited by the Nebraska Department of Education (NDE) under Rule 10 and have a Special Purpose School Agreement with NDE.

Each YRTC campus has its own school facilities. At YRTC-Geneva there are classrooms, a library, recreation space, including a pool, and a cosmetology center. Similarly, YRTC-Kearney's school has a main library, classrooms, a gym, and a workshop.

As noted in the timeline of events, the education of the girls has been a challenge since they were moved to YRTC-Kearney. Finding enough appropriate space for both the boys and girls has been difficult. When senators toured YRTC-Kearney in October, it was noted that the school area for the girls was quite small. (*Floor plan of the classroom area for the girls at YRTC-Kearney, Exhibit XX.*) At the hearing in Kearney on October 3rd, a representative from the Nebraska State Education Association, Paul Schulte, testified to the NSEA's concerns about the security and space for educational programming with both boys and girls being housed at YRTC-Kearney. (*Transcript of Kearny Public Hearing, Testimony of P. Schulte, at 19.*) Mr. Schulte stated that YRTC-Kearney had lost 25% of its instructional space, severely limiting the ability to remove a youth from the education environment when they are acting out. (*Id.*)

The move to YRTC-Kearney also resulted in shorter school days for the girls. In late December, the shortfall in instructional hours for the girls was 242 hours. (*Written testimony of CEO Smith, LR 163 Joint Hearing, Exhibit VV.*) CEO Smith has been working with the Nebraska Commissioner for Education, Matt Blomstedt, as well as the Nebraska State Education Association (NSEA), to address the education challenges facing the YRTCs. According to CEO Smith's testimony before the HHS and Judiciary Committees in December, DHHS, the teachers and principals, and the NDE have come up with a plan for extended school days beginning in January. In addition, DHHS will be adding two portable classrooms for additional instructional space for the girls. (*Id.*)

In his testimony before the HHS and Judiciary Committees, Commissioner Blomstedt explained that the schools at the YRTCs are under the jurisdiction of DHHS rather than

NDE. (*Written testimony of Commissioner Blomstedt, LR 163 Joint Hearing, Exhibit YY.*) This makes it challenging to maintain appropriate Special Education programming and it means that there is no educator to supervise the principal. (*Id.; Transcript of LR 163 Joint Hearing, Testimony of Commissioner Blomstedt.*) Commissioner Blomstedt and CEO Smith have both stated they are working productively together and see this as an opportunity to strengthen the educational offerings at the YRTCs and to create a new vision for these special purpose schools.

As of January 2020, according to the written testimony of Commissioner Blomstedt, there will now be four YRTC Special Purpose Schools, rather than two: West Kearney High School at YRTC-Kearney; Geneva North School also located at YRTC-Kearney; YRTC-Geneva School on the YRTC-Geneva campus; and YRTC-Lincoln School at the Youth Services Center leased space. (*Handouts from M. Blomstedt, LR 163 Joint Hearing, Exhibit YY.*)

Placement Transition

The transition from YRTC-Geneva to the other placements was not easy for the girls. As noted above, four girls were moved to the Lancaster County YSC and then three days later were taken to YRTC-Geneva and that same night moved to YRTC-Kearney. One of the girls testified that she was not aware of where she was going until they arrived at the YSC. (*Transcript of Kearney Public Hearing, Testimony of M. Delano, at 68-69.*) She called her mother when she arrived at the YSC and her mother had not been informed of the move. (*Id.*)

Notice to the Courts was also an issue. As noted in the motion filed to remove the four girls from the Lancaster County YSC, there was no order by the Court to place the girls at the YSC from YRTC-Geneva in the first place. (*Exhibit J.*) There continues to be a lack of clarity on whether motions were made in the Juvenile Courts before the girls were moved in any of these circumstances.

The August 19th transfer of all the girls from YRTC-Geneva to YRTC-Kearney also presented challenges. According to conversations with the youth, the girls attended school on the morning of the move to YRTC-Kearney. At some point during the day, the girls were sent back to their cottages and locked there without information. (*Notes from Public Defender visit to Kearney, Exhibit EE.*) In order to be transported, the girls were shackled at

their ankles and wrists and placed in vans. *(Id.)* Only then were the girls told they were being transferred to YRTC-Kearney. According to the girls, they were not able to bring their personal belongings such as letters, cards, coloring books, feminine hygiene products, and clothes. *(Id.)* According to conversations with the girls and parents, the girls were only given five minutes to call their parents. The girls did not have beds at Bryant Hall on the YRTC-Kearney campus until midnight. Their belongings did not arrive until August 23rd, four days later. *(Id.)* One youth reported that after they arrived at YRTC-Kearney the girls were not allowed outside because the boys were outside.

Effect on the Geneva Community

The HHS Committee heard repeatedly at the public hearing in Geneva on October 2nd, that the YRTC and the girls it serves have been a valued part of the community and the girls are missed. Mayor Eric Kamler stated, "Geneva wholeheartedly welcomes the YRTC here." *(Transcript of Geneva Public Hearing, Testimony of E. Kamler, at 10.)* Over the years, the girls at Geneva have served as referees at youth soccer games, volunteered at the senior center, and worked concessions at the movie theater. *(Id. at 10-12.)* The Director of the Chamber of Commerce, Jill Schmidt, who is also a small business owner in Geneva, noted that the community relied on the girl's help with events like the annual coat drive and the Christmas store where the girls helped to wrap gifts. *(Id., Testimony of J. Schmidt., at 74-75.)* She noted that they knew the girls by name and that she, and the community, will miss them. *(Id.)* Geneva also had a horse program through a collaboration with Jacki Wilkins who owns a horse ranch on the north side of town. Ms. Wilkins worked with girls from the YRTC to teach them to care for and actually train the horses. *(Id., Testimony of J. Wilkins, at 83-85.)* Each girl in the program was assigned a yearling and worked specifically with that horse. The girls bonded with the animals and worked on life lessons throughout the program. *(Id.)*

Mayor Kamler and others noted how important YRTC-Geneva is as an employer in Geneva and they believed Geneva continues to have the workforce to meet the YRTCs needs.

HHS Committee Recommendations

1. Require DHHS to have a long-term plan for the YRTCs

- DHHS should develop a five-year operations plan for the YRTCs by November 15, 2020.
- That plan must be made with input from key stakeholders.
- The plan must include, but is not limited to:
 - A description of the population to be served
 - A DHHS organizational chart for supervision and operation
 - The plan should not allow for key administrative or clinical positions to have oversight over more than one YRTC facility
 - The plan should provide clarity on whether other key positions, like facilities and maintenance, should be centralized off-site or managed on-site
 - A description of the rehabilitation program
 - A facility plan that considers taxpayer the purpose of the facility, investments already made in the structure of the facilities, and the community support and acceptance of the youth
 - A mental health treatment plan
 - A staffing plan
 - An education plan
 - A budget for capital improvements
 - An operating budget
 - A disaster recovery plan
 - A re-entry and discharge plan
 - A plan to handle gender segregation on separate campuses
 - A plan for resident parenting needs
 - A plan for supporting department interface
 - A statement of the rights of youth, the rights of parents of YRTC youth, including a right to privacy
 - Quality and outcome measurements for tracking outcomes for the youth when they leave the YRTC, including a survey of youth
 - An annual report that measures key performance indicators and is submitted to the Legislature on December 15th of each year
 - A requirement for trauma informed training of staff

- A clarification of what entity investigates issues when they arise at a YRTC
- A clear process for youth to report concerns

2. Create Enabling Legislation for the YRTCs

- As noted in this report, there is no enabling legislation for the YRTCs. There is nothing in statute that creates them or defines what they are.
- The HHS Committee recommends that there be separate campuses for boys and girls by July 1, 2021.
- Legislation should be crafted that:
 - Defines the YRTCs as rehabilitation and treatment.
 - Requires educational opportunities, including a requirement that credits must transfer back to home school.

3. Create a special committee

- The issues that arose at YRTC-Geneva have required a great deal of oversight, work and engagement from the HHS Committee. There is much work ahead and any path forward, in partnership with DHHS, will require legislation.
- The Legislature should create a Special Committee to oversee the YRTCs. Any special committee should include members of the HHS, Judiciary, Education, and Appropriations Committees.

4. Allow for use of a County Detention Facility in an Emergency

- The recent crisis at the YRTC-Geneva highlighted the need for an emergency plan.
- Legislation should be crafted that:
 - Provides a definition of emergency for these purposes; and
 - Allows for the placement of youth at a county detention facility for a limited amount of time in the event of an emergency that meets the definition.
 - Requires notification to the Juvenile Courts.

5. Put YRTC schools under the jurisdiction of the Nebraska Department of Education

- DHHS and the Nebraska Department of Education have been working closely together this fall to address the issues related to the education of the girls moved from YRTC-Geneva to Kearney. There are many issues to address and opportunities to improve this system.
- One issue that has become clear is that DHHS is in charge of the education – the curriculum, the hiring and firing of teachers, etc. – when that Department does not have any expertise in education. There is general agreement that it would be helpful to have the Nebraska Department of Education, the experts in that field, have

jurisdiction over the educational facilities at the YRTC's and work in collaboration with DHHS.

- The Legislature should consider clarifying that the schools at the YRTC's fall under the direction and jurisdiction of the Nebraska Department of Education.

6. Cost Study and Needs Assessment for Inpatient Residential Adolescent Psychiatric Unit

- Throughout this crisis the HHS Committee has heard that it is difficult for the YRTC's to treat such a broad range of mental health and behavioral issues and that, in fact, some of these youth need intensive and significant mental health treatment. Re-opening an inpatient residential adolescent psychiatric unit in Nebraska is one solution.
- To that end, the Legislature should:
 - Require a needs assessment and cost study for re-opening an inpatient residential adolescent psychiatric unit at the Lincoln Regional Center;
 - Require that the evaluation be done by an independent contractor; and
 - Require that the evaluation include cost offsets, specifically, how much money the state spends on placing youth out of state to get the services they need.

7. Discontinue DAS maintenance of 24-hour residential facilities

- The centralization of all maintenance for the YRTC's, while done to achieve efficiency, appears to have hindered the timely response to some of the damage done in the facilities.
- The Legislature should consider whether the Department of Administrative Services is best suited to provide the daily care and maintenance of 24-hour facilities. Allowing the facilities to have their own maintenance departments would provide these facilities with the flexibility to respond immediately to issues such as broken sprinkler heads, graffiti, etc.

8. Require Capital Improvements at the YRTC's

- As the HHS Committee learned from public testimony and the tour of Boys Town, the physical plant is integral to the treatment and programming for the youth. The facility must also be able to withstand the potential damage caused by youth with significant behavioral issues.
- To that end, the Legislature should consider capital improvements to the YRTC's including:
 - The elimination of dormitories;
 - The creation of private bathing areas; and

- Additional changes necessary to ensure the facilities consider their purpose, the behavioral issues of the residents, and are damage-resistant and mitigate the risk of self-harm.

9. Require an annual facilities review by the Ombudsman

- The Legislature should consider requiring an annual review by the Ombudsman of all 24-hour residential facilities under DHHS's jurisdiction and a subsequent report to the Legislature on those reviews by the Ombudsman.

10. Give the OIG notice of PREA violations at the YRTC's

- The Office of Inspector General for Child Welfare has jurisdiction and notice of certain PREA violations. But the OIG does not have to be alerted to all violations or allegations that are addressed internally.
- The Legislature should consider requiring that the OIG receive notice of any PREA violation including violations investigated internally by the YRTC's compliance department.

11. Give the OIG quarterly reports of grievances

- The Office of the Inspector General for Child Welfare can request to see grievances filed at the YRTC's. But that process is cumbersome.
- The Legislature should consider requiring that the OIG receive a quarterly report of grievances filed so that the OIG may be alerted to any larger systemic issues.

12. Require DHHS to create a policy regarding the use of mechanical restraint, including shackling, and when it may be used

- The Legislature should require DHHS to clarify, through policy, when youth may be subject to mechanical restraint, including shackling, and the reason for using mechanical restraints in those instances.

13. Require DHHS to create a policy on transporting youth

- The Legislature should require DHHS to clarify, through policy, how the transportation of youth will be handled, specifically:
 - what entity will be responsible for the transportation;
 - when it is necessary to give notice to parents and guardians that a youth is being transported; and
 - the circumstances in which shackling of the youth would be required for transport.

14. Require notice of movement of youth including movement between YRTC

- The Legislature should clarify in statute that any move between YRTC locations would be considered a move to a different placement for purposes of notice to the parents and guardians, the courts, and any attorneys or other persons subject to notice who are involved in the youth's juvenile case.

SENATOR LINDSAY: Thank you. Any questions for Judge McGinn? Senator Hall.

BERNARD J. MCGINN: Yes.

SENATOR HALL: Just a comment, Judge.

BERNARD J. MCGINN: Yes.

SENATOR HALL: There's one case under constitutional challenges that I'd like to see go away, but I don't know that...it ever will. (laughter) But I doubt that that would lighten the load very much, but I appreciate your testimony here today.

BERNARD J. MCGINN: Okay, thank you.

SENATOR LINDSAY: Any other questions? Thank you, Judge. Further testimony on LB 903, 955, or 1052? Testimony in opposition to any of those bills? Testimony in a neutral capacity as to any of those bills? I believe, you want to waive closing, C.K.? The introducers of all waive closing. That will conclude the hearings on LB 903, 955, 1052. We're going to go to LB 988, the Governor has been waiting patiently for an hour. We'll move on to that bill and come back to LB 1026. If I could ask if conversations be moved outside so we can get proceeded on LB 988. Governor, if I could ask you to just comment on maybe the reason that you walked in and all those judges walked out and... (laughter)

GOVERNOR BEN NELSON: They're obviously very selective as to the company they keep, and they...recognize the difference between the judiciary and the executive branch together with the legislative branch.

SENATOR HALL: Let's hope so.

GOVERNOR BEN NELSON: I hope so anyway.

SENATOR LINDSAY: Governor Nelson.

LB 988

GOVERNOR BEN NELSON: Thank you. Chairman Lindsay and members of the Judiciary Committee, first of all, let me say that I'm very pleased to be here today to introduce and testify in behalf of LB 988, the youth criminal justice

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initiatives. These initiatives have been formulated over the course of the last three years. They've been developed in bipartisan cooperation. These initiatives impact every county, every city and every individual in Nebraska. Our juvenile justice framework is completely outdated. It has no teeth. It has few if any mechanisms to handle the crimes that we're witnessing today. The youth development centers were never meant to deal with violent young offenders. Community-based services are not available to the majority of communities in Nebraska. Currently, we don't have a secure youth confinement facility for violent youths, and treatment for young offenders, substance abuse, mental health, family counseling, counseling for example, are extremely difficult to find. These juvenile justice initiatives will address these problems and we believe greatly improve the way we deal with juvenile crime. The initiatives before you contained in LB 988 will take a three-pronged approach, detention, prevention and intervention. Under detention, I am proposing construction of a secure youth confinement facility. This will allow us as a state to incarcerate offenders who have committed heinous and violent crimes and greatly increase public safety. Furthermore, we need to proceed with the construction of a youth-oriented boot camp. This camp will provide youthful, nonviolent offenders, 17 and older, a regimented program of exercise, job training, and let me explain as well treatment and education. Next, the initiatives will redefine the mission of our youth development centers, commonly referred to as YDCs. Our goal here is to expand the center's services to include mental health and substance abuse treatment as well as job training. Continuing the job training component will help youth when they do return to their communities. Much of the new programming in the YDCs will be funded through federal programs. We must support efforts which encourage community services and pilot programs. This will keep children close to their families and their support systems. The new office of youth services will be charged with assisting in the development of additional services and treatment of youth offenders. The office will operate in conjunction with the Department of Correctional Services. It will provide case management of youth in the criminal justice system. In the area of prevention, the youth criminal justice initiatives will create criminal sanctions to keep firearms from youth and create gun free schools. We'll also be supporting drug free school zones and other important initiatives. Our schools, in short, need to be both drug free and gun free. It will step up the participation in the gang resistance education and training program, or commonly known as GRET.

GRET will focus education on 13- to 15-year-olds and will teach healthy and rational approaches to conflict resolution. It will teach that gang life is a one-way ticket to self-destruction, and that gang life is no life at all and will not be tolerated in the State of Nebraska. To promote long-term solutions to youth violence we're going to proceed with the Good Beginnings Program. Good Beginnings will enable state agencies, communities, our business community and families to promote each family's ability to meet its own needs. In the area of intervention, we must begin the task of rebuilding the self-esteem of our young people. We want to do this with the challenge program for at-risk youth. This is a mentoring program aimed at pulling kids onto the right track. It's a positive alternative for youth who may otherwise drop out of school and turn to the street. I urge you to advance these initiatives to the floor for consideration by the entire Legislature. The issue facing the youth of today are dramatically different than the issues that faced the youth ten years ago. We must as elected officials take this opportunity to work in a bipartisan manner and change the way things are being done. The game has changed. Therefore, we must announce that the rules have also changed. I'm delighted to answer any general questions about the initiatives. There will be some other members of my administration who will also be testifying today who can address questions that you may have. And one final note, I've spoken with Douglas County's representative, Kathy Kelley, regarding responsibility for costs of community-based services and evaluations, and we've agreed that we will work on some clarifying language to avoid any unintended mandates from the state to local governments in conjunction with this...these initiatives.

SENATOR LINDSAY: Thank you. Any questions for the Governor? It's your chance to stump the Governor. Senator Robak.

SENATOR ROBAK: I don't know if I dare. But I do, I noticed in the introducer statement of intent that if this would be responsible for design treatment programs including mental health, substance abuse and health counseling. And did you say you were going to combine mental health and substance abuse, or did I hear that wrong?

GOVERNOR BEN NELSON: No, no, I may have just run them together without a comma.

SENATOR ROBAK: Okay.

GOVERNOR BEN NELSON: I didn't intend to do that in my comments. We recognize that mental health and substance abuse are not necessarily identical.

SENATOR ROBAK: Yeah, 'cause I think we had something like that last year and that was...

GOVERNOR BEN NELSON: Uh-huh, no.

SENATOR ROBAK: Thank you.

SENATOR LINDSAY: Further questions? Thank you, Governor. I think Senator Bernard-Stevens would be here to close if there's any questions. Is that acceptable with you?

GOVERNOR BEN NELSON: That would be fine.

SENATOR LINDSAY: Okay.

GOVERNOR BEN NELSON: Senator Bernard-Stevens would be a satisfactory close.

SENATOR LINDSAY: Right.

GOVERNOR BEN NELSON: Because of his very able work on this proposal.

SENATOR LINDSAY: Thank you, and I apologize for making you wait there. The previous bills went a little bit longer than we thought.

GOVERNOR BEN NELSON: No, no, I got a chance to solve a lot of other issues out in the hallway and I'll take that advantage any time I can. Thank you very much, appreciate it.

SENATOR LINDSAY: Thank you, Governor.

GOVERNOR BEN NELSON: Yes.

SENATOR LINDSAY: While you're getting signed in, if I could ask, I know Judge Murphy came in from North Platte and he's been here all afternoon. If I could ask him to come on up and get a seat here so, 'cause he's got to get on the road back to North Platte before it gets too late, so move him into line there. Go ahead.

LARRY TEWES: Senator Lindsay, members of the Judiciary, my name is Larry Tewes. I am an Assistant Director with the

Department of Correctional Services and currently responsible for the Division of Juvenile Services. I appear before you today on behalf of Harold Clarke, the Director of the department, who could not be here due to previous commitments. Mr. Clarke has asked that I briefly address LB 988 in support of this critical youth initiative. This initiative takes a comprehensive approach to solving the growing problems surrounding the youth of Nebraska. The initiative specifically impacts corrections through four actions: One, redefining the mission of the Youth Development Centers; two, construction of a secure youth confinement facility; three, proceeding with the establishment of a youth-oriented boot camp; and, four, establishing an office of juvenile services within the Department of Corrections. One hundred and five years ago, the Legislature of 1879 passed a law establishing the Nebraska State Reform School for Juvenile Offenders, which was to be located in Kearney, Nebraska. Both boys and girls were to be housed at the facility during the early years of operation. The first juvenile committed to the facility was a boy who arrived on July 12, 1881, almost 113 years ago. On March 4, 1891, the Legislature established the Girls' Industrial School to be built at Geneva, Nebraska. On March 14, 1892, 102 years ago, a group of 57 girls were transferred from the school at Kearney to the new facility at Geneva. In the century that has passed, the names of the schools changed from reform to industrial schools, then training schools and currently the youth development centers. The models of operation that served the state in the past are no longer effective for dealing with the complexity of problems we face today. The work and efforts of many individuals on the new youth initiative concluded that the state must change the mission of the Youth Development Centers at Kearney and Geneva which serve those youth who cannot remain in their communities. The centers have done a very good job with dedicated staff and have operated ACA accredited facilities and excellent education programs. However, a more comprehensive approach is necessary to address the needs of today's youth. Through strong collaborative interagency efforts, the new rehabilitation and treatment centers will provide needed programming which will include mental health services, substance abuse treatment and jobs skills training, much of which will be funded with leveraged federal dollars. Regarding the mental health and substance abuse needs of juveniles who violate the law, the Department of Correctional Services will be working with the Department of Public Institutions, as the State Mental Health Authority, to develop and contract for community-based mental health

and substance abuse services. The services currently being developed across the state by this specialized mental health system that could be accessed through the Office of Juvenile Services include: Community-based comprehensive mental health and substance abuse assessments, including in-home assessments; 24-hour access to services within each mental health region; triage and referral to appropriate services; clinical service coordination; crisis services; specialized outpatient services; intensive home-based services; day treatment; therapeutic foster homes and group homes; and, finally, the department's adolescent and family services to provide backup services and outreach teams. These services could be available both as youth are being adjudicated and placed in the most appropriate setting, and as continuing aftercare services for juveniles released from the Youth Development Centers. As the Youth Development Centers change their mission and role to more of a rehabilitation and treatment focus, they would contract through the Department of Public Institutions with regional mental health and substance abuse providers to deliver the necessary treatment capacity and enhance programming. Continuity of care will be promoted because the regional mental health and substance abuse professionals providing treatment in the Youth Development Centers will be the same professionals providing aftercare services. Services have also been designed to meet the uniqueness of rural communities. The director of the Office of Juvenile Services would work with the Department of Public Institutions to develop this capacity and ensure the needs of youth are being met. Today, the state needs a better way to manage dangerous, violent, youthful offenders. The construction of a secure youthful confinement facility is of vital importance in addressing the growing number of juveniles who require a secure setting. Currently the department has violent youthful offenders housed at the Youth Development Centers who should be in a secure facility. In addition, the department has approximately 70 juveniles, under the age of 19, who are incarcerated in the adult prison system. These youthful offenders are not getting the treatment, education and job training they need, and yet they are returned to the communities of Nebraska using lessons learned from the more sophisticated, adult inmates. The construction of a secure youth confinement facility will allow the state to redefine the mission of the Youth Development Centers. The secure facility will allow for the intermediate sentencing alternative, a middle tier between the juvenile system and the adult corrections system. This initiative also calls for the state to proceed with the establishment of a youth oriented boot camp for

inmates committed to the department who are 17 years of age and older. The boot camp, as originally approved and funded in Legislative Bill 627 last legislative session, must contain critical programming to include, but not limited to, drug and alcohol abuse rehabilitation, mental health treatment, educational and vocational counseling and resources, job training and placement, and mandatory aftercare. Provisions outlined in Legislative Bill 988 include department recommended language changes that are designed to more effectively meet specific department and state needs. And, finally, the initiative calls for the establishment of the Office of Juvenile Services within the Department of Correctional Services. The office will allow the state to focus on providing community-oriented services to youth, case management of youth in the juvenile justice system, and the evaluation and classification of youthful offenders both prior to detention and prior to final court disposition. The youth initiatives outlined in LB 988 offer a comprehensive approach to solving the problems presented by the youth of today, and the Department of Correctional Services strongly supports this legislation. Thank you.

SENATOR LINDSAY: Thank you, Larry. Any questions? Thank you. If I could ask whoever will testify next to have a seat in the on-deck chair.

JOHN P. MURPHY: First, thank you, Senator Lindsay, for letting me speak so I can go home and get home somewhat after sunset but not too far after sunset.

SENATOR LINDSAY: We'll do anything to get you out of town.
(laughter)

JOHN P. MURPHY: Get me out of town, I see. I figured you'd say that. My name is John Murphy. I'm a district judge from the 11th Judicial District in North Platte. I'm also a member of the Crime Commission, the Drug and Violent Crime Policy Board and the task force created last year by the Legislature under LB 627. And I don't speak for any of those organizations, obviously, but as an individual who has been involved in the criminal justice system now for 19 years in one capacity or another. Joe Steele asked me why I was down here testifying, since he questioned my knowledge of juvenile law. I explained to him 18 years ago as a deputy county attorney I handled juvenile cases. Back then they were curfew violations, they were truancy violations and often neglect cases, and the world has changed dramatically in those last 18 years. The numbers show that there are in fact fewer violent crimes in Nebraska

and actually nationally. However, it's my observation from my years on the bench that the level of violence within each of those crimes has escalated, especially in the last five years. I looked back at my last five violent crimes that I sentenced individuals on and reviewed the presentence investigation. Late this summer, I sentenced three individuals arising out of a murder in North Platte. Two weeks ago, I sentenced an individual on a sexual assault, first degree sexual assault; and last week I sentenced an 18-year-old to prison for an escape and an assault on an officer arising out of that escape. All of these individuals, all five of them, had three things in common. They were all victims of abuse or neglect as children. They all had come from broken homes, and all five of them had been in contact with the juvenile court system of whatever state they originally came from at least three times. And it led me clearly to the conclusion that what has happened is that there's been a failure in the juvenile court system as well as in the juvenile correctional system, not through the fault of the people who serve those systems, because they do as admirable a job as possible. It's simply they've been overwhelmed. And it leads me to the conclusion that while the general public would call a number of these defendants monsters, they may in fact be monsters, but if they are they're created monsters, not born monsters. And there's been a failure in the treating of those individuals especially when they're juveniles. What we wind up doing when we fail in the juvenile justice system is have a tremendous loss in human potential because these individuals that I spoke of will be in prisons here in Nebraska for a very, very long period of time, two of them for life. There's been also a great loss in money to the people of the State of Nebraska because I figure these five individuals are going to cost the taxpayers well over a million dollars during their stay, and there's also obviously a loss to the victims of these five individuals who because of the failure of the juvenile system became victims. This bill I think is a tremendous first step to writing what needs to be corrected in the juvenile justice system. I would urge this committee to send it on to the Legislature, but I would also urge this committee and the entire Legislature to recognize that this is only a first step, that unless there is a commitment not only in legislation but in dollars nothing that is done by this bill will reach the end that needs to be reached so that frankly I don't see these individuals at the end game when everything that has been done for them has failed and the only recourse is to send them to the penitentiary for longer and longer periods of time. If there's no questions, I thank you again, Senator, very much.

SENATOR LINDSAY: Thank you, Judge. Any questions for Judge Murphy?

JOHN P. MURPHY: Thanks again, Senator.

SENATOR LINDSAY: Thank you.

NANCY THOMPSON: Good afternoon. My name is Nancy Thompson, and I'm with the Office of Youth Services Planning, which was created out of LB 477 to work on implementation of the recommendations of the Youth Services Planning Commission. Before I begin, I'd like to recognize a few members of the administration who are in the audience today who won't be testifying: Lieutenant Governor Kim Robak is here; Aida Amoura, Director of Urban Affairs; Allen Curtis of...the new Director of the Nebraska Crime Commission; and Jean Lovell, who is Director of Policy Research; and if anyone else came in I apologize; maybe General Heng can cover for me. I just have some brief remarks to talk a little bit about what the Office of Juvenile Services will be doing. The Office of Juvenile Services, as it is proposed in this legislation, would create for the first time in state government a single agency responsible for the coordination of services to juvenile offenders. A community-based assessment process, case management and aftercare would be key parts of the continuum of services for juvenile offenders which this office would develop. As Judge Murphy referenced, this is a first step. As we looked at things that we needed to move forward with, these recommendations were accepted by the Governor and a number of members of the Legislature. So, I'd like to just tell you what the office would be doing in the first year and the intention would be that this office would serve as a focal point within state government to make future recommendations. In the first year of the office, pilot projects would be conducted which could be implemented statewide in subsequent years. Areas such as evaluations, risk and needs assessment, case classification could be tested. The office would also be charged with planning for the secure confinement facility and the development of a management information system. The office would work with communities in developing resources needed to carry out a comprehensive approach to services for juvenile offenders, a juvenile service center demonstration sites would be developed. Exploring alternatives to state general fund monies for purchase of services would be a priority for this office. This would include strategies for utilizing federal funding as well as requiring greater parental support of the purchase of services, such support to be based on the

ability to pay. Coordination of existing resources in cooperation with other state agencies and local governments would be a central task of this office. A major responsibility of the office will be the management of the Youth Development Centers, which will become Youth Rehabilitation and Treatment Centers. The importance of treatment and counseling services, education, job training and a strong aftercare component to our success in preventing future unlawful behavior cannot be understated. As Judge Murphy referenced, the five juveniles that he's dealt with recently, I would point out that in the legislation, specifically it is addressed that the office will have the ability to serve the youth who have been victims of sexual abuse and also neglect and abuse. The Nebraska County Officials Association is forming a committee to work with this office to develop a strategy on county detention services, and a committee of the Nebraska County Judges Association and the Nebraska Bar Association is reviewing the juvenile justice system for recommendations in the next legislative session, and I will be working with both of those groups. The Office of Juvenile Services will work with all parts of the state in making changes to the juvenile service system, seeking recommendations from communities and local governments. Prevention and intervention programs which have positive results in making our community safer would be promoted and enhanced. The Office of Juvenile Services would report back to you in subsequent legislative sessions as changes are recommended for implementation. Comments?

SENATOR LINDSAY: Thank you, Nancy. Any questions for Nancy? Thanks.

NANCY THOMPSON: Thank you.

STAN HENG: Mr. Chairman and members of the Judiciary Committee, I'm Stan Heng. I'm the Adjutant General for the State of Nebraska, and I...my brief testimony here today will be in support of LB 988, and I will address the what's referred to as the challenge program for at-risk youth that the Governor referred to. Congress, in fiscal year 1993 in the defense or Authorization and Appropriation Act, authorized and funded the National Guard Bureau. That's our administrative headquarters at the Pentagon for all the states. They authorized them to enter into agreements with the nation's governors for the purpose of conducting programs targeted at youth in general and at youth at-risk in particular. The goals of that program included providing young people with the values, the self-esteem and skills,

education and self-discipline, and to succeed as students and as adults. And the programs are clearly, I think, preventive rather than remedial. The Nebraska National Guard would like to establish the challenge program in Nebraska, in calendar year 1995. At the present time there are 16 states managing challenge programs using some \$44 million in federal funds. The next available funding will be in 1995 when we would like to start our program. Between now and 1995, the \$50,000 that is targeted to support this program will be used to support a staff which will research our needs, establish coordination between the interested parties and develop the funding request for...or through the National Guard Bureau for this program. As I said earlier, it's a preventive rather than remedial program for youth at risk, and it targets unemployed, drug-free and free from any problems with the law high school dropouts, 16 to 18 years of age. This program can be conducted at military facilities or other appropriate facilities. And the core components are citizenship, GED-high school diploma attainment, life-coping skills, community involvement projects, health and hygiene, skills training, leadership-followership, physical training, et cetera. The five-month residential phase is followed by a year-long mentoring relationship with a specially trained National Guard member from each youth's community. An assessment and evaluation model will be used to determine the effectiveness of the program. I guess in...the summary of the program goals is to significantly improve the life skills and employment potential of youth who cease to attend secondary school, and before graduating they drop out. And we intend to do that through this kind of military-based training. To be eligible for this program the way it has been working out, the individuals must be nominated by a member of the local community and selected by a state-appointed committee, all of which needs to be done yet. As far as the support services for the program, it'll be staffed by federally...reimbursed state employees, some of who may be members of the National Guard. A comprehensive support package from appropriate clothing to include residential training facilities would be provided to adequately support the program. We will establish an advisory committee and community working groups will be formed in areas hosting this program, and we certainly will embrace all the agencies that...and community groups that have an interest in such a program. That concludes my testimony. I'm available to answer any questions.

SENATOR LINDSAY: Thank you, General Heng. Any questions for the General? Thank you.

STAN HENG: Thank you.

MARY DEAN HARVEY: Good afternoon. For the record, my name is Mary Dean Harvey, Director of the Department of Social Services. Senator Lindsay, other members of the committee, I am pleased to be the representative for all state agencies that have business in serving youth and families. I will speak on their behalf and share with the committee probably an unprecedented thing. I know I'll do it in an unprecedented time. All of the state agencies have committed to the Governor their support for LB 988, and as he has asked us to do, we will work together to make sure that there is a successful implementation of this program should it become operational. We can pledge to the committee, to the Legislature, our support for the basic programmatic thrusts that are mentioned and support for the community-based services. So on behalf of the Department of Education; the Department of Public Institutions; Larry has spoken for the Department of Corrections; I, for the Department of Social Services; you can depend on state agencies to do what perhaps we've not done very well in the past, and that is cooperate for the benefit of children and families. That's all I have.

SENATOR LINDSAY: Thank you, Mary. Any questions?

MARY DEAN HARVEY: Thank you.

SENATOR LINDSAY: Thanks, Mary, and it was unprecedented.

MARTHA FRICKE: Senator Lindsay and members of the Judiciary Committee, my name is Martha Fricke. I am here this afternoon representing the Nebraska Association of School Boards. The Nebraska Association of School Boards is in total support of LB 988 which concerns a number of provisions addressing youth violence. A recent survey conducted by the National School Boards Association found that 82 percent of responding schools reported increased violence in their schools over the last five years. Three-quarters said that their schools have seen student assaults on other students, and 61 percent reported the presence of weapons on campus, and student assaults on teachers are a...problem for 24 percent of the districts. Most disturbing, is the finding that the acts of violence are becoming increasingly more deadly and cut across all socioeconomic lines and grade levels. Because we recognize that the roots of violence stem from influences outside of the schools, we applaud the provisions of LB 988 that create

the separate Office of Juvenile Services and add duties of rehabilitation and treatment in juvenile centers. We would suggest that the proper education officials be a part of any of the discussions or decisions regarding any type of education for juvenile offenders. The Nebraska Association of School Boards is pursuing in other bills the ability to strengthen the statutes in the area of student expulsion and suspension and ask that we work together to achieve the end that we are all seeking, a safe school environment. There is a possibility as time goes on that perhaps these two bills could even become one bill. We are firmly convinced that we must have a two-pronged approach to reduce youth violence, enforcement and social services. We offer our services in any way to the committee to address our mutual problems. I'm also passing out today for your interest a list of anti-violent strategies that are being used by school boards across the county to curb violence, (Exhibit A). This is simply for your information. I'd ask the...to be passed out. Also, in the interest of time today, I would like to just hand you some testimony on 891, which is also in support of that bill.

SENATOR LINDSAY: Oh.

MARTHA FRICKE: And then I won't remain to testify.

SENATOR LINDSAY: Oh, thank you, Martha.

MARTHA FRICKE: Thank you very much.

SENATOR LINDSAY: Any questions?

MARTHA FRICKE: Questions?

SENATOR LINDSAY: Any questions for Martha? Thank you for coming.

MARTHA FRICKE: Thank you.

LYNN REX: Senator Lindsay, members of the committee, my name is Lynn Rex, representing the League of Nebraska Municipalities. We strongly support LB 988 and hope that this committee would advance this bill immediately to the floor. We are finding in communities as small as Crete, Nebraska and as large as Omaha, Nebraska that these kinds of issues need to be addressed and they need to be addressed right away. And I guess the only concern we would have with this bill is that you put the E-clause on it because this is something that absolutely needs to be done. We think that

the way in which this legislation has developed has been positive and we would hope that the committee would see fit to get this bill immediately advanced to the floor. With that I'd be happy to respond to any questions that you might have.

SENATOR LINDSAY: Thank you, any questions for Lynn? Thanks, Lynn.

LYNN REX: Thank you, Senator.

SENATOR LINDSAY: How many further will be testifying in favor of LB 988, a show of hands? If you could come on forward and have a seat in the chair here so we can...go ahead.

KATHY KELLEY: Good afternoon, Senator Lindsay, Senator Robak, Senator Hall, Senator Hudkins and Senator Fisher. My name is Kathleen Kelley. I'm the Douglas County Ombudsman. I am here at the request of Ray Simon (phonetic), who is the Douglas County Commissioner, who chairs the Douglas County Corrections Committee, the Douglas County Youth Detention Center Committee, and also the Courts Committee. I'm also here at the behest of Jack Mills, Executive Director of the Nebraska Association of County Officials. With the clarification of the funding source for the implementation of LB 988, I am here to commend all of you and Governor Nelson for demonstrating the leadership necessary to correct the weaknesses within our Nebraska Juvenile Justice System. The development of community-based services I think will go a long, long way in solving some of the problems of our troubled youth. On a local level the increase in youth violence has stretched the resources of local governments in that the overloaded courts have met more prosecutors, more defense attorneys, more staffing programs, and improvements within youth detention, and also because of the limitations in funding for the Youth Development Center at Kearney it has placed an enormous burden for county governments to provide out-of-home placements. I think LB 988, if adequately funded, will go a long, long way in solving our problems. With that, I thank you.

SENATOR LINDSAY: Kathy...any questions for Kathy? Senator Hall.

SENATOR HALL: No...

SENATOR LINDSAY: Decisive, Tim, that...I was kidding.

SENATOR HALL: That's...never mind, I'll ask later.

SENATOR LINDSAY: Thank you; thank you, Kathy. Next testifier in support of LB 988. Will there be further testimony in support of 988? Will there be testimony in opposition to 988? Any hands, anybody opposing? Testimony in a neutral capacity on 988? If you can come on forward and have a seat up here. Go ahead.

JOANNA LINDBERG: My name is Joanna Lindberg. My address is 1618 South 141 Avenue Circle, Omaha, Nebraska, and I am representing the Archdiocesan and Social Ministry Commission of Omaha. I'm going to speak just of concerns, you know. I support the bill and it's very necessary, but I hope that as they begin funding this over the five-year period, or however long the implementation is going to take, that they try to balance out the punishment dollars with service and prevention dollars, you know, to put so much of our money into detention and incarceration does not lead to necessarily a positive outcome. You know, housing kids in...at a young age can just continue a cycle that becomes a way of life that can cause untold amount of dollars. You know, I hate to see that as our primary solution, and I have a poem that I'd like to read just to kind of keep us in mind as to why we're doing what we're doing today. And I recognize the work that this committee's put into it. The Youth Services Planning Commission has done an incredible amount of work, and I know their commitment, and I know you have to think of the safety of our citizens as well. But I sure hope that we look at the kind of youth that the judge spoke of from North Platte that are abused and neglected. Judge Buckley in Omaha says that almost 90 percent of the kids she sees are abused and neglected, and I think we have to look at the problems that are causing our youth to be violent and deal with those up front because it's cheaper and there's a future in it for our kids. And this poem is written by, it's in Marian Wright Edelman's book, The Measure of Our Success. "A Letter to my Children and Yours," the poem, is written by Ina J. Hughes (phonetic). We pray for children...and I, I guess I'm saying this too as a parent of adolescent youth. We pray for children who sneak Popsicles before supper, who erase holes in math workbooks, who can never find their shoes. And we pray and take responsibility for those who stare at photographers from behind barbed wire, who can't bound down the street in a new pair of sneakers, who never counted potatoes, who are born in places we wouldn't be caught dead, who never go to the circus, who live in an X-rated world. We pray for children who bring us sticky kisses and fists full of

dandelions, who hug us in a hurry and forget their lunch money. And we pray and take responsibility for those who never get dessert, who have no safe blanket to drag behind them, who watch their parents watch them die, who can't find any bread to steal, who don't have any rooms to clean up, whose pictures aren't on anybody's dresser, whose monsters are real. We pray for children who spend all their allowance before Tuesday, who throw tantrums in the grocery store and pick at their foods, who like ghost stories, who shove dirty clothes under the bed and never rinse out the tub, who gives...get visits from the tooth fairy, who don't like to be kissed in front of the car pool, who squirm in church or temple and scream in the phone, whose tears we sometimes laugh at, and whose smiles we can make...can make us cry. And we pray and take responsibility for those whose nightmares come in the daytime, who will eat anything, who have never seen a dentist, who aren't spoiled by anybody, who go to bed hungry and cry themselves to sleep, who live and move but have no being. We pray for children who want to be carried and for those who must, for those we never give up on and for those who don't get a second chance, for those we smother and for those who will grab the hand of anybody kind enough to offer it. Please offer your hands to them so that no child is left behind because we did not act.

SENATOR LINDSAY: Thank you, Joanna. Any questions for Joanna? Thank you.

JOANNA LINDBERG: Uh-huh.

SENATOR LINDSAY: Last call for testimony in favor of LB 988? Testimony in opposition? Testimony in a neutral capacity?

CAROL SCHOENLEBER: My name is Carol Schoenleber. I'm the State Probation Administrator, and I'm testifying in a neutral position in the same vein that the last speaker. Because probation dwells on the rehabilitative, we have a hard time not pointing out to the committee of...that it cannot all be bricks and mortar, that whatever programs, whatever treatment programs you create at the YDCs, whatever secure confinement you create, those children are going to come back to the communities and it's the funding for the programs in those communities need to be there as well as the funding for the others. And when we created a juvenile intensive probation service across the state, the Legislature only granted five probation officers for the entire state. But that's what kids need is that individual attention and that time to spend with them, and I noticed

that in the bill it says that depart...the Office of Juvenile Services shall hire any additional staff necessary, and that sounds so comforting. They'll be able to do what the bill is designed to do. But the law also states, 29-2253 states that the administrator shall appoint temporary and permanent probation officers and employees for each probation district as may be required to provide adequate probation services. That funding sense is there, but the dollars don't follow. So there's...there's many, many good things in this bill. There's many, many things that will enhance what probation can do; but, I just want to ask you to continue to remember that the other part of the long term rehabilitation needs to be funded as well. I do have just a listing of little nitpicking questions, not problems with or anything but just questions that we...we raise as far as how the bill would be carried forth, (Exhibit B). And I thank you for your time.

SENATOR LINDSAY: Thank you. Are there any questions for Carol? Thank you, Carol.

CAROL SCHOENLEBER: You bet.

SENATOR LINDSAY: Further testimony in a neutral capacity? Did you want to testify? Did you want to testify? Yeah...no, okay. I don't know why we're whispering; there's a microphone here. Senator Bernard-Stevens, would you like to close?

SENATOR BERNARD-STEVENS: In keeping with my tradition, Mr. Chairman, this will be very brief as usual.

SENATOR LINDSAY: As usual?

SENATOR BERNARD-STEVENS: As usual for this session.

SENATOR LINDSAY: I think we ought to define as usual.

SENATOR BERNARD-STEVENS: A couple, couple of comments I wanted to make. I wanted to thank the Chairman of the Judiciary Committee and Governor Nelson, the senators that have worked so hard and what have you. But I wanted to emphasize just a couple of points that may not have been clear. One of the things that Mary Dean Harvey and Dale Johnson, and Harold Clarke and the other agency heads have all said, in fact we were talking out in the hallway even today is that this is just a first step. There's a long way to go. There are a lot of difficult issues still ahead of us. But whatever it takes on agency cooperation there is a

commitment to make the monies available to make this process begin to work. It's not going to be easy. It's not going to be all done in one year. It's going to be a long process that this is the beginning of. A couple other points I wanted to emphasize, we too on those of us that put the bill together, and I suspect most of those that signed onto the bill, are probably more concerned about the treatment side and the rehabilitation and the help side than we are with the brick and mortar. Unfortunately, in the State of Nebraska for our very violent youths, we do not have a secure facility and that is one of the facts that we have to face and we need to accomplish that particular goal, to have a place to put them so they're not put with people in YDCs or in other type of situations. But it's clearly a design of the juvenile services portion of it that the emphasis be made on the...on treatment, rehabilitation, working with those areas that have been developed by local community professionals and those within...that county boards and others have put together. And I sense that is probably the number one emphasis of where we're going with the legislation. And, finally, I wanted to clarify something that Carol stated that wasn't, the implication was not accurate and I want to verify for the record. And, by the way, Carol has been an absolute tremendous trooper on...in regards to representing probation in all the meetings, not only here in Lincoln but throughout the state, whether it be Scottsbluff or Omaha. Carol has been there and has been a very...a pleasure to work with, and she's been a very tremendous, a tremendous asset to what we have before us today. But the implication was that there was a blank check that they can hire, the office will be able to hire whomever and whatever they deem possible. That is not correct. The fiscal note that the bill will have and certainly the Governor's initiative that would be in front of the Appropriations Committee has a specific dollar amount, and that dollar amount would, would limit the director to approximately four to five people. So there is a limited amount of what they can do. The reason the wording was put in that the director would be able to hire whatever they felt necessary is we did not want to put in the legislation specific people or entities and positions that should be hired. We felt that it would be much better to give the flexibility to the director so if they needed a budgetary person on board first or they needed some other type of support to build...get into the areas of the region of the state to build community-based discussions and dialogue on the process, that those, that the director be given the flexibility to hire whatever they deem necessary in the beginning, given the budgetary restraints that they would be

under. So there isn't a blank check, and I wanted to emphasize that point. And, in conclusion, I want to emphasize that the Office of Juvenile Services will be administrative housed within the Department of Corrections. There was some indication that there was a new agency being developed, and that certainly is not the case within the legislation. With that, Mr. Chairman, I would answer any questions and certainly conclude my closing.

SENATOR LINDSAY: Thank you. Are there any questions for Senator Bernard-Stevens? Senator Hall.

SENATOR HALL: David, what...as a member of the Appropriations Committee, the transfer of the roughly 7.4 million dollars; is that going to be adequate to cover the...

SENATOR BERNARD-STEVENS: For the secure confinement?

SENATOR HALL: Well, just for the...the new office, as I understand it that would be the monies that would be appropriated for the office. That would then go to the various provisions in the bill, whether it be the secure facility.

SENATOR BERNARD-STEVENS: Tim, that's not my...my understanding. I think and I should have brought it with me, but I did not. Maybe Julie of my staff has the numbers that we had, but I think there's like three hundred or some thousand dollars for the office.

SENATOR HALL: That would be that, yes, roughly 383,000 for the office.

SENATOR BERNARD-STEVENS: Correct.

SENATOR HALL: But the transfer of the monies in the budget that currently were reflected in Kearney and Geneva that would reflect that 7 million dollars, is that, I mean with the changes in the LB 988 as it relates to some of the opportunities that it allows for, is that going to be, because some of those transfers are also absorption of monies that were no longer needed because of economies that were achieved in the budget from one source or another? Is that going to be enough down the line?

SENATOR BERNARD-STEVENS: We believe it is, but I would be less than frank to say as you always know when you develop particular programs that now whether there'll be new costs

and new, new requests for treatment and rehabilitation certainly I think those are going to be open for discussion. But we feel in the beginning process that this first phase can be covered with those monies. It...the thing, Tim, that I, that I tried to emphasize in the beginning, and I probably didn't do an adequate job of that is, at least from now on, if this bill passes, that every biennium budget there's going to be someone, in this case the director of the Office of Juvenile Services, that will be coming before the Appropriations Committee. I suspect coming before this committee, and later on the Legislature saying, here's our policy for juveniles. Here's what we request, and here's what it costs, and here's how it fits in. And we're going to have a policy decision and discussion on are we going to spend that money there or somewhere else? And that hasn't happened in a long, long time.

SENATOR HALL: In the past they've always been lumped in with adult offenders.

SENATOR BERNARD-STEVENS: Correct.

SENATOR HALL: What, David, there's also one other provision I should have made. I wanted to ask Mr. Tewes, but I got called out of the room and I apologize, and I don't want to put you on the spot. But I would be interested in that information at some point. The...the age limitation was taken off the, I think it was the boot camp facilities. It was previously anyone over 17 or over up to age 25, and that was stricken in this version of the bill, and I was just curious as to why that happened. And I, I'll ask down the road, but that was the only other question I have. I appreciate your...

SENATOR BERNARD-STEVENS: We will, we will meet with you and fill you in as best we can on that.

SENATOR HALL: Thanks.

SENATOR LINDSAY: Further questions for Senator Bernard-Stevens? Thanks, David.

SENATOR BERNARD-STEVENS: Thanks, John.

SENATOR LINDSAY: That'll conclude the hearing on LB 988. We will move now to LB...go back up to LB 1026. And that is my bill, so I would ask Senator Hall to take over the committee.

LEGISLATIVE BILL 988

Approved by the Governor April 15, 1994

Introduced by Lindsay, 9; Abboud, 12; Ashford, 6; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Brown, 23; Byars, 30; Cudaback, 36; Day, 19; Engel, 17; Hillman, 48; Huckins, 21; Janssen, 15; Matzke, 47; Nomen, 4; Pirsch, 10; Rasmussen, 20; Robak, 22; Schmitt, 41; Vitiska, 1; Wehrbein, 2; Wesely, 26; Wickersham, 43; Withem, 14; Freister, 5, at the request of the Governor

AN ACT relating to youth; to amend sections 28-1201, 43-252, 43-258, 43-299, 43-2, 109, 81-1826, and 83-364, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 43-286, 43-287, 43-2406, 43-2406, 71-901, and 83-911.01, Revised Statutes Supplement, 1992, and sections 28-1501, 29-2204, 43-3001, 83-465, 83-467, 83-469, 83-470, 83-472, 83-473, 83-487, 83-4, 101, 83-4, 104, 83-905, and 83-922, Revised Statutes Supplement, 1993; to define terms; to prohibit transfer and possession and provide for the confiscation and destruction of certain firearms involving juveniles and schools as prescribed; to provide penalties; to create the Office of Juvenile Services; to state intent; to provide powers and duties; to authorize court participation and transfer of certain juveniles; to eliminate the Division of Juvenile Services of the Department of Correctional Services and the Youth Services Planning Commission; to rename the youth development centers to the youth rehabilitation and treatment centers; to eliminate provisions relating to establishment of and placement in regimented inmate discipline units; to provide duties for the Department of Correctional Services, the Nebraska Commission on Law Enforcement and Criminal Justice, and the Department of Labor; to harmonize provisions; to provide a termination date for sections relating to the Youth Diagnostic and Rehabilitation Center; to provide severability; to repeal the original sections, and also section 83-929, Reissue Revised Statutes of Nebraska, 1943, sections 43-2801 to 43-2804, Revised Statutes Supplement, 1992, and sections 83-4, 140, 83-4, 141, 83-925 to 83-928, and 83-930, Revised Statutes Supplement, 1993; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-101, Revised Statutes Supplement, 1992, be amended to read as follows:
28-101. Sections 28-101 to 28-1348 and sections 3 to 6 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. That section 28-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
28-1201. As used in For purposes of sections 28-1201 to 28-1212 and sections 3 to 6 of this act, unless the context otherwise requires:

(1) Firearm shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon.

(2) Fugitive from justice shall mean any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(3) Juvenile shall mean any person under the age of eighteen years;
(4) Knife shall mean any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

(5) Knuckles and brass or iron knuckles shall mean any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

(6) Machine gun shall mean any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(7) Short rifle shall mean a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and
(8) Short shotgun shall mean a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.



Sec. 3. Any firearm in the possession of a person in violation of section 28-1204 or section 4 of this act shall be confiscated by a peace officer or other authorized law enforcement officer. Such firearm shall be held by the agency employing such officer until it no longer is required as evidence.

Sec. 4. (1) Any person who knowingly and intentionally does or attempts to sell, provide, loan, deliver, or in any other way transfer the possession of a firearm to a juvenile commits the offense of unlawful transfer of a firearm to a juvenile. The county attorney shall have a copy of the petition served upon the owner of the firearm, if known, in person or by registered or certified mail at his or her last-known address.

(2) This section shall not apply to the transfer of a firearm other than the types specified in section 28-1204 to a juvenile.

(a) From a person related to such juvenile within the second degree of consanguinity or affinity if the transfer of physical possession of such firearm does not occur until such time as express permission has been obtained from the juvenile's parent or guardian.

(b) For a legitimate and lawful sporting purpose; or

(c) Who is under direct adult supervision in an appropriate educational program.

(3) This section shall apply to the transfer of any firearm described in section 28-1204, except as specifically provided in subsection (2) of section 28-1204.

(4) Unlawful transfer of a firearm to a juvenile is a Class IV felony.

Sec. 5. The legislature finds that:

(1) Increased violence in schools has become a national, state, and local problem;

(2) Increased violence and the threat of violence has a grave and detrimental impact on the educational process in Nebraska schools;

(3) Increased violence has caused fear and concern among not only the schools and students but the public at large;

(4) Firearms have contributed greatly to the increase of fear and concern among our citizens;

(5) Schools have a duty to protect their students and provide an environment which promotes and provides an education in a nonthreatening manner;

(6) An additional danger of firearms in schools is the risk of accidental discharge and harm to students and staff;

(7) Firearms are an immediate and inherently dangerous threat to the safety and well-being of an educational setting; and

(8) The ability to confiscate and remove firearms quickly from school grounds is a legitimate and necessary tool to protect students and the educational process.

Sec. 6. (1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be guilty of the offense of unlawful possession of a firearm on school grounds. Unlawful possession of a firearm on school grounds is a Class IV misdemeanor. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training; (b) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, or (c) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (1) are unsecured or (ii) are in a locked firearm rack that is on a motor vehicle. For purposes of this subsection, unsecured shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace

officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence, it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 3 of this act, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm on school grounds. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds deposited in the permanent school fund.

Sec. 7. That section 28-1501, Revised Statutes Supplement, 1993, be amended to read as follows:

(1) There is hereby established a task force consisting of the following members:

(a) The chairpersons of the Appropriations Committee and the Judiciary Committee of the legislature;

(b) Two members of the legislature appointed by the chairperson of the Executive Board of the Legislative Council in addition to the chairpersons listed in subdivision (a) of this subsection;

(c) The Director of Correctional Services or his or her designee;

(d) The Attorney General or his or her designee;

(e) The chairperson of the Board of Parole; and

(f) The members appointed by the Governor under subsection (2) of this section.

(2) The task force shall include the following members appointed by the Governor:

(a) One member of the Crime Victim's Reparations Committee;

(b) One judge of the district court;

(c) One county attorney or former county attorney;

(d) One public defender or one former public defender; and

(e) One probation officer.

(3) The chairperson of the Judiciary Committee of the legislature shall be the chairperson of the task force. Members of the task force shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. Members described in subsection (2) of this section shall be appointed by the Governor within thirty days after June 11, 1993. The task force shall cease to exist on December 31, 1994.

(4) The task force shall investigate the impact on crime rates and prison populations and the fiscal requirements to carry out the policies proposed in Legislative Bill 627 as introduced in the Ninety-third Legislature, First Session, 1993, and the report of the Governor's Task Force on Prison Alternatives and the recommendations contained in the report. The investigation shall include, but not be limited to, an assessment of mandatory minimum sentencing, drug-free zones, boot camp, elimination of probation and parole, and the increase of penalties for certain crimes. The task force shall also review the recommendations of the Governor's Task Force on Prison Alternatives, including the role of community corrections, intensive probation, and parole and increased availability of education and treatment. Sec. 8. That section 29-2204, Revised Statutes Supplement, 1993, be amended to read as follows:

(1) Except as provided in subsection (4) (3) of this section and except when a term of life is required by law, in imposing an indeterminate sentence upon an offender, the court shall:

(4) Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for, the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

Sec. 9. It is the intent of the legislature that the juvenile justice system provide individualized supervision care, accountability, and treatment in a manner consistent with public safety to those juveniles who violate the law. The juvenile justice system shall also promote prevention efforts through the support of programs and services designed to meet the needs of those juveniles who are identified as being at risk of violating the law and those whose behavior is such that they endanger themselves or others. The goal of the juvenile justice system shall be to provide a range of programs and services which:

- (1) Retain and support juveniles within their homes whenever possible and appropriate;
- (2) Provide the least restrictive and most appropriate setting for juveniles while adequately protecting them and the community;
- (3) Use community-based and art provided in as close proximity to the juvenile's community as possible and appropriate;
- (4) Provide humane, secure, and therapeutic confinement to those juveniles who present a danger to the community;
- (5) Provide follow-up and aftercare services to juveniles when returned to their families or communities to ensure that progress made and behaviors learned are integrated and continued;
- (6) Hold juveniles accountable for their unlawful behavior in a manner consistent with their long-term needs;
- (7) Base treatment planning and service provision upon an individual assessment of the juvenile's needs;
- (8) Use family focused and include the juvenile's family in assessment, treatment planning, and service provision as appropriate;
- (9) Provide supervision and service coordination, as appropriate, to implement and monitor treatment plans and to prevent reoffending;
- (10) Provide integrated service delivery through appropriate linkages to other human service agencies; and
- (11) Promote the development and implementation of community-based programs designed to prevent unlawful behavior and to effectively minimize the depth and duration of the juvenile's involvement in the juvenile justice system.

Sec. 10. There is hereby created within the Department of Correctional Services the Office of Juvenile Services. The office shall be established within the department for administrative purposes. The office shall have separate budgeting procedures and shall develop and report budget information separately from the department's adult programs. For purposes of efficiency, some functions of the office shall be carried out collaboratively through a sharing of administrative staff, between the office and the department, as determined by the Director of Correctional Services.

Sec. 11. The Juvenile Services Director shall be appointed by the Governor with the approval of a majority of the legislature. All employees of the Division of Juvenile Services of the Department of Correctional Services on the effective date of this act shall become employees of the Office of Juvenile Services. The Juvenile Services Director shall supervise and administer the Office of Juvenile Services and shall hire any additional staff necessary to carry out the duties of the office. The office shall administer and deliver services on a regional basis with a minimum of three regions to be established.

Sec. 12. The Office of Juvenile Services shall provide the functions formerly provided by the Division of Juvenile Services of the Department of Correctional Services, Equipment, books, files, records, and other property in the possession of the Division of Juvenile Services, agreed to be transferred by mutual decision of the Director of Correctional Services and the Juvenile Services Director shall be transferred to the Office of Juvenile Services when the Juvenile Services Director authorizes the transfer. All policies and procedures of the Division of Juvenile Services shall remain in effect unless changed or eliminated by the Office of Juvenile Services.

- Sec. 13. The Office of Juvenile Services shall:
 - (1) Coordinate the programs and services of the juvenile justice system with other governmental agencies and political subdivisions;
 - (2) Develop and use intake and assessment procedures for the evaluation of juveniles;
 - (3) Provide case management for juveniles;
 - (4) Provide secure facility and other alternative programs.

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law, except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost. If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3)(a) Commencing July 1, 1996, when the court is of the opinion that imprisonment may be appropriate but that a brief and intensive period of incarceration may serve the interests of society by promoting the rehabilitation of the offender and by deterring the offender from engaging in further criminal activity, the court may commit an offender to the Department of Correctional Services for a period not exceeding one hundred eighty days for placement in a registered inmate discipline unit followed by one year of intensive parole supervision. The court may consider such commitment if the offender (i) has been found guilty of a nonviolent crime; (ii) is seventeen years of age or older but younger than twenty-five years and has no physical or mental handicap that precludes strenuous physical activity; and (iii) has never before been sentenced to a period of incarceration for a felony offense in this or any other state or federal jurisdiction.

(b) Upon successful completion of the term of commitment, the offender shall be placed under the jurisdiction of the Board of Parole for a period of one year. All provisions of Chapter 837, article 17 relating to parole, except eligibility for parole, shall apply to the offender. If the parole of the offender is revoked, the offender shall be returned to the sentencing court for resentencing on the original conviction.

(c) If the offender for any reason fails to complete the program of registered inmate discipline, the offender shall immediately be returned to the sentencing court for resentencing on the original conviction. Credit shall be given for time actually served in the program.

(d) All costs incurred during the period the offender is held in a registered inmate discipline unit shall be the responsibility of the state; and the county shall be liable only for the cost of returning him or her to the appropriate court for resentencing or such other disposition as the court may then deem appropriate.

(5) Coordinate educational, vocational, and social counseling;
 (6) Coordinate community-based services for juveniles and their families.

(7) Administer the youth rehabilitation and treatment centers and any secure facilities developed in the future;

(8) Supervise and coordinate juvenile parole and aftercare services; and

(9) Provide any other programs and services necessary to the juvenile justice system.

Sec. 14. The office of Juvenile Services shall design and make available programs and treatment services at the youth rehabilitation and treatment centers and any secure confinement facility for juvenile offenders. The programs and treatment services shall be based upon the individual or family assessment and evaluation process and treatment plan. Programs and treatment services shall address:

(1) Behavioral impairments, severe emotional disturbances, and other mental health or psychiatric disorders;

(2) Drug and alcohol addiction;

(3) Health and medical needs;

(4) Education, special education, and related services;

(5) Individual, group, and family counseling services as appropriate with any treatment plan related to subdivisions (1) through (4) of this section. Services shall also be made available for juveniles who have been physically or sexually abused;

(6) A case management and coordination process shall be designed which will assure appropriate reintegration of the juvenile to his or her family, school, and community. This process shall follow individualized planning which shall begin at intake and assessment. Structured programming shall be scheduled for all juveniles committed to secure confinement. This programming shall include a strong academic program as well as classes in health education, living skills, vocational training, behavior management and modification, money management, family and parent responsibilities, substance abuse awareness, physical education, job skills training, and job placement assistance. Participation shall be required of all juveniles committed to a secure confinement facility. The goal of such structured programming shall be to provide the academic and life skills necessary for a juvenile to successfully return to his or her home and community upon release from the secure confinement facility; and

(7) The design and delivery of treatment programs within the youth rehabilitation and treatment centers as well as any licensing or certification requirements, and the office shall follow the requirements as stated within Title XIX and Title IV-E of the federal Social Security Act, as amended, the Special Education Act, or other funding guidelines as appropriate. It is the intent of the Legislature that these funding sources shall be utilized to support service needs of eligible juveniles in residence at the youth rehabilitation and treatment centers.

Sec. 15. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a city of the metropolitan class. A secure confinement facility shall mean a physically secure coneducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of

the federal Social Security Act, as amended, new Medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be replaced with purchased community-based evaluation services. The replacement shall be completed by December 31, 1998. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state.

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a city of the metropolitan class.

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Sec. 16. The courts may participate in the pilot testing developed by the Office of Juvenile Services which is within their jurisdiction.

Sec. 17. The Office of Juvenile Services may adopt and promulgate rules and regulations to carry out its duties pursuant to sections 9 to 16 of this act.

Sec. 18. A juvenile adjudicated as an adult and sentenced to the Department of Correctional Services may be transferred by the Director of Correctional Services to the Office of Juvenile Services for placement in a secure confinement facility. Such juvenile (1) shall receive good time, parole reviews, and hearings conducted by the Board of Parole and all other privileges and rights afforded an inmate confined in an adult correctional facility of the department and (2) shall be transferred to an adult correctional facility of the department no sooner than thirty days prior to his or her nineteenth birthday to complete the remainder of the court-imposed sentence.

Sec. 19. That section 43-252, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-252. (1) The fingerprints of any juvenile less than fourteen years of age, who has been taken into custody in the investigation of a suspected unlawful act, shall not be taken unless the consent of any district, county, associate county, associate separate juvenile court, or separate juvenile court judge has first been obtained.

(2) If the judge permits the fingerprinting, the fingerprints must be filed by law enforcement officers in files kept separate from those of persons of the age of majority.

(3) The fingerprints of any juvenile shall not be sent to a state or federal depository by a law enforcement agency of this state unless: (a) The juvenile has been convicted of or adjudged to have committed a felony; (b) the juvenile has unlawfully terminated his or her commitment to a youth development rehabilitation and treatment center; or (c) the juvenile is a runaway and a fingerprint check is needed for identification purposes to return the juvenile to his or her parent.

Sec. 20. That section 43-258, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-258. (1) Pending the adjudication of any case under the Nebraska Juvenile Code, the court may order the juvenile examined by a physician, surgeon, psychiatrist, duly authorized community mental health service program, or psychologist to aid the court in determining (a) a material allegation in the petition relating to the juvenile's physical or mental condition, (b) the juvenile's competence to participate in the proceedings, (c) the juvenile's responsibility for his or her acts, or (d) whether or not to provide emergency medical treatment.

(2) Pending the adjudication of any case under the Nebraska Juvenile Code and after a showing of probable cause that the juvenile is within the court's jurisdiction, for the purposes of subsection (1) of this section, the court may order such juvenile to be placed in one of the facilities or institutions of the State of Nebraska. Such juvenile shall not be placed in an adult penal institution, either of the youth development rehabilitation and treatment centers, or the Nebraska Center for Children and Youth, except as provided in section 43-913. Any placement for evaluation may be made on an inpatient or outpatient basis for a period not to exceed thirty days. The

head of any facility or institution shall make a complete evaluation of the juvenile, including any authorized area of inquiry requested by the court.

(3) Upon the expiration of the commitment period or such additional periods as the court may authorize, which shall not exceed thirty days each, the juvenile shall be returned to the court together with a written report of the results of the evaluation. Such evaluation shall include an assessment of the basic needs of the juvenile and recommendations for continuous and long-term care and shall be made to effectuate the purposes in subdivision (1) of section 43-246.

(4) In order to encourage the use of the procedure provided in this section, all costs incurred during the period the juvenile is being evaluated at a state facility or institution shall be the responsibility of the state unless otherwise ordered by the court pursuant to section 43-290. The county in which the case is pending shall be liable only for the cost of delivering the juvenile to the facility or institution and the cost of returning him or her to the court for disposition.

Sec. 21. That section 43-286, Revised Statutes Supplement, 1992, be amended to read as follows:

43-286. Notwithstanding the provisions of sections 43-251 and 43-253 to 43-257, no juvenile shall be confined in any jail as a disposition of the court. When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247:

(1) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the same is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(a) Place the juvenile on probation subject to the supervision of a probation officer;

(b) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

(c) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Social Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.

Under subdivision (1)(a), (1)(b), or (1)(c) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the juvenile without such payment;

(2) Except as provided in section 43-287, the court may commit such juvenile to the care and custody of the Office of Juvenile Services or the Department of Correctional Services, but a juvenile under the age of twelve years shall not be committed to the Youth Development Rehabilitation and Treatment Center-Kearney or to the Youth Development Rehabilitation and Treatment Center-Geneva unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter;

(3) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile as defined by subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications; or

(4) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(a) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(b) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations set forth pursuant to subdivision (4)(a) of this section. At such hearing the juvenile shall be entitled to

those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(c) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversary criminal trial;

(d) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with subdivisions (4)(b) and (4)(c) of this section;

(e) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of probation that could have been made at the time the original order of probation was entered or, in the case of the juvenile adjudicated to be within the definitions of subdivision (3)(b) of section 43-247, the court, after considering the dispositions available, may in addition commit such juvenile to the Department of Public Institutions, the Office of Juvenile Services, or the Department of Correctional Services under section 43-287; and

(f) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation. Sec. 22. That section 43-287, Revised Statutes Supplement, 1992, be amended to read as follows:

43-287. Notwithstanding the provisions of subdivision (2) of section 43-286, when any juvenile is found by the court to be a juvenile defined by subdivision (3)(b) of section 43-247, the court may (1) enter such order as it is empowered to enter in the case of a juvenile described in subdivision (1) or (2) of section 43-247, except that no such juvenile shall be committed to the Youth Development Rehabilitation and Treatment Center at Kearney or Geneva, or (2) enter an order committing or placing the juvenile to the care and custody of the Department of Social Services.

Sec. 23. That section 43-299, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-299. Nothing in the Nebraska Juvenile Code shall be construed to repeal any portion of the act to aid the youth development rehabilitation and treatment centers for girls and boys juveniles.

Sec. 24. That section 43-2, 109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-2, 109. In each county, the judge presiding over the juvenile court may appoint a board of four reputable residents, who shall serve without compensation, to constitute a board of visitors, whose duty it shall be to visit at least once a year all institutions, societies, and associations within the county receiving juveniles under the Nebraska Juvenile Code. Visits shall be made by not less than two of the members of the board, who shall go together or make a joint report. The board of visitors shall report to the court, from time to time, the condition of juveniles received by or in the charge of such associations and institutions and shall make an annual report to the Department of Social Services, Office of Juvenile Services, or Department of Correctional Services, and Department of Public Institutions in such form as each of the departments or the office may prescribe. The county board may, in its discretion, make appropriations for the payment of the actual and necessary expenses incurred by the visitors in the discharge of their official duties.

Sec. 25. That section 43-2403, Revised Statutes Supplement, 1992, be amended to read as follows:

43-2403. The Legislature hereby finds that the incarceration of juveniles in adult jails, lockups, and correctional facilities is contrary to the best interests and well-being of juveniles and frequently inconsistent with state and federal law requiring intervention by the least restrictive method. The Legislature further finds that the lack of available alternatives within local communities is a significant factor in the incarceration of

juveniles in such adult jails, lockups, and correctional facilities. To address such lack of available alternatives to the incarceration of juveniles, the Legislature declares it to be the policy of the State of Nebraska to aid local communities in the establishment of programs or services for juveniles under the jurisdiction of the juvenile or criminal justice system and to finance such programs or services on a continuing basis with appropriations from the General Fund. The purposes of the Juvenile Services Act shall be to (1) develop statewide criteria for programs or services for juveniles, including a description of factors to be considered in making placement decisions and a description of necessary components of programs or services, (2) assist in the provision of appropriate preventive, diversionary, and dispositional alternatives for juveniles, (3) encourage coordination of the elements of the juvenile services system, and (4) provide an opportunity for local involvement in developing community programs for juveniles so that the following objectives may be obtained:

- (a) Preservation of the family unit whenever the best interests of the juvenile require it;
- (b) Limitation on intervention to those actions which are necessary and the utilization of the least restrictive yet most effective and appropriate resources;
- (c) Encouragement of active family participation in whatever treatment is afforded a juvenile whenever the best interests of the juvenile require it;
- (d) Treatment in the community rather than commitment to a youth development rehabilitation and treatment center whenever the best interests of the juvenile require it; and
- (e) Encouragement of and assistance to communities in the development of alternatives to secure temporary custody for juveniles who do not require secure detention.

All state agencies providing direct services to juveniles shall coordinate their efforts and work with the commission, members of the judiciary, and local political subdivisions in the establishment and provision of such programs. Programs established pursuant to the act shall conform to the family policy tenets prescribed in sections 43-532 to 43-534.

Sec. 26. That section 43-2406, Revised Statutes Supplement, 1992, be amended to read as follows: (1) From amounts appropriated to the commission for programs by the Legislature, the commission shall award grants on a competitive basis to eligible applicants based upon criteria to be determined by the committee. Such criteria shall include, but not be limited to, the following:

- (a) Availability of programs or services in the geographic area to be served;
 - (b) A description of the juvenile crime problems and the needs of juveniles within the geographic area to be served, including an analysis of the leading causes of juvenile crime in the geographic area to be served, trends in juvenile crime in the geographic area to be served, and proposals for addressing juvenile crime and juvenile needs in the geographic area to be served;
 - (c) An analysis of how well the plan will address the needs of the geographic area to be served; and
 - (d) An analysis of the overall commitment of the eligible applicant and other participants to the plan, including the commitment of matching funds.
- (2) In awarding competitive grants, the committee shall give priority to those plans that fulfill the following minimum criteria:
- (a) In rural areas, plans that are multicounty, multicounty, or regional in scope or that utilize interlocal agreements or contracts for the provision of services;
 - (b) Plans that demonstrate collaboration and cooperation between interested agencies or parties in the geographic area to be served;
 - (c) Plans that comprehensively address the needs of juveniles in the geographic area to be served as defined in the plan; and
 - (d) Plans that aid in reducing the number of commitments in other youth development rehabilitation and treatment centers or placements in other long-term, out-of-home care for juvenile offenders.
- The committee may specify additional criteria as it deems necessary. It is the intent of the Legislature that competitive grants shall be distributed statewide from available funds.
- (3) An eligible applicant who has received a grant may apply for continued funding by submitting a proposed budget along with an annual performance report which describes the progress of the eligible applicant in

implementing programs contained in the original plan to the commission by August 1 of each year. The commission shall review the budget in consultation with the committee and determine whether the grant shall be continued.

Sec. 27. That section 43-3001, Revised Statutes Supplement, 1993, be amended to read as follows:

43-3001. (1) Notwithstanding any other provision of law regarding the confidentiality of records and when not prohibited by the federal Privacy Act of 1974, as amended, juvenile court records and any other pertinent information that may be in the possession of school districts, county attorneys, law enforcement agencies, state probation personnel, parole placement programs, the Department of Social Services, the State Foster Care Services, the Department of Correctional Services, the State Foster Care Review Board, child abuse and neglect investigation teams, child abuse and neglect treatment teams, or other multidisciplinary teams for abuse, neglect, or delinquency concerning a child who is in the custody of the state may be shared with individuals and agencies who have been identified in a court order authorized by this section.

(2) In any judicial proceeding concerning a child who is currently, or who may become at the conclusion of the proceeding, a ward of the court or state or under the supervision of the court, an order may be issued which identifies individuals and agencies who shall be allowed to receive otherwise confidential information concerning the juvenile for legitimate and official purposes. The individuals and agencies who may be identified in the court order are the child's attorney or guardian ad litem, the parents' attorney, foster parents, appropriate school personnel, county attorneys, authorized court personnel, law enforcement agencies, state probation personnel, parole personnel, youth detention facilities, medical personnel, treatment or placement programs, the Department of Social Services, the Office of Juvenile Services, the Department of Correctional Services, the State Foster Care Review Board, child abuse and neglect investigation teams, child abuse and neglect treatment teams, and other multidisciplinary teams for abuse, neglect, or delinquency. Unless the order otherwise states, the order shall be effective until the child leaves the custody of the state or until a new order is issued.

(3) All information acquired by an individual or agency pursuant to this section shall be confidential and shall not be disclosed except to other persons who have a legitimate and official interest in the information and are identified in the court order issued pursuant to this section with respect to the child in question. A person who receives such information or who cooperates in good faith with other individuals and agencies identified in the appropriate court order by providing information or records about a child shall be immune from any civil or criminal liability. The provisions of this section granting immunity from liability shall not be extended to any person alleged to have committed an act of child abuse or neglect.

(4) Any person who publicly discloses information received pursuant to this section shall be guilty of a Class III misdemeanor.

Sec. 28. That section 71-901, Revised Statutes Supplement, 1992, be amended to read as follows:

71-901. (1) The Department of Health shall inquire into the whole system of public charities and methods and practices in the public and correctional institutions of the state, counties, and cities to ascertain the condition thereof from time to time by inspection or otherwise, especially of prisons, jails, infirmaries, public hospitals, including hospitals for persons with a mental disorder and persons with mental retardation, all correctional institutions, including the Youth Development Rehabilitation and Treatment Center-Kearney and the Youth Development Rehabilitation and Treatment Center-Genewa, and industrial schools.

(2) The Department of Health shall make at least one inspection every year of each state public and correctional institution, which inspection may be unannounced, and such inspections shall not require the permission of any director of the department or of the institution to be inspected. The inspection of the dietary facilities at the institution shall include an inspection of the dietary facilities at the institution.

(3) The Department of Health shall enforce this section and all other statutes pertaining to public health and sanitation with respect to the public and correctional institutions of the state, counties, and cities. The department shall adopt, promulgate, and enforce necessary rules and regulations for carrying out this section. It may also adopt and promulgate rules and regulations supplementing but not inconsistent with this section.

(4) The Department of Health shall make an investigation and report to the Department of Social Services, within thirty days after receipt of the

request by the Department of Social Services, of all facilities and programs of licensed providers of early childhood programs as defined in section 71-1910 or child care programs subject to section 71-1903 or applicants for licenses to provide such programs to determine if the place or places to be covered by such licenses meet standards of health and sanitation set by the Department of Social Services for the care and protection of the child or children who may be placed in such facilities and programs. The Department of Health may delegate this authority to qualified local environmental health personnel.

Sec. 29. That section 81-1826, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
 81-1826. The Department of Correctional Services shall, as far as possible, provide for the employment, eight hours per day, of confined persons by private businesses. 7 except these youths committed to the Youth Development Center-Kearney, the Youth Development Center-Genewa, and other similar institutions. The employment may be provided under section 81-1827, 83-183, or 83-184.

Sec. 30. That section 83-364, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
 83-364. When any person is admitted to a state institution, or receives treatment prescribed by an institution following release or without being admitted as a resident patient, the patient and his or her relatives shall be liable for the cost of the care, support, maintenance, and treatment of such person to the extent and in the manner provided by this act sections 83-227.01, 83-227.02, 83-350, and 83-363 to 83-380. The provisions of this act such sections also shall apply to persons admitted to a state institution as transferees from any state penal institution or the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa, but only after the expiration of the time for which the transferees were originally sentenced or committed.

Sec. 31. That section 83-465, Revised Statutes Supplement, 1993, be amended to read as follows:

83-465. When a juvenile of sane mind, twelve years of age or older but under the age of eighteen years, has been found guilty of any crime except murder or manslaughter in any court of record in this state, the court may order that the juvenile be committed to the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa. A copy of the order under the seal of the court shall be sufficient warrant for delivering the juvenile to the center and committing him or her to the custody of the superintendent.

Sec. 32. That section 83-467, Revised Statutes Supplement, 1993, be amended to read as follows:

83-467. When a juvenile of sane mind under the age of sixteen years has been convicted of any crime, the court pursuant to the Nebraska Juvenile Code may issue an order to the parent, guardian, or person in charge of the juvenile or with whom the juvenile last resided, to any close relative of the juvenile, or if the juvenile is alone and friendless, to the person whom the judge shall appoint as guardian ad litem, requiring the juvenile to appear at a time and place stated in the order to show cause why the juvenile should not be committed to the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa.

Sec. 33. That section 83-469, Revised Statutes Supplement, 1993, be amended to read as follows:

83-469. Either the party to whom the order provided for in section 83-467 was addressed or a guardian ad litem shall be present at the hearing, at which time the judge shall make a voluntary examination of the juvenile and hear the testimony in relation to the case that is produced. If the judge finds that the juvenile should be committed to the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa, then the judge shall issue a warrant of commitment.

Sec. 34. That section 83-470, Revised Statutes Supplement, 1993, be amended to read as follows:

83-470. The judge shall certify in the warrant of commitment the juvenile's residence and age at the time of arrest, as nearly as can be ascertained, and shall command the officer to take and deliver the juvenile without delay to the superintendent of the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa. The certificate, for purposes of sections 83-465 to 83-473, shall be conclusive evidence of the juvenile's residence and age. The judge shall transmit to the superintendent, by the officer executing the

warrant, a statement of the nature of the complaint, together with such other particulars concerning the juvenile as the judge is able to ascertain. The expense of conveying a juvenile to the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa or returning him or her to his or her parent or guardian after release shall be paid by the county.

Sec. 35. That section 83-472, Revised Statutes Supplement, 1993, be amended to read as follows:

83-472. Every juvenile committed to the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa under sections 83-465 to 83-470 shall remain there until he or she attains the age of nineteen unless sooner paroled or legally discharged. The assistant director of the Division of Juvenile Services shall adopt and promulgate rules and regulations for the promotion, parole, and final discharge of juveniles such as shall be considered mutually beneficial for the institution and the juveniles. The discharge of any juvenile pursuant to the rules and regulations or upon his or her attainment of the age of nineteen shall be a complete release from all penalties incurred by conviction of the offense for which he or she was committed.

Sec. 36. That section 83-473, Revised Statutes Supplement, 1993, be amended to read as follows:

83-473. Any person who entices or attempts to entice away from the Youth Development Rehabilitation and Treatment Center-Kearney or Youth Development Rehabilitation and Treatment Center-Genewa any juvenile legally committed to the facility, or who knowingly harbors, conceals, or aids in harboring or concealing any juvenile who has escaped from the facility, shall be guilty of a Class IV felony. Any sheriff or other officer authorized to make arrests or any officer or employee of the facility shall arrest any juvenile who has escaped from the facility and shall return him or her to the facility. The assistant director of the Division of Juvenile Services shall use all proper means for the apprehension of any escaped juvenile, and for this purpose he or she may offer a reward.

Sec. 37. That section 83-487, Revised Statutes Supplement, 1993, be amended to read as follows:

83-487. The Youth Development Rehabilitation and Treatment Center-Genewa shall be recognized and shall continue as a state-operated facility for the detention, education, industrial training, and reformation of juveniles committed to the Office of Juvenile Services of the Department of Correctional Services.

Sec. 38. That section 83-4,101, Revised Statutes Supplement, 1993, be amended to read as follows:

83-4,101. (1) The juvenile court may commit any juvenile to the Youth Diagnostic and Rehabilitation Center upon the same terms and conditions and subject to all provisions of law as govern commitments to the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa.

(2) The juvenile court may, without formal commitment, refer any juvenile found in need thereof to the Youth Diagnostic and Rehabilitation Center for detention for purposes of observation, testing, and examination, both mental and physical.

Sec. 39. That section 83-4,104, Revised Statutes Supplement, 1993, be amended to read as follows:

83-4,104. (1) Any juvenile committed to the Youth Diagnostic and Rehabilitation Center may be released therefrom upon the same terms and conditions and subject to all provisions of law as govern the release of juveniles committed to the Youth Development Rehabilitation and Treatment Center-Kearney or the Youth Development Rehabilitation and Treatment Center-Genewa.

(2) Any juvenile referred to the Youth Diagnostic and Rehabilitation Center may be released therefrom upon order of the court by which he or she was referred or when the purposes of the referral have been accomplished.

Sec. 40. That section 83-905, Revised Statutes Supplement, 1993, be amended to read as follows:

83-905. The Department of Correctional Services shall have oversight and general control of all state adult and juvenile correctional institutions. The Office of Juvenile Services shall have oversight and general control of all state juvenile correctional facilities.

Sec. 41. That section 83-911.01, Revised Statutes Supplement, 1992, be amended to read as follows:
 83-911.01. The Department of Correctional Office of Juvenile Services shall monitor commitments, placements, and evaluations at the Youth

LEGISLATIVE BILL 988A

Approved by the Governor April 15, 1994

Introduced by Bernard-Stevens, 42

development rehabilitation and treatment centers and report its findings annually to the legislature. The report shall include an assessment of the administrative costs of operating the facilities, the cost of programming, and the savings realized through reduction in commitments, placements, and evaluations.

Sec. 42. That section 83-922, Revised Statutes Supplement, 1993, be amended to read as follows:

83-922. The Department of Correctional Services shall fulfill those functions of state government relating to the custody, study, care, discipline, training, and treatment of persons in correctional and detention institutions. There shall be separate divisions and offices within the department to assist in fulfilling these functions. The divisions shall be the Division of Community-Centered Services, the Division of Juvenile Services, the Division of Administrative Services, and the Division of Adult Services, and the office shall be the Office of Juvenile Services. The Director of Correctional Services shall appoint an assistant director as head of each division and may remove or change the powers and responsibilities of the assistant director of any of the divisions at his or her discretion. The Juvenile Services Director shall be appointed by the Governor pursuant to section 11 of this act.

Sec. 43. Sections 83-4.100, 83-4.101, 83-4.102, and 83-4.104 shall terminate on December 31, 1996.

Sec. 44. The Department of Labor shall review current programs, policies, and funding sources to identify available resources that may provide educational opportunities for youth. Such opportunities shall include training and job experience in the repair and alteration of public buildings as may be necessary to comply with the requirements of the federal Americans with Disabilities Act of 1990.

Sec. 45. The Nebraska Commission on Law Enforcement and Criminal Justice shall establish a public education program for calendar year 1994 that will provide the general public with the knowledge of the changes made in Nebraska statutes pursuant to this legislative bill.

Sec. 46. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 47. That original sections 28-1201, 43-252, 43-258, 43-299, 43-2.109, 81-1826, and 83-364, Reissue Revised Statutes of Nebraska, 1943, sections 28-101, 43-286, 43-287, 43-2403, 43-2406, 71-901, and 83-911.01, Revised Statutes Supplement, 1992, and sections 28-1501, 29-2204, 43-3001, 83-465, 83-467, 83-469, 83-470, 83-472, 83-473, 83-487, 83-4.101, 83-4.104, 83-905, and 83-922, Revised Statutes Supplement, 1993, and also section 83-929, Reissue Revised Statutes of Nebraska, 1943, sections 43-2801 to 43-2804, Revised Statutes Supplement, 1992, and sections 83-4.140, 83-4.141, 83-925 to 83-928, and 83-930, Revised Statutes Supplement, 1993, are repealed.

Sec. 48. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

AN ACT relating to appropriations; to amend Laws 1993, LB 541, section 138; to appropriate funds to aid in carrying out the provisions of Legislative Bill 988, Ninety-third Legislature, Second Session, 1994; to change and eliminate appropriations; to provide when certain provisions will be operative; to harmonize provisions; to repeal the original section, and also Laws 1993, LB 541, section 138, as amended by section 2, Legislative Bill 677A, Ninety-third Legislature, Second Session, 1994, Laws 1993, LB 541, section 138, as amended by section 120, Legislative Bill 991, Ninety-third Legislature, Second Session, 1994, and Laws 1993, LB 627A, section 1, as amended by section 174, Legislative Bill 991, Ninety-third Legislature, Second Session, 1994; and to declare an emergency. Be it enacted by the people of the State of Nebraska,

Section 1. That Laws 1993, LB 541, section 138, be amended to read as follows:

Sec. 138. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES
Program No. 360 - Operations

FY1993-94

GENERAL FUND 61,341,369

CASH FUND 62,085,926

FEDERAL FUND 600,568

REVENUE FUND est- 622,919

FEDERAL FUND est- 5,686,003

PROGRAM TOTAL 60,245,927

SALARY LIMIT 36,807,883

GENERAL FUND 51,341,369

CASH FUND 581,868

FEDERAL FUND est. 536,587

REVENUE FUND est. 0

PROGRAM TOTAL 5,686,003

SALARY LIMIT 0

REVOLVING FUND est. 68,345,827

PROGRAM TOTAL 36,807,883

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

REVOLVING FUND est. 0

PROGRAM TOTAL 0

SALARY LIMIT 0

The salary limitations provided by this section do not include Revolving Fund salaries. There are no salary limitations for Revolving Fund program classifications 390 and 563.

The Department of Administrative Services shall monitor appropriations and expenditures for this program for FY1993-94 according to the following program classifications:

- No. 364 - Juvenile Parole Administration
- No. 368 - Lincoln Community Corrections Center
- No. 370 - Central Office
- No. 371 - Youth Development Center-Geneva
- No. 372 - Nebraska State Penitentiary
- No. 373 - Nebraska Center for Women - York
- No. 374 - Youth Development Center-Kearney
- No. 375 - Diagnostic and Evaluation Center
- No. 376 - Lincoln Correctional Center
- No. 377 - Omaha Correctional Center
- No. 378 - Hastings Correctional Center
- No. 383 - Lincoln Treatment Facility
- No. 389 - Adult Parole Administration
- No. 390 - Federal Surplus Property
- No. 563 - Correctional Industries

Revolving Fund expenditures shall not be limited to the amounts shown. The unexpended General Fund balance existing on June 30, 1993, is hereby reappropriated.

It is intended that the Department of Correctional Services shall maintain a Department Contingency Fund and a Department Equipment Fund.

The Department of Correctional Services may transfer sufficient appropriations and salary limitations from Program No. 360 to Program No. 250 for FY1994-95 to cover prior fiscal year obligations.

(1) If Legislative Bill 677A, Ninety-third Legislature, Second Session, 1994, is enacted into law, (a) the General Fund appropriation to the Department of Correctional Services, for Program 360, shall be reduced by

LEGISLATURE OF NEBRASKA

NINETY-FOURTH LEGISLATURE

SECOND SESSION

Legislative Bill 1044

Introduced by Wesely, 26; Withem, 14; Brown, 6; Dierks, 40; Hillman, 48; Jensen, 20; Klein, 19; Matzke, 47; Pirsch, 10; Robak, 22; Robinson, 16; Schimek, 27; Warner, 25; Wehrbein, 2; at the request of the Governor

Read first time January 4, 1986

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend sections
 2 81-101, 81-102, 81-1916, and 84-1409, Reissue Revised
 3 Statutes of Nebraska; to adopt the Nebraska Partnership
 4 for Health and Human Services Act; to provide powers and
 5 duties for the Department of Health and Human Services,
 6 Department of Health and Human Services Standards and
 7 Evaluation, and Department of Health and Human Services
 8 Finance and Support; to create funds; to harmonize
 9 provisions; to repeal the original sections; and to
 10 declare an emergency.

11 Be it enacted by the people of the State of Nebraska,

EXHIBIT

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C

1 Section 1. Sections 1 to 14 of this act shall be known
2 and may be cited as the Nebraska Partnership for Health and Human
3 Services Act.

4 Sec. 2. The Legislature finds that each Nebraskan should
5 have a quality of life that reflects safety, self-sufficiency,
6 respect, health and well-being, and opportunities for maximum
7 participation through new partnerships between the state and local
8 communities. The Legislature further finds that in order to
9 achieve this vision, it is necessary to create and sustain a
10 unified, accessible, caring, and competent responsive health and
11 human services system for each Nebraskan that maximizes local
12 determination and to achieve measurable outcomes. To this end, the
13 state will work in partnership with communities and other public
14 and private sector entities.

15 Sec. 3. For purposes of the Nebraska Partnership for
16 Health and Human Services Act:

17 (1) Agency or agencies means the Department on Aging,
18 Department of Health, Department of Public Institutions, Department
19 of Social Services, and the Office of Juvenile Services of the
20 Department of Correctional Services;

21 (2) Community means persons and entities linked by common
22 policy, location, characteristics, or other common interests.
23 Persons and entities include families, neighborhoods, groups of
24 citizens and their local governmental entities, individually and
25 collectively, as well as health and human services providers, local
26 services networks, private and nonprofit entities, and regional
27 organizations;

28 (3) Departments means the Department of Health and Human

1 Services, Department of Health and Human Services, Standards and
2 Evaluation, and Department of Health and Human Services Finance and
3 Support which are the redesigned departments of health and human
4 services effective January 1, 1997, as set forth in section 6 of
5 this act;

6 (4) Health and human services system means coordinated
7 policy development, service provision, program management, quality
8 assurance, and financial and support services of health and human
9 services through partnerships between agencies of state government
10 and between state government and communities;

11 (5) Local service network means providers of health and
12 human services, either public or private, and other supporting
13 organizations which join together to form a coalition or alliance
14 to better serve a community or communities collaboratively, and
15 which are recognized as local partners by the health and human
16 services system;

17 (6) Outcomes means intended results impacting the health,
18 safety, and well-being of individuals, families, and communities,
19 the achievement of which are measured to mark and sustain progress;

20 (7) Partnership council means the Health and Human
21 Services System Partnership Council established in section 10 of
22 this act;

23 (8) Policy Cabinet means the directors of the departments
24 and the Policy Secretary, and is not intended to create or imply
25 the creation of a separate legal entity;

26 (9) Policy Secretary means the health and human services
27 system Policy Secretary described in section 8 of this act; and

28 (10) Report means the plan for implementing the Nebraska

1 Partnership for Health and Human Services Act.

2 Sec. 4. The directors of the agencies shall work in
3 partnership with the public and agency employees to develop a
4 report to submit to the Governor and Legislature by December 1,
5 1996, to include, but not be limited to, recommendations for:

6 (1) A transition plan describing actions, methods, steps,
7 and timelines necessary to implement redesign of the agencies by
8 January 1, 1997.

9 (2) A set of outcomes desired to form the basis for
10 accountability of the health and human services system at state and
11 community levels.

12 (3) A plan for support of local service networks that
13 will foster determination of community services consistent with the
14 identified outcomes.

15 (4) A long-term plan for developing effective preventive
16 strategies that reduce the need for more intensive intervention
17 services; and

18 (5) A plan for evaluating the health and human services
19 system performance to be used for annual reports to the Governor
20 and the Legislature.

21 Sec. 5. The redesign of the agencies shall be
22 accomplished based on the principles that a health and human
23 services system should be:

24 (1) Preventive by making wise investments in strategies
25 that promote safety and well-being;

26 (2) Integrated to assure that supports and services are
27 coordinated, understandable, and efficient;

28 (3) Comprehensive and balanced in responsiveness to a

1 range of needs from wellness to crisis:

2 (4) Family-centered and caring by building on the
3 strengths of family relationships as a context for services:

4 (5) Community-based by forging state and community
5 partnerships that encourage flexible service delivery while
6 assuring high levels of accountability:

7 (6) Accessible in the form of information and services
8 available to Nebraskans locally, financially, culturally, and
9 conveniently:

10 (7) Outcome-based to assure that measurable results are
11 achieved and reported by a well-informed management system:

12 (8) Fiscally sound by ensuring that financial and human
13 resources are sufficiently invested and responsibly managed to
14 assure progress on the outcomes in a unified and efficient health
15 and human services system of care:

16 (9) Protective of vulnerable individuals and families as
17 needed to assure their well-being and safety; and

18 (10) Strength-based by using the assets of individuals,
19 families, and communities as the basis for service.

20 Sec. 6. Effective January 1, 1997, all programs and
21 functions of the Department on Aging, Department of Health,
22 Department of Public Institutions, Department of Social Services,
23 and the Office of Juvenile Services of the Department of
24 Correctional Services shall be transferred to three departments to
25 be known as the Department of Health and Human Services, Department
26 of Health and Human Services Standards and Evaluation, and
27 Department of Health and Human Services Finance and Support.

28 Sec. 7. The functions and duties of the departments

1 shall be as follows:

2 (1) The Department of Health and Human Services, shall
3 manage all health and human services system services and programs,
4 whether contracted or delivered directly by the state, with
5 responsibility to:

6 (a) Provide services in accordance with established
7 policies, desired outcomes, priorities, and goals:

8 (b) Identify strategies jointly with communities for
9 accomplishing identified goals and outcomes:

10 (c) Deliver services directly or by contract or grant to
11 provide a quality of life for each citizen that reflects safety,
12 self-sufficiency, respect, health and well-being, and opportunities
13 for maximum participation through new partnerships between the
14 state and communities:

15 (d) Work in partnership with communities and other public
16 and private sector entities to support current best practices,
17 integrate services and functions when possible, and find solutions
18 that emphasize responsibility and local determination:

19 (e) Promote the development of community partnerships to
20 ensure that needed services are available across Nebraska:

21 (f) Assure service coordination and access through public
22 education and information, community resource development,
23 technical assistance, and coordinated service management; and

24 (g) Develop a health and human services system focused on
25 achieving outcomes based on needs of Nebraskans and accountable to
26 Nebraskans.

27 (2) The Department of Health and Human Services Standards
28 and Evaluation shall preserve the quality of the health and human

1 services system based on outcomes and performance measures, with
2 responsibility to:

3 (a) Develop evaluation measurements and analyze results
4 throughout the health and human services system;

5 (b) Certify and license facilities and professionals;

6 (c) Evaluate services or programs to determine compliance
7 with state, federal, or other contractual requirements;

8 (d) Develop, review, and revise rules and regulations in
9 accordance with established system-wide policies and objectives;

10 (e) Coordinate with the Department of Health and Human
11 Services to develop appropriate technical assistance, education,
12 training, and joint problem-solving; and

13 (f) Provide a common-sense approach to regulation and
14 licensure that focuses on the outcomes of the health and human
15 services system and assures compliance consistent with those
16 outcomes.

17 (3) The Department of Health and Human Services, Finance
18 and Support shall perform administrative activities, finance, and
19 information management functions for all three departments, with
20 responsibility to:

21 (a) Integrate and manage information systems across
22 programs and functions, provide meaningful data to determine
23 whether desired outcomes are achieved, and support policy
24 development;

25 (b) Consolidate program funds of the departments whenever
26 appropriate to accomplish desired results;

27 (c) Analyze financial status and impacts for the
28 departments;

1 (d) Develop and manage a consistent accounting,
2 contracting, disbursement, and fiscal compliance system; and

3 (e) Consolidate operational support services such as
4 budget, information management, purchasing and procurement,
5 personnel, audit, and contract management.

6 Sec. 8. The Governor shall appoint a health and human
7 services system Policy Secretary to report to the Governor and to
8 serve full-time at the pleasure of the Governor.

9 Sec. 9. On and after January 1, 1997, the directors of
10 the departments and the Policy Secretary shall work jointly as a
11 Policy Cabinet to achieve policy outcomes through development of
12 policy objectives and strategic plans, to prepare and recommend
13 budgets, to develop and establish consistent priorities and
14 policies for allocation and distribution of resources, to establish
15 procedures to promote and support collaborative community efforts
16 or local service networks, to integrate the services of the
17 departments, to evaluate that outcomes are achieved, and to make
18 health and human services system improvements in accordance with
19 the intent and purposes of the Nebraska Partnership for Health and
20 Human Services Act. The Policy Cabinet is not a public body and
21 its meetings are not subject to sections 84-1408 to 84-1414.

22 Sec. 10. The Health and Human Services System
23 Partnership Council shall be established effective January 1, 1997.
24 The purpose of the partnership council is to advise and assist the
25 Policy Cabinet in the development of policy objectives and desired
26 outcomes. The partnership council shall review and evaluate the
27 extent to which the outcomes are achieved and shall make
28 recommendations for health and human services system improvements

1 to the Policy Cabinet. To accomplish this purpose, the partnership
2 council shall:

3 (1) Obtain community perspective and participation as
4 appropriate by holding public hearings, forming ad hoc advisory
5 groups, or using other methods;

6 (2) Facilitate communication between broad-based
7 community coalitions and the health and human services system;

8 (3) Serve as a link to community and local service
9 networks and the health and human services system; and

10 (4) Perform such other specific duties as may be assigned
11 by the Policy Cabinet.

12 Sec. 11. The Policy Secretary shall serve as the
13 chairperson of the partnership council and shall be responsible for
14 the general administration of the activities of the partnership
15 council and for coordination of partnership council activities with
16 those of the Policy Cabinet.

17 Sec. 12. The partnership council shall consist of not
18 less than seven nor more than fifteen members. The Policy
19 Secretary shall be one member and serve as the chairperson of the
20 partnership council. The remaining members shall be appointed by
21 the Governor with the consent of a majority of the Legislature.
22 Members appointed shall bring distinguished, broad-based
23 leadership, expertise, and diversity to carry on the purposes and
24 functions of the partnership council.

25 Sec. 13. The terms of the members of the partnership
26 council, other than the Policy Secretary, shall be three years,
27 except that the terms of the initial members of the partnership
28 council shall be staggered so that one-third of the members are

1 appointed for terms of one year, one-third for terms of two years,
2 and one-third for terms of three years, as determined by the
3 Governor. The appointment of each member shall expire on January 30
4 at the end of his or her term. If a vacancy occurs, the Governor
5 shall appoint a new member to serve for the unexpired term.

6 Sec. 14. The members of the partnership council may
7 receive a per diem of up to forty dollars per day while actually
8 engaged in the business of the partnership council and shall be
9 reimbursed for the necessary expenses incurred in the performance
10 of their duties as provided in sections 81-1174 to 81-1177.

11 Sec. 15. The Director of Health and Human Services
12 appointed by the Governor for the Department of Health and Human
13 Services shall have a recognized and demonstrated interest in and
14 knowledge of the issues of health and human services delivery and
15 administrative experience in an executive capacity.

16 Sec. 16. The powers and duties of the Department of
17 Health and Human Services shall include, but are not limited to:

18 (1) To operate as a member of the health and human
19 services system in coordination with the Department of Health and
20 Human Services Standards and Evaluation and the Department of
21 Health and Human Services Finance and Support;

22 (2) To consult and cooperate with other state agencies so
23 as to coordinate its activities in an effective manner with related
24 activities in other agencies;

25 (3) To adopt and promulgate necessary rules and
26 regulations to implement its programs and activities as required by
27 state law or under federal law or regulation governing grants or
28 contracts administered by the department.

1 (4) To consult and, under the general direction and
2 guidance of the Adjutant General and the civil defense agency, to
3 coordinate programs to meet disaster-related necessary expenses, or
4 serious needs of individuals or families adversely affected by a
5 major disaster:

6 (5) To enter into such agreements as may be necessary or
7 appropriate with the Department of Health and Human Services
8 Finance and Support to provide services and manage funds as
9 provided under the Nebraska Partnership for Health and Human
10 Services Act and sections 15 to 21 of this act, including the
11 administration of federal funds granted to the state in the
12 furtherance of the activities of the Department of Health and Human
13 Services:

14 (6) To enter into such agreements with and among the
15 Department of Health and Human Services Standards and Evaluation
16 and the Department of Health and Human Services Finance and Support
17 as may be necessary or appropriate to carry out the intent and
18 purposes of the act and sections, which may include, but are not
19 limited to, agreements for the transfer of personnel, for authority
20 of such department or departments to act as the agent in carrying
21 out certain services or functions, or a portion of them, or for
22 joint implementation of public or private grants or performance of
23 contracts:

24 (7) To seek grants and other funds from federal and other
25 public and private sources to carry out the purposes of the act and
26 sections and the missions and purposes of the department and to
27 accept and administer programs or resources delegated, designated,
28 assigned, or awarded by the Governor or by other public and private

1 sources:

2 (8) To act as the agent of the federal government in
 3 matters of mutual concern in conformity with the act and sections
 4 and the scope of authority of the department as provided by law.

5 (9) Notwithstanding any other provision of law, to share
 6 financial and programmatic information, including medical records,
 7 client records, vital records, and other information and documents
 8 which are otherwise confidential with the Department of Health and
 9 Human Services Standards and Evaluation and the Department of
 10 Health and Human Services Finance and Support to the extent
 11 necessary to carry out the purpose and intent of the act and
 12 sections.

13 (10) To carry out the functions described in subdivision
 14 (1) of section 7 of this act; and

15 (11) To perform such other duties as are provided by law.

16 Sec. 17. The Department of Health and Human Services
 17 Cash Fund is created and shall consist of funds from contracts,
 18 grants, gifts, or fees. Any money in the fund available for
 19 investment shall be invested by the state investment officer
 20 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 21 State Funds Investment Act.

22 Sec. 18. On and after January 1, 1997, positions of
 23 employment in the Department on Aging, Department of Health,
 24 Department of Public Institutions, Department of Social Services,
 25 and Office of Juvenile Services of the Department of Correctional
 26 Services related to the powers, duties, and functions transferred
 27 to the Department of Health and Human Services pursuant to the
 28 Nebraska Partnership for Health and Human Services Act and sections

1 15 to 21 of this act are transferred to the Department of health
2 and Human Services. For purposes of the transition, such employees
3 shall be considered employees of the department to which they are
4 transferred and shall retain their rights under the state personnel
5 system or pertinent bargaining agreement, regardless of whether the
6 positions in which they served were transferred, and their services
7 shall be deemed continuous. This section does not grant employees
8 any new rights or benefits not otherwise provided by law or
9 bargaining agreement or preclude the department or the director
10 from exercising any of the prerogatives of management set forth in
11 section 81-1311 or as otherwise provided by law. The act and
12 sections are not an amendment to or substitute for the provisions
13 of any existing bargaining agreements.

14 Sec. 19. On January 1, 1997, all items of property, real
15 and personal, including office furniture and fixtures, books,
16 documents, and records of the Department on Aging, Department of
17 Health, Department of Public Institutions, Department of Social
18 Services, and the Office of Juvenile Services of the Department of
19 Correctional Services pertaining to the duties and functions
20 transferred to the Department of Health and Human Services by the
21 Nebraska Partnership for Health and Human Services Act and sections
22 15 to 21 of this act shall become the property of such department.

23 Sec. 20. On and after January 1, 1997, whenever the
24 Department on Aging, Department of Health, Department of Public
25 Institutions, Department of Social Services, or the Office of
26 Juvenile Services of the Department of Correctional Services is
27 referred to or designated by any contract or other document in
28 connection with the duties and functions transferred to the

1 Department of Health and Human Services by the Nebraska Partnership
2 for Health and Human Services Act and sections 15 to 21 of this
3 act, such reference or designation shall apply to such department.
4 All contracts entered into by the agencies prior to January 1,
5 1997, in connection with the duties and functions transferred to
6 the department are hereby recognized, with the department
7 succeeding to all rights and obligations under such contracts. Any
8 cash funds, custodial funds, gifts, trusts, grants and any
9 appropriations of funds from prior fiscal years open to satisfy
10 obligations incurred under such contracts shall be transferred and
11 appropriated to the succeeding department for the payments of such
12 obligations. All licenses, certificates, registrations, permits,
13 seals, or other forms of approval issued by the agencies in
14 accordance with functions or duties transferred to the Department
15 of Health and Human Services shall remain valid as issued under the
16 names of the original agencies unless revoked or their
17 effectiveness is otherwise terminated as provided by law. All
18 documents and records transferred, or copies of the same, may be
19 authenticated or certified by the Department of Health and Human
20 Services for all legal purposes.

21 Sec. 21. All rules, regulations, and orders of the
22 Department on Aging, the Department of Health, the Department of
23 Public Institutions, the Department of Social Services, or the
24 Office of Juvenile Services of the Department of Correctional
25 Services adopted prior to January 1, 1997, in connection with the
26 powers, duties, and functions transferred to the Department of
27 Health and Human Services under the Nebraska Partnership for Health
28 and Human Services Act and sections 15 to 21 of this act shall

1 continue to be effective until revised, amended, repealed, or
2 nullified pursuant to law.

3 No suit, action, or other proceeding, judicial or
4 administrative, lawfully commenced prior to January 1, 1997, or
5 which could have been commenced prior to that date, by or against
6 any of such agencies, or any director or employee thereof, in such
7 director or employee's official capacity or in relation to the
8 discharge of his or her official duties, shall abate by reason of
9 the transfer of duties and functions from such agency to the
10 Department of Health and Human Services.

11 On and after January 1, 1997, unless otherwise specified,
12 whenever any provision of law refers to such agency or agencies in
13 connection with duties and functions transferred to the Department
14 of Health and Human Services, the law shall be construed as
15 referring to such department.

16 Sec. 22. The Director of Standards and Evaluation
17 appointed by the Governor for the Department of Health and Human
18 Services, Standards and Evaluation, shall (1) have administrative
19 experience in an executive capacity and some special training in
20 public health work and (2) be either a graduate of a recognized
21 school of medicine and licensed to practice medicine and surgery in
22 the State of Nebraska or a person with a recognized and
23 demonstrated interest in and knowledge of health and human services
24 delivery. If the director appointed is not a medical doctor, he or
25 she shall appoint a health director to be responsible for the
26 administration of public health programs who is a graduate of a
27 recognized school of medicine and licensed to practice medicine and
28 surgery in the State of Nebraska and has some special training in

1 public health work.

2 Sec. 23. The powers and duties of the Department of
3 Health and Human Services Standards and Evaluation shall include,
4 but are not limited to:

5 (1) To operate as a member of the health and human
6 services system in coordination with the Department of Health and
7 Human Services and the Department of Health and Human Services
8 Finance and Support;

9 (2) To consult and cooperate with other state agencies so
10 as to coordinate its activities in an effective manner with related
11 activities in other agencies;

12 (3) To adopt and promulgate necessary rules and
13 regulations to implement its programs and activities as required by
14 state law or under federal law or regulation governing grants or
15 contracts administered by the department;

16 (4) To consult and, under the general direction and
17 guidance of the Adjutant General and the civil defense agency, to
18 coordinate programs to meet disaster-related necessary expenses or
19 serious needs of individuals or families adversely affected by a
20 major disaster;

21 (5) To enter into such agreements as may be necessary or
22 appropriate with the Department of Health and Human Services
23 Finance and Support to provide services and manage funds as
24 provided under the Nebraska Partnership for Health and Human
25 Services Act and sections 22 to 28 of this act, including the
26 administration of federal funds granted to the state in the
27 furtherance of the activities of the Department of Health and Human
28 Services Standards and Evaluation;

1 (6) To enter into such agreements with and among the
2 Department of Health and Human Services and the Department of
3 Health and Human Services Finance and Support as may be necessary
4 or appropriate to carry out the intent and purposes of the act and
5 sections, which may include, but are not limited to, agreements for
6 the transfer of personnel, for authority of such department or
7 departments to act as its agent in carrying out services or
8 functions, or a portion of them, or for joint implementation of
9 public or private grants or performance of contracts.

10 (7) To seek grants and other funds from federal and other
11 public and private sources to carry out the purposes of the act and
12 sections and the missions and purposes of the department and to
13 accept and administer programs or resources delegated, designated,
14 assigned, or awarded by the Governor or by other public and private
15 sources.

16 (8) To contract with and act as the agent of the federal
17 government in matters of mutual concern in conformity with the act
18 and sections and the scope of authority of the department as
19 provided by law.

20 (9) Notwithstanding any other provision of law, to share
21 financial and programmatic information, including medical records,
22 client records, vital records, and other information and documents
23 which are otherwise confidential with the Department of Health and
24 Human Services and the Department of Health and Human Services
25 Finance and Support to the extent necessary to carry out the
26 purpose and intent of the act and sections.

27 (10) To carry out the responsibilities described in
28 subdivision (2) of section 7 of this act, and

1 (11) To perform such other duties as are provided by law.

2 Sec. 24. The Department of Health and Human Services
3 Standards and Evaluation Cash Fund is created and shall consist of
4 funds from contracts, grants, gifts, or fees. Any money in the
5 fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act
7 and the Nebraska State Funds Investment Act.

8 Sec. 25. On and after January 1, 1997, positions of
9 employment in the Department on Aging, Department of Health,
10 Department of Public Institutions, Department of Social Services,
11 and Office of Juvenile Services of the Department of Correctional
12 Services related to the powers, duties, and functions transferred
13 to the Department of Health and Human Services Standards and
14 Evaluation pursuant to the Nebraska Partnership for Health and
15 Human Services Act and sections 22 to 28 of this act are
16 transferred to the Department of Health and Human Services
17 Standards and Evaluation. For purposes of the transition, such
18 employees shall be considered employees of the department to which
19 they are transferred and shall retain their rights under the state
20 personnel system or pertinent bargaining agreement, regardless of
21 whether the positions in which they served were transferred and
22 their services shall be deemed continuous. This section does not
23 grant employees any new rights or benefits not otherwise provided
24 by law or bargaining agreement or preclude the department or the
25 director from exercising any of the prerogatives of management set
26 forth in section 81-1311 or as otherwise provided by law. The act
27 and sections are not an amendment to or substitute for the
28 provisions of any existing bargaining agreements.

1 Sec. 26. On January 1, 1997, all items of property, real
2 and personal, including office furniture and fixtures, books,
3 documents, and records of the Department on Aging, Department of
4 Health, Department of Public Institutions, Department of Social
5 Services, and the Office of Juvenile Services of the Department of
6 Correctional Services pertaining to the duties and functions
7 transferred to the Department of Health and Human Services
8 Standards and Evaluation by the Nebraska Partnership for Health and
9 Human Services Act and sections 22 to 28 of this act shall become
10 the property of such department.

11 Sec. 27. On and after January 1, 1997, whenever the
12 Department on Aging, Department of Health, Department of Public
13 Institutions, Department of Social Services, or the Office of
14 Juvenile Services of the Department of Correctional Services is
15 referred to or designated by any contract or other document in
16 connection with the duties and functions transferred to the
17 Department of Health and Human Services Standards and Evaluation by
18 the Nebraska Partnership for Health and Human Services Act and
19 sections 22 to 28 of this act, such reference or designation shall
20 apply to such department. All contracts entered into by the
21 agencies prior to January 1, 1997, in connection with the duties
22 and functions transferred to the department are hereby recognized,
23 with the department succeeding to all rights and obligations under
24 such contracts. Any cash funds, custodial funds, gifts, trusts,
25 grants, and any appropriations of funds from prior fiscal years
26 open to satisfy obligations incurred under such contracts shall be
27 transferred and appropriated to the succeeding department for the
28 payments of such obligations. All licenses and certificates

1 registrations, permits, seals, or other forms of approval issued by
2 the agencies in accordance with functions or duties transferred to
3 the Department of Health and Human Services Standards and
4 Evaluation shall remain valid as issued under the names of the
5 original agencies unless revoked or their effectiveness is
6 otherwise terminated as provided by law. All documents and records
7 transferred, or copies of the same, may be authenticated or
8 certified by the Department of Health and Human Services Standards
9 and Evaluation for all legal purposes.

10 Sec. 28. All rules, regulations, and orders of the
11 Department on Aging, the Department of Health, the Department of
12 Public Institutions, or the Department of Social Services, or the
13 Office of Juvenile Services of the Department of Correctional
14 Services adopted prior to January 1, 1997, in connection with the
15 powers, duties and functions transferred to the Department of
16 Health and Human Services Standards and Evaluation under the
17 Nebraska Partnership for Health and Human Services Act and sections
18 22 to 28 of this act, shall continue to be effective until revised,
19 amended, repealed, or nullified pursuant to law.

20 No suit, action, or other proceeding, judicial or
21 administrative, lawfully commenced prior to January 1, 1997, or
22 which could have been commenced prior to that date, by or against
23 any of such agencies, or any director or employee thereof in such
24 director or employee's official capacity or in relation to the
25 discharge of his or her official duties, shall abate by reason of
26 the transfer of duties and functions from such agency to the
27 Department of Health and Human Services Standards and Evaluation.

28 On and after January 1, 1997, unless otherwise specified,

1 whenever any provision of law refers to such agency or agencies in
2 connection with duties and functions transferred to the Department
3 of Health and Human Services Standards and Evaluation, such law
4 shall be construed as referring to that department.

5 Sec. 29. The Director of Finance and Support appointed
6 by the Governor for the Department of Health and Human Services
7 Finance and Support shall have administrative experience in
8 financial management in an executive capacity.

9 Sec. 30. The powers and duties of the Department of
10 Health and Human Services Finance and Support shall include, but
11 are not limited to:

12 (1) To operate as a member of the health and human
13 services system in coordination with the Department of Health and
14 Human Services and the Department of Health and Human Services
15 Standards and Evaluation;

16 (2) To consult and cooperate with other state agencies so
17 as to coordinate its activities in an effective manner with related
18 activities in other agencies;

19 (3) To adopt and promulgate necessary rules and
20 regulations to implement its programs and activities as required by
21 state law or under federal law or regulation governing grants or
22 contracts administered by the department;

23 (4) To consult and, under the general direction and
24 guidance of the Adjutant General and the civil defense agency, to
25 coordinate programs to meet disaster-related necessary expenses or
26 serious needs of individuals or families adversely affected by a
27 major disaster;

28 (5) To enter into such agreements as may be necessary or

1 appropriate for it to provide services and manage funds of the
2 Department of Health and Human Services and the Department of
3 Health and Human Services Standards and Evaluation as provided
4 under the Nebraska Partnership for Health and Human Services Act
5 and sections 29 to 35 of this act, including the administration of
6 federal funds granted to the state in the furtherance of the
7 activities of the Department of Health and Human Services Finance
8 and Support;

9 (6) To enter into such agreements with and among the
10 Department of Health and Human Services and the Department of
11 Health and Human Services Standards and Evaluation as may be
12 necessary or appropriate to carry out the intent and purposes of
13 the act and sections, which may include, but are not limited to,
14 agreements for the transfer of personnel, for authority of such
15 department or departments to act as its agent in carrying out
16 services or functions, or a portion of them, or for joint
17 implementation of public or private grants or performance of
18 contracts;

19 (7) To seek grants and other funds from federal and other
20 public and private sources to carry out the purposes of the act and
21 sections and the missions and purposes of the department and to
22 accept and administer programs or resources delegated, designated,
23 assigned, or awarded by the Governor or by other public and private
24 sources;

25 (8) To contract with and act as the agent of the federal
26 government in matters of mutual concern in conformity with the act
27 and sections and the scope of authority of the department as
28 provided by law;

1 (9) Notwithstanding any other provision of law, to share
2 financial and programmatic information, including medical records,
3 client records, vital records, and other information and documents
4 which are otherwise confidential with the Department of Health and
5 Human Services and the Department of Health and Human Services
6 Standards and Evaluation to the extent necessary to carry out the
7 purpose and intent of the act and sections:

8 (10) To carry out the responsibilities described in
9 subdivision (3) of section 7 of this act; and

10 (11) To perform such other duties as are provided by law.

11 Sec. 31. The Department of Health and Human Services
12 Finance and Support Cash Fund is created and shall consist of funds
13 from contracts, grants, gifts, or fees. Any money in the fund
14 available for investment shall be invested by the state investment
15 officer pursuant to the Nebraska Capital Expansion Act and the
16 Nebraska State Funds Investment Act.

17 Sec. 32. On and after January 1, 1997, positions of
18 employment in the Department on Aging, Department of Health,
19 Department of Public Institutions, Department of Social Services
20 and Office of Juvenile Services of the Department of Correctional
21 Services related to the powers, duties, and functions transferred
22 to the Department of Health and Human Services Finance and Support
23 pursuant to the Nebraska Partnership for Health and Human Services
24 Act and sections 29 to 35 of this act shall be transferred to the
25 Department of Health and Human Services Finance and Support. For
26 purposes of the transition, such employees shall be considered
27 employees of the department to which they are transferred and shall
28 retain their rights under the state personnel system or pertinent

1 bargaining agreement, regardless of whether the positions in which
2 they served were transferred, and their services shall be deemed
3 continuous. This section does not grant employees any new rights
4 or benefits not otherwise provided by law or bargaining agreement
5 or preclude the department or the director from exercising any of
6 the prerogatives of management set forth in section 81-1311 or as
7 otherwise provided by law. The act and sections are not an
8 amendment to or substitute for the provisions of any existing
9 bargaining agreements.

10 Sec. 33. On January 1, 1997, all items of property, real
11 and personal, including office furniture and fixtures, books,
12 documents, and records of the Department on Aging, Department of
13 Health, Department of Public Institutions, Department of Social
14 Services, and the Office of Juvenile Services of the Department of
15 Correctional Services pertaining to the duties and functions
16 transferred to the Department of Health and Human Services Finance
17 and Support by the Nebraska Partnership for Health and Human
18 Services Act and sections 29 to 35 of this act shall become the
19 property of such department.

20 Sec. 34. On and after January 1, 1997, whenever the
21 Department on Aging, Department of Health, Department of Public
22 Institutions, Department of Social Services, or the Office of
23 Juvenile Services of the Department of Correctional Services is
24 referred to or designated by any contract or other document in
25 connection with the duties and functions transferred to the
26 Department of Health and Human Services Finance and Support by the
27 Nebraska Partnership for Health and Human Services Act and sections
28 29 to 35 of this act, such reference or designation shall apply to

1 such department. All contracts entered into by the agencies prior
2 to January 1, 1997, in connection with the duties and functions
3 transferred to the departments are hereby recognized, with the
4 departments succeeding to all rights and obligations under such
5 contracts. Any cash funds, custodial funds, gifts, trusts, grants,
6 and any appropriations of funds from prior fiscal years open to
7 satisfy obligations incurred under such contracts shall be
8 transferred and appropriated to the succeeding department for the
9 payments of such obligations. All licenses, certificates,
10 registrations, permits, seals, or other forms of approval issued by
11 the agencies in accordance with functions or duties transferred to
12 the Department of Health and Human Services Finance and Support
13 shall remain valid as issued under the names of the original
14 agencies unless revoked or their effectiveness is otherwise
15 terminated as provided by law. All documents and records
16 transferred, or copies of the same, including birth certificates
17 and other vital records, may be authenticated or certified by the
18 Department of Health and Human Services Finance and Support for all
19 legal purposes.

20 Sec. 35. All rules, regulations, and orders of the
21 Department on Aging, the Department of Health, the Department of
22 Public Institutions, or the Department of Social Services, or the
23 Office of Juvenile Services of the Department of Correctional
24 Services adopted prior to January 1, 1997, in connection with the
25 powers, duties, and functions transferred to the Department of
26 Health and Human Services Finance and Support under the Nebraska
27 Partnership for Health and Human Services Act and sections 29 to 35
28 of this act, shall continue to be effective until revised, amended,

1 revealed, or nullified pursuant to law.
 2 No suit, action, or other proceeding, judicial or
 3 administrative, lawfully commenced prior to January 1, 1997, or
 4 which could have been commenced prior to that date, by or against
 5 any of such agencies, or any director or employee thereof, in such
 6 director or employee's official capacity or in relation to the
 7 discharge of his or her official duties, shall abate by reason of
 8 the transfer of duties and functions from such agency to the
 9 Department of Health and Human Services Finance and Support.

10 On and after January 1, 1997, unless otherwise specified,
 11 whenever any provision of law refers to such agency or agencies in
 12 connection with duties and functions transferred to the Department
 13 of Health and Human Services Finance and Support, the law shall be
 14 construed as referring to that department.

15 Sec. 36. The Department on Aging is transferred to the
 16 Department of Health and Human Services in sections 68-1101,
 17 68-1103, 68-1104, 68-1105, 68-1732, 71-2023, 71-5906, 71-6021,
 18 71-6045, 81-2205, 81-2206, 81-2207, 81-2213, 81-2226, 81-2229,
 19 81-2231, 81-2232, 81-2233, 81-2234, 81-2235, 81-2239, 81-2241,
 20 81-2265, 81-2266, 81-2267, 81-2269, 81-2270, 81-2271, and 84-1511.

21 Sec. 37. The Department on Aging is transferred to the
 22 Department of Health and Human Services Finance and Support in
 23 sections 81-2236 and 81-2272.

24 Sec. 38. The Department of Health is transferred to the
 25 Department of Health and Human Services in sections 28-326, 28-327,
 26 28-327.01, 28-327.03, 29-2290, 32-310, 42-517, 43-104.01, 43-503,
 27 43-2503, 43-2505, 43-2507, 43-2509, 43-2617, 49-506, 49-617,
 28 68-1053, 69-2426, 71-172.01, 71-172.02, 71-501.02, 71-503.01,

1 71-505, 71-520, 71-521, 71-522, 71-523, 71-529, 71-530, 71-502.01,
 2 71-1617, 71-1626, 71-1628, 71-1631, 71-1635, 71-1637, 71-2201,
 3 71-2202, 71-2203, 71-2206, 71-2207, 71-2208, 71-2226, 71-2227,
 4 71-2228, 71-2516, 71-2517, 71-3601, 71-3602, 71-3603, 71-3608,
 5 71-3610, 71-3611, 71-3612, 71-3613, 71-3614, 71-4401, 71-4819,
 6 71-4901, 71-4902, 71-4903, 71-4904, 71-6021, 71-6045, 71-6055,
 7 71-7001, 71-7012, 71-7506, 71-7507, 71-7603, 79-444.01, 79-444.02,
 8 79-3910, 81-502.01, 81-651, 81-652, 81-1021, 81-1281, and 81-2260,
 9 Sec. 39. The Department of Health is transferred to the
 10 Department of Health and Human Services Standards and Evaluation in
 11 sections 2-1504.02, 2-15.100, 2-2626, 2-3254, 2-3925, 2-3928,
 12 2-3932, 2-4901, 12-607, 12-609, 12-610, 12-611, 12-612, 14-402,
 13 15-902, 19-902, 23-114, 23-3595, 28-326, 28-372, 28-401, 28-411,
 14 28-412, 28-1432, 31-708, 31-740, 32-310, 37-1254.05, 42-121,
 15 42-917, 43-104.01, 43-161, 43-1903, 44-771, 44-772, 44-773, 44-782,
 16 44-2835, 44-2847, 44-2901, 44-2904, 44-32.119, 44-32.120,
 17 44-32.127, 44-32.128, 44-32.134, 44-32.136, 44-32.152, 44-32.153,
 18 44-32.156, 44-32.157, 44-32.163, 44-32.165, 44-32.172, 44-32.176,
 19 44-4109.01, 44-6703, 44-6704, 46-674.05, 46-674.20, 46-1011,
 20 46-1018, 46-1204.01, 46-1207, 46-1217, 46-1225, 46-1235,
 21 46-1235.01, 46-1237.01, 46-1237.02, 46-1240.05, 48-602, 48-1902,
 22 49-506, 49-617, 54-747, 60-493, 60-4.118.02, 60-6.104, 60-6.107,
 23 60-6.201, 68-1002, 68-1019, 68-1053, 68-1729, 68-1732, 71-101,
 24 71-102, 71-104, 71-105, 71-139, 71-140, 71-141, 71-142, 71-143,
 25 71-144, 71-145, 71-150, 71-153, 71-155, 71-156, 71-157, 71-158,
 26 71-161.02, 71-161.03, 71-161.06, 71-161.07, 71-161.12, 71-161.13,
 27 71-161.14, 71-161.15, 71-161.16, 71-161.17, 71-161.19, 71-161.20,
 28 71-165, 71-169, 71-170, 71-180, 71-181, 71-183.01, 71-185.01.

- 1 71-186. 71-188. 71-193.01. 71-193.03. 71-193.11. 71-193.14.
- 2 71-193.15. 71-193.18. 71-193.19. 71-193.20. 71-193.22. 71-1.103.
- 3 71-1.104. 71-1.105. 71-1.106. 71-1.107. 71-1.107.01. 71-1.107.02.
- 4 71-1.107.04. 71-1.107.05. 71-1.107.06. 71-1.107.07. 71-1.107.08.
- 5 71-1.107.10. 71-1.107.11. 71-1.107.13. 71-1.107.14. 71-1.107.16.
- 6 71-1.132.05. 71-1.132.53. 71-1.135.02. 71-1.136. 71-1.136.03.
- 7 71-1.137. 71-1.139. 71-1.139.01. 71-1.140. 71-1.141. 71-1.142.
- 8 71-1.144.01. 71-1.145. 71-1.145.01. 71-1.147.01. 71-1.147.02.
- 9 71-1.147.08. 71-1.147.10. 71-1.147.11. 71-1.147.19. 71-1.147.20.
- 10 71-1.147.22. 71-1.147.24. 71-1.147.25. 71-1.147.26. 71-1.147.28.
- 11 71-1.147.30. 71-1.147.31. 71-1.147.38. 71-1.147.44. 71-1.147.48.
- 12 71-1.147.53. 71-1.147.59. 71-1.154. 71-1.190.01. 71-1.191.
- 13 71-1.205.03. 71-1.205.18. 71-1.232. 71-1.238. 71-1.290. 71-1.339.
- 14 71-201. 71-237. 71-223.01. 71-354. 71-355. 71-501. 71-502.
- 15 71-502.01. 71-502.02. 71-502.03. 71-502.04. 71-503. 71-503.01.
- 16 71-504. 71-505. 71-507. 71-514.02. 71-515.02. 71-515.03. 71-516.04.
- 17 71-519. 71-521. 71-523. 71-524. 71-532. 71-602.01. 71-645. 71-646.
- 18 71-647. 71-648. 71-649. 71-901. 71-902. 71-903. 71-904. 71-905.
- 19 71-1001. 71-1301. 71-1333.01. 71-1340. 71-1341. 71-1557. 71-1559.
- 20 71-1565. 71-1617. 71-1626. 71-1628. 71-1630. 71-1631. 71-1635.
- 21 71-1837. 71-1710. 71-1737. 71-1745. 71-1768. 71-1774. 71-1802.
- 22 71-1803. 71-1804. 71-1903. 71-1913. 71-1913.01. 71-1913.02.
- 23 71-1913.03. 71-2082. 71-2003. 71-2017. 71-2017.01. 71-2017.06.
- 24 71-2017.07. 71-2018. 71-2020. 71-2021. 71-2021.02. 71-2022.
- 25 71-2023. 71-2026. 71-2027. 71-2029. 71-2051. 71-2081. 71-2082.
- 26 71-2084. 71-2407. 71-2408. 71-2409. 71-2411. 71-2509. 71-2506.
- 27 71-2509. 71-2511. 71-2610. 71-2610.01. 71-2617. 71-2619. 71-2620.
- 28 71-2621. 71-2622. 71-2809. 71-3101. 71-3102. 71-3104. 71-3306.

1 ~~71-3306, 71-3401, 71-3402, 71-3406, 71-3410, 71-3523, 71-3504,~~
 2 ~~71-3505, 71-3508.03, 71-3508.04, 71-3515.02, 71-3601, 71-3608,~~
 3 ~~71-3613, 71-3702, 71-3706, 71-3708, 71-4302, 71-4303, 71-4304,~~
 4 ~~71-4305, 71-4306, 71-4603, 71-4604, 71-4604.01, 71-4621, 71-4624,~~
 5 ~~72-4635, 71-4701, 71-4813, 71-4816, 71-5102, 71-5114, 71-5165,~~
 6 ~~71-5167, 71-5168, 71-5169, 71-5301, 71-5303, 71-5304.01,~~
 7 ~~71-5304.02, 71-5306, 71-5310, 71-5310.01, 71-5311, 71-5402,~~
 8 ~~71-5404, 71-5502, 71-5504, 71-5517, 71-5647, 71-5648, 71-5653,~~
 9 ~~71-5654, 71-5655, 71-5656, 71-5678, 71-5707, 71-5710, 71-5711,~~
 10 ~~71-5713, 71-5808, 71-5825, 71-5902, 71-5903, 71-5904, 71-5905,~~
 11 ~~71-5906, 71-5907, 71-5909, 71-6010, 71-6011, 71-6021, 71-6039,~~
 12 ~~71-6040, 71-6041, 71-6043, 71-6045, 71-6053, 71-6065, 71-6068,~~
 13 ~~71-6103, 71-6208, 71-6221, 71-6228, 71-6301, 71-6303, 71-6319,~~
 14 ~~71-6321, 71-6602, 71-6702, 71-6717, 71-6808, 71-6809, 71-6831,~~
 15 ~~71-7105, 71-7107, 71-7110, 71-7303, 71-7407, 71-7423, 71-7603,~~
 16 ~~71-7702, 76-1304, 76-14.102, 77-4802, 79-444.03, 79-4.133,~~
 17 ~~79-4.134, 79-4.207, 79-3910, 81-502, 81-502.01, 81-601, 81-601.01,~~
 18 ~~81-602, 81-604.01, 81-604.02, 81-604.03, 81-642, 81-654, 81-661,~~
 19 ~~81-663, 81-664, 81-676, 81-677, 81-678, 81-679, 81-680, 81-1021,~~
 20 ~~81-1281, 81-15.103, 81-15.170, 81-2250, and 81-2260.~~
 21 ~~Sec. 40. The Department of Health is transferred to the~~
 22 ~~Department of Health and Human Services Finance and Support in~~
 23 ~~sections 28-343, 28-345, 32-310, 42-106, 42-705, 42-917, 43-122,~~
 24 ~~43-123.01, 43-161, 43-1408.01, 43-2003, 43-206, 43-617, 63-1053,~~
 25 ~~71-601, 71-601.01, 71-602, 71-602.01, 71-604.01, 71-604.05, 71-605,~~
 26 ~~71-605.01, 71-605.02, 71-606, 71-609, 71-610, 71-611, 71-612,~~
 27 ~~71-614, 71-615, 71-616, 71-616.03, 71-616.04, 71-616.05, 71-617.07,~~
 28 ~~71-617.08, 71-617.09, 71-617.10, 71-617.15, 71-626, 71-626.01,~~

1 71-627, 71-627.01, 71-627.02, 71-629, 71-630, 71-634, 71-640.03,
 2 71-644, 71-1405, 71-1617, 71-1626, 71-1628, 71-1635, 71-6021,
 3 71-6045, 71-6065, 71-7603, 77-2602, 81-637, and 81-638.

4 Sec. 41. The Department of Public Institutions is
 5 transferred to the Department of Health and Human Services in
 6 sections 12-102, 29-2923, 29-2925 to 29-2932, 29-2934 to 29-2936,
 7 32-310, 37-215.01, 42-917, 43-286, 43-289, 43-2,109, 43-2503,
 8 43-2505, 43-2510, 44-526, 44-774, 49-506, 49-617, 68-621,
 9 68-1035.01, 68-1204, 68-1729, 68-1732, 71-172.01, 71-1,206.18,
 10 71-1,206.25, 71-2049, 71-4728.03, 71-5001, 71-5002, 71-5008,
 11 71-5014, 71-5017, 71-5018, 71-5019, 71-5024, 71-5026, 71-5032,
 12 71-5034, 71-5043, 71-5044, 71-5049, 71-5051, 71-5654, 71-6019,
 13 71-7105, 71-7108, 71-7518.03, 72-249, 72-1302, 72-1303, 72-1304,
 14 79-1254.02, 79-1254.09, 79-1457, 79-3326, 79-3330, 70-3503, 80-304,
 15 80-306, 80-307, 80-606, 81-604.01, 81-661, 81-1081, 81-1,08.27,
 16 81-1108.28, 81-1281, 81-2266, 81-2269, 81-2271, 83-101.08,
 17 83-101.14, 83-107.01, 83-108, 83-108.04, 83-109, 83-111 to 81-116,
 18 83-120, 83-121, 83-129, 83-130, 83-133, 83-135, 83-139, 83-140,
 19 83-144, 83-153 to 83-156, 83-159, 83-160, 83-182.05, 83-163,
 20 83-180, 83-1,147 to 83-1,149, 83-210.02 to 83-211, 83-211.02,
 21 83-212, 83-218, 83-223, 83-227.02, 83-305.03, 83-306, 83-307,
 22 83-313, 83-348, 83-351, 83-355, 83-363, 83-365, 83-376, 83-380 to
 23 83-383, 83-381, 83-802, 83-1018, 83-1020, 83-1021, 83-1028,
 24 83-1039, 83-1040, 83-1065, 83-1070, 83-1204, 83-1206, 83-1216, and
 25 83-1227.

26 Sec. 42. The Department of Public Institutions is
 27 transferred to the Department of Health and Human Services
 28 Standards and Evaluation in section 71-1,312.

1 Sec. 43. The Department of Social Services is
2 transferred to the Department of Health and Human Services in
3 sections 12-1106, 28-356, 28-372, 28-380, 28-710, 28-713, 28-72E,
4 28-729, 28-730, 32-310, 42-903, 43-105, 43-106.01, 43-106.02,
5 43-107, 43-117 to 43-117.02, 43-120, 43-149, 43-156, 43-161 to
6 43-164, 43-247, 43-250, 43-254, 43-284 to 43-285, 43-286 to
7 43-287.01, 43-287.03 to 43-287.06, 43-289, 43-290, 43-292 to
8 43-294, 43-296, 43-2,100, 43-2,101, 43-2,106.01, 43-2,109, 43-503,
9 43-504.01, 43-507, 43-508, 43-511, 43-512, 43-512.11, 43-515,
10 43-522 to 43-525, 43-529, 43-901 to 43-905, 43-906, 43-107 to
11 43-910, 43-913, 43-1005, 43-1101, 43-1301, 43-1303, 43-1304,
12 43-1309, 43-1310, 43-1319, 43-1902, 43-1903, 43-2411, 43-2503,
13 43-2505, 43-2508, 43-2511, 43-2512, 43-2515, 43-3001, 44-3,149,
14 47-408, 49-506, 49-617, 68-104, 68-128, 68-129, 68-134, 68-155,
15 68-309, 68-621, 68-703.01, 68-704, 68-717, 69-1001, 68-1101.01,
16 68-1005, 68-1006.01, 68-1007, 68-1008, 68-1014, 68-1015, 68-1016,
17 68-1017, 68-1035, 68-1043, 68-1047, 68-1204, 68-1205, 68-1206,
18 68-1207, 68-1207.01, 68-1210, 68-1402, 68-1403, 68-1405, 68-1504,
19 68-1514, 68-1711, 68-1713, 68-1715 to 68-1717, 68-1722, 68-1723,
20 68-1729, 68-1730, 68-1732, 68-1736, 70-101, 70-1603, 70-1605,
21 71-1401, 71-1403, 71-2208, 71-3406, 71-3409, 71-5008, 71-6021,
22 71-6045, 77-27,162, 79-445, 79-1254.09, 79-3341, 79-3342, 79-3348,
23 79-3365, 79-3503, 79-3910, 81-661, 81-1281, 81-2229, 81-2231,
24 81-2240, 81-2255, 81-2250, 81-2265, 81-2266, 81-2268, 81-2269,
25 81-2271, 83-101.08, 83-1040, 83-1214 to 83-1216, and 84-205.
26 Sec. 44. The Department of Soc. S. Services is
27 transferred to the Department of Health and Human Services
28 Standards and Evaluation in sections 32-310, 43-104.07, 43-107,

1 ~~43-247, 43-701, 43-702, 43-705 to 43-708, 43-2606, 43-2608 to~~
 2 ~~43-2617, 43-2620, 43-2622, 43-2624, 43-2625, 43-3001, 43-596,~~
 3 ~~49-617, 68-703.01, 68-1015, 68-1050, 68-1093, 71-901, 71-1901,~~
 4 ~~71-1903, 71-1906.02, 71-1907, 71-1909, 71-1910, 71-1913,~~
 5 ~~71-1913.02, 71-2617, 71-6021, 79-445, 79-3910, 81-502, 81-592.01~~
 6 ~~81-505.01, 81-604.01, 81-1281, and 83-101.08.~~

7 Sec. 45. The Department of Social Services is
 8 transferred to the Department of Health and Human Services, Finance
 9 and Support, in sections 9-810, 30-2487, 32-310, 42-347, 42-358,
 10 42-958.09, 42-705, 42-723, 43-104.01 to 43-104.04, 43-512.02,
 11 43-512.03, 43-512.05, 43-512.06, 43-512.07, 43-512.12 to 43-512.15,
 12 43-512.17, 43-536, 43-1320, 43-1408.01, 43-1704, 43-1705,
 13 43-1718.02, 43-1720, 48-647, 49-506, 49-617, 63-128, 68-130,
 14 68-157, 68-214, 68-312, 68-313, 68-703.01, 68-716, 68-718, 68-723,
 15 68-1015, 68-1019 to 68-1019.06, 68-1019.09, 68-1030, 68-1031,
 16 68-1023, 68-1026, 68-1030, 68-1031, 68-1033 to 68-1035, 68-1035.01,
 17 68-1036, 68-1036.02, 68-1036.03, 71-602.01, 71-604.05, 71-2017.07,
 18 71-2617, 71-5008, 71-5043, 71-5044, 71-5048, 71-5049, 71-5205,
 19 71-6045, 71-6055, 72-249, 75-303.01, 75-303.02, 77-2704.21,
 20 77-27.160, 77-27.161, 77-27.162, 77-27.163.01, 77-27.164,
 21 77-27.165, 77-27.166 to 77-27.169, 77-27.171, 77-27.172, 77-27.173,
 22 77-27.208, 77-4802, 77-4804, 81-604.03, 81-1139.01, 81-2255,
 23 83-101.08, and 83-121.

24 Sec. 46. The Office of Juvenile Services of the
 25 Department of Corrections is transferred to the Office of Juvenile
 26 Services of the Department of Health and Human Services in sections
 27 83-108.04, 83-922, 83-925.02, and 83-925.03.

28 Sec. 47. Section 81-101, Reissue. Revised Statutes of

1 Nebraska, is amended to read:

2 81-101. The civil administration of the laws of the
3 state is vested in the Governor. For the purpose of aiding the
4 Governor in the execution and administration of the laws, the
5 executive and administrative work shall be divided into the
6 following departments: (1) Department of Agriculture; (2)
7 Department of Labor; (3) Department of Health; ~~(4)~~ Department of
8 Roads; ~~(5)~~ (4) Department of Water Resources; ~~(6)~~ (5) Department of
9 Banking and Finance; ~~(7)~~ (6) Department of Insurance; ~~(8)~~ (7)
10 Department of Motor Vehicles; ~~(9)~~ Department of Social Services;
11 ~~(10)~~ Department of Public Institutions; ~~(11)~~ (8) Department of
12 Administrative Services; ~~(12)~~ (9) Department of Economic
13 Development; ~~(13)~~ (10) Department of Correctional Services; ~~(14)~~
14 (11) Nebraska State Patrol; and ~~(15)~~ Department on Aging (12)
15 Department of Health and Human Services; (13) Department of Health
16 and Human Services Standards and Evaluation; and (14) Department of
17 Health and Human Services Finance and Support.

18 Sec. 48. Section 81-102, Reissue Revised Statutes of
19 Nebraska, is amended to read;

20 81-102. The Governor shall appoint heads for the various
21 departments, subject to confirmation by a majority vote of the
22 members elected to the Legislature. Such appointments shall be
23 submitted to the Legislature within sixty calendar days following
24 the first Thursday after the first Tuesday in each odd-numbered
25 year. The officers shall be designated as follows: (1) The
26 Director of Agriculture for the Department of Agriculture; (2) the
27 Commissioner of Labor for the Department of Labor; (3) the Director
28 of Health for the Department of Health; ~~(4)~~ the Director-State

1 Engineer for the Department of Roads; ~~(4)~~ (4) the Director of Water
2 Resources for the Department of Water Resources; ~~(5)~~ (5) the
3 Director of Banking and Finance for the Department of Banking and
4 Finance; ~~(7)~~ (6) the Director of Insurance for the Department of
5 Insurance; ~~(8)~~ (7) the Director of Motor Vehicles for the
6 Department of Motor Vehicles; ~~(9)~~ the Director of Social Services
7 for the Department of Social Services; ~~(10)~~ the Director of Public
8 Institutions for the Department of Public Institutions; ~~(11)~~ (8)
9 the Director of Administrative Services for the Department of
10 Administrative Services; ~~(12)~~ (9) the Director of Correctional
11 Services for the Department of Correctional Services; ~~(13)~~ (10) the
12 Director of Economic Development for the Department of Economic
13 Development; ~~(14)~~ (11) the Superintendent of Law Enforcement and
14 Public Safety for the Nebraska State Patrol; and ~~(15)~~ the Director
15 on Aging for the Department on Aging (12) the Director of Health
16 and Human Services for the Department of Health and Human Services;
17 (13) the Director of Standards and Evaluation for the Department of
18 Health and Human Services Standards and Evaluation; and (14) the
19 Director of Finance and Support for the Department of Health and
20 Human Services Finance and Support. Whoever shall be so nominated
21 by the Governor and shall fail to receive the number of votes
22 requisite for confirmation, shall not be subject to nomination or
23 appointment for this or any other appointive state office requiring
24 confirmation by the Legislature during the period for which his or
25 her appointment was sought. In case of a vacancy in any of such
26 offices during the recess of the legislature, the Governor shall
27 make a temporary appointment until the next meeting of the
28 Legislature, when he or she shall nominate some person to fill such

1 office. Any person so nominated who is confirmed by the
 2 Legislature, shall hold his or her office during the remainder of
 3 the term if a specific term has been provided by law, otherwise
 4 during the pleasure of the Governor subject to the provisions of
 5 this section; ~~PROVIDED~~ except any such officers may be removed by
 6 the Governor pursuant to Article IV of the Constitution of
 7 Nebraska.

8 Sec. 49. Section 81-1316, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 81-1316. (1) All agencies and personnel of state
 11 government shall be covered by sections 81-1301 to 81-1319 and
 12 shall be considered subject to the State Personnel System, except
 13 the following:

14 (a) All personnel of the office of the Governor;

15 (b) All personnel of the office of the Lieutenant
 16 Governor;

17 (c) All personnel of the office of the Secretary of
 18 State;

19 (d) All personnel of the office of the State Treasurer;

20 (e) All personnel of the office of the Attorney General;

21 (f) All personnel of the office of the Auditor of Public
 22 Accounts;

23 (g) All personnel of the Legislature;

24 (h) All personnel of the court systems;

25 (i) All personnel of the Board of Educational Lands and
 26 Funds;

27 (j) All personnel of the Public Service Commission;

28 (k) All personnel of the Nebraska Brand Committee;

- 1 (l) All personnel of the Commission of Industrial
- 2 Relations;
- 3 (m) All personnel of the State Department of Education;
- 4 (n) All personnel of the Nebraska state colleges and the
- 5 Board of Trustees of the Nebraska State Colleges;
- 6 (o) All personnel of the University of Nebraska;
- 7 (p) All personnel of the Governor's Policy Research
- 8 Office, but not to include personnel within the State Energy
- 9 Office; and
- 10 (q) All agency heads.

11 (2)(a) The Director of Health and Human Services, the
 12 Director of Standards and Evaluation, and the Director of Finance
 13 and Support together may exempt up to thirty positions from the
 14 State Personnel System. The directors may allocate such positions
 15 among their departments from time to time in a manner they
 16 determine will enable them to carry out the purposes of the
 17 Nebraska Partnership for Health and Human Services Act and sections
 18 15 to 35 of this act and carry out the functions of the departments
 19 most effectively. Persons holding the noncovered positions shall
 20 serve at the pleasure of the director of the department to which
 21 they are allocated.

22 (b) For all other agencies, at the each agency head's
 23 discretion, up to the following number of positions may be exempted
 24 from the State Personnel System, based on the following agency size
 25 categories:

26	Number of Agency	Number of Noncovered
27	Employees	Positions
28	less than 25	10

1	25 to 100	1
2	101 to 250	2
3	251 to 500	3
4	501 to 1000	4
5	over 1000	5

6 The purpose of having such noncovered positions shall be
7 to allow agency heads the opportunity to recruit, hire, and
8 supervise critical, confidential, or policymaking personnel without
9 restrictions from selection procedures, compensation rules, career
10 protections, and grievance privileges. Persons holding the
11 noncovered positions shall serve at the pleasure of the agency head
12 and shall be paid salaries set by the agency head.

13 (d) In no case shall a current state employee's career
14 protections or coverage by personnel rules and regulations be
15 revoked without the prior written agreement of such employee.

16 Sec. 50. Section 84-1409, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 84-1409. For purposes of sections 84-1408 to 84-1414,
19 unless the context otherwise requires:

- 20 (1) Public body shall mean (a) governing bodies of all
21 political subdivisions of the State of Nebraska, (b) governing
22 bodies of all agencies now or hereafter created by the
23 Constitution of Nebraska, statute, or otherwise pursuant to law, of
24 the executive department of the State of Nebraska, (c) all
25 independent boards, commissions, bureaus, committees, councils,
26 subunits, or any other bodies now or hereafter created by the
27 Constitution of Nebraska, statute, or otherwise pursuant to law,
28 (d) the Certificate of Need Review Committee, (e) all study or

1 advisory committees of the executive department of the State of
2 Nebraska whether having continuing existence or appointed as
3 special committees with limited existence, (f) advisory committees
4 of the bodies referred to in subdivisions (a), (b), and (c) of this
5 subdivision, and (g) instrumentalities exercising essentially
6 public functions. Sections 84-1408 to 84-1414 shall not apply to
7 (d) subcommittees of such bodies unless a quorum of the public body
8 attends a subcommittee meeting or unless such subcommittees are
9 holding hearings, making policy, or taking formal action on behalf
10 of their parent body, nor shall such sections apply to (ii)
11 judicial proceedings unless a court or other judicial body is
12 exercising rulemaking authority, deliberating, or deciding upon the
13 issuance of administrative orders, and (iii) meetings of the Policy
14 Cabinet created in section 9 of this act;

15 (2) Meeting shall mean all regular, special, or called
16 meetings, formal or informal, of any public body for the purposes
17 of briefing, discussion of public business, formation of tentative
18 policy, or the taking of any action of the public body; and

19 (3) Videoconferencing shall mean conducting a meeting
20 involving participants at two or more locations through the use of
21 audio-video equipment which allows participants at each location to
22 hear and see each meeting participant at each other location,
23 including public input, interaction between meeting participants
24 shall be possible at all meeting locations.

25 Sec. 51. Sections 36 to 50 and 53 of this act become
26 operative January 1, 1997. The other sections of this act become
27 operative on their effective date.

28 Sec. 52. If any section in this act or any part of any

1 section is declared invalid or unconstitutional, the declaration
2 shall not affect the validity or constitutionality of the remaining
3 portions.

4 Sec. 53. Original sections 81-101, 81-102, 81-1316, and
5 84-1409, Reissue Revised Statutes of Nebraska, are repealed.

6 Sec. 54. Since an emergency exists, this act takes
7 effect when passed and approved according to law.

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PRESIDENT ROBAK: Thank you, Senator Bohlke. Any discussion on LB 754A? Seeing none, Senator Bohlke, to close. Closing is waived. The question before you is the advancement of LB 754A. All those in favor vote aye; all those opposed vote nay. Please record.

CLERK: 25 ayes, 0 nays, Madam President, on the advancement of 754A.

PRESIDENT ROBAK: LB 754A advances. LB 1044.

CLERK: Madam President, LB 1044, originally introduced by Senators Wesely and Withem and a number of members. (Read title.) The bill was introduced on January 4 of this year, at that time was referred to the Health and Human Services Committee for hearing. The bill was advanced to General File. I do have committee amendments pending by Health and Human Services. (Standing Committee amendment, AM2978, can be found on page 682 of the Legislative Journal.)

PRESIDENT ROBAK: The Chair recognizes Senator Wesely to open on the committee amendments.

SENATOR WESELY: Thank you, Madam President, members. I know some people rise and tell you that they're bringing a very big issue or a big amendment, but I don't think anybody has had as big of an amendment as the one I'm offering to you today. It's a 470-page amendment, now that's single spaced. If we normally would do this double spaced, you would have almost a 1,000-page amendment before you. But let me assure you that it is almost, except for the first two pages, simply, in a sense, a revisor's amendment that takes the different changes embodied in LB 1044 and places them in the appropriate statutes. We've taken all the statutes affecting health and human services, that are now scattered among five agencies, and brought them together and placed the entities and the services and the programs under the appropriate entities created by LB 1044. So, if you look at the bulk of the committee amendment, you will find mostly just clarification in the statutes of the references to these programs. Now let me tell you about the actual substantive changes in the bill that are made by the committee amendments, and I would...one of the problems, when you start with committee amendments, is you don't get to talk about the bill very much.



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But the bill itself is a very important bill. It's a Partnership for Health and Human Services Act. It's brought to you by myself, Senator Withem, Senator Klein and a number of other colleagues who have signed onto the bill from the Health and Human Services Committee and others in the body who have worked with the administration, and particularly Lieutenant Governor Robak and Governor Nelson who have worked on and developed the study that resulted in the drafting of the bill, to take the five agencies in health and human services in our state--Aging, Health, Department of Public Institutions, Department of Social Services, and the Office of Juvenile Services--and bring them together into three new entities where the services are united under a Department of Health and Human Services, where that department works with another department on standards and evaluation, and on finance and support so that we have three entities, all working together to meet the health and human service needs of Nebraskans. One of the changes in this committee amendment is that one department, that is the Department of Health and Human Services regulation and...excuse me, Standards and Evaluation would become DHSS Regulation and Licensure. The reason the committee is offering this change and name change is that we didn't quite know what standards and evaluation meant. We know what regulation and licensure means, that is what largely is done by the Department of Health today. They license health professionals, they license health facilities, they regulate those entities, and so we know what regulation and licensure is. Standards and evaluation is a little vague, in our view. But let me tell you that it also emphasizes an evolution of thinking on what regulation and licensure is, and actually is a step forward and will eventually be incorporated into the mind-set of this new entity. Rather than trying to just regulating licensure, trying to set outcomes-based goals and then evaluating those goals as to whether they're being met is a new approach in regulation and licensure that that terminology was attempting to reflect. But fearing that the public may not understand that, we are recommending this name change. In addition, that department's director currently in the bill is not required to be a licensed physician. Currently the director of the Department of Health must be a licensed physician. Because of this evolution in responsibility it's optional whether the director of this department is a licensed physician. So what we put into this committee amendment is that if, in fact, the choice is made not to have a physician heading up the department, then the

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department must have a medical director under whom all licensure decisions of health professionals must have responsibility, and that medical director must be a licensed physician. So we attempted to reflect the concern of too much of a change from the current status of the director of health being a physician, and at least require, if that isn't the case for this new department, at least for those areas that are licensed and regulated for health professionals there will be a physician in charge of that activity. We also require under the committee amendment, currently the bill requires a report to the Legislature and the Governor. This is the first step in a series of steps that will need to be taken to reform our health and human services system. It's a little bit like the welfare changes that we went through the last couple of years where we have had to take additional steps as time has gone on, and this will take that sort of effort as well. The first step is this bill. The second step will be follow-up legislation next year, after a year of work with constituency groups to flesh out the details of the proposal. Anyway, the report that's required will, under this committee amendment, include draft legislation by December of this year, so that when we look in 1997, we will actually see the legislation and language of proposed changes prior to the start of the session. So that's one of the proposals in this. We also clarify a number of things in terms of transfer of employees and transfer of the Office of Juvenile Services. We do increase what is expected of these agency directors. Currently it's required they have an interest in health and human services. Now, under the committee amendment, they will have to have an expertise in health and human services. We also strengthen the Policy Secretary. Under this proposal we have the three departments, Health and Human Services, Regulation and Licensure, and Finance and Support. And the directors of these three departments will come together with a Policy Secretary, and those four individuals will form a Policy Cabinet which will then be advised by a partnership council, from the private and public sector across the state, of citizens. Anyway, in the Policy Cabinet, the thinking of the committee was that there was not enough strength for the Policy Secretary in the language of the original bill. And so we strengthen their duties, make them the Chair of both the cabinet and the partnership council and require confirmation by the Legislature. The attempt there is to be very clear that these three entities and their directors will come together and that there is an oversight, through the Policy Secretary and this

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Cabinet to make sure that cooperation is there between these three new entities. One of the reasons that we're moving forward with this legislation is there hasn't always been the cooperation between the agencies that there should be, and by bringing them together in this fashion and strengthening the role of Policy Secretary we think that that will ensure greater cooperation between these very important agencies of state government. With that, I'd be happy to answer any questions on the committee amendments and ask your support for them.

PRESIDENT ROBAK: Thank you, Senator Wesely. Senator Crosby.

SENATOR CROSBY: Thank you, Madam President and members. And thank you, Senator Wesely, for your explanation of the committee amendments, and we'll take you on faith. I don't think we'll, each one, go through and be sure that there is nothing...that you haven't put something in there that we don't know about. The only reason I want to speak this morning, and I'm not going to belabor the subject a lot, I have been to at least two briefings concerning the partnership project, and I have listened, I have read everything that's come across my desk and more than once to try to understand what we're trying to do here. I just have two concerns about it and I want to voice those this morning so we all understand what we're doing and why we're trying to do it. But I do think we have to be honest with the voters and with the public that initially, if this comes to pass that we join these agencies and they start working together in a more efficient way, that will not necessarily save any tax money. I think we have to be really careful with a project as big as this that we don't mislead people and make it look like we are doing something that is going to eliminate a lot of funding. And the reason I say that is because each one of these departments has services that they render, and those services will continue to be rendered, they will have to be because of federal funding and/or the need that people have and that the state recognizes that they have and that they serve. So that's my first concern, and I just want to be sure. The second concern, and I think the administration has met this, the front-line employees in each department concerned are the people, the state employees who will, in effect, implement these changes that we make. The front-line employees are the ones who will work with the...each department will work back and forth to be sure that they are finding what we conceive as overlap, and there are a lot of them. Two years ago, when I did my DWI

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study, at the same time Al Abramson, at DMV, Department of Motor Vehicles, did a study of state agencies having to do with DWI treatment and other services in that field, and he found and he shared with us the overlap among the agencies as to treatment and services delivered to people who have a problem of DWI, or alcoholism, or drug problems and so on. So from that point of view, if each agency works with the other, and if they come under the purview of one board, or commission, or whatever you're going to call it, then I think that's a good idea, because the whole idea of state government is to deliver services efficiently, at the least cost, and to help the most people. So just those two concerns, to be sure that we are not misleading the taxpayers that tomorrow their taxes will go down because we have moved this bill, let's be sensible. In the long-run it may very well save money, I hope it does. But I just think up front we have to be straightforward about it so people understand what we're trying to do is to make state government work more efficiently. In the long-run we hope it saves money. The second thing is that I know that the front-line employees are involved at the moment, I hope that will continue because I think that's very important. It won't work if they are not involved. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Senator Witek.

SENATOR WITEK: Thank you, Madam President, members of the Legislature. I had wanted to ask Senator Wesely a question, and maybe I'll start with.... Oh, I'm sorry, Senator, I didn't see you over there.

PRESIDENT ROBAK: Senator Wesely.

SENATOR WITEK: My question concerns Section 9 of the green copy of the bill. And your amendment does not affect this section, so we are reading exactly from the green copy. It's on page 8, Section 9. And it's where we're putting together the cabinet, the Policy Cabinet for this group. And I do see that in the amendment, in the committee amendment you have allowed that whatever they come up with will come back to the Legislature for approval. Is that in its entirety that it will come back to the Legislature? Nothing will be enacted this coming year? They will come back next year to the Legislature for complete approval of whatever they've enacted? Am I correct in that?

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SENATOR WESELY: No, let me clarify that. What will happen is that we will have three departments where there are now five, so that will occur. But it's the meshing of the internal programs and services now in statute that will not occur until next year. That's why the committee amendment does not take away, or change, or add, or subtract what we're currently doing. That would be something to look at next year.

SENATOR WITEK: So the policy change will occur without our knowledge, but the statutory change will be brought to us for approval next year.

SENATOR WESELY: No, no, I think... No, the program changes will not occur. There will be an administrative change as to how these are administered, but within that the programs and services will continue, and then they'll have to come back to us to make changes with those.

SENATOR WITEK: Okay. And one other concern I have in that same section is the last line that says, "The Policy Cabinet is not a public body and its meetings are not subject to the public meetings laws." Maybe I could...maybe you could elaborate for me why you would want to do this behind closed doors.

SENATOR WESELY: The Policy Cabinet is the directors of three agencies and the Policy Secretary. Currently, they can meet, of the agencies that are involved, their directors, they can sit down anytime and talk with one another about what's happening, and they never have to have a public forum to do that. It's the same situation here. These are the directors of the agencies working together to make this happen. And they're not currently required to have public meetings, so we didn't think we needed to change that. The partnership council that's set up with the public members that are part of that, that is always a public meeting, and that's where a lot of the public discourse can occur. So we have that as the public entity involved.

SENATOR WITEK: Thank you. Well, I just wanted to point out that I have grave concerns about this bill. I certainly am not opposed to efficiency and effectiveness and saving money, but I have concerns with this section of the bill that does that, essentially, behind closed doors, huge policy decisions will be made. They will be blending together the outcomes for the development and policy objectives and strategic plans for all of

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these huge bureaucracies. They will be preparing and recommending budgets. I hope that Senator Wehrbein or someone else from the Appropriations Committee will stand up and explain to us why that's good policy to allow administrative...an administrative group, such as this, a group completely appointed by the Governor to be making budgeting decisions of this nature, I imagine with tremendous changes, behind closed doors. I hope that they will, if not already, maybe it's not...maybe...I'm not sure who will be involved here, but I hope that they will involve someone from the Appropriations Committee and the Legislature in their meetings, especially on the budgets, on the combination of budgets, or someone from our policy offices to make sure that.... I guess my concern is that we are always told that we can't get at like a university budget. We can appropriate the money, but we can't get into it and decide what's done with it. Right now each of those agencies has to come to the Appropriations Committee separately so that they can go over...

PRESIDENT ROBAK: One minute.

SENATOR WITEK: ...each one of their budgets separately and make those decisions. Now if we combine all of these big agencies it will be one, big budget. And I...maybe I'm misunderstanding here, but it looks to me like what will happen is you'll have this huge, "mega-agency" out there, this "megabureaucracy" that they will get tremendous amount of funds for this, it's over a billion dollars a year, if you look at the fiscal note. And I'm hoping that the Appropriations Committee does not lose sight of a lot of that budget and where it goes and some of those budgeting decisions. So I do have concerns, especially with Section 9 of this bill, and I hope we will go very slowly with the suggestions that are in 1044. Thank you.

PRESIDENT ROBAK: Thank you, Senator Witek. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Madam President, members of the body. Senator Wesely, while you're going to the microphone I do want to ask you, as I mentioned earlier, on page 458 of the committee amendment, Section 955, and that's the portion dealing with, part of the portion dealing with the OJS. And I think what I'd rather do is just, first of all, give you a couple of minutes, if you so desire, to expand upon what changes we're

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doing in OJS and if there's any changes in regards to placement of young juveniles in anything that would be an institution not for adults. In other words, we have boot camps, we have bootie camps, we have all things before us this year. Are we setting any new policy beginning with this, or is it just existing language we have under the adjudication and property of OJS?

PRESIDENT ROBAK: Senator Wesely.

SENATOR WESELY: Thank you. Senator Bernard-Stevens, first, let me tell you that whenever we discuss OJS we think of you and are very cautious because we know you're the father of that effort and a very proud father. You should be. The efforts that are underway there blend in completely with what we're trying to talk about. We feel that Corrections has too long been outside of the health and human service area in trying to meet the needs of families that are in trouble. And so trying to bring them out of Corrections and into this new entity and merge them together so they can jointly address problems that families are having in this regard is what we're trying...what we're attempting to do. We don't see.... Back to Senator Witek's question, the programs and services, the policy direction that we've taken in the past, which includes what you've done with OJS, none of that changes under this bill. We have taken all existing language, not tried to recreate, add or subtract to it, but simply realign it administratively. And then the next step, if we want to talk about any policy changes, that will be for next session. So in fact there should be nothing in this bill or the committee amendment that has any new direction to it. We think that, for instance, the direction that OJS is now taking blends in very well with what we're talking about. So we see this as meshing, and that's what we're trying to do with this language.

SENATOR BERNARD-STEVENS: Thank you, Senator Wesely. Now I'm going to jump to a question in a similar vein, but I'm going to jump to your handout that you had on the grids, which is a very pretty grid, Senator Wesely, for a Monday morning. We could have used some color, but nonetheless, black and white is fine. And I'm specifically going...if...there's a page number, actually I'm going to page 31, and I'm going to go again under OJS, which is about half way down. You might want to check with Gina, or it might be one that we just discuss later as we find out the information. But I did notice with interest, and I must

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be honest, I haven't looked at it to see how those numbers get there or what it is. But I do notice that we have a total funding of \$13,992,000, which I'm very appreciative for because it's over and beyond the 4 million that actually we have, and certainly would be helpful in expanding the community base. I suspect there's some transfers being taken there. And at some point, if we can't now, at some point in the discussion, between now and Select File, if we could get into more of the detail, even if it's off the floor sometime, I would appreciate that. I'm assuming you may not have quite the answers at this point. Would that be a fair assumption?

SENATOR WESELY: Evidently this chart came from the budget office and it didn't come from fiscal.

SENATOR BERNARD-STEVENS: Right.

SENATOR WESELY: So we'll have to find out how they (inaudible).

SENATOR BERNARD-STEVENS: Okay, okay, that's all I ask, that we just...a little flag there, just kind of like to have more information on that portion of it. Thank you, Madam President.

PRESIDENT ROBAK: Thank you, Senator Bernard-Stevens. Senator Preister.

SENATOR PREISTER: Thank you, Honorable President, friends all. I want to make some comments and also a question, or perhaps two, for Senator Wesely, if he would. In your introduction of the committee amendment, Senator Wesely, I may have understood but I may not have, so just some clarification. In the original bill and in the committee amendment there's an operative date of first of January of next year, I believe. And in your comments you talked about putting that information together and having, I guess, I would say a blueprint or more of a guideline, more of the details than we currently have in the legislation. I guess my question and my concern is that there will be legislation or there will be oversight by the Legislature, after that operative date, that we are not approving something today that sets in motion a process that we go down the road with, without us being sure that what we thought we did now is what in fact is actually going to take place. And I guess if you would comment about that and that we will continue to have legislative oversight.

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PRESIDENT ROBAK: Senator Wesely.

SENATOR WESELY: Senator Preister, absolutely. What we are deciding today is whether or not to change the administrative alignment of the five entities into three differently configured entities. But the programs and services and everything that, the policies, the things that we have, in the past, enacted as a Legislature all continue, nothing is changed in that regard, administrative, the hierarchy is. But below that all of that remains to be looked at next year. And the idea would be that we would be involved, as the Legislature, the administration involved, the private sector, the employees, all would be brought together in the course of the next few months. And at December of next year a draft bill and a report on the rest of what needs to be done will be submitted, and then the Legislature will have to pass legislation to do anything further. So the over...we have the hammer, we have the control over the actual substantive changes in the sort of services that people receive in the state.

SENATOR PREISTER: Okay, thank you. That was what I thought you had said. But, as everyone here well knows, the devil is in the details, as they say, and those details we really don't have before us, and that is a part of my concern. I want to continue in that vein, and a little bit with what Senator Crosby said, too. And that is that there is input by the employees who are working in those areas. And I might expand that a little bit. Hopefully, there will be also some client input, because oftentimes, in addition to the employees, the people receiving the service see it from a different perspective and those people can offer some good insights in terms of providing better quality service, but in the streamlining of that service. So I believe that that input, at all levels, is extremely important. And I would, I think, go a step further in talking about the employees than Senator Crosby did and say that all too often state employees get a reputation of just being there, collecting a paycheck, but they aren't seen as people who provide a very valuable service in many areas. And that those state employees are loyal and dedicated people who oftentimes go above and beyond what's asked and expected of them in their role as service providers, particularly those in the human service area. So I think it's important to let them know that they're appreciated by asking for their input. It's also important that we take advantage of that expertise that they have developed

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with many years of very dedicated and very fine service. So I'm glad that their input is not only being solicited, but it's being welcomed and will be utilized. So that, as well as the client input, I think is very important. With that, I thank you.

PRESIDENT ROBAK: Thank you, Senator Preister. Senator Engel.

SENATOR ENGEL: Madam Chairman, members of the body, in this particular bill, 1044, I wanted to tell you up front that I'm totally in favor of the intent of it. When I was first appointed, September 1st of 1993, the ink wasn't hardly dry on my appointment when I got a call from two families in Wayne, Nebraska, who had severely handicapped children. And they were having.... What happened is there was about four different agencies handling these families, not one of the agencies knew what the other agency was doing. I went over to Wayne, Nebraska, and talked to these families. I didn't know how to get through the bureaucratic maze, so I called my legislative aide, Kelly Ptacek, and said, this is where I want to go, how do I get there? She found the way. We had a meeting with the Governor's Office, with Mary Dean Harvey, the Department of Social Services, Connie Day, Jessie Rasmussen and others who are involved in the process. And as a res.... Give you just a little history of what happened, this happened to be the Katie Beckett Waiver Program, which was part of the other services they were receiving. And what happened, they got a letter and within ten days they were going to take away \$808 a month from this family. You know most families can't handle that. The only notice they had to have, up to this ten day notice, was it had to be in a newspaper, it had to be a notification in a newspaper. In this particular case, the way the situation was then it was...so they used the World-Herald. Now, most of us read it, but everybody doesn't, so this was a complete surprise to these families. So as a result, ever since that has happened we've been working, trying to get the situation settled. And it's still...in fact, yesterday...and different ones are helping with that right now. But the thing is, I guess what I want to emphasize here is that I know any piece of legislation of this magnitude is going to need a lot of fine tuning, I know that from a little experience I had last year. The only thing is I am totally supportive of this as far as bringing these agencies together so we have more efficient service to those who are receiving the services. And like Senator Crosby said, I don't

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believe this will save any money for a period of time, and maybe it never will. But even if we're spending the same amount of money, at least let's get the services to the people, to where they only have to deal with one agency...one person and that person coordinates with all these other agencies. So I am totally in support of what you're trying to do with this bill, and I hope...hopefully, it will be passed.

PRESIDENT ROBAK: Thank you, Senator Engel. Senator Wesely, followed by Senators Pedersen, Maurstad, Vrtiska and Beutler.

SENATOR WESELY: Thank you. I want to thank all of you who have made comments on the bill so far, and attempt to answer a few questions. First off, Senator Engel, I appreciated your comments. I know...I remember working with you on that issue and the problem, and your frustration is shared by most everybody who's ever served in the Legislature, as we try to meet the needs of our constituents and find a bureaucracy that is difficult to pull the pieces together of. That's exactly one of the frustrations I felt in my 18 years here in the Legislature, all of those on the Health and Human Services Committee, and now 12 of them as Chair. I've seen time and again where people of good will end up, because they're in different slots, in different categories, different agencies, cannot seem to bridge their differences and come together to address concerns. And it's with great pleasure that I was able to see this age...administration sit down, try and bring those agencies together, the directors cooperate and come forward with this proposal. So I hope that it will end some of that conflict that we've seen over the years. First off, though, I do want to reiterate Senator Crosby and Senator Preister both talked about employees and their involvement in the process. And I want to indicate to them that they're exactly right, that we need to involve employees. They're the front-line workers who know the problems of the system and can help us devise improvements to that system. I also want to acknowledge what Senator Crosby said about how much savings are involved in this. Obviously, we're going to attempt to save as much money as we reasonably can. At the same time I have, in the past, worked to recognize the understaffing that we've had, the huge caseloads that we've had and working with families. And part of the problems we have in meeting the needs of families in this state is we expect too much from our caseworkers, give them too many cases, too many families. And their inability to respond to those needs has

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resulted in some problems. So we have to balance off the savings and the efficiency goals with the improved services goals, which I think can be accomplished by streamlining these agencies. So I want to acknowledge Senator Crosby's comments and indicate to her that that's part of my thinking as well. Senator Witek talked about the Policy Cabinet being private. And perhaps she might be misinterpreting a bit of what the process is that we're going to go through. The Policy Cabinet does actually not occur until January 1 of next year. The whole change that we're talking about doesn't actually occur until January 1. Between now and December 1 there will be a set of working groups, of employees, of private citizens and others who will be working together to come up with the details and the fine points of this proposal, that will really be the heart and soul of what we're trying to do. This is the skeleton, this is the framework that we want to work within. But the real heart and soul and flesh and blood of this proposal will have to take more time. It will evolve over a period of time, and that evolution starts December 1 of next year, and following that the '97 session. So the private meetings of the Policy Cabinet are simply to administer the agencies. Just as currently directors administer their agencies, these directors will administer the new agencies. And they do not currently have to meet in public; they are able to meet with other directors and do so in private. That is a change that we thought was not necessary, administratively. The policy issues will eventually emerge through the partnership council that will be formed, and that will...all their meetings will be public. And obviously other types of things will be made public as well. But I thought the misinterpretation might be that the development of the details of this proposal will be done by a Policy Cabinet in private. That is not what's going to happen, that is not the situation. What will happen is a series of task forces and working groups set up across the state, and over the course of the next ten months or so they will develop the details of what will follow next year. And it will all be in public and open through the hearing process here, and the Legislature will have ultimate control over any policy changes or statutory changes that come out of this. Again, I will stop at that point and again encourage you to support the committee amendments. And if you have further questions, I'd be happy to answer...

PRESIDENT ROBAK: One minute.

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SENATOR WESELY: ...them. Thank you.

PRESIDENT ROBAK: Thank you, Senator Wesely. Senator Pedersen.

SENATOR PEDERSEN: Madam President, members of the Legislature, LB 1044 is a bill that I've read over many times and have watched the partnership come into place. I want to basically restate what Senator Crosby has said. This is not, at this point anyway, a savings of any tax dollars. This is only the bringing together some departments, which I think sounds very, very good. I wish it was one of those that we knew what it was going to save in the long-run, or if it was going to cost us. But if it costs us, then we can come back and say, you know, this didn't work so well. I can tell you from the field that I work in, with youth, that we need to do something to bring these departments together. I had a young man, back in September, that I did an evaluation on for the juvenile court system, who I was the fifth counselor to do a substance abuse evaluation on him in less than a year's time. One was done by Social Services, one was done by the Department of Health, one was done by...when he was ser...doing...in one of the institutions, out at Geneva, and another one was done by another court system. This kind of stuff is happening all the time. It only makes sense that we bring these together and take a look at how it's going to work. I wish I could stand here and tell you how it's going to look in three years. But I think this is one of them places where I'm going to take the chance and say let's give it a try. The bringing together can't cost us, it just can't. And if it... I know how other bureaucracies work, I've learned a lot in the last four years. But it's something that we need to do to see what we can do to downsize. And this at least is a chance to bring that together. And it's my understanding, as I read the thing, it will not cost us at this point. And it's got the potential, the potential to bring the servic...give us better services for maybe even less money. Thank you.

PRESIDENT ROBAK: Thank you, Senator Pedersen. Senator Maurstad.

SENATOR MAURSTAD: Thank you, Madam President, colleagues. Senator Wesely, if you could respond to a couple questions. And I want to make clear at the outset that my comments aren't intended to be construed as either for or against what we're working on right here. I think that there's a great deal that

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needs to be worked out before I can make that determination. But in the committee amendments, on page 1, about line 17, where it talks about the changes that will occur on page 8, line 8.

SENATOR WESELY: Um-hum.

SENATOR MAURSTAD: Policy Secretary, Policy Secretary will not come into place until after January 1st of next year, is that correct?

PRESIDENT ROBAK: Senator Wesely.

SENATOR WESELY: Right.

SENATOR MAURSTAD: Okay. And then...so she'll be appointed by the Governor sometime between now and then, and then the Legislature will approve that appointment sometime after the first of next year.

SENATOR WESELY: Correct.

SENATOR MAURSTAD: Okay. Is that the creation of a new position?

SENATOR WESELY: It's...right, it doesn't exist today.

SENATOR MAURSTAD: Okay, that's in addition...it's in addition to the directors of the five agencies now that will eventually be three agencies.

SENATOR WESELY: Right.

SENATOR MAURSTAD: But it's in addition to those directors.

SENATOR WESELY: Right, the three directors and then this Policy Secretary.

SENATOR MAURSTAD: Okay. Is there anything in all the material that we have before us right now that talks about what that secretary will be paid?

SENATOR WESELY: I don't think there's any reference to their salary level.

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SENATOR MAURSTAD: Okay, so is that.... It would seem to me, I'll make...it seems to me that that's something that we should flush out at this point in time as to, you know, what type of fiscal impact that...small, granted, in comparison to what we're talking about here, billions of dollars, granted, but whether or not we're talking about what type of a position for half of a fiscal year that we're going to have to fund, and so that's one...

SENATOR WESELY: Okay, sure.

SENATOR MAURSTAD: ...one concern that I have. The second, and I want to make sure that I'm just not misunderstanding what you've presented to us so far. But between now and the first of the year, what you will see or what the state will see is a continuation of what the agency directors have been doing for the past eight or nine months. They're going to continue to meet and continue to try to put together the specifics that fill into this framework. Is that correct?

SENATOR WESELY: That's correct, yes.

SENATOR MAURSTAD: Okay, so we're not talking about any employees, at this point in time, becoming employees of a different agency, because those agencies don't even go into effect until January 1 of next year, right?

SENATOR WESELY: That's right.

SENATOR MAURSTAD: Okay. Some...will they...is it appropriate now, or would it be more appropriate later for them to provide the Legislature with the number of employees that we're talking about in the five agencies, in each of the five agencies, and if they have started to work on or develop, then which employees and the number of employees will be assigned to the three new agencies? Is that appropriate now?

SENATOR WESELY: Well, in a sense all that will occur when these new entities come into effect, in January. They'll be shifted around, whoever the employees are, and so they will actually move. But the actual integration and changes and job changes, that...nothing really will occur in that fashion. They'll just....

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SENATOR MAURSTAD: Okay, maybe that's...maybe that's where I'm unclear. So between now and the end of the year you will see the beginning of these three agencies start to develop where employees will start working under the...no.

SENATOR WESELY: No, no, not until January 1 of next year, nothing will happen until then.

SENATOR MAURSTAD: Okay. But we do know at this point how many employees are in each of the agencies.

SENATOR WESELY: Actually, I've got a chart, what I will do is copy it off and distribute it so...

PRESIDENT ROBAK: One minute.

SENATOR MAURSTAD: That would be great. And then, like many others, I have other questions. So let me just con...thank you, Senator Wesely, conclude with just a reaction to one of the comments that's been made on the floor by a couple of senators, so far, and that we want to, it appears, make very clear that the intent of the partnership is not to...and we shouldn't expect that the outcome of the Nebraska Partnership Project would be that there would be any savings to the taxpayer. And I guess at this point I have some difficulty with that, because if we're going to be reorganizing, and if we're going to start to do things more effectively and more efficiently, it would seem to me that one of the outcomes would be better use of our financial resources. And so I think it's important that we keep in mind that it's important, relative to all of our work,...

PRESIDENT ROBAK: Time.

SENATOR MAURSTAD: ...that we use our financial resources the best that we can.

PRESIDENT ROBAK: Thank you, Senator Maurstad. Senator Vrtiska.

SENATOR VRTISKA: Thank you, Madam President, members of the body. Obviously, a number of good points have been brought out this morning and made somewhat clear. I've been trying to analyze and study this bill over the weekend. And I guess I have to follow-up with Senator Maurstad's comments. Some of the people that I've talked to that have been interested in the

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direction that Lieutenant Governor Kim Robak has been heading this direction to reorganize government to be more efficient, and, Senator Wesely, can I ask you a question?

PRESIDENT ROBAK: Senator Wesely.

SENATOR WESELY: Yes.

SENATOR VRTISKA: I guess in analyzing this and going through it and understanding that we are trying to be more efficient and do a better job in taking care of the problems in these various departments, could you by any measure at all, and I suppose this is an unfair question, but I'm going to ask it, could you, in any measure at all, say in the next two or three years there would be any accumulated savings? Or do you think that by being more attentive to the problems that it will, in fact, end up costing more money?

SENATOR WESELY: No, no. I think ultimately there will be a savings. Where several employees are doing the same type of work, I think Senator Pedersen somewhat referenced that, the duplication of services, hopefully that will all be cut down and we can direct some of those savings into adequately staffing the front-line people that are overworked right now and still come up with a significant savings.

SENATOR VRTISKA: Well, then the other question that follows up with that, some of the things we talked about and that I've been questioned about is the costs, administrative costs. And it seems as though the way it's being projected now there would, in fact, be some administrative costs. Is that possible?

SENATOR WESELY: I think, Senator Vrtiska, it will save, because instead of five directors you'll have three, you'll have a Policy Secretary as well. But essentially you do go from five to four at least, so right there you've got a savings. And then in addition you've got, instead of having in each of the agencies an accounting function and whatever, you can bring those pieces together. And some of the things that are being duplicated in each of the agencies doesn't have to happen anymore. You can have just one entity that will pull those pieces. So I think it will cut...

SENATOR VRTISKA: Well,...

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SENATOR WESELY: ...administrative costs.

SENATOR VRTISKA: Well, it's quite natural that all of us that have been involved in some of these problems in some of the agencies are anxious to see some changes, there's no question about that because all of us have, as Senator Engel has indicated, have had some problems in dealing with some of the constituency, and I recognize that there probably is...no doubt there is an overload in some of the departments. I guess one of the things that I've been concerned about and tried to assure some of the people who have questioned me about the ultimate goal, and I hope that I'm correct in answering, the ultimate goal is to be more efficient and actually save money. Now if that is accomplished that will be a new direction for government I guess you could say. But it is a concern of mine, and I have tried to assure some of the people who have questioned me about the ultimate goal of this is actually for the purpose of being more efficient, being able to deal with some of these problems in a more efficient manner, and in the long term save money. So I'm going to keep reminding people that's the ultimate goal of this. And hopefully, as I guess indicated earlier by some of the speakers, if it doesn't happen I suppose we'll be disappointed, but certainly nothing ventured, nothing gained. And so we're in the posture now of trying to make these agencies more responsible to the people that we're serving, and at the same time hopefully save the state tax...the taxpayer of the state some money. So both those things accomplished, I feel comfortable in supporting the bill because I think it's a direction that we talked for a long time that we needed to go. And so I just...I guess over the years, as things develop, we'll be reminded what our goals are and continue to try to reach those goals. So, with that, thank you very much.

PRESIDENT ROBAK: Thank you, Senator. Senator Beutler.

SENATOR BEUTLER: Lieutenant Governor Robak, members of the Legislature, I guess more questions for Senator Wesely. That's the name of the day, Senator Wesely, questions for you. I guess my...the question I wanted to start with and perhaps the thing that I have the hardest time understanding is before I knew how this whole thing would develop I guess I figured that these one, two, three, four and a half agencies would all be combined into one, and that there would be one director, and that these

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particular different areas would be subdivisions of the one department. That's the classical combination or merger of departments. Instead of doing that very simple thing, which is the traditional way of combining things, having one director instead of now we're going to have, as I understand it, basically four directors, three directors and a Policy Secretary who seems to be a super director, why have we done this more complicated thing? What...it seems to me that what we've done is instead of having all different types of programs in one area we've taken it up and divided it a different way, not by program so much, but by the nature of the function. That is we divided it into the program function, that is those things that are running programs. Then over here, in a second division, we put all the regulatory activities, not where they run the program, but where they regulate other people primarily, I guess. Then over here in a third division we put all the financial services. Now, it seems to me that probably none of these three can operate without the other two. And so we're going to have a big conference on everything that happens because they're all going to be related. So now we're going to have four people trying to decide how one thing should happen. So I'm exploring the dimensions of essentially one question. Why didn't we do this the simple way?

SENATOR WESELY: Well, let me tell you that I had the same concern, and I have discussed it with the administration and our colleagues on the Health Committee. What it comes down to is the fear of one super agency and the possible sinking of it as being too heavy. And the thought was taking this initial step to see how it would work, and the idea of going by function largely accomplishes the goals that I had. Where the service system has been duplicative and needs to be brought together, that's done under the one department. Where I mentioned about the finance and support, we got accountants and finance people in each agency, bring them together so we have that savings. And the regulatory licensure, actually there's probably a good reason to keep that separate, Senator Beutler. In some areas they need to regulate the service delivery over in the other department. So having two departments a little diff...I mean they're together, yet there's a little difference, is somewhat advantageous in that role of oversight. So the thinking was to attempt this approach and see if the cooperation that we need is brought together. If it doesn't happen we can move forward from that point. But the thought is that, at least at this point,

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this would be the wisest step to take at this time.

SENATOR BEUTLER: To your knowledge, is there any experience in any other state or in the federal government where administration of these types of services has been attempted along these structural lines?

SENATOR WESELY: I would think that this is unique. I know of other states that have done the one agency change and in some cases...

PRESIDENT ROBAK: One minute.

SENATOR WESELY: ...it has not been a successful effort. That was one of the lessons that we learned, that that all together type of move, that major move may be too much. So that is one of the reasons we didn't take that step. But this model is fairly unique, I'm not aware of any other like it.

SENATOR BEUTLER: Okay, thank you.

PRESIDENT ROBAK: Thank you, Senator Beutler. Senator Jones.

SENATOR JONES: Madam President and members of the body, could I ask Senator Wesely a question?

PRESIDENT ROBAK: Senator Wesely.

SENATOR JONES: In Broken Bow, just for an example, in Broken Bow there's probably about ten caseworkers in town. Will this any way cut down the number of them? I realize nothing takes effect until January 1 of '97, but will this cut down the number of caseworkers that we have in town? Because one person comes in and sometimes have to see several caseworkers to get something accomplished.

SENATOR WESELY: Well, ultimately, that would be...the goal is not to cut down the number of caseworkers that are in any particular area. The goal is to cut down the number of caseworkers duplicating each other's work. That will eventually happen, but not under this bill, because this bill takes the administrative structures and changes them January 1 of next year. But the actual integration of the casework and bringing it all together, that will have to follow with legislation next

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year. So bottom line, front line, Senator Crosby's has asked about this, and others have asked about this. The idea is to maintain the services, to keep people getting the services and the casework. But where they are having to do things over and over again, stop that, get rid of that. And so that will be the eventual goal that we'll attempt to achieve. But it won't happen with this bill. It will have to take follow-up merger of...see, what we do with this is take all these programs and services that are in statute, we don't change anything, we just put them all under the right agency. And then the next step is trying to get all the workers lined up and the services integrated together so we can do what you suggested in terms of not duplicating any longer.

SENATOR JONES: Another question is I heard before that there might be four or five different computer programs that are involved in this.

SENATOR WESELY: Right.

SENATOR JONES: How will this help on that, or is that going to be the same way as the caseload workers?

SENATOR WESELY: You know that's exact...that's a very excellent point, because we need to take the computers that we have and get them up to speed to a point where you don't have to enter the data four or five times. You probably heard that from Don Leuenberger,...

SENATOR JONES: Um-hum.

SENATOR WESELY: ..that you come in, you sit down, you tell somebody a story, and they say, well, we're not the one you need to talk to, you got to go down the street. And in your case they have to maybe drive a heck of a long way to go to the next stop. That makes no sense. If we developed the computer system as it should be, you should be able to go, my thinking on this is eventually go one place, hopefully as near as possible to your home, sit down, tell your story, what your income is and your status and your needs and whatever, and then they can sit down with that computer and say, here's what you qualify for, and work out with the service delivery to get that done for you, and that's it. That's your one stop and that's your last stop to get the system to respond to whatever your problem is.

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That's what we need to do. But the computer system is not now capable of doing that. And that will, again, have to be evolved as we evolve the rest of the services.

SENATOR JONES: Thank you, I...

SENATOR WESELY: You made an excellent point.

SENATOR JONES: Thank you. That was one of my main points of it and I think I want to support the bill. But something else that kind of bothers me with the bill too, is it actually going to cost more dollars and cents in the end? Do we have to bring in somebody else on it? So that's another point that I think that we...I want to listen to as the bill moves along, because every time you think you're going to combine things you think it's going to cost less dollars and cents. But I think we're going on the right track here, I just hope that we can get it done without involving more tax dollars. Thank you again.

PRESIDENT ROBAK: Thank you, Senator. Senator Dierks.

SENATOR DIERKS: Thank you, Madam President and members of the Legislature. I just had to spout off a little bit, I guess, about this legislation. I understand, I think, the significance of it and the huge, huge job that it's going to be. And I have to be supportive of that. One of the questions that I had at the committee hearing, and then I've talked with the different agency heads, and one of the concerns I have is with the way the policy has developed for this new structure, because, and I think someone else has mentioned it here before, I think maybe Senator Pedersen did, that we need to make sure that when policy is developed that there is input from every angle, especially for those people who are what I call front-line workers, the people who have their hands on with the projects. I think that one of the things we have to guard against, and we hear it frequently from our...the critical people at home is top-heavy administration. And we need to watch that, and I'm not sure how we do that, but I think that has to be pretty carefully guarded against, that all of our dollars in these agencies are not being spent on administration, that the most of them are being spent in services. I had a conversation with a fellow one day who was on one of our health boards, and he had asked...I believe somebody...one of the committee...board meetings he was to, where Dr. Horton was. He's on the board and they said, well,

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he's at another board hearing. So the questioning went on. It turns out that Dr. Horton, through things that we have done in this Legislature, has over 100 boards that he's supposed to be a member of. And there's absolutely no way he can do that physically, it's just impossible. And yet we ask him to do that as well as administer this huge department over there. So we've been pretty guilty in this Legislature of bringing bills that establish commissions and boards and providing people with what we think is good input for our citizens, but on the other hand we've been pretty...we've loaded those people down. I think this is an opportunity for us to have some effect on that and maybe restructure some of those committees and boards. I do have one other concern and that's with the time frame that we have here. I tried to change the date that this would take place by delaying it for six months. I tried to do that in committee, but it was not accepted. And I still think that that's one of my concerns. I would like...maybe I'll bring an amendment that would affect that, because I just think that we're trying to push too much in too big a hurry. And I want it to be done well, and I think that...I'm pleased with the people that are doing it. I think they're very competent and very capable people. But I just think we've taken off an awfully big bite to get done within a year. So I think I may still bring an amendment that will delay that for six months. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Senator Witek.

SENATOR WITEK: Thank you, Madam President, members of the Legislature. I've listened to everybody, trying to find the good in this piece of legislation, because I don't want to just jump to a conclusion here. But I guess I think back on some of the discussions that we've had on 592, the child support bill, a lot of the discussion at that time was the fact that records in the Department of Social Services were not being kept up to the level that we could kind of trust them enough to put someone's reputation to a test with that. Another one on Senator Avery's bill, on 642, part of the reasons for pulling foster care out of DSS was they wanted better oversight. So we're trying to acknowledge in those bills that having a large department have oversight over some of these issues, records and foster care review, was not working out, and yet now we're willing to go ahead and throw all these departments into an even bigger bureaucracy. And I still have concerns that it will have no bearing on correcting the records and the documents and the

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oversight of the different review here in the case of foster care review, pulling them out of DSS and then trying to turn around and having a discussion as to why we think it's better to have this big, mega, super agency, I guess, as Senator Wesely said, why that would be better. I have questions throughout the entire bill when I read through this legislation. Just in the first section, in Section 2 it says that we're going to create a human services system for each Nebraskan. It sounds like again Senator Wesely is putting into other bills, and we discussed it last year, universal coverage, his dream. And on page 3, line 15 and 16, it says that they're going to work with local services network, which are recognized as local partners by the health and human services system. Now we're going to have only those service systems that are recognized by the health and human services system. It doesn't say who's going to be recognizing them, who the health and human service system is, and who of those local partners will be able to work within this system. So I think those are questions that need to be answered before this piece of legislation is even considered. It talks about, on page 5, on Section 6, accessible in the form of information services available to Nebraskans locally, financially, culturally and conveniently. I suspect that in many cases we'll be talking about health and human services in our schools across Nebraska, that's also a tremendous policy issue that's discussed in communities that I think we need to be aware of. On page 6, line 21, assure service coordination and access through public education and information, community resource development, technical assistance. Again, that sounds to me like something that they want to do within the schools. And I'd like to have Senator Wesely talk about those possibilities because it's been in some of the literature that the Governor has passed out. On page 7, line 13 through 6 (sic), it talks about providing a common sense approach to regulations and licensure. You're talking about people's licenses out there, medical professionals who have their licenses on the line. We have...what does common sense approach mean? And because on...and then there's still the Hillary Clinton health care clause, in Section 9, it says that this will all be done behind closed doors. And again on page 9, in Section 12, the partnership council shall consist of not less than 7, and not more than 15 members. Does that mean at any one time will it be a fluid policymaking group? On line...on page 10, to consult...and line 22 to 24, to consult and cooperate with other state agencies so as to coordinate its

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activities in an effective manner. It sounds wonderful, but it doesn't say how any of this is going to be done, except that it does say that it's going to require new rules and regulations. And then on page 12, between...in Section...between lines 5 and 11 it says, notwithstanding any other provision of law to share financial and programmatic information, including medical records, client records, vital records and other information documents which are otherwise confidential with this new super agency that we're creating. So all...

PRESIDENT ROBAK: One minute.

SENATOR WITEK: ...of that information that's in all of those other agencies will be combined in one super agency. And that...those individuals will have access to all of this information combined, which we have, by law, traditionally kept confidential. We're striking any of those confidentiality clauses. We're striking rules and regulations, new rules and regulations will be put together without any input from the Legislature at that time, because this will all be going on forward when we're not even in session. I keep...it keeps going through my head, and then on top of that they say it's not going to save us any money and no jobs will be lost. I think the Governor has signed a pact with the union on that. It keeps going through my head then what is the purpose, because I think, in the case of bureaucracies, smaller, many times, is easier to accomplish what we're trying to do. We already have rules and regs that we know are there, that we've approved in law, and yet we're saying strike everything that we have on the books, create this super agency, and we will not have oversight or even...and they're exempt from the public meeting laws.

PRESIDENT ROBAK: Time.

SENATOR WITEK: We will not have anybody in those meetings knowing what's going on. To me, to make this type of policy is irresponsible.

PRESIDENT ROBAK: Thank you, Senator Witek. Senator Hillman. Senator Hillman would like to announce that the following guests are visiting the Legislature, Jim Merrigan, from Scottsbluff, Mary Crawford, from Alliance, Sam Carroll, from Lingle, Wyoming, Chuck Hibberd and Ron Moore, from Scottsbluff. They are all part of the North Platte Valley Water Coalition. They are

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sitting under the south balcony. Will you all stand and be recognized, please. Welcome to the Legislature. Senator Hillman.

SENATOR HILLMAN: Yes, Madam Speaker, members, 1044 is something that I think is extremely important and is a way that state government can sit back, take a look and see where is it that we need to go in the future. And this is a tremendously good starting point. I support 1044, have since Senator...before it was even a...before it was 1044. Lieutenant Governor Robak was kind enough to invite me into a few meetings, over two years ago, when they first started putting state agencies together to look at how they could do a better job, do away with duplication, follow the funding streams, all those things that we currently...that we've been talking about, and what would be some sort of direction, some parameters that we could work within to get that done. It's been a long time coming. This isn't something that just happened over one interim and a short period of time. This has been going at least over a two-year period very seriously. The agencies have changed as to who should participate and who should be a part of the starting point. To me the bottom line is what 1044 does, and I know a lot of you have some concerns. It gives us a starting point where it is we need to start, and it says where do we want to be when it's over. Now there's a tremendous amount of work that needs to be done in between there, and it will be done on this floor, it will be done in local regional groups across the state. I'll tell you that in the Panhandle we have had different representation to talk about 1044 and the Nebraska Partnership Project for quite some time. We have those agencies on a regional level that are working right now to say how could we best, in the Panhandle, put these five agencies together to offer the kind of services, to have the service delivery system that we think is important in the western part of Nebraska. One of the things we're always concerned about when it comes to state agencies and servicing in "outstate" or "greater Nebraska", however you care to refer to it, is how those services and resources are distributed across the state. We have a real fear when it comes to population and that the resources are doled out on a per capita basis. One of the things that I think can work well and work very well under 1044 is that you will have those regions coming in and saying to the state, this is how it could best work for us; these are some of the providers that we have; this is how it would work best; this

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is where we need the state's help. Instead of coming in with the problems, what we do is it gives them an opportunity to come in with the solutions, that we then, as a Legislature, can act on. We talk about dollars. Sitting on Appropriations Committee it's been...I'm sure you've heard the frustration in trying to follow the funding streams through Department of Health, DSS, DPI, OJS, all the rest of them, and figuring out how to maximize the federal funds, matching them with state funds. And I will tell you we've not been able to follow those funding streams well. My hope is through this bill and is that we will better be able to track and follow how those resources are put together, that they match the policies and what the priorities are when we think it's coming down to services with input from the local level. Rules and regs are scattered throughout. What you would have then is when you're looking at where it is you want to go, you have the rules and regs accordingly. Rules and regs have lots of input, they have public hearings, it's based on policy. I don't see any problems with the fact that you'd have one central part where the rules and regs would come down and would be enforced. I think it would be much simpler, and again the access to it from...and questions that people have and also in developing those rules and regs would be much more. And last but not least is the extremely important evaluation component. We're entering into a period where evaluation and having to prioritize is going to happen more and more...

PRESIDENT ROBAK: One minute.

SENATOR HILLMAN: ..and more often. And the only way we can make good, sound judgment as to where it is we need to be right now or be in the future is to be able to evaluate what we have. So as these programs develop there needs to be evaluation components put in there. In other words, what is it, what are the benchmarks, what it is that we hope to accomplish. The only way you can evaluate as whether or not anything is any good is you knew what it was supposed to accomplish to begin with. And I think under this bill that will happen. The ultimate goal I think with this are several things. It is to make government more efficient, and that means a lot of things to a lot of people. Does it mean we'll save huge bucks? Most government is at a point now where all we want to do is, number one, first try to keep it from escalating, to keep it from getting bigger and adding to, and so this will allow us, I think, to be able to at least get a better rein on what it is we are currently doing so

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it doesn't take us, perhaps we can take it.

PRESIDENT ROBAK: Time.

SENATOR HILLMAN: And so in that effect, that part of it, I think it will become more effective or more efficient. It also, I believe, and I will repeat that it will become more effective because I think you will be dealing more on a localized basis...

PRESIDENT ROBAK: Time.

SENATOR HILLMAN: ...with regional time, and there are several instances, I'm sure all of us can give problems that we'd have...

PRESIDENT ROBAK: Time, Senator.

SENATOR HILLMAN: ...and I will push my light again. Thank you.

PRESIDENT ROBAK: Thank you, Senator Hillman. Senator Wehrbein.

SENATOR WEHRBEIN: Madam President and members, I rise to support this bill, particularly in its concept. I realize there's lots of details to be worked out, but those of you that raised the issue about the money, I want to...I went back and looked at the budget on Social Services alone. The point really is that we have no choice but to move in the direction that this takes us, and I compliment those that worked so hard on this to provide a framework to lead to where I think we are going to have to go. I looked up Agency 26, Social Services' budget alone has gone up near...over, over, no nearly, nearly \$200 million, from \$864 million in 1993-94 to over a billion dollars, \$1,051,000,000 in '96-97. In a four-year span, we've gone up nearly \$200 million in that budget. That's all sources, that's not all General Fund, and I can give you the breakdown if you'd like. The point is we are going up regardless of what we like to admit, we are going up significantly in this area. And so those costs are going to be there, and so we've got to do something to slow this down, and if this doesn't exactly immediately save money, perhaps that's true, but we've got to move in the direction of getting the costs under control and being more efficient in the delivery of this services, and I believe that this concept does that. I understand some are nervous about the details, not knowing where it's to lead within

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another year. I can understand that and I am concerned, too. But as we...I don't know how else you are going to reorganize something as massive as these agencies are. They take a huge amount of our money at the state level as well as the federal level, and we've got to move forward somehow, and I think this framework is one way that we can do that. So I'd urge you to strongly consider that, look at the details. Obviously, a lot of this work will be...have to come back next year when we will be debating the details, be a part of the activity in the interim and look into where you think these mistakes are being made, if that's what...if that's the tenor of what you believe. I...we've had several hearings that have made the paper this week in Appropriations. We are 900 persons over in our Department of Corrections at this point. We've added, I'm verifying in the testimony, but I think it was 200 years we've added in time to our correctional units because of the mandatory minimums that we did that changed a year ago. All of these things are costing us money. We've got a...we've got \$2 million in juvenile services, a proposal to add three more million. Our social ills are costing us money, and we can say what we'd like about wanting to reduce our costs; the point is we've got to do something. And if reorganization, in this case, is one way to control those costs and keep that line at least leveled out instead of going up, as Don Leuenberger has demonstrated in many of his briefings, then this is one way that we can get the cost of government under control. And so I would urge you to give strong consideration to this bill, move it forward, and get involved in the details as time goes along in the studies. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Senator Withem.

SPEAKER WITHEM: Yes, Madam President, members of the body, I'll rise in support of the committee amendments and the eventual passage of LB 1044. I wasn't even going to say much of anything, but a few speakers ago, the concept of will this bill save money or will it not save money came up, and I just wanted to try to put that whole issue of cost savings into somewhat of a context. And I guess the assumption that I have, that I think is an accurate one, is that without some type of reform there is no question about cost savings, there is no question about spending the same amount of money. Without a doubt, we are going to be spending more and more and more dollars in the areas covered by this bill. Why is that? It is because of the very

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nature of the world in which we live. Nebraska right now has an aging population. Senator Wesely, I am not sure what percentage of Medicaid dollars is spent on the aging, but I know that will go up more and more and more. I know we have this sense of Medicaid being a welfare program that poor people are on, and the huge sums of dollars and the biggest growth in Medicaid comes from taking care of our elderly, and we are getting an older population, people are living longer. Health care costs are continuing to increase. We do have more teen mothers. We do have a higher and higher percentage of our population taking more and more of these services, and the cost of delivering these services are going up. And I d'n't really think it's an option to simply say we are not going to offer those services any longer. Particularly in the area of the aging, we are not going to shut down our nursing homes, we are not going to say we're not going...not going to spend these dollars. Heard a figure this morning, and, Don, I forget what year it was, but I know one of the reporters was talking to us and talking about Medicaid, itself, under current growth rates will be about 22 percent of our state budget in not that many years down the road. We are not going to be able to continue the way we have in the past, juxtapose that some changes going on in Washington, DC, where things are stalemated at the moment, but I don't think anybody has any sense that we are going to continue to receive the same level of federal support that we have in the past. What we are going to have to do is run just as hard as we can under the current system to stay in the same place, and then we are just not going to be able to do that. In order to meet these needs then, we've got two choices. Choice number one is acquire more dollars and, as we all know, our citizens aren't willing to do that. They feel that they've reached the end of where they are in terms of the number of dollars they are willing to pay in taxes. That's not really an option. The only option we have is current...using the current dollars that we have in a more cost-effective fashion. LB 1044 begins to move us in that direction. Are there any guarantees? Obviously, there are no guarantees. Are there guarantees that if we don't do anything, though, the cost will go up? I think they are there. I think those guarantees are there. So I think that this bill, by taking the most expensive, the fastest growing programs in state government and puts those under a different management system, a system whereby we can look at individual needs as opposed to continuation of programs, is the only way to go. For that reason, I support 1044 and would urge the rest of

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the membership to do so also.

PRESIDENT ROBAK: Thank you, Senator. Senator Avery.

SENATOR AVERY: Thank you, Madam President. I, too, in listening to everybody, stand to support the concept to some extent here. There's...when you're taking all of the agencies and putting them together, we do need to do something. With the dollars that are being spent for all of these, like Senator Withem had said, it's quite significant. You take these agencies, though, put all the budgets together, and it may hit 40, 50 percent of our state spending in what's being formed here. Under that, I think the process may work better. I am sure it will, if it's...the details are down. The thing is we don't have those details now, and the cliché of the devil is in the details, we have to look at a lot of those things before and possibly approve them again when we get to that stage. I have some, I guess, questions of Senator Wesely, and maybe he can just expand on a little bit in terms of the partnership council.

PRESIDENT ROBAK: Senator Wesely.

SENATOR WESELY: Yes.

SENATOR AVERY: In looking at here, there is some general language that they lay out of making sure it is a broad base. In a lot of other legislation, though, we try to specify to make sure. Is that going to be something coming?

SENATOR WESELY: Senator Avery, during the committee discussion on the committee amendments, there was a discussion of an amendment offered at the hearing to have the Board of Health have a representative on this partnership council. The sense was if we started with that, it does make sense, but if you start with that, there are so many groups involved with health and human services that you'd have to have 110 or more member council. So our thinking was you've just got to leave it broad and try and get a cross-section and leave it more flexible, or once you start categorizing, you'll never...you'll never have enough spots for everybody.

SENATOR AVERY: But I understand that, you know, and I don't know if the broad terminology, in looking at other boards and councils that we have developed, we also specify party

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affiliation a little bit, make sure that there's a cross...a broad section of that to make sure, and maybe that would be something that we could add in there. In another part of this bill, it states, just kind of recalling, can't find the section right off, in terms of those bodies that will be recognized as individuals on community-based services, is there a process that they'll be recognizing certain entities that like OJS or community service boards? I don't know, it seems that the language said that they will be recognized...

SENATOR WESELY: Oh, okay, to work with us on community-based services?

SENATOR AVERY: Right.

SENATOR WESELY: I will tell you what, that's pretty fluid too, the idea being that each community will have a different set of groups that may want to work together, and so this...actually, if you don't mind, it's your time.

SENATOR AVERY: Go ahead. Yeah.

SENATOR WESELY: But all I wanted to tell you is that one of the thoughts is not only bring the state agencies together but helping the communities to come together. That's one of the goals. By having our act together at the state level, instead of having aging and the community services over there, and the juvenile services over there, now they're, hopefully, going to be brought together and a community can together join hands, and whether it's the churches and some private groups along with some public services, or how it gets aligned, it will depend on each community. But the idea is to empower communities to get their act together because we've got our act together and we can work with them.

PRESIDENT ROBAK: One minute.

SENATOR AVERY: Okay, thank you. But is there going to be a specific individual or will the council recognize which community service organizations?

SENATOR WESELY: We'll...I think...

SENATOR AVERY: Or will everybody be recognized, and I guess who

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is recognizing what?

SENATOR WESELY: This is a field that will be evolving too over the course of the next year, but the idea is to allow for more of a block grant back to communities and allow them to decide how...who wants to work together and how they'll work together, and so we aren't going to be very specific about who it is. We are going...what we are going to try and encourage is a cooperative application for assistance, and so it will vary from community to community. It will be different for each.

SENATOR AVERY: Okay, I just wanted to make sure that, and I am not so sure yet if we have it, but that certain groups don't get blackballed or...

SENATOR WESELY: Oh.

SENATOR AVERY: ...something in that process.

SENATOR WESELY: I would hope not.

SENATOR AVERY: Okay. With that, one...one quick question. I think the time is running out.

PRESIDENT ROBAK: Time.

SENATOR AVERY: It is run out. Thank you.

PRESIDENT ROBAK: Thank you, Senator Avery. Senator Maurstad.

SENATOR MAURSTAD: Thank you, Madam President, colleagues. Just to share some information, former Senator Rasmussen has indicated that the intent with the Policy Secretary is right now we have five agency directors. With what the partnership would do, we'd have three agency directors, and then this Policy Secretary. So, in essence, we'd be going from five director-like type positions to four director-like type positions. Senator Wesely, if I could ask a question, just as a clarification, on the committee amendments, essentially, and I believe you maybe said it in your opening and I think that Mr. Johnson indicated this to me the other day, but, essentially, Section 8 of the committee amendments or, yeah, the part...item number 8 where it talks about striking Sections 36 through 46. See where I'm at, page... bottom of page 2?

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SENATOR WESELY: Uh-huh.

SENATOR MAURSTAD: Okay, all of the rest of this, in essence, is just going through and cleaning up the change in the terminology relative to the reference of the various departments. There is nothing of substance other than that in the balance of the committee amendments. Is that correct?

SENATOR WESELY: That's correct.

SENATOR MAURSTAD: Okay.

SENATOR WESELY: Nothing added, nothing deleted from statutes.

SENATOR MAURSTAD: Right. Okay. Thank you. And I rise to support the committee amendments and think we should certainly adopt them. Senator Wesely, another question on the green copy. I apologize. I don't know how quickly this is going to go later. Section 2, there isn't anything in Section 2 on page 2 of the green copy that's creating any new mandate, is there?

SENATOR WESELY: Oh, no. No, it's more or less intent language, Senator.

SENATOR MAURSTAD: Okay. And then on page 36 of the green copy, we talk about the Director of Health and Human Services, and the Director of Standards and Evaluation, the Director of Finance, so since we are identifying those three positions, what we are talking about on page...on line 11, page 36, here again we are talking about that change occurring after January 1st, correct?

SENATOR WESELY: That's correct, yes.

SENATOR MAURSTAD: And then at that point in time we are saying that they may exempt 30 positions from the State Personnel System. Does that...is that taking them out of the bargaining unit then, I mean so these would become administrative positions?

SENATOR WESELY: Right. They would be, as you know, there is protections within the personnel system for those that are not...aren't given this exemption, and so this does clarify how many people they can.

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SENATOR MAURSTAD: So the one thing that we do know relative to personnel is that we are going to be adding to the administrative level by 1044, as it's currently written?

SENATOR WESELY: No.

SENATOR MAURSTAD: Because...

SENATOR WESELY: No, that's not an addition. It just means that within...positions within those agencies, there will be more that will be exempted from protections under personnel. It's not new positions. It's just a change in status.

SENATOR MAURSTAD: Okay, so we are not...we are not taking 30 positions from the bargaining unit and transferring them into administrative. We are just...I mean...

SENATOR WESELY: No.

SENATOR MAURSTAD: ..the PSL isn't going to change any for the...

SENATOR WESELY: No, no, it won't.

SENATOR MAURSTAD: So it appears to me, and maybe you can share...shed some light on this later, but it looks like to me that what we are doing is with the way that this is written is that we are creating 30 administrative positions with no...no certainty that there is going to be a reduction on the other side. Now there might be a lot of reduction on the other side, although I understand the Governor has indicated there won't be, but right now this is the only thing certain relative to personnel, is that we are going to make this particular change. The...I want to echo some of the comments that the Speaker has made about our current fiscal situation. I certainly agree with him and certainly agree that most people recognize that our current system has problems and we need to...we need to make...

PRESIDENT ROBAK: One minute.

SENATOR MAURSTAD: ...some changes. I think that the changes that are being proposed relative to the responsibilities of the three new agencies I think will lead to the probability that

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we'll be able to get a better handle on...on this situation. Before any further, I'd like to take a moment just to commend Don Leuenberger. I think he's done a significant amount of work in a short period of time to even to be able to get 1044 in the position that it is right now and think that he should be recognized. And, finally, there's been a couple of people that have indicated that the devil is in the details, and I'd just like to remind everybody that the devil is everywhere.

PRESIDENT ROBAK: Thank you, Senator Maurstad. Senator Pirsch.

SENATOR PIRSCH: Thank you, Madam President, members of the body. I appreciate what Senator Maurstad said about the new "superlayer" that is going on, and I guess one of my concerns is our goal is to eliminate the duplication at the service level, and, quite frankly, the service level and all of the people involved there are a great part of the expense of our agencies. And in the Health and Human Services our Madam President did talk about that and talked about we've been studying this for over 20 years and that they have documented in those 20 years that people who need services must often wade through a bureaucracy of agencies and uncoordinated programs to receive services. One family may have as many as three different state workers from three different agencies because the service and funds are not coordinated. Nursing homes or child care centers may be independently inspected by as many as three different agencies, who do not share their data, and there are different application procedures with different state agencies or divisions within an agency. And I'll tell you, that's where my real interest is on what we can accomplish with LB 1044. And, Senator Wesely, if you would yield. Senator Wesely, I don't know if you heard me talking about, my real concern and my support would come for 1044 if, indeed, we could accomplish the reduction in numbers of service workers and reduction in number of agency hoops, and how can you guarantee me that, indeed, this will happen with 1044?

SENATOR WESELY: Well, guarantees in any political issue are pretty tough to...tough to come by, but I can...all I can do is assure you that that is what I know the administration, the Governor and Lieutenant Governor, are committed to doing. I think that's what our committee is committed to doing; trying to eliminate the waste. We, on the committee, talked about this. The administrative structure and the duplication that has

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occurred there, and it carries on down into the caseworkers that have to go over and over with individuals who are seeking assistance, it makes no sense. So, obviously, the goal is to reduce that duplication.

SENATOR PIRSCH: I guess if at this debate we are truly sending a message to those who are going to be working on this for the next year, that would certainly be, I think, the primary and number one issue. I am not, frankly, happy with the superstructure as far as adding more advisory, but I did ask Lieutenant Governor Robak in committee whether this policy council, which will be advisory, will that replace the plethora of advisory councils that we have now in these agencies? We have far too many of these councils in these agencies. The Governor did not give me a direct answer, Lieutenant Governor, but that also is one of my concerns, that we if, indeed, are going to have a policy council, that it eliminate some of the other councils, in fact, I would say darn near all of those.

PRESIDENT ROBAK: One minute.

SENATOR PIRSCH: How can we get a handle on the rising costs in the Department of Health, particularly, Institutions, Social Services is exceptionally? Is the answer by creating one huge bureaucracy instead of two big, one tiny and two large? I guess I don't know and I think probably everybody in this body is hoping that it can be done, but I'm not...I'm not sure that...that it can. Department of Agency (sic) has 24 employees, Department on Aging; Department of Health, 440 employees; Department of Public Institutions, 3,166 employees; Department of Social Services,...

PRESIDENT ROBAK: Time.

SENATOR PIRSCH: ...2,029 employees; and only 208 in the Juvenile Services. Thank you.

PRESIDENT ROBAK: Thank you, Senator. Senator Klein.

SENATOR KLEIN: Thank you, Madam Chairman, members of the body. In my opinion, this bill is a litmus test for those who call themselves fiscal conservatives. This is one of the very few times we've ever seen a reduction that has not caused the recipients to bear the burden. This is an example of closing

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the stranglehold on programs. We will now be able to provide the services to people with one set of rules and only one caseworker, not three or four sets of rules and up to three caseworkers, whose full caseloads amount to intellectual welfare. Our public has asked for this type of streamlining. They are tired of filling out forms in up to five different agencies. We will also make much wiser use of our employees' time by letting them look up records on the computer, rather than refiling forms. It will also allow us to make sure of one other thing that we haven't talked about, and that's double-billing which is very easy to do when you have a computer system like we do now. Over the last 20 years, there have been something like 50 studies done to try and reorganize this thing, but we have never, since J.J. Exon, kept it in administration for eight years, be it either side of the aisle, and that is how this thing has finally come about, is we've had people that have been on the job for five years and learned how to work together. So I think it's time to get it done. We've got to contain what's a 12 percent growth in spending on this particular part of our government, which is two-thirds of the state budget, which means that if we are going to stay at 12 percent without doing anything, we are going to have to take 6 percent off the rest of the budget, and no one can do that. Senator Jones and other people have asked questions about the number of caseworkers. There is really no way you can put a definite handle on the number of caseworkers or number of anything that goes up and down. There may be a possibility that you will actually have more caseworkers, but perhaps less in the number of accountants, less managers, and things like that. Senator Dierks has asked a question on the date of the January implementation. The reason for that January, and I told the Senator that, was the fact that that makes...the law provides that they have got to supply one budget as opposed to five. So, and the question on jobs, any jobs to be eliminated will be through attrition and retraining. So this thing all takes place in the '97 to '99 budget, which has to be submitted in January. Thank you.

PRESIDENT ROBAK: Thank you, Senator Klein. Senator Beutler.

SENATOR BEUTLER: Senator Wesely, if I could address a couple of questions to you, again, to better understand how this would operate.

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PRESIDENT ROBAK: Senator Wesely.

SENATOR BEUTLER: And I want to look back at the provision that Senator Maurstad identified earlier with regard to the exemption of the 30 positions from the State Personnel System, and let me reiterate, or let me ask if I understand it correctly. Does this basically mean that with regard to these 30 positions the Governor, whoever he or she may be, he or she may be, can hire and fire at will? Is that essentially correct?

SENATOR WESELY: That's what the exemption would allow for, yes.

SENATOR BEUTLER: Okay. And the intention here is not that there be ten positions from each of the three, in each of the three divisions, but rather that it may be a different number in each of those three divisions depending upon what the policy group decides, the Policy Cabinet decides, is that correct?

SENATOR WESELY: That's correct, yes.

SENATOR BEUTLER: Okay. Let's, for the moment, let me ask you this. Let's say that there is a dispute about which positions those should be, and it goes to the Policy Cabinet. The Policy Cabinet is made up of four persons, is that correct?

SENATOR WESELY: That's right.

SENATOR BEUTLER: And the Policy Cabinet, how...how are decisions to be made in the Policy Cabinet? Is it a majority, or is it the Policy Secretary determines? If there is a dispute within the Policy Cabinet with regard to a particular decision, how is resolution attained?

SENATOR WESELY: Well, hopefully, we will have people of good will and conflicts will evaporate, but we all know that there will be conflict points, and each director will be in charge of their department. Of course, the Policy Secretary will attempt to bridge between those departments, and I would say if there was a...let's say the 30 ended up that one agency wanted 15 and the others wanted 10 each, so they didn't have enough, I would suggest that the 3 would sit down and ultimately the Policy Secretary's role is to lead them through a decision-making process. Should they reach an impasse, I think that's the role of the Governor to intercede and to...all of them are hired and

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fired by the Governor and, ultimately, the Governor can force resolution of any conflict.

SENATOR BEUTLER: Would, under this bill, would the Governor have the power to say how the Policy Cabinet decision-making process would work?

SENATOR WESELY: Ah...

SENATOR BEUTLER: If the Governor wanted, for example, to say that the Policy Secretary...I assume if...

SENATOR WESELY: That's right.

SENATOR BEUTLER: ..the Governor says that the Policy Secretary will resolve all disputes, that that's the way it will be and the Policy Secretary, in that event, will be a super...kind of superagency head.

SENATOR WESELY: That's...that could...

SENATOR BEUTLER: Is that accurate?

SENATOR WESELY: That could be. That...mean that's a possibility.

SENATOR BEUTLER: Okay, so, basically, the Governor is going to determine how that cabinet is going to operate.

SENATOR WESELY: As he does now with the agencies in terms of the directors.

SENATOR BEUTLER: Right. Okay. Senator, I think that's all. I guess one of the things I think we should think about is this provisions that exempts up to 30 positions from the State Personnel System. You know, to me this is one of those things that goes in historic cycles again, and at one time in this country, all...almost all positions were at the will of whoever the political person was making the appointment, and there was a lot of corruption, and the system didn't operate as we would like it to operate idealistically, that whoever appointed these positions appointed those who were best suited for the position but, rather, people got elected by promising jobs and sharing the goods, and that's a cynical view of politics, but that's...

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PRESIDENT ROBAK: One minute.

SENATOR BEUTLER: ...the way this country was for awhile. And I guess it seems to me that what we are doing here now is moving back more towards the spoils, the old spoils system. What assurance do we have that a particular Governor is going to be interested first and foremost in getting the very best people in those positions if, as a part of the political pressure of a campaign, he needed to have certain individuals on board, who, in turn, needed to have jobs? I mean that sounds very old-fashioned and a long time ago, but it is only old-fashioned and a long time ago simply because we made laws that prohibited that system from operating. And so, you know, here we are going back again in a sense. I don't know, I guess I want to think about...a little bit more about what we're doing, but I think we should be clear that there is a downside to this and that we ought not to operate on the assumption that whoever the Governor is will have the best...

PRESIDENT ROBAK: Time.

SENATOR BEUTLER: ...of motivations. Thank you.

PRESIDENT ROBAK: Thank you, Senator Beutler. Senator Warner announces that the following guests are visiting the Legislature. There are 65 fourth graders here from Hamlow Elementary in Waverly with their sponsors. They are all in the north balcony. Will you stand to be recognized, please. Welcome to the Legislature. Senator Hillman, your light is next, followed by Senators Witek, Bernard-Stevens, Hartnett, and Maurstad.

SENATOR HILLMAN: I call the question.

PRESIDENT ROBAK: The question has been called. Do I see five hands? I see five hands. The question before you is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Have you all voted?

SPEAKER WITHEM PRESIDING

SPEAKER WITHEM: Record, Mr. Clerk.

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ASSISTANT CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

SPEAKER WITHEM: Debate is ceased. Senator Wesely, to close on the motion to adopt the committee amendments.

SENATOR WESELY: Thank you. Mr. Speaker, members of the Legislature, we've talked a lot about the bill, itself. The committee amendments, again, the vast bulk of these many pages are simply taking current statutes and the reference changes on what departments are involved in this restructuring are referenced appropriately. So that's the bulk of it. The other changes, again, we changed the name of the Department of Standards and Evaluation to the Department of Regulation and Licensure, the thought being that is clearer in terms of the function of what it does. We also clarified that the option of not having a physician as head of the Department of Regulation and Licensure, would require that a doctor head up the oversight of health professionals, at least in that case. So that's included. We talk about the December report including the draft legislation that would follow up on the implementation of this bill. We talk about the need for expertise rather than just interest in health and human services to qualify to be appointed as a director of an agency. We also talk about strengthening the Policy Secretary's role, having them confirmed by the Legislature, and sharing both the Policy Cabinet and the partnership council, so that strengthens that Secretary role from what was previously in the bill. I hope you will support the committee amendments and ask for your adoption. Thank you.

SPEAKER WITHEM: Thank you. You've heard the closing. The question is the adoption of the committee amendments. All of those in favor of adopting the committee amendments vote aye; those opposed vote nay. Record.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SPEAKER WITHEM: Committee amendments are adopted. Anything further on the bill?

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER WITHEM: Senator Wesely, to open on the bill.

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SENATOR WESELY: Thank you. It has been a long discussion on the committee amendments, but those were the longest committee amendments that we'll ever see, I hope, in this Legislature. Let me...let me begin by thanking a lot of people that have worked very hard on this, and also thanking those who had questions in the debate on the committee amendments, and then I'm going to defer to Senator Klein after...after some discussion of the issue. As somebody who has been involved in this area now for 18 years, as I indicated, I have been on the Health and Human Services Committee for that long a time, this is the major step I have seen taken to try and address common problems that all of us through our work in the Legislature have seen either to some small degree or to a large degree, in some cases, as we've had agencies that have not always worked together well, computer systems that have not meshed well together, caseworkers that duplicate work, administrators duplicating work. We all know it's out there. We think that this is the way that we can make change that will, number one, improve efficiency and cut down the cost, and, number two, we should be able to do a better job of serving the needs of people in need in our state. That is...that is ultimately a double win for all of the state of Nebraska, and for those of us concerned about adequate services, I think this will help achieve that. Those of us concerned with the cost of government, I think this change will help to achieve that. Now the genesis of this idea, it takes many forms, but I should say that I think the Health and Human Services Committee last year finally reached the end of our rope with some of the problems that we saw with Medicaid, lack of cooperation that needed to exist in that particular field, so we had legislation to shift that out of the Department of Social Services. And that generated a great deal of interest, and the administration, the Governor, took an active interest in the need to address the problems they were aware of, and so our Lieutenant Governor, Kim Robak was put in charge of a study. There was a great deal of time spent with agency directors and Lieutenant Governor Robak on how we might address the problems. And they took what we had as an initial idea and expanded it in a much more comprehensive fashion which will bring together the pieces of human services across the state of Nebraska under an integrated system. I think that this is an attempt to evolve in a way that I think all of us know that we need to. It will be a struggle and there will be more steps that will have to follow, but I am absolutely convinced the direction is right. I also want to note that part of what we

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are talking about here had its genesis in an effort that some of us were involved in with the Danforth Foundation. There, Jessie Rasmussen, former senator, now Deputy Director of the Department of Social Services, our Speaker, Senator Withem, and Senator Bohlke, and I were all involved in trying to find a way to bring the health and human services together along with education, to help address what we needed to accomplish to serve the families in our state. The point of that effort and the point I think we are trying to make here is despite our best efforts, despite the money we're spending, we're still losing the war more than we should. We are winning some battles. We are saving some families. We are saving some individuals, but, over all, the war is not being won on trying to help our families in need, and we still have too many juveniles that are breaking the law, and we have too many of those with health needs going unmet, we have too many individuals that have poverty and not...unable to overcome that. So, time and again, you can run through the litany of problems in our society, and we are making some progress, but we are still not winning the way the way we should. And part of the problem is we've got to bring the pieces together and have a critical mass focused in on and addressing each family and each individual and trying to turn around their lives and help them reach their destinies. So I am very excited and positive about what we're doing here, and my years of experience tell me that this is a step that's long overdue and I am grateful that there's support for this, and I look forward to further discussion on the matter. I turn the rest of my time over to Senator Klein.

SPEAKER WITHEM: Senator Klein.

SENATOR KLEIN: Thank you, Mr. Chairman, members of the body. This is going to be focused on outcomes and managed by results instead of putting our resources, that's dollars, people and time, into any activity addressing a need. We will be focusing our resources on these activities that produce the desired results. Results-based accountability can replace or at least diminish the need for a centralized bureaucratic "micromanagement" and rigid rules. Outcome information can assure funders in the public that our investments are producing results. Agreement on desired results can facilitate cross-systems collaboration on behalf of children. Agreement on a common set of goals and outcome measures help promote a communitywide culture of responsibility for children and

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families. The focus on results clarifies whether allocated resources are adequate to achieve the outcomes expected by funders in the public. Why are we focusing on partnerships with communities? Generally speaking, the closer services are delivered to the persons receiving the services, the more responsive and effective the services. Community responsibility for and management of issues reflects the uniqueness, the strengths, the priorities of the citizens paying for the services, i.e., the taxpayers, as well as the recipients of health and human services. Some services are best delivered by state government, but others are best delivered by the private not-for-profit and private for-profit community. The shift to community, as well as results-based accountability, cannot be allowed to substitute for rock-bottom safeguards against fraud, abuse, poor services, and inequities or discrimination based on race, gender, disability, or ethnic background. I ask you to advance the bill. Thank you.

SPEAKER WITHEM: Thank you. For debating the motion to advance, Senator Robinson.

SENATOR ROBINSON: Mr. President, members of the body, I have a...I do stand in support of the bill, but I do have some questions, Senator Wesely.

SPEAKER WITHEM: Senator Wesely.

SENATOR WESELY: Yes.

SENATOR ROBINSON: I guess the first...first one, before I forget, there is going to be a lot of work done if this bill passes and I think it's going to. Are you going to be...your committee going to be monitoring what goes on from now on until that bill comes...comes before us next December or...?

SENATOR WESELY: Yeah, I think that our committee, I think the Appropriations Committee will be involved as well. I think your committee, Government Committee, should be involved, so I think...I think we will have anybody in the Legislature, practically, who is interested in having an opportunity to be part of the process.

SENATOR ROBINSON: But there will be meetings throughout to keep the Legislature informed.

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SENATOR WESELY: Yeah. Senator Robinson, it is similar to the welfare issue, which we passed the one year and then we worked through and came back the following year, and our committee was very much involved in that process. We will continue in this fashion with this issue.

SENATOR ROBINSON: I want to visit with the Policy Secretary, now we are cutting, what is it, from five to three, but we are adding another person back on then. Now what will be the pow...what power will this person have? I have read the thing but...

SENATOR WESELY: Well, they are to chair the cabinet. They are also the chair of the council, which is the private sector people that are involved. So that, as chair, they will have the oversight of trying to bring everybody together. They will not have ultimate authority of hiring and firing the directors of the other departments. They will, in fact, be under the Governor, as the other agency people are, but they're really the link, they are the glue. They are the bridge that is supposed to bring everybody together and get this system working.

SENATOR ROBINSON: Will that person be higher paid than the three directors of the departments? Who makes that decision?

SENATOR WESELY: Well, I think that's the Governor's decision, so it would depend on the circumstance. I don't know that it's clearly going to happen that way, but I see the Policy Secretary as the ultimate person held responsible for making the system work together.

SENATOR ROBINSON: Okay. Now we go, and Senator Avery alluded to this some, we have the partnership council. It would seem to me, I think this is very important, it seems to me that we ought to have...we ought to have.... Could I have a gavel, please?

SPEAKER WITHEM: Members, could you please give attention or cut down on the conversations, at the very least.

SENATOR ROBINSON: Okay, it would seem to me it's such an important group that it should be well spread throughout the state, maybe by the congressional districts in some way, and does it have to be people that have an interest in this? Why

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couldn't we just pick a good citizen out there to be on this board? As I read it, what...well, it says broad-based leadership, expertise and diversity. I could see where you might have...you may not have...a person may not have a lot of expertise but he could be a very good member of this council. I mean I guess I have a problem with picking people that all being heads of organizations that come down and lobby for their...they come to your committee all the time. I guess I have a problem with that. I think...I think we should designate people that, you know, they don't have a vested interest in it, and I have a problem with that.

SENATOR WESELY: Actually, if you don't mind, Senator Robinson, your thinking on that is exactly what the thinking is I think of myself and I know in conversations that I've had with the administration what they think. They would like to change the dynamics from having...

SPEAKER WITHEM: One minute.

SENATOR WESELY: ...each and every interest group having a slot to one where we have a partnership with the system that includes advocates for some groups, sure, some providers, but the public, the community leaders, the church leaders, maybe the city council, or the mayors. Whoever can fit together and help us achieve a partnership would be looked at, and so there is an evolution of thinking here. You are exactly on target.

SENATOR ROBINSON: Are you going to have an amendment on that?

SENATOR WESELY: Well, I think...I think really this does accomplish that but we can be more specific, if you'd like to.

SENATOR ROBINSON: Yeah, I'll visit with you. Thank you.

SENATOR WESELY: Okay.

SPEAKER WITHEM: Senator Maurstad.

SENATOR MAURSTAD: Thank you, Mr. President, colleagues. Let me indicate, first of all, that as it currently is, I am going to support 1044, and that way maybe my comments will be taken from a constructive perspective and not intended to be argumentative. I do have some concerns, such as Senator Dierks has expressed,

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relative to the starting point of January 1st. So, Senator Wesely, if we could exchange maybe a brief discussion, you can help me with the process again because, as you know, agencies are going to have to start working on the budget for the next two years I would assume in about August of this year, maybe even July, August, to have information ready for the Appropriations Committee in December, and then we will start working on going through that whole process in January. And if I am understanding the way that we have the partnership set up right now, is they're still going to be in the process of developing the rules and regulations and how...the details of the plan, and I am having a hard time understanding how they are going to be able to do both of those, get ready for the next two-year budget period and restructure this. And let me make the statement and then I'll let you comment. It would seem to me that if we were to put in place the rules and regulations and then begin to work on the budgeting aspect of that for the second year of the next two-year budget period, we might be able to coordinate those activities a little bit better, but that's just a sense that I have right now. And so maybe you could take a minute or so and share with me your thoughts on that aspect.

SENATOR WESELY: Well, this...this is almost a chicken and egg issue, trying to decide how we go forward. The thinking was that we set in motion the direction we want to go and emerging into three entities that are service directed or functionally directed. Then the elements of how that would happen would follow, so there is a massive amount of work to be done, Senator Maurstad. You are right about that and I don't know how much can get done by next session, but the budget, at least, by taking the different entities and keeping everything pretty much status quo, just realigning the administrative structures, I think that they can at least.... Well, problem is that you don't know ultimately how in '97 the Legislature will go. So you are going to have a little problem there because they could come in with a budget assuming certain changes in statute, but unless we get that done, there may or may not be a change in that budget, so...but that's kind of the way things are now. I mean budgets...

SENATOR MAURSTAD: So...so wouldn't that...wouldn't it be better then if we waited for the implementation then until after the Legislature (interruption)...

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SENATOR WESELY: With (interruption)...

SENATOR MAURSTAD: ...for the very reason you just indicated?

SENATOR WESELY: Well, the actual implementation of the changes to the service functions and some of the things we've been talking about that would actually lose personnel and make changes, that won't occur till at least July of '97, so that will be after the session.

SENATOR MAURSTAD: So will they be...will the next budget, are we going to have three budgets for the new three agencies, or are we going to have five budgets, as we have in the past starting out the next two-year budget period?

SENATOR WESELY: I think you will have, basically, one umbrella budget brought together. Even though the actual changeover doesn't occur January 1, there is no reason why the Governor can't start that integration early on. So I would assume that you won't have five budgets coming in in January. You'll have one that will be subdivided into those three entities.

SENATOR MAURSTAD: Okay. Well, I am still trying to get sorted out in mind whether we are going to be going...beginning the next two-year budget period with the idea that we're going to be going to the three...three agencies, as you've demonstrated here, and we'll go through the whole...

SENATOR WESELY: Oh.

SENATOR MAURSTAD: ...budgeting process based upon that, or whether or not we are just going to approve a continuing, I don't want to play off the feds, but continuing budget that we would then amend when we knew exactly what the three different agencies were going to...were going to do.

SENATOR WESELY: I have clouded the issue, and I apologize for that. No, definitely, there will be the three entities in the budget associated with the three entities because they will take effect in January 1 of next year.

SPEAKER WITHEM: One minute.

SENATOR WESELY: The question is that I was getting at was the

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finer print of that budget, and the more detailed information, and that will have to emerge over the course of the next session, and into the future. So, no, in terms of the three, yeah, they'll be coming in with a budget, not the five.

SENATOR MAURSTAD: Thank you. As I indicated at the start of this, I am supportive. I think that we need to work the best we can anytime we can...and we can reorganize government. We are asking the local governments to do that. I think we need to evaluate how the state is delivering their services, and I think that it's important as we do this that we try to make sure that we have specific goals and objectives, however, that we are trying to accomplish as we...as we move down this course.

SPEAKER WITHEM: Senator Witek.

SENATOR WITEK: Thank you. Just to follow-up on some of Senator Maurstad's concerns I guess on money, I would like to say that I can see that there is not a majority of people on this floor who will ask the big question and that's about people. And I know that the Governor has signed a pact with the union and the union is going to be brought along here, NAPE-AAFCSME, and they are talking about not losing one job over this consolidation and all of these other things, but I just had a conversation with Senator Wehrbein on costs, on saving costs. And, to me, costs are escalating in two areas. They are escalating in the programs that have gone through this floor and been approved by the majority of you on this floor, and that's where more and more people are accessing government monies because of more programs. And they've also, the costs have also increased tremendously, 12 percent or so a year, because of the cost of personnel, personnel in state government, the 37,000 or however many people we have working for state government right now. Now if you are going to combine these departments, five into three, and you are talking about efficiency and effectiveness, we are not just talking about paper. We are not just talking about paper. As Senator Wehrbein said to me, we're talking about four people who would be with one client, and I will use his terminology, client, although I don't like it, one client; one person will be helping that one client, and I said where is the other three people going to go. Well, they are going to go do something else for these agencies, these other three people are going to go do something else because we've already got a Governor and a Lieutenant Governor who have agreed and

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NAPE-AAFCSME to sign onto this bill and coming and testify in favor of it because we are not going to fire one person in state government. So these other three people are going to go do something else. So the big unasked question is here. If we're having tremendous increase in costs of state personnel for health care, for retirement programs, for days off, I mean that's increasing at the rate of 12 to 11 percent a year for all those people, and we're not going to cut one person out of all this, so that cost is still going to increase. So what are we going to do, not buy any more desks for anybody, or maybe have computers bought at a slower rate? Where are the costs going to...going to level out and stop here? If we are not going to stop the cost to the people, who we are supposed to be helping, if those costs are going to increase, naturally they do due to federal programs, and if we are not going to stop the costs due to the personnel in the delivery system, that's 80 percent of that delivery system, we are not going to stop those costs, we're not going to have any cost efficiencies and effectiveness. Yeah, for a couple of programs maybe we'll be able to have everybody go to one person for paperwork savings, and instead of going to three different departments, they will go to one different department, and then those two departments will split up whatever work that went to those workers, but, to me, we are going to an awful lot of trouble to make it look like we're doing something, when it doesn't look to me like we are doing anything. I mean I feel like Alice in Wonderland here with this bill going forward, and you guys already calling the question on it, and nobody wants to talk about it, and in the Office of Juvenile Services, their budget is ballooning at the rate of 5 million bucks a year, and then you've got a \$1.3 billion on this fiscal note, and you want two hours of discussion on it. I just keeping asking myself, what is going on here. To me, this, again, appears to be a totally political bill, that you've already had the union sign off on so we're not going to be cutting any personnel. We are going to be shuffling papers, and we are all patting ourselves on the back thinking we're doing something about controlling costs here, and I do not see where you are going to be controlling costs here. And I...and now people are saying, well, we are not actually going to be controlling costs, but it is going to be more effective and more efficient. What it looks like to me, as I read through here, is you are going to have costs ballooning because you are not only doing things here at the state government, but now you are going to be contracting with community services and doing all this

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other stuff that it says in this thing, so you've got all those costs increasing out there. If we are not talking about cutting costs here, I am all for saving some money, on doing a (interruption)...

SPEAKER WITHEM: One minute.

SENATOR WITEK: ...paperwork shuffling things here, but that's not what this bill says it is going to do. If that's all it's going to do, why can't we just tell the agencies to go ahead and start consolidating these things on their own? Go ahead, and you guys get out there and figure out how you can most...make this more efficient and more effective, and then give us some framework for that. And if you need legislation and approval through the Legislature, fine, we'll do it. I'll be more than happy to help you out if you're trying to cut down on some of your paperwork and everything else, but you're creating this "megabureaucracy" that seems to me like you're making a bigger problem than you need to have, and for what? What is the point here? I am not, I am sorry I'm obtuse, I am not getting the point here. We're not saving money. We're not cutting anybody's job. We're not cutting anybody out of the program. We're just combining everybody into one big place, and to me, I don't know what the purpose of combining everybody into one big place is exactly going to be, and I don't read it in the bill at all. So, I...I will be voting against advancement of...

SPEAKER WITHEM: Time.

SENATOR WITEK: ...the bill.

SPEAKER WITHEM: Senator Bernard-Stevens. Do I see five hands? I do. The question before the body is, shall debate now cease? All of those in favor of ceasing debate vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 25 ayes, 1 nay to cease debate, Mr. President.

SPEAKER WITHEM: Debate is ceased. Senator Wesely to close.

SENATOR WESELY: Thank you, Mr. Speaker, members. On behalf of Speaker Withem, and Senator Klein, who picked this as his priority, and all the cosponsors of the bill, and those who worked on it, I want to extend my appreciation to all who rose

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and talked on the issue, whether you raised questions or concerns, or what-have-you, because I think it was very helpful and illuminating. There are a lot of questions that remain to be answered, I understand that, as we go through the legislation, but I think clearly we are headed in the right direction. There is a lot of reasons for this bill, and even though Senator Witek may not get the point or understand particularly what we are trying to do here, I want to reiterate what I see is happening. We've got a Congress that is saying we can't afford the sort of spending that we've had in the past, we must cut back. And, primarily, what they are talking about are health and human services; they are talking about Medicaid, they are talking about welfare, they are talking about other areas in which these agencies are primarily responsible. We have got to get our act together to respond to the federal changes, to be ready for those changes, to have every dollar saved that we can in meeting the needs of people by providing services. This is the step we've got to take because we are in for change. The Congressional changes, the federal changes, whether large or small, will occur to some degree or another. So to get ready for that, this is one step that we need to take. But even if that wasn't looming out there, and that isn't the reason that we started on this path; it's that we know at the state level we had a problem and we need to get our act together in any event. And by doing so, by getting our state agencies together, by getting them to work together, we carry through in the regional delivery systems, they get their act together, and they work with the communities. And the whole thing that I see as ultimately evolving out of this is that our communities can take hold of and grab hold of and take...take charge of the problems they have in dealing with those in need in their communities, whether they have criminal justice needs, whether they have poverty needs, health care needs, other types of unmet needs that are now having such a difficult time being achieved. We have tried to take, at the state level, and categorically address those. Now we need to functionally address those and bring together all those elements that attempt to serve people in this state, and have them working together, and empower communities to come up with plans that will achieve their needs, and I think go farther than anything the state can do, anything the federal government can do, anything we can do at the regional level. It is best left at the community level, but we can't get there from here without this bill. We can't get the pieces pulled together to get the picture that can clarify what

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we need to do to address these problems. So if the state, if we don't take this step, we can't just tell the agencies try and work together and see what you can do, we've tried that. It can't happen. We've got statutes, we've got 480 pages of statutes that tell them they can't work together. We've got the statutes as barriers to allowing people to work together. So we change that. We bring those together in the right fashion with these agencies. Now they are able to sit down, and instead of having this conflict and these barriers, now they can cooperate. Now they can achieve together what they couldn't do separately and, in my view, it will be one of the major changes that I've ever seen, that any of us in the Legislature will ever see in state government. This is a big deal. This is a big bill. It's half the state employees. It's about half of the state budget when you take the university out of it. It is the major bulk, the backbone of state government, and it is the backbone of the kind of services that we provide to people across the state of Nebraska who are in need, and that need can stretch from those who are very young, are children, or all the way to those who are elderly and in need of a nursing home. That's who we cover, just about anybody in the state. Now we'll be able to, with this legislation, go much farther, take every dollar and stretch it, and I think, in my view, be able to meet the federal changes, being able to meet the needs of the local families and communities, and do it in a better fashion. So, again, there's a lot of work that has gone into this. My thanks to all those who have, and I hope for your support in advancing the bill. Thank you.

SENATOR COORDSEN PRESIDING

SENATOR COORDSEN: Thank you, Senator Wesely. You've heard Senator Wesely's closing. The issue before the body is the advancement of LB 1044 to E & R Initial. Those in favor please vote aye, those opposed no. Record, Mr. Clerk.

CLERK: 33 ayes, 1 nay, Mr. President, on the advancement of 1044.

SENATOR COORDSEN: The bill is advanced. Items for the record, Mr. Clerk.

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they've carefully examined and engrossed

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SENATOR COORDSEN: There has not. There is a request for a roll call vote. Senator Schellpeper, Senator Warner, Senator Wesely, Senator Schrock, Senator Lindsay, please report to the Chamber and record your presence. Senator Lindsay, please, we need your presence in the Chamber. The house is under call. And there is Senator Lindsay. The issue before the body is the amendment, the Robak amendment to the committee amendments of LB 349. There has been a request for a roll call vote. Mr. Clerk, call the roll.

CLERK: (Roll call vote taken. See page 763 of the Legislative Journal.) 17 ayes, 18 nays on the adoption of the amendment.

SENATOR COORDSEN: The Robak amendment is not adopted. Further items, Mr. Clerk.

CLERK: Mr. President, I have a priority motion. May I read...

SENATOR COORDSEN: Before...before we get to that, do you have items for the record, Mr. Clerk?

CLERK: I do, yes, Mr. President, thank you. Amendments to be printed: Senator Withem to LB 964, Senator Schmitt to LB 1055, Senator Robak to LB 349. Senator Maurstad would move to place LB 952 on General File notwithstanding the action of the Judiciary Committee. A communication from the Governor to the Clerk. (Read. Re: LB 469, LB 890, LB 891, LB 892, LB 893, LB 894, LB 895, LB 896, LB 897, LB 898, and LB 899.) Senator Bohlke would like to add her name to LB 1044, and Senator Schimek to LB 1058. That's all that I have, Mr. President. (See pages 763-64 of the Legislative Journal.)

Senator Robak has a priority motion.

SENATOR COORDSEN: Mr. Clerk.

CLERK: She would move to adjourn until February 13 at nine o'clock.

SENATOR COORDSEN: You heard the motion to adjourn. All those in favor say aye. Opposed no. We are adjourned.

Proofed by: Jody Hurlbut

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YOUTH RE-ENTERING LANCASTER COUNTY AFTER COMMITMENT TO A STATE YOUTH REHABILITATION CENTER



Juvenile Justice Institute
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INTRODUCTION

The number of individuals in prisons and jails is at an all-time high, and the vast majority will be released back into their communities at some point. An estimated five million individuals were on probation or parole at the end of 2010, and each of these individuals will face a number of issues and obstacles upon their return. Often they lack services and the support necessary to succeed. In April 2008, Congress signed into law The Second Chance Act (SCA), in order to address the lack of support and services for individuals re-entering our communities.

Lancaster County, Nebraska received a planning grant to address the number of juveniles re-entering the community. From October 2011 to September 2012, Lancaster County developed a Reentry Team and set out to establish a baseline of the needs for youth re-entering the community after placement at one of the state's Rehabilitation Treatment Centers (Kearney or Geneva), to determine gaps in services. They also hoped to establish baseline recidivism rates.

DATA QUALITY AND RESEARCH QUESTIONS

To assist the Reentry Team with this process, the Juvenile Justice Institute (JJI) reviewed 150 electronic records of youth from Lancaster County who were discharged from either YRTC Geneva (75 youth) or YRTC Kearney (75 youth). JJI also examined hardcopy files from 25 of the youth placed at Geneva. To establish a baseline, researchers examined four key research questions:

1. What are youth's needs as they re-enter Lancaster County? (as indicated by the Youth Level Services/ Case Management Inventory and review of files);
2. How well do we prepare youth and families for the youth's return (as indicated by family team meetings); and
3. How often do youth recidivate, indicated by the number of times a youth returned to the YRTC facility.
4. How effectively do we work as a community to ensure that re-entry services are available for youth returning to our community (using a collective impact philosophy)?

MEASUREMENT TOOLS

In Nebraska, system-involved youth are often assessed using the Youth Level Services/ Case Management Inventory. The YLS is derived from the Level of Service Inventory Revised (LSI-R), a standardized risk assessment for adult offenders created by Andrews and Bonta (Thompson & Pope, 2005; Bechtel, Lowenkamp & Latessa, 2007). There are a handful of studies that demonstrate the predictive validity of the YLS/CMI. Bechtel, Lowenkamp and Latessa (2007) examined the relationship between recidivism and YLS/CMI scores by assessing 4,482 cases where juveniles were serving both community-based and institutional sentences. They chose these divergent settings to determine whether the tool was truly effective in identifying different risk levels. Their findings indicate that the YLS/CMI is effective at predicting juvenile recidivism for youth in both community settings and institutional settings. For most of the 150 youth, JJI was able to examine YLS/CMI scores at two points of time:

- The first YLS on record was selected because it reflects the youth's needs as he or she entered the system.
- The YLS score at exit, generally sixty days after release from the YRTC.

Family Team Meetings

The analysis of Family Team Meetings included a smaller random selection of twenty-five files. JJI examined the notes that case workers enter into the Family Team Meetings section of NFOCUS. Researchers then utilized qualitative software that facilitated content analysis. Family team meeting documentation ranged from 2 to 31 pages per file. Within the files, JJI coded 691 individual codes in 44 code categories. We were specifically looking for the regularity of the meetings held, the persons present and the subjects discussed, so that we could analyze if the family team meetings helped prepare the youth for reentry.

Recidivism

Data for our examination of recidivism was provided by the YRTC facilities and included a count of youth who had been recommitted to YRTC after the initial release.

Collective Impact

Collective impact refers to the "commitment of a group of important actors from different sectors to a common agenda for solving a specific social problem (Kania and Kramer 2011). To assess Lancaster County's capacity to develop a common agenda for youth re-entering our community, we tracked attendance patterns and five elements present in groups that operate using collective impact. The key components of effective collective impact include: a common agenda, shared measurement systems, mutually reinforcing activities, continuous communication, and backbone support organizations (Kania and Kramer 2011).

ASSESSING NEED BASED ON YLS SCORES

On average, Lancaster County youth re-entering the community had the YLS assessment conducted 4 separate times during their juvenile justice system involvement. Of the 150 youth we examined, their first YLS assessment was done at an average age of 15.5 (ages ranged from 12 to 19). The average aggregate YLS score was 20.1 with a range from 2 to 35. (Higher scores indicate higher levels of need and risk.)

Youth showed the greatest need in four domains:

- Education and Employment Needs ($m=3.7$)
- Personality and Behavior ($m=3.6$)
- Family Circumstances and Parenting ($m=3.4$)
- Peer Relations ($m=3.1$)

Although there were some differences in mean scores across gender, there were only two domains where males and females demonstrated significantly different YLS scores.

- Young women released from Geneva demonstrated a higher level of need in leisure and recreation ($p<.05$) at the time they were assessed.
- Young men released from Kearney demonstrated a higher level of need in the area of education and employment ($p<.05$) at the time they were assessed.

Table 1: Average YLS Scores By Gender and Domain

	Family Circumstance	Education & Emp.	Peer Relations	Substance Abuse	Leisure & Rec	Personality & Behavior	Attitude & Orientation
Males	3.2	3.9	3.0	1.9	1.8	3.8	2.2
Females	3.6	3.4	3.2	1.7	2.1	3.4	2.1

ASSESSING NEED BASED ON CPS HISTORY

We also examined the families' contacts with Nebraska Health and Human Services' Child Protective Services (CPS), and court involvement, to assess a families' potential need for services. The families and youth involved in this sample had multiple contacts with the system, and most could be defined as "Cross-over Youth¹." Of the 150 youth in this sample, 131 youth (87.3%) had a history of CPS contact as a victim of abuse and/or neglect. On average, youth had 5.34 CPS calls prior to entry into YRTC (calls related to that specific child). When we examined CPS contact by family (and did not limit it to the specific child placed at the YRTC), families (of youth in this sample) had a mean of 7.85 contacts with CPS.

Children that are a part of the child welfare system have a higher likelihood of becoming a juvenile delinquent (Herz, Lee, Lutz, Stewart, Tuell, Wiig, Bilchik, and Kelly, 2102). This is especially the case when the child welfare involvement continues into young adulthood. The average age of the first contact with CPS for youth re-entering after YRTC was 13.2 years old and ranged from 5 to 18.7 years of age.

Recent studies show that persistent maltreatment extending from infancy to adulthood and maltreatment during adolescence are significantly correlated with increased risk of juvenile delinquency and criminality (Thornberry, 2008). Many maltreated youth cross over from the child welfare system into the juvenile justice and other systems of care. Child abuse and neglect increase the risk of any arrest of a juvenile by 55 percent and the risk of committing a violent crime by 96 percent (Widom, 1989).

ASSESSING STABILITY BASED ON PLACEMENTS

Vulnerable young people face even greater obstacles to success when they are involved in more than one system of care (Altschuler, Stangler, Berkley and Burton, 2009). The majority of youth in this sample experienced numerous placements in their lifetimes, making them even more vulnerable. The total number of placements a youth had experienced ranged from 1 to 41 (per individual child), with an average of 11.3 per child.

Again, there were significant differences between males and females, with young women having the higher average number of out of home placements: females had an average of 12.2 placements while men had an average of 10.3 placements. Additional research should be done to determine whether there are gender differences in pre-YRTC placement.

¹ Research has demonstrated that juveniles who experience abuse and neglect often cross over into delinquent behavior. The Center for Juvenile Justice Reform (CJJR) has developed a practice model that recommends particular principles to reduce the number of youth who crossover between the child welfare and juvenile justice systems.

ASSESSING CURRENT REENTRY POLICY

The current Nebraska Department of Health and Human Services Reentry Policy has many evidence based practice (EBP) elements designed to facilitate successful reentry. For instance, family team meetings should occur monthly with the youth's support group to discuss the youth's transition back to the community. The document has a clear definition of a family team meeting:

- The people present should always include the youth, family, informal and formal supports, and JSO/FPS.
- Discussions should include placement for the youth after the facility.
- Any changes in these plans should be discussed with the youth and other members of the team. The JSO/FPS should discuss progress and needs of the youth and should help the youth follow their individual treatment plan to help with their transitioning. This individualized treatment plan should be discussed at the meetings as well.
- If pre-placement furlough is available, the youth is expected to re-enroll in school, apply for employment, set up treatment, and get acquainted with the reentry placement setting. A checklist is given to the youth when they are on furlough that they must complete. According to the policy it is unclear as to what this checklist includes.

Deficits within the DHHS Policy include a lack of assigning responsibility and specific guidance. For instance, if a youth is given a list of expectations (services to be set up either on furlough or at reentry) there is no indication of who is responsible for arranging the services or if the youth receives any assistance. Similarly, there is no listing of services or resources available in the community.

ASSESSING FREQUENCY OF FAMILY TEAM MEETINGS

To see whether family team meetings met each of the elements, we examined the content of 25 files. First, we examined how often family team meetings occurred.

- Only two of the 25 files reviewed had documentation of transition planning discussions during the monthly meetings (8% of files reviewed).
- Few meetings met the definition of a family team meeting (as defined by DHHS Policy). Only 7 of the 75 (9.3%) of the youth discharged from Kearney had meetings that met the definition, and only 5 of the 75 youth (6.6%) of the youth from Geneva. One reason for this may be because the policy appears fairly new. It also may be a definitional issue.

Table 2 (on the next page) indicates the team meetings that the YRTC classified as a family team meeting.

Facility	Total # of FTM's	# Total Youth
Kearney	8	7
Geneva	8	5

The differences in definition became clear when the Institute counted narratives labeled "Family Team Meetings" in NFOCUS. Table 3 illustrates the number of meetings caseworkers labeled as family team meetings. Part of the reason for the disparity is that meetings that occurred before DHHS policy was enacted do not qualify under the current DHHS definition. Another aspect involves timing – many family team meetings documented in table 3 occurred after the youth was released.

Facility	FTM's BEFORE YRTC	FTM's AFTER YRTC	Total FTM's	# Total Youth
Kearney	217	282	499	70
Geneva	337	291	628	67
Total	554	573	1127	137

ASSESSING CONTENT OF FAMILY TEAM MEETINGS

Unfortunately, some of the narratives labeled as a family team meeting lacked content that we would anticipate in a reentry planning meeting. One clear example of this is when a youth is neither present nor discussed during the meeting. Although it is appropriate to discuss a sibling or parent's progress during the family team meeting, this should be in the context of the youth's release. In 32% of the files reviewed, (8 of the 25), the team meeting was a combined family team meeting with siblings involved in some of meetings.

We also coded transition discussions following the DHHS Policy as a guideline for desired topics (placement, education, needs, furlough, etc.), and found the following:

- **Timing:** In some cases the planning process did not begin until shortly before the youth's release from the YRTC.
- **Participation:** In 53 different meetings (21 of the 25 files), it was clear that critical participants (like the youth or a parent) were not present.

- Placement: Often the team discussed problems the youth was having within the facility or at the placement after YRTC.
- Education: This area was addressed with regularity, and fell into two categories:
 - i. the youth's education while in facility,
 - ii. transition planning for returning to the community,
- Employment Needs. Individual youth almost never had a specific plan for employment. Documented meetings generally occurred *after the youth had already returned to the community.*

Despite limitations, some files had good examples of reentry planning and discussion: 18 of the 25 files, or 72%, contained at least some team discussion of the youth's reentry and specific transition planning prior to release. In 28% of the files, there was little evidence of transition planning for the youth.

LIMITATION OF CODING NFOCUS DOCUMENTATION

Clearly our analysis of the data and the narratives is only as good as the case worker's data entry into the state's system (NFOCUS). It was very clear that some caseworkers document better than others. But it may also be that those caseworkers hold family team meetings that adhere to DHHS policy AND document better. We saw certain patterns of repetition, like the same statement repeated multiple times: "Johnny will need to enroll in school when he returns to Lincoln." It might be that the case worker had more in depth discussion about Johnny's education and simply did not document it well.

RECIDIVISM

One final element of the baseline that Lancaster County sought to establish was a recidivism baseline. The Reentry Team defined recidivism as "a return to secure confinement with either a new adjudication/conviction or as the result of a violation of the terms of supervision within 12 months of initial release."²

"Secure Confinement" was defined as a "return to one of the Youth Rehabilitation Treatment Centers (Kearney or Geneva), or an adult facility, for a new conviction. "Violation of terms of supervision" includes revocation or violation due to a new law violation, or as the result of a technical violation (miss curfew, truant from school, and fail to report, on run).

² Recidivism has since been re-defined as a "Conviction or adjudication of a misdemeanor II or above in adult court, subdivision 1 or above in juvenile court within one year of successful release from supervision. (Release from supervision is the date that they receive their successful release letter).

The group discussed the use of detention to stabilize youth and prevent them from being officially recommitted or committing a new law violation. For planning purposes (and to assess utilization of resources), data was gathered on youth in this sample who were booked into juvenile detention.

DATA QUALITY AND AVAILABILITY

Data on youth released and readmitted to YRTC Geneva and YRTC Kearney were reported by each of the facilities. Lancaster County Juvenile Detention Center staff provided a list of all youth admitted to their facility between 2007 and 2012.

READMISSIONS TO A YOUTH REHABILITATION FACILITY

Of the 150 youth released from a Youth Rehabilitation Center, 61 youth or 40.7% were subsequently readmitted to the same facility. Of the youth who are recommitted, many (41%) are recommitted within the first year after being released (25 of the 61 total). When examined by gender and facility, we found that only 10.7% of the young women (8 of the 75 released) were recommitted to the facility. When a young woman is recommitted within the first year of release, on average it occurs at six month post release (151 days). Of the 75 most recently released young women, all of the commitments (8) were for a new law violation.

Young men demonstrated a different pattern: 29.3% of the young men released from Kearney end up recommitted to the facility (22 of the 75 released). Roughly 91% of young men who are recommitted are sent back within the first year (compared to 63% of young women). Of the young men who are recommitted, the average number of days from release to recommitment is 229 days. Technical violations were the most common reason that young men were recommitted to YRTC Kearney, explaining 77.3% of commitments (Table 4 and Table 5).

Table 4: Youth Recommitted By Facility					
Facility	Total # of Youth Readmitted	# Total Youth Released	Total # of Youth Readmitted w/i first year	New Law Violation	Technical
Kearney	22 (29.3%)	75	20	5 (22.7%)	17 (77.3%)
Geneva	8 (10.7%)	75	5	8 (100%)	0

Table 5: Technical Violations Cited as reason to Recommit to Kearney
Possession of Drugs
Auto Theft
Assault/Parole Violator
Disturbing the Peace
Auto Theft/Parole Violator
Possession of Drugs/Parole Violator
Possession of Drug Paraphernalia/Parole Violator
Criminal Mischief
Assault/Sherman County
Possession of Drugs/Parole Violator
Vandalism/Parole Violator
Criminal Mischief/Parole Violator
Assault
Burglary/Parole Violator
Possession of Drugs/Parole Violator
Criminal Mischief

YOUTH BOOKED INTO JUVENILE DETENTION

From July 2007 to May 2012, youth in this sample (150 youth) were booked into the Lancaster County Juvenile Detention 120 times. Eighty-eight occurred within the first year of release, 24 in the second year, and 8 in the third year post release. The average length of stay for the youth first placement (post YRTC) was 4.23 days. Subsequent average lengths decline sharply, at .93 and then .55 average length of stay for the 150 youth in this sample. The Reentry Team discussed the use of local detention facilities as a means of stabilizing youth –over a period of days – to prevent serious behaviors that could potentially return the youth to the state facility. Future reentry discussion should address the use of detention, explore non-secure detention and determine whether there are other means of stabilizing youth in the community. The economic ramifications and reallocation of funds should also be discussed at that time.

COLLECTIVE IMPACT AND SHARED AGENDA

For a community to make significant reform to its juvenile justice system, a group of committed and influential leaders must come together and share a common vision or agenda. Too often juvenile justice providers operate in a world of “isolated impact” (Kania and Kramer 2011). That is, we work in silos and impact only the small group of people directly around us. This environment is a reality in a world of decreasing budgets, but is not the most efficient way to serve youth or create

change. Collective impact refers to the “commitment of a group of important actors from different sectors to a common agenda for solving a specific social problem (Kania and Kramer 2011). To assess Lancaster County’s capacity to develop a common agenda for youth reentering our community, we measured the key components of effective collective impact. These include: a common agenda, shared measurement systems, mutually reinforcing activities, continuous communication, and backbone support organizations. Lancaster County served as the backbone support agency, completing all necessary grant reports and payments and provided a consistent, neutral, and comfortable meeting site. Similarly, a private consultant arranged consistent meetings and established continuous communication with the Reentry Team. These elements of collective impact were straight-forward and easy to measure and provided an excellent base for the group to work from.

The remaining three elements (a common agenda, shared measurement systems, and mutually reinforcing activities) were more difficult to measure. Professionals may tacitly agree in meeting, but not really see eye-to eye or share a common vision with the group. Consequently, we analyzed whether the group had a common agenda by examining attendance at meetings. As a general rule, individuals will limit interactions or not participate fully if they do not agree with or internalize the goals (Smith, D., Heckmeyer, C. Kratt, P., and Mason D., 1997).

A total of 8 Reentry specific meetings took place from November 2011 to August 2012. The first meeting, held in October 2011, was not included in our evaluation because it was an introductory meeting on the reentry project. Meetings were not held in January 2012 (due to conflicting schedule with legislature) and May 2012 (due to the planning conference in Washington D.C.).

Agency	Meetings Attended	%
HUB	8	100%
YRTC-K	8	100%
JJI	8	100%
YRTC-G	7	87.5%
OJS	7	87.5%
DHHS	7	87.5%
Lancaster County	7	87.5%
Detention	7	87.5%
Probation	6	75%
Department of Education	6	75%
Project Everlast	4	50%
LPS	4	50%
KVC	2	25%
Families Inspiring Families	1	12.5%

Overall, key professional agencies were involved and the project moved forward after the legislative session ended. Table 6 demonstrates attendance patterns from key agencies over planning grants' time frame.

Attendance patterns demonstrate an overall commitment to a shared agenda. Agencies representing the youth "voice" had more difficulty attending meetings, likely due to the times meetings are scheduled (rather than a lack of consensus with the group). Future efforts work may want to examine other methods (emails, surveys) for including the youth perspective.

Political stress also influenced attendance. For example, in 2012, the Nebraska Department of Health and Human Services (DHHS) underwent dramatic changes in the privatization of child welfare and case management. Consequently, a handful of professionals that showed deep commitment early on, stopped attending meetings due to changes in the system. One of the key DHHS contacts changed jobs a few months into the process. She was critical in explaining the data collection process through NDEN and NFOCUS. She was very knowledgeable on field operations. Although other DHHS workers filled her place in upcoming meetings, there was a lack of consistency. Similarly, a key DHHS decision maker was unable to attend some meetings because her presence was needed in the legislature. One meeting was rescheduled, but others moved forward and were not as productive without a key decision maker.

Although the Reentry Team did not always reach consensus or agree to a shared measurement system, they agreed to keep working. In one of the final meetings of the Lancaster Reentry Pilot, the Reentry Team agreed to develop smaller workgroups to work through some of these issues and bring the consensus back to the larger group.

CONCLUDING REMARKS AND RECOMMENDATIONS:

The cohesion and dedication of the Reentry Team demonstrated an overall common agenda: for Lancaster County to better meet the needs of youth returning to their community, in order to prevent youth from deeper involvement in the juvenile or criminal justice system.

Four key recommendations will assist the Reentry Team in maintaining the momentum they have gathered over the past year:

1. Youth included in this sample had a high number of placements in their relatively short lifetimes. Every attempt to provide consistent community-based services that focus on the high need areas (Education and Employment Needs, Personality and Behavior, Family Circumstances and Parenting and Peer Relations) will help to stabilize the lives of the youth involved in the system.
2. Future work should find ways to incorporate the perspective of system-involved youth. If attendance at professional meetings is not feasible, -- email surveys, web conferencing, paper surveys or some other means should be incorporated.
3. Future team discussion should address the use of detention, and whether there are other means of stabilizing youth in the community, as well as the economic ramifications of this change.
4. Smaller workgroups across multiple agencies and stakeholders should be convened to continue work in each of the areas identified by the team. For example, data must be collected on critical variables like graduation rates, or GED attainment, employment, programming options, and recidivisms rates. This data will help inform future efforts toward a shared data system and will help identify where gaps in services exists.

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Nebraska Juvenile Correctional Facilities Master Plan Update

FINAL REPORT

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Steering Committee

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EXHIBIT

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INTRODUCTION

In September, 2006 the Nebraska State Building Division contracted with Carlson West Povondra Architects and Chinn Planning, Inc. to update the 1999 Office of Juvenile Services Facilities Master Plan, which was completed by the same firms. Specific requirements of the updated master plan included a review of substance abuse treatment needs, with particular focus on methamphetamine treatment needs. A review and assessment of services provided to juveniles at the Hasting Regional Center was included in the master plan update, in addition to the two Youth Rehabilitation and Treatment Centers at Kearney and Geneva that were included in the 1999 Facilities Master Plan.

A series of meetings were held with the Project Review Committee, which included the following members:

PROJECT ADVISORY COMMITTEE MEMBERS

1. Ms. Kim Hawekotte, Administrator (Former) – *Nebraska Office of Juvenile Justice*
2. Mr. Mike Reddish, Program Specialist - *Nebraska Office of Juvenile Justice*
3. Mr. Fred Zarate, Architect - *Nebraska DAS State Building Division*
4. Mr. Dennis Summers, Planning & Construction Manager -
Nebraska DAS State Building Division
5. Mr. Tim O'Dea, Facility Administrator -
Youth Rehabilitation & Treatment Center - Kearney
6. Mr. Dan Scarborough, Facility Administrator -
Youth Rehabilitation & Treatment Center - Geneva
7. Dr. Don Belau, PhD., Psychologist
Youth Rehabilitation & Treatment Center – Geneva
8. Ms. Marj Colburn, Facilities Operation Officer - *Hastings Regional Center*
9. Ms. Lori Harder, Administrator - *Nebraska Office of Protection and Safety*
10. Mr. Todd Reckling, Administrator - *Nebraska Office of Protection and Safety*

The first meeting was held to discuss the project focus and key issues. The second meeting was held to review an assessment of juvenile justice system trends, programs and services, and facilities as well as projected capacity requirements. A third meeting was held to discuss preliminary recommendations and facility options. The final meeting was held to review the DRAFT Report and make presentations to appropriate officials in the Nebraska Health and Human Services System and the Nebraska State Building Division.

This report contains the following sections:

- *Section I Introduction*
- *Section II Overview of the Office of Juvenile Services in Nebraska*
- *Section III Juvenile Justice System Growth Trends*
- *Section IV Office of Juvenile Services Operational Assessment*
- *Section V Youth Rehabilitative Treatment Center (YRTC)
and Hastings Regional Center Facilities Assessment*
- *Section VI Projected Capacity Requirements*
- *Section VII System, Operational, and Capacity Recommendations*
- *Section VIII Facility Options and Cost Estimates*

- Appendix A Juvenile Justice System Trends by County and Service Areas*

OVERVIEW OF THE OFFICE OF JUVENILE SERVICES IN NEBRASKA

Mission Statement

The Mission Statement of the Office of Juvenile Services is:

JUVENILE JUSTICE SYSTEM MISSION AND GOALS

It is the intent of the Legislature that the juvenile justice system provide individualized accountability and individualized treatment for juveniles in a manner consistent with public safety to those juveniles who violate the law. The juvenile justice system shall also promote prevention efforts through the support of programs and services designed to meet the needs of those juveniles who are identified as being at risk of violating the law and those whose behavior is such that they endanger themselves or others. The goal of the juvenile justice system shall be to provide a range of programs and services which:

1. Retain and support juveniles within their homes whenever possible and appropriate;
2. Provide the least restrictive and most appropriate setting for juveniles while adequately protecting them and the community;
3. Are community-based and are provided in as close proximity to the juvenile's community as possible and appropriate;
4. Provide humane, secure, and therapeutic confinement to those juveniles who present a danger to the community;
5. Provide follow-up and aftercare services to juveniles when returned to their families or communities to ensure that progress made and behaviors learned are integrated and continued;
6. Hold juveniles accountable for their unlawful behavior in a manner consistent with their long-term needs;
7. Base treatment planning and service provision upon an individual evaluation of the juvenile's needs;
8. Are family focused and include the juvenile's family in assessment, case planning, treatment, and service provision as appropriate;
9. Provide supervision and service coordination, as appropriate, to implement and monitor treatment plans and to prevent reoffending;
10. Provide integrated service delivery through appropriate linkages to other human service agencies, and,
11. Promote the development and implementation of community-based programs designed to prevent unlawful behavior and to effectively minimize the depth and duration of the juvenile's involvement in the juvenile justice system.

Responsibilities of the Office of Juvenile Services

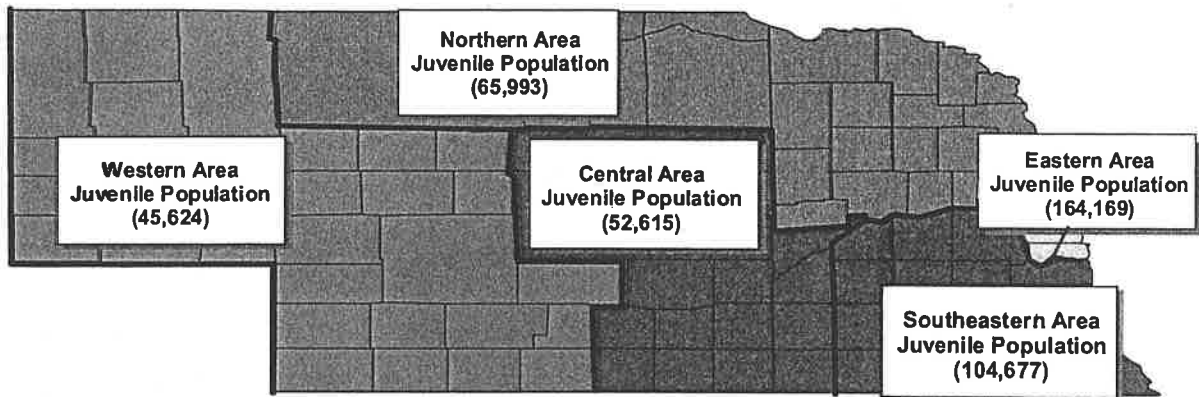
The responsibilities of the Office of Juvenile Services include oversight and management of daily operation at the state's two Youth Rehabilitation and Treatment Centers (YRTC's), supervision of youth committed to state custody placed in residential and non-residential community supervision programs, parole supervision, providing evaluation services for youth committed to state custody, and case management and coordination of programs and services in the juvenile justice system with other governmental agencies. The specific administrative duties of the Office of Juvenile Services, as provided in statute, include:

- 1) Manage, establish policies for, and administer the office, including all facilities and programs operated by the office or provided through the office by contract with a provider;
- 2) Supervise employees of the office, including employees of the facilities and programs operated by the office;
- 3) Have separate budgeting procedures and develop and report budget information separately from the Department of Health and Human Services;
- 4) Adopt and promulgate rules and regulations for the levels of treatment and for management, control, screening, evaluation, treatment, rehabilitation, parole, transfer, and discharge of juveniles placed with or committed to the Office of Juvenile Services;
- 5) Ensure that statistical information concerning juveniles placed with or committed to facilities or programs of the office is collected, developed, and maintained for purposes of research and the development of treatment programs;
- 6) Monitor commitments, placements, and evaluations at facilities and programs operated by the office or through contracts with providers and report its findings annually to the Legislature. The report shall include an assessment of the administrative costs of operating the facilities, the cost of programming, and the savings realized through reductions in commitments, placements, and evaluations;
- 7) Coordinate the programs and services of the juvenile justice system with other governmental agencies and political subdivisions;
- 8) Coordinate educational, vocational, and social counseling;
- 9) Coordinate community-based services for juveniles and their families;
- 10) Supervise and coordinate juvenile parole and aftercare services; and,
- 11) Exercise all powers and perform all duties necessary to carry out its responsibilities under the Health and Human Services, Office of Juvenile Services Act.

Service Areas

The Office of Juvenile Services delivers services within the five Service Areas shown in Figure 2-1.

**Figure 2-1
Office of Juvenile Justice Services
Five Service Areas**



Counties in Each Service Area				
<u>Western</u>	<u>Central</u>	<u>Northern</u>	<u>Southeastern</u>	<u>Eastern</u>
■ Arthur	■ Adams	■ Antelope	■ Butler	■ Douglas
■ Banner	■ Blaine	■ Boyd	■ Cass	■ Sarpy
■ Box Butte	■ Buffalo	■ Boone	■ Fillmore	
■ Chase	■ Clay	■ Brown	■ Gage	
■ Cheyenne	■ Custer	■ Burt	■ Jefferson	
■ Dawes	■ Franklin	■ Cedar	■ Johnson	
■ Dawson	■ Garfield	■ Cherry	■ Lancaster	
■ Deuel	■ Greeley	■ Colfax	■ Nemaha	
■ Dundy	■ Hall	■ Cuming	■ Otoe	
■ Frontier	■ Hamilton	■ Dakota	■ Pawnee	
■ Furnas	■ Harlan	■ Dixon	■ Polk	
■ Garden	■ Howard	■ Dodge	■ Richardson	
■ Gosper	■ Kearney	■ Holt	■ Saline	
■ Grant	■ Loup	■ Keya Paha	■ Saunders	
■ Hayes	■ Merrick	■ Knox	■ Seward	
■ Hitchcock	■ Nuckolls	■ Madison	■ Thayer	
■ Hooker	■ Phelps	■ Nance	■ York	
■ Keith	■ Sherman	■ Pierce		
■ Kimball	■ Webster	■ Platte		
■ Lincoln	■ Wheeler	■ Rock		
■ Logan	■ Valley	■ Stanton		
■ McPherson		■ Thurston		
■ Morrill		■ Washington		
■ Perkins		■ Wayne		
■ Red Willow				
■ Sioux				
■ Scotts Bluff				
■ Sheridan				
■ Thomas				

Organizational Structure

Figure 2-2 shows the current organizational structure of the Office of Juvenile Services, which is a division with the Department of Health and Human Services.

**Figure 2-2
Current Health & Human Services
Management Structure**

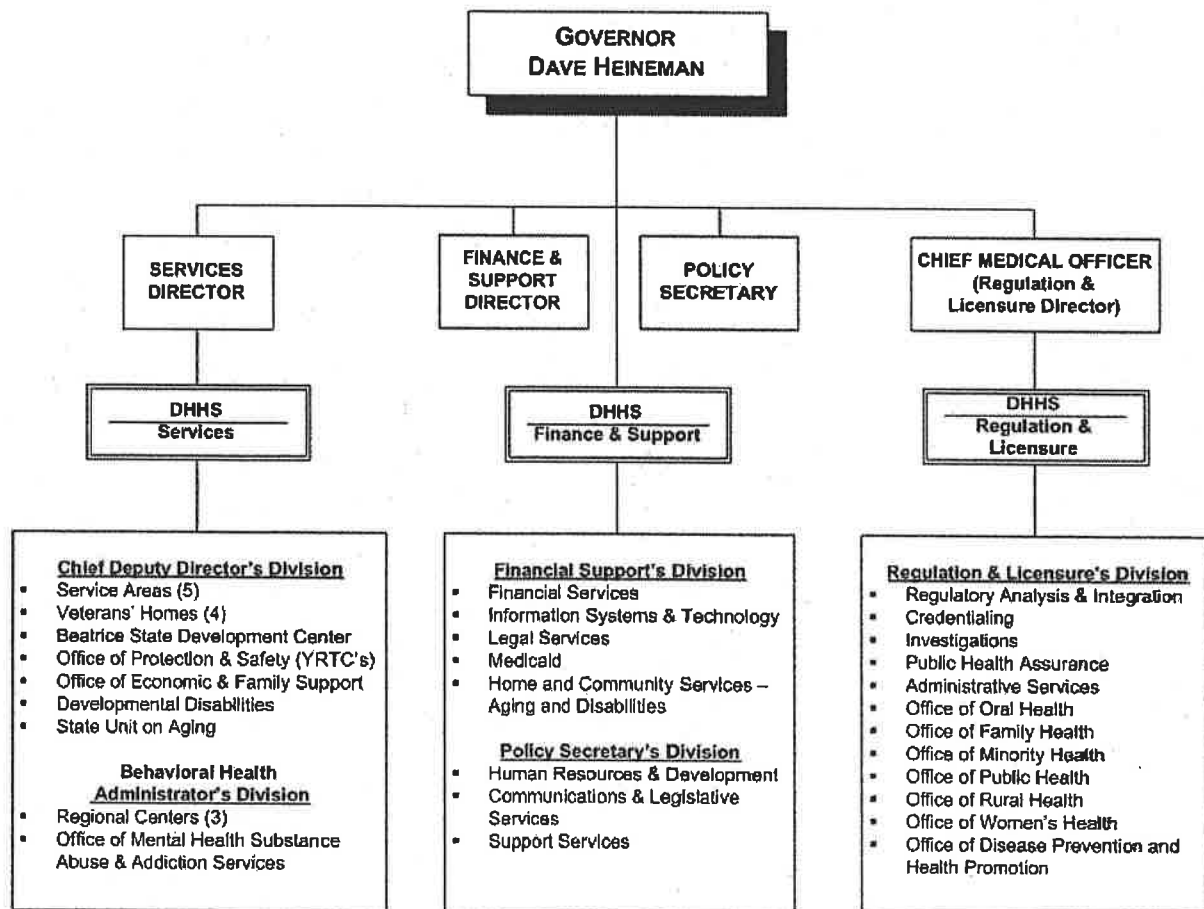
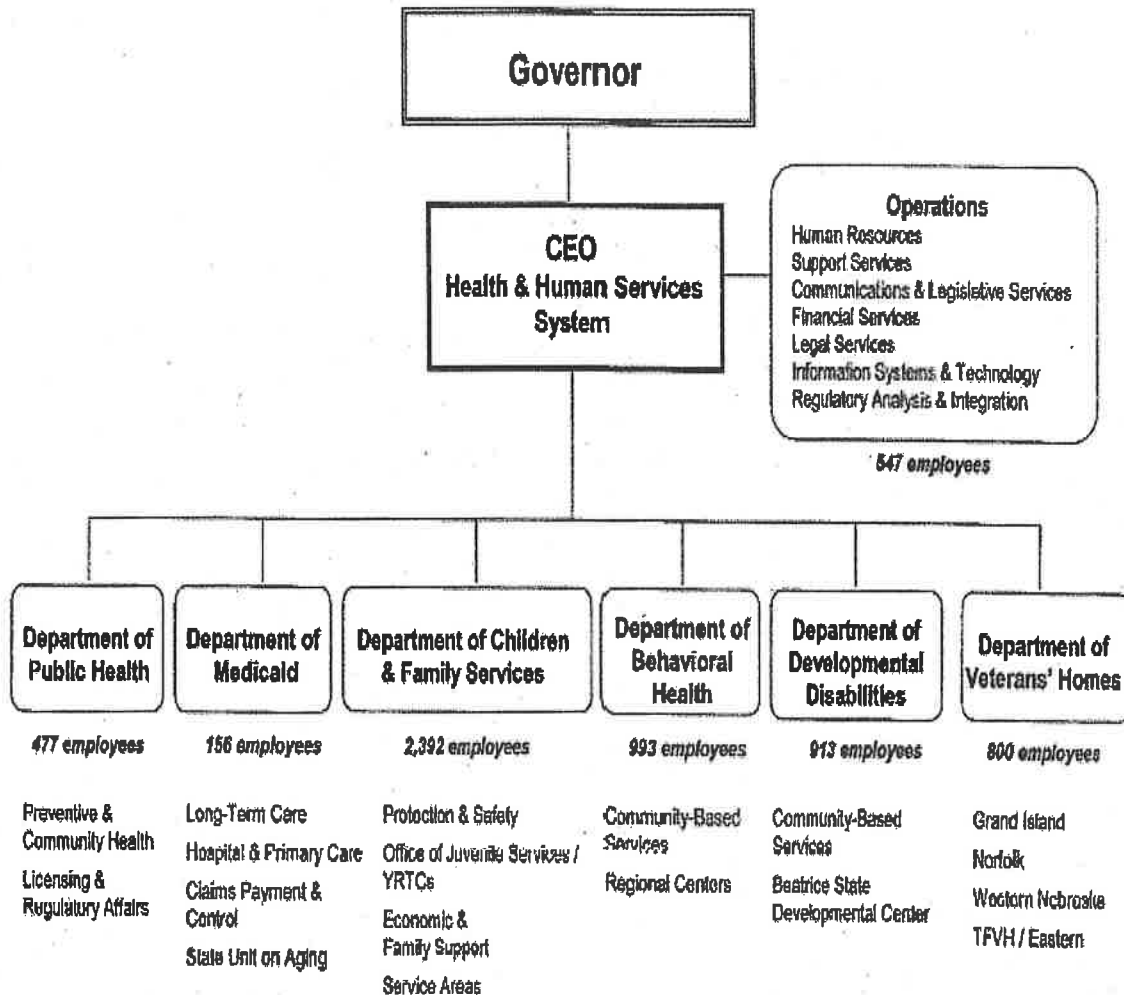


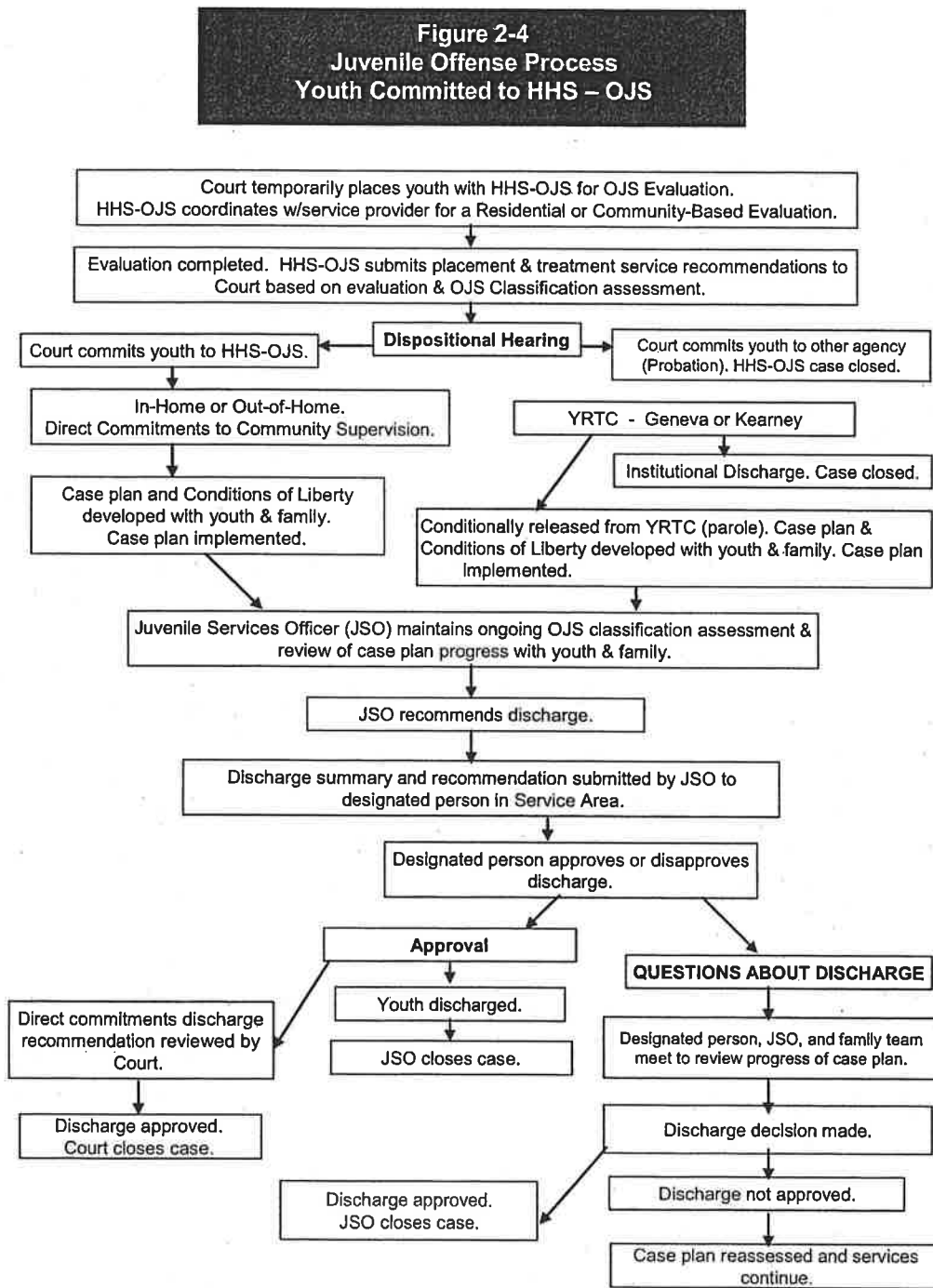
Figure 2-3 shows the proposed change to the current organizational structure. Under this structure, the Office of Juvenile Services is a division within the Department of Children and Family Services.

**Figure 2-3
Proposed Health & Human Services
Management Structure**



Case Processing

Figure 2-4 illustrates the processing of offenders within the Office of Juvenile Services.



JUVENILE JUSTICE GROWTH TRENDS AND SYSTEM ASSESSMENT

Introduction

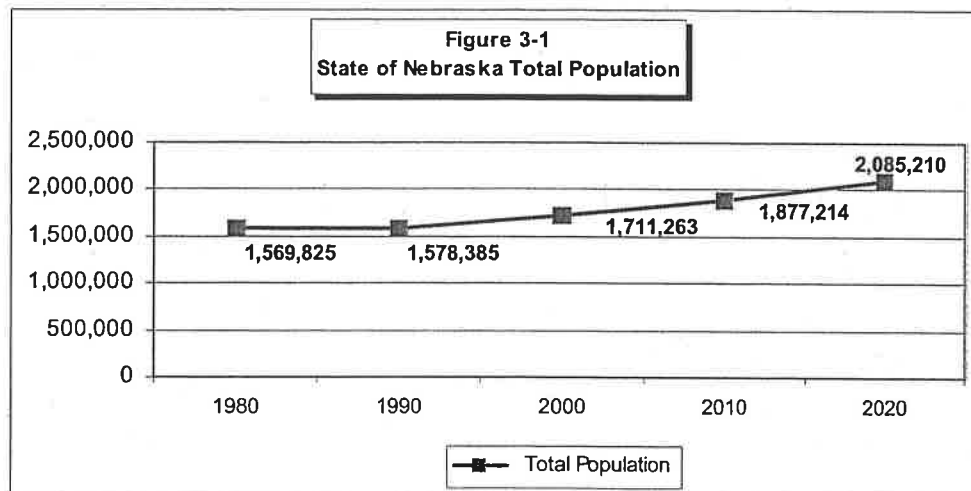
This Section provides an assessment of the growth trends and factors that impact on the juvenile correctional system in Nebraska. Data were collected and analyzed on trends and characteristics of all components of the juvenile justice system. Where appropriate, comparisons are made to national trends as well as trends that were present when the 1999 Office of Juvenile Services Facilities Master Plan was completed. An Appendix A presents Juvenile Justice System trends by County and Service Areas.

Demographic Trends

Table 3-1 and Figure 3-1 present historic and projected total population in the state of Nebraska. Total population grew by 9% between 1980 and 2000. The projected population growth between 2000 and 2020 is 22%, which is substantially higher than the historic growth trend.

Table 3-1 State of Nebraska Total Population							
	1980	1990	2000	2010	2020	Avg. Annual % Increase	
						1980-2000	2000-2020
Nebraska							
Total Population	1,569,825	1,578,385	1,711,263	1,877,214	2,085,210	0.45%	1.09%

Source: US Census & Nebraska Bureau of Business Research.

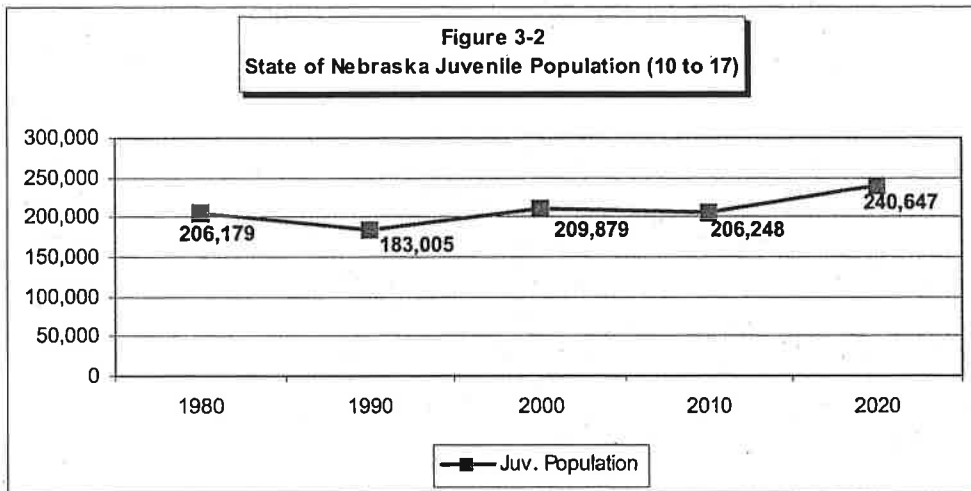


Source: US Census & Nebraska Bureau of Business Research.

Table 3-2 and Figure 3-2 present historic and projected trends in Nebraska's juvenile population. Juvenile population (10 to 17) grew by 1.8% between 1980 and 2000. The projected juvenile population growth between 2000 and 2020 is 14.7%, which is substantially higher than the historic growth trend.

Table 3-2 State of Nebraska Juvenile Population (10 to 17)							
	1980	1990	2000	2010	2020	Avg. Annual % Increase	
						1980-2000	2000-2020
Nebraska							
Juv. Population	206,179	183,005	209,879	206,248	240,647	0.09%	0.73%

Source: US Census & Nebraska Bureau of Business Research.



Source: US Census & Nebraska Bureau of Business Research.

Table 3-3 presents a comparison of Nebraska with the nation on indicators of child well being. Many indicators of child well being shown in Table 3-3 put juveniles at risk for involvement in the juvenile justice system. Nebraska fares better than the U.S. average on all indicators with the exception of the percentage of children living in poverty, which is 23% for Nebraska and 18% nation wide. Nebraska also increased their overall ranking between 2003 and 2004, going from 12 to 8 in the overall ranking of indicators of child well being among 50 states. The level of mental health funding for youth in Nebraska is low, which impacts on the number of juveniles accessing services within the Office of Juvenile Services.

Table 3-3 Kids Count National Indicators of Child Well Being Nebraska vs. United States - 2005				
Data Book Indicator	Nebraska 2003	US 2003	Nebraska 2004	US 2004
Teen Deaths From All Causes (Rate per 1,000)	61	66		
Teen Births, By Age Group (Rate per 1,000)				
> 15 to 17	18	22		
> 18 to 19	61	71		
> 15 to 19	36	42		
Teens Who Are High School Dropouts			6%	8%
Teens Not Attending School and Not Working			6%	9%
Children Living in Families Where No Parent has Full-Time, Year-Round Employment			24%	33%
Children in Poverty (100%)			23%	18%
Children in Single-Parent Households			23%	31%
KIDS COUNT Overall Rank	12		8	

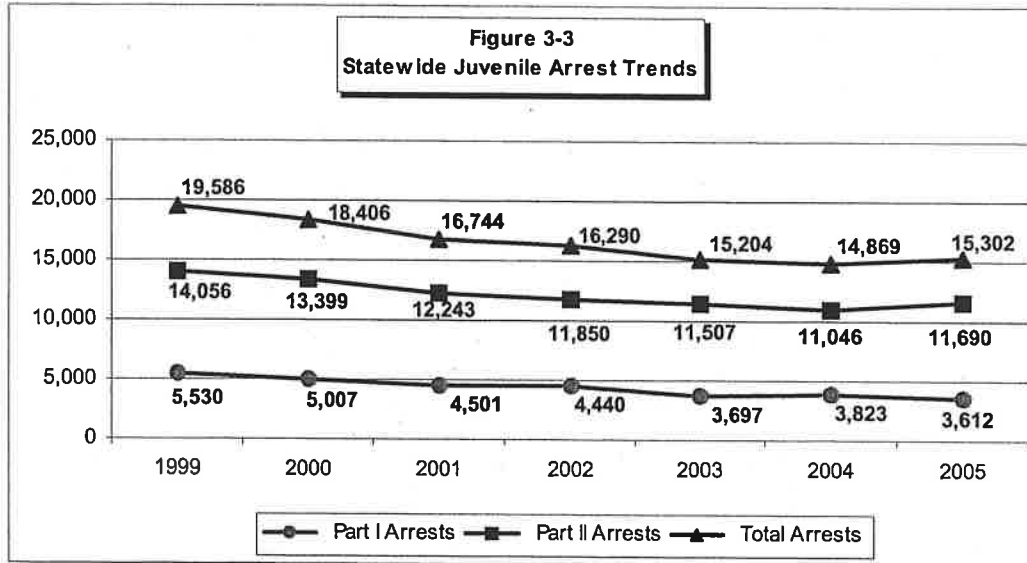
Source: Kids Count Report, Annie E. Casey Foundation, 2005.

Crime and Arrest Trends

Table 3-4 and Figure 3-3 show the trend in juvenile arrests in Nebraska. Between 1999 and 2005, total juvenile arrests in Nebraska decreased by 21.9%. Arrests for serious Part I offenses (murder, rape, robbery, aggravated assault, burglary, larceny/theft and motor vehicle theft) declined 34.7%, while arrest for Part II offenses decreased 16.8%.

Table 3-4 Statewide Juvenile Arrest Trends								
	1999	2000	2001	2002	2003	2004	2005	% Change
Part I Arrests	5,530	5,007	4,501	4,440	3,697	3,823	3,612	-34.7%
Part II Arrests	14,056	13,399	12,243	11,850	11,507	11,046	11,690	-16.8%
Total Arrests	19,586	18,406	16,744	16,290	15,204	14,869	15,302	-21.9%

Source: Crime in Nebraska.



Source: Crime in Nebraska.

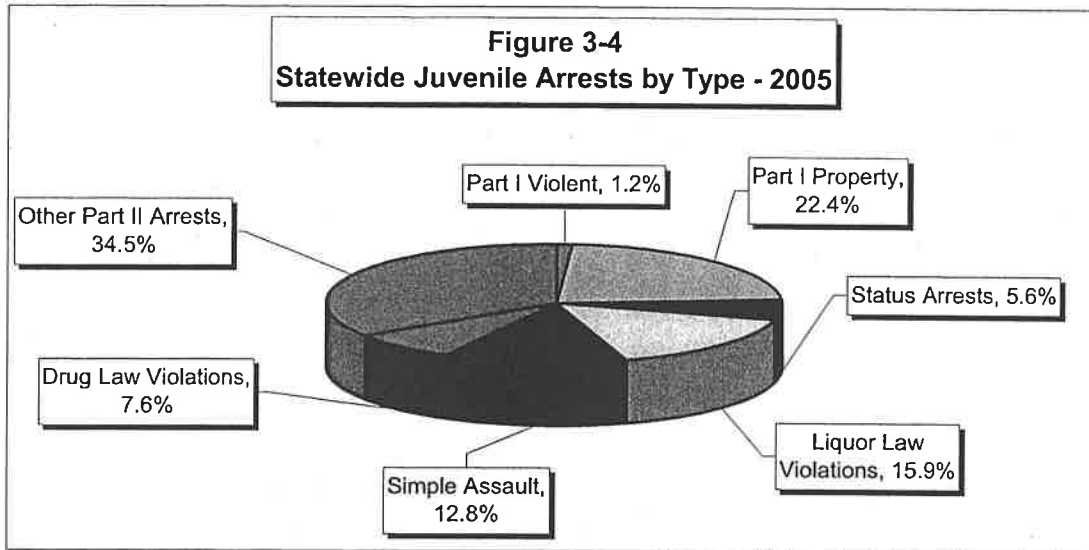
Table 3-5 and Figure 3-4 show statewide juvenile arrests, by type, in 2005. In 2005, only 1.2% of all juvenile arrests statewide were for serious Part I violent offenses. Arrests for property offenses accounted for 22.4% of all juvenile arrests. Status, liquor law, and drug law violations combined accounted for almost one-third (29.1%) of all juvenile arrests in 2005.

**Table 3-5
Statewide Juvenile Arrests by Type - 2005**

Category	Number	%
Part I Violent	189	1.2%
Part I Property	3,423	22.4%
Status Arrests	855	5.6%
Liquor Law Violations	2,426	15.9%
Simple Assault	1,961	12.8%
Drug Law Violations	1,163	7.6%
Other Part II Arrests ¹	5,285	34.5%
Total Arrests	15,302	100.0%

Note:
(1) Other Part II Arrests include: vandalism, disorderly conduct, DUI, stolen property offenses, and other offenses.

Source: Nebraska Crime Commission.



Source: Nebraska Crime Commission.

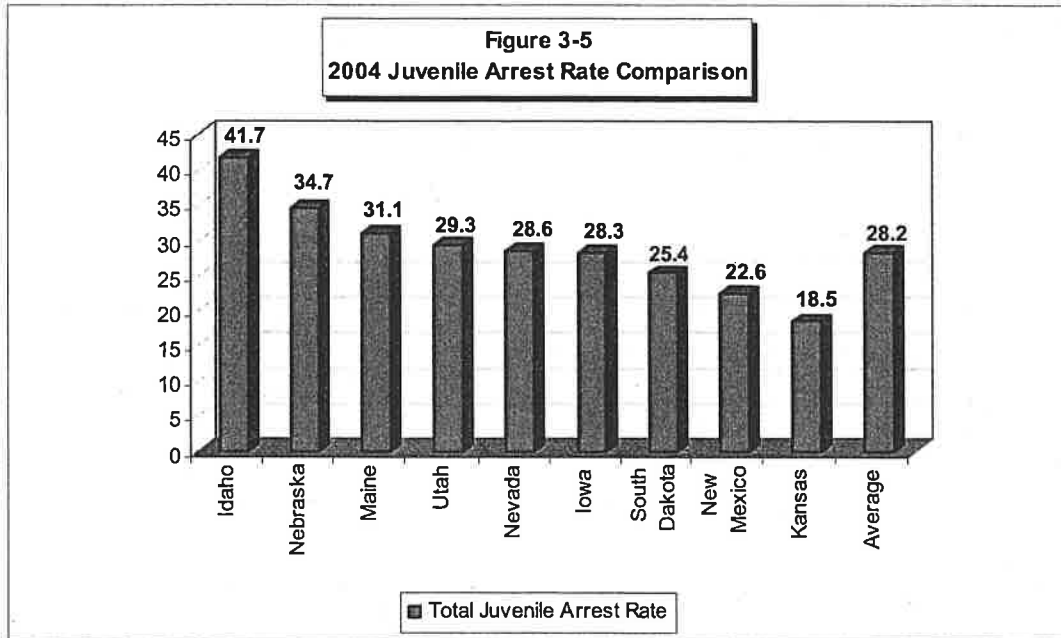
Table 3-6 and Figure 3-5 compare Nebraska's total crime rate (includes all reported crimes-adults and juveniles) and juvenile arrest rates with other states. Nebraska has a slightly higher crime and juvenile arrest rate than comparison states.

**Table 3-6
Comparative Analysis - 2004 Crime and Juvenile Arrest Rates**

State	2005 Juvenile Pop.	2004 Crime Rate	2004 Part I Arrests	Part I Rate	2004 Total Juv. Arrests	Total Juv. Arrest Rate
Nebraska	428,932	38.3	3,823	8.9	14,869	34.7
Idaho	372,936	30.4	3,133	8.4	15,567	41.7
Iowa	667,926	31.8	5,653	8.5	18,872	28.3
Kansas	671,447	43.4	2,976	4.4	12,426	18.5
Maine	276,219	25.1	2,626	9.5	8,580	31.1
Nevada	618,805	48.2	5,033	8.1	17,722	28.6
New Mexico	486,361	48.9	2,615	5.4	10,994	22.6
South Dakota	186,245	21.1	812	4.4	4,734	25.4
Utah	738,937	43.2	5,461	7.4	21,687	29.3
Average	502,360	36.5	3,539	7.0	13,823	28.2

Notes:
 (1) Juvenile population includes youth under 18 years according to 2005 Census estimates.
 (2) Crime rate includes crimes committed by both adults and juveniles.
 (3) Arrest rates are expressed in terms of 1,000 juveniles.

Sources: US Census; 2004 Crime in the US; & Nebraska Crime Commission.



Court and Probation Trends

Table 3-7 shows juvenile court petitions filed by reason for referral from 1999 to 2005. Juvenile court petitions filed for major offenses decreased by 4.4% between 1999 and 2005, although it remains the largest category of petitions that are filed. Petitions filed for minor/status offenses increased by 18.5% between 1999 and 2005. Juvenile court petitions filed for neglect/dependency increased by 168.1% between 1999 and 2005, which is a substantial increase. The percent increase in unknown petitions is large due to small numbers. Unknown petitions represented 8.2% of petitions in 2006.

**Table 3-7
Statewide Juvenile Court Petitions by Reason for Referral**

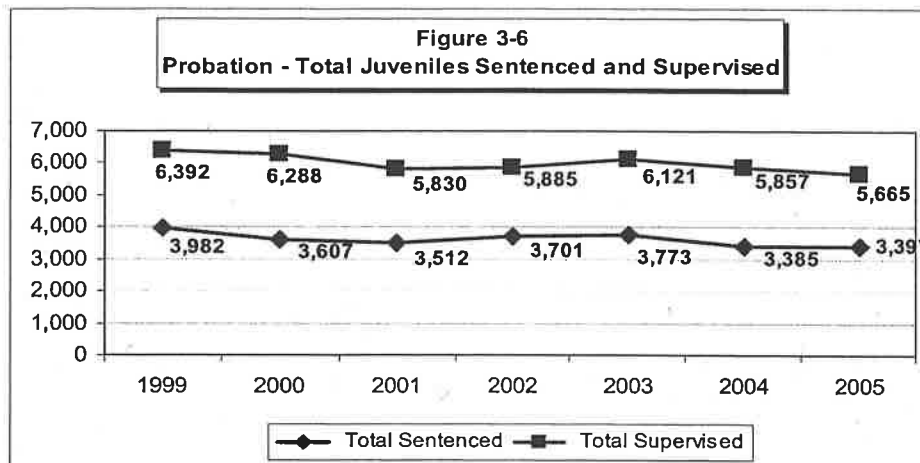
	1999	2000	2001	2002	2003	2004	2005	% Change
Major Offenses	5,388	4,807	4,345	5,077	5,221	4,880	5,152	-4.4%
Minor/Status	1,796	1,760	1,777	2,158	2,151	2,056	2,129	18.5%
Neglect/Dependency	1,011	1,223	1,465	1,360	1,419	1,856	2,710	168.1%
Unknown	3	2	7	5	7	223	897	29800.0%
TOTAL	8,198	7,792	7,594	8,600	8,798	9,015	10,886	32.8%

Source: Nebraska Crime Commission.

Table 3-8 and Figure 3-6 present trends in juveniles sentenced and supervised on probation. Total juveniles sentenced and supervised on probation decreased between 1999 and 2005. Nationally, juvenile probation is the outcome for 55% to 60% of youth processed through the juvenile court.

	1999	2000	2001	2002	2003	2004	2005	% Change
Total Sentenced	3,982	3,607	3,512	3,701	3,773	3,385	3,397	-14.7%
Total Supervised	6,392	6,288	5,830	5,885	6,121	5,857	5,665	-11.4%

Source: Nebraska Probation Office.



Source: Nebraska Probation Office.

Table 3-9 presents trends in completion and revocation of juvenile probation. Although the number of youth discharged from probation has decreased, the percent of youth that have a satisfactory completion has remained constant at around 68% to 70%. The rate of probation revocation also remained constant at around 9% to 12% between 1999 and 2005.

Years	Total Discharges	Satisfactory Completion		Total Probation Revocations		Other ¹	
		#	%	#	%	#	%
1999	3,700	2,531	68%	395	11%	774	21%
2000	3,865	2,665	69%	363	9%	837	22%
2001	3,561	2,340	66%	408	11%	813	23%
2002	3,535	2,464	70%	373	11%	698	20%
2003	3,695	2,486	67%	439	12%	770	21%
2004	3,625	2,548	70%	386	11%	691	19%
2005	3,346	2,286	68%	336	10%	724	22%

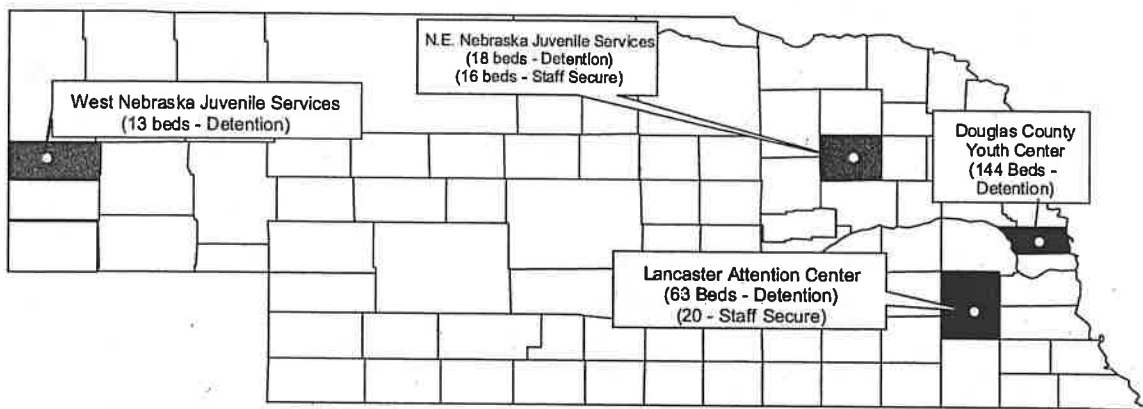
Note:
(1) Other includes death, unsatisfactory releases, warrants over 1 year, and absconded.

Source: Nebraska Probation Office.

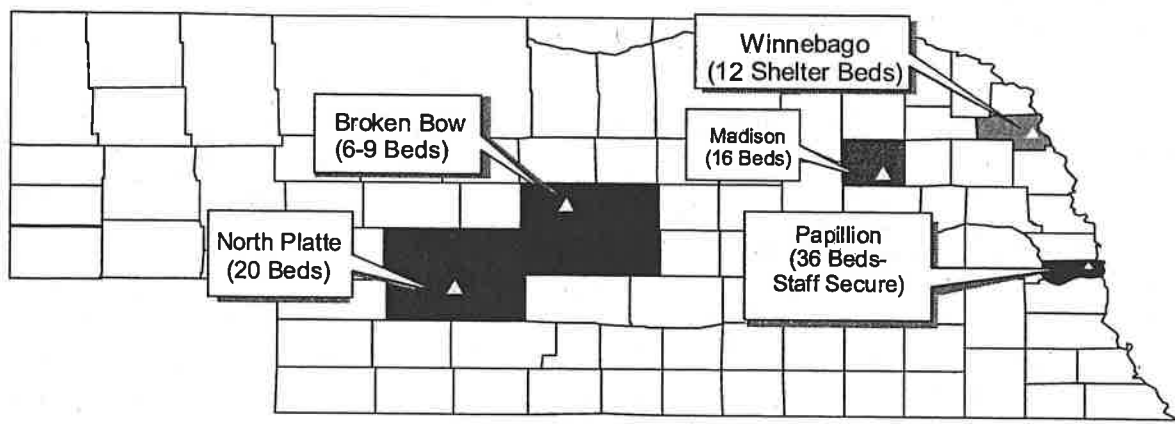
Detention Trends

Figure 3-7 shows the location of the four juvenile detention centers in Nebraska, and Figure 3-8 shows the location of staff secure detention facilities within the State.

**Figure 3-7
State of Nebraska Detention Centers**



**Figure 3-8
Staff Secure Programs**



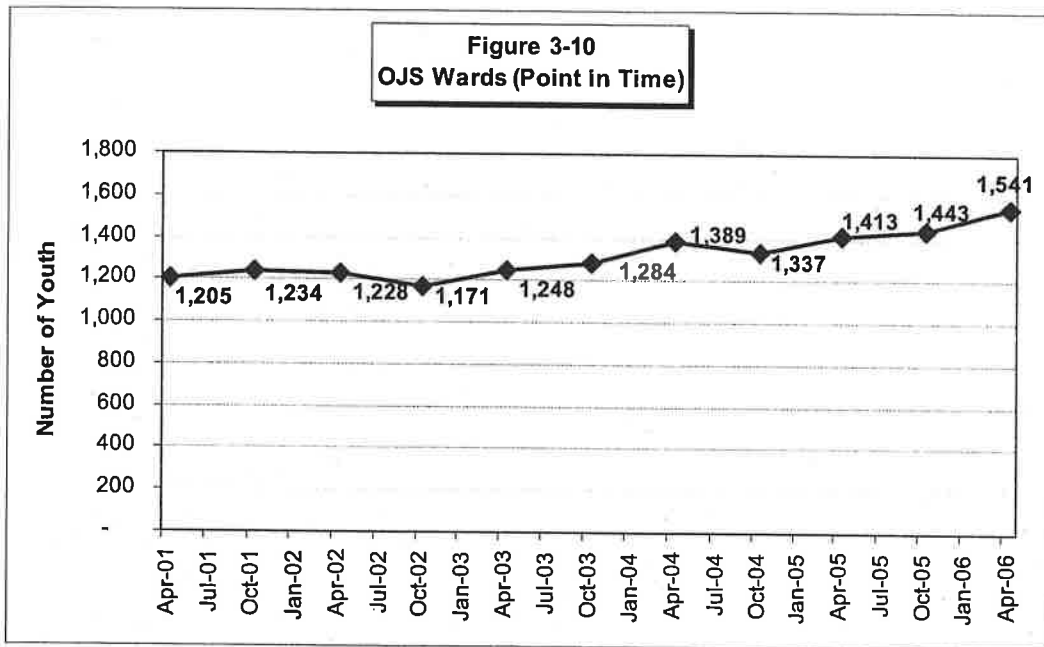
The number of statewide staff secure and shelter beds decreased substantially since 1999.

Staff Secure Facilities		
• North Platte: operated by Boys and Girls Home		20 beds
• Broken Bow: operated by Cedars Youth Services		6-8 beds
• Madison: Northeast Nebraska Juv. Services		16 beds
• Winnebago: HoChunk Neenk Chunk Ho Chee, Inc.		12 beds
• Papillon: Sarpy Co. Sheriffs Office Care Program		36 beds

Table 3-11 FY 2006 STATEWIDE OFFICE OF JUVENILE SERVICES COMMITMENT PROFILE State of Nebraska		
	FY 2006	
	Number	% of Total
Gender:		
> Male	2,219	68.9%
> Female	1,003	31.1%
Total	3,222	100.0%
Race:		
> White	1,954	60.6%
> Black	561	17.4%
> Hispanic	392	12.2%
> Native American	198	6.1%
> Asian	15	0.5%
> Other	102	3.2%
Total	3,222	100.0%
Age:		
> 12 and under	39	1.2%
> 13	54	1.7%
> 14	157	4.9%
> 15	331	10.3%
> 16	521	16.2%
> 17	742	23.0%
> 18	1,305	40.5%
> 19 and over	73	2.3%
Total	3,222	100.0%
Petition Type:		
> Delinquency	2,236	69.4%
> Delinq, Abuse/Neglect, Dependency	409	12.7%
> Delinquency, Status Offender	300	9.3%
> Missing/Unknown	277	8.6%
Total	3,222	100.0%
Adjudication:		
> Misdemeanor	1,673	51.9%
> Felony	205	6.4%
> Misdemeanor, Abuse/Neglect	192	6.0%
> Misdemeanor, Status Offense	178	5.5%
> Misdemeanor, Felony	112	3.5%
> Other combination	260	8.1%
> Missing	602	18.7%
TOTAL	3,222	100.0%

Source: Nebraska Health and Human Services.

Figure 3-10 illustrates the increase in the average monthly population of HHS/OJS Wards from April 2001 to April 2006. Monthly population increased by 27.8% between April 2001 and April 2006, which is 5.5% per year. This includes youth in residential and non-residential custody.



Source: HHS/OJS, October 2006.

Table 3-12 shows the summary of placement capacity. The number of placements that are Medicaid funded represents 43% of all placements. The number of Child Welfare funded placements is 41% of all placements. Youth placed at YRTC's represents 16% of total placements.

With the exception of Medicaid funded sex offender placements (0% female), the distribution of males versus female Medicaid funded placements is similar to the percent distribution of males (63%) and females (37%) at the YRTC's. Due to the status of most secure capacity in Nebraska, YRTC's are not Medicaid eligible placements.

	Capacity	% of Total Capacity	% of Placements	
			Male	Female
Medicaid Funded				
> Mental Health	403		62%	38%
> Substance Abuse	151		64%	36%
> Sex Offender	84		100%	0%
Subtotal	638	43%		
Child Welfare Funded				
> Group Home A	225		-	-
> Group Home B	174		-	-
> Emergency Shelter	215		-	-
Subtotal	614	41%		
YRTC's	240		63%	37%
Subtotal	240	16%		
TOTAL	1,492	100.0%		

Source: HHS/OJS August, 2006.

Table 3-13 shows the profile of OJS placements by type. Based on October, 2006 placement profiles the majority of youth in HHS/OJS custody statewide are in out-of home placements.

Table 3-13 Office of Juvenile Services - HHS/OJS Statewide Placement by Type - October 2006		
Type of Placement	Number of Placements	% of Total
In Home	601	40.6%
Runaway	54	3.6%
Independent Living	32	2.2%
Out-of-Home Total	795	53.6%
Total Placements	1,482	100.0%
Out-of-Home by Category		
A. Adopt/Foster/Emergency	187	
B. Group Home/Treatment	236	
C. Detention/Jail	63	
D. Mental Health/Other	17	
E. Residential Treatment	112	
F. YRTC's	180	
Total Out-of-Home	795	

Source: Nebraska Office of Juvenile Services, 2006.

Tables 3-14 through 3-18 compare placements by type in each of the five service regions. Both the Northern and Eastern Service Regions have similar placement patterns, although out-of-home placements in the Northern Region represent 55% of total placements compared to 53.68% statewide.

Table 3-14 Office of Juvenile Services Placement by Type HHS/OJS Ward - October 2006 - Northern Region		
Type of Placement	Number of Placements	% of Total
In Home	88	40.4%
Runaway	7	3.2%
Independent Living	3	1.4%
Out-of-Home Total	120	55.0%
Total Placements	218	100.0%
Out-of-Home by Category		
A. Adopt/Foster/Emergency	32	
B. Group Home/Treatment	29	
C. Detention/Jail	3	
D. Mental Health/Other	5	
E. Residential Treatment	14	
F. YRTC's	37	
Total	120	

Source: Nebraska Office of Juvenile Services, 2006.

Table 3-15 Office of Juvenile Services Placement by Type HHS/OJS Ward - October 2006 - Eastern Region		
Type of Placement	Number of Placements	% of Total
In Home	203	40.6%
Runaway	32	6.4%
Independent Living	1	0.2%
Out-of-Home Total	264	52.8%
Total Placements	500	100.0%
Out-of-Home by Category		
A. Adopt/Foster/Emergency	52	
B. Group Home/Treatment	95	
C. Detention/Jail	39	
D. Mental Health/Other	6	
E. Residential Treatment	29	
F. YRTC's	43	
Total	264	

Source: Nebraska Office of Juvenile Services, 2006.

The Southeast Region has the highest percentage of youth in out-of home placements at 55.8% of total placements.

Type of Placement	Number of Placements	% of Total
In Home	172	39.0%
Runaway	10	2.3%
Independent Living	13	2.9%
Out-of-Home Total	246	55.8%
Total Placements	441	100.0%
Out-of-Home by Category		
A. Adopt/Foster/Emergency	60	
B. Group Home/Treatment	72	
C. Detention/Jail	14	
D. Mental Health/Other	2	
E. Residential Treatment	40	
F. YRTC's	58	
Total	246	

Source: Nebraska Office of Juvenile Services, 2006.

The Central Region has the lowest percentage of youth in out-of-home placements (50.6%).

Type of Placement	Number of Placements	% of Total
In Home	78	43.3%
Runaway	2	1.1%
Independent Living	9	5.0%
Out-of-Home Total	91	50.6%
Total Placements	180	100.0%
Out-of-Home by Category		
A. Adopt/Foster/Emergency	31	
B. Group Home/Treatment	20	
C. Detention/Jail	1	
D. Mental Health/Other	3	
E. Residential Treatment	15	
F. YRTC's	21	
Total	91	

Source: Nebraska Office of Juvenile Services, 2006.

The Western Region had 51.7% of youth in out-of- placement in October, 2006.

Type of Placement	Number of Placements	% of Total
In Home	60	42.0%
Runaway	3	2.1%
Independent Living	6	4.2%
Out-of-Home Total	74	51.7%
Total Placements	143	100.0%
Out-of-Home by Category		
A. Adopt/Foster/Emergency	13	
B. Group Home/Treatment	20	
C. Detention/Jail	6	
D. Mental Health/Other	0	
E. Residential Treatment	14	
F. YRTC's	21	
Total	74	

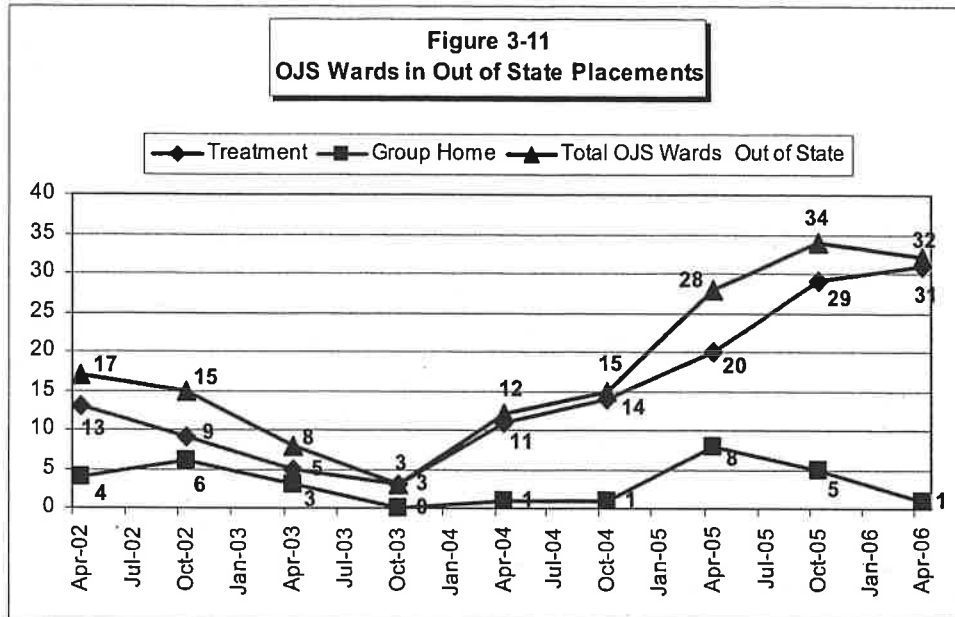
Source: Nebraska Office of Juvenile Services, 2006.

Table 3-19 shows the allocation of OJS placements between 2001 and 2006. Although out-of-home placements represent the majority of HHS/OJS placements in 2006, the biggest growth in the allocation of placements has occurred in In-Home placements, while the percentage of out-of-home placements has declined as a percent of total placements.

Type of Placement	2001 % of Total	2002 % of Total	2003 % of Total	2004 % of Total	2005 % of Total	2006 % of Total
In Home	30.1%	28.8%	28.3%	26.8%	30.6%	40.6%
Runaway	1.6%	1.8%	0.7%	1.9%	1.9%	3.6%
Independent Living	0.7%	0.9%	1.2%	1.0%	1.0%	2.2%
Out-of-Home	67.6%	68.4%	69.9%	70.4%	66.5%	53.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: HHS Office of Juvenile Services.

Figure 3-11 shows the distribution of placement capacity that is out-of-state. Out-of-state placements almost doubled between April 2002 and April 2006, going from 17 to 32.



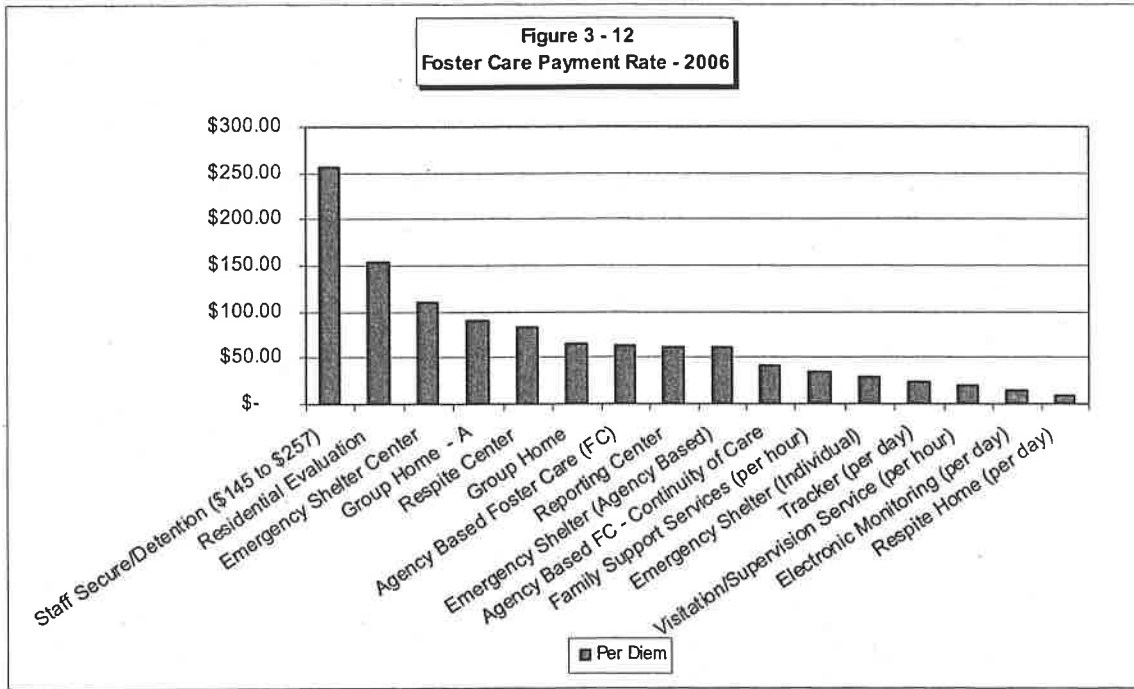
Source: HHS Office of Juvenile Services.

Table 3-20 and Figure 3-12 shows the per diem rates for various services that area provided or contracted by OJS. The per diem rates paid by OJS for residential services vary from \$257 for secure detention placements to \$28.51 for Emergency Shelter-Individual.

The FY 05 per diem rate at YRTC Kearney was \$142.57 and \$151.32 at YRTC Geneva. The per diem rate at the Hastings Regional Center is \$458, based on the current average daily population of 32 youth.

	Per Diem Rate
Staff Secure/Detention (\$145 to \$257)	\$ 257.00
Residential Evaluation	\$ 153.00
Emergency Shelter Center	\$ 109.65
Group Home - A	\$ 90.79
Respite Center	\$ 82.73
Group Home	\$ 65.79
Agency Based Foster Care (FC)	\$ 63.75
Reporting Center	\$ 61.20
Emergency Shelter (Agency Based)	\$ 60.69
Agency Based FC - Continuity of Care	\$ 40.80
Family Support Services (per hour)	\$ 35.19
Emergency Shelter (Individual)	\$ 28.51
Tracker (per day)	\$ 23.61
Visitation/Supervision Service (per hour)	\$ 19.38
Electronic Monitoring (per day)	\$ 15.30
Respite Home (per day)	\$ 9.19

Source: Office of Juvenile Services, 2006.



Source: Office of Juvenile Services, 2006.

Table 3-21 shows the HHS/OJS budget for FY 2006. The YRTC's at Kearney and Geneva represent the largest portion of the OJS budget at 57.4%.

	Adjusted Budget	%
OJS Administration	\$ 359,969	1.2%
Parole	\$ 668,176	2.3%
Geneva	\$ 6,462,582	22.4%
Kearney	\$ 10,035,691	34.8%
Community/JABIG/VOI/TIS	\$ 9,563,005	33.2%
Reserve	\$ 1,716,711	6.0%
TOTAL	\$ 28,806,134	100.0%

Source: HHS/OJS October, 2006.

Table 3-22 presents the Detention service costs paid by OJS from FY 2004 to FY 2006. Detention costs represented 26% of Child Welfare Fund Code "OJS" in FY 2006. As Table 3-22 indicates, detention costs paid by OJS increased 72% per year between FY2004 and FY 2006. This is due, in large part, to the increased placement of youth in detention in evaluation status. According to statute, OJS should make the decision to place youth in detention pending evaluation, but Judges are making placement decisions and detention populations have grown. Evaluation data in 2006 indicated that only 15% of youth evaluated required a sub-acute level of care.

Table 3-22 OJS Detention Service Cost FY 2004 to FY 2006	
	Cost
FY 2004	\$ 1,843,862
FY 2005	\$ 3,508,821
FY 2006	\$ 4,481,118

Source: HHS/OJS October, 2006.

Youth Rehabilitative and Treatment Centers and Hastings Regional Center Trends

Figure 3-13 shows the location and capacity of the YRTC's at Geneva (girls) and Kearney (boys), and the capacity for the substance abuse treatment program for boys at the Hastings Regional Center. All males are admitted to Kearney, and transferred to the substance treatment program at Hastings based on assessment of treatment needs.

**Figure 3-13
Youth Rehabilitative and Treatment Centers (YRTC)
and Hastings Regional Center**

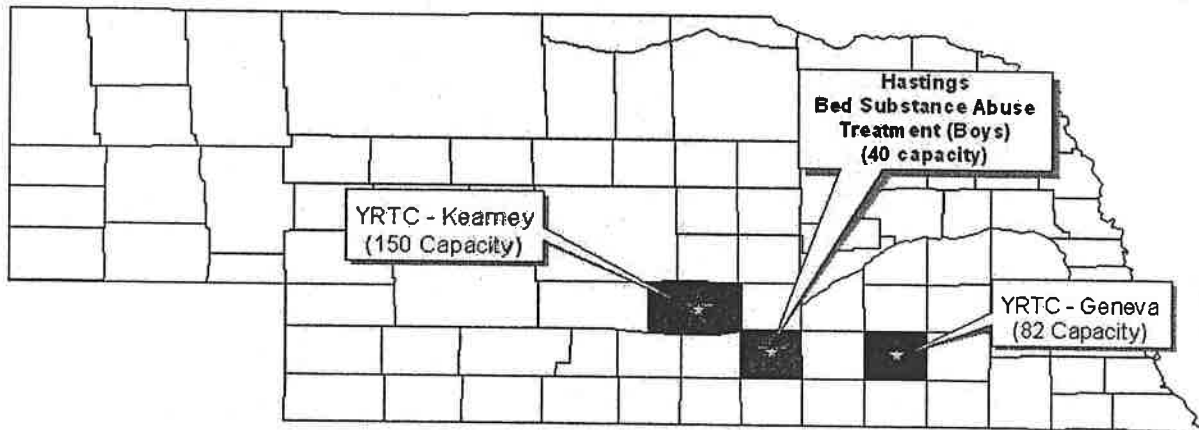
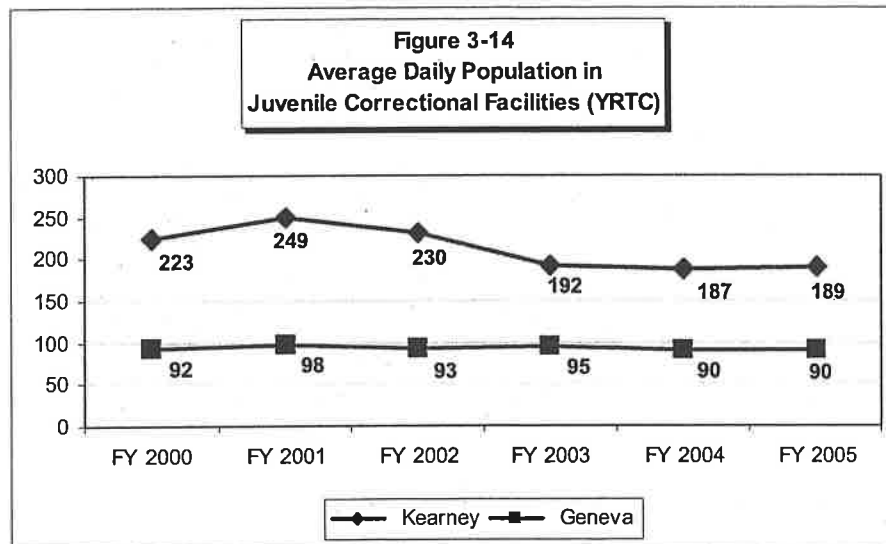


Table 3-23 and Figure 3-14 show the average daily population of youth at YRTC Kearney and Geneva. The average daily population at Kearney includes roughly 30 to 35 youth that are placed in the Substance Abuse Treatment Program at Hastings. Average daily population at YRTC's decreased by 11.4% between FY2000 and FY2005. The biggest decrease occurred at YRTC Kearney, where average daily population decreased by 15.2% between FY2000 and FY2005.

Facility	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	% Change
Kearney	223	249	230	192	187	189	-15.2%
Geneva	92	98	93	95	90	90	-2.2%
Total	315	347	323	287	277	279	-11.4%

Note: YRTC Kearney ADP includes Hastings.

Source: YRTC Kearney and Geneva Annual Reports.



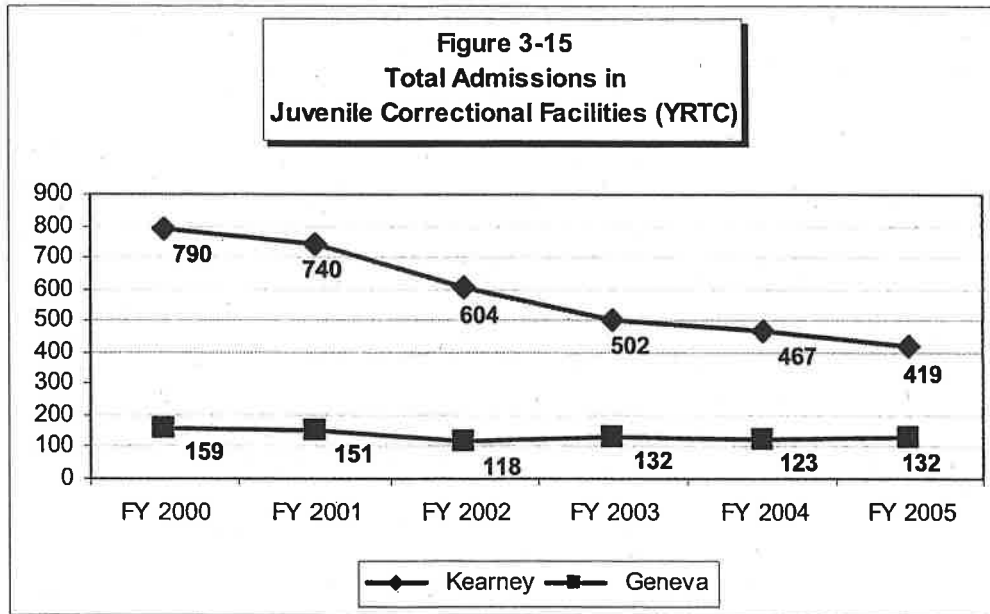
Source: YRTC Kearney and Geneva Annual Reports.

Table 3-24 and Figure 3-15 show the trend in admissions to YRTC Kearney and Geneva. Admissions to YRTC's decreased substantially (41.9%) between FY2000 and FY2006. The largest drop in admissions has occurred at YRTC Kearney, which decreased by 47% during the time period. Admissions to YRTC Geneva decreased by 17% between FY 2000 and FY 2005.

Table 3-24 Total Admissions in Juvenile Correctional Facilities							
Facility	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	% Change
Kearney	790	740	604	502	467	419	-47.0%
Geneva	159	151	118	132	123	132	-17.0%
Total	949	891	722	634	590	551	-41.9%
Hastings	41	68	59	73	115	124	

Note: Hastings admissions are actually transfers from Kearney.

Source: YRTC Kearney and Geneva Annual Reports.



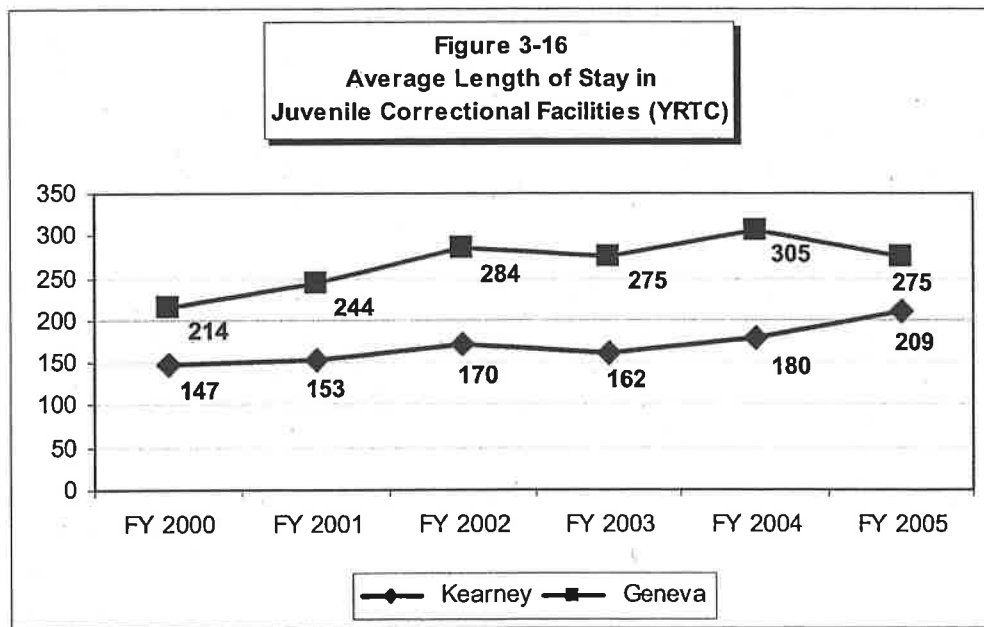
Source: YRTC Kearney and Geneva Annual Reports.

Table 3-25 and Figure 3-16 show the average length of stay at YRTC Kearney and Geneva. Average length of stay increased 42.2% at Kearney, going from roughly 4.9 months in FY2000 to 6.9 months in FY2005. Average length of stay at Geneva increased 28.5% during the same time frame, going from roughly 7.1 months in FY2000 to 9.2 months in FY2006. Current daily capacities at both facilities would be substantially lower if average length of stay had not almost doubled over the past five years.

Table 3-25 Average Length of Stay in Juvenile Correctional Facilities							
Facility	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	% Change
Kearney	147	153	170	162	180	209	42.2%
Geneva	214	244	284	275	305	275	28.5%

Note: YRTC Kearney ALOS includes Hastings.

Source: YRTC Kearney and Geneva Annual Reports.



Source: YRTC Kearney and Geneva Annual Reports.

Hastings Regional Center Trends

Table 3-26 shows the trends at the Hastings Regional Center substance abuse treatment program for boys. Average daily population at Hastings grew 17.5% per year between 2003 and 2006. Average length of stay grew 10.5% per year during the same time period.

The FY 05/06 Hastings Adolescent Substance Abuse Program Operational budget was \$5,353,490. This translates to a per diem rate of \$366 when the facility is at capacity (40). Average daily population in FY 05/06 was 32 youth, which translates to a \$458 per diem cost. Preliminary data for the most recent fiscal year show declining admissions and increased length of stay. The Office of Juvenile Services receives Medicaid reimbursement for placements at the Hastings Substance Abuse Treatment Program.

Table 3-26 HASTINGS REGIONAL CENTER								
	1999 ¹	2000	2001	2002	2003	2004	2005 ²	2006
Capacity	30	30	30	30	30	30	40	40
Clients Served (Admissions)	12	78	85	92	111	138	148	112
Average Daily Population ³	5	17	27	23	21	27	33	32
Average Length of Stay (in days)	51	95	155	130	87	88	93	114
Discharge Living Arrangement								
Private Home		28	47	51	51	87	95	65
Foster Home		2		1		3	6	4
Group Home		4	7	13	10	5	10	4
Homeless Shelter			1					
Detention/Jail					2	1	3	
Halfway House/TX Facility				1	5		1	2
YRTC	4	12	8	8	20	13	10	2
Other								1
Unknown (Discharged from AWOA)		7	1		2		1	2

Note:

1. The HJCDP Program opened on 10-18-1999.
2. Number of beds increased from 30 to 40 in August of 2005.
3. Census at midnight on Dec. 31st divided by Admissions during the year.

Source: Hastings Regional Center.

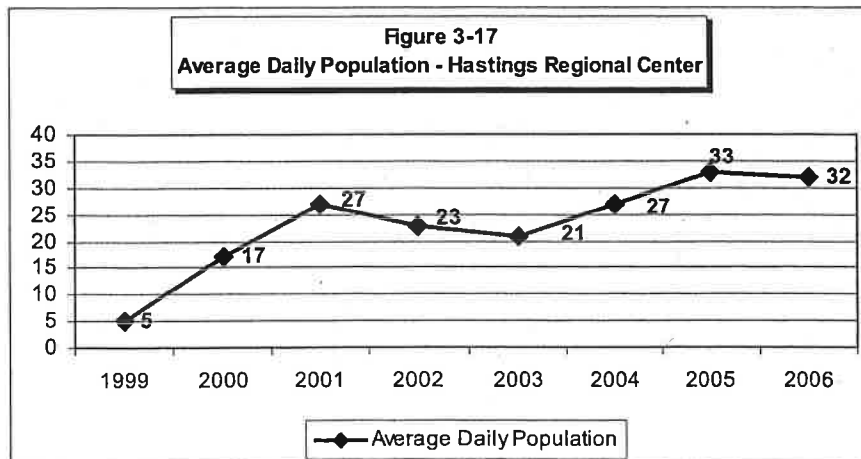


Table 3-27 presents a profile of youth committed to YRTC's. The typical juvenile placed at YRTC's is male (76%), White (51.9%), commitment (84.2%), with the largest offense category of theft (26.1%). In FY2005, 8% of youth were placed in YRTC's for parole violation. Almost 50% of the population at Kearney and Geneva are 17 to 18 years old. The percentage of minority youth committed to YRTC's increased since the 1999 Master Plan Report, going from 37% of total commitments in 1999 to 48% in 2006.

Table 3-27 FY 2005 YRTC COMMITMENT PROFILE State of Nebraska		
	FY 2005	
	Number	% of Total
Gender:		
Male	419	76.0%
Female	132	24.0%
Total	551	100.0%
Race:		
White	286	51.9%
Black	113	20.5%
Hispanic	105	19.1%
Native American	44	8.0%
Asian	3	0.5%
Other	0	0.0%
Total	551	100%
Admission Type:		
Commitment	464	84.2%
Parole Violator	44	8.0%
Recommitment	43	7.8%
Total	551	100.0%
Offense:		
Theft	144	26.1%
Assault	108	19.6%
Criminal Mischief	60	10.9%
Possession of Drugs	55	10.0%
Burglary	45	8.2%
Auto Theft	39	7.1%
Concealed Weapon	17	3.1%
MIP	13	2.4%
Disorderly Conduct	9	1.6%
Robbery	8	1.5%
Trespass	6	1.1%
Probation Violation	2	0.4%
Other	45	8.2%
TOTAL	551	100.0%
YRTC Commitment Profile by Age		
	Kearney	Geneva
Age:		
13 to 14 yrs	10.0%	12.0%
15 to 16 yrs	44.0%	38.0%
17yrs	34.0%	33.0%
18yrs	12.0%	17.0%
Total	100.0%	100.0%

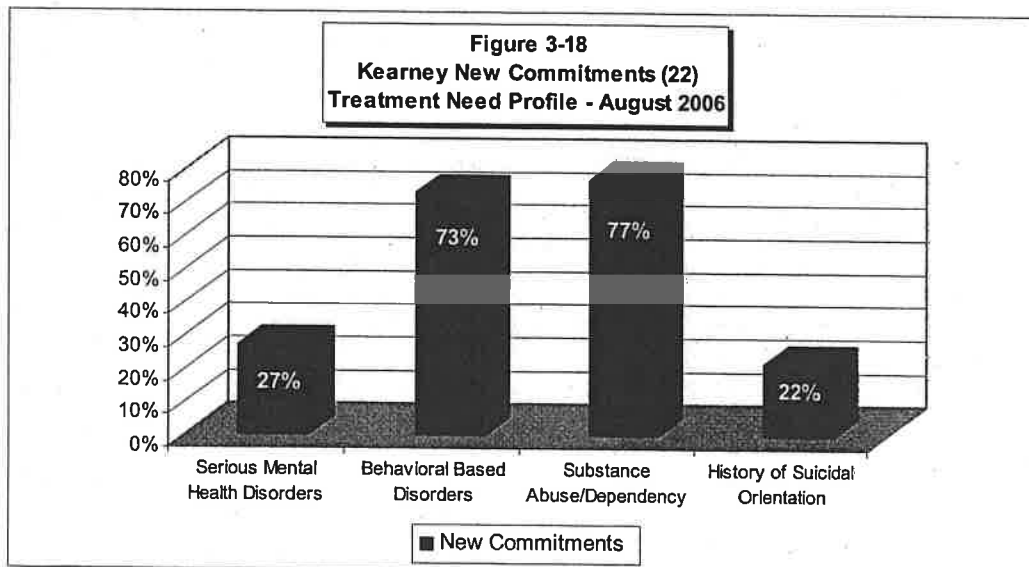
Source: YRTC's 2005/2006 Annual Reports.

Table 3-28 presents the offense breakdown of youth admitted to Kearney and Geneva. Theft, burglary, and assault are the largest categories of commitments by offense at both Kearney and Geneva. The percentage of girls committed to Geneva for assault in FY 2006 (30.5%) nearly doubled compared to FY 2005 (18.2%).

Table 3-28 Breakdown of Commitments by Offense FY 2005/2006		
Offense	Kearney	Geneva
Theft, Burglary	29.7%	17.2%
Assault	19.2%	30.5%
Concealed Weapon	4.1%	0.0%
Drug Possession	13.5%	7.9%
Criminal Mischief	9.2%	9.9%
Auto Theft	5.7%	4.0%
Other Offenses	18.6%	30.5%

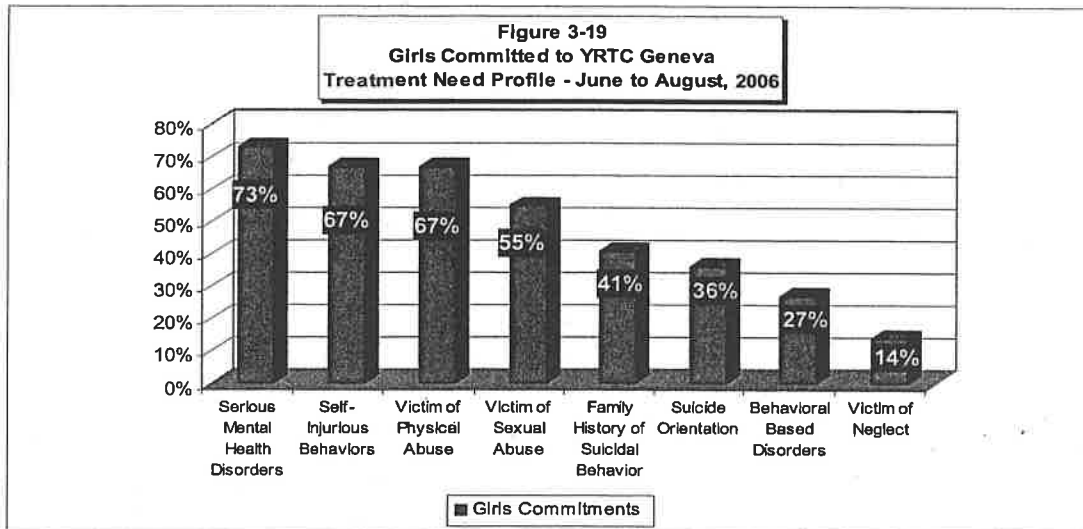
Source: YRTC's 2005/2006 Annual Reports.

Figure 3-18 presents a profile of treatment needs of the Kearney population. Based on 22 new commitments to Kearney in August 2006, there is a high percentage of population at Kearney with mental health, substance abuse, and behavioral treatment needs.



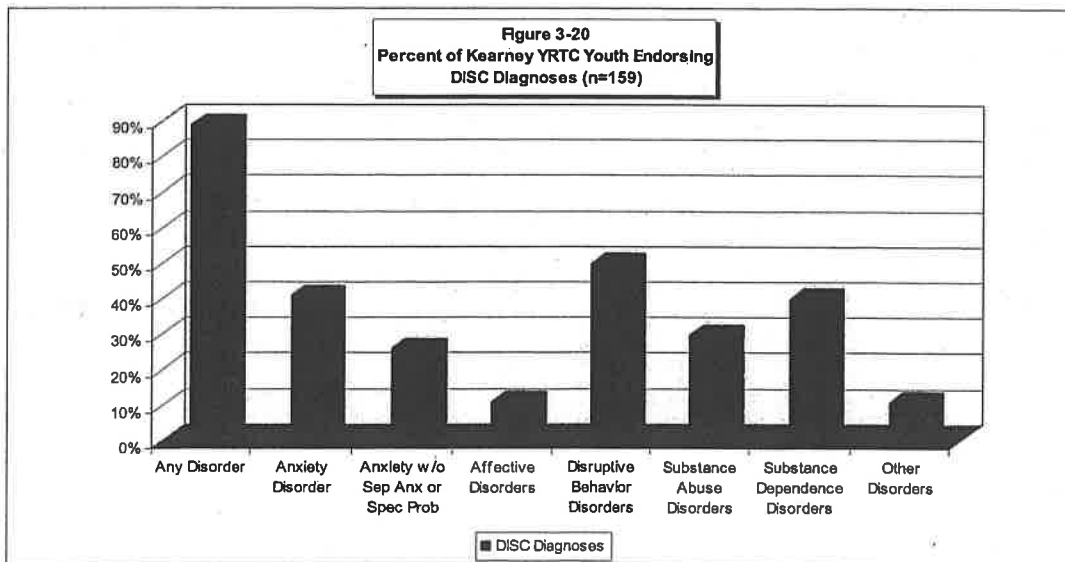
Source: YRTC Kearney, August 2006.

Figure 3-19 presents a treatment need profile for girls committed to Geneva between June-August 2006. A high percentage of girls (73%) have serious mental health disorders compared to the sample of boys at Kearney (27%). However, boys have a higher percentage of behavioral based disorders (73%) compared to girls (27%).

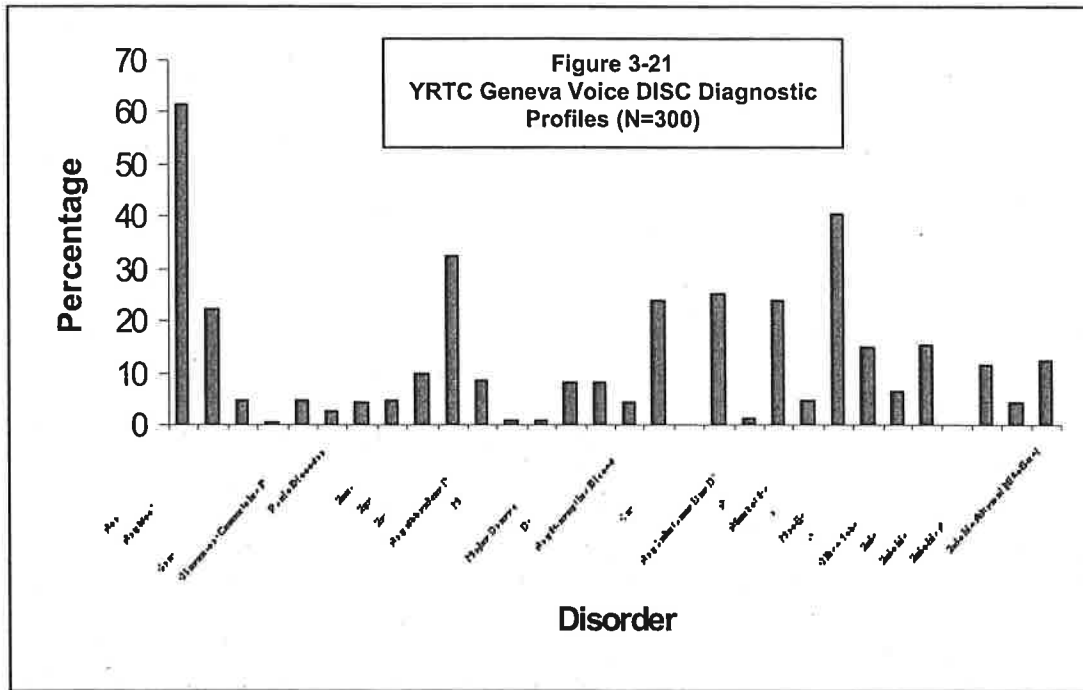


Source: YRTC Geneva, June to August 2006.

Figures 3-20 and 3-21 further illustrate the high level of treatment needs that are present in youth committed to YRTC's at Kearney and Geneva. The percentage of youth with any level of disorder at Kearney is 90%, and 65% at Geneva.



Source: YRTC Geneva, June to August 2006.



Source: YRTC Geneva, June to August 2006.

Parole Trends

Table 3-29 and Table 3-30 show parole and discharge trends for youth at Kearney and Geneva. In FY 2006, roughly 400 youth were placed on parole from YRTC's.

	FY 04/05	FY 05/06
PAROLE		
Paroled	165	201
Administrative Parole	66	71
Supervision Parole	19	13
Parole Reinstatement	4	6
Subtotal Parole	254	291
DISCHARGE		
Administrative	98	58
Institutional	58	57
Revoked	30	37
Subtotal Discharge	186	152
TOTAL PAROLE	440	443

Source: YRTC Kearney.

	FY 04/05	FY 05/06
Paroled	117	118
Institutional Discharge	23	26
TOTAL	140	144

Source: YRTC Geneva.

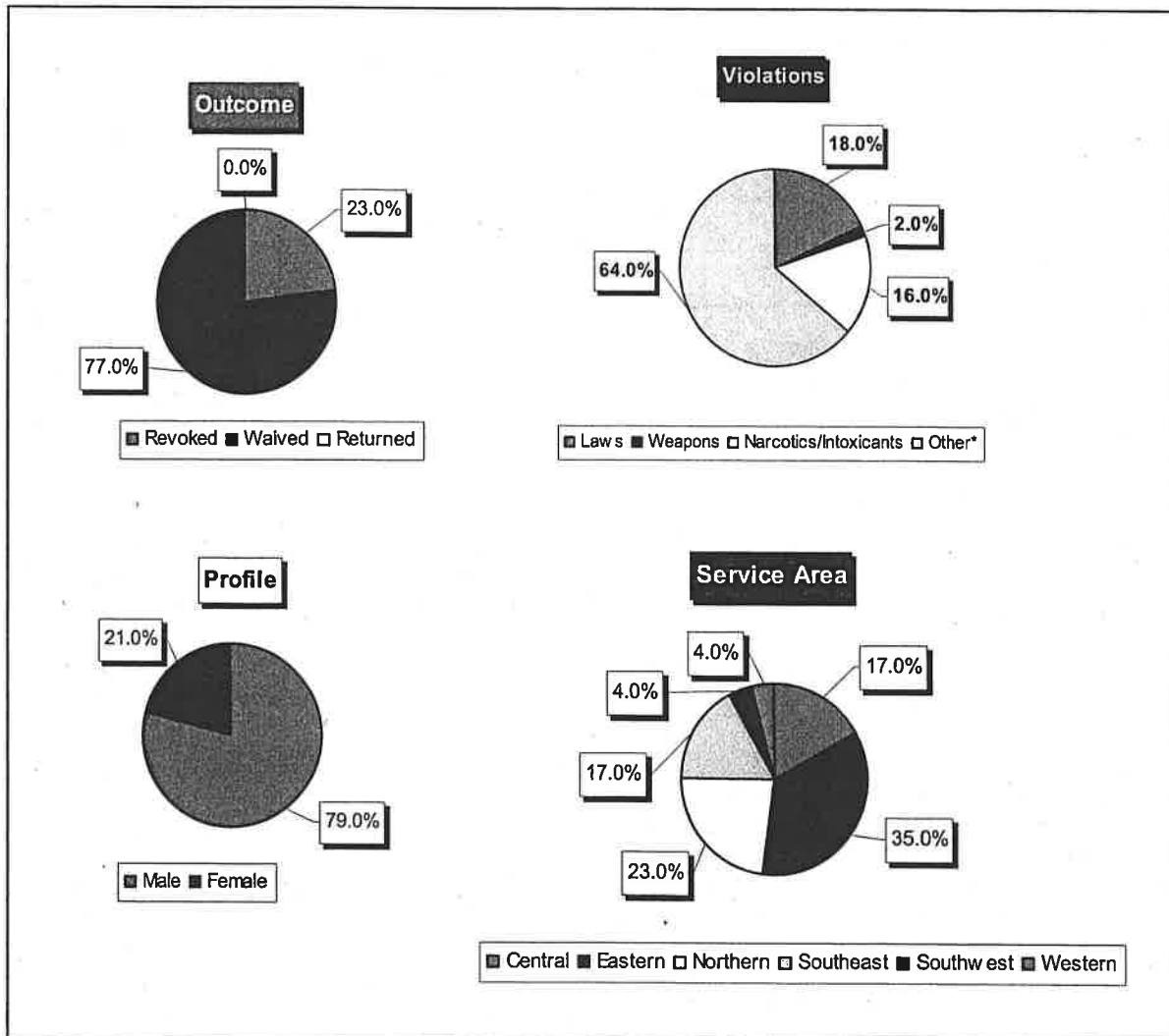
Table 3-31 shows the trends in parole revocation hearing statistics between FY 2000 and FY 2005. The number of revocation hearings conducted, juvenile revocations, juveniles waived, and juveniles returned to supervision all decreased substantially between FY 2000 and FY 2005.

Table 3-31 PAROLE REVOCATION HEARING STATISTICS							
	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05	% Change
1. Number of Revocation Hearings Conducted	191	147	90	34	42	48	-74.9%
2. Number of Juveniles Revoked	125	78	54	12	23	11	-91.2%
3. Number of Juveniles Waived	65	65	28	22	19	37	-43.1%
4. Number of Juveniles Returned to Supervision	1	4	8	0	0	0	-100.0%
5. <u>Service Area Breakdown:</u> (ICCU included in annual total)							
> Northern	34	26	17	2	7	11	-67.6%
> Eastern	47	40	18	4	9	17	-63.8%
> Southeast	25	24	12	5	9	8	-68.0%
> Central	50	25	28	14	6	8	-84.0%
> Southwest	24	17	2	3	3	2	-91.7%
> Western	11	15	13	6	8	2	-81.8%

Source: Nebraska Health and Human Services Protection and Safety, 2006.

Figure 3-22 illustrates the parole revocation profile based on FY 2005 data. The largest category of offense violation is other (64%), which includes the following violations: residence, curfew, school, employment, associates, directives, motor vehicle, consent to search, travel, marriage, and special conditions. Only 18% of violations were law violations.

Figure 3-22
Parole Revocation Profile – FY05



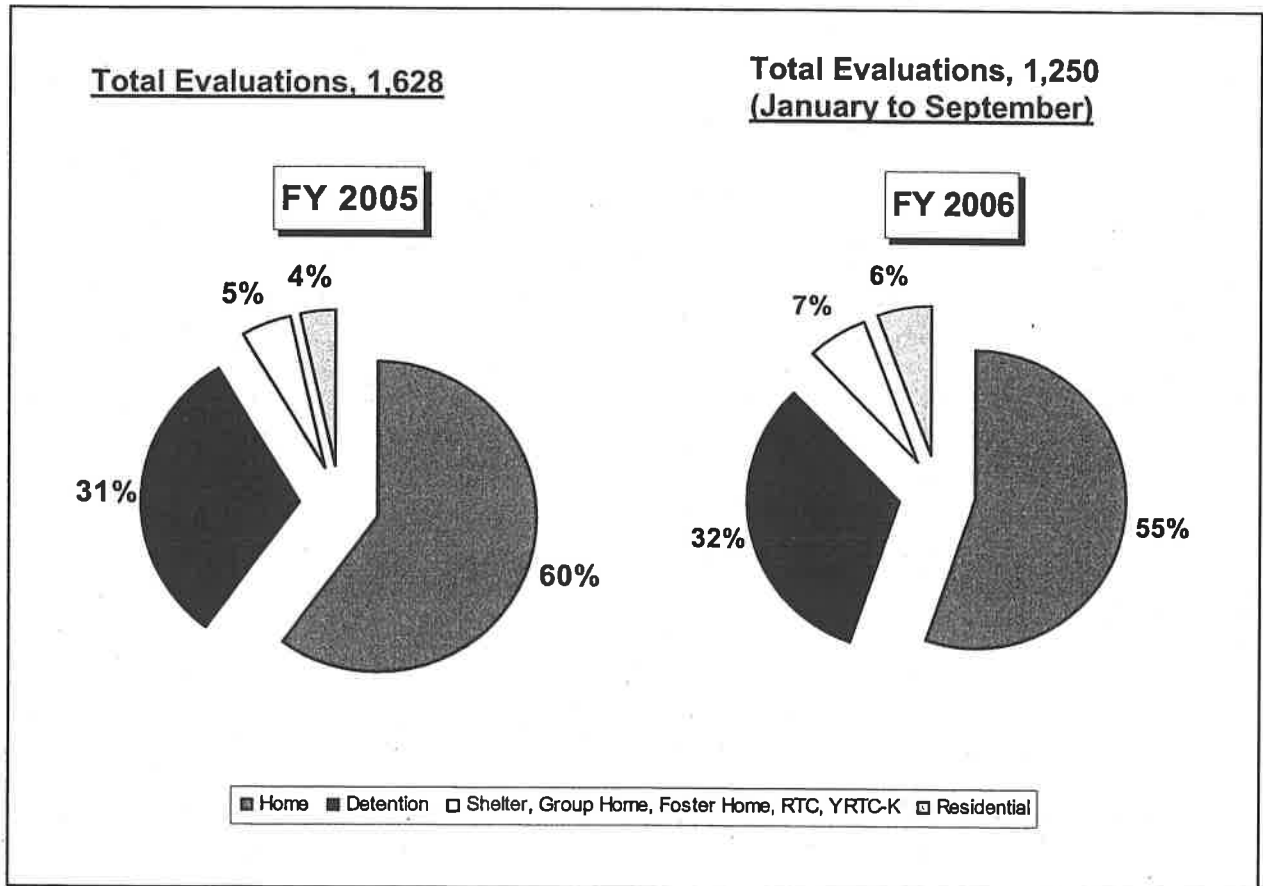
Source: Nebraska Health and Human Services Protection and Safety, 2006.

*Other includes: Violations that include Residence, Curfew School Employment, Associates, Directives, Motor Vehicle, Consent to Search, Travel, Marriage, and Special Conditions.

Evaluation Trends

Figure 3-23 presents a profile of OJS evaluations. In FY2005 and FY 2006 nearly one-third of youth evaluations were conducted in detention. Further data indicate that only 15% of youth evaluated in 2006 required a sub-acute level of care based on the evaluation.

**Figure 3-23
OJS Evaluation Trends**



Source: Nebraska Health and Human Services Protection and Safety, 2006.

Juvenile Correctional Comparative Analysis

The per diem rate for juvenile correctional facility operation in Nebraska is below the comparison group average. The percentage of girls at 32.3% is higher than the comparison group average

Table 3-32 JUVENILE CORRECTIONS COMPARATIVE ANALYSIS							
State	2005 State Juv. Population	State Operated Juv. Corr. Beds	Total ADP	Incarceration Rate	Percent Girls	Avg. Length of Stay (mos.)	Avg. Per Diem Cost
Nebraska	428,932	230	279	0.65	32.3%	7.6	\$145
Arkansas	683,672	0	469	0.69	9.0%	7.8	\$126 - \$182
Idaho	372,936	200	417	1.12	14.0%	14.5	\$240
Iowa	667,926	240	229	0.34	17.5%	9.0	\$185
Kansas	671,447	588	419	0.62		8.5	\$231
South Dakota	186,245		435	2.34		5.2	\$163
Utah	738,937	234	194	0.26	13.0%	13.5	\$205
Average	553,527	252	361	0.89	13.4%	9.8	\$205

Notes:
(1) Juvenile population includes youth under 18 years according to 2005 Census estimates.

Source: Chinn Planning, Inc.

Summary of Key Findings

Although Nebraska's total and juvenile population did not grow significantly between 1980 and 2000, the rate of growth for Nebraska's adult population will more than double between 2000 and 2020, and the rate of growth for juvenile population will be even higher.

Total juvenile arrests decreased by 21.9% between 1999 and 2005, with the largest decrease (34.7%) in arrests of juveniles for Part I serious offenses. In 2005, only 1.2% of Nebraska juveniles were arrested for serious Part I violent offenses. Almost one-third of juvenile arrests in 2005 were for status, liquor law, and drug violations combined.

Juvenile court petitions for major offenses decreased by 4.4% between 1999 and 2005. Juvenile court petitions for minor and status offenses increased by 18.5% for the same period. The largest increase in juvenile court petitions statewide is for neglect/dependency, which grew by 168.1%.

A typical youth committed to in HHS/OJS custody in FY2006 was male (68.9%), white (60.6%), 15 to 17 years old (49.5%), had a delinquency petition filed (69.4%), and was adjudicated for a misdemeanor offense (51.9%).

The number of youth sentenced to probation, supervised on probation, and discharged from probation all decreased between 1999 and 2005. However, the percent of youth that have satisfactory completion remained constant at around 68% to 70%. Probation revocations also remained constant at roughly 9% to 12% of total discharges between 1999 and 2005. The decrease in probation caseload statewide has occurred because judges are increasing commitments to OJS in order to access services.

The number of statewide staff secure and shelter care placements has decreased substantially

from 1999 levels. Many facilities that operated in 1999 have been closed.

Average daily population at the state's four secure detention centers increased by 31.8% between 1999 and 2005. This is due, in large part, to the increase in the number of youth placed in detention centers awaiting evaluation. The HHS/OJS budget for detention center reimbursement increased 72% per year between FY2004 and FY2006. OJS does not make the determination to place youth in secure detention. Some youth are placed in secure detention awaiting an evaluation that may have been ordered before adjudication. Based on 2006 evaluation data, only 15% of youth evaluated required a sub-acute level of care.

The average monthly population of youth that are in HHS/OJS custody (roughly 1,500 youth in April 2006) increased 5.5% per year between 2001 and 2006. Out-of-home placement as a percentage of total placements was 53.6% statewide in October 2006, with minor variations of that percentage among the five service areas in the state. Although out-of-home placements represent the majority of HHS/OJS placements, the biggest growth in the allocation of placements has occurred in In-Home placement, while the percentage of out-of-home placements has declined as a percent of total placements. The number of OJS youth placed out-of-state doubled between 2002 and 2006, going from 17 youth to 32 youth.

Per diem rates for services vary, however, the community based services have the lowest rates. YRTC's at Kearney and Geneva represent the largest portion of the OJS budget at 57.4%. OJS costs for detention services increased 72% per year between FY2004 and FY2006. Per diem rates are as follows:

	Avg. Daily Population	Per Diem Rate
Kearney	157	\$ 142.57
Hastings	32	\$ 458.00
Geneva	90	\$ 151.32
Total	279	

Average daily population at YRTC's in Kearney and Geneva by the end of FY2005 was 279. This represents a decrease of 11.4% between FY2000 and FY2005, with the biggest decrease at Kearney (15.2%). The average daily population at Kearney includes the roughly 30 to 35 youth that are transferred to the Hasting Substance Abuse Treatment program. By the end of 2006, all facilities were operating below capacity.

Admissions to YRTC's decreased by 41.9% between FY2000 and FY2005, with the biggest decrease occurring at Kearney (47%). However, average length of stay has increased substantially during the same time period—a 42.2% increase at Kearney, and a 28.5% increase at Geneva.

The typical juvenile placed at YRTC's is male (76%), white (51.9%), with the commitment offense of theft (26.1%). In FY2005, 8% of youth were placed at YRTC's for parole violations, which is substantial reduction since FY1999 when 22% of youth were committed to YRTC's for parole violations. The percentage of minority youth committed to HHS/OJS custody increased between FY1999 and FY2006, going from 37% to 48% of total commitments.

Youth at both Kearney and Geneva have significant treatment needs, including mental health, substance abuse, and behavioral treatment needs.

The Western Region has the highest rates of juvenile arrests, petitions filed, commitment to YRTC's, and youth placed on probation. The Eastern Region has the highest rate of secure detention in the state.

The per diem rate for juvenile correctional facility operation in Nebraska is below the state comparison group average. In addition, the percentage of girls in state correctional facilities at 32.3% is substantially higher than the comparison group average at 13.4%.

OFFICE OF JUVENILE SERVICES OPERATIONAL ASSESSMENT

Overview

OJS does not control the front or back end of the placement process. A single point of entry with a consistent evaluation process in the least restrictive placement does not exist. A high percentage of youth are directly committed to programs from the court, and although OJS pays for these services they may not be appropriate. As probation caseloads and services decline across the state, and due to lack of local alternative programs, youth are placed in OJS custody in order to access services. On the back end of placement, youth do not have adequate service and supervision to ensure successful reentry to their communities. The judiciary is driving placement decisions.

The number of youth placed in detention centers for evaluations is increasing. Approximately one-third of evaluations were conducted while youth were housed in a detention center in 2005. OJS costs for detention center placements increased 72% per year in the last two years. Based on 2006 evaluation data, only 15% of youth evaluated required a sub-acute level of care.

A high percentage of youth committed to OJS custody have behavioral disorders, mental health, substance abuse, and sex offender treatment needs. Programs exist for many of these treatment needs, but they need to be expanded. The sex offender treatment program for boys closed in 2006. A dual diagnosis program for girls is needed, and there is currently a waitlist for the substance abuse treatment program at Geneva.

Length of stay at YRTC's has increased significantly over the past five years. Based on youth offense and profile data, some youth may not require 7 to 9 months of programming, and could benefit from short term behavioral programming. Tightening controls over the release decision making process can also impact on length of stay.

The peer culture program at Kearney has been in the process of conversion to evidence based cognitive behavioral programming. The group process can not replace individualized treatment. Implementation of a new treatment program at Kearney will require staff training and outcome monitoring.

Direct care staffing levels at both YRTC's (based on current capacities) reflect a 1:10 direct care staffing ratio at Geneva, and a 1:12 direct care staffing ratio at Kearney. Implementing a 1:8 direct care staffing ratio would require increased staff at both facilities. A 1:8 direct care staffing ratio reflects a staffing pattern that is appropriate for intensive therapeutic programming.

Vocational programming is not adequate at the YRTC's, especially in view of the fact that a high percentage of the commitment population are 17 and older.

Both YRTC's campuses have aging infrastructure, and facility components that do not reflect best practice in juvenile correctional facility design. This is particularly true for housing areas, where there is a heavy reliance on dormitory style housing. The number of housing units with access to toilet facilities in individual rooms is not adequate.

YRTC- Kearney

YRTC-Kearney provides treatment programming, education, social services, and other program services to male offenders, with an average length of stay of seven months. The Positive Peer Culture model of behavioral programming is currently in the process of transitioning to another model, based on evidence based research. Cognitive skills behavioral programs have more transferability to the community than the Positive Peer Culture behavioral treatment model with its reliance on the institutional group.

The current staffing level for YRTC-Kearney is shown in Table 4-1. Total direct care staff at Kearney is 69, which translates to a 1:12 staff to youth ratio on each shift. This staffing ratio should be lowered to 1:8 in view of the level of treatment need (mental health, substance abuse, behavioral disorders) that is present in the population at Kearney. In order to enhance treatment services, additional security positions as well as nurses and mental health professionals should be added to enhance the direct care staffing ratios.

Table 4-1 KEARNEY YRTC STAFFING		
	Current Staff	Total
Administration	11.5	11.5
Nursing	3.0	3.0
Social Services	7.0	7.0
Education Administration	3.0	3.0
Teachers	23.0	23.0
Recreation	6.0	6.0
Youth Counselors (includes 1 Supervisor)	20.0	20.0
YSSI and YSSII	49.0	49.0
YSSIII (Supervisors)	7.0	7.0
Kitchen/Support Services (includes Canteen)	11.0	11.0
Maintenance	10.0	10.0
Total	150.5	150.5

Source: YRTC Kearney, 2006.

Hastings Regional Center-Chemical Dependency Program

The Chemical Dependency Program at the Hastings Regional Center is a 40 Bed program located on a large residential campus. The program provides residential chemical dependency treatment to male offenders. Youth are transferred to this program from YRTC Kearney if they meet the following criteria:

- Must be committed to YRTC Kearney
- Must have a diagnosis of dependency as a primary diagnosis
- Must be above the age of 13
- Must have attempted previous treatment interventions

The program is operating with roughly 32 youth per day, and the average length of stay in the program is four months. The direct care staffing ratio is 1:4 during a-wake hours, and 1:6 at night. This staffing ratio is required for Medicaid reimbursement, which the state receives for youth placed at the campus. Other residential programs are operating on the campus, which conflicts with best practice recommendations that juveniles and adults be housed separately. There is no gymnasium or indoor recreation facility on the campus, which also conflicts with best practice recommendations that would include access to indoor and outdoor recreation.

YRTC- Geneva

The YRTC-Geneva campus provides female responsive programming to approximately 90 girls, who stay an average of nine months. Female responsive programming includes services that are designed to meet the unique needs of girls and young women. They value the female perspective, and celebrate and honor the female experience. Services provided to girls at Geneva include treatment counseling, education, visitation, religious, vocational, substance abuse, parenting, and other social services and programs.

Table 4-2 shows the current staffing at YRTC-Geneva. Total direct care staffing at Geneva is 47, which translates to a 1:10 staff to youth direct care ratio. A staffing ratio of 1:8 would be more appropriate based on the level of treatment need (mental health, substance abuse, behavioral disorders) of girls at Geneva. Additional Direct Care staff, as well as mental health and psychological support staff, would enhance the staffing ratio. In addition, 5.5 positions are needed in order to operate the control center in the new LaFlesche building.

Table 4-2 GENEVA YRTC STAFFING		
	Current Staff	Total
Administration	10.5	10.5
Nursing	2.5	2.5
Social Services	5.0	5.0
Education Administration ¹	2.5	2.5
Teachers	12.0	12.0
Recreation	2.5	2.5
Youth Counselors	6.0	6.0
YSSI and YSSII	41.0	41.0
YSSIII (Supervisors)	9.0	9.0
Kitchen/Support Services (includes clerk and clothing)	8.0	8.0
Maintenance	6.0	6.0
Total	105.0	105.0

Note: Includes One (1) Vocational Counselor.

Source: YRTC Geneva, 2006.

YOUTH REHABILITATIVE TREATMENT CENTERS (YRTC) AND HASTINGS REGIONAL CENTER FACILITIES ASSESSMENT

Note: Please refer to Campus Facility Improvements for recent upgrades to buildings since the 1999 Master Plan.

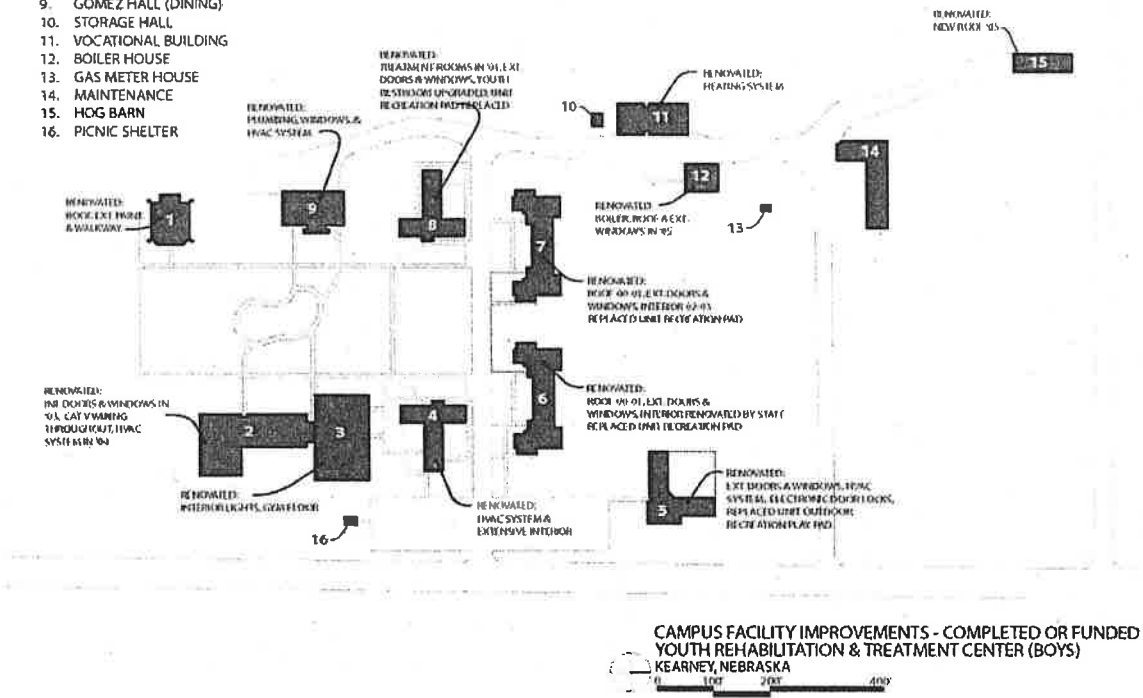
YRTC-Kearney (YRTC-K)

- This 128 year old campus has approximately a dozen operational buildings which generally range from 60 to 35 years in age. The open campus setting is secured by staff.
- Approximately eight years ago the maintenance, including upgrades of buildings and grounds on the campus, was placed under the authority of Nebraska Department of Administrative Services – State Building Division. In cooperation with YRTC-K staff, many improvements have been made to the campus, especially regarding repair and maintenance.
- Official rated housing capacity is 172 beds. Current capacity is kept below 150 beds by Administration preference. The establishment of a boy's 40-bed mental health/substance abuse unit in Hastings has kept the population pressure down at YRTC-K.
- The buildings which function as the Housing units do not contain floor plan layouts that are consistent with current practice regarding juveniles. Nearly seventy percent (70%) of rated housing capacity consists of open dormitory sleeping units. These 120 beds are subdivided into four 30-bed units, two in each building. Dayroom and support spaces are located at a different level from the sleeping space. Both of these buildings, Bryant-Creighton and Lincoln-Washington are over fifty years old.
- The least desirable building on campus is Morton Hall. This building is almost 60 years old and contains an outdated linear style housing design which is still in use today. Although it contains forty-two (42) individual sleeping rooms, its capacity is limited to thirty (30) beds due to dayroom and support space limitations.

Figure 5-1 shows the site plan of the campus at YRTC Kearney, followed by photo images of some of the buildings.

**Figure 5-1
Campus Facility Improvements
Kearney (YRTC Boys)**

1. CHAPEL
2. REYNOLDS HALL (SCHOOL)
3. WIMBERLY GYMNASIUM
4. DODGE BUILDING (ADMINISTRATION)
5. DICKSON BUILDING
6. BRYANT-CREIGHTON UNIT
7. WASHINGTON-LINCOLN UNIT
8. MORTON UNIT
9. GOMEZ HALL (DINING)
10. STORAGE HALL
11. VOCATIONAL BUILDING
12. BOILER HOUSE
13. GAS METER HOUSE
14. MAINTENANCE
15. HOG BARN
16. PICNIC SHELTER



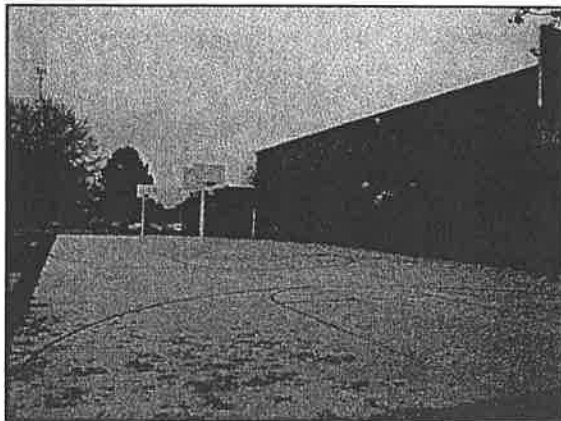
Kearney - Youth Rehabilitative Treatment Center



Housing Toilet Room Upgrade



30-Bed Dormitory Unit



Site Recreation Upgrade

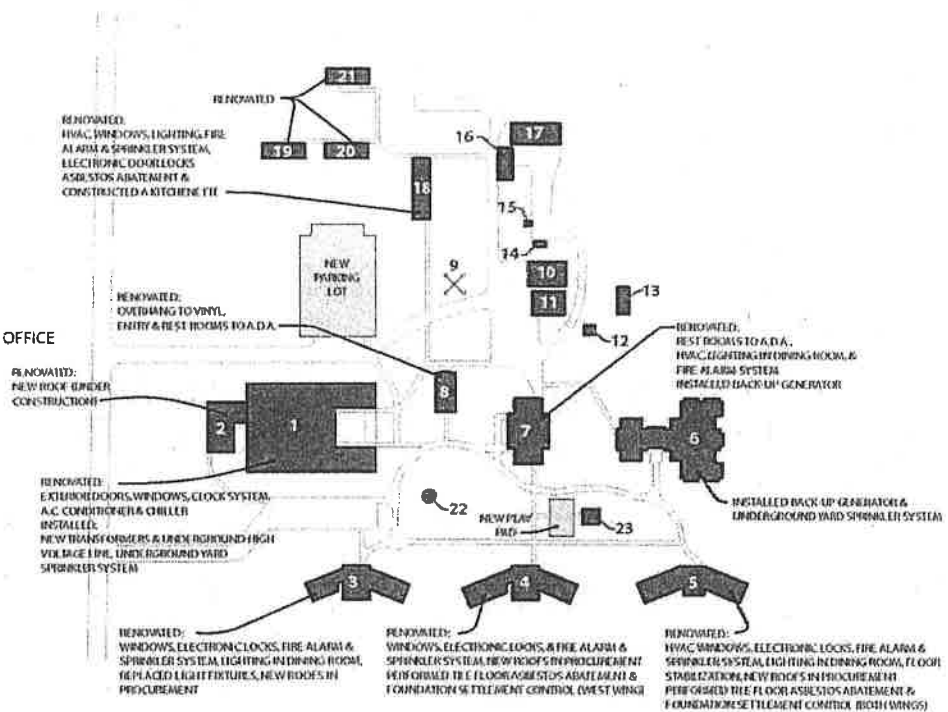
YRTC-Geneva (YRTC-G)

- This campus is now 115 years old, being in continuous operation since 1892. A recent addition is the LaFlesche Building which has provided two ten bed specialized housing units as well as medical, treatment and support components. Other buildings on campus are forty years or older with the newest of the lot being the Food Service building.
- The Nebraska Department of Administrative Services – State Building Division in cooperation with staff have updated many of the campus buildings and made significant site improvements.
- The official rated capacity of the girl's campus is eighty-two (82) beds. This will be accomplished when the Dunbar Building no longer functions as a housing unit, effective February 2007. The Dunbar Building will be reprogrammed to serve as an emergency facility and also be utilized for special programming.
- The three older remaining housing unit cottages are linear style housing wings which open up to a central dayroom/control area. The main issue is that nearly all of the sleeping rooms are “dry” cells. This is a burden on staff during the night shift when the girls are locked in their rooms. To allow a resident to leave their sleeping room to use the toilets in the wing, the night staff person needs to call in an outside staff person to assist in the operation. This system has been utilized for many years and it is accepted, although certainly not ideal.

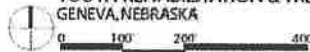
Figure 5-2 shows the site plan of the campus at YRTC Geneva, followed by photo images of some of the buildings.

**Figure 5-2
Campus Facility Improvements
Geneva (YRTC Girls)**

1. SCHOOL / ADMINISTRATION
2. POOL
3. MARIE SANDOZ COTTAGE
4. JOHN BURROUGHS COTTAGE
5. SACAJAWEA COTTAGE
6. LAFLESCHÉ BUILDING
7. FOOD SERVICE
8. CHAPEL
9. WATER TOWER
10. MAINTENANCE SHOP
11. BOILER PLANT
12. GAS METER HOUSE
13. LUMBER STORAGE
14. GROUNDS STORAGE
15. PAINT STORAGE
16. SURPLUS FURNITURE STORAGE
17. VEHICULAR STORAGE
18. PAUL DUNBAR LIVING UNIT
19. RECREATION AREA AND OFFICE
20. TRAINING ROOM AND OFFICE
21. MOTHER / BABY PROGRAM AREA & OFFICE
22. GAZEBO
23. PICNIC SHELTER



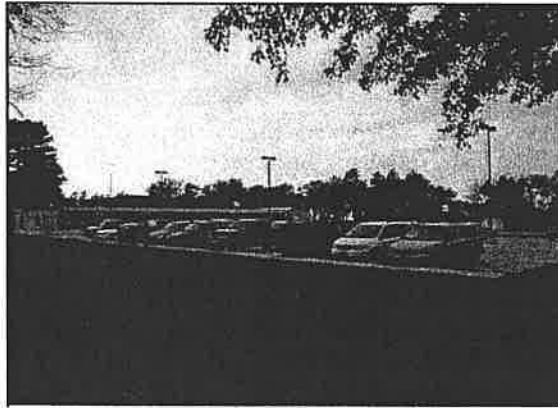
**CAMPUS FACILITY IMPROVEMENTS - COMPLETED OR FUNDED
YOUTH REHABILITATION & TREATMENT CENTER (GIRLS)
GENEVA, NEBRASKA**



Campus Renovations:

1. New water main loop system replacing well and water tower system.
2. Additional and improved landscaping.
3. New parking lot.
4. Concrete paving on portion of north driveway.
5. Erected picnic shelter and gazebo.
6. Poured a concrete play pad.
7. Erected equipment storage building for recreation/ball field.
8. New lawn sprinkler system west of swimming pool and on ball field.
9. New fire hydrants on east end of campus.
10. New public address/emergency alert system throughout the campus.
11. New conduit and fiber optic throughout campus.
12. Installed Emergency Notification System.
13. Replaced sewer lines and water mains.

Geneva - Youth Rehabilitative Treatment Center



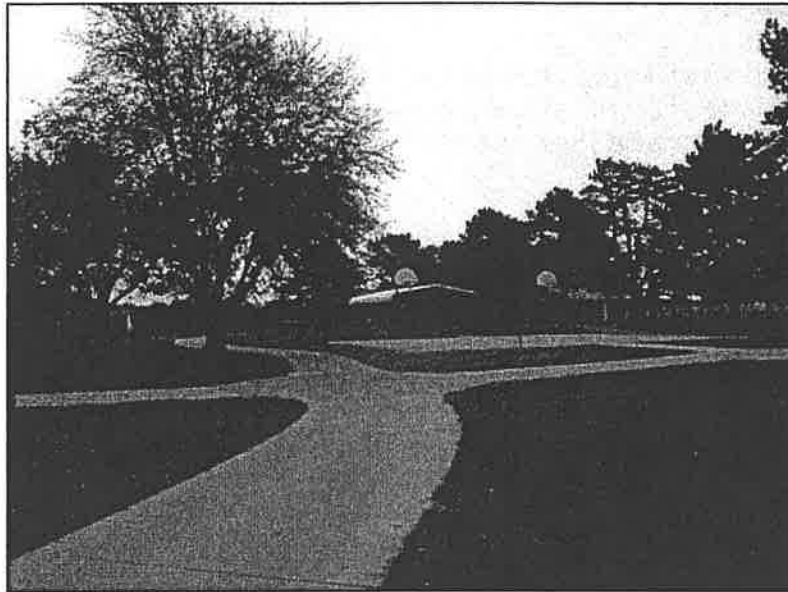
New Staff Parking Lot



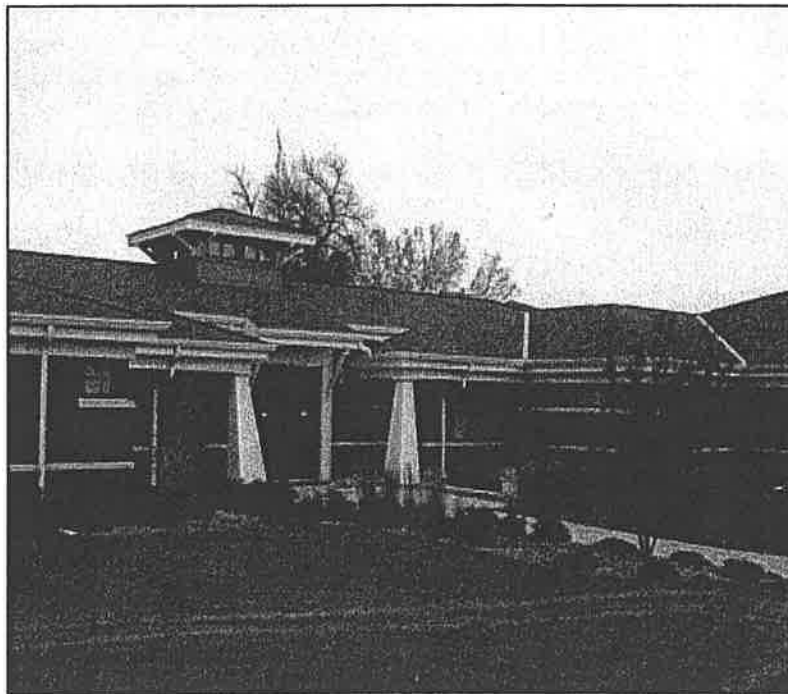
Dunbar – Inaccessible/Linear



Nursery



Parking Converted to Green Space



LaFlesche – New Housing

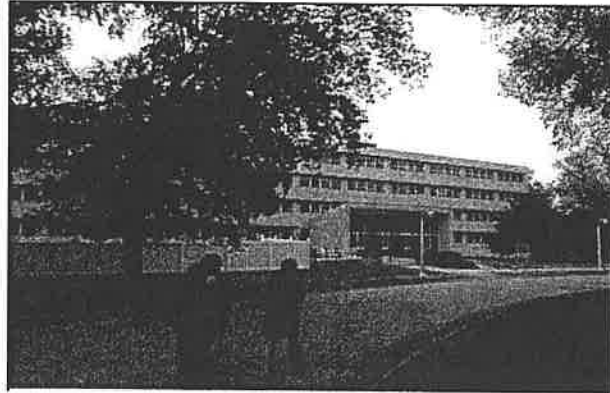
Hastings Regional Center

- This Regional Center has been operated by the State for many years as a mental health facility and is significantly underutilized. A building on campus remodeled for use as a minimum security facility by the Nebraska Department of Correction Services has been vacant for some time.
- A highly specialized program exists at Hastings in Building #3 that houses up to 40 boys for treatment regarding Mental Health and Substance Abuse. Food service, education and programs occur in Building #7. Building #3 has been updated recently and due to vacation of another program has excess capacity. The housing buildings all are deficient due to their linear design. Living space available on each floor, however, is generous.
- This campus currently houses men for mental health treatment in Building #4 which is adjacent to the building in use for the juvenile boys. Men regularly utilize Building #7 for the cafeteria/dining function which, through scheduling, occurs at different times than used for juveniles.
- Mixing adult men and juveniles on the same open campus is very problematic. It is desired by staff to move the adult men to another campus, perhaps at Beatrice. Thus, Building #4 could be converted into additional specialized juvenile housing in the future.
- The campus also is lacking in both indoor and outdoor recreation. If this campus is to be a longer term solution for treatment of mental health and substance abuse for boys and girls, the development of recreation areas needs strong consideration.
- Photo images of some of the buildings at the Hastings Regional Center are shown on the following page.

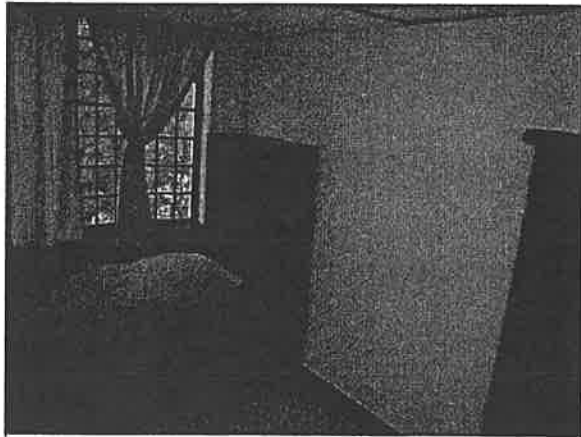
Hastings Regional Center



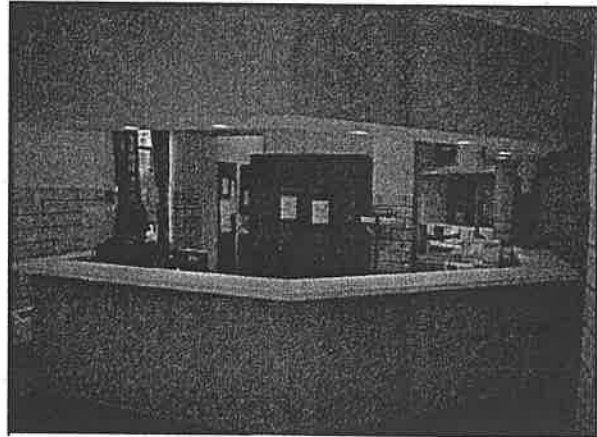
Food Service



Men's Mental Health Housing



Boy's Sleeping Room



Housing Control Desk



Boy's Dayroom

PROPOSED IMPROVEMENTS – NOT FUNDED

YRTC-Kearney

Dickson Building:

- Scald protection on domestic hot water supply
- Replace air handler
- ADA modifications
- Install fire sprinkler system and upgrade fire alarm system

Gomez Dining Hall:

- Replace existing fire suppression system
- Replace water heater
- Install fire sprinkler system and upgrade fire alarm system

Dodge Building:

- Replace roof
- Install fire sprinkler system and upgrade fire alarm system
- Replace second floor windows

Morton Unit:

- Replace roof
- Install fire sprinkler system and upgrade fire alarm system

Boiler House:

- Replace roof
- Replace windows

Vocational Building:

- Replace heating for south half
- Install fire sprinkler system and upgrade fire alarm system
- ADA modifications

Bryant – Creighton Unit:

- HVAC Study
- Install fire sprinkler system and upgrade fire alarm system

Lincoln – Washington Unit:

- HVAC Study
- Replace water heater
- Install fire sprinkler system and upgrade fire alarm system

Wimberly Gymnasium:

- Tuck pointing and concrete fascia
- HVAC Study
- Replace water heater
- ADA modifications
- Install fire sprinkler system and upgrade fire alarm system

Heat Plant Systems:

- Steam and condensate piping study

Maintenance Warehouse/Shop:

- Replace windows
- Replace walk-in doors

Chapel:

- Replace lighting
- Replace floor tile
- Install fire sprinkler system and upgrade fire alarm system
- Structural Study

School (Reynolds Hall):

- ADA modifications
- Install fire sprinkler system and upgrade fire alarm system

Grounds:

- Re-pave streets and loading dock
- Computerized Energy Management System
- Asbestos abatement

YRTC-Geneva

Grounds:

- Replace steam lines
- Computerized Energy Management System
- Asbestos abatement

Marie Sandoz Cottage:

- Floor stabilization
- Replace mechanical system (design)
- Replace mechanical system (construction)
- Renovate mechanical controls
- Roof replacement
- Tuck pointing

Boiler House #1:

- Replace receiving tank
- Tuck pointing
- Replace boilers
- Replace windows/dampers

Sacajawea Cottage:

- Replace roof
- ADA upgrades
- Tuck pointing

School/Administration:

- Replace HVAC system (design)
- Replace HVAC system (construction)
- Replace roof
- Install fire sprinkler system and upgrade fire alarm system
- ADA modifications
- Tuck pointing

John Burroughs Cottage:

- Replace mechanical system (design)
- Replace mechanical system (construction)
- Renovate mechanical controls
- Replace roof
- Tuck pointing

Food Service:

- Replace roof
- Install fire sprinkler system and upgrade fire alarm system
- Tuck pointing

Pool:

- Recoat roof
- ADA addition

Chapel:

- Install fire sprinkler system and upgrade fire alarm system

Cottage A:

- Install fire sprinkler system and upgrade fire alarm system

Cottage B:

- Install fire sprinkler system and upgrade fire alarm system

Cottage C:

- Install fire sprinkler system and upgrade fire alarm system

Hastings Regional Center

Juvenile Specialized (MH/SA) Housing #3:

- Hot water circulation line
- Replace windows
- ADA entry and masonry repair
- Install drain line
- Tuck pointing
- Window repair/repaint
- Modify toilet rooms (ADA)
- Replace drinking fountains (ADA)
- Replace handrails (ADA)
- Improve air handling unit controls
- Door replacement

Adult Men Mental Health Housing #4:

- Emergency masonry wall replacement
- Replace stand-by generator
- Repair roof flashing
- Hot water circulation line
- Tuck pointing
- Replace windows
- Modify doors and hardware
- Modify toilet rooms
- Replace drinking fountains
- Install thermostatic radiator valves

Food Service, Education and Programs #7:

- Repair roof flashing
- Elevator equipment
- Hot water circulation line
- Fire sprinkler system

- Air Handling Unit upgrade
- Toilet/tub rooms modification
- Floor tile replacement
- Masonry repoint
- Window repair and repaint
- Stand-by generator

PROJECTED CAPACITY REQUIREMENTS

Introduction

In order to plan for future facility capacity requirements, projections were developed for both the total OJS Ward capacity (includes all in-home and out-of-home placements), and for the Youth Rehabilitation and Treatment Center populations. These baseline forecasts were developed using historic data and do not reflect capacity recommendations. The next Section of this Report will present recommendations to improve system intake and release, and expand non-residential programs and services. A capacity planning recommendation is included in Section VII – System, Operational, and Capacity Recommendations.

Office of Juvenile Services Total Ward Forecast

Table 6-1 presents the forecast of total OJS Ward population in five year increments through 2025. All of the forecast models use the base (April 2006) OJS Ward average daily population of 1,541 youth in order to project future capacities. All forecast models also assume a 50% split in in-home versus out-of-home placement.

Forecast 1 projects OJS Wards based on current rates (7.4 OJS Wards per 1,000 juvenile population). Forecast 2 assumes an increasing rate of OJS Wards (.20 over five years). Forecast 3 projects OJS Wards based on the historic growth trend that shows an increase of 67 youth under OJS supervision each year.

Table 6-1 OJS WARDS FORECAST MODELS State of Nebraska				
	2010	2015	2020	2025
Forecast 1 - Rate of OJS Wards remains @ 4/06 level - 7.4	1,526	1,654	1,781	1,908
In-Home - 50% of Wards	763	827	891	954
Out-of-Home - 50% of Wards	763	827	891	954
Forecast 2 - OJS Ward Rate increases @ .20 per 5 years	1,567	1,743	1,925	2,114
In-Home - 50% of Wards	784	872	963	1,057
Out-of-Home - 50% of Wards	784	872	963	1,057
Forecast 3 - Average Number Increase from 4/01 - 67/year	1,876	2,211	2,546	2,881
In-Home - 50% of Wards	938	1,106	1,273	1,441
Out-of-Home - 50% of Wards	938	1,106	1,273	1,441
Average of All Models	1,656	1,869	2,084	2,301

Source: Chinn Planning, Inc.

Youth Rehabilitative and Treatment Center Forecast

Table 6-2 shows the forecast for the YRTC population, which includes population housed at the Hastings Regional Center. These forecasts were developed using historic data on admissions, average daily population, and average length of stay at the YRTC's.

All of the forecast models use the FY2005 total average daily YRTC population of 279 as a base for projections. All forecast models include a 10% peaking and classification factor to account for peaks in population and the need for separation of some populations.

Forecast 1 and Forecast 2 use incarceration rates as the basis for projecting future bed space estimates. Forecast 3 assumes growth in average length of stay, but no growth in annual admissions.

These forecasts were developed using historic data, and present a baseline estimate of future capacity levels assuming no change in current practice or expansion of non-residential programs. Based on the system assessment, recommendations will be presented in the next Section which can impact future capacity requirements. Without program, system, or operational changes, daily populations at YRTC's could reach 400 youth by 2020.

Table 6-2 YRTC POPULATION FORECAST MODELS State of Nebraska				
	2010	2015	2020	2025
Forecast 1 - Incarceration Rate - 1.34	276	299	322	346
+ 10% Peaking/Classification	28	30	32	35
Bedspace Estimate	304	329	354	381
Forecast 2 - Incarceration Rate increases @ .10 per 5 years	297	344	395	449
+ 10% Peaking/Classification	30	34	40	45
Bedspace Estimate	327	378	435	494
Forecast 3 - ALOS increases 15 days/5 years - 230 base:	370	392	415	438
Admissions remain at FY 2005 level - 551				
+ 10% Peaking/Classification	37	39	42	44
Bedspace Estimate	407	431	457	482
Average of All Models	314	345	377	411
+ 10% Peaking/Classification	31	35	38	41
Bedspace Estimate	346	380	415	452

Source: Chinn Planning, Inc.

SYSTEM, OPERATIONAL, AND CAPACITY REQUIREMENTS

Introduction

System, operational and YRTC residential capacity recommendations will be presented in this Section. These recommendations are based on the mission statement, profile of youthful offenders, growth trends and system assessment, a tour of the YRTC's and Hastings Regional Center, and national "best practices" for juvenile correctional programs and facilities.

National Best Practice

National "best practice" for providing services to youthful offenders have been developed and presented in research in the field of juvenile justice. National "best practice" related to community-based services for juvenile offenders includes:

- Low Risk Offenders Remain in the Community
- Provide Research Proven Prevention and Intervention Programs for Delinquents
- Provide Services that Meet the Unique Needs and Resources of Local Juvenile Justice Systems
- Probation Supervision with Service Support in the Community
- Prioritize Services for High Risk/Need Offenders
- Quality Assurance and Performance Measures for Service Delivery

National "best practice" for operation and design of juvenile correctional facilities includes:

- Placement Based on Individualized Assessment
- Structured Decision Making for Placement and Classification
- Identify Behavior Characteristics, Service Needs, and Requirements for Separation
- Programming Responsive to Individual Risks and Needs
- Provide Programming Responsive to "Special Needs Population"
- Extensive Program Opportunities (Education, Recreation, and Visiting)
- Structured Daily Routine
- Normative Environmental Character
- Behavior Management is the Basis of Safety and Security
- Maximize Staff Supervision of Youthful Offenders
- Small Housing Units (8-12 Residents) Results in Improved Classification, Safety, and Management
- Single Occupancy Sleeping Room for High Risk Offenders
- Housing Units Arranged in Groups for Shared Services and Staffing Efficiency
- Access to Natural Light
- Open Dayroom with Contiguous Sleeping Rooms (Improved Supervision)
- Single User Showers/Toilet Rooms (1 per 8 Residents)
- On-Unit Housing Activities (Counseling, Homework, Passive Recreation for Program Flexibility)

- Access to Outdoor Space
- Central Dining (No Dining in Housing Units)
- Temporary Holding/Segregation Rooms (Limited Isolation)
- Direct Supervision Staffing Ratio of 1:8 to 1:10 (with Off-Unit Support Staff)
- Flexibility – Changing Program and Service Needs
- Incorporate ACA Standards
- Design to Accommodate Future Expansion

SYSTEM RECOMMENDATIONS

1. **Create a Distinct Department of Juvenile Offender Services within the Health and Human Services Department.**

Figure 7-1 presents a proposed organizational change for the Office of Juvenile Services. Under this restructuring, the Office of Juvenile Services would be transformed into a distinct Department of Juvenile Offender Services, with consolidation of services to include evaluation, YRTC's, Contract Monitoring, and Aftercare Services.

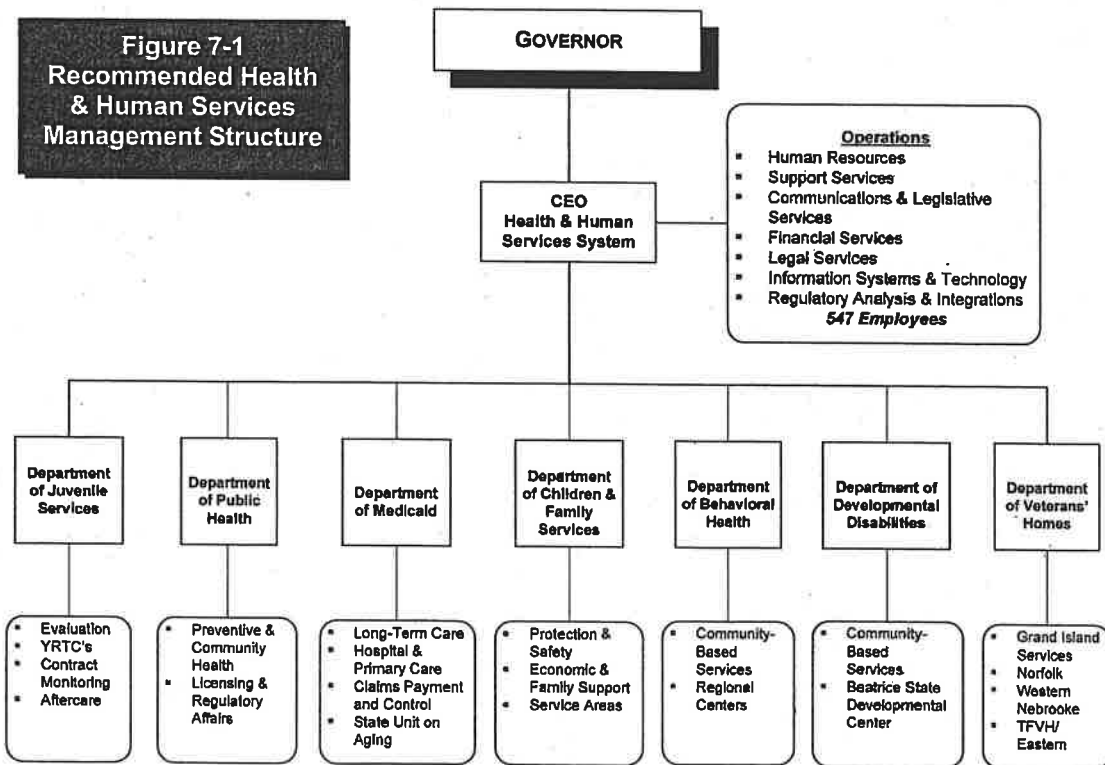


Table 7-1 compares the organizational structure among juvenile offender/correctional agencies within the United States in 2005. As indicated in Table 7-1, 35% of state juvenile justice agencies are operating as free standing youth agencies. Currently the Office of Juvenile Services is listed as a distinct agency under a health and human services agency. To enhance this status, the proposed organizational changes shown in Figure 7-1 are recommended.

	#	%
Free Standing Youth Corrections Agencies	18	35%
Child Welfare/Social Services System	12	24%
Distinct Agency Under Human Services Umbrella	11	22%
Division of Adult Corrections	10	20%
TOTAL	51	100%

Source: CJCA Yearbook 2005, page 2.

2. Expand Office of Juvenile Services Administrative, Management and Oversight Capability

In order to carry out the mission and responsibilities of the Office of Juvenile Services, increased management and oversight of the following areas should be considered:

- Intake and Release Decision Making
- Evaluation and Placement Practices
- Contract Monitoring
- Information System Management
 - Profile Data
 - Trend Data
 - Outcome Measures
- Authority to Enforce Statutes
- Aftercare Services

3. Develop Single Point of Entry into State Custody

The system and operational assessment indicated that a single point of entry for youth committed to state custody does not exist. Having a single point of entry with uniform evaluation and placement decision making is important to control the population, and to ensure that youth are placed in the least restrictive placement, remaining in their home and community whenever feasible. A high percentage of youth are directly committed to programs from the court, and although OJS pays for these services they may not be appropriate. In order to enhance the intake and placement practice of youth committed to state custody, OJS should:

- Make all Placement Decisions
- Ensure That Objective Risk Assessment Drives Placement Decisions
- Perform a Youth Level of Service (YLS) on all Youth to Determine Appropriate Placement
- Provide Services that Are Appropriate and Least Restrictive
- Provide Appropriate Treatment Programming
- Review Release Decision Making

4. Expand Community Based/Non-Residential Supervision Programs

The system assessment and youth profile indicated that a high percentage of the juvenile offender population have a high level of treatment need, including substance abuse, mental health, sex offending, and other behavioral disorders. The target population for expanded community based programming should include:

- Girls
- Sex Offenders
- Mental Health
- Substance Abuse
- Low Risk Offenders

Two examples of intensive community based programming for juvenile offenders and their families are Functional Family Therapy and Multi-Systemic Therapy. These are summarized below, and should be considered for expansion of the juvenile services continuum in Nebraska.

Functional Family Therapy

- Blueprint Program: University of Colorado's Center for the Study and Prevention of Violence.
- Structured family-based intervention to enhance protective and reduce risk factors in the family.
- FFT is a three-phase program:
 - ✓ motivate family toward change
 - ✓ teach family how to change a specific critical problem
 - ✓ help family generalize their problem-solving skills
- Trained therapists have caseloads of 10 to 12 families
- Involves about 12 visits during a 90-day period.
- Average cost per youth is \$2,100.

Source: Washington State Institute for Public Policy, "Experience With Evidence Based Programs", May 2005.

Multi-Systemic Therapy
Developed by: **Scott Henggeler, Clinical Psychologist**

- Based on the Assumptions: *That families should remain together and that all of the causes of anti-social behavior should be attacked at once.*
- Target Population: *High-Risk of Out-of-Home Placement*
- MST Goals:
 - ✓ Change behavior of youth within context of family, community, school, and peer group;
 - ✓ Focus on parents and building competency;
 - ✓ Build Positive Family and Peer Relationships;
 - ✓ Four to Five Month Program Duration; and,
 - ✓ Small Caseloads-Four to Five Families
- Evidenced Based Program Shown to be Effective with Violent Youth
- Example: *Stark County, Ohio*
- Average cost per youth is \$5,000 to \$7,500.

Source: Washington State Institute for Public Policy, "Experience With Evidence Based Programs", May 2005.

Expansion and/or implementation of community based programs that have been proven to be effective in supervising youth in their home communities will reduce the need for more costly residential placement. These programs include:

- Electronic Monitoring
- Day Reporting
- Intensive Supervision/Tracking
- Drug Screening
- Drug Court
- Crisis Intervention
- Emergency Shelter

5. Reduce Reliance on Residential Evaluations and Placement in Secure Detention

According to current statute OJS has the authority to make placement and evaluation decisions, not the court. Section 43-281 states that "following all adjudication of jurisdiction and prior to final disposition, the court may place a youth with OJS or HHS for evaluation".

Section 43-281 further states that OJS shall make arrangements for appropriate evaluation. The statute does not state that the court direct what the appropriate evaluation is or where it should take place. In order to gain control of the intake and evaluation process, these statutes should be enforced. This will have a tremendous impact on reducing detention populations and costs associated with youth in secure detention for evaluations.

6. Expand Residential Services for “Special Needs” Offenders

The system assessment indicated a high level of treatment for youth requiring residential treatment. This is true for contracted placements at well as the YRTC’s. Residential programming should be expanded for the following populations:

- Girls
- Mental Health
- Substance Abuse
- Sex Offenders
- High Risk Offenders

7. Enhance Efforts to Keep Youth in Their Home Communities

The Office of Juvenile Services should work with related juvenile and social service agencies to enhance efforts to keep youth in their home communities whenever possible. This should include efforts to:

- Expand Probation Supervision
- Work With Communities to Expand Alternative Programs
- Partner With Agencies to Expand and Improve Treatment and Services in the Community
 - Mental Health
 - Substance Abuse
 - Family Interventions
 - Educational Programming

OPERATIONAL RECOMMENDATIONS

1. Enhance Risk Assessment and Evaluation Process

When assessment and classification procedures do not result in the “right” youth being consistently linked with the intervention designed for them, there are a number of potentially negative consequences, including the following:

- Increased risk of public safety, as a result of high risk and/or violent youth being placed in settings that area not sufficiently restrictive to control their behavior.
- Inefficient use of resources, resulting from the placement of non-violent or non-higher risk youth in overly restrictive settings.
- Inequities resulting from the placement of youth with similar offense/risk/need characteristics at different levels of intervention.

Source: NCCD, February, 2006.

With development of a single point of entry into state custody, and evaluations that are objective consistent, OJS can increase the likelihood that youth are placed into appropriate and least restrictive programs. This will also require expansion of programming options to ensure that services match the various risk and need level of youth.

2. Expand Programming for “Special Needs” Offenders at YRTC’s

Girls

Expansion of the substance abuse treatment program at the Geneva campus is recommended. Currently there is a waiting list to get into the specialized substance abuse treatment program. A program for dual diagnosed girls is also recommended. Finally, transitional programming, both residential and non-residential, shown be expanded to ensure successful reentry into home communities.

Sex Offenders

Creation of a secure sex offender treatment program is recommended. The sex offender program for juvenile offenders at the Hasting Regional Center closed at the end of 2006. Based on profile data, some youth at Kearney require intensive sex offender treatment and supervision monitoring in the community after their release.

Mental Health

Mental health programming should be expanded at both YRTC’s, based on profile data that indicate a high level of treatment need. This will require expansion of treatment staff at both facilities.

Substance Abuse

A high percentage of youth at YRTC’s have substance abuse treatment needs. The system assessment did address the specific issue of methamphetamine treatment requirements, which are basically the same as the intensive substance abuse treatment programs that currently exist for the Kearney and Geneva populations. Intensive substance abuse treatment programming needs to be expanded at both YRTC’s, and that intensive treatment can serve youth with addiction to methamphetamine. In addition, community based programming for youth with substance abuse treatment needs should be coordinated with services provided at the YRTC’s and Hastings Regional Center.

Transitional Programming

Transitional programming and aftercare services should be enhanced for youth committed to YRTC's. This will increase the likelihood of successful reentry into home communities, and reduce the chance of a youth being recommitted.

3. Reduce Length of Stay at YRTC's

The system assessment indicated a substantial increase in length of stay at both YRTC's since 1999. While the average length of stay in 1999 (four months) was probably too short for many youth to make adjustments and benefit from treatment programming at the YRTC's, the current average length of stay (7 to 9 months) may be longer than is necessary for some youth. OJS should consider the following to reduce average length of stay:

- Provide Individualized Treatment Programming (Not a prescribed time frame)
- Review Length of Stay and Release Decision Making
- Develop/Expand Short Term Programming Options
- Strengthen Aftercare and Release Process
- Expand Community Based Aftercare and Transition Programming

Although some youth will require 9 to 12 months of residential programming, maximizing the number of youth that are referred to supervised programs in the community will reduce overall length of stay.

4. Develop New Treatment Program at YRTC Kearney

The Positive Peer Culture Program of behavioral intervention at YRTC-Kearney is not supported in evidence-based research in the field of juvenile justice, and Kearney is in the process of transitioning to a different behavioral intervention program. Evidence-based research in the field of juvenile corrections supports the following Cognitive Behavioral Programs, which should be considered for the Kearney campus:

A. Aggression Replacement Training

Aggression Replacement Training: Curriculum and Evaluations

Aggression Replacement Training (ART) is a multimodal intervention design to alter the behavior of chronically aggressive youth. It consists of skill streaming, training, a method for empowering youth to modify their own anger responsiveness, and moral reasoning training, to help motivate youth to employ the skills learned via the other components.

With considerable reliability, it appears to promote skills acquisition and performance, improve anger control, decrease the frequency of acting-out behaviors, and increase the frequency of constructive, pro-social behaviors. Beyond institutional walls, its effects persist. In general, its potency appears to be sufficiently adequate that its continued implementation and evaluation with chronically aggressive youngsters is clearly warranted.

Source: Dr. Arnold P. Goldstein, Syracuse University and Barry Glick, NY State Division for Youth.

B. The EQUIP Program

The EQUIP Program has a three-part intervention method for working with antisocial or behavior disordered adolescents. The approach includes training in moral judgment, anger management/correction of thinking errors, and pro-social skills. Youth involved in the EQUIP training program participate in two types of group sessions:

- Equipment Meetings – Leader teaches specific skills.
- Mutual Help Meetings – leader coaches students as they use the skills they've learned to help each other.
- The EQUIP program received the 1998 "Reclaiming Children and Youth Spotlight on Excellence Award".

C. Thinking for Change

The TFAC (Thinking for a Change) curriculum uses problem solving as its core embellished by cognitive restructuring and social skill interventions. This curriculum is 22 lessons, offered 1-2 times per week for 1 ½ to 2 hour sessions. The curriculum is appropriate for adult and/or youthful offenders. The cognitive restructuring concepts are introduced and emphasized during the initial eleven lessons, interspersed with critical social skills, which support the cognitive restructuring process. Then, in lessons 16-21, problem-solving techniques are taught which are supported by cognitive self-change and social skill development.

5. Expand Direct Care and Treatment Staffing Levels at YRTC's Kearney and Geneva

Table 7-2 shows the total direct care staffing level that would be required at Kearney and Geneva based on assumptions about Direct Care staffing ratios. The operational assessment indicated that Geneva operates at a 1:10 staff to youth direct care ratio, and Kearney operates at a 1:12 direct care staffing ratio. If a direct care staff to youth ratio of 1:8 were implemented, Kearney would need 25 additional direct care staff, and Geneva would need 7 additional direct care staff. Based on the high level of treatment need and behavioral disorders, the 1:8 direct care staffing ratio should be considered at both campuses.

	1st	2nd	3rd	Relief ¹	Total
1:8 Direct Care Staffing Ratio (1st and 2nd) 1:12 (3rd shift)					
Kearney (157 ADP)	19.6	19.6	13.1	41.8	94.1
Geneva (90 ADP)	11.3	11.3	7.5	24.0	54.0
1:10 Direct Care Staffing Ratio (1st and 2nd) 1:12 (3rd shift)					
Kearney (157 ADP)	15.7	15.7	13.1	35.6	80.1
Geneva (90 ADP)	9.0	9.0	7.5	20.4	45.9
1:12 Direct Care Staffing Ratio (1st, 2nd and 3rd shift)					
Kearney (157 ADP)	13.1	13.1	13.1	31.4	70.7
Geneva (90 ADP)	7.5	7.5	7.5	18.0	40.5

Note: (1) .8 Shift relief factor.

Source: Chinn Planning, Inc.

6. Enhance Aftercare Programming

In order to ensure successful reentry into the community after placement at the YRTC's, aftercare services should be expanded and improved. Successful and Comprehensive Reintegration Programming:

- Prepares youth for progressively increased responsibility and freedom in the community.
- Facilitates youth-community interaction and involvement.
- Works with both the offender and targeted community support systems (e.g. families, schools, employers, peers) on qualities needed for constructive interaction and the youth's successful community adjustment.

Elements of an intensive aftercare program model include:

INTENSIVE AFTERCARE PROGRAM MODEL

The Intensive Aftercare Program (IAP) model should be thought of "as a correctional continuum consisting of three distinct, yet overlapping, segments:

1. Pre-release and preparatory planning during incarceration;
2. Structured transition that requires the participation of institutional and aftercare staff prior to and following community reentry; and
3. Long-term, re-integrative activities that ensure adequate service delivery and the necessary level of social control" (Altschuler and Armstrong, 1996:15).

7. Expand Vocational Programming for Older Youth

The system assessment indicated that roughly half of the population at Kearney and Geneva are 17 and older. This would indicate a high percentage of youth on both campuses that need programming options that focus on vocational skill development. Vocational education and career preparation should:

- Be fully integrated into the school schedule.
- Have access to a range of high-quality vocational courses that reflect students' interests and local employment opportunities.
- Provide students with certificates of mastery, allow them to serve as interns or participate in state-approved apprenticeship training.

CAPACITY RECOMMENDATION

Projected capacity requirements based on historic data are shown below in Table 7-3. Implementation of the System and Operational Recommendations presented in this Section (expansion of the service continuum, enhanced efforts to control admissions and reduce length of stay) can reduce reliance on YRTC placements in the future. Based on the assumption that the Office of Juvenile Services would begin implementing many of these recommendations, the Consultant team recommends that OJS and the State Building Division plan for the 2010 capacity level of 346 youth in YRTC placements (which includes the Hastings Regional Center).

Table 7-3 BASELINE CAPACITY PROJECTIONS				
	2010	2015	2020	2025
Boys				
> ADP Projection	236	258	282	307
Girls¹				
ADP Projection	110	122	133	145
YRTC's				
> ADP Projection ²	346	380	415	457
Notes:				
(1) Assumes 32% female population.				
(2) Base ADP is 279.				

Source: Chinn Planning, Inc.

The next Section of this report will present options to expand capacity and improve residential housing at YRTC's, along with an assessment of the continued use of the Hastings Regional Center. Cost estimates associated with construction and/or renovation to meet the 2010 projected capacity requirements will also be presented in the next Section.

FACILITY OPTIONS AND COST ESTIMATES

Facility Capacity Projections

Table 8-1 shows the projected daily capacity for the YRTC populations of boys and girls (including the boys currently housed at the Hastings Regional Center) based on historic trend data.

Table 8-1 BASELINE CAPACITY PROJECTIONS				
	2010	2015	2020	2025
Boys				
> ADP Projection	236	258	282	307
Girls¹				
ADP Projection	110	122	133	145
Total YRTC's				
> ADP Projection ²	346	380	415	457
Notes:				
(1) Assumes 32% female population.				
(2) Base ADP is 279.				
<i>Source: Chinn Planning, Inc.</i>				

Current Daily Populations and Capacities

Table 8-2 shows the current average daily population and capacity levels at YRTC Kearney, YRTC Geneva, and the Hastings Regional Center. Current daily populations match total capacity levels. However, based on the projected capacity levels, an expansion of roughly 80 beds over current capacities will be required to meet the 2010 capacity requirement. Planning for the 2010 capacity level (rather than 2015 or 2020) was recommended in the previous Section because capacity levels can be reduced in the future assuming implementation of system and operational recommendations, reducing reliance on YRTC placements, and targeting 20% of current and projected capacity levels for placement into community based non-residential programs.

Table 8-2 YRTC POPULATION COMPARISON OF CURRENT POPULATION BOTH CAPACITY LEVELS		
	Current Average Daily Population	Current Capacity
Kearney	156	150
Hastings	33	40
Geneva	90	82 ¹
TOTAL	279	272
Notes:		
(1) Assumes closure of Dunbar Cottage at Geneva (24 Beds).		

Source: Chinn Planning, Inc.

FACILITY OPTIONS

The Office of Juvenile Services can expand capacity at Kearney and Geneva, and discontinue the program at the Hastings Regional Center, or they can expand capacity at Hastings and not expand at Kearney and Geneva. These options are shown below.

Option 1: Close Hastings Facility

1. Figures 8-1 and 8-2 shows the campus site plan facility option to expand capacity at Kearney by 80 Beds with construction of two (2) 40-Bed Units.
2. Figure 8-3 shows the campus site plan facility option to expand capacity at Geneva by 20 Beds with construction of one (1) 20-Bed Unit.
3. Current 40 Bed Capacity at Hasting Regional Center for Substance Abuse Treatment is closed and transferred to Kearney.

Implementation of this Option will require construction of 120 beds, because 40 beds will be de-commissioned at the Hastings Regional Center. NOTE: De-commissioning of beds at the Hastings Regional Center includes only the 40 Bed Substance Abuse Treatment Program, and makes no reference to the other residential programs on the campus.

Cost estimates for this option are shown in Tables 8-3 and 8-4.

**Figure 8-1
Facility Option 1 – New Housing Unit Option 1
Kearney (YRTC Boys)**

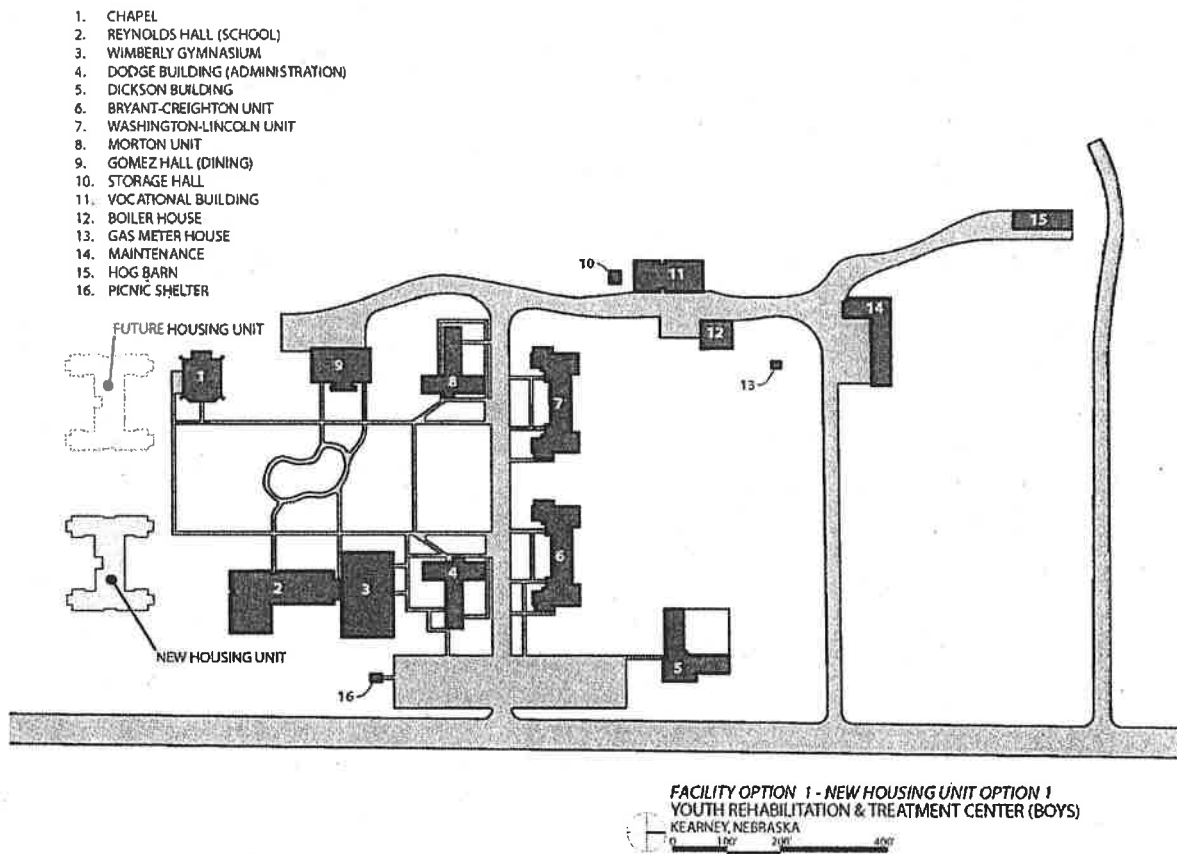


Figure 8-2
Facility Option 1 – New Housing Unit Option 2
Kearney (YRTC Boys)

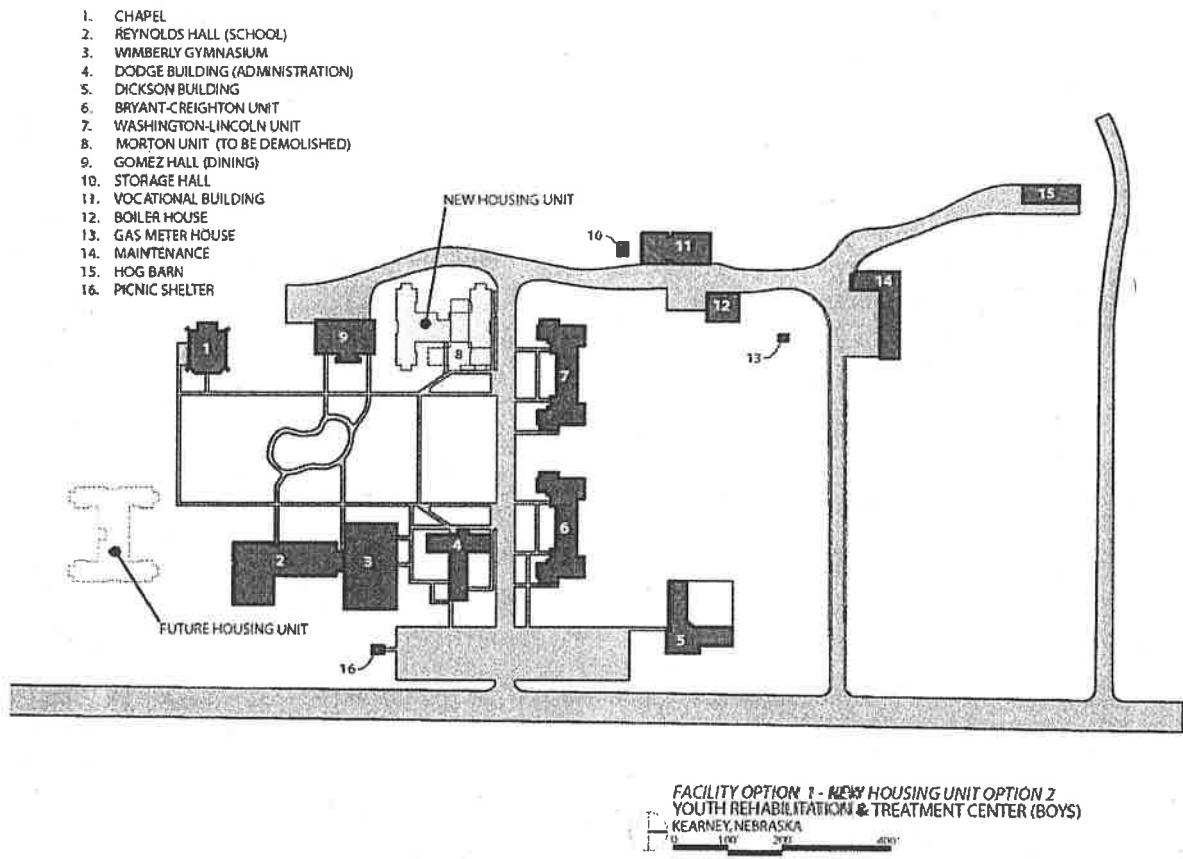
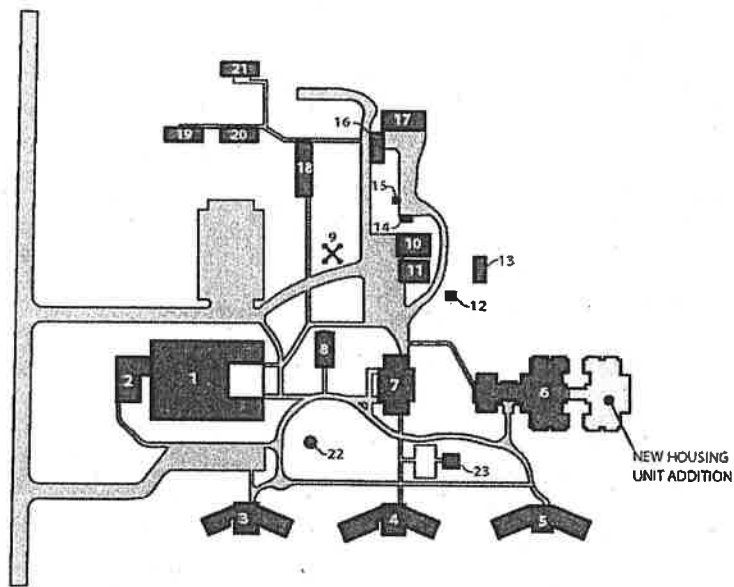


Figure 8-3
Facility Option 1 – New Housing Unit
Geneva (YRTC Girls)

1. SCHOOL / ADMINISTRATION
2. POOL
3. MARIE SANDOZ COTTAGE
4. JOHN BURROUGHS COTTAGE
5. SACAJAWEA COTTAGE
6. LAFLESCHÉ BUILDING
7. FOOD SERVICE
8. CHAPEL
9. WATER TOWER
10. MAINTENANCE SHOP
11. BOILER PLANT
12. GAS METER HOUSE
13. LUMBER STORAGE
14. GROUNDS STORAGE
15. PAINT STORAGE
16. SURPLUS FURNITURE STORAGE
17. VEHICULAR STORAGE
18. PAUL DUNBAR LIVING UNIT
19. RECREATION AREA AND OFFICE
20. TRAINING ROOM AND OFFICE
21. MOTHER / BABY PROGRAM AREA & OFFICE
22. GAZEBO
23. PICNIC SHELTER



FACILITY OPTION 1
YOUTH REHABILITATION & TREATMENT CENTER (GIRLS)
GENEVA, NEBRASKA

TABLE 8-3: OPTION 1a - EXPAND CAPACITY AT KEARNEY (Two - 40 Bed Housing Units)
CONCEPTUAL COST ESTIMATE

Total Project Cost			Estimated Cost
Nebraska Juvenile Correctional Facilities Master Plan Update			
Building Gross Square Feet			
1	Site Acquisition ¹	\$	-
2	Construction	\$	-
a.	Sitework	\$	822,500
b.	Building Construction (17,500 BGSF x 2)	\$	7,402,500
		\$	8,225,000
3	A/E Design Fees, A/E Expenses, Testing, C.A. (@ 9%)		740,250
4	Movable Furnishings, FFE (@ 5%)		411,250
5	Project Contingencies (@ 6.5%)		534,625
6	Total Costs		9,911,125

¹ State Owned Land.

² Cost are based upon 2007 dollars. Conceptual Cost Estimates require an additional construction inflation factor projected into the future.

TABLE 8-4: OPTION 1b - EXPAND CAPACITY AT GENEVA (20 Bed Housing Unit)
CONCEPTUAL COST ESTIMATE

Total Project Cost			Estimated Cost
Nebraska Juvenile Correctional Facilities Master Plan Update			
Building Gross Square Feet			
1	Site Acquisition ¹	\$	-
2	Construction	\$	-
a.	Sitework	\$	260,100
b.	Building Construction (10,200 BGSF)	\$	2,340,900
		\$	2,601,000
3	A/E Design Fees, A/E Expenses, Testing, C.A. (@ 9%)		234,090
4	Movable Furnishings, FFE (@ 5%)		130,050
5	Project Contingencies (@ 6.5%)		169,065
6	Total Costs		3,134,205

¹ State Owned Land.

² Cost are based upon 2007 dollars. Conceptual Cost Estimates require an additional construction inflation factor projected into the future.

Option 2: Expand Capacity at Hastings

1. Expand Boys Capacity at Hastings by 40 Beds - Housing Unit Renovation
2. Expand Girls Capacity at Hastings by 20 Beds - Housing Unit Renovation
3. Total Capacity at Hastings 100 Beds - Includes existing 40 Bed Capacity

Implementation of this Option will require renovation and related construction improvement of 60 Beds at Hastings, and no expansion at Kearney and Geneva because the existing 40 Beds at Hastings would continue to be used.

The buildings utilized for juvenile programs at Hastings have been improved to a limited degree compared to on-going upgrades at YRTC-Geneva and YRTC-Kearney. This campus is not fully utilized and uncertainty exists regarding future use. Consequently, funding has been a challenge for needed improvements. The staff has accomplished remodel projects with their own forces and limited budgets.

This proposed option consists of adding 40 additional beds for boys and 20 beds for girls. This can be accommodated in spaces within Building #3. Ten beds of girls could occupy each wing of the lower level. Twenty beds of the boys could occupy each wing of levels two and three. All of these spaces will have been upgraded by March of 2007 except one wing of ten beds for the girls. The cost estimate reflects a modest fund for this work.

A new recreational building consisting of a full court gymnasium and boys and girls locker rooms is proposed. A natatorium is not proposed due to high capital and operational costs. Upgrades to outdoor recreation play areas are also included in the cost estimate.

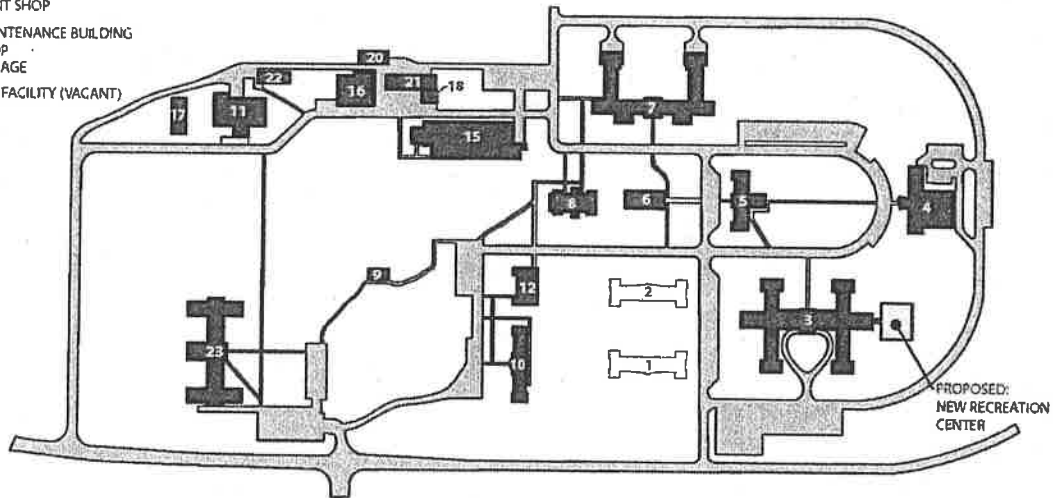
Improvements to Building # 7 for the proposed increased juvenile population for educational and program expansion is also required. This work includes fire protection sprinklers for the top level of Building #7. Also required are funds for computer equipment and Internet connections to expand the Novanet program. Modest interior remodel is planned to provide suitable environments for the expanded programs.

(Note: Displaced Mental Health patients could be moved to Building # 4 if the men patients are removed from campus as desired)

Figure 8-4 shows the campus site plan for housing unit renovation for expansion capacity at Hastings Regional Center. Table 8-5 shows the estimated cost for renovations.

Figure 8-4
Facility Option 2 – Hastings Regional Center

- 1. EMPLOYEES QUARTERS (DEMOLISHED)
- 2. EMPLOYEES QUARTERS (DEMOLISHED)
- 3. JUVENILE SPECIALIZED (MH/SA) HOUSING
- 4. ADULT MEN MENTAL HEALTH HOUSING
- 5. ADMINISTRATION
- 6. CHAPEL
- 7. FOOD SERVICE, EDUCATION & PROGRAMS
- 8. STAFF DINING & TRAINING
- 9. REHABILITATION UNIT
- 10. LAUNDRY
- 11. CANTEEN (VACANT)
- 12. KITCHEN (INACTIVE)
- 13. HEATING & POWER PLANT
- 14. GREEN HOUSE
- 15. PAINT SHOP
- 16. MAINTENANCE BUILDING
- 17. SHOP
- 18. GARAGE
- 19. DCS FACILITY (VACANT)



FACILITY OPTION 2
HASTINGS REGIONAL CENTER
HASTINGS, NEBRASKA
0 100' 200' 400'

TABLE 8-5: OPTION 2 - EXPAND CAPACITY AT HASTINGS
CONCEPTUAL COST ESTIMATE

Total Project Cost		
Nebraska Juvenile Correctional Facilities Master Plan Update		Estimated Cost
Building Gross Square Feet		
1	Site Acquisition ¹	\$ -
2	Construction	\$ -
		<hr/>
a.	Sitework with Recreational Enhancements	\$ 197,000
b.	Building Construction with Recreational Equip. (9,000 BGSF)	\$ 1,005,000
c.	Interior Enhancements to Buildings # 3 and # 7	\$ 519,500
		<hr/>
		\$ 1,721,500
3	A/E Design Fees, A/E Expenses, Testing, C.A. (@ 9%)	154,935
4	Project Contingencies (@ 6.5%)	111,898
5	Total Costs	1,988,333

¹ State Owned Land.

² Cost are based upon 2007 dollars. Conceptual Cost Estimates require an additional construction inflation factor projected into the future.

Nebraska Children's Commission

Juvenile Services (OJS) Committee

Phase I Strategic Recommendations December 2013



Nebraska Children's Commission
Juvenile Services (OJS) Committee

Phase I Strategic Recommendations
December 2013

EXECUTIVE SUMMARY

The Legislature passed Legislative Bill 821 (LB 821) during the 2012 Legislative Session and created the Nebraska Children's Commission as a permanent forum for collaboration among state, local, community, public and private stakeholders in child welfare and juvenile justice programs and services. LB 821 also created the Juvenile Services (OJS) Committee as a subcommittee of the Nebraska Children's Commission to:

- examine the structure and responsibilities of the Office of Juvenile Services as they existed on April 12, 2012;
- review the role and effectiveness of the youth rehabilitation and treatment centers in the juvenile justice system and make recommendations to the Nebraska Children's Commission on the future role of the YRTCs in the juvenile justice continuum of care; and
- review the responsibilities of the Administrator of the Office of Juvenile Services (OJS administrator), including oversight of the Youth Rehabilitation and Treatment Centers (YRTCs) and juvenile parole, and make recommendations to the Nebraska Children's Commission relating to the future responsibilities of the administrator.

The Juvenile Services (OJS) Committee held its first meeting on September 26, 2012. The committee began its thoughtful examination of the juvenile justice system by reviewing previous juvenile justice reform recommendations to determine what future changes, if any, needed to be recommended for the juvenile justice continuum of care.

On May 29, 2013, the committee's legislative charge was revised with the passage of Legislative Bill (LB 561) which implemented initial juvenile justice reform. Due to the system restructuring that was legislated in LB 561, the committee's charge to review the responsibilities of the OJS administrator was eliminated and the review of the YRTCs was expanded to include:

- what populations should be served;
- what treatment services should be provided at the centers in order to appropriately serve those populations; and
- how mental and behavioral health services are provided to juveniles in secure residential placements and the need for such systems of care services in the juvenile justice system throughout Nebraska.

The recommendations that the Juvenile Services (OJS) Committee offers to the Nebraska Children's Commission and the Judiciary Committee of the Legislature (Judiciary Committee) in

this Phase I document are the recommendations that the committee considers foundational to creating the ideal juvenile justice treatment system. The full report contains all recommendations that were agreed upon by the committee since it began working in September of 2012. The list of recommendations the committee is making to the Judiciary committee for consideration by the legislature during the 2014 legislative session and in response to the tasks assigned in both LB 821 (2012) and LB 561 (2013) are listed in this executive summary. The full report includes background information from state and national experts, recommendations for other committees and workgroups that are engaged in Child Welfare and Juvenile Justice reform, and rationale for the recommended changes to legislation, as well as to the juvenile justice culture and system. A reference has been included after each recommendation to notate where additional information in the report is located.

These Juvenile Services (OJS) Committee strategic recommendations have been designed to build on the legislature’s work in LB 561 and enhance the work of the Nebraska Children’s Commission. The Committee recommends that the recommendations be implemented as a part of the comprehensive juvenile justice system reform. Recommendations with citations indicate that the recommendation came from the work of the committee as well as from the other reports either for Nebraska specific changes or as a best practice in juvenile justice system re-design.

Legislative Recommendations (2014 Legislative Session)

FOUNDATIONAL PRINCIPLES

- A. Establish and support a model for juvenile justice collaboration and implementation of necessary juvenile justice services across the state. This model of collaboration should include executive, legislative, judicial, and county branches of government.
- B. Create legislation that children in the juvenile justice system should be a priority.

LEGAL SYSTEM CHANGES

- C. Change statutory language so that all juvenile law violations (excluding minor traffic offenses) originate in juvenile court, for all youth under age 18. (See pages 10-12)
- D. Change statutory language to require that all youth have legal counsel and appropriate adequate funding for that requirement. (See pages 10-12)
- E. Consider changing statutory language to establish separate juvenile court districts statewide. (See pages 10-12)

CORE DESIGN FRAMEWORK

- F. Utilize the Child and Adolescent Service System Program (CASSP) Principles as a core design framework for creating community-based services for youth at each level of involvement in the juvenile justice system. (See page 11)
- G. Utilize the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders as a core design framework for creating community-based services for youth at each level of involvement in the juvenile justice system. (See page 12)
- H. Utilize Juvenile Justice Services that are Evidence-based. (See page 12)
- I. Utilize the Standardized Program Evaluation Protocol (SPEP) for assessing Juvenile Justice Programs. (See page 13)

YRTC RELATED RECOMMENDATIONS (LB 561)

- J. Create legislation that:
 - Creates an intensive, highly structured treatment facility in an urban area with programming designed specifically for high-risk juvenile law violators (Level 5). Consider renovating an existing structure to expedite the creation of this facility. (See pages 18-23)
 - Transfers Level 5 identified youth from the YRTCs into their own treatment environment in the newly created facility. (See pages 18-23)
 - Requires the YRTCs to provide evidence based, trauma informed treatment for behavioral health disorders, mental health disorders, and substance use disorders to include appropriate medication assisted treatment. (See pages 18-23)
 - Continues any additional YRTC renovations to create an enhanced therapeutic environment for the remaining youth. (See pages 18-23)
 - Completes all necessary actions to transition the YRTCs into regionally based facilities, including assessment of the potential need to close certain structures based on population demands. (See pages 18-23)
 - Requires development of regionally based treatment facilities including the feasibility of transitionally redesigning the existing YRTC facilities, and other state run juvenile treatment facilities, into this regionally based framework. (See pages 18-23)

NEBRASKA CHILDREN'S COMMISSION RELATED RECOMMENDATIONS

- K. Establish the Juvenile Services Committee (formerly the Juvenile Services (OJS) Committee) as a standing committee of the Nebraska Children's Commission, through additional legislation, with the authority to implement the recommendations herein. Craft the legislation in such a manner that the Juvenile Services Committee will stand, even if the Nebraska Children's Commission sunsets. (See pages 24-35)
- L. Establish five sub-committees of the Juvenile Services Committee to provide input and oversight on: 1) Screening and Assessment tools; 2) Community-based programs; 3) SPEP

design; 4) YRTC Transition/Level 5 creation; and 5) Social, Racial, and Ethnic Disparities. (See pages 24-35)

- M. Contract with a federal expert in juvenile systems reform for at least a two year period of time to provide expertise and oversight in the implementation of a comprehensive juvenile systems reform, and obtain and analyze system utilization data. (See pages 24-35)
- N. Establish and require uniform statewide screening and assessment tools, including educational assessments, which shall be conducted when youth first encounter the juvenile justice system, at various times when moving between levels of care, and when there is a change in clinical status or presentation. Screening and selective assessment should be conducted when youth enter residential programs, including the county juvenile detention centers and YRTCs. All juvenile justice entities (law enforcement, all legal representatives, and judicial entities) and system stakeholders must utilize and follow assessment recommendations. All assessment and recommendation information obtained must be shared with all stakeholders who have a need to know and right to know to optimize care for each youth. (See pages 25-26 & 29-30)
- O. Incentivize counties (group of counties) or tribes by providing additional funds for entities that can demonstrate to the Nebraska Commission on Law Enforcement and Criminal Justice how they have successfully leveraged braided funds to maintain youth in community based programs. The category of braided funds shall include (but not be limited to): juvenile justice, child welfare, education (developmental disabilities), behavioral health, mental health, and private sources. (See pages 26 & 30-33)
- P. Task the Juvenile Services Committee with developing a decision matrix to establish YRTC entrance criteria that takes into account appropriate screening and assessment scores, seriousness of the crime, and the need for more intense interventions because of previous intervention failure. Task the committee with researching other states programs and information from national experts and research. (See pages 18-23; 26-27; & 34)
- Q. Require the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and the Georgetown Center for Juvenile Justice Reform Crossover Youth Practice model to be implemented statewide. (See pages 27 & 34-35)
- R. Prioritize the creation of statewide technology solutions that utilize new technology and maximize the financial return on investment by reducing the number of full-time equivalent staff hours to: input child welfare and juvenile justice data; extract data for analysis from multiple systems; and efficiently share data across multiple stakeholders with a need to know and right to know pertinent child/youth information. Capitalize on the investigative work that is already being done by the Nebraska Children's Commission's Technology Workgroup. (See pages 28 & 35-36)
- S. Begin to address workforce issues through: workforce training and development; workforce technology solutions that allow for easier entry of documentation and data; and investigation of varied methods for recruitment and retention of workers at all levels of the child welfare and juvenile justice system. (See pages 28 & 37-39)

- T. Work with the Young Adult Voluntary Services and Supports Advisory Committee (LB 216, 2012) of the Nebraska Children’s Commission to extend voluntary services for children who are aging out of systems to include children who are in out of home placement and have been in the juvenile justice system. (See page 28)
- U. Establish and fund an Education Committee for At-Risk Youth as a standing committee of the Nebraska Children’s Commission, through additional legislation, to address the unique educational needs of children and youth in the Child Welfare and Juvenile Justice systems. Craft the legislation in such a manner that the Education Committee for At-Risk Youth will stand, even if the Nebraska Children’s Commission sunsets. (See pages 28 &39)

SYSTEM OF CARE RECOMMENDATIONS

- V. Require behavioral health regions, and state funded entities, to create a continuum of community-based services that are located within counties (groups of counties) or tribes so that youth remain connected to community and family. To achieve this goal, small rural counties are encouraged to work as a multi-county group to develop physically and financially accessible services. Encourage the Regional systems to prioritize the creation and funding of services to youth at risk for involvement in the juvenile justice system. (See pages 40-41)
- W. Establish adequate statewide Mental Health and Behavioral Health Services. Provide legislative support to establish a statewide evidence-based infrastructure of mental health and substance use disorder treatment services to be provided within communities. This will be established by addressing work force issues, adequate payment and funding for provided services, and monitoring and oversight of treatment service outcomes, but not limited to these interventions. (See pages 40-41)
- X. Create a juvenile justice specific division within the Division of Behavioral Health of the Department of Health and Human Services for behavioral health service delivery, whose responsibility will be collaborating with local, county, regional, and state entities to create the Continuum of Care. (See pages 40-41)

Additional information about this report is located in the appendices as follows:

- Appendix A – Committee Members
- Appendix B – LB 821 and LB 561 Committee Responsibilities
- Appendix C –Planning Documents and References

JUVENILE SERVICES (OJS) COMMITTEE MISSION, VISION, AND GOALS

The Legislature passed Legislative Bill 821 (LB 821) during the 2012 Legislative Session and created the Nebraska Children’s Commission as a permanent forum for collaboration among state, local, community, public and private stakeholders in child welfare and juvenile justice programs and services. The intent of the Legislature in creating the Nebraska Children’s Commission was to establish the group as a high-level leadership body with membership from legislative, executive and judicial branches along with system stakeholders, to improve the safety and well-being of children and families in Nebraska, by ensuring:

- integration, coordination, and accessibility of all services provided by the state, whether directly or pursuant to contract;
- reasonable access to appropriate services statewide;
- efficiency in service delivery; and
- availability of accurate and complete data as well as ongoing data analysis to identify important trends and problems as they arise.

LB 821 also created the Juvenile Services (OJS) Committee as a subcommittee of the Nebraska Children’s Commission to:

- examine the structure and responsibilities of the Office of Juvenile Services as they existed on April 12, 2012;
- review the role and effectiveness of the Youth Rehabilitation and Treatment Centers (YRTC) in the juvenile justice system and make recommendations to the Nebraska Children’s Commission on the future role of the YRTC in the juvenile justice continuum of care; and
- review the responsibilities of the Administrator of the Office of Juvenile Services (OJS administrator), including oversight of the youth rehabilitation and treatment centers and juvenile parole, and make recommendations to the Nebraska Children’s Commission relating to the future responsibilities of the administrator.

The Juvenile Services (OJS) Committee held its first meeting on September 26, 2012. The committee began its thoughtful examination of the juvenile justice system by reviewing previous juvenile justice reform recommendations to determine what future changes, if any, needed to be recommended for the juvenile justice continuum of care. The committee’s examination of the Nebraska Juvenile Justice system included:

- reviewing and updating the Legislative Resolution 196 (LR 196) interim study findings of the Nebraska Juvenile Correctional Facilities Master Plan Update;
- reviewing statistical information on both YRTC-Kearney and YRTC-Geneva;
- touring YRTC-Kearney and the Nebraska Correctional Youth Facility (NCYF);
- speaking with youth that were committed to the YRTC-Kearney or incarcerated at the NCYF;
- creating a proposed Juvenile Justice System Continuum of Service document; and
- creating an Ideal Juvenile Justice Treatment System matrix.

On May 29, 2013, the committee's legislative charge was revised with the passage of LB 561 which implemented initial juvenile justice reform. Due to the system restructuring that was legislated in LB 561, the committee's charge to review the responsibilities of the OJS administrator was eliminated and the review of the YRTC's was expanded to include:

- what populations should be served;
- what treatment services should be provided at the centers in order to appropriately serve those populations; and
- how mental and behavioral health services are provided to juveniles in secure residential placements and the need for such systems of care services in the juvenile justice system throughout Nebraska.

The committee was also charged with collaborating with the University of Nebraska at Omaha, the Juvenile Justice Institute, the University of Nebraska Medical Center, the Center for Health Policy, the behavioral health regions as established in section 71-807, and state and national juvenile justice experts to develop recommendations. In addition, if the committee's recommendations include maintaining the Youth Rehabilitation and Treatment Center-Kearney, the recommendations shall include a plan to implement a rehabilitation and treatment model by upgrading the center's physical structure, staff, and staff training and the incorporation of evidence-based treatments and programs. The committee's recommendations are to be delivered to the Nebraska Children's Commission and electronically to the Judiciary Committee of the Legislature by December 1, 2013.

The recommendations in this report are the product of a variety of strategic planning processes on the important work of reforming the juvenile justice system. The information is intended to be used in collaborative concert with the other child welfare reform efforts being undertaken by Department of Health and Human Services, the Nebraska Children's Commission, and the legislature. Therefore, the Juvenile Services (OJS) Committee would like to voice its continued support of the Nebraska Children's Commission vision to develop collaborative recommendations that strengthens both the child welfare and the juvenile justice systems by:

- creating a consistent, stable, skilled workforce that serves children and families;
- creating a family driven, child focused and flexible system of care that includes transparent system collaboration with shared partnerships and ownership that contemplate the needs of the juvenile justice continuum of care;
- developing community ownership of child well-being;
- enhancing timely access to services; and
- collaborating on the development of technological solutions that properly enhance information exchange and create measured results across all systems of care.

This report details the committee work and findings through December 2013 in completing the tasks assigned originally in LB 821 and more currently in LB 561. Although the committee's total assessment of all facets of the juvenile justice system is not complete, the committee offers the following recommendations to the Department of Health and Human Services (DHHS), the juvenile justice community, the Nebraska Children's Commission, and the Judiciary Committee of the Legislature on the future role of the youth rehabilitation and treatment

centers in the juvenile justice continuum of care and proposed changes for system wide juvenile justice reform.

After the review of LR 196, the Juvenile Services (OJS) committee began its strategic recommendation framing and planning process by crafting the committee's mission, vision and goals. The mission, vision and goals then formed the framework for the creation of the Ideal Juvenile Justice Treatment System matrix (see page 10).

MISSION:

Design a comprehensive, culturally competent, continuum of care in the juvenile justice system that provides accountability for youth and families, while maintaining public safety.

VISION:

- Continuous Leadership and Oversight
- Transparent System Collaboration with Shared Partnerships and Ownership
- Right Youth, Right Services, Right Time
- Family Centered and Youth Focused
- Consistent, Stable, Skilled, Effective Workforce
- Address Social, Racial, and Ethnic Disparities
- Data Driven Decision-making
- Consistent and Sustainable Funding

GOAL:

The Juvenile Services (OJS) Committee's goal is to work collaboratively with the executive, legislative, judicial and county branches of government; the Nebraska Children's Commission; and other key stakeholders to establish and support the development of the Ideal Juvenile Justice Treatment System that will prevent children and youth from entering or becoming more deeply involved in the juvenile justice system. (See Ideal Juvenile Justice Treatment System matrix on page 10)

The Ideal Juvenile Justice Treatment System

Core Principles: •Family inclusive •Community based •Needs based •Safe •Client centered •Evidence based •Adjustable						
Community Systems	Stakeholder Education	Screening and Assessments	Provider Capacity	Core Service Components	Service Quality	Re-entry Planning
Comprehensive effective prevention Access to needed services without court involvement Early identification through screenings, schools, primary care providers	Educate on treatment options to the Bar Association and others Engage judicial bench and legal parties in system design and evaluation Prosecutor role and education Law enforcement role and education	Timely and effective use of consistent tools across systems Strength based: family involved and youth identify needs Culturally and gender validated Evaluations occur in a safe and therapeutic environment Fluid process for selection of tools: make changes as needed	Licensed providers for youth Adequate provider compensation Grow qualified professional providers Skilled providers for the population they are serving Culturally and linguistically competent Training for the workforce	Maintain family contact and involvement during treatment Treatment that is developmentally and culturally appropriate Gender specific programming Treatment model to include substance abuse, mental illness, and behavioral health	Matching services to correct provider and correct location Fidelity to models Resources to train and measure fidelity Levels of services needed No eject, no reject Regular assessment of service plans and adjustments as necessary Incentivize evidence based/best practice	Discharge planning and after care supports Review of students returning to education system and timeliness of returns Based on treatment goals and objectives

Core Design Framework

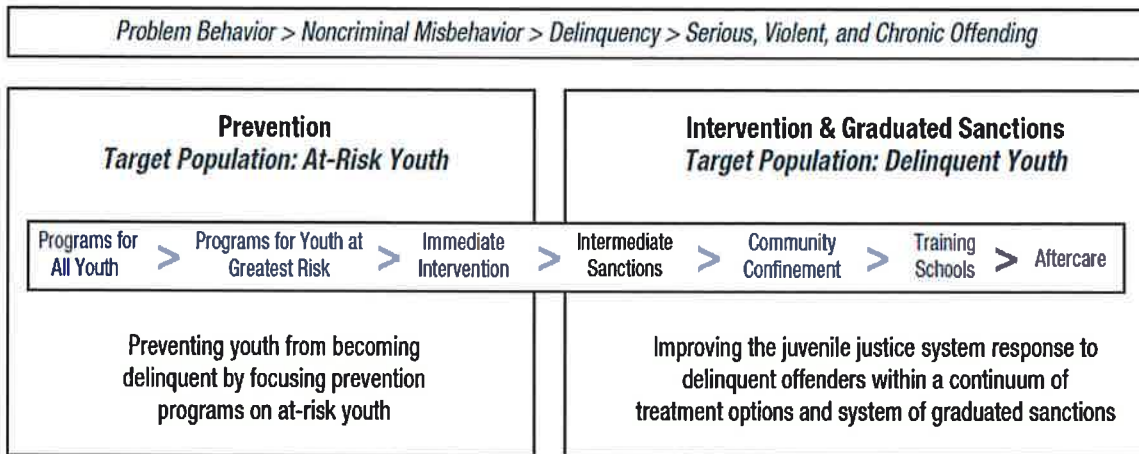
After review of current juvenile justice literature, the Juvenile Services (OJS) Committee identified core design framework elements to guide future service development processes and to aid in the assessment of the YRTCs. The Juvenile Services (OJS) Committee recommends utilizing the Child and Adolescent Service System Program (CASSP) Principles, the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders, and evidence-based practices as core design framework principles for all juvenile justice services created and provided in the state of Nebraska.

CASSP Principles

1. **Youth-centered:** Services are planned to meet the individual needs of the youth, rather than to fit the youth into an existing service. Services consider the youth's family and community contexts, are developmentally appropriate and youth-specific, and also build on the strengths of the youth and family to meet the mental health, social, spiritual, and physical needs of the youth.
2. **Family –focused:** Services recognize that the family is the primary support system for the youth. The family participates as a full partner in all stages of the decision-making and treatment planning process, including implementation, monitoring and evaluation. A family may include biological, adoptive and foster parents, siblings, grandparents and other relatives, and other adults who are committed to the youth. The development of mental health policy at state and local levels includes family representation.
3. **Community-based:** Whenever possible, services are delivered in the youth's home community, drawing on formal and informal resources to promote the youth's successful participation in the community. Community resources include not only mental health professionals and provider agencies, but also social, religious and cultural organizations and other natural community support networks.
4. **Multi-system:** Services are planned in collaboration with all the youth-serving systems involved in the youth's life. Representatives from all these systems and the family collaborate to define the goals for the youth, develop a service plan, develop the necessary resources to implement the plan, provide appropriate support to the youth and family, and evaluate progress.
5. **Culturally competent:** Culture determines our world view and provides a general design for living and patterns for interpreting reality that are reflected in our behavior. Therefore, services that are culturally competent are provided by individuals who have the skills to recognize and respect the behavior, ideas, attitudes, values, beliefs, customs, language, rituals, ceremonies and practices characteristic of a particular group of people.
6. **Least restrictive/least intrusive:** Services take place in settings that are the most appropriate and natural for the youth and family and are the least restrictive and intrusive available to meet the needs of the youth and family, while maintaining public safety.

Adapted from Pennsylvania Child and Adolescent Service System Program

Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders



Sources: Wilson & Howell (1993, 1994); Howell (2003a, 2003b, 2009)

1. Community primary prevention programs oriented toward reducing risk and enhancing strengths for all youth.
2. Focused secondary prevention programs for youth in the community at greatest risk who are not involved with the juvenile justice system or, perhaps diverted from the juvenile justice system.
3. Intervention programs tailored to identified risk and need factors, if appropriate, for first-time minor delinquent offenders provided under minimal sanctions, e.g., diversion or administrative probation.
4. Intervention programs tailored to identified risk and need factors for non-serious repeat offenders and moderately serious first-time offenders provided under intermediate sanctions, such as regular probation.
5. Intensive intervention programs tailored to identified risk and need factors for first-time serious or violent offenders provided under stringent sanctions, e.g., intensive probation supervision or residential facilities.
6. Multi-component intensive intervention programs in secure correctional facilities for the most serious, violent, and chronic offenders.
7. Post-release supervision and transitional aftercare programs for offenders released from residential and correctional facilities. (Lipsey, Howell, Kelly, Chapman, Carver 2010)

Source: Improving the Effectiveness of Juvenile Justice Programs – Center for Juvenile Justice Reform

Note: The term “evidence-based” in this document defines one of four levels: evidence-based, research-based, theory-based, and pilot program which may be used for services for youth and families.

Core Evaluation Framework

After review of current juvenile justice literature, the Juvenile Services (OJS) Committee determined that it was also important to establish a method of evaluating programs and services, as well as creating a process for Continuous Quality Improvement (CQI). Therefore, the Juvenile Services (OJS) Committee recommends utilizing the Standardized Program Evaluation Protocol (SPEP) for assessing Juvenile Justice programs. The SPEP creates a metric by assigning points to programs according to how closely their characteristics match those associated with the best recidivism outcomes for similar programs as identified in Lipsey's large (2009) meta-analysis of evaluation studies. Although the SPEP is focused on recidivism, the programs found in the meta-analysis to be effective for reducing recidivism also had positive effects on other outcomes such as family and peer relations, mental health symptoms, and school attendance.

Recommendations Report Framework

The following pages of the report provide background information from state and national experts, recommendations for other committees and workgroups that are engaged in Child Welfare and Juvenile Justice Systems reform, and rationale for the recommended changes to legislation, as well as to the juvenile justice culture and system. The Juvenile Services (OJS) Committee has attempted in this report to suggest a group that should be tasked with further developing the recommendations and ideas in this report. It is not the committee's intent to imply that these are the only initiatives or entities in the State of Nebraska to whom the recommendations or ideas in the report may apply.

JUDICIARY COMMITTEE RECOMMENDATIONS

Legislative Recommendations (2014 Legislative Session)

FOUNDATIONAL PRINCIPLES

- A. Establish and support a model for juvenile justice collaboration and implementation of necessary juvenile justice services across the state. This model of collaboration should include executive, legislative, judicial, and county branches of government.
- B. Create legislation that children in the juvenile justice system should be a priority.

LEGAL SYSTEM CHANGES

- C. Change statutory language so that all juvenile law violations (excluding minor traffic offenses) originate in juvenile court, for all youth under age 18. (See pages 10-12)
- D. Change statutory language to require that all youth have legal counsel and appropriate adequate funding for that requirement. (See pages 10-12)
- E. Consider changing statutory language to establish separate juvenile court districts statewide. (See pages 10-12)

CORE DESIGN FRAMEWORK

- F. Utilize the Child and Adolescent Service System Program (CASSP) Principles as a core design framework for creating community-based services for youth at each level of involvement in the juvenile justice system. (See page 11)
- G. Utilize the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders as a core design framework for creating community-based services for youth at each level of involvement in the juvenile justice system. (See page 12)
- H. Utilize Juvenile Justice Services that are Evidence-based. (See page 12)
- I. Utilize the Standardized Program Evaluation Protocol (SPEP) for assessing Juvenile Justice Programs. (See page 13)

YRTC RELATED RECOMMENDATIONS (LB 561)

- J. Create legislation that:
- Creates an intensive, highly structured treatment facility in an urban area with programming designed specifically for high-risk juvenile law violators (Level 5). Consider renovating an existing structure to expedite the creation of this facility. (See pages 18-23)
 - Transfers Level 5 identified youth from the YRTCs into their own treatment environment in the newly created facility. (See pages 18-23)
 - Requires the YRTCs to provide evidence based, trauma informed treatment for behavioral health disorders, mental health disorders, and substance use disorders to include appropriate medication assisted treatment. (See pages 18-23)
 - Continues any additional YRTC renovations to create an enhanced therapeutic environment for the remaining youth. (See pages 18-23)
 - Completes all necessary actions to transition the YRTCs into regionally based facilities, including assessment of the potential need to close certain structures based on population demands. (See pages 18-23)
 - Requires development of regionally based treatment facilities including the feasibility of transitionally redesigning the existing YRTC facilities, and other state run juvenile treatment facilities, into this regionally based framework. (See pages 18-23)

NEBRASKA CHILDREN'S COMMISSION RELATED RECOMMENDATIONS

- K. Establish the Juvenile Services Committee (formerly the Juvenile Services (OJS) Committee) as a standing committee of the Nebraska Children's Commission, through additional legislation, with the authority to implement the recommendations herein. Craft the legislation in such a manner that the Juvenile Services Committee will stand, even if the Nebraska Children's Commission sunsets. (See pages 24-35)
- L. Establish five sub-committees of the Juvenile Services Committee to provide input and oversight on: 1) Screening and Assessment tools; 2) Community-based programs; 3) SPEP design; 4) YRTC Transition/Level 5 creation; and 5) Social, Racial, and Ethnic Disparities. (See pages 24-35)
- M. Contract with a federal expert in juvenile systems reform for at least a two year period of time to provide expertise and oversight in the implementation of a comprehensive juvenile systems reform, and obtain and analyze system utilization data. (See pages 24-35)
- N. Establish and require uniform statewide screening and assessment tools, including educational assessments, which shall be conducted when youth first encounter the juvenile justice system, at various times when moving between levels of care, and when there is a change in clinical status or presentation. Screening and selective assessment should be conducted when youth enter residential programs, including the county juvenile detention centers and YRTCs. All juvenile justice entities (law enforcement, all legal representatives, and judicial entities) and system stakeholders must utilize and follow assessment recommendations. All assessment and recommendation information

obtained must be shared with all stakeholders who have a need to know and right to know to optimize care for each youth. (See pages 25-26 & 29-30)

- O. Incentivize counties (group of counties) or tribes by providing additional funds for entities that can demonstrate to the Nebraska Commission on Law Enforcement and Criminal Justice how they have successfully leveraged braided funds to maintain youth in community based programs. The category of braided funds shall include (but not be limited to): juvenile justice, child welfare, education (developmental disabilities), behavioral health, mental health, and private sources. (See pages 26 & 30-33)
- P. Task the Juvenile Services Committee with developing a decision matrix to establish YRTC entrance criteria that takes into account appropriate screening and assessment scores, seriousness of the crime, and the need for more intense interventions because of previous intervention failure. Task the committee with researching other states programs and information from national experts and research. (See pages 18-23; 26-27; & 34)
- Q. Require the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and the Georgetown Center for Juvenile Justice Reform Crossover Youth Practice model to be implemented statewide. (See pages 27 & 34-35)
- R. Prioritize the creation of statewide technology solutions that utilize new technology and maximize the financial return on investment by reducing the number of full-time equivalent staff hours to: input child welfare and juvenile justice data; extract data for analysis from multiple systems; and efficiently share data across multiple stakeholders with a need to know and right to know pertinent child/youth information. Capitalize on the investigative work that is already being done by the Nebraska Children's Commission's Technology Workgroup. (See pages 28 & 35-36)
- S. Address workforce issues through: workforce training and development; workforce technology solutions that allow for easier entry of documentation and data; and investigation of varied methods for recruitment and retention of workers at all levels of the child welfare and juvenile justice system. (See pages 28 & 37-39)
- T. Work with the Young Adult Voluntary Services and Supports Advisory Committee (LB 216, 2012) of the Nebraska Children's Commission to extend voluntary services for children who are aging out of systems to include children who are in out of home placement as a result of the juvenile justice system. (See page 28)
- U. Establish and fund an Education Committee for At-Risk Youth as a standing committee of the Nebraska Children's Commission, through additional legislation, to address the unique educational needs of children and youth in the Child Welfare and Juvenile Justice systems. Craft the legislation in such a manner that the Education Committee for At-Risk Youth will stand, even if the Nebraska Children's Commission sunsets. (See pages 28 & 39)

SYSTEM OF CARE RECOMMENDATIONS

- V. Require behavioral health regions, and state funded entities, to create a continuum of community-based services that are located within counties (groups of counties) or tribes so that youth remain connected to community and family. To achieve this goal, small rural counties are encouraged to work as a multi-county group to develop physically and financially accessible services. Encourage the Regional systems to prioritize the creation and funding of services to youth at risk for involvement in the juvenile justice system. (See pages 40-41)
- W. Establish adequate statewide Mental Health and Behavioral Health Services. Provide legislative support to establish a statewide evidence-based infrastructure of mental health and substance use disorder treatment services to be provided within communities. This will be established by addressing work force issues, adequate payment and funding for provided services, and monitoring and oversight of treatment service outcomes, but not limited to these interventions. (See pages 40-41)
- X. Create a juvenile justice specific division within the Division of Behavioral Health of the Department of Health and Human Services for behavioral health service delivery, whose responsibility will be collaborating with local, county, regional, and state entities to create the Continuum of Care. (See pages 40-41)

YRTC RELATED RECOMMENDATIONS AND BACKGROUND INFORMATION

Recommendation: (See pages 4 & 15 – Item J)

Create legislation that:

- Creates an intensive, highly structured treatment facility in an urban area with programming designed specifically for high-risk juvenile law violators (Level 5). Consider renovating an existing structure to expedite the creation of this facility.
- Transfers Level 5 identified youth from the YRTCs into their own treatment environment in the newly created facility.
- Requires the YRTCs to provide evidence based, trauma informed treatment for behavioral health disorders, mental health disorders, and substance use disorders to include appropriate medication assisted treatment.
- Continues any additional YRTC renovations to create an enhanced therapeutic environment for the remaining youth.
- Completes all necessary actions to transition the YRTCs into regionally based facilities, including assessment of the potential need to close certain structures based on population demands.
- Requires development of regionally based treatment facilities including the feasibility of transitionally redesigning the existing YRTC facilities, and other state run juvenile treatment facilities, into this regionally based framework.

As noted above, the Juvenile Services (OJS) Committee is recommending that the juvenile justice system be transformed to a community-based system of care. In making this recommendation, the committee chose to consider how both YRTC- Kearney and YRTC – Geneva would function within the overall system recommendations. The Committee noted that the two programs differ significantly in the services offered and the populations they are serving. During the course of the committee deliberations, both facilities were engaged in the implementation of treatment and evidence-based services, staff training and program changes.

Based on the research that was done and extensive discussions, the committee has concluded that Nebraska will always have a need for facilities for the highest risk youth with significant treatment needs. However, the committee strongly believes that the role of the YRTCs will transition over time as the system is modified based on the reform efforts already implemented by passage of LB 561 and as new community-based systems are implemented. Kearney and Geneva YRTCs will be needed as a more regional, community-based system of care is implemented. However, it is anticipated that the role and population of both facilities will change.

Therefore, the committee believes that the future role cannot be fully projected until a continuum of community-based resources and therapeutic services are implemented regionally. Closure of either YRTC at the onset of system reform would be irresponsible. This must be a data-driven decision based on utilization and the assessed need of youth as community based Continua of Care are implemented and enhanced. During this process the committee believes the YRTCs must continue to move to a therapeutic modality.

The YRTC's Role within the Nebraska Juvenile Justice System

- In 2011, 13,143 Nebraska juveniles were taken into custody and charged with a felony, misdemeanor, or status offense.
- In FY 2011-2012, YRTC Kearney admitted 425 young men and YRTC Geneva admitted 140 young women. Thus, the two YRTCs provided services for around 3% of all juvenile arrests in 2011-2012.

Cost

- In FY 2009-2010 the total cost appropriated to the two YRTCs was \$17,122,474.
- In 2010, it cost an average of \$58,963 per youth in Geneva and \$29,298 per youth in Kearney.
- The average cost per day per youth was \$247 in Geneva and \$193 in Kearney in 2010-2011.

Population

- In August 2013 there were 130 youth in Kearney and 54 in Geneva on average.
- In FY 2012-2013, a total of 349 youth were admitted to Kearney and 110 to Geneva, which was a notable decline from FY 2011-2012 when there were 425 youth at Kearney and 140 at Geneva.
- In FY 2011-2012, the average daily population was 81 in Geneva and 160 in Kearney, which was at or above the capacity for both centers (82 for Geneva and 150 for Kearney).
- The average length of stay was 5.1 months in Kearney and 6.6 months in Geneva.
- In FY 2010-2011, the average age was 16 at both centers.
- White, non-Hispanic youth made up 43% of the population in Geneva and 46% in Kearney.
- Hispanic Youth made up 21% of the population at Geneva and 22% at Kearney.
- Black, non-Hispanic youth made up 18% of the population at Geneva and 24% at Kearney.
- American Indian youth made up 10% of the population in Geneva and 7% in Kearney.
- Lastly, 1% of the youth in Kearney were of Asian/Pacific Islander descent and 8% of the youth in Geneva were of "other" descent.
- The majority of the youth at Geneva and Kearney came from the Eastern or Southeastern Services (i.e., Lincoln and Omaha areas). In FY 2011-2012, 56% of the Youth in Kearney and 64% of the Youth in Geneva came from these two service areas.

Offenses

- In FY 2011-2012 the top five offenses of youth at YRTC Kearney were assault (88), theft (76), possession of drugs (45), burglary (44), and criminal mischief (43). The top five offenses among youth at Geneva were assault (48), theft (19), shoplifting (13), disturbing the peace (11), and criminal mischief (8).
- From FY 2007-2008 to FY 2009-2010, 27% of youth in both YRTCs were admitted for violent crimes, 10% for drug crimes, 41% from property crimes, 14% from public order offenses, 7% for probation offenses and 1% for status offenses.

Assaults

- In August 2012 through July 2013, there were 90 youth-on-staff assaults in Kearney and 22 in Geneva.
- In that same year, there were 174 youth-on-youth assaults in Kearney and 11 in Geneva.

YLS Scores

- The Youth Level of Service (YLS) is a risk/needs assessment and case management tool used to define the level of risk for youth entering the juvenile justice system.
- Of the 349 youth admitted to Kearney in FY 2012-2013, 3 (0.9%) scored very high on the YLS, 282 (80.8%) scored high, 58 (16.6%) scored moderate, and 6 (1.7%) scored low.
- Of the 110 youth admitted to Geneva in FY 2012-2013, 2 (1.8%) scored very high on the YLS, 69 (62.7%) scored high, and 39 (35.5%) scored moderate.

Behavioral Health

- Youth at Geneva exhibited the following behavioral health issues/diagnoses in FY 2012-2013 on the Mental Health Assessment (MHA): depression (28%), conduct disorder (28%), oppositional behavior (22%), substance abuse (59%), mood disorders (10%), and antisocial behaviors (14%), among others. In addition, 42% of Geneva youth had an elevated suicidal/self-harm risk identified at admission based on the Massachusetts Youth Screening Instrument (MAYSI), and 32% had been self-injurious prior to admission based on the Voiced Inventory of Self-Injurious Actions (VISA).
- Youth at Kearney exhibited the following behavioral health issues/diagnoses in FY 2012-2013 on the MHA: conduct disorder (64%), ADHD (45%), cannabis abuse (39%), alcohol abuse (31%), impulse control disorder (25%), oppositional defiant disorder (21%), mood disorder (19%), a history of self-harm behaviors (11%), depressive disorder (8%), bipolar disorder (8%), and PTSD (6%), among others.

Recommitments

- On July 1, 2013 there were 134 youth at Kearney and 59 at Geneva, of these 14 (10%) youth at Kearney were recommitments and 4 (7%) youth at Geneva were recommitments.
- In a study conducted of Lancaster County youth admitted to the YRTC's it was found that 29% of youth released from Kearney were eventually readmitted to the same facility and 11% of youth released from Geneva were readmitted back to Geneva (Hobbs, 2012).

YRTC Data Summary

Following is a summary of the data that was reviewed in consideration of the review of the role and function of YRTC's.

In FY 2012-2013, a total of 350 youth were admitted to YRTC-Kearney and 110 to YRTC-Geneva, which was a notable decline from FY 2011-2012 when there were 425 youth at Kearney and 140 at Geneva. Youth at the centers stayed for an average of 5.1 months at Kearney and 6.6 months in Geneva. Ethnic and racial minorities comprise 54% of the population at Kearney and

57% of the population at Geneva. The leading offense for youth at both centers is assault and violent behaviors are common at the centers, especially at Kearney. From August 2012 through July 2013, there were 90 youth-on-staff assaults at Kearney and 22 in Geneva. In that same time period, there were 174 youth-on-youth assaults in Kearney and 11 in Geneva.

Youth at both centers appear to be in need of a variety of services and treatment modalities. In FY 2012-2013, the vast majority of youth (81% at Kearney and 63% at Geneva) scored "high" on the Youth Level of Service (YLS) assessment. However, a very low percentage scored "very high" on the YLS (0.9% at Kearney and 1.8% at Geneva). The vast majority of youth exhibit an issue with substance abuse, albeit at varying levels. In Kearney cannabis abuse was assessed among 39% of the population, and alcohol abuse in 31% of the population in FY 2012-2013, among numerous other substance-related issues.

Overall, it was reported by YRTC leadership that 91% of the population at Kearney has some form of substance issue. At Geneva, 59% of the population was assessed as having a substance abuse issue. In addition to these substance abuse related issues, conduct disorder (64% at Kearney and 28% at Geneva) and oppositional defiant disorder (21% at Kearney and 22% at Geneva) were assessed with notable frequency among the youth. Lastly, 42% of Geneva youth had an elevated suicidal/self-harm risk identified at admission.

Recommended Next Steps

If our goal is to create a juvenile justice system that is truly rehabilitative and gives young people the tools they need to contribute to society, we must reform and restructure the YRTCs. While reform is never easy, implementing national best practice will benefit youth, communities, and state as a whole. (YRTC Issue Brief, Voices for Children in Nebraska)

Recommended YRTC Treatment Services Transition:

Residential Juvenile Justice Services should be provided within a Therapeutic Milieu –A therapeutic milieu views every interaction between a youth and staff as an opportunity for therapy and skills training. In order to provide consistent treatment to all youth, all staff who interact with youth, including staff that may not view themselves as therapists in the traditional sense are trained in the therapeutic model (Lee, 2013).

Recommended DHHS Actions:

1. Continue to establish a therapeutic milieu treatment culture in the YRTCs.
2. Provide staff with initial and ongoing training in foundational evidence-based practices, including behavioral analysis; contingency management; cognitive-behavioral therapy; effective behavioral management techniques and delivering skills training in social,

problem solving, and anger management skills, with a goal of implementing Dialectical Behavior Therapy (DBT) (see Lee, 2013, page 23).

3. Prioritize and support a rehabilitation culture in the YRTC through partnering with direct care staff leaders, proper resources, ongoing training, continuous program improvement efforts, incentives for targeting outcomes, and administrative backing (Lee, 2013).
4. Assure YRTC staffing meets national norms for implementing rehabilitation services (Lee, 2013).
5. Increase organization, intensity, and range of treatment services in both facilities (Lee, 2013).
6. Modify classification and programming to align youth risk levels with intensity and type of treatment, and reinforce positive youth behavior (Lee, 2013).
7. Update policies addressing self-harm and aggressive behavior to align administrative procedures with effective clinical management (Lee, 2013).
8. Implement instruments and tools to measure youth functioning and progress (Lee, 2013).
9. Facilitate increased family involvement and family and youth voice (Lee, 2013).
10. Significantly increase non-contingent telephone contact between youth and family (Lee, 2013).
11. Use technology such as video conferencing for more frequent youth/family contact.
12. Enhance and maintain the role of youth councils and youth voice in changes within the YRTCs.

YRTC Facilities

Recommended DHHS Actions:

1. Continue to invest in renovation of the YRTC facilities, especially Kearney, to transform the facility in a manner that enhances and supports the selected treatment model.
2. Maintain YRTC facilities to meet safety and service standards while the transition process occurs but do not make major changes during the implementation of the system.
3. On an annual basis review utilization data and close cottages, as needed.
4. If it is determined to use YRTC for a high-risk/high-need population, based on the treatment needs and best practices for serving that population, build or renovate the campus structure to meet those needs.

YRTC Population

Recommended Juvenile Services Committee (JSC) Assignments:

1. Monitor the population trend each year as the regional system is implemented for impact on the YRTCs utilization and treatment program requirements.
2. Work with DHHS to identify the actual number of youth statewide who are at high risk of violent crimes against other persons and require a high-level of treatment.
3. Provide annual updates to the Nebraska Children’s Commission and the Judiciary Committee of the Legislature on the progress towards transitioning the YRTCs into a statewide, regionally based rehabilitation and treatment framework.

NEBRASKA CHILDREN’S COMMISSION RECOMMENDATIONS

Core Principle

“Leadership is a key underpinning requirement for success in achieving all of the strategic recommendations in order to meet the defined goals.”

(Nebraska Children’s Commission, Phase I Strategic Plan)

This report was created as a broad consensus document that provides a framework and structure for development of more detailed and specific recommendations and strategies in 2014 and beyond. The legislature’s charge to the Juvenile Services (OJS) Committee was originally broad and far-reaching. Committee members undertook development of this plan for state-wide child welfare and juvenile justice reform with awareness of the importance of arriving at a shared vision and goals as an underpinning for subsequent discussion and decision making regarding myriad substantive issues.

Comprehensive system reform and the implementation of the recommendations in this document require continuous leadership and oversight. The Juvenile Services (OJS) committee members are committed to continuing the leadership journey that was started in 2012 and to taking ownership for a successful outcome to this reform effort. However, the optimal structure would include leadership from state and private entities with the decision making authority for system reform. There are many entities charged with portions of this work but no one entity with overarching system decision making. The long term framework requires input and consensus from many entities.

Should there be political will to allow the Juvenile Services Committee to continue, subsequent work by this committee will include further study of complex issues and additional recommendations for child welfare and juvenile justice system reform that is responsive to needs, dynamic in nature, and effective in delivering services in all geographic areas of a state with both urban and rural challenges.

The committee looks forward to expanding the collaborative efforts as outlined in this document.

Juvenile Services Committee and Sub-committees:

Recommendations:

Establish the Juvenile Services Committee (formerly the Juvenile Services (OJS) Committee) as a standing committee of the Nebraska Children’s Commission, through additional legislation, with the authority to implement the recommendations herein. Craft the legislation in such a manner that the Juvenile Services Committee will stand, even if the Nebraska Children’s Commission sunsets. (See pages 4 &15 – Item K)

Contract with a federal expert in juvenile systems reform for at least a two year period of time to provide expertise and oversight in the implementation of a comprehensive juvenile systems reform, and obtain and analyze system utilization data. (See pages 5 & 15 – Item M)

The Juvenile Services (OJS) Committee is recommending that the Juvenile Services Committee be comprised of, but not limited to, the following representatives:

- Department of Education
- Courts
- Department of Health and Human Services
- Legislative Representatives
- Probation
- Diversion
- Advocacy Groups
- Universities
- Crime Commission
- Providers
- Law Enforcement
- Behavioral Health Physicians
- Ombudsman
- NAACO
- Consumers
- Foster Care Review
- Corrections
- Special Education
- County Attorney
- Advisory Council
- Juvenile Justice
- Vocational Rehabilitation

It is anticipated that the JSC would work with the federal expert to enhance oversight of the juvenile services system reform efforts.

Recommendation:

Establish five sub-committees of the Juvenile Services Committee to provide input and oversight on: 1) Screening and Assessment tools; 2) Community-based Programs; 3) SPEG Design; 4) YRTC Transition/Level 5 Creation; and 5) Social, Racial, and Ethnic Disparities. (See pages 4, 5, & 15 – Item L)

The Screening and Assessment Tools sub-committee would have the responsibility of working on the statewide screening and assessment recommendation to identify areas of needed collaboration and future policy development.

Recommendation:

Establish and require uniform statewide screening and assessment tools, including educational assessments, which shall be conducted when youth first encounter the juvenile justice system, at various times when moving between levels of care, and when there is a change in clinical status or presentation. Screening and selective assessment should be conducted when youth enter residential programs, including the county juvenile detention centers and YRTCs. All juvenile justice entities (law enforcement, all legal representatives, and judicial entities) and system stakeholders must utilize and follow assessment recommendations. All assessment and recommendation information obtained

must be shared with all stakeholders who have a need to know and right to know to optimize care for each youth. (See pages 5, 15-16 – Item N)

The Community-based Programs sub-committee would have the responsibility of working with child welfare and juvenile justice stakeholders, including the Nebraska Children’s Commission Community Ownership of Child-Wellbeing Workgroup and the Nebraska Commission on Law Enforcement and Criminal Justice to identify areas of services gaps and encourage development and priority funding of needed juvenile justice treatment system services. The sub-committee would give priority to implementation of the following recommendation:

Recommendation:

Incentivize counties (group of counties) or tribes by providing additional funds for entities that can demonstrate to the Nebraska Commission on Law Enforcement and Criminal Justice how they have successfully leveraged braided funds to maintain youth in community based programs. The category of braided funds shall include (but not be limited to): juvenile justice, child welfare, education (developmental disabilities), behavioral health, mental health, and private sources. (See pages 5 & 16 – Item O)

The SPEP Design sub-committee would have the responsibility of developing a framework for the use of SPEP as an evidence-based evaluation tool. The sub-committee would give priority to implementation of the following recommendations:

Recommendations:

Utilize Juvenile Justice Services that are Evidence-based. (See page 12)

Utilize the Standardized Program Evaluation Protocol (SPEP) for assessing Juvenile Justice Programs. (See page 13)

The YRTC Transition/Level 5 Creation sub-committee would have the responsibility for oversight of the monitoring of data and trends related to the YRTC transition and Level 5 facility creation. The sub-committee would give priority to implementation of the following recommendations:

Recommendations: (See pages 4 & 15 – Item J)

Create legislation that:

- Creates an intensive, highly structured treatment facility in an urban area with programming designed specifically for high-risk juvenile law violators (Level 5). Consider renovating an existing structure to expedite the creation of this facility.

- Transfers Level 5 identified youth from the YRTC's into their own treatment environment in the newly created facility.
- Requires the YRTC's to provide evidence based, trauma informed treatment for behavioral health disorders, mental health disorders, and substance use disorders to include appropriate medication assisted treatment.
- Continues any additional YRTC renovations to create an enhanced therapeutic environment for the remaining youth.
- Completes all necessary actions to transition the YRTC's into regionally based facilities, including assessment of the potential need to close certain structures based on population demands.
- Requires development of regionally based treatment facilities including the feasibility of transitionally redesigning the existing YRTC facilities, and other state run juvenile treatment facilities, into this regionally based framework.

Task the Juvenile Services Committee with developing a decision matrix to establish YRTC entrance criteria that takes into account appropriate screening and assessment scores, seriousness of the crime, and the need for more intense interventions because of previous intervention failure. Task the committee with researching other states programs and information from national experts and research. (See pages 5 & 16 – Item P)

The Social, Racial, and Ethnic Disparities sub-committee would have the responsibility of ensuring that uniform processes exist at each decision point of the juvenile justice system that will promote fairness for all youth, and help address Disproportionate Minority Contact (DMC). The sub-committee would give priority to implementation of the following recommendation:

Recommendation:

Require the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and the Georgetown Center for Juvenile Justice Reform Crossover Youth Practice model to be implemented statewide. (See pages 5 & 16 – Item Q)

Nebraska Children’s Commission – Technology Workgroup:**Recommendation:**

Prioritize the creation of statewide technology solutions that utilize new technology and maximize the financial return on investment by reducing the number of full-time equivalent staff hours to: input child welfare and juvenile justice data; extract data for analysis from multiple systems; and efficiently share data across multiple stakeholders with a need to know and right to know pertinent child/youth information. Capitalize on the investigative work that is already being done by the Nebraska Children’s Commission’s Technology Workgroup. (See pages 5 & 16 – Item R)

Nebraska Children’s Commission – Workforce Workgroup:**Recommendation:**

Address workforce issues through: workforce training and development; workforce technology solutions that allow for easier entry of documentation and data; and investigation of varied methods for recruitment and retention of workers at all levels of the child welfare and juvenile justice system. (See pages 5 & 16 – Item S)

Nebraska Children’s Commission – Young Adult Voluntary Services and Supports Advisory Committee:**Recommendation:**

Work with the Young Adult Voluntary Services and Supports Advisory Committee (LB 216, 2012) of the Nebraska Children’s Commission to extend voluntary services for children who are aging out of systems to include children who are in out of home placement as a result of the juvenile justice system. (See pages 6 & 16 – Item T)

Nebraska Children’s Commission – Education Committee for At-Risk Youth (proposed new committee):**Recommendation:**

Establish and fund an Education Committee for At-Risk Youth as a standing committee of the Nebraska Children’s Commission, through additional legislation, to address the unique educational needs of children and youth in the Child Welfare and Juvenile Justice systems. Craft the legislation in such a manner that the Education Committee for At-Risk Youth will stand, even if the Nebraska Children’s Commission sunsets. (See pages 6 & 16 – Item U)

Recommended Next Steps

Juvenile Services Committee:

1. Increase capacity for leadership development in the juvenile justice system.
 - Identify current juvenile justice leaders and develop network opportunities.
 - Partner with NJJA and other stakeholders to develop a juvenile justice leadership academy.
2. Establish an interagency prevention-centered collaborative group to create a shared framework of primary and secondary prevention services through community based collaboration, use of evidence based programs, policies and practices, and public private partnerships with braided federal, state, and community resources, which includes representation from and opportunities for participation by family members, youth and advocates.
3. Require concrete processes for assuring the partnerships with youth, families, communities, and diverse racial and ethnic groups in the development of the system.
4. Develop a formula to reduce “deep-end” and high-end utilization.

Juvenile Services Committee - Screening and Assessment Tools Sub-committee:

Note: This subcommittee would have the responsibility of working on the statewide screening and assessment recommendation to identify areas of needed collaboration and future policy development.

“In addition to providing superior outcomes, matching youth needs with service and placement levels is the most efficient use of public resources.” (Lee, 2013)

Proposed Sub-committee Action Items:

1. Establish standardized evidence based screening and assessment tools to be used which reflect strengths and needs (Lee, 2013).
2. Assure the range of instruments address initial screening, general screening, risks and needs, adaptive functioning in multiple domains, mental health concerns, substance use disorders, and family functioning.
3. Establish use of a common validated instrument to identify the most violent offenders, felony recidivists, and potential chronic offenders among second time offenders.
4. Design a method for creating a paradigm shift of “assessment before action” at the first contact with law enforcement and/or schools through the creation of assessment centers.
5. Assure screening/assessment and services are in place in an expedited, age-appropriate, timely manner and result in a timely, targeted, systematic response based on that assessment.

- Develop/research guidelines for each system response.
 - Educate system “players”
 - Utilize validated/evidenced-based screening tools
 - Develop concept of a Juvenile Intake Assessment Center (JIAC)
 - Develop criteria for referral
6. Develop family-centered and person-centered policies and practices for assessment, goal and objective planning; service selection; treatment and evaluation that are compatible with other systems, such as mental health and child protective services to assure a cross trained work force and enhanced family engagement through knowledge and skills.

Juvenile Services Committee – Community –based Programs Sub-committee:

Note: This sub-committee would have the responsibility of working with child welfare and juvenile justice stakeholders, including the Nebraska Children’s Commission Community Ownership of Child-Wellbeing Workgroup and the Nebraska Commission on Law Enforcement and Criminal Justice to identify areas of services gaps and encourage development and priority funding of needed juvenile justice treatment system services.

“In addition to providing superior outcomes, matching youth needs with service and placement levels is the most efficient use of public resources.” (Lee, 2013)

“Youth with complex needs require coordinated efforts to be maintained in the community because multiple individuals and systems are often involved, and problems in one area of the treatment plan can jeopardize the viability of the entire community placement.” (Lee, 2013)

“Expand youth and family voice and choice, including partner and mentor programs throughout the Nebraska juvenile justice systems.” (Lee, 2013)

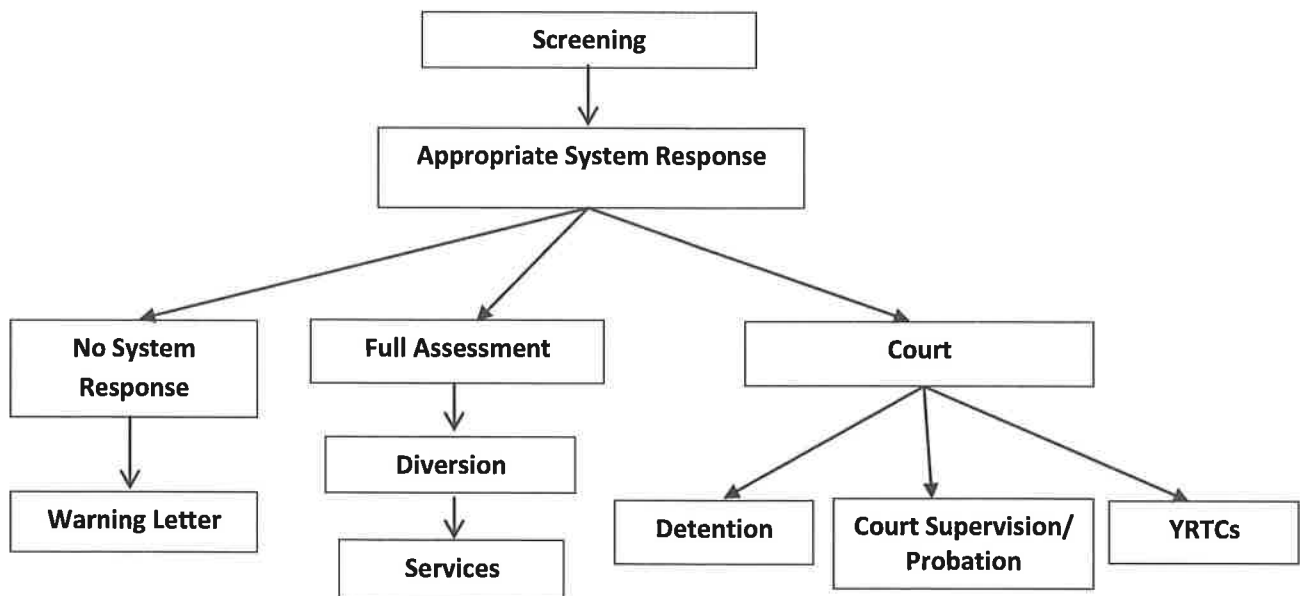
Proposed Sub-committee Action Items:

1. Work with the Community Ownership of Child Well-being workgroup to consider giving priority to the development of primary prevention programs for all youth that have shown promising trends in helping youth at higher risk of entering the juvenile justice system.
2. Develop public/private partnerships.
 - Identify and document existing collaborations and initiatives at state and local level.
 - Partner with Nebraska Children’s Commission Community Ownership workgroup.
 - Educate juvenile justice to get involved.
 - Create a uniform way of informing the state on this work.
3. Enhance emphasis on, and training for broad based community collaborations to play prominent roles in community assessment, planning and change especially in regard to collective impact (Lee, 2013).

4. In conjunction with public and private partners identify a common process for evaluating collaborative capacity and collective impact to inform practice of collaborative groups.
5. Services will be community-based. In conjunction with counties, collaborative groups, and other systems (e.g., behavioral health, child protective services) identify geographic natural ecologies (county and groups of counties) for the development of youth services.
6. Conduct assessments of the array of services in each of these counties/multi-county areas, which include utilization, need, gaps, and quality evaluations; mapping of evidence based practices; cultural responsiveness; and staffing requirements.
7. As part of the assessment of the array of services, identify those resources which can be re-designed within the levels of the Continuum of Care such as staff-secure and detention facilities.
8. Employ evidence-based practices such as Trauma Informed Care to reduce the utilization of “out-the-door” practices with youth.
9. Develop and implement an information package on the systems change theory and best practices to be provided to community and state stakeholders.
10. Based on population size, develop a continuum of county or multi-county community-based resources from prevention to treatment that are cost shared by the county and the state.
11. Based on population size, develop a continuum of county or regional services community-based treatment.
12. Strengthen and assure youth and family voice in community-based and residential milieus through existing youth councils and family partner organizations (Lee, 2013).
13. Develop alumni opportunities to mentor and support youth (Lee, 2013).
14. Provide assistance and support in arranging transportation for family members to visit youth who may need to reside outside of a reasonable distance for visitation or for whom family circumstances preclude ability to travel.

15. Further develop the continuum of care concept for services close to home that are accessible financially and geographically to all youth being served.

- a. Conduct an analysis of current systems and identify holes in those systems
- b. Identify what the ideal system responses should include
 - No system response “out-the-door”
 - Diversion
 - Court involvement



16. Collaborate on developing all aspects of Primary Prevention, Secondary Prevention, Interventions and Graduation Sanctions.

Primary Prevention

A consistent, sustained focus on primary prevention for all youth addresses the long-term outcomes for youth and families within the community setting through braided resources from multiple disciplines. These resources also support re-entry for those few youth who may need a higher level of rehabilitative or treatment services.

1. Utilizing a public health model which reduces risk and enhances protective factors, and braided funding, develop and sustain universal evidence-based prevention programs which target all youth and secondary prevention programs which target pre-delinquent youth who are assessed for risk factors but have not yet appeared in the juvenile justice system or youth who have been referred to the system, judged to be at risk and diverted to the prevention program in schools and communities.

2. Implement early identification of youth risks and needs and community-based response through screenings in schools and through primary caregivers.
3. Assure access to needed mental health and health services without “system” involvement through the availability of community resources for early response.
4. Establish educational systems policies which encourage schools to retain high risk, abused, and neglected youth without performance penalties.
5. Establish policies and practices which enhance and encourage community and family acceptance of responsibility for youth.
6. Assure that every youth in the state of Nebraska has a medical home.
7. Develop common “cross systems” evaluation measures to reduce administrative impact on communities while assuring measurement of agreed upon well-being indicators.

Secondary Prevention, Interventions and Graduated Sanctions

“Treating youth in less restrictive settings is less disruptive to development.” (Lee, 2013)

Establish guidelines, policies/procedures, structured decision-making tools, and/or statutes for decisions relating to:

1. Assuring that treatment and placement are based on the youth need and risk.
2. Detaining youth only when they are at risk to fail to appear in court or commit a new crime.
3. Using graduated sanctions.
4. Placing youth in the least restrictive treatment settings.
5. Use of restrictive treatment settings only after non-response to intensive community-based services, demonstrated needs, or a youth represents a community safety concern.
6. Placing youth in a YRTC only when community safety concerns exist or after non-response to less restrictive settings. Develop guidelines to restrict YRTC placement to only those youth adjudicated of the most serious offenses or who present a danger to the community.
7. Placing youth in out-of-state treatment programs should be reserved for demonstrated treatment needs or where to do so is economically viable and places the child in closer proximity to the family. Review of out-of-state placements should occur annual to determine need for developing services within Nebraska (Lee, 2013).

Juvenile Services Committee – SPEP Design Sub-committee:

Note: This subcommittee would have the responsibility of developing a framework for the use of SPEP as an evidence-based evaluation tool.

Proposed Sub-committee Action Items:

1. Identify additional therapeutic program requirements for the Juvenile Justice System based on the findings of the SPEP.
2. Identify evidence-based, cost effective treatments to address identified needs of youth and community stakeholder concerns and implement these within the local community.

Juvenile Services Committee – YRTC Transition/Level 5 Creation Sub-committee:

Note: This subcommittee would have the responsibility for oversight of the monitoring of data and trends related to the YRTC transition and Level 5 facility creation.

Proposed Sub-committee Action Items:

See report page 23 – YRTC Population for sub-committee action items. The YRTC section of the report can be found on pages 18 – 23.

Juvenile Services Committee – Social, Racial, and Ethnic Disparities Sub-committee:

Note: This sub-committee would have the responsibility of ensuring that uniform processes exist at each decision point of the juvenile justice system that will promote fairness for all youth, and help address Disproportionate Minority Contact (DMC).

“Implementing more uniform processes at each decision point of the juvenile justice system will promote fairness for all youth, and help address DMC.” (Lee, 2013)

Proposed Sub-committee Action Items:

1. Implement recommendations from the Nebraska Disproportionate Minority Contact (DMC) Assessment (Hobbs, 2012).
2. Implement a uniform process at each decision point of the juvenile justice system to promote fairness for all youth and help address DMC including, implementing standardized assessment tools, structured decision making tools, and standard sentencing guidelines (Lee, 2013).
3. Assure that transfer of minority youth to criminal court is reserved for specifically defined most serious of crimes (Lee, 2013).
4. Establish common definitions and data collection practices on race and ethnicity.
5. Ensure cultural competency, reasonable caseload sizes, and measure the quality of service and supervision provided
 - a. Investigate and adopt standards appropriate to relative caseload size.

- b. Develop internal controls that define quality of service utilizing best practices models.
 - c. Set standards for competency expectations of supervisory personnel.
 - d. As part of the mission, focus on developing cultural competency at all levels.
6. Expand the usage of the Juvenile Detentions Alternatives curriculum for reviewing minority contact and in the juvenile detention system.
 7. Include minority youth and families in the system design and ongoing system assessment, including access to legal counsel, through processes that promote safety and support in speaking publicly.
 8. Implement utilization of resources from the Office of Juvenile Justice and Delinquency Prevention DMC Virtual Resource Center as part of on-going training (Lee, 2013).

Nebraska Children’s Commission – Technology Workgroup:

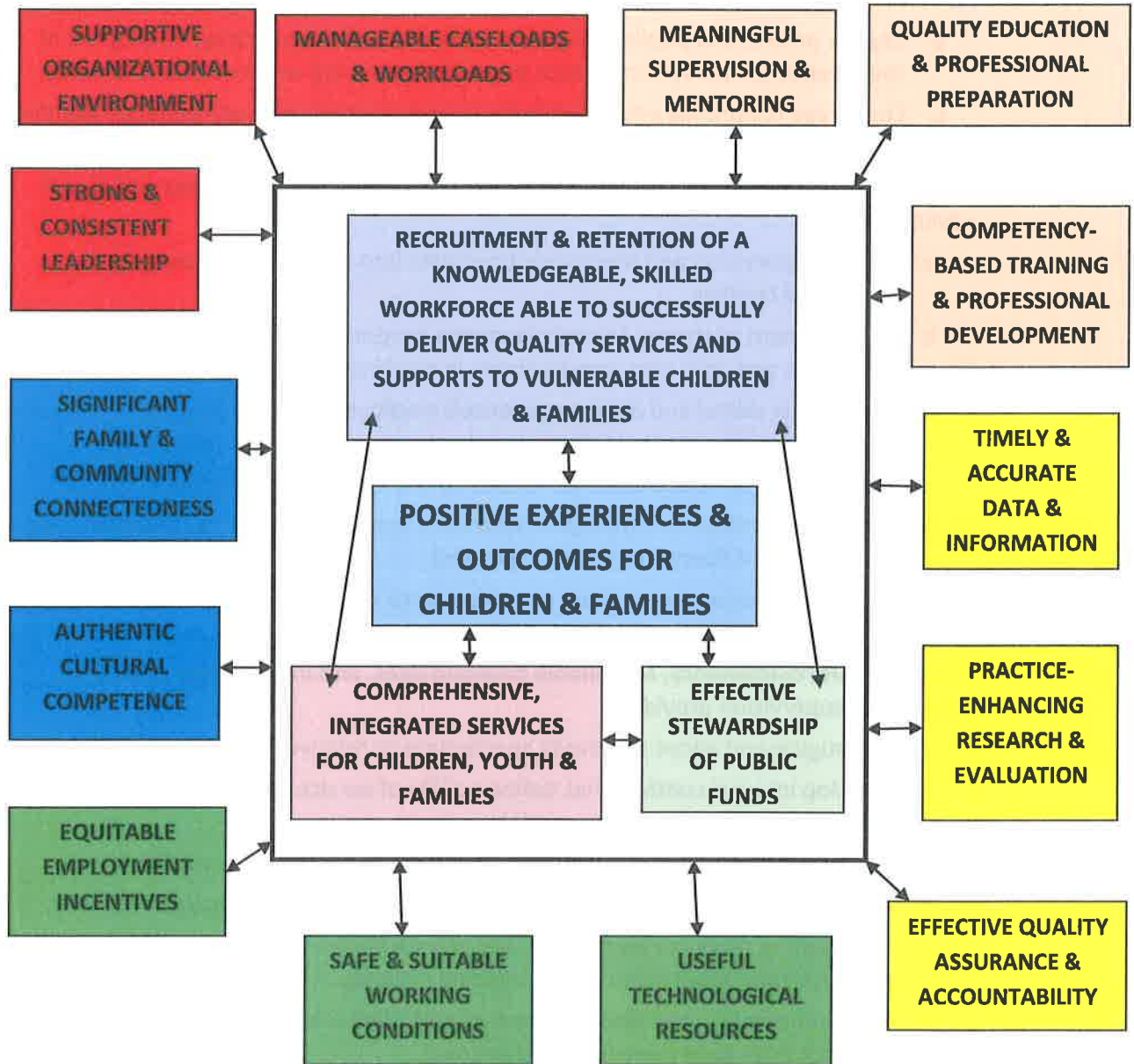
“...data must be collected on critical variables like graduation rates, or GED attainment, employment, programming options, and recidivisms rates. This data will help inform future efforts toward a shared data system and will help identify where gaps in services exists.”
 (Hobbs, 2012)

Proposed Workgroup Action Items:

1. Promote Information sharing:
 - Develop common definitions of key system points (i.e. – entry, exit, etc.).
 - Develop and define common outcome measures (i.e. – recidivism, case processing, etc).
 - Ensure data efforts include juvenile justice.
 - Develop information sharing agreements across systems (education, justice, etc).
 - Utilize technical assistance from national experts.
2. Information should follow a youth/family through a timely common data sharing system.
3. Create a state system that makes data accessible at both the individual and policy levels.
 - a. Review current statutes and agency policy to determine what can be shared.
 - b. Educate/explain to family and youth why we want to share data (prevent duplication-increase coordination).
 - c. Explore legislative responses to sharing data for public policy/research.
 - d. Develop information sharing agreements across systems (education, justice, behavioral health) to monitor and assess outcome indicators.
4. Identify and uniformly collect meaningful data that assists in measuring individual progress and system wide change.

5. Establish training and decision making that assures that the workforce culture relies on data.
 - a. Inform staff on reasons for quality data.
 - b. Increase accountability/quality assurance through the use of data.
 - c. Use data on a daily basis in agencies.
6. Assure recording systems at the front line level benefit from use of electronic systems and do not receive undue burden for recording.

14 COMPONENTS TO SUPPORT AN EFFECTIVE WORKFORCE



Source: Children’s Defense Fund – Components of an Effective Child Welfare Workforce to Improve Outcomes for Children and Families: What does the Research Tell Us?

Proposed Workgroup Action Items:

1. Foster working with youth as a professional and career choice.
 - a. Incentivize college students to enter the profession by offering tuition remission and/or reimbursement.
 - b. Engage private and public colleges as a “front door” to educating employees of the juvenile justice system in best practices in working with youth and families.
 - c. Encourage continuing education to be in best practices that will enhance abilities of employees to serve youth and families.
2. Provide adequate support, training, and mentoring that allows for success and career advancement.
 - a. Strong supervision and mentoring translates into higher quality services for youth and families.
 - b. Development of strong, formal mentoring programs to enhance transfer of education and skills into competencies in working with youth and families.
3. Ensure the highest skilled and most experienced employees receive cases commensurate and equal to their abilities and are compensated accordingly.
 - a. Identify core skills and abilities needed to work with specific populations.
 - b. Provide incentives for employees who have specialized, high risk caseloads (e.g., those who are fluent in certain languages).
 - c. Employee compensation must be adequate to recruit and retain qualified staff in all components of the Continuum of Care.
4. Ensure cultural competency, reasonable caseload sizes, and measure the quality of service and supervision provided
 - a. Investigate and adopt standards appropriate to relative caseload size.
 - b. Develop internal controls that define quality of service utilizing Evidence Based Practice (EBP)/best practices models.
 - c. Set standards for competency expectations of supervisory personnel.
 - d. As part of the mission, focus on developing cultural competency at all levels.
5. Assure that staffing ratios for both public and private youth serving sectors accommodate strong supervision and mentoring capacity.
6. Adopt state competency standards and ensure staff demonstrate competency standards, both prior to employment and ongoing.
7. Assure that the juvenile justice workforce receives ongoing training about social inequalities and cumulative disadvantage.
8. Train on social equality and cumulative disadvantage.
9. Partner with the System of Care planning related to recruitment, retention, and training staff.
10. Recruitment should target retired people and college students.

11. Assure that all staff members are included in planning for and development of the “big picture”.
12. Ensure consistent programming as system moves to a regional structure.
13. Train workforce in evidence-based family-centered assessment, planning and engagement tools and practices (Lee, 2013).
14. Develop and assure accountability to policies and practice which assure that families are fully involved in decision making from pre-filing onwards.
15. Provide refresher trainings on the purpose and philosophy of juvenile court (Lee, 2013).
16. Create a culturally competent workforce by hiring and training individuals who have the skills to recognize and respect the behavior, ideas, attitudes, values, beliefs, customs, language, rituals, ceremonies and practices characteristic of a particular group of people.
17. Provide ongoing opportunities for prosecutors to understand juvenile justice, adolescent development, and evidence-based practices available in the community.
18. Establish a state recruitment campaign and incentives to address shortage of mental health professionals.
19. Establish statewide competency standards for community and residential front line workers, supervisors, and administrators.
20. Promote employment by persons from racial and ethnic backgrounds representative of the population served.
21. Partner with two and four-year schools to create specific degrees/certifications which respond to the core competencies and can be delivered in the college or workplace settings.
22. Establish a process to grandfather in existing staff.
23. Establish higher education incentives for those entering the youth care profession which allows for low interest and/or loan forgiveness for years of service.

Nebraska Children’s Commission - Education Committee for At-Risk Youth (new committee):

1. Review issues related to school attendance and performance and recommend planning for intervention with the youth.
2. Help evaluate educational processes when considering the correct setting for the youth.
3. In whatever role the YRTC facilities will have in the future, evaluation and consideration should be given to the education schedule for the youth and when they return to the community (i.e. the youth is able to return to a school in the community at the beginning of a quarter or semester).

SYSTEM OF CARE PLANNING GRANT RECOMMENDATIONS

Nebraska was awarded a System of Care (SOC) planning grant after the Juvenile Services Committee was charged with reviewing mental and behavioral health services for youth. The SOC planning process will provide a more extensive approach to this component of the Juvenile Services System Reform. The following recommendations are made in response to the charge to the Juvenile Services Committee and for the System of Care planning process.

Recommendations:

Require behavioral health regions, and state funded entities, to create a continuum of community-based services that are located within counties (groups of counties) or tribes so that youth remain connected to community and family. To achieve this goal, small rural counties are encouraged to work as a multi-county group to develop physically and financially accessible services. Encourage the Regional systems to prioritize the creation and funding of services to youth at risk for involvement in the juvenile justice system. (See pages 6 & 17 – Item V)

Establish adequate statewide Mental Health and Behavioral Health Services. Provide legislative support to establish a statewide evidence-based infrastructure of mental health and substance use disorder treatment services to be provided within communities. This will be established by addressing work force issues, adequate payment and funding for provided services, and monitoring and oversight of treatment service outcomes, but not limited to these interventions. (See pages 6 & 17 – Item W)

Create a juvenile justice specific division within the Division of Behavioral Health of the Department of Health and Human Services for behavioral health service delivery, whose responsibility will be collaborating with local, county, regional, and state entities to create the Continuum of Care. (See pages 6 & 17 – Item X)

Proposed Planning Committee Action Items:

1. Establish a spectrum of residential and non-residential behavioral health treatment options, within each behavioral health region, with consistencies for all youth regardless of system of entry (Behavioral Health, Juvenile Justice, or Education).
2. Establish a framework of treatment modalities for various assessed needs including but not limited to: family therapy, multi-systemic family therapy, conduct disorders, behavior management, and trauma informed care.
3. Establish an interagency interdisciplinary Assessment and Treatment Committee charged with establishing, and reviewing on a three-year basis, standardized assessments and treatment modalities to be used within the youth serving systems to assure state of the art services and outcomes.
4. Establish, support, and sustain community-based, youth-specific, drug /alcohol treatment services and mental health services, which are accessible without court process.

5. Expand Medicaid and Medicaid support of Evidence Based Practices to mitigate the number of court cases required to access services.
6. Align the Medicaid payment schedule to service needs, including additional flexibility for evidence-based mental and behavioral health services required for the juvenile service population.
7. Establish minimum standards for treatment provider ratio and frequency.
8. Establish a mechanism for youth who fail diversion due to drug or alcohol use to enter drug/alcohol treatment directly.
9. Conduct a thorough analysis of the allocation of the regional resources for juvenile and family services to determine the level of regional resources required for behavioral health youth in crisis.
10. Allocate unused regional mental and behavioral health funds for juvenile services.
11. Develop wide reaching substance use education and treatment services (Lee, 2013).
12. Coordinate psychiatric and psychosocial treatment services (Lee, 2013).
13. Establish regional sites for longer term regional facilities for mental illness, substance use disorders, and conduct disorders that serve a population ratio that makes them cost effective.
14. Develop or enhance facilities for chronic violent offenders based on assessed needs and risk, within locations that assure family involvement.

PROGRAM FUNDING RECOMMENDATIONS

Core Principle

“Explore “blended funding” options that combine resources from mental health, juvenile justice, child welfare and education, and increase flexibility in the use of blended resources to better meet the needs of youth and families.” (Lee, 2013)

The State of Nebraska should take steps to access and maximize federal funding. Funding of the system should be flexible based on the needs of the youth and family. Priority should be given to community-based funding for counties, multi-county groups, or tribes to utilize community –based funding for a continuum of evidence-based services in the community to prevent youth coming into secure care and for reentry care. Incentives should be provided for counties (groups of counties) or tribes for development of county or multi-county services which by diverting youth from the juvenile justice system reduce the number of youth in the system.

Appendix A

Juvenile Services (OJS) Committee Members and LB 561 Responsibilities

Co-Chairperson: Ellen Brokofsky, Nebraska Children’s Commission, State Probation Administrator –
Administrative Office of the Courts and Probation

Co-Chairperson: Martin Klein, Nebraska Children’s Commission, Deputy Hall County Attorney

Committee members:

- Kim Culp, Director -Douglas County Juvenile Assessment Center
- Barbara Fitzgerald, Coordinator - Yankee Hill Programs – Lincoln Public Schools
- Sarah Forrest, Policy Coordinator – Child Welfare and Juvenile Justice – Voices for Children
- Judge Larry Gendler, Separate Juvenile Court Judge for Sarpy County, NE
- Kim Hawekotte, Nebraska Children’s Commission, Director – Foster Care Review Office (former CEO – KVC Nebraska)
- Dr. Anne Hobbs, Director – Juvenile Justice Institute, University of Nebraska, Omaha
- Ron Johns, Administrator – Scotts Bluff County Detention Center
- Nick Juliano, Senior Director Community Impact – Boys Town
- Tina Marroquin, Lancaster County Attorney
- Mark Mason, Program Director - Nebraska Vocational Rehabilitation
- Jana Peterson, Facility Administrator – YRTC, Kearney
- Corey Steel, Assistant Deputy Administrator for Juvenile Services, Administrative Office of the Courts and Probation
- Monica Miles-Steffens, Executive Director – Nebraska Juvenile Justice association & Nebraska JDAI Statewide Coordinator
- Pastor Tony Sanders, CEO – Family First: A Call to Action
- Dalene Walker, Parent
- Dr. Ken Zoucha, Medical Director - Hastings Juvenile Chemical Dependency Program

Resources to the Committee:

- Senator Kathy Campbell
- Senator Colby Coash
- Jim Bennet, Reentry Program Specialist - State Office of Probation Administration
- Doug Koebernick, Legislative Assistant for Senator Steve Lathrop
- Tony Green, Deputy Director of the Office of Juvenile Services
- Liz Hruska, Legislative Fiscal Office
- Jerall Moreland, Assistant Ombudsman - Nebraska Ombudsman’s Office
- Dr. Liz Neeley, Nebraska Bar Association, Supreme Court Minority Justice Committee
- Jenn Piatt, Legal Counsel for Senator Brad Ashford
- Dr. Hank Robinson, Director of Research, Nebraska Department of Corrections
- Julie Rogers, Nebraska Children’s Commission, Inspector General of Nebraska Child Welfare
- Dan Scarborough, Facility Administrator – YRTC, Geneva
- Amy Williams, Legislative Assistant for Senator Amanda McGill

OJS Committee Responsibilities

LB 821

The [Nebraska Children's] commission shall create a committee to examine the structure and responsibilities of the Office of Juvenile Services as they exist on the effective date of this act. Such committee shall review the role and effectiveness of the youth rehabilitation and treatment centers in the juvenile justice system and make recommendations to the commission on the future role of the youth rehabilitation and treatment centers in the juvenile justice continuum of care. Such committee shall also review the responsibilities of the Administrator of the Office of Juvenile Services, including oversight of the youth rehabilitation and treatment centers and juvenile parole, and make recommendations to the commission relating to the future responsibilities of the administrator.

LB 561, Sec. 42-4203 (2b)

The [Nebraska Children's] commission shall create a committee to examine the structure and responsibilities of the Office of Juvenile Services as they exist on April 12, 2012. Such committee shall review the role and effectiveness of the youth rehabilitation and treatment centers in the juvenile justice system and make recommendations to the commission on the future role of the youth rehabilitation and treatment centers in the juvenile justice continuum of care, including what populations they should serve and what treatment services should be provided at the centers in order to appropriately serve those populations. Such committee shall also review how mental and behavioral health services are provided to juveniles in secure residential placements and the need for such services throughout Nebraska and make recommendations to the commission relating to those systems of care in the juvenile justice system. The committee shall collaborate with the University of Nebraska at Omaha, Juvenile Justice Institute, the University of Nebraska Medical Center, Center for Health Policy, the behavioral health regions as established in section 71-807, and state and national juvenile justice experts to develop recommendations. If the committee's recommendations include maintaining the Youth Rehabilitation and Treatment Center-Kearney, the recommendation shall include a plan to implement a rehabilitation and treatment model by upgrading the center's physical structure, staff, and staff training and the incorporation of evidence-based treatments and programs. The recommendations shall be delivered to the commission and electronically to the Judiciary Committee of the Legislature by December 1, 2013.

Appendix C

Juvenile Service (OJS) Planning Documents and References

- Association for Child and Youth Care Practice (2010). Competencies for Professional Child and Youth Work Practitioners
- Hobbs, A. (2012). Youth Re-entering Lancaster County after commitment to a state youth rehabilitation center.
- Hobbs, A., Neeley, E., Behrens, C., Wulf-Ludden, T. (2012). Nebraska State DMC Assessment. Juvenile Services (OJS) Committee Draft Strategic Recommendations.
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- Lee, T. (2013). Nebraska Juvenile Justice System Evaluation.
- Lipsey, M., Howel, J., Kelly, M., Chapman, G., Carver, D. (2010). Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice.
- Nebraska Children's Commission (2012). Phase 1 Strategic Plan for Child Welfare and Juvenile Justice Reform.
- Nebraska State Legislature: LB 516 (Approved May 29, 2013).
- OJDP Juvenile Justice Bulletin (August 2005). Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions.
- Platte Institute for Economic Research (2011). Policy Study: Right-Sizing the Cornhusker State's Juvenile Justice System.
- YRTC Geneva Annual Report (2011-2012).
- YRTC Geneva OJS-Subcommittee Update (2013).
- YRTC Kearney Annual Report (2011-2012).
- YRTC Kearney OJS-Subcommittee Update (2013).
- Voices for Children in Nebraska (2012a). Issue Brief: Nebraska's Youth Rehabilitation and Treatment Centers.
- Voices for Children in Nebraska (2012b). Kids Count in Nebraska Report.

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

June 14, 2019

Senator Sara Howard
District 9, State Capitol
PO Box 94604
Lincoln, NE 68509

Dear Senator Howard:

As I have been transitioning into the position as CEO with the Nebraska Department of Health and Human Services, you have been an instrumental part of supporting my orientation. I thank you for taking the time to speak with me and your willingness to partner with DHHS. As discussed earlier this month, I am interested in bringing together key partners to discuss the vision of our Youth Rehabilitation and Treatment Centers in Nebraska. One of our first steps in working together will be the opportunity to gather a team of key stakeholders who have an interest in addressing the vision and purpose of our Youth Rehabilitation and Treatment Centers. Your ideas and perspectives will be of value and importance as I look to address this critical issue.

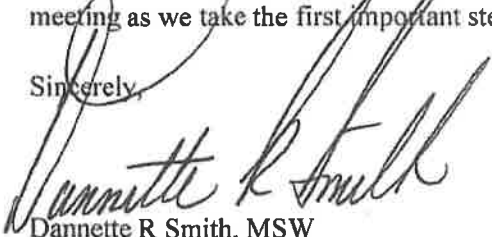
On Tuesday, July 9, 2019, from 9:00a.m. - 4:00p.m., we will be meeting with key stakeholders at the Lincoln Cornhusker Marriott Hotel, 333 South 13th Street, Lincoln, Nebraska, to begin to discuss these issues and develop a shared and agreed-upon vision to achieve this important issue. This meeting will be facilitated by Justin Lee, Director of Rapid Response with Casey Family Programs, who will assist us, keep the process on track and end the meeting on time.

I am very excited about this collaborative project, and hope that you will decide to be an ongoing member of the team. Nonetheless, your attendance at this first meeting will not obligate you in any way.

Please confirm your attendance by contacting my executive assistant, Bonnie Engel, at Bonnie.engel@nebraska.gov or feel free to place a call at 402-471-9433.

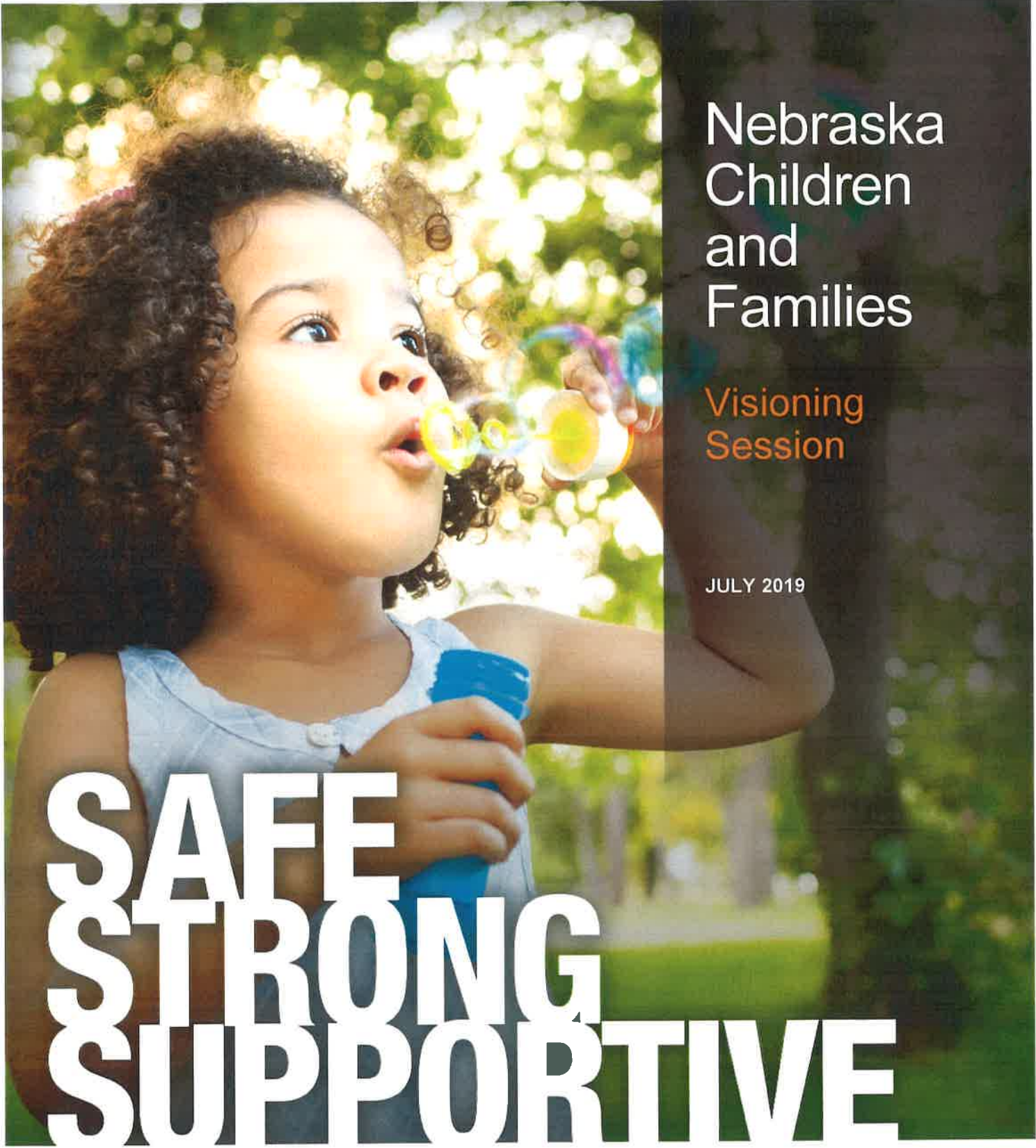
We need you and your ideas as we craft the vision to ensure that we are providing the best services to our Nebraska youth residing at the YRTC facilities, so please join me on July 9, 2019. I look forward to seeing you at this meeting as we take the first important step in formulating our vision.

Sincerely,


Dannette R. Smith, MSW
Chief Executive Officer
Department of Health and Human Services

*I thank you
for your willingness
to attend*





Nebraska Children and Families

Visioning
Session

JULY 2019

SAFE STRONG SUPPORTIVE

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Executive Summary

On July 9, 2019, a group of cross-system stakeholders in Nebraska representing government, judicial, and non-profit sectors¹ convened to discuss an emergent crisis at the Youth Residential Treatment Centers (YRTC). The purpose of the meeting, facilitated by Casey Family Programs, was twofold:

- Develop a **shared vision and desired future state for children and families** served by the YRTC facilities, and;
- Begin to **outline a roadmap** to achieve the desired future state.

Desired Future State

Participants worked together in cross-function teams to develop a desired future state by answering the question, “**What changes do we want to see in the lives of children and families served by Nebraska’s YRTC facilities?**” Each team presented their ideas and all participants came to consensus on the following key elements:

- Children have **hope and a sense of the future** – they have identified and are living the best version of themselves;
- Children have a **voice and choice** in plans for their future as well as services and resources to help them be successful;
- Children view their experience at the YRTC as a “watershed moment” in their lives – something having a **profound and positive impact on who they are as a person**;
- The **focus of treatment is on the whole family** and is rooted in compassion and well-being;
- Children are **connected to family, mentors, and other caring adults** for support and guidance;
- Children experience **increased resiliency and skills**, and;
- Children **successfully transition from the YRTC** with a focus on tailored services and treatment timelines based on need, opportunities to experience the “real world” before transitioning, and expectations that are age and developmentally appropriate.

Bright Spots and Barriers²

Participants discussed bright spots – **actions resulting in success** and in line with the desired future state in a similar context with similar resources – and **current barriers holding back progress** to the desired future state. Participants ranked bright spots and barriers including the following key themes:

¹ See the addendum of this report for a list of participants.

² See the Bright Spots and Barriers section of this report for a full listing of bright spots and barriers developed by participants.

Bright Spot Themes | Dedicated staff meeting the unique and individualized needs of children; collaborative efforts of cross-system partners to assist in youth transition, and specific programs such as Family Works and Mental Health Crisis Response Teams.

Barrier Themes | System partners lacking a clear, shared vision and purpose for the YRTC facilities; the community perception of youth in YRTC as adults instead of children with brains that are still developing, and; a commitment by system partners that these children are all “our children”.

Creating a Roadmap using Levers for Change

Participants spent time in small groups developing strategies to begin **outlining the roadmap to the desired future state**. Strategies were categorized using the concept of levers for change. **Levers for change** categorize strategies into three groups: **policy and procedural levers** (statute, policies created by agencies, judicial rules, and procedures governing how the work is done), **practice levers** (how professionals in the system perform their duties), and **structural levers** (how the system is organized and structured to deliver services). Here is a **sampling of strategies** developed by participants:

Policy and Procedural | Remove American Corrections Association accreditation and replace with a more treatment-focused accreditation standard; create standards and guidance to ensure cases are appropriate for juvenile court.

Practice | Revise assessment and use qualified evaluator to develop treatment plans when children enter YRTC; review and revise staff competencies.

Structural | Blend funding streams to provide flexibility; redesign behavioral health system to create smaller, local facilities and other solutions designed by communities.

Next Steps

At the conclusion of the meeting, each participant made an **individual commitment as to how they would move the work forward** and any support they needed from their partners in the room.³ In addition, there were several concrete next steps:

1. **Dannette Smith**, CEO, DHHS will **follow-up individually with all participants within one week** of the meeting for their feedback and thoughts on the work ahead.
2. **A smaller group of participants** representing various agencies **will join together within one month** and use this meeting summary as a starting point in order to **create a draft implementation plan** for review by the entire group.
3. **All participants will convene again in one month**, following the meeting of the smaller group of participants, to **review the draft implementation plan** and determine what strategies they can implement and by when.

³ Please see the “Moving Forward” section of this report for a list of commitments and needs.

The Challenge

Dannette Smith, CEO, DHHS, set the context for the meeting by defining the current challenge facing the group. In short, the YRTC facilities are ill-equipped to meet the needs of the children they serve. This manifests itself in a variety of ways, including but not limited to:

- Physical properties of the buildings including dormitory-style living, which is less secure and a barrier to effective treatment;
- Children in YRTC facilities charged with more serious offenses and exhibiting more serious behavior than in the past;
- A declining census and admissions resulting in higher average per-diem rates because of fixed costs to run the facilities;
- Younger children housed with older youth, and;
- Location of facilities in rural settings, often at substantial distances from the family’s community of origin.

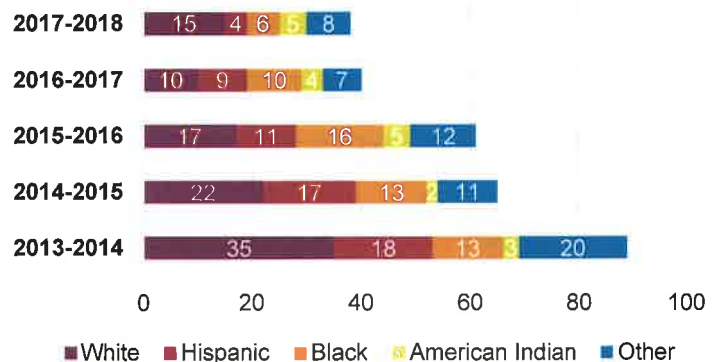
Another facet of the challenge related to the perception of YRTC facilities as “the last stop” (before adult prison) for children and the negative connotation that brings. Ms. Smith asked the participants to reflect on what it means to see the YRTC as the “last stop” and whether or not they would want their children or loved ones – if the need arose – to be served by the YRTC. To paraphrase, “If it’s not good enough for our own children, it shouldn’t be good enough for the children we send there.”

Data Analysis

Admissions by Race/Ethnicity – Geneva YRTC

The racial/ethnic composition of children served by the Geneva YRTC has fluctuated over time as seen in the bar chart to the right.

While racial/ethnic composition has fluctuated over time, disproportionate representation of children of color has persisted since FY 2013-2014. In FY 2017-2018, 16% of Geneva YRTC admissions were black children and 39% white children. Based on census data⁴, only 5% of Nebraska’s general population is black and 79% are white. American Indian children were disproportionately represented

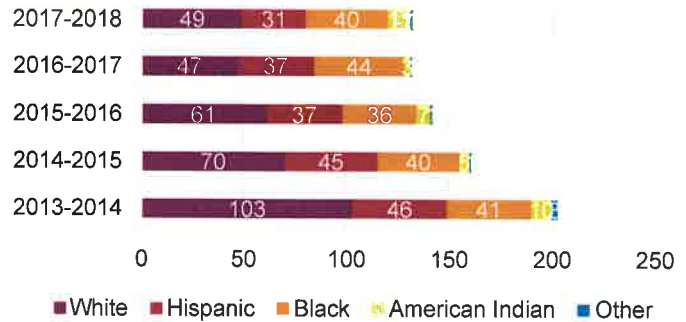


⁴ Source: <https://datausa.io/profile/geo/nebraska#demographics>

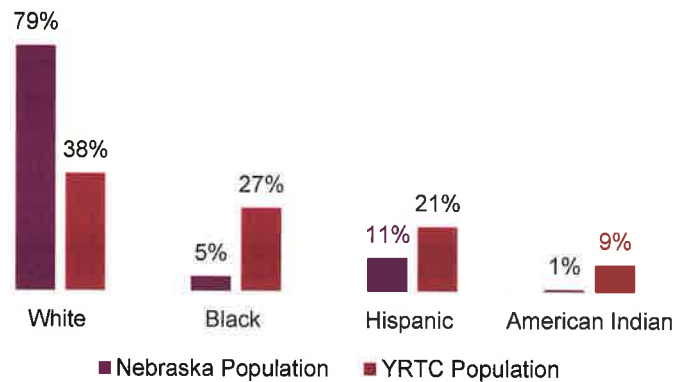
at an even greater rate, accounting for less than 1% of Nebraska’s general population while representing 13% of Geneva YRTC admissions.

Admissions by Race/Ethnicity – Kearney YRTC

Racial/ethnic disproportionality also exists at Kearney YRTC. American Indian children represented 8% of admissions in FY 2017-2018 while only making up less than 1% of the general population. Black children accounted for 31% of admissions compared to 5% in the general population and Hispanic children comprised 24% of the Kearney YRTC population while only accounting for 11% of Nebraska’s general population.



The bar graph to the right shows FY 2017-2018 race/ethnicity data for both YRTC facilities combined compared to the composition of the general population of Nebraskans. This data shows the significant overrepresentation of Black, Hispanic, and American Indian children in the YRTC facilities and significant underrepresentation of white children.



Racial disproportionality and disparity has been present in the juvenile justice system for decades.⁵ Research has shown that causes include disproportionate minority contact with law enforcement, socioeconomic status, and other factors.⁶ Furthermore, adolescents who are detained experience higher rates of recidivism.⁷ Therefore, children of color, once involved in the juvenile justice system, can face a more difficult road to rehabilitation after being placed in residential treatment facilities.

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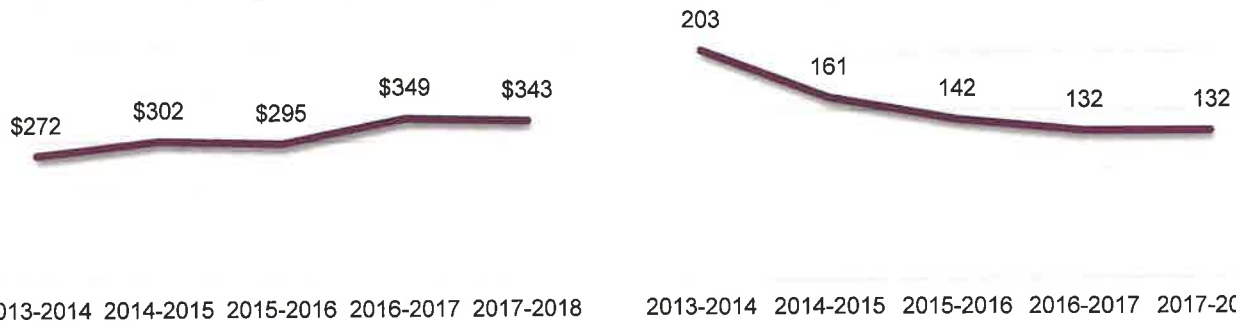
⁵ Source: http://jaapl.org/content/early/2019/02/13/JAAPL_003828-19

⁶ Ibid.

⁷ <https://www.sciencedirect.com/science/article/pii/S0047235298000518>

Average Per Diem vs. Annual Admissions by Fiscal Year – Kearney YRTC

Average per diem rates have increased by 26% in FY 2017-2018 compared to FY 2013-2014. This increase is due to the fixed costs required to run the facility combined with a dropping census. Annual admissions dropped by 35% from FY 2013-2014 to FY 2017-2018.



Annual Admissions vs. Average Per Diem by Fiscal Year – Geneva YRTC

The Geneva YRTC faced a similar trend to Kearney, though more pronounced. Average per diem rates increased by 113% from FY 2013-2014 to FY 2017-2018. Over the same time period, annual admissions dropped by more than half (57%).

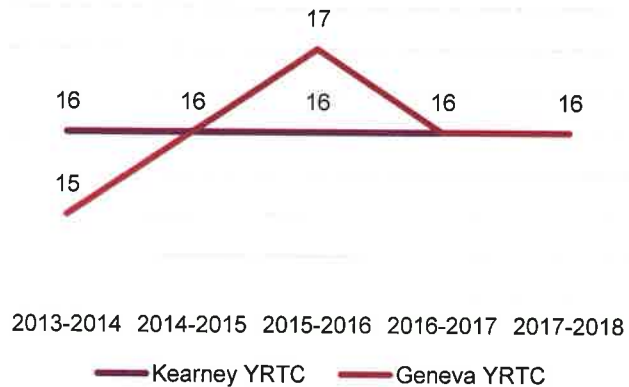
Thus for both facilities, costs are increasing while the number of children served are decreasing, which presents a question as to the return on investment of financial resources needed to operate both YRTCs.



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Average Ages of Children Placed at Kearney YRTC and Geneva YRTC

As shown in the line graph to the right, the average ages of children placed at both YRTCs has fluctuated somewhat over time at Geneva and remained steady at Kearney. In FY 2017-2018, both facilities had children who, on average, were age 16. This is an important data point related to the perception as the YRTC as the “last stop.” Based on brain science, we know the adolescent brain is still developing and opportunities exist to improve adolescents’ resilience, executive function, and combat effects of earlier childhood trauma.⁸ A critical opportunity to improve the chances of reaching the desired future state for children is missed if the YRTC is seen as the “last stop”.



Counties Committing the Greatest Number of Children

The counties committing the greatest number of children over time has fluctuated somewhat but remained mostly the same. In FY 2017-2018, the top 5 counties committing children included Douglas County, Lancaster County, Scotts Bluff County, Hall County, and Buffalo County.

Majority Offenses Leading to Commitment

The offenses of assault, theft, burglary, possession of drugs, and criminal mischief have been the primary offenses resulting in commitment to YRTC facilities since FY 2013-2014. Assault and theft offenses have been primary offenses every year since FY 2013-2014, while the others have been present or absent over time. In 2017-2018, the primary offenses resulting in commitment included assault, criminal mischief, and theft/burglary.

Desired Future State

As outlined in the Executive Summary section of this report, participants worked together in cross-function teams to develop a desired future state by answering the question, “What changes do we want to see in the lives of children and families served by Nebraska’s YRTC facilities?” Each team presented their ideas and all participants came to consensus on the following key elements:

- Children have hope and a sense of the future – they have identified and are living the best version of themselves;

⁸ Source: <https://reliefweb.int/report/world/adolescent-brain-second-window-opportunity-compendium>

- Children have a voice and choice in plans for their future as well as services and resources to help them be successful;
- Children view their experience at the YRTC as a “watershed moment” in their lives – something having a profound and positive impact on who they are as a person;
- The focus of treatment is on the whole family and is rooted in compassion and well-being;
- Children are connected to family, mentors, and other caring adults for support and guidance;
- Children experience increased resiliency and skills, and;
- Children successfully transition from the YRTC with a focus on tailored services and treatment timelines based on need, opportunities to experience the “real world” before transitioning, and expectations that are age and developmentally appropriate.

This desired future state was used as the foundation for the day’s activities and should guide the partnership moving forward.

Bright Spots and Barriers

In order to determine the best way to approach the challenge facing participants, bright spots⁹ and barriers were explored and ranked. The following definitions were used by all participants:

- Bright spots are actions people or entities are currently taking, with similar resources that are achieving positive results where others have struggled.
- Barriers are things currently, not in the past or anticipated in the future, stopping or slowing progress to achieving the desired future state.

Using index cards, each participant recorded one bright spot and one challenge they believed was impacting the desired future state. Then, participants exchanged index cards five times and rated the bright spot or challenge on a scale of 1 to 5 where 1 described the lowest impact on desired future state and 5 described the highest impact. Each rating was tallied and the top 10 bright spots and challenges were shared with all participants.

Top-ranked Bright Spots

- Dedicated staff who care about youth
- Community engagement and collaboration
- Parent cafes – parent-led local support and problem-solving groups

⁹ For more information on bright spots read: Heath, C., & Heath, D. (2010). *Switch: How to change things when change is hard*. Toronto: Random House Canada.

- Treating youth as individuals with unique talents, strengths, and personalities – and capitalizing and focusing on those
- Staff ability to spend concentrated time with children at facility – allowing them to get to know their needs better
- Family Works – treating the whole family together including health issues, dual diagnoses, and housing
- Cooperative effort with several agencies – DOL, Vocational Rehabilitation, Probation, YRTCs – to bring pre-employment transition services to youth in facilities and create a bridge to services that will be available in the community
- Providers that develop services based on the individual needs of the child rather than making the child conform to the service program
- High school graduation while at YRTC

Top-ranked Barriers

- No shared vision and beliefs by all system partners of needs of the youth including the community
- System partners committing to philosophy of these are “our children”, i.e. silos
- Lack of clear purpose, focus, and programming/treatment
- Lack of clarity around desired outcomes, which drive programming, resources, and referrals
- Lack of trust and shared vision
- Lack of common understanding or agreement on youth needs and what specific programming YRTC should implement to meet those needs – who do we need to serve and how?
- No clear vision of what the facilities are – treatment vs. corrections
- Lack of trust in the services being provided
- Lack of awareness, cooperation, and coordination between different agencies serving youth and knowing what others are doing
- Community viewing youth as adults and not children with brains still developing who need help and attention

Bright Spots Not Ranked in Top 10

- YRTC community service programs
- Education and graduation
- Number of kids getting education credits and diplomas
- Therapists in program willing to continue to meet with family after discharge – without requiring payment from the family – until they get to see their own therapist in home community
- Caring and passionate team that wants to help kids be successful
- Dramatic reduction in secure detention admissions due to increased investment in community-based resources and practice changes
- Evidence-based practices
- Holistic approach similar to Harlem Children’s Zone
- Identifying needs and making action plans at YRTC

- Changed the culture
- Open recognition by multi-disciplinary professionals/leaders that there is a larger systemic problem and momentum/willingness to take steps toward improving it
- Individualized course of action for kids
- Girls Circle Model – program focused on self-efficacy, resiliency, esteem, and creating future for participants
- Hope Spoke’s therapeutic group home for boys, most of whom have been perpetrators
- Actions – people are here and agree on desired future state
- Attention being paid to programming at YRTC’s with an intentional focus on solutions
- Research has shown schools that have communities of practice and engage families in low economic poverty schools do better than schools who do not have these two planned components – same holds true for positive school climate plans for welcoming students back or new students leading to children and families doing better
- Money
- Transition age supported employment
- Both facilities are able to graduate students via a Rule 10 accredited special purpose agreement

Barriers Not Ranked in Top 10

- No unified vision or understanding of other/all components of the system as a whole (assumptions are made)
- Not embracing cultural implications and understanding as it pertains to decision-making, staff development, family resources, IEPs for youth
- YRTC youth not being able to visit schools with support before they are transitioned back to public school
- Relationships between youth and parent, educational success, problem solving skills, and healthy attitudes and relationship skills with opposite sex
- Not understanding each other’s system roles and responsibilities, including their resources, i.e. silos
- Silos
- Not supported in community
- Lack of political will to make changes
- Punishing kids for certain actions they took
- Blaming others for lack of success – attitude of it always being someone else’s fault – and some situations not being fixable within the timeframe allotted to the “system” to address
- Not understanding roles, responsibilities, rules, and regulations of each agency involved
- Lack of identity including statutes
- No options for intense interventions
- Lack appropriate community supports for child and family

- Location, size, and mixed purpose of current facilities resulting in system inertia
- Lack of collaboration at the state level
- Lack of ability to communicate a common vision that moves to action
- Money/strategy/execution
- Receiving schools in larger metro areas have policies delaying immediate re-enrollment in school

Must Do and Must Not Do

Participants brainstormed a list including all of the activities they must do and must not do in order to achieve their desired future state. The resulting lists were characterized as “rules” to follow. In groups, participants reviewed each “rule” and answered the question, “Could we still achieve our desired future state if we broke this rule?” The consolidated lists are below:

Must Do Activities

- Utilize system/stakeholder strengths in collaborative planning with a shared vision and goal
- Define population service needs and develop best practice programming across the continuum to meet those needs
- Develop evaluation process at individual and system level
- Listen to youth, family, and community perspectives
- Be open to change and be bold
- Be strategic – leverage current resources and look for windows of opportunity
- Increase community-based supports and services
- Develop and execute an action/implementation plan
- Commit to staying the course regardless of leadership changes
- Embrace cultural implications of change

Must Not Do Activities

- Allow placement needs to dictate treatment
- Create change in a vacuum
- Forget to celebrate success
- All planning and no action
- Remain attached to the status quo or backtrack
- Get sidetracked or overwhelmed by gaps in the system and continue to work in silos
- Focus on punishment instead of treatment
- Limit possibilities

Building a Roadmap using Levers for Change

As the concluding action planning session of the day, participants developed strategies to achieve their desired future state using three categories:

- **Policy and Procedural Levers** include policies and procedures throughout the system – not just at the YRTC. They could be policies dictated in statute, policies and procedures created and used by agencies and courts, as well as fiscal policies.
- **Practice Levers** refer to how professionals in the system perform their duties. Examples include how a youth worker interacts with a child in the YRTC, how a judge decides on committing children to YRTC facilities, how staff assess needs and develop treatment plans, etc.
- **Structural Levers** are concerned with the design of the entire system and how services are delivered. It includes how organizations and partnerships are structured.

Participants formed small groups and developed strategies related to each lever. Then, they spent time reviewing each group’s work and adding or revising strategies based on their perspectives and discussion. This culminated in several strategies per lever category as detailed below:

Policy and Procedural Strategies

- Create policy requiring transfer of facility-earned credits to local schools.
- Create rules to identify and eliminate cases that are not appropriate for juvenile court, e.g. truancy, developmental disabilities, etc.
- Review and adjust admission/re-admission criteria and policies and procedures related to authority and discharge.
- Determine other funding sources based on service, facility designation, or setting.
- Remove American Corrections Association accreditation and replace with a more treatment-focused accreditation standard.
- Clarify regulations related to custody and educational rights, which impact education and treatment.
- Revise statutes to give greater flexibility based on children’s needs.
- Revise policies in order to increase the ability to share information among system partners.

Practice Strategies

- Re-entry plans should be designed to solely focus on re-entry and be separate from treatment plans that are created while youth are in the facility. Any re-entry planning should include family engagement, which starts on “day 1” and not just prior to transition.
- Determine the gap in services based on the population served.

- Review and adjust treatment modules and interventions to align with the needs of the population being served.
- Review and adjust competencies and qualifications of staff.
- Review and adjust standardized assessments and documents. Ensure assessments are cross-system, implemented by quality evaluators, trauma-focused, and strengths-based in order to identify appropriate system of care needed for child.
- Review and adjust how outcomes are measured in relation to discharge.
- Train attorneys to improve their abilities in recognizing what cases are appropriate for juvenile court and what filing is correct.
- Implement qualified, evidence-based gang intervention program.
- Implement and embrace whole person health focused on prevention and early intervention.

Structural Strategies

- Reinstate educational liaison positions for YRTC facilities.
- Expand B2i to include young adults aging out of probation and YRTC.
- Redesign behavioral health system so youth are placed in smaller, community-based facilities that are state-run with qualified and consistent staff equipped to meet treatment needs.
- Advocate at system and individual level for necessary changes.
- Foster diversity of providers and engage communities to identify solutions and run programming with a focus on youth and family.
- Build partnerships and community capacity for successful discharge.
- Build workforce diversity.
- Establish system-wide understanding and agreement on the service continuum.
- Share accountability and responsibility for all children.
- Create political trust and understanding across all branches of government.

Moving Forward

To conclude the meeting, participants were invited to share one individual commitment they could make and what help they would need from others in the room. The list is as follows (participants are listed in alphabetical order):

Christy Al Nemah | I will discuss what I have learned and share with others who work with kids. I need to stay actively involved in the process and understand more about current criteria to admit children to YRTC and more education on the mission.

Karen Bell-Dancy | I commit to learn more on the planning process for youth entering facilities, e.g. who's involved, inputs, outputs, resources, how treatment is defined, success determined, etc. I need status data, funding standards, and operational information.

Michelle Borg | I commit that NDE will collaborate with Probation to pilot school re-entry processes that promote timely re-enrollment in the larger metro areas; continue to identify state and local level liaisons for YRTC kids, and; continue its efforts to assist the YRTCs in improving educational outcomes for students in its Special Purpose Schools.

Jennifer Carter | I commit to share information with Senator Howard, and perhaps the entire HHS Committee when possible, and follow-up with any questions they may have. I need good meeting notes/summary to share.

Judge Vernon Daniels | I commit to speak to my bench – juvenile and county judges association – for input and concrete suggestions as to the judges' vision of what the YRTCs should be doing and how to bring about the vision.

Sheri Dawson | I commit to collaborating with Kim Hawekotte in conducting an informal survey with system of care partners on definitions of treatment and rehabilitation, i.e. what does it mean and what do we want it to mean?

Patricia Frost | I commit to explain this meeting to our federal program department offices who presently serve YRTC schools at our next meeting in two weeks.

Tamara Gavin | I commit to reach out to other states on cross-system assessments used and criteria used for facilities comparable to YRTCs. I need help from other system partners on defining population of focus at YRTC.

Kimberly Goins | I commit to learning more about the entire system to better understand how community-based organizations can play a smarter and larger role.

Paul Gordon | I commit to look to contacts in probation or other services on how to strengthen transitions (what is actually doable vs. accepting the status quo.) I need to know who in judiciary, probation, medical field, and legislature, is willing to come to the table to continue the conversation and make action steps.

Brigid Griffin | I commit to talk to the Office of Special Education about IEP implementation at the YRTCs to improve accountability and look into 504 plan development and implementation at YRTCs. I need regular interagency meetings and systems-involved schools meetings.

Kim Hawekotte | I commit to research and survey definitions of treatment, placement, and rehabilitation to develop shared definitions.

Heather Leschinsky | I commit to help define the shared vision, action plan, and DHHS execution. I need collaboration to learn policies, practices, and procedures of the other systems.

Dan Loseko | I commit to debrief and update the NDE accreditation section and the Commissioner of Education and ask what we are willing and able to do to support the outcome of this meeting. I request to work with YRTC on special services agreements.

Aubrey Mancuso and Juliet Summers | We commit to set up a meeting with Dannette/HHS leadership. If we can work together on a plan to make real change for kids at the YRTC we will lobby the legislature full-force to make it happen. We need a real commitment to fundamental change and support from HHS/Executive branch to make it happen without backtracking to a correctional approach.

Courtney Miller | I commit to being and providing a resource to assist in development and implementation of a an action plan to address the needs of shared youth with developmental disabilities and get feedback from stakeholders for alternative and appropriate placement needs. I need an invitation to the table and continued engagement to understand next steps to execute the plan.

Deb Minardi | I commit to continuing the conversation, which means getting the details worked out, open to consensus-building, and advocating for youth and family with the Judicial branch. I need to be engaged in the process vs. reacting to the decisions.

Mark LaBouchardiere | I commit to being open to change and thinking outside the box when it comes to the YRTCs and what the future state looks like while at the same time prioritizing what is in the best interest of the child rather than the agency. I commit to welcome and look forward to the meeting and tour with Judge Porter and communicating with her team about the updates at the YRTC.

Wesley Nesper | I commit to share with field attorneys the larger vision as the future unfolds.

Mary Jo Pankoke | I will ask my staff that work in communities to document successful prevention efforts that can be shared with other communities. We will facilitate discussions in communities that have seen a reduction in juvenile crime to reflect on what has made a difference.

Judge Linda Porter | I commit to schedule visits with YRTCs and invite other judges; talk to probation officers about importance of monthly face-to-face meetings with youth at YRTC; follow-up with 60 and 90 day in court reviews of YRTC commitments, and; dialogue more with youth at their re-entry hearing (have JPO ask YRTC case managers what ideas they might have re: what input from judge would be helpful?)

Marilyn Rhoten | I commit to bring summary of meeting to provider organization to foster collaboration with mental health and substance use providers for the shared vision. I need a clear meeting summary.

Julie L. Rogers | I commit to helping improve the YRTCs in whatever form they take and holding agencies accountable to a new shared vision. I need transparency.

Dannette Smith | See next steps outlined below.

Lisa Taylor-Jones | I commit to advocating for a change review of the system and working on the criteria. I need follow-up opportunities.

Caryn Vincent | I will continue to gather information and data to help guide the process to create change for youth. I will need further conversation and agreement to a shared vision.

Matt Wallen | I commit to supporting everything coming and I need everyone acting in the best interest of supporting children and families.

Dannette Smith proposed three next steps for the group and achieved consensus as follows:

1. **Dannette Smith will follow-up individually with all participants within one week** of the meeting for their feedback and thoughts on the work ahead.
2. **A smaller group of participants** representing various agencies **will join together within one month** and use this meeting summary as a starting point in order to **create a draft implementation plan** for review by the entire group.
3. **All participants will convene again in one month**, following the meeting of the smaller group of participants, to **review the draft implementation plan** and determine what strategies they can implement and by when.

Addendum

The following participants attended the meeting:

Karen Bell-Dancy, Executive Director, YWCA

Michele Borg, State Education Liaison on Students in Foster Care; Fostering Connections in Education Coordinator, Department of Education

Jeanne Brandner, Deputy Administrator, Juvenile Services Division

Jennifer Carter, Legal Counsel, Senator Howard's Office

Judge Vernon Daniels, Douglas County Juvenile Court

Sheri Dawson, Director, Division of Behavioral Health, Department of Health and Human Services

Patricia Frost, Federal Programs, Title I-A and I-D, Department of Education

Tamara Gavin, Deputy Director of Behavioral Health Services, Division of Behavioral Health

Kimberly Goins, Executive Director, Malone Community Center

Brigid Griffin, VR Program Director for Transition, Department of Education

Kim Hawekotte, Executive Director, Foster Care Review Office

Jeri James, Attorney, Department of Health and Human Services

Mark LaBouchardiere, Facilities Director, Department of Health and Human Services

Heather Leschinsky, Cross-Divisional Medicaid Liaison, Department of Health and Human Services

Donald Loseke, Director of Accreditation, Department of Education

Aubrey Mancuso, Executive Director, Voices for Children

Courtney Miller, Director, Division of Developmental Disabilities, Department of Health and Human Services

Deb Minardi, Probation Administrator

Christy Al Nemah, Director, Psychiatric Residential Treatment Facility, CHI Health Immanuel

Wes Nespor, Agency Assistant Legal Counsel, Department of Health and Human Services

Mary Jo Pankoke, President and CEO, Nebraska Children & Families Foundation

Judge Linda Porter, Lancaster County Juvenile Court

Marilyn Rhoten, Vice President, Behavioral Services, CHI Health

Julie Rogers, Inspector General of Nebraska Child Welfare

Dannette R. Smith, CEO, Department of Health and Human Services

Juliet Summers, Policy Coordinator, Voices for Children

Lisa Taylor-Jones, Chief of Staff, Department of Health and Human Services

Paul Gordon, Facility Administrator, YRTC-Kearney, Department of Health and Human Services

Caryn Vincent, Executive Advisor, Office of the CEO, Department of Health and Human Services

Matt Wallen, Director, Division of Children and Family Services, Department of Health and Human Services

Casey Family Programs Staff

Justin Lee, Director of Rapid Response, Casey Family Programs

Bill Stanton, Senior Director, Strategic Consulting, Casey Family Programs

DISTRICT COURT
LANCASTER COUNTY, NE
IN THE SEPARATE JUVENILE COURT OF LANCASTER COUNTY, NEBRASKA
2019 AUG 15 PM 4:59

STATE OF NEBRASKA, SEPARATE JUVENILE COURT CASE ID
IN THE INTEREST OF

JV [REDACTED]-[REDACTED]

EX PARTE MOTION FOR
SECURE TRANSPORT

[REDACTED],
A JUVENILE

COMES NOW, Christopher M. Turner, Deputy County Attorney for Lancaster County, Nebraska, and moves the Court for an Order authorizing secure transport by the Lancaster County Sheriff's Office of the above-named juvenile from the Lancaster County Youth Services Center secure detention facility to the Youth Rehabilitation and Treatment Center-Geneva (YRTC-Geneva), due to the following:

1. As shown by the attached Certified Court Records, marked Exhibit A, which are incorporated herein by this reference:
 - 1.1. On June 7, 2019, Petitioner filed a Motion for Commitment to Youth Rehabilitation and Treatment Center.
 - 1.2. On June 13, 2019, the Court sustained Petitioner's Motion for Commitment of the above-named juvenile to the YRTC-Geneva finding, in part, that commitment was "a matter of immediate and urgent necessity for the protection of such juvenile or the person or property of another." Further, the Court held that "[t]he Office of Juvenile Services shall be responsible for the care and custody of the juvenile until such time as the Office of Juvenile Services discharges the juvenile from the Youth Rehabilitation and Treatment Center." The Court further held that "[t]he Office of Juvenile Services shall work in collaboration with the Office of Probation Administration in developing an individualized reentry plan for the juvenile and shall notify this Court at least (60) days prior to discharge."
 - 1.3. As of the time of filing this Motion, a Re-Entry Hearing has been started but has not been completed in the above-captioned case.
2. As shown by the attached affidavit of Michelle Schindler, marked Exhibit B, which is



001856770D02

- 2.1. On or about August 12, 2019, the above-named juvenile was transported from the YRTC-Geneva to the Lancaster County Youth Services Center secure detention facility at 1200 Radcliff Street, Lincoln, Nebraska, by YRTC staff and Midwest Transport.
- 2.2. There was no Order by the Court authorizing placement of the above-named juvenile at the Lancaster County Youth Services Center secure detention facility.
- 2.3. On August 14, 2019, at approximately 5:00 p.m., Michelle Schindler, Director of the Lancaster County Youth Services Center, contacted Mark LaBouchardiere, Juvenile Services Administrator at the Nebraska Department of Health and Human Services and notified him that the above-named juvenile needed to be removed from the LCYSC facility.
- 2.4. On August 15, 2019, at approximately 11:00 a.m., Michelle Schindler contacted Mark LaBouchardiere and again notified him that the above-named juvenile needed to be removed from the LCYSC facility.
- 2.5. On August 15, 2019, Michelle Schindler was told by Mark LaBouchardiere that the above-named juvenile would be removed from the LCYSC facility at 4:00 p.m. on August 15, 2019.
- 2.6. As of the time of this filing, the above-named juvenile has not been removed by DHHS or OJS from the LCYSC facility.
3. Secure transport is necessary to have the above-named juvenile transferred from the Lancaster County Youth Services Center to the Youth Rehabilitation and Treatment Center-Geneva in order to protect the juvenile, protect the community, and ensure compliance with the Court's Order committing said juvenile to the YRTC-Geneva.

WHEREFORE, the Petitioner prays that the Court enter an Order for Secure Transport, authorizing secure transport by the Lancaster County Sheriff's Office of the above-named juvenile from the Lancaster County Youth Services Center secure detention facility to the Youth Rehabilitation and Treatment Center-Geneva.

Dated this 15th day of August, 2019.

STATE OF NEBRASKA, Petitioner
Patrick F. Condon, Lancaster County Attorney



Christopher M. Turner, # 24207
Deputy Lancaster County Attorney
575 South 10th Street
Lincoln, NE 68508

CERTIFICATE OF SERVICE

I, Christopher M. Turner, certify that a copy of the above Motion was mailed by United States regular mail to [REDACTED], [REDACTED] Street, Lincoln, NE 68508; and by electronic mail to Mark Carraher, Juvenile's Counsel; Gail Steen, Guardian Ad Litem; CJ Roberts, DHHS Counsel; and Alicia Smetter, Juvenile Probation, on this 15th day of August, 2019.



Christopher M. Turner
Deputy Lancaster County Attorney

IN THE SEPARATE JUVENILE COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA,
IN THE INTEREST OF

██████████,

A JUVENILE

CASE ID JV1-██████████

ORDER FOR
SECURE TRANSPORT TO
THE YOUTH REHABILITATION AND
TREATMENT CENTER-GENEVA

Now on this 15th day of August, 2019, the Ex Parte Motion for Secure Transport, filed by Christopher M. Turner, Deputy County Attorney, was presented to the Court. The Court finds that the Motion should be granted.

IT IS THEREFORE ORDERED BY THE COURT that ██████████ shall be taken by secure transport by the Lancaster County Sheriff's Office from the Lancaster County Youth Services Center to the Youth Rehabilitation and Treatment Center-Geneva for placement in accordance with the law.

Dated this 15th day of August, 2019

BY THE COURT



JUDGE - Juvenile Court
Reggie L. Ryder

Copies sent to:
Christopher Turner, County Attorney
Megan Theesen, Public Defender
Gail Steen, GAL for Juvenile
Alicia Smetter, Probation Officer
C.J. Roberts, HHS-Legal
Eric Osterholm, HHS
██████████, ██████████ Street, Lincoln, NE 68501
Lawrence McGarity, Address Unknown

Faxed to:
Lancaster County Youth Services Center
YRTC-Geneva
Lancaster County Sheriff

8-15-19
AMP



Sara Howard <showard@leg.ne.gov>

Lancaster County Youth Services Center in Regards to Geneva Placements

4 messages

Ann E. Ames <AAmes@lancaster.ne.gov> Thu, Aug 15, 2019 at 5:01 PM
 To: "dannette.smith@nebraska.gov" <dannette.smith@nebraska.gov>, "matt.miltenberger@nebraska.gov" <matt.miltenberger@nebraska.gov>
 Cc: "ombud@leg.ne.gov" <ombud@leg.ne.gov>, "tvargas@leg.ne.gov" <tvargas@leg.ne.gov>, "showard@leg.ne.gov" <showard@leg.ne.gov>,
 "mhilgers@leg.ne.gov" <mhilgers@leg.ne.gov>, "sgeist@leg.ne.gov" <sgeist@leg.ne.gov>, "mhansen@leg.ne.gov" <mhansen@leg.ne.gov>,
 "awishart@leg.ne.gov" <awishart@leg.ne.gov>, "ppansingbrooks@leg.ne.gov" <ppansingbrooks@leg.ne.gov>, "kbolz@leg.ne.gov"
 <kbolz@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, "amorfeld@leg.ne.gov"
 <amorfeld@leg.ne.gov>, Patrick Condon <PCondon@lancaster.ne.gov>, "Deb E. Schorr" <DSchorr@lancaster.ne.gov>, "Roma B. Amundson"
 <RAmundson@lancaster.ne.gov>, "Rick W. Vest" <RVest@lancaster.ne.gov>, "Sean H. Flowerday" <SFlowerday@lancaster.ne.gov>, "Christa
 G. Yoakum" <CYoakum@lancaster.ne.gov>, "Kerry P. Eagan" <KEagan@lancaster.ne.gov>

Good afternoon Ms. Smith,

Please find a letter attached from the Lancaster County Board pertaining to the potential lease of a portion of the Lancaster County Youth Services Center to HHS for use by OJS. Please let me know if you have questions or need additional information.

Sincerely,

Ann Ames



Ann E. Ames
 Deputy Chief Administrative Officer
 Lancaster County
 555 S. 10th Street, Suite 110
 Lincoln, NE 68508
 (402) 441-7496
aames@Lancaster.ne.gov

The mission of the Lancaster County Board is to provide sustainable governmental services for a safe, healthy and diverse community.

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YSC Geneva Placement Letter.pdf
 240K

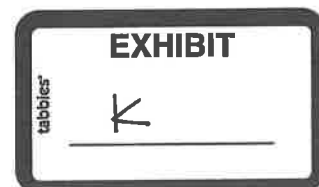
Sara Howard <showard@leg.ne.gov>
 To: jcarter@leg.ne.gov

Thu, Aug 15, 2019 at 7:40 PM

Sent from my iPhone

Begin forwarded message:

[Quoted text hidden]



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LANCASTER COUNTY BOARD OF COMMISSIONERS

Roma Amundson Sean Flowerday Deb Schorr Rick Vest Christa Yoakum
Kerry P. Eagan, *Chief Administrative Officer* Ann E. Ames, *Deputy Chief Administrative Officer*

Dannette R. Smith, MSW
Chief Executive Officer
Nebraska Department of Health and Human Services
301 Centennial Mall South
PO Box 95026
Lincoln, Ne 68509-5026

August 15, 2019


RE: Lease of Portion of Lancaster County Youth Services Center to HHS for use by OJS


Dear Dannette:


As you are aware the youth treatment centers at Kearney and Geneva have deteriorated to the point that the health, safety and welfare of youth and staff are being jeopardized. Earlier this week you requested an emergency transfer to the Lancaster County Youth Services Center (YSC) of four juveniles being held at your Geneva facility. Unfortunately, we cannot accommodate this request because Lancaster County has no legal authority to hold these youth in detention at our YSC.

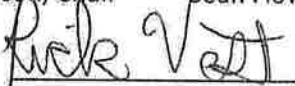
However, the Lancaster County Board believes there is a solution involving the YSC which can be to the mutual benefit of HHS, the County, and the youth we serve. Presently the YSC has a separate wing which is not being used. The Board is offering to lease this wing to HHS for the use of the Office of Juvenile Services. Given the severity of this crisis we ask that you respond to our proposal as expeditiously as possible.

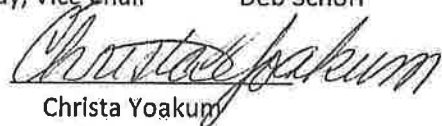
Sincerely,


Roma Amundson, Chair


Sean Flowerday, Vice Chair

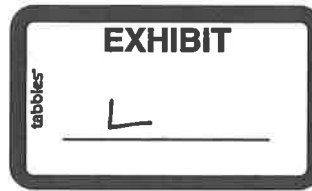

Deb Schorr


Rick Vest


Christa Yoakum

cc: Honorable Pete Ricketts
 Carl Eskridge, Ombudsman
 Senator Tony Vargas
 Senator Sara Howard
 Lancaster County Senate Delegation

F:\Admin\Private\Chair's Letters\Letter to HHS (Lease of YSC) August 15, 2019.docx



Sara Howard <showard@leg.ne.gov>

Urgent and Sensitive Issue Re: YRTC Geneva

Sara Howard <showard@leg.ne.gov>
To: "Leg. Senators" <leg.senators@leg.ne.gov>
Cc: "Leg.SenatorsStaff" <leg.senatorsstaff@leg.ne.gov>
Bcc: Sara Howard <saraehoward@gmail.com>

Fri, Aug 16, 2019 at 10:10 AM

Colleagues,

I need to inform you of an urgent situation that has arisen at the Youth Rehabilitation and Treatment Center (YRTC) at Geneva. You'll recall that the YRTC in Geneva serves girls in Nebraska's juvenile justice system.

On Monday, Dannette Smith, the CEO of the Department of Health and Human Services, informed me that the situation at Geneva had reached a critical point and several of the female youth at the facility would need to be moved that day.

CEO Smith has been visiting both YRTCs regularly (both Geneva and the YRTC in Kearney that serves boys in our system) and has been out at Geneva the last several weekends. Ms. Smith reported that the facility at Geneva is in such a state as to be unsafe for the girls and the programming was lacking, leading to behavioral problems. Ms. Smith believes only two of the four buildings on campus may be utilized and staffed appropriately, the other two have been closed.

About eight (8) of the 30 girls being served at Geneva had significant behavior issues (and mental health issues) and this, combined with the facility issues, led to dangerous and destructive behavior. As a result, on Monday, Ms. Smith informed my office that they were going to have to reduce the number of girls at Geneva to better serve and house the population in the two remaining buildings. At that time four (4) girls with some of the higher needs and behavioral issues were to be moved to the Lancaster County Youth Services Center (YSC) (the county detention center). The girls had previously been at the YSC. At the YSC the goal was to create programming, provide better mental health care, and access to education services. Ms. Smith has contracted with Boys Town to have the girls mental health and medication needs better evaluated.

The girls' parents were informed of the move and motions were made in the appropriate courts to request a change of location. The girls were moved to the YSC on Monday.

Thursday morning Ms. Smith met with some of the members of the Lancaster County Board of Commissioners who believed the girls could be served at the YSC. However, at some point yesterday the Lancaster County Attorney, Patrick Condon, decided the girls should not be in the YSC and sought and received an immediate court order stating that the girls could not be housed at the YSC. At 4:30 p.m. Thursday, the Court ruled that the girls could not be housed at the YSC, so Ms. Smith had to make immediate plans to move these four girls to the YRTC in Kearney since Geneva is not a safe place for them. It is my understanding that those particular four girls were moved to Kearney where they are safe and stable.

However, at 5:01pm Thursday, Ms. Smith received a letter from the Lancaster County Board of Commissioner's stating that while the four girls could not stay at the YSC, the state could lease some of the YSC property - an unused wing - to house the girls.

At this time, Ms. Smith plans to explore the option of this lease to ensure programming continuity in light of the challenges at Geneva.

After these moves are complete, there will only be 24 girls on the Geneva campus who will be housed in the two remaining buildings, improving staffing ratios, we hope.

While all this work may stabilize the Geneva campus, there remain significant facilities issues, staffing issues, and lack of programming and mental health services.

I am in daily contact with Ms. Smith about this issue and will keep you abreast of developments as necessary. I appreciate her efforts to take swift action to ensure the safety of the girls and staff even as additional challenges have arisen.

As always, please feel free to reach out to me if you would like to talk further or if you have additional questions.

Sincerely,

Sara

Senator Sara Howard

District 9

Nebraska Unicameral Legislature

State Capitol

Room 1402

Lincoln, NE 68509

office: (402)471-2723

email: showard@leg.ne.gov

****Serving Midtown Omaha since 2012****

Lancaster County Youth Services Center in Regards to Geneva Placements

Kate Bolz <kbolz@leg.ne.gov>

Fri, Aug 16, 2019 at 10:41 AM

To: Sara Howard <showard@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Jerall Moreland <jmoreland@leg.ne.gov>, Tami Sopcr <tsoper@leg.ne.gov>, jason.jackson@nebraska.gov, dannette.smith@nebraska.gov, bo.botelho@nebraska.gov

Hello CEO Smith -

I am in receipt of the attached letter from the Lancaster County Board of Commissioners. I am also in receipt of an update from Chairwoman Howard regarding significant challenges at the YRTC in Geneva. I have also received constituent communication on this issue from concerned family members. Per this communication and per discussions with other stakeholders, I am concerned about the welfare of youth in your care.

Specifically, I would like further information on the status of the facilities as it relates to the health and safety of youth.

Per your request, the Appropriations Committee moved facilities maintenance positions from DHHS to DAS to achieve your stated goals of standardization, streamlining, and efficiency (as attached.). Per my notes from a March 13, 2019 discussion with Mr. Jackson regarding the DAS budget, this shift aligned the budget with "operational reality."

The reported conditions of the facilities at the Geneva Youth Rehabilitation and Treatment Center are unacceptable. The policy change requested by DAS and DHHS and approved by the Appropriations Committee and the Legislature does not appear to be effective. Please provide my office with an update on the necessary repairs and the status of the facilities as soon as practicable, as well as any changes to your process regarding facilities maintenance and repair to ensure health and safety.

I appreciate the leadership of Senator Howard on other related issues and will be supporting the work of the Health and Human Services Committee, in addition to monitoring the status of the facilities and maintenance needs.

Sincerely, Senator Bolz

----- Forwarded message -----

From: **Kate Bolz** <kbolz@leg.ne.gov>
Date: Thu, Aug 15, 2019 at 5:05 PM
Subject: Fwd: Lancaster County Youth Services Center in Regards to Geneva Placements
To: Julie Rogers <jrogers@leg.ne.gov>, Jerall Moreland <jmoreland@leg.ne.gov>

----- Forwarded message -----

From: **Ann E. Ames** <AAmes@lancaster.ne.gov>
Date: Thu, Aug 15, 2019 at 5:01 PM
Subject: Lancaster County Youth Services Center in Regards to Geneva Placements
To: dannette.smith@nebraska.gov <dannette.smith@nebraska.gov>, matt.miltenberger@nebraska.gov <matt.miltenberger@nebraska.gov>
Cc: ombud@leg.ne.gov <ombud@leg.ne.gov>, tvargas@leg.ne.gov <tvargas@leg.ne.gov>, showard@leg.ne.gov <showard@leg.ne.gov>, mhilgers@leg.ne.gov <mhilgers@leg.ne.gov>, sgeist@leg.ne.gov <sgeist@leg.ne.gov>, mhansen@leg.ne.gov <mhansen@leg.ne.gov>, awishart@leg.ne.gov <awishart@leg.ne.gov>, ppansingbrooks@leg.ne.gov <ppansingbrooks@leg.ne.gov>, kbolz@leg.ne.gov <kbolz@leg.ne.gov>, mdorn@leg.ne.gov <mdorn@leg.ne.gov>, tbrandt@leg.ne.gov <tbrandt@leg.ne.gov>, amorfeld@leg.ne.gov <amorfeld@leg.ne.gov>, Patrick Condon <PCondon@lancaster.ne.gov>, Deb E. Schorr <DSchorr@lancaster.ne.gov>, Roma B. Amundson <RAMundson@lancaster.ne.gov>, Rick W. Vest <RVest@lancaster.ne.gov>, Sean H. Flowerday <SFlowerday@lancaster.ne.gov>, Christa G. Yoakum <CYoakum@lancaster.ne.gov>, Kerry P. Eagan <KEagan@lancaster.ne.gov>

Good afternoon Ms. Smith,

Please find a letter attached from the Lancaster County Board pertaining to the potential lease of a portion of the Lancaster County Youth Services Center to HHS for use by OJS. Please let me know if you have questions or need additional information.

Sincerely,



Ann Ames



Ann E. Ames
Deputy Chief Administrative Officer
Lancaster County
555 S. 10th Street, Suite 110
Lincoln, NE 68508
(402) 441-7496
aames@Lancaster.ne.gov

The mission of the Lancaster County Board is to provide sustainable governmental services for a safe, healthy and diverse community.

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--
Senator Kate Bolz
District 29
Room 1015
Nebraska State Capitol
(402) 471-2734

--
Senator Kate Bolz
District 29
Room 1015
Nebraska State Capitol
(402) 471-2734

2 attachments

 **YSC Geneva Placement Letter.pdf**
240K

 **[Untitled].pdf**
36K

PROGRAM 560 – STATE BUILDING DIVISION

	Actual FY2016-17	Actual FY2017-18	Appropriation FY2018-19	Request FY2019-20	Request FY2020-21
OPERATIONS					
General	234,617	214,487	218,871	218,871	218,871
Cash	302,966	53,394	933,457	933,457	933,457
Federal	0	0	0	0	0
Revolving	35,252,450	34,736,193	35,825,841	40,757,692	40,950,695
Program Total	<u>35,790,033</u>	<u>35,004,074</u>	<u>36,978,169</u>	<u>41,910,020</u>	<u>42,103,023</u>

Salary & Health Insurance per DAS Instructions

FY2019-20

FY2020-21

- | | | |
|---|----------|-----------|
| 1. Salary increases (2.0%/2.0%) per DAS instructions. (Program 560) | 71,652 R | 144,697 R |
| 2. Health insurance increases (3.3%/5.2%) per DAS instructions. (Program 560) | 28,222 R | 74,161 R |

Agency Issues – Operations

FY2019-20

FY2020-21

- | | | |
|---|------------------------|------------------------|
| 1. Transfer 82 FTE facilities maintenance staff from Department of Health and Human Services (DHHS) to State Building Division (SBD). (Program 560) | 4,676,089 R | 4,676,089 R |
|---|------------------------|------------------------|

This funding adjustment is requested to accommodate transfer (under authority of Sec. 81-1108.15) of 82 FTE DHHS staff positions supporting facilities maintenance functions for the Nebraska State Office Building (NSOB); the Lincoln, Hastings and Norfolk Regional Centers; Beatrice State Developmental Center; Whitehall; and, Youth Rehabilitation and Treatment Centers (YRTC)s at Geneva and Kearney. The Department of Administrative Services (DAS) indicates that an evaluation of related facilities maintenance functions identified redundancies associated with processes to procure, perform and manage maintenance staff, contractors and materials with respect to these facilities. Transfer of the facilities maintenance staff to the control of State Building Division is proposed in an effort to standardize facilities maintenance processes, streamline related procedures, and improve efficiencies at the DHHS facilities. DAS indicates that of the 82 FTE budgeted positions proposed to be transferred to SBD, 75 would remain active positions.

positions
✓

- | | | |
|---|-----------|-----------|
| 2. Salary (2.0%/2.0%) and health insurance (3.3%/5.2%) increases for 82 FTE facilities staff per preceding issue. (Program 560) | 155,888 R | 229,907 R |
|---|-----------|-----------|

If the requested funding adjustment to accommodate transfer of facilities staff positions from DHHS to SBD is approved, amounts are requested to support 2019-21 biennium salary and health insurance increases for related staff.

Base Reduction Modifications – Operations

FY2019-20

FY2020-21

- | | | |
|---|-----------|-----------|
| 1. Reduce funds for maintenance and repair of Governor's Residence. (Priority 2 of 4 – Program 560) | (7,741) G | (7,741) G |
|---|-----------|-----------|

General Fund amounts appropriated for State Building Division are exclusively budgeted to support maintenance and repair of the Governor's

Residence. To accommodate a 5% General Fund appropriation reduction, the Department of Administrative Services proposes amounts to support maintenance of the Governor's Residence be reduced by \$7,741.



Sara Howard <showard@leg.ne.gov>

YRTC-G

Julie Rogers <jrogers@leg.ne.gov>
To: "Leg. Senators" <leg.senators@leg.ne.gov>

Fri, Aug 16, 2019 at 1:11 PM

Senators,

Please see the attached letter that was sent to DHHS CEO Dannette Smith regarding the conditions of the Youth Rehabilitation and Treatment Center at Geneva.

If you have any questions, don't hesitate to contact me.

Very sincerely yours,

Julie

*Julie L. Rogers
Inspector General*

*Office of Inspector General of Nebraska Child Welfare
<http://nebraskalegislature.gov/divisions/oig.php>
P.O. Box 94604, State Capitol
Lincoln, NE 68509
402-471-4211
855-460-6784 (toll free)
jrogers@leg.ne.gov*

 **YRTC-G Letter.pdf**
298K



JULIE L. ROGERS
Inspector General



STATE OF NEBRASKA
OFFICE OF INSPECTOR GENERAL OF CHILD WELFARE
State Capitol, P.O. Box 94604
Lincoln, Nebraska 68509-4604
402-471-4211
Toll Free 855-460-6784
Fax 402-471-4277
oig@leg.ne.gov

August 16, 2019

Dannette R. Smith
Chief Executive Officer
Department of Health and Human Services
301 Centennial Mall South, P.O. Box 95026
Lincoln, NE 68509

RE: Youth Rehabilitation and Treatment Center - Geneva

Dear CEO Smith,

First, thank you for reaching out and meeting with Jerall Moreland, Deputy Public Counsel for Institutions, and me on Monday morning, August 12, 2019, to explain to us in person what was happening at the Youth Rehabilitation and Treatment Center—Geneva (YRTC-G), the urgency of the situation, and your immediate plans to alleviate the problems. As you've communicated to me over the past several months, transparency is very important to you, and by taking the initiative to communicate the concerns at the YRTC-G and your plans to deal with the problems showed that you are serious about that promise of transparency. I very much appreciate that.

The information you and Dr. Janine Fromm, DHHS Executive Medical Officer, provided about what you referred to as the current "Three-Tiered Problem" includes:

1. The acuity of the girls placed there,
2. The staffing challenges (lack of staff leading to overtime and double shifts), and
3. The disrepair of the facility (water damage, holes in walls, and the like).

The plan at that time was that a "Change of Location" would be filed in each corresponding juvenile court case, and girls would begin to be transferred off of the YRTC-G campus starting at 1 p.m. and those transferred would get YRTC programming at the alternate locations. Only four girls were transported to the Lancaster County Youth Services Center that day. The goal was to get the census down to about 20 girls in order to safely manage the population.

On Tuesday, August 13, 2019, Mr. Moreland and I visited the Lancaster County Youth Services Center and spoke with several people including each of the four girls transferred there. The youth did

not know why they were at the detention center at that time. Youth reported unsanitary living conditions at YRTC-G including water damage, mold, holes in walls, and exposed wires, but also a lack of programming, including no behavioral management program—what they referred to as the “Levels”. They described their days as sitting in the gym and either playing basketball, playing spades or sleeping from 7 a.m. to 9 p.m. At the detention center, the youth were receiving the same services as other youth in detention.

It does not appear that any “Change of Location” was ever filed in any of the juvenile cases.

On August 14, 2019, Mr. Moreland and I went to YRTC-G and toured the facility and every living unit with DHHS staff present. The OIG confirmed that only two living units (out of four) are being utilized and witnessed the unsanitary, questionable, and unsafe living conditions the youth have been exposed to. On that day, the on-campus census was 24 girls, with one girl on a day pass, coming back in the evening. Others were on furlough status. The OIG also confirmed that there is little to no programming taking place at the current time due to a number of factors, but mostly due to lack of staff, lack of staff training, and lack of appropriate physical space.

On August 15, 2019, (yesterday) you and I spoke about the need to get professionals (like health inspectors) into the two currently utilized living units to assess if it is truly safe for the girls and staff to be in those buildings.

Also yesterday, the OIG met with a parent of one of the youth who was transported to the detention center. The parent voiced concerns for the child’s safety and well-being. The parent had yet to be informed by DHHS officials about exactly what has happened to her daughter and any plan for her daughter moving forward.

A court hearing was held, and the four girls at the detention center were ordered to be transported back to the YRTC-G. By evening, they were moved to the YRTC in Kearney. It is my understanding there will be a meeting with you and the families of those four girls later today. I will plan to attend.

Based on the conversations with multiple people since Monday, other than the absolute deterioration of the living units at YRTC-G, allegations of neglect have surfaced: inappropriate use of room confinement, over-medicating youth, youth not getting her psychotropic meds prescribed before arriving at the YRTC-G, lack of mental health care, lack of programming, lack of physical activity, PREA violations, and staff shortages. Some of these issues were raised by you on Monday morning and some were not.

DHHS currently has the care, custody, and control of over 30 youth committed to YRTC-G. The OIG firmly suggests DHHS take urgent and immediate action for the safety and well-being of all of the youth placed there. The OIG would suggest DHHS take the following actions immediately:

1. Create alternate plans for where the girls will safely go in the event one or two of the current living units must be shut down.
2. Contact all legal parties (parents, attorneys, county attorneys, probation officers) to apprise them of the situation.
3. Work with all parties to coordinate plans and hearings for a change in placement.
4. Notify all judges DHHS cannot serve any youth at the YRTC-G campus until all issues have been addressed.

5. Contact any and all experts available to you (Public Health Licensing Specialist, Medicaid, DAS, mold removal experts, etc.) to fully assess the safety and conditions of the living units, to address the facility issues, and form a working plan. This includes closely and frequently communicating with the Department of Administrative Services.
6. Review and analyze the current programming at YRTC-G.
7. Implement staffing plans including the training and re-training of current staff.
8. Review and analyze the current mental health program.
9. Formulate a plan that will improve behavioral programming, mental health programming, and staffing.

If the OIG can be a resource to DHHS during this time, please reach out to me or our office.

Very sincerely yours,



Julie L. Rogers

CC: Legislative Council



Sara Howard <showard@leg.ne.gov>

Committee Update on Geneva

3 messages

Sara Howard <showard@leg.ne.gov>

Sat, Aug 17, 2019 at 8:10 AM

To: jarch@leg.ne.gov, mwilliams@leg.ne.gov, lwalz@leg.ne.gov, mcavanaugh@leg.ne.gov, bhansen@leg.ne.gov, dmunman@leg.ne.gov

Cc: jcarter@leg.ne.gov, sshaffer@leg.ne.gov, tklinger@leg.ne.gov, Dave Schinzel <dschinzel@leg.ne.gov>, Tom Brandt <tbrandt@leg.ne.gov>, slathrop@leg.ne.gov, ppansingbrooks@leg.ne.gov

Bcc: jrogers@leg.ne.gov

Good morning HHS members,

As some of you are aware, myself and Senators Lathrop, Pansing Brooks and Brandt made an unannounced visit to Geneva YRTC yesterday. We stayed for four hours, toured every building and spoke with girls and staff.

I am still working through our next steps for oversight but would like all of you to strongly consider visits to the facility yourselves over the next week.

A few reminders and suggestions regarding visits:

- Bring your Senator badge and nothing else but your car keys when you go in, they will keep your car keys locked up
- I recommend starting with the unoccupied buildings on a tour, those are LaFlesche and Sac, before moving on to the buildings housing youth
- Our tour was handled by a compliance officer named Cami who was thorough, patient and candid. I recommend asking for her or Nicole when you visit
- I do NOT recommend visiting on the weekends, their staffing ratios are more challenging on the weekends and there may not be anyone who can take you around while ensuring the girls' safety in the cottages
- Please go in at least a pair for accountability, but I believe more than 4 or 5 maybe disruptive
- Remember you can take pictures of the buildings and grounds, but never of youths faces

I have attached several pictures of what you might see when you visit. I am happy to go back, so please let me know when you are going and I will try to attend. If anyone would like to have a discussion about my visit, or if you have any other questions, I believe you all have my phone number.

Colleagues, I need to emphasize that I believe this is a crisis situation for these girls and our state. I believe our diligent oversight will be key in solving our problems at Geneva and I cannot urge these visits more strongly.

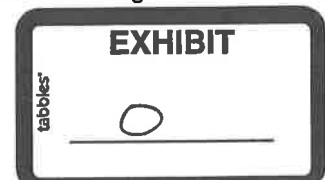
Sincerely,
Sara

LaFlesche room with plastic boat bed (this room was partially redone)

Sewer issue in LaFlesche

Room in LaFlesche

Unfinished maintenance on a sewer issue causing the closure of LaFlesche since April, this building is the newest on campus and was built in 2008



Sac building where the disturbance was a week ago, occupied by girls until Monday

Room in Sac

Hallway in Sac

Holes in walls between rooms in Sac

Window punched out in Burroughs where girls are currently housed

Broken light fixture in Sac, although several rooms had no lights at all or they didn't work

Mold in corner of an occupied room in Sac

Sharp mesh wiring coming out from plaster where a baseboard was removed

Sent from my iPhone

12 attachments



IMG_2404.jpg
88K



IMG_2411.jpg
79K

IMG_2424.jpg
62K



IMG_2445.jpg
128K



IMG_2473.jpg
81K



IMG_2474.jpg
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IMG_2477.jpg
72K

IMG_2482.jpg
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IMG_2494.jpg
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IMG_2496.jpg
58K



IMG_2499.jpg
49K



IMG_2500.jpg
117K

Machaela Cavanaugh <mcavanaugh@leg.ne.gov>

Sat, Aug 17, 2019 at 9:03 AM

To: Sara Howard <showard@leg.ne.gov>

Cc: John Arch <jarch@leg.ne.gov>, Senator Williams <mwilliams@leg.ne.gov>, Senator Walz <lwalz@leg.ne.gov>, Ben Hansen <bhansen@leg.ne.gov>, Dave Murman <dmurman@leg.ne.gov>, Jennifer Carter <jcarter@leg.ne.gov>, Sherry

Shaffer <sshaffer@leg.ne.gov>, Timoree Klingler <tklingler@leg.ne.gov>, Dave Schinzel <dschinzel@leg.ne.gov>, Tom Brandt <tbrandt@leg.ne.gov>, Steve Lathrop <slathrop@leg.ne.gov>, Patty PansingBrooks <ppansingbrooks@leg.ne.gov>

Senator Howard (and Senators Lathrop, Brandt, and Pansing Brooks),

Thank you for your email and diligent attention to this very concerning matter.

The photos are very helpful to illustrate how much of a crisis we are in. I spoke with Inspector General Rogers yesterday and she has also offered to join me (and others) in touring the facility. I plan to go during the week next week. I am happy to coordinate with others to minimize the burden on staff. The best day for me looks to be Tuesday, but I can try to move other things around to make a different day work if others want to join me.

Machaela

[Quoted text hidden]

[Quoted text hidden]

LaFlesche room with plastic boat bed (this room was partially redone)

Sewer issue in LaFlesche

Room in LaFlesche

Unfinished maintenance on a sewer issue causing the closure of LaFlesche since April, this building is the newest on campus and was built in 2008

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Window punched out in Burroughs where girls are currently housed

Broken light fixture in Sac, although several rooms had no lights at all or they didn't work

Mold in corner of an occupied room in Sac

Sharp mesh wiring coming out from plaster where a baseboard was removed

Sent from my iPhone

 Senator Machaela Cavanaugh
 Nebraska Legislature, District 6
 Office: (402) 471-2714

John Arch <jarch@leg.ne.gov>

Sun, Aug 18, 2019 at 7:55 AM

To: Machaela Cavanaugh <mcavanaugh@leg.ne.gov>

Cc: Sara Howard <showard@leg.ne.gov>, Senator Williams <mwilliams@leg.ne.gov>, Senator Walz <lwalz@leg.ne.gov>, Ben Hansen <bhansen@leg.ne.gov>, Dave Murman <dmurman@leg.ne.gov>, Jennifer Carter <jcarter@leg.ne.gov>, Sherry Shaffer <sshaffer@leg.ne.gov>, Timoree Klingler <tklingler@leg.ne.gov>, Dave Schinzel <dschinzel@leg.ne.gov>, Tom Brandt <tbrandt@leg.ne.gov>, Steve Lathrop <slathrop@leg.ne.gov>, Patty PansingBrooks <ppansingbrooks@leg.ne.gov>

1/13/2020

Nebraska Legislature Mail - Committee Update on Geneva

I plan on traveling to Geneva on Thursday if anyone would want to join me. I'll be leaving mid-morning.

John

[Quoted text hidden]



**La Fleasche room with plastic
float bed
(Room partially redone)**



Sewer issue in LaFlesche



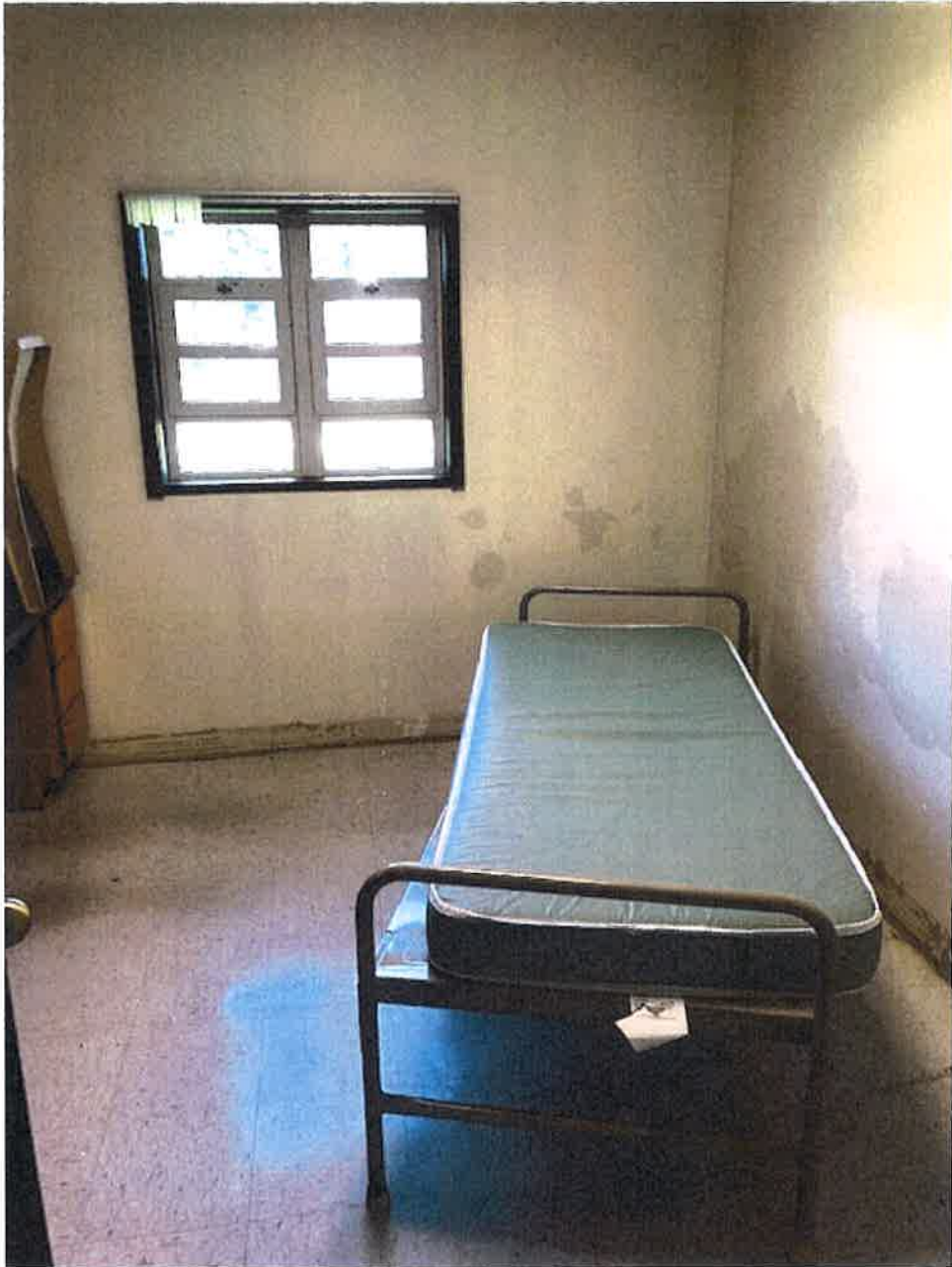
Room in LaFlesche



**Unfinished maintenance on sewer
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**Broken light fixture in Sac
Several Rooms had no lights at all
or did not work**



**Mold in corner of an occupied
room in Sac**



**Sharp mesh wiring coming out
from plaster where baseboard was
removed**



Sara Howard <showard@leg.ne.gov>

Update on YRTC - Geneva

Sara Howard <showard@leg.ne.gov>

Mon, Aug 19, 2019 at 5:17 PM

To: "Leg. Senators" <leg.senators@leg.ne.gov>

Cc: "Leg.SenatorsStaff" <leg.senatorsstaff@leg.ne.gov>, Sara Howard <saraehoward@gmail.com>

Senators,

Below is an update on the situation at the YRTC-Geneva from Dannette Smith, CEO of Health and Human Services, which I wanted to share with you.

Now that the girls are safe, we hope DAS will move quickly to address the facilities issues and, as Ms. Smith notes, we are all committed to working quickly and closely with all the necessary partners to deal with the significant issues that remain at our YRTCs.

I also wanted you to know that the Health and Human Services Committee has two interim study hearings scheduled regarding the YRTCs. Those will be held in Kearney on October 3rd beginning at 1:30. I would encourage you to attend.

As always, please feel free to call me if you would like to discuss this further.

Sincerely,

Sara

Message from CEO Dannette Smith:

We would like to provide you the latest information on the YRTC-Geneva. DHHS is committed to the success, safety and well-being of the youth served at the Youth Rehabilitation and Treatment Centers.

All 24 girls currently being served at YRTC-Geneva were moved this morning to the YRTC-Kearney. They join the four girls who were moved to Kearney last week. The girls were moved into the Bryant building. Upon their arrival the girls were greeted with a welcome basket, a pizza party, and a tour of the Kearney campus, as well as a review of expectations now that they're in Kearney.

Teammates from the YRTC-G will accompany the girls to Kearney, including direct care staff, case managers, teachers, mental health staff, and food service staff. DHHS will transport Geneva staff to Kearney daily to ensure appropriate staffing.

The youth will be housed in a separate, safe and secure area on the Kearney campus. All programming – educational, mental health, and clinical – as well as recreation and dining will be separate from the boys being served at Kearney. Programming for the girls will begin on Wednesday.

DHHS will contract with a psychiatrist to assess each of the girls.

Juvenile court judges having jurisdiction over the girls have been notified of the move. Parents were also notified of the move. After the girls are settled this evening, each of them will be able to call their parents and let their parents know they are safe.

The relocation will allow the Department of Administrative Services, State Building Division to assess needed repairs and upgrades to the two cottages that are closed and the current cottages the girls were living in. This relocation also gives DHHS the opportunity to refresh the program for the youth from a clinical and programmatic standpoint.

Senators Lathrop, Pansing Brooks, Brandt, and Howard visited Geneva on Friday and found conditions more dire than they had anticipated. DAS will move swiftly to deal with the significant maintenance problems that have developed.

To be clear, the facility issues are just the beginning. We will continue to work with the necessary partners to ensure that we address the critical issues of staffing, staff training, programming, and appropriate mental health services for children in the state's care. DHHS' goal is a smooth transition to help the girls acclimate to their routine, which includes school, mental health support, structured activities and recreation. As always, safety of the youth is a top priority for DHHS.

Should you have any questions, please do not hesitate to reach out to me at dannette.smith@nebraska.gov or by phone at 402-471-9433.

Dannette R. Smith, CEO

Department of Health and Human Services

Senator Sara Howard

District 9
Nebraska Unicameral Legislature
State Capitol
Room 1402
Lincoln, NE 68509
office: (402)471-2723
email: showard@leg.ne.gov

****Serving Midtown Omaha since 2012****



Jennifer Carter <jcarter@leg.ne.gov>

YRTC Geneva & The Building Maintenance Committee

Steve Erdman <serdman@leg.ne.gov>

Tue, Aug 20, 2019 at 3:07 PM

To: "Leg. Senators" <leg.senators@leg.ne.gov>, "Leg.SenatorsStaff" <leg.senatorsstaff@leg.ne.gov>

Dear Senators & Staff, Due to the recent situation at the Youth Rehabilitation & Treatment Center (YRTC) in Geneva, NE, I would like to clarify the role of the Building Maintenance Committee and the 309 Task Force for Building Renewal. Neither the Building Maintenance Committee nor the 309 Task Force for Building Renewal bears the responsibility for maintaining any state buildings; instead, each state agency is responsible for maintaining its own facilities. Each state agency may request the services of the 309 Task Force when they need help with certain kinds of projects. The YRTC has submitted 18 requests to the 309 Task Force, which I have attached to this e-mail. On June 4, 2019 the 309 Task Force toured the YRTC in Geneva. Over the course of the past five years the 309 Task Force for Building Renewal has accepted 13 out of the 18 projects for a total of more than \$1.9 million. Since June 4, the 309 Task Force has also approved a new roof project. However, none of the original 18 requests that were submitted to the 309 Task Force for Building Renewal included work to be done at the LAFLESCHE building. The LAFLESCHE building is the name of the building which was damaged when the girls tampered with the fire sprinkler system. I hope this will help you see that the problems at the YRTC in Geneva did not stem from negligence on the part of the Building Maintenance Committee or the 309 Task Force for Building Renewal. In am including below a statement from Doug Hanson, who is the director of the 309 Task Force for Building Renewal:

"The Task Force for Building Renewal works with State agencies to address the State's sizable need for deferred building renewal projects. The Task Force provides allocations to the extent possible with available funds, utilizing those funds wisely and efficiently. State agencies request projects in the Biennial Budget system. Although the Task Force manages the allocation, state agencies manage each project. Over the past 5 years, the Task Force funded 13 allocations totaling over \$1.9 Million at YRTC Geneva.

Inasmuch as projects involving acts of vandalism cannot be predicted, DAS and the Task Force are prepared to assist DHHS in this process."

Senator Steve Erdman
State Capitol, Room 1210
Lincoln, NE 68509
402-471-2616

 Geneva YRTC 19-21 Requests.pdf
63K



AG#	Agency	Project Name	Building #	Building Name	BR Project Type	AG Priority	Location 1	City	Class 1	Comments
025	DHHS	ROOM CALL SYSTEM REPLACEMENT	25A0136900B	BURROUGHS COTTAGE	Deferred Repair	6	G-YRTC - 855 NO. 1ST STREET	GENEVA	187,000	
025	DHHS	REPLACE FLOOR FINISH	25A0136600B	FOOD SERVICE BUILDING	Deferred Repair	9	G-YRTC - 855 NO. 1ST STREET	GENEVA	39,500	
025	DHHS	STUDY TO REPLACE STEAM LINES	25Z200056L	GENEVA YRTC CAMPUS (25)	Deferred Repair	10	ROUTE 1, BOX 23A	GENEVA	44,000	Allocated F502 & F545
025	DHHS	Masonry Repairs	25A0136400B	SACAJAWEA COTTAGE	Deferred Repair	14	G-YRTC - 855 NO. 1ST STREET	GENEVA	22,000	
025	DHHS	Doors/Hardware Upgrade	25A0137000B	SANDDOZ COTTAGE	Deferred Repair	15	G-YRTC - 855 NO. 1ST STREET	GENEVA	165,000	
025	DHHS	Masonry Repairs	25A0136500B	SCHOOL/ADMINISTRATION BLDG.	Deferred Repair	16	G-YRTC - 855 NO. 1ST STREET	GENEVA	44,000	
025	DHHS	GUTTER AND DOWNSPOUT REPLACEMENT	25A0271400B	SWIMMING POOL	Deferred Repair	17	G-YRTC - 855 NO. 1ST STREET	GENEVA	16,500	
025	DHHS	Doors/Hardware Upgrade	25A0136900B	BURROUGHS COTTAGE	Deferred Repair	20	G-YRTC - 855 NO. 1ST STREET	GENEVA	165,000	
025	DHHS	Masonry Repairs	25A0169300B	CHAPEL	Deferred Repair	21	G-YRTC - 855 NO. 1ST STREET	GENEVA	27,500	
025	DHHS	Masonry Repairs	25A0136600B	FOOD SERVICE BUILDING	Deferred Repair	23	G-YRTC - 855 NO. 1ST STREET	GENEVA	22,000	
025	DHHS	REPLACE STEAM & CONDENSATE LINES	25Z200056L	GENEVA YRTC CAMPUS (25)	Deferred Repair	24	ROUTE 1, BOX 23A	GENEVA	621,500	Allocated F502 (Related)
025	DHHS	Doors/Hardware Upgrade	25A0136400B	SACAJAWEA COTTAGE	Deferred Repair	25	G-YRTC - 855 NO. 1ST STREET	GENEVA	154,000	
025	DHHS	Masonry Repairs	25A0137000B	SANDDOZ COTTAGE	Deferred Repair	26	G-YRTC - 855 NO. 1ST STREET	GENEVA	19,800	
025	DHHS	Masonry Repairs	25A0136900B	BURROUGHS COTTAGE	Deferred Repair	28	G-YRTC - 855 NO. 1ST STREET	GENEVA	22,000	
025	DHHS	ADA Modifications	25A0271400B	SWIMMING POOL	ADA	30	G-YRTC - 855 NO. 1ST STREET	GENEVA	385,000	
025	DHHS	ADA Modifications	25A0136600B	FOOD SERVICE BUILDING	ADA	32	G-YRTC - 855 NO. 1ST STREET	GENEVA	60,500	
025	DHHS	ENERGY MANAGEMENT SYSTEM	25Z200056L	GENEVA YRTC CAMPUS (25)	Energy Conservation	34	ROUTE 1, BOX 23A	GENEVA	233,200	
025	DHHS	ENERGY AUDIT	25Z200056L	GENEVA YRTC CAMPUS (25)	Energy Conservation	35	ROUTE 1, BOX 23A	GENEVA	33,000	

Nebraska State Legislature

SENATOR KATE BOLZ

District 29
4401 Calvert Street, Unit 1
Lincoln, Nebraska 68506
(402) 802-8312

Legislative Address:
State Capitol
PO Box 94604
Lincoln, Nebraska 68509-4604
(402) 471-2734
kbolz@leg.ne.gov



COMMITTEES

Vice Chairperson - Appropriations
Nebraska Retirement Systems
Executive Board
Reference

August 21, 2019

Dannette R. Smith, MSW
Chief Executive Officer
Nebraska Department of Health and Human Services
301 Centennial Mall South
PO Box 95026
Lincoln, Ne 68509-5026

Dear CEO Smith:

I am in receipt of the attached letter from the Lancaster County Board of Commissioners. I am also in receipt of an update from Chairwoman Howard regarding significant challenges at the YRTC in Geneva. Additionally, I have received constituent communication in reference to this issue from concerned family members. Per this communication and per discussions with other stakeholders, I am concerned about the welfare of youth in your care.

Specifically, I would like further information on the status of the facilities as it relates to the health and safety of youth. Per your request, the Appropriations Committee moved facilities maintenance positions from DHHS to DAS to achieve your stated goals of standardization, streamlining, and efficiency (as attached). Per my notes from a March 13, 2019 discussion with Mr. Jackson regarding the DAS budget, this shift aligned the budget with the "operational reality."

The reported conditions of the facilities at the Geneva Youth Rehabilitation and Treatment Center are unacceptable. The policy change requested by DAS and DHHS and approved by the Appropriations Committee and the Legislature does not appear to be effective. Please provide my office with an update on the necessary repairs and the status of the facilities within five (5) business days, include details of any changes to your process regarding facilities maintenance and repair to ensure health and safety.

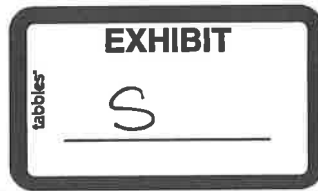
I appreciate the leadership of Senator Howard on other related issues and will be supporting the work of the Health and Human Services Committee, in addition to monitoring the status of the facilities and maintenance needs. Feel free to contact me with any questions regarding this request at (402)471-2734. Thank you in advance for your timely attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Bolz'.

Senator Kate Bolz
Legislative District 29





Sara Howard <showard@leg.ne.gov>

Geneva Update & Invitation

Sara Howard <showard@leg.ne.gov>

Fri, Aug 23, 2019 at 11:52 AM

To: John Arch <jarch@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Machaela Cavanaugh <mcavanaugh@leg.ne.gov>, Ben Hansen <bhansen@leg.ne.gov>, Dave Murman <dmurman@leg.ne.gov>
Cc: Jennifer Carter <jcarter@leg.ne.gov>, Timoree Klingler <tklingler@leg.ne.gov>, Sherry Shaffer <sshaffer@leg.ne.gov>, Lisa Johns <ljohns@leg.ne.gov>, Dexter Schrodtt <dschrodtt@leg.ne.gov>, Thomas Arnsperger <tarnsperger@leg.ne.gov>, Brandon Langlois <blanglois@leg.ne.gov>, Jacob Campbell <jcampbell@leg.ne.gov>, Elizabeth Todsen <etodsen@leg.ne.gov>

Colleagues,

With all that is going on at Geneva, this has not been an easy two weeks. I want to thank all of you who have visited Geneva. It is important that we all have a sense of the conditions and I greatly appreciate your efforts to make the trip out there. I would encourage those of you who have not yet visited to go soon to get a real sense of what the conditions were like before things are, we hope, repaired.

I also have a few other matters to update you on regarding Geneva.

First, I am in regular contact with OIG of Child Welfare Julie Rogers and the Ombudsman, Jerall Moreland. They are both focused on keeping daily tabs on the situation at Kearney and making sure we can get to a place where things are stable for the girls. There will still be many things the girls and families have to adjust to. The rules at Kearney are different than the rules at Geneva (ex: families can visit their children at any time at Geneva but visits and communication are more limited at Kearney). Questions about whether some of the girls are receiving their medications remain. Jerall was going out to check on the girls at Kearney yesterday afternoon. Our understanding is that there will be some meetings between DHHS and the parents and girls on Saturday afternoon. If anyone has time to visit Kearney it would be helpful to get that perspective as well.

Second, regarding repairs at Geneva, our understanding is that construction workers have been on campus. We will know more after the Mayor of Geneva completes a walk through on Saturday and I hear from him. We are not clear on when the work will be completed. Originally, when the girls were still on campus, the plan was to move the girls into the repaired buildings as they were completed. But with the girls off campus, the Ombudsman's office thought it was possible that they wouldn't move any girls back to Geneva until all the work was done. The original completion date was September 26th but it is not clear if that date was for completion of just one building under the original plan or completion of all the repairs.

Third, I had a conversation with a member of the Lancaster County Board of Commissioners. It is their understanding that DHHS is seriously pursuing leasing space for the girls at the Lancaster County Youth Services Center (the county detention center). The YSC has three "pods" that are available with a total of 30 beds between them. The pods are a dormitory style setting. They have a shared outdoor area and common areas within the pods. It is not clear if DHHS would use this only for the time that Geneva is being repaired or if there is a different plan in place.

One of the County Commissioners, Mr. Flowerday, offered to have the Committee **tour the prospective space next Wednesday, August 28th at 2:00 p.m. I would encourage you to attend.** Please let my office know if you are able to join us and we will share the logistics with you.

I would also ask you to plan on having an **exec session on September 13th** after our interim study hearings that day. I know that makes it a longer day, but it is our earliest convening as a committee.

One other reminder that Senator Arch has arranged a tour at Boys Town on Wednesday, September 4th from 3:00-5:00 p.m. that I strongly encourage you all to attend. Thank you, Senator Arch for setting that up.

Finally, as you continue to hear from people about the issues at Geneva, we can make clear that our role as the HHS Committee is to provide clear and consistent oversight. We are doing that by visiting Geneva and Kearney, encouraging others to visit, working in collaboration with the OIG of Child Welfare, the Ombudsman, and the Department, and talking to the parents and girls whenever possible. We should all continue to do these things and remain engaged as this situation continues to be fluid.

As always, please call me if you would like to discuss this further.

My best,

Sara

Senator Sara Howard

District 9

Nebraska Unicameral Legislature

State Capitol

Room 1402

Lincoln, NE 68509

office: (402)471-2723

email: showard@leg.ne.gov

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Sara Howard <showard@leg.ne.gov>

YRTC Update - 8/23/19

Smith, Dannette <Dannette.Smith@nebraska.gov> Fri, Aug 23, 2019 at 5:53 PM
To: "Albrecht, Joni" <jalbrecht@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Carol Blood <cblood@leg.ne.gov>, Kate Bolz <kbolz@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Tom Brewer <tbrewer@leg.ne.gov>, Tom Briese <tbriese@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, Sue Crawford <scrawford@leg.ne.gov>, "wdeboer@leg.ne.gov" <wdeboer@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Curt Friesen <cfriesen@leg.ne.gov>, Suzanne Geist <sgeist@leg.ne.gov>, "tgragert@leg.ne.gov" <tgragert@leg.ne.gov>, Mike Groene <mgroene@leg.ne.gov>, Steve Halloran <shalloran@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Matt Hansen <mhansen@leg.ne.gov>, Mike Hilgers <mhilgers@leg.ne.gov>, Robert Hilkemann <rhilkemann@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, Dan Hughes <dhughes@leg.ne.gov>, "mhunt@leg.ne.gov" <mhunt@leg.ne.gov>, Rick Kolowski <rkolowski@leg.ne.gov>, Mark Kolterman <mkolterman@leg.ne.gov>, "alagrone@leg.ne.gov" <alagrone@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, Brett Lindstrom <blindstrom@leg.ne.gov>, Lou Ann Linehan <llinehan@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, John McCollister <jmccollister@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Adam Morfeld <amorfeld@leg.ne.gov>, "mmoser@leg.ne.gov" <mmoser@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Patty Pansing Brooks <ppansingbrooks@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, Jim Scheer <jscheer@leg.ne.gov>, "jslama@leg.ne.gov" <jslama@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Justin Wayne <jwayne@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>
Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>

Senators,

I would like to thank you for your support as DHHS has transitioned the girls being served at YRTC-Geneva to YRTC-Kearney. As I told you in my update on Monday, August 19, 2019, DHHS is committed to the success, safety and well-being of the youth served at both Youth Rehabilitation and Treatment Centers, and that continues to be our focus.

To ensure my Department is being as transparent as possible, I wanted to provide you with an update on the girls now that the move is complete. But first I'd like to share some information about an incident with several of the boys on campus.

As you may be aware, 6 boys from one of the living units at YRTC-Kearney absconded from the facility early in the morning of August 23, 2019. They assaulted a DHHS teammate, escaped from the living unit, and then climbed over the fence. DHHS is working with the Nebraska State Patrol, the Kearney Police Department, and the Buffalo County Sheriff's Office to locate and apprehend the youth.

The girls are in good spirits, are adjusting to their new surroundings and settling in to their routine in Kearney. Each of the girls were assessed by a physician on Tuesday, August 20, 2019. All parents/guardians were notified of any medication adjustments the physicians made. Each of the girls have also been assigned an LMHP and case manager.

Programming for the girls began on Friday, August 23, 2019. This programming includes mental health and educational programming; as we're doing with other staff the teachers from Geneva are being transported to Kearney to provide educational services for the youth. The girls will continue to work to make progress on their case plan goals and work toward successful discharge from the facility.

Throughout this first week our focus has been on making sure the girls are comfortable, safe and secure in their new environment. Facility leadership have met with the girls to provide structure and expectations and answer any questions the girls may have about being in Kearney.

At the Geneva facility, we are continuing to assess with the Department of Administrative Services, State Building Division, any needed repairs and next steps at that facility. When the facility has been fully assessed and DHHS has more information about next steps I will share that information with you.

Finally, I'd like to let you know that DHHS Human Resources will be hosting career events in both Geneva and Kearney on Saturday, September 21, 2019. Attendees will have the opportunity to interview and learn more about positions at YRTC Kearney and Geneva.

I thank you again for your support during the past weeks as we work to ensure the safety of the youth in our care. As always, should you have any questions, please do not hesitate to reach out to me via email at dannette.smith@nebraska.gov or by phone at 402-471-9433.

Dannette R. Smith | *DHHS Chief Executive Officer*

Nebraska Department of Health and Human Services

OFFICE: 402-471-9433

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It is believed the overnight escapees are all males. If you see juveniles fitting this description, dial 911.

https://www.kearneyhub.com/news/local/multiple-youths-escape-from-yrtc/article_13672fa2-c5c1-11e9-8ca0-9bf5186b264f.html

BREAKING **TOP STORY**

Multiple youths escape from YRTC

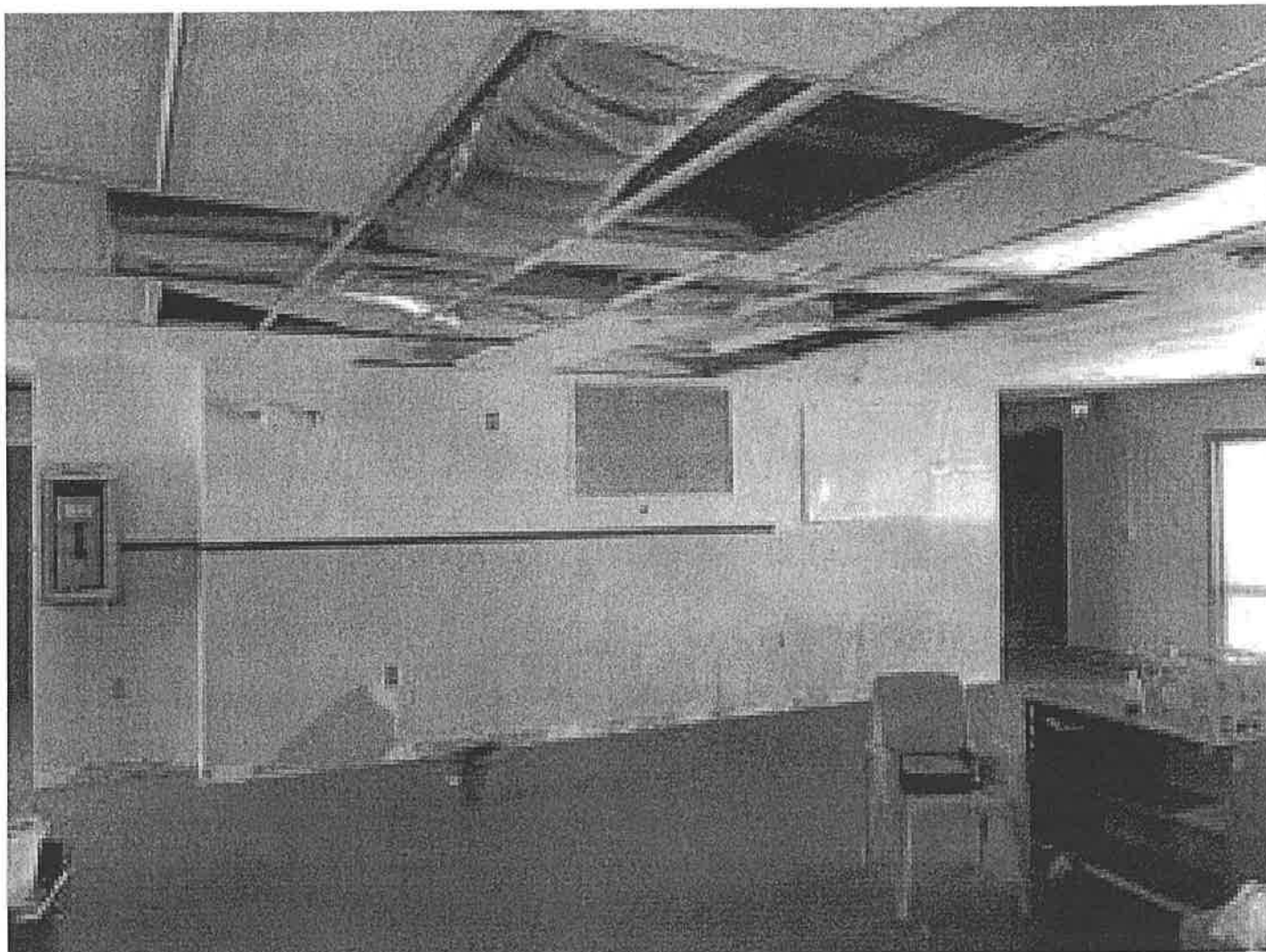
Aug 23, 2019

KEARNEY — There may be up to nine escapees at-large today from the Youth Rehabilitation and Treatment Center, 2802 30th Ave., in Kearney.

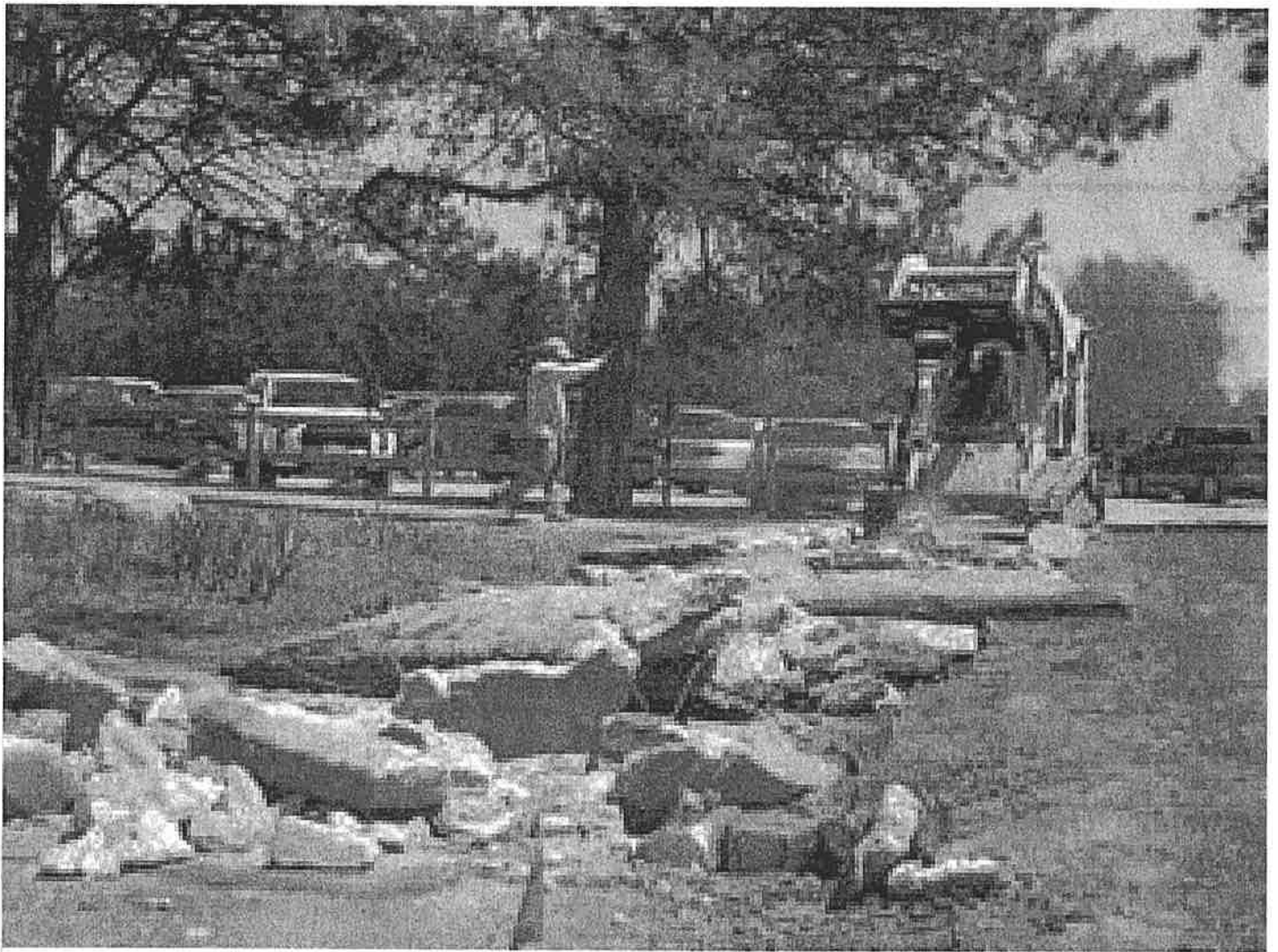
According to police scanner communications at 12:30 a.m. today (Friday), authorities were made aware of the incident. Reportedly, the escapees were wearing green shirts and black shorts.

Earlier this week 24 female residents from the YRTC in Geneva were moved by the Nebraska Department of Health and Human Services to Kearney while officials assess repairs to Geneva's residential buildings, re-examine programming and seek solutions to understaffing. The two groups are being housed in separate facilities at the Kearney campus.





24 young female offenders moved to Kearney's YRTC; state cites damaged buildings at Geneva facility



YRTC prepping for fence to be installed. The project should be done by end of summer.

 Poll

Do you believe the fence around YRTC is enough to deter escapees?

- Yes
- No
- I don't know

VOTE

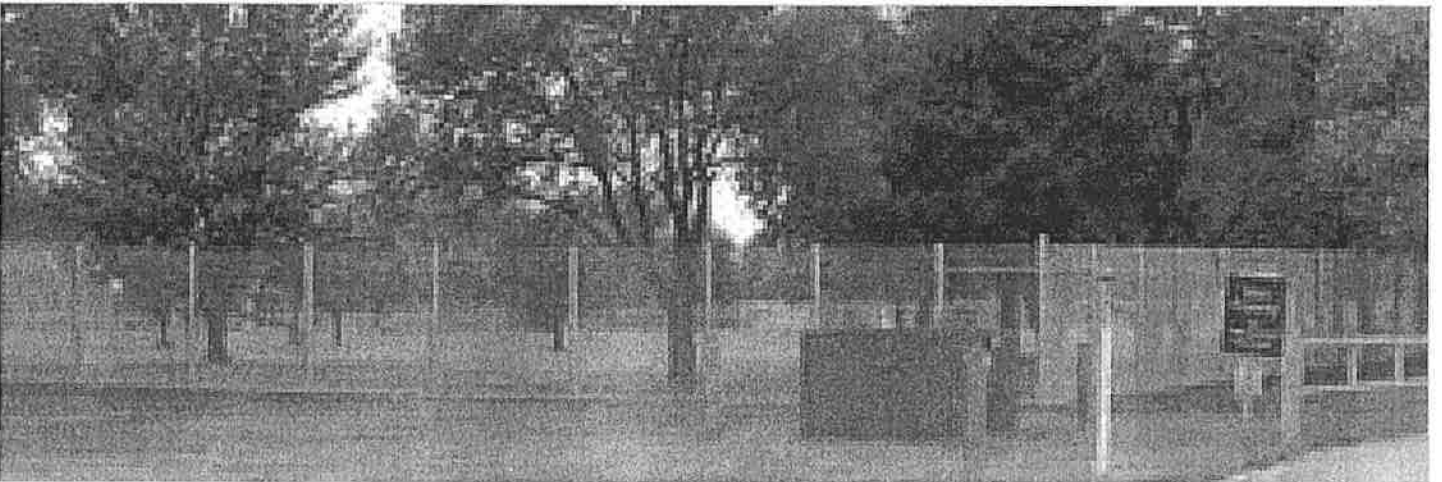
VIEW RESULTS



Senators to investigate conditions at Kearney, Geneva YRTC's



Three of six YRTC escapees now back; state looking to reduce number of escapes, assaults at facility



Educator: YRTC fence a challenge not deterrent

https://www.kearneyhub.com/news/local/three-of-six-yrtc-escapees-now-back-state-looking-to/article_1ffc2f02-c8e0-11e9-af09-0f0fe6da38f0.html

BREAKING **FEATURED**

Three of six YRTC escapees now back; state looking to reduce number of escapes, assaults at facility

By KIM SCHMIDT and BH News Service
Aug 27, 2019

Editor's Note

A previous version of this story said the teens escaped Sunday. The teens escaped Friday morning.

KEARNEY — Three of six male teens who escaped from Kearney's Youth Rehabilitation and Treatment Center early Friday morning have been returned to the facility.

At 12:28 a.m. Friday six teens fled the facility at 2802 30th Ave., and were seen running northeast of the facility all wearing green shirts and black shorts.

One teen was picked up by law enforcement in Grand Island and returned to YRTC, said Lee Rettig, a spokesperson for the Nebraska Department of Health and Human Services, which oversees the YRTC's in Kearney and Geneva. Two other teens are in law enforcement custody in the Omaha area, and are expected to return today to Kearney.

Contractors have been working this summer to erect a fence around Kearney's facility in an effort to lower the number of escapes. Rettig said the full fence structure is in place and work on the perimeter fence is substantially completed.

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The fence project is expected to be finalized within the next two weeks.

As contractors finish the fence, and DHHS officials continue to work with law enforcement to locate the remaining teens, state officials announced Monday a goal of reducing the number of assaults, escapes and readmissions at the YRTC.

The initiative is among 15 priorities set out in the DHHS fourth annual business plan. Gov. Pete Ricketts joined Dannette Smith, the HHS CEO, at a press conference Monday to unveil the plan, which touches on all divisions of the state's largest agency.

Implementing Medicaid expansion, broadening the skills of behavioral health providers, developing a plan to serve people with disabilities in the least restrictive settings and decreasing employee turnover are among the other priorities.

"These are all ways that we're trying to do a better job of serving Nebraskans, and that's what this business plan is all about," the governor said.

Ricketts and Smith also talked about potential next steps for YRTC-Geneva, the troubled facility for female juvenile offenders.

Smith emptied the center last week, citing damaged buildings and severe staff shortages. Four girls with severe mental and behavioral needs were moved to the state institution for male juvenile offenders in Kearney on Aug. 15. The 24 remaining girls were moved to Kearney a week ago.

On Monday, she said HHS is pursuing several possible avenues to better serve the teens sent to the Geneva center.

Work is underway to fix the LaFlesche Cottage, a building that has been awaiting sewer line repairs since spring, and to assess what could be done to the other three residential buildings to make them usable.

Smith said the department is talking with Lancaster County about leasing an unused 20-bed unit at the county youth detention center. She said the unit could be used to serve teen boys and girls with significant behavioral health needs.

At the same time, she said HHS has begun talking with key groups about making systemic changes to address the needs of juvenile offenders. The department held a “community visioning process” with help from a consultant to explore ideas.

“The department has an obligation to the youth we serve, and we are committed to making the necessary changes to provide an environment that is safe, supportive and gives youth the opportunity to thrive as they make the transition into adulthood,” Smith said.

With an eye to improving care, the new HHS business plan set a goal of reducing readmission rates to 15 percent at the two YRTCs by June next year, down from 19 percent at Kearney and 33 percent at Geneva. Toward that end, the plan calls for better programming and for transitional services for youths leaving the centers.

Other goals include cutting the number of escapes from the two centers by half, to nine or fewer at Kearney and to six or fewer at Geneva, and reducing the average length of stay to about six months.

The business plan calls for reducing assaults at all HHS-run institutions, including those for youths and adults, by 20 percent during the coming year. The goal is to increase safety for HHS employees.

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 23, 2019

Senator Kate Bolz
State Capitol
PO Box 94604
Lincoln, NE 68509-4604

Dear Senator Bolz:

Thank you for your email dated August 16, 2019, and your letter dated August 21, 2019, regarding the Youth Rehabilitation and Treatment Center (YRTC) in Geneva. As you are aware, DHHS has now provided a press release which directly addresses your concerns including:

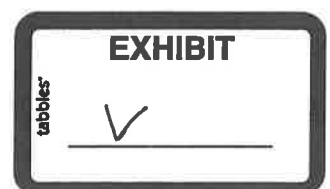
- The welfare of the youth in the care of DHHS,
- The status of the facilities as it relates to the health and safety of the youth,
- The reported conditions of the facilities at YRTC-Geneva, and
- Any necessary repairs and status of the facilities.

DHHS is committed to the success, safety and wellbeing of the youth being served at both YRTCs. As you know, all twenty-four girls have now been transferred from YRTC-G to YRTC-Kearney. This relocation allows the Department of Administrative Services to assess needed repairs and upgrades to the two cottages that are closed and the current cottages the girls were living in. Once DAS has fully assessed the facilities and provided DHHS information regarding any necessary repairs, DHHS will provide this information to your office and others.

DHHS continues to do everything necessary to ensure the safety and security of our youth and I appreciate your concerns for the same. I look forward to working with you to address improvements to our Youth Rehabilitation and Treatment Centers and to ensure each youth is provided with appropriate care, safety, and security. Should you have any questions please do not hesitate to contact me by email at dannette.smith@nebraska.gov or phone at (402) 471-9433.

Sincerely,

Dannette R. Smith, MSW
Chief Executive Officer
Department of Health and Human Services





Update on YRTC's

Sara Howard <showard@leg.ne.gov>

Mon, Aug 26, 2019 at 3:09 PM

To: John Arch <jarch@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Ben Hansen <bhansen@leg.ne.gov>, Dave Murman <dmurman@leg.ne.gov>, Machaela Cavanaugh <mcavanaugh@leg.ne.gov>
Cc: Jennifer Carter <jcarter@leg.ne.gov>, Timoree Klingler <tklingler@leg.ne.gov>, Dexter Schrodts <dschrodts@leg.ne.gov>, Brandon Langlois <blanglois@leg.ne.gov>, Elizabeth Todsen <etodsen@leg.ne.gov>, Jacob Campbell <jcampbell@leg.ne.gov>, Lisa Johns <ljohns@leg.ne.gov>, Thomas Arnsperger <tarnsperger@leg.ne.gov>

Senators,

On Saturday, Senator Cavanaugh, Julie Rogers, and I visited the YRTC-Kearney where the girls from YRTC-Geneva are now being served.

I was encouraged by what we saw. At this time, the girls are safe and stable. Programming is being implemented and the Geneva employees are being cross-trained by the Kearney staff.

It is not without its challenges and it is different for the girls to be in a dormitory style setting. But overall, the girls seemed relieved to be out of Geneva and in safer housing. The staff at YRTC - Kearney has also re-instituted the "levels" that YRTC - Geneva also used to utilize. The levels allow the girls to earn their way to more independence and responsibility with good behavior. It seems to be helpful for the girls to understand there is a system in place and a path forward to leave the YRTC.

I spoke with CEO Smith and she understands that this is not a permanent solution. But it is better than where the girls were.

Also, I spoke with the Mayor of Geneva. He has visited the campus and confirmed that construction has started in LeFlesche (the newest building but the one with the trench that was dug and not repaired). I have every expectation that repair work is underway at Geneva.

A few reminders:

- First, **this Wednesday, August 28th at 2:00 p.m.** we are invited as members of this Committee to visit the Youth Services Center in Lancaster County to see the space that DHHS is considering leasing as they figure out the next steps at Geneva. This tour is for senators. I understand that Senators Cavanaugh and Murman plan to join the tour. Please let Jennifer know if you can attend.
- Second, Senator Arch has arranged a tour at Boys Town for **Wednesday, September 4th at 3:00 p.m.**
- Third, we will have an exec session after the interim study hearings on **September 13th.**

Thank you again for your engagement and attention to the issues at Geneva.

Please feel free to give me a call if you have any questions.

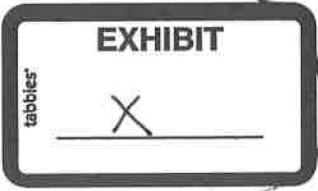
Sincerely,

Sara

Senator Sara Howard

District 9
Nebraska Unicameral Legislature
State Capitol
Room 1402
Lincoln, NE 68509





ADVANCEMENT BY PHASE

Phase 2	Phase 3	Phase 4	Phase 5
Completes HCSBS	Completes ICU		Completes ICU
Completes URICA			
Completes first 4 weeks ART	Finishes ART Complete first 6 steps of MRT	Complete steps 7-12 of MRT	Completes HCSBS
20% Strategies	40% Strategies	80% Strategies	90% Strategies
4 consecutive weeks with weekly average score of 3.0	4 consecutive weeks with weekly average score of 3.25	4 consecutive weeks with weekly average score of 3.5	6 of 8 weeks with weekly average score of 3.5
4 consecutive weeks with a School participation score at least 2.0	4 consecutive weeks with a School participation score at least 2.5 AND passing all classes with "D" or higher	4 consecutive weeks with a School participation score at least 3.0 AND passing at least 3 classes with a "C" or higher and the rest with "D"	Successful furloughs
Must be on Silver or Gold level	Must be on Silver or Gold level	Must be on Silver or Gold level	Must be on Silver or Gold level
All sanctions completed	All sanctions completed	All sanctions completed	All sanctions completed
Progress Review signed by UM & CM	Progress Review signed by UM & CM	Progress Review signed by UM & CM	Plan in place

YLS completed by probation

OBJECTIVE ASSESSMENT TOOLS TO MEASURE PROGRESS

Inventory of Callous/unemotional traits (ICU)	University of Rhode Island Change Assessment scale (URICA)	Home and Community Social Behavior Scale (HCSBS)	Youth level of service/case management inventory (YLS/CMI)	Daily scoring system
Assesses personality traits of callousness, lack of compassion and lack of emotions.	Assesses stage of change (Precontemplation, contemplation, preparation, action).	Assesses social and emotional behaviors (social competence and antisocial behaviors).	Assesses criminogenic risk and need factors for court involved youth. Guides case planning.	Assesses daily compliance and participation as well as interactions with adults and peers.
Admission, Phase 3 and Phase 5	Admission and end of Phase 2	End of Phase 2 and Phase 5	Before admission and before discharge	Daily

PRIVILEGES BY PHASE

Phase 2	Phase 3	Phase 4	Phase 5
\$5 month	\$8 month	\$12 month	\$15 month
TV/movies weekends	And weekdays	And weekdays	And weekdays
Sleep in on holidays	And weekends	And weekends	Extra 1/2 hour every day
Bedtime 9:00	Bedtime 9:15	Bedtime 9:30	Bedtime 9:45
Generic hygiene	Own hygiene	Own hygiene	Own hygiene
No off-hills	Off-hills if gold/silver	Off-hills if gold/silver	Off-hills if gold/silver
Eligible for gym lists Tuesday, Thursday before supper	Eligible for gym lists Monday-Friday after supper	Eligible for gym lists Monday, Wednesday, Friday before supper and Monday-Friday after supper	Eligible for gym lists before supper and after supper Monday-Friday
	Small snack box	Personal radio	Personal radio
		Video games weekends	Video games all week
		Eligible student council	Eligible to mentor Eligible for Justice Committee
		Large snack box	Large snack box

Nebraska State Legislature

SENATOR KATE BOLZ

District 29
4401 Calvert Street, Unit 1
Lincoln, Nebraska 68506
(402) 802-8312

Legislative Address:
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PO Box 94604
Lincoln, Nebraska 68509-4604
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COMMITTEES

Vice Chairperson - Appropriations
Nebraska Retirement Systems
Executive Board
Reference

August 27, 2019

Dannette R. Smith, MSW
Chief Executive Officer
Nebraska Department of Health and Human Services
301 Centennial Mall South
PO Box 95026
Lincoln, NE 68509-5026

Dear CEO Smith:

Thank you for your initial response to my August 21, 2019 request for information regarding the status of the Youth Rehabilitation and Treatment Center at Geneva and the youth placed there. The safety and wellbeing of children placed in the State's care is of critical concern to the Legislature.

While I appreciate that DHHS is working with DAS to identify and address health and safety concerns within the facility, as stated in my previous correspondence, I am concerned that the recent Appropriations policy revision and the respective shift in the process for addressing facilities maintenance is not effective. The notion that the Department would be required to remove the residents in order to have DAS intervene and survey the conditions of this 24-hour residential facility speaks to the inefficiency and inherent health and safety risks involved in the process.

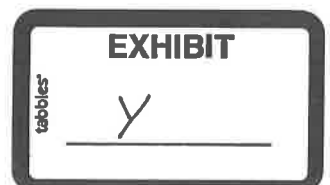
To this end, I respectfully ask that you identify what changes to this facilities maintenance process have been implemented to ensure that 1) the current situation is remedied in a timely manner, and 2) DHHS facilities are not allowed to deteriorate to this extent in the future. Your response to this inquiry is requested within five (5) business days. Feel free to contact my office with any questions you may have regarding this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Bolz', written over a horizontal line.

Senator Kate Bolz
Legislative District 29

CC: Jason Jackson, Department of Administrative Services Director





Jennifer Carter <jcarter@leg.ne.gov>

YRTC Visioning Meeting Notes - 8.27.19

Vincent, Caryn <Caryn.Vincent@nebraska.gov>

Tue, Sep 3, 2019 at 5:17 PM

To: "Brandner, Jeanne" <jeanne.brandner@nebraska.gov>, "borgworks@gmail.com" <borgworks@gmail.com>, Jennifer Carter <jcarter@leg.ne.gov>, "Gavin, Tamara" <Tamara.Gavin@nebraska.gov>, "Gordon, Paul" <Paul.Gordon@nebraska.gov>, "Hawekotte, Kim B." <kim.hawekotte@nebraska.gov>, "Leschinsky, Heather" <Heather.Leschinsky@nebraska.gov>, Juliet Summers <jsummers@voicesforchildren.com>, "marilyn.rhoten@alegent.org" <marilyn.rhoten@alegent.org>
Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>, "Zabokrtsky, Dustin" <Dustin.Zabokrtsky@nebraska.gov>

Good afternoon,

Thank you for participating in the latest small group session to discuss the vision for the YRTCs. Attached are the notes from that meeting as well as the 2013 report of the Juvenile Services Committee. As a reminder, the next meeting will be Monday, September 16, 2019, from 2-4 pm in the Nebraska State Office Building.

Caryn Vincent | *Executive Advisor*

OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nebraska Department of Health and Human Services

OFFICE: 402-471-8574 | CELL: 402-613-2377

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2 attachments

 **YRTC Visioning Meeting Notes - 8.27.19.docx**
87K

 **Juvenile Services (OJS) Committee Phase I Strategic Recommendations 12.2013.pdf**
1001K



YRTC Visioning Session – August 27, 2019

Meeting Summary

On Tuesday, August 27, 2019, small group of stakeholders came together to continue a discussion on the vision for Nebraska's Youth Rehabilitation and Treatment Centers (YRTCs). This meeting occurred one week after 24 girls were moved from the YRTC in Geneva to the YRTC in Kearney. As a result of this move, boys and girls are now housed separately on the same campus. The move was necessitated by deteriorating conditions and structural damage caused by vandalism to residential cottages and staffing challenges. The youth were moved in order to ensure safety of the staff and youth in the care of YRTC. The move made the August 27 visioning meeting particularly critical. Attendees were tasked to think through next steps and other parties that need to be present to move the work at the YRTCs forward.

There was discussion of the needs of the youth in the care of the YRTCs. Case reviews have shown youth need some sort of psychiatric and/or substance use treatment. There is considerable variation in the psychiatric needs of the youth; some need almost no psychiatric treatment while others have significant needs. The challenge, then, for the YRTCs is to create programming to meet the variable needs of all youth in care. The group talked at length about the need for a comprehensive assessment to determine a youth's level of need, whether that need is YRTC, an acute environment, or intensive in-home wrap around services. The group discussed the importance of being nimble to meet the needs of a constantly changing population.

The group also discussed bringing in a consultant familiar with the Missouri Model of juvenile rehabilitation or another successful model to complete an assessment of Nebraska's YRTCs. An outside assessment can provide an objective eye, help Nebraska capitalize on the strengths of its system and identify weaknesses. This could be a valuable process to help identify gaps and weaknesses in current programming and provide recommendations to create a more robust program to better meet the needs of all youth.

The small group also agreed on the importance of including others in the conversation around the YRTCs. In conjunction with an assessment of the programs, DHHS will plan to host town hall-type sessions throughout the state to gather input from families, youth, judges, and other interested parties on the future of the YRTCs. One of the town hall meetings will be held with the youth at the YRTCs to gather their feedback about their experiences.

Ultimately, the discussion consistently came back to programming for the youth. The YRTCs need programming that is nimble enough to meet the variable needs of the youth.

Next Steps

- CEO Dannette Smith will work with Bill Stanton at Casey Family Programs to identify information about Missouri and other models to help inform an assessment of the YRTC. This information will be shared with the small group prior to its next meeting.
- The group will come back together on Monday, September 16, 2019, from 2-4 pm. Prior to this meeting DHHS will share information with the group about other program models for review. DHHS will also share the 2013/2014 report for the group to review.
- Group members will recommend participants/key stakeholders for focus groups and visits.

The below is a proposed timeline for the group's next steps through the end of 2019:

September 16, 2019	Next small group meeting
Early October	Assessment of the YRTC programs
October	Town hall/statewide visits
Late October	Small group comes together
November/December	Next large group meeting



RE: Letter re: YRTC-Geneva

Engel, Bonnie <Bonnie.Engel@nebraska.gov> Thu, Aug 29, 2019 at 5:01 PM
To: "Rogers, Julie" <jrogers@leg.ne.gov>, "Smith, Dannette" <Dannette.Smith@nebraska.gov>
Cc: "Albrecht, Joni" <jalbrecht@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Carol Blood <cblood@leg.ne.gov>, Kate Bolz <kbolz@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Tom Brewer <tbrewer@leg.ne.gov>, Tom Briese <tbriese@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, Sue Crawford <scrawford@leg.ne.gov>, "wdeboer@leg.ne.gov" <wdeboer@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Curt Friesen <cfriesen@leg.ne.gov>, Suzanne Geist <sgeist@leg.ne.gov>, "tgragert@leg.ne.gov" <tgragert@leg.ne.gov>, Mike Groene <mgroene@leg.ne.gov>, Steve Halloran <shalloran@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Matt Hansen <mhansen@leg.ne.gov>, Mike Hilgers <mhilgers@leg.ne.gov>, Robert Hilkemann <rhilkemann@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, Dan Hughes <dhughes@leg.ne.gov>, "mhunt@leg.ne.gov" <mhunt@leg.ne.gov>, Rick Kolowski <rkolowski@leg.ne.gov>, Mark Kolterman <mkolterman@leg.ne.gov>, "alagrone@leg.ne.gov" <alagrone@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, Brett Lindstrom <blindstrom@leg.ne.gov>, Lou Ann Linehan <llinehan@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, John McCollister <jmccollister@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Adam Morfeld <amorfeld@leg.ne.gov>, "mmoser@leg.ne.gov" <mmoser@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Patty Pansing Brooks <ppansingbrooks@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, Jim Scheer <jscheer@leg.ne.gov>, "jslama@leg.ne.gov" <jslama@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Justin Wayne <jwayne@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>

Julie,

Attached is the Department's response to your letter regarding YRTC-Geneva.

Should you have any questions, please feel free to contact Dannette by email at dannette.smith@nebraska.gov or phone at (402) 471-9433.

Thank you.

Bonnie Engel | *Executive Assistant*

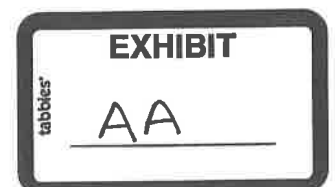
OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nebraska Department of Health and Human Services

OFFICE: 402-471-9433

DHHS.ne.gov | **Facebook** | **Twitter** | **LinkedIn**

From: Julie Rogers [mailto:jrogers@leg.ne.gov]
Sent: Friday, August 16, 2019 1:08 PM
To: Smith, Dannette <Dannette.Smith@nebraska.gov>



Cc: Engel, Bonnie <Bonnie.Engel@nebraska.gov>
Subject: Letter re: YRTC-Geneva

Please see attached.

Julie L. Rogers

Inspector General

Office of Inspector General of Nebraska Child Welfare

<http://nebraskalegislature.gov/divisions/oig.php>

P.O. Box 94604, State Capitol

Lincoln, NE 68509

402-471-4211

855-460-6784 (toll free)

jrogers@leg.ne.gov

 **Julie Rogers - 8-29-19.pdf**
119K

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 29, 2019

Julie L. Rogers
Office of the Inspector General of Child Welfare
State Capitol, P.O. Box 94604
Lincoln, NE 68509

Dear Ms. Rogers:

Thank you for your letter dated August 16, 2019 outlining your concerns about the condition and placement of youth at the Youth Rehabilitation and Treatment Center – Geneva (YRTC-G). I take comfort in knowing we share these concerns so that we may continue working together toward a solution that is in the best interest of the youth and families served by YRTC-G.

I was surprised to receive your letter considering I have been so transparent with you and others, continuously discussing the acuity of the girls at YRTC-G, the programming, and the facility, as you have acknowledged in your letter. We have discussed these issues many times in the last several months. I discussed my concerns with you in early June after leadership transitions at the facility. You attended a meeting on July 9, 2019 to talk about this very matter. I have also been on the phone with you frequently as the situation has evolved, discussing solutions and providing updates. The concerns raised are obviously not a new issue.

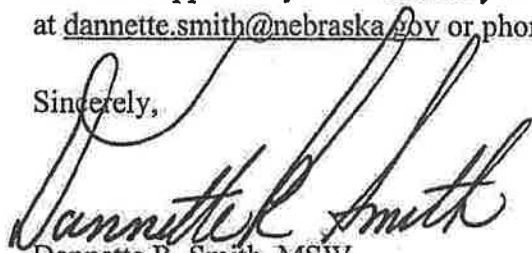
While I had hoped to rebuild the program before taking the present steps, the deteriorating condition and current staffing challenges made it necessary to act quickly because there was simply not time to fix the issues before relocating the youth who had been placed at YRTC-G. As you are aware, on Monday, August 19, 2019, all 24 girls were moved from the Geneva facility to YRTC-Kearney and are receiving appropriate care, programming, and security for their needs.

Nebraska law does not require a court order to change location once a child has been committed to the Office of Juvenile Services. As we did with the four girls placed at the Lancaster County Youth Services Center, notice was provided to the juvenile court judge, the legal parties, and the parent/guardian at the time the juveniles were relocated. DHHS has issued a press release notifying the public that the juveniles will be served through YRTC-Kearney to allow DAS access to the Geneva campus.

Julie L. Rogers
Page Two

As we continue to communicate freely and regularly, I will ensure that you are kept up to date on the actions DHHS is taking to address this situation. I assure you that I will remain open and transparent. I know I can count on you to work with DHHS to help ensure Nebraska's youth continue to receive the care and support they need. Should you have any questions please do not hesitate to contact me by email at dannette.smith@nebraska.gov or phone at (402) 471-9433.

Sincerely,

A handwritten signature in cursive script that reads "Dannette R. Smith". The signature is written in black ink and is positioned above the printed name and title.

Dannette R. Smith, MSW

Chief Executive Officer

Department of Health and Human Services

cc: Legislative Council



Sara Howard <showard@leg.ne.gov>

YRTC Update & New Hearing Date

Sara Howard <showard@leg.ne.gov>

Fri, Aug 30, 2019 at 11:20 AM

To: John Arch <jarch@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Machaela Cavanaugh <mcavanaugh@leg.ne.gov>, Ben Hansen <bhansen@leg.ne.gov>, Dave Murman <dmurman@leg.ne.gov>
 Cc: Jennifer Carter <jcarter@leg.ne.gov>, Timoree Klingler <tklingler@leg.ne.gov>, Sherry Shaffer <sshaffer@leg.ne.gov>, Brandon Langlois <blanglois@leg.ne.gov>, Lisa Johns <ljohns@leg.ne.gov>, Dexter Schrodts <dschrodts@leg.ne.gov>, Thomas Arnspenger <tarnspenger@leg.ne.gov>, Elizabeth Todsens <etodsens@leg.ne.gov>, Jacob Campbell <jcampbell@leg.ne.gov>, Sara Howard <saraehoward@gmail.com>

Colleagues,

I wanted to provide you with the latest update on the situation at the YRTCs from the committee perspective, my understanding is that an update from CEO Smith will be coming today.

Tour of Lancaster Youth Services Center

Senator Cavanaugh and I visited the Lancaster County Youth Services Center (YSC) on Wednesday. The Department is considering leasing about 30 beds from the YSC. Those beds are in three different "pods." Two are secure spaces - E & F pods, one with 9 beds and one with 11. Each pod has a smaller common room and the pods also have a shared common space. There is a small outdoor area attached to the pods with the use of a larger outdoor grassy space which is fenced in that the Department could also use. There is a third pod with 9 rooms that is "staff secured" meaning the cells are slightly different - the beds are wooden rather than plastic and have drawers for example - and the space is slightly less secure. The staff secure pod would be for youth whose behavior is less severe. I have attached some photos of the facility for those of you who were unable to attend, we are also happy to help set up separate tours here.

While this is a detention facility and not a therapeutic facility, overall the space is nicer than the spaces available at the YRTCs.

We are not clear on the Department's timeline nor are we totally clear on the intended use for the space. It is my understanding that while the space was first being considered for the girls at Geneva, the Department may now be considering it for girls and boys with the highest acuity needs.

I will keep you posted as we learn more.

Hearings on YRTCs

Thank you all for responding so quickly to my email regarding a second set of hearings in Geneva. It appears it will work for most committee members, so we are going to move forward with that plan. The schedule will be as follows:

Wednesday, October 2nd - Geneva

Morning: Tour of YRTC - Geneva (Time TBD)

1:30 p.m.:

- Hearings on LR 103 (Lowe) and LR 200 (Quick)
- Location: Geneva City Council Chambers

Thursday, October 3rd - Kearney

Morning: Tour of YRTC - Kearney (Time TBD)

1:00 p.m.:

- Hearings on LR 103 (Lowe), LR 200 (Quick), and LR 139 (Lowe)
- Location: UNK - Nebraska Student Union, Antelope Room

Reminders

- Tour of Boys Town next Wednesday, September 4th from 3:00 - 5:00
- Exec session after our interim study hearings on September 13th. (I have invited Julie Rogers to sit in with us as we discuss the situation for the YRTCs to help gain an understanding of the scope of her investigation and what the committee feels would be helpful for her to focus on).



As always, please call if you have any questions or would like to discuss this further.

Sincerely,

Sara

Senator Sara Howard

District 9
Nebraska Unicameral Legislature
State Capitol
Room 1402
Lincoln, NE 68509
office: (402)471-2723
email: showard@leg.ne.gov

****Serving Midtown Omaha since 2012****



Shared school area for youth



Gym



Main area for pods



Lounge in pod E



Individual room in pod E



Outdoor area



Staff secure area



Sara Howard <showard@leg.ne.gov>

YRTC Update - 8/30/19

Smith, Dannette <Dannette.Smith@nebraska.gov>

Fri, Aug 30, 2019 at 5:37 PM

To: "Albrecht, Joni" <jalbrecht@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Carol Blood <cblood@leg.ne.gov>, Kate Bolz <kbolz@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Tom Brewer <tbrewer@leg.ne.gov>, Tom Briese <tbriese@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, Sue Crawford <scrawford@leg.ne.gov>, "wdeboer@leg.ne.gov" <wdeboer@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Curt Friesen <cfriesen@leg.ne.gov>, Suzanne Geist <sgeist@leg.ne.gov>, "tgragert@leg.ne.gov" <tgragert@leg.ne.gov>, Mike Groene <mgroene@leg.ne.gov>, Steve Halloran <shalloran@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Matt Hansen <mhansen@leg.ne.gov>, Mike Hilgers <mhilgers@leg.ne.gov>, Robert Hilkemann <rhilkemann@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, Dan Hughes <dhughes@leg.ne.gov>, "mhunt@leg.ne.gov" <mhunt@leg.ne.gov>, Rick Kolowski <rkolowski@leg.ne.gov>, Mark Kolterman <mkolterman@leg.ne.gov>, "alagrone@leg.ne.gov" <alagrone@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, Brett Lindstrom <blindstrom@leg.ne.gov>, Lou Ann Linehan <llinehan@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, John McCollister <jmccollister@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Adam Morfeld <amorfeld@leg.ne.gov>, "mmoser@leg.ne.gov" <mmoser@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Patty Pansing Brooks <ppansingbrooks@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, Jim Scheer <jscheer@leg.ne.gov>, "jslama@leg.ne.gov" <jslama@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Justin Wayne <jwayne@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>

Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>

Senators,

Thank you for your support over the last weeks as we work to get our youth settled at the YRTC in Kearney. To continue to be transparent about the operations of the facility, I'd like to provide you with an update.

The girls are adjusting to life on the Kearney campus. They're attending school, attending group sessions, and all have been assigned a mental health therapist. The girls are all adjusting to the programming and seem to appreciate the structure that has been provided. Parents have also been out to Kearney to visit their children.

Team members continue to be transported from Geneva to Kearney. DHHS is providing transportation for the team and they are paid for their travel time.

We are utilizing a private security company at Kearney. The company is providing perimeter support on the campus. We have 4 security officers onsite 24 hours a day, 7 days a week, who notify YRTC supervisors of unusual or suspicious activity.

Today, Friday, August 30, 2019, we moved all 26 girls on campus from the Bryant building to a different living unit – Morton. Morton is a completely separate, standalone building. The girls will have individual rooms in this living unit.

Work continues on the Geneva campus. I visited YRTC-Geneva with leadership from the Department of Administrative Services and members of an architecture and engineering firm on Tuesday, August 27, 2019, to look at the cottages. The architects will provide an assessment to help us better understand the needs in the buildings. While there we witnessed contractors actively working in the La Flesche cottage to rehabilitate the building.

Again, I appreciate the support you have provided to me and my department. I will continue to provide updates. And, as always, should you have any questions please feel free to reach out to me via email at dannette.smith@nebraska.gov or by phone at (402) 471-9433.

Dannette R. Smith | *DHHS Chief Executive Officer*

Nebraska Department of Health and Human Services

OFFICE: 402-471-9433

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BREAKING Search for survivors suspended in California boat fire; 34 missing confirmed dead

https://journalstar.com/news/state-and-regional/govt-and-politics/teen-girls-escape-from-kearney-youth-center-caught-after-hours/article_0e317108-3a1c-5f75-883c-ccada08440aa.html

4 teen girls escape from Kearney youth center; caught after 2 hours

Lincoln Journal Star 1 hr ago

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Nebraska's Youth Rehabilitation and Treatment Center in Kearney.

Courtesy photo



Four girls at the Youth Rehabilitation and Treatment Center in Kearney were found about two hours after climbing a fence and escaping early Tuesday.

According to the Nebraska Department of Health and Human Services, the girls fled from a living unit.

They escaped at about 12:20 a.m, according to a Buffalo County Emergency Management alert. Two of the four were apprehended at about 2 a.m. by law enforcement and the other two were found by 2:30 a.m.

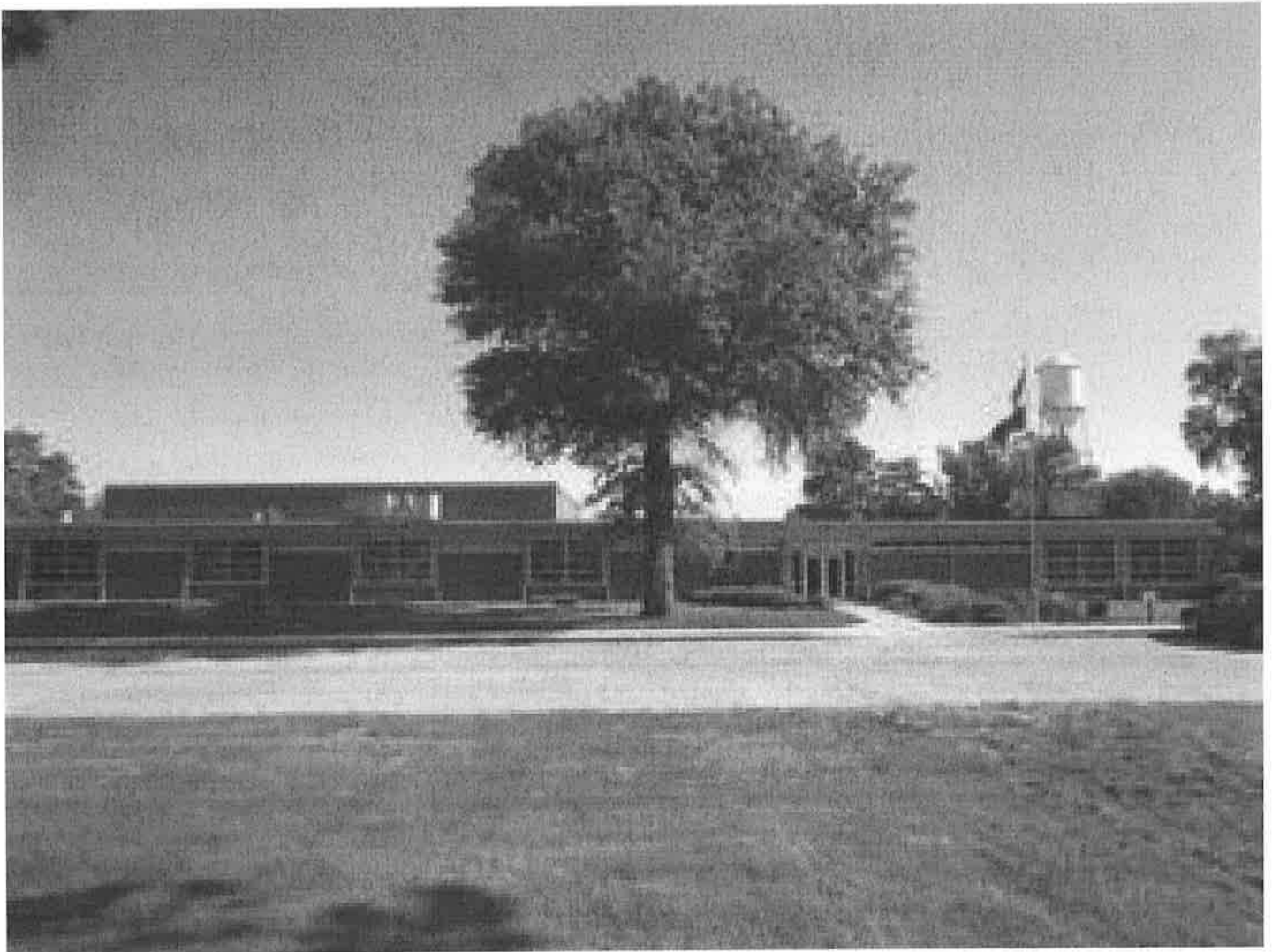
HHS said three of the girls were returned to the center and a fourth was arrested.

AdChoices 

Kearney has been the state's campus-style correctional facility intended for boys and young men.

But about two weeks ago, HHS moved 24 girls from a similar center in Geneva to Kearney after physical conditions at the Geneva center were brought to the state's attention. There have also been allegations concerning a lack of programming, treatment and medical care.

MORE INFORMATION



Mothers of Geneva YRTC youths say they want their daughters home

- 24 girls moved to Kearney youth treatment center

Shelly Kulhanek

Assistant city editor

Shelly Kulhanek is assistant city editor.

Overview of Kearney Visit: September 4th 2019

*The below is a synopsis of Assistant Public Defender [REDACTED] and [REDACTED] conversations with four of our clients. Any difference in services being offered to one client will be outlined below with the juvenile's information.

(A) Geneva Programming:

- a. Behavior Programming:
 - i. MRT: Moral Recovery Treatment; 8 week group managed by caseworkers. Consists of packets and role playing.
 - ii. ART: Anger Recovery Treatment: 8 week group managed by caseworkers. Consists of packets and role playing.
 - iii. ACRA: Drug and Alcohol classes with case manager: Consists of packets and work with therapist.
- b. Schooling:
 - i. All girls go to school from 8am-2:55pm. School is year round and summer breaks occur for 2 weeks at a time. During summer breaks, no extra/organized programming is offered. Credit Recovery or accelerated schooling is not offered.
- c. Medication:
 - i. Onsite psychiatrist met with each girl. All three girls were placed on medication while Geneva including medication for depression, mood disorder, anxiety, and insomnia.
- d. Therapy:
 - i. Overall, it seems therapy is/was limited and not consistent. Also, all girls stated the therapists were not frequently on campus.
 1. Juvenile #1: Saw therapist 2x week, but by January she was only seeing her 2x month.
 2. Juvenile #2: Only spoke with an actual therapist 3x since being committed.
 3. Juvenile #3: Was receiving consistent therapy 2x week.
- e. Showering:
 - i. Girls had individual private showers attached to their cottages. Showers were limited by time but not supervised by staff.
- f. Access to Phones & Attorneys: A phone was connected to each cottage, and located in the gym. Attorney phone calls had to be done through case managers. Case Managers had to supervise phone calls with all parties including attorneys.
- g. Schedule:
 - i. 8-2:55pm: School
 - ii. 3:00-4:00pm: Group includes ART 3x week, and or MRT 2x week → if you have completed these programs you will have free time.
 - iii. 4:00-5:00pm: Free time
 - iv. 5:00-6:00pm: Dinner/Free time
 - v. 6:00-7:00pm: Recreational Time (Organized gym time or swimming)
 - vi. 7:00-10:00pm: Free Time, graduated curfews depending on levels, and showering.



*If girls completed programming or were on school break this time would be unstructured free time. Free Time included being in rec room playing cards and watching TV.

h. Level System:

i. Prior to June: Geneva previously had a level system 1-4. Each level up would include new privileges. For example if you were on a level 2 your bed time would be 8pm, but a level 3 may have a bedtime at 9:00pm. However, if a girl was on a level 3 and had an incident they would be brought down to the Level 1 again. Once you were on Level 3, you could receive furloughs or day trips outside the facility. You could only get your 60 day letter if you were on Level 4. Juvenile #2 mentioned staff often seemed overworked, as they were double booked and worked 48 hours with 4 hour breaks.

ii. After June: The Level system was discontinued in June. This seems to have mirrored the time Dr. Scarborough was demoted and Trevor Spiegel became the head of Geneva. Once the level system was discontinued the girls had no way of knowing when they could be discharged or if they were doing well. The only basis for a discharge would depend on the reports from staff. Also, furloughs/day trips were basically eliminated prior to a 60 day letter. At this time several girls including one of our clients (not currently in the facility) received a 60 day letter despite previously being on a Level 2. When PD asked case manager about this child's discharge, it was stated "this was a decision by the administration."

i. Cottages in August:

i. SAC, Burrows, Pod A/POD B (Laflesh), Sandos

- 1. Juvenile #1: SANDOS in August*
- 2. Juvenile #2 : Sacagawea Cottage*
- 3. Juvenile #3: Sacagawea Cottage*

**Laflesh (Pod A/Pod B) housed solitary but actual cottage attached was closed in May 2019 for renovations.*

(B) Geneva Confinement: (Solitary)

a. Forms:

- i. Safekeeping: If you are danger to others, self, or society. Can be placed in solitary for 48 hours with only a bathroom break.*
- ii. Investigative Safekeeping: used when kids are thought to have done something wrong or inappropriate; solitary is used while they figure out the culprit. Ex. If someone steals something off a staff member's desk, and they believe you are the person who did it.*
- iii. PREA: "Prison Rape Elimination Act": If child is thought to be or is caught inappropriate touching, or is found kissing, etc. (even if consensual), may be placed for a "cooling period."*

b. Conditions:

- i. Room: has a metal bed with mattress, built in desk and chair, allowed to bring 1x book, and did not have lights or suicide lights.*

- ii. Length of Time: 23 hours with a 1 hour break, frequently only received 12 minute shower break or time to go to the bathroom. (Depended on staff overseeing). None of the girls believed there was a maximum time period they could be In solitary.
 - iii. Schooling: No schooling is provided to child placed in confinement.
 - iv. Access to Phone: No access to phone while in confinement except to call Ombudsman.
- c. Client Experience:
- i. Juvenile #1: Believes she was placed in confinement 10x while at Geneva, the longest period of time in confinement was 2 weeks.
 - ii. Juvenile #2: Had been placed in confinement 4x, longest period was 2 days.
 - iii. Juvenile #3: Unclear.

(C) Geneva Incident & Transition

- a. Conditions Prior to Incident: Food had maggots, and a rusty nail was found in the food. Some girls sleeping with mattresses on the floor. Several girls were tampering with the sprinkler systems in the cottages. Every time the sprinklers went off the girls were divided into other cottages.
- b. Incident: On August 8th 2019 at 7:00pm, one of the girls (not Douglas County) in Sacagawea cottage broke the fire sprinkler and the pipe causing a leak in the ceiling. The leak caused the tiles in the ceiling to cave in, exposing the wires and piping. The girls were initially taken to the gym while the mess was being cleaned up. The girls were taken back to their rooms at 9pm. At this time approx. 30 fans were placed in the cottage to dry the water damage. At this time the trim on the walls was taken off, the wires were exposed, and ceiling tiles had not been replaced. The girls were never divided into the other cottages.

On August 11th 2019, the girls refused to go back into Sacagawea cottage because of the smell of mildew, mold, and lack of air-conditioning. Juvenile #3 told us "the smell had made her so sick she was vomiting." When the girls refused to go back into their rooms, they "barricaded" themselves in the gym and began calling the police, CPS HOTLINE, Ombudsman. According to Juvenile #2 she told the staff "the conditions were so bad, she would have been removed from her home if it was her parents' house." She personally made a call to CPS. The sheriffs then came to Geneva and told the girls to go to their rooms otherwise they would be cited for rioting. Juvenile #2 was the first to go back to her room, Juvenile #3 was the last.

- c. Transition to Kearney: On August 19th 2019, girls went to the first period class. Then all the girls were sent back and locked in their cottages without information. During this time Juvenile #2 attempted to call her Aunt, and was told she couldn't call anyone or she would be restrained. After 2 hours, each girl was shackled and handcuffed and placed in vans. Once on the vans, the girls learned they would be transferred to Kearney. They were unable to bring their personal belongings (letters, cards, coloring books, and clothes).

When the girls arrived at Kearney 10 girls including Juvenile #3 and Juvenile #1 were placed in Dickson. The rest of the girls were placed in Bryant (army Barracks). The girls did not have beds until 12pm that night. Their clothes were not brought to them until August 23rd but it was all mixed together.

(D) YRTC Kearney Programming (Girls)”

- a. Behavior Programming:
 - i. As of 8/26/19 the MRT, ART and ACRA programming has resumed.
- b. Schooling:
 - i. As of 8/22 full time schooling was resumed for girls in Bryant Cottage. If girls were placed in confinement will not receive schooling. Credit Recovery or accelerated schooling is not offered.
- c. Medication:
 - i. The girls now have a new psychiatrist since being placed at Kearney. Although, he has not met with any of the girls he has taken them all off of PRNS (medication prescribed as needed) cold turkey, this occurred the first day they came to Kearney.
 - ii. All girls mentioned they wanted to remain on PRNS, however they were told this could not happen by the onsite nurses.
- d. Therapy:
 - i. Juvenile #1: Since being at Kearney has met with her therapist 2x week since last week; however that therapist is quitting, so she will now meet with another therapist. This has not started.
 - ii. Juvenile #2: Has met with new therapist 3x times. Also, was a “guinea pig” for EMDR Trauma Therapy 2x a week, therapist is leaving and she believes this will continue with another therapist who she has met but not started therapy with. She is the only person receiving trauma therapy and this started while at Kearney.
 - iii. Juvenile #3: Has not started therapy because her therapist broke confidentiality. She believes she will receive a new therapist, but has not yet met them.
- e. Schedule: very inconsistent due to lack of staff and traveling between Geneva to YRTC.
 - i. 9:30-1:00pm: Schooling
 - ii. 1:00-2:00pm: Lunch
 - iii. 2:00-3:00pm: Programming
 - iv. 3:00-5:00pm: Free time
 - v. 5:00-6:00pm: Dinner
 - vi. 6:00-10:00pm: *No bedtimes or organized rec time; *Not allowed to go outside.
- f. Access to Phones:
 - i. Are limited to 30 minutes of phone time each week. All calls have to be supervised by case manager including with attorneys.
- g. Showering:
 - i. Since being at Kearney the girls have to shower 8 at a time all together. All girls mentioned this being hard due to their trauma. Female staff observes showers. Girls did not initially have hygiene products. As of August 26th they received hair brushes. Still do not have culturally appropriate hair products.
- h. Cottages:

- i. When first at Kearney Juvenile #2 was placed at Bryant with majority of girls, by Juvenile #1 and Juvenile #3 were placed in Dixon from August 19-August 22nd. They were then switched to Bryant.
 - ii. Bryant: had one wing for girls and the other for boys. The girls all slept in one large room. According to Juvenile #2 she believed they were transitioned because the boys tried to break into their rooms.
 - iii. Morton: On August 31st all the girls were placed in Morton which has individual rooms for each girl.
- i. Levels:
 - i. Has been reinstated since transitioning to Kearney with Levels 1-5 adding an additional level prior to discharge.

(E) YRTC Dickson (Solitary Confinement):

a. Forms:

- i. Safekeeping: If you are danger to others, self, or society.
- ii. Investigative Safekeeping: used when kids are thought to have done something wrong or inappropriate; solitary is used while they figure out the culprit. Ex. If someone steals something off a staff member's desk, and they believe you are the person who did it.
- iii. PREA: "Prison Rape Elimination Act": If child is thought to be or is caught inappropriate touching, or is found kissing, etc. (even if consensual), may be placed for a "cooling period."
- iv. Safety Cell: If someone has lice or is sick and can't be around general population.

b. Conditions:

- i. Room: Brick bed (mattress only allowed during evening), toilet, desk and chair. Not allowed to have anything in the room with them. Very Cold. Juvenile #3 met with us and was wearing scrubs, 2 pairs of socks, and sweatshirt.
- ii. Length of Time: 23 hours with a 1 hour break. (Depends on staff overseeing). Maximum of length of stay is 5 days. However, if you are cited while in Dickson your 5 day time will restart.
- iii. Schooling: No schooling is provided to child placed in confinement.
- iv. Access to Phone: No access to phone while in confinement except to call Ombudsman.

c. Client Experience:

- i. Juvenile #1: was placed in Dickson initially when transitioned to Kearney for 2 days (August 19-22nd). Has also been placed in confinement at another occasion.
- ii. Juvenile #2: Placed for 2 hours for safekeeping after a fight.
- iii. Juvenile #3: was placed in Dickson initially when transitioned to Kearney for 2 days (August 19-22nd). Has also been placed in confinement at another occasion. "DCYC IS BETTER THAN DICKSON"
- iv. Juvenile #4: Placed at Dickson confinement. His 5 day period restarted after cursing out staff. Has been in Solitary for 10 days. "DCYC IS BETTER THAN DICKSON"

(F) YRTC Meetings Experience:

- a. **Not allowed in Buildings:** Scheduled visits with Tracy Carpenter, Mr. Gordman's secretary. Requested to see Dixon and Morton where are girls are located told she would ask admin. Later told us we could only walk outside the buildings when we asked why, she stated because that's what Admin said.
- b. **Location of Visits:** Visits with Juvenile #1 and Juvenile #2 took place in conference room. Although, the caseworker stated "she needed to supervise the meetings," We told her we needed to meet with the girls alone. She ultimately ended up sitting outside the room. Visits with Juvenile #3 and Juvenile #4 took place on a picnic table outside. Case manager sat inside waiting for us to be done.
- c. **Children in Shackles:** Juvenile #3, Juvenile #1, and Juvenile #4 were all placed into leg shackles at the visits. When we asked why we were told because they had tried to escape it was used as a form of punishment.

(G) Client Requests:

a. **Client Request:**

Each client requested to be transported to court to tell judge the below:

- i. **Juvenile #1:** "I want the judge to know I have not received any therapy, they are not helping me with my problems, and are not helping me." → Wants to be placed in foster care.
- ii. **Juvenile #2:** "I was sent to Geneva under the impression I would receive trauma therapy, and treatment, it is not even bearable. I want to tell/show my judge exactly where he is sending us."
- iii. **Juvenile #3:** I would like to tell the judge I want to go to foster care, this is horrible.



Sara Howard <showard@leg.ne.gov>

On Behalf of DAS Director Jason Jackson

Jackson, Jason <jason.jackson@nebraska.gov>

Thu, Sep 5, 2019 at 1:02 PM

To: Kate Bolz <kbolz@leg.ne.gov>

Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>, Jim Scheer <jscheer@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Robert Hilkemann <rhilkemann@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>

Senator Bolz,

Attached please find the Department's response to your letter dated August 27th, 2019, that was mailed and received on September 3rd, 2019.

Sincerely,

Jason Jackson

Director, Nebraska Department of Administrative Services

Acting Director, Nebraska Department of Personnel

Chief HR Officer, Office of Governor Pete Ricketts

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CELL 402-429-5020

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2 attachments

 **Jason Jackson's Response Letter.pdf**
1206K

 **Senator Bolz's Letter.pdf**
69K



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Pete Ricketts, Governor

9/5/2019

Senator Bolz
State Senator, District 29
State Capitol
P.O. Box 94604
Lincoln, NE 68509

Dear Senator Bolz,

I'm writing in response to your correspondence of August 27th, 2019, that was mailed and received by my office on September 3rd, 2019 regarding the Youth Rehabilitation and Treatment Center at Geneva. Though your letter was addressed to the Department of Health and Human Services Director CEO Dannette Smith, the issues posed related to the Department of Administrative Services State Building Division, therefore I'm responding on behalf of both agencies.

The safety and wellbeing of the youth placed in the State's care is our primary concern when dealing with this issue. That has been our primary concern since the recent surge of vandalism began in October, 2018, resulting in the relocation of young women from the Laflesch building. That has continued to be our primary concern as 12 fire suppression heads were destroyed in independent incidents of vandalism since May of this year. The resulting flooding ultimately made the remaining buildings on the Geneva campus uninhabitable. In response to the damage caused by these incidents, CEO Smith took swift and proactive action to relocate the young women to YRTC-Kearney.

To be clear, none of the damage done to these facilities is attributable to the buildings being "allowed to deteriorate". All of the damage to these facilities is attributable to deliberate acts of vandalism. DHHS and DAS staff have been working diligently, side by side, often at all hours of the night, to respond to these incidents and mitigate the damage.

Nor is there any causal relationship between the building conditions and the Appropriations Committee shifting the funding of facility maintenance professionals from DHHS to DAS. DAS Building Division has been providing direct operational support for the Geneva campus since April of 2017. Since the budgetary change, there has not been any personnel or process changes.

Jason Jackson, Director

Department of Administrative Services

1526 K Street, Ste. 250
Lincoln, Nebraska 68508

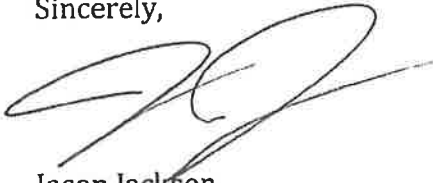
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das.nebraska.gov

Jason Jackson
9/5/2019
Page 2

DAS is working in close partnership, and in response to DHHS's direction, to identify suitable facilities that will address the long term needs of DHHS' youth rehabilitation program. DAS is working to reinforce our structures at the Geneva campus to better withstand the abuse inflicted by the youth we are currently serving.

Sincerely,



Jason Jackson
Director, Department of Administrative Services

CC: CEO Dannette Smith, Department of Health and Human Services
Speaker Jim Scheer
Senator John Stinner
Senator Robert Clements
Senator Myron Dorn
Senator Steve Erdman
Senator Robert Hilkemann
Senator Mike McDonnell
Senator Tony Vargas
Senator Anna Wishart
Senator Sara Howard
Senator John Arch
Senator Machaela Cavanaugh
Senator Ben Hansen
Senator Dave Murman
Senator Lynne Walz
Senator Matt Williams
Senator John Lowe
Senator Tom Brandt
Senator Bruce Bostelman



Sara Howard <showard@leg.ne.gov>

YRTC Update - 9/6/19

1 message

Smith, Dannette <Dannette.Smith@nebraska.gov> Fri, Sep 6, 2019 at 5:42 PM
To: "Albrecht, Joni" <jalbrecht@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Carol Blood <cblood@leg.ne.gov>, Kate Bolz <kbolz@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Tom Brewer <tbrewer@leg.ne.gov>, Tom Briese <tbriese@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, Sue Crawford <scrawford@leg.ne.gov>, "wdeboer@leg.ne.gov" <wdeboer@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Curt Friesen <cfriesen@leg.ne.gov>, Suzanne Geist <sgeist@leg.ne.gov>, "tgragert@leg.ne.gov" <tgragert@leg.ne.gov>, Mike Groene <mgroene@leg.ne.gov>, Steve Halloran <shalloran@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Matt Hansen <mhansen@leg.ne.gov>, Mike Hilgers <mhilgers@leg.ne.gov>, Robert Hilkemann <rhilkemann@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, Dan Hughes <dhughes@leg.ne.gov>, "mhunt@leg.ne.gov" <mhunt@leg.ne.gov>, Rick Kolowski <rkolowski@leg.ne.gov>, Mark Kolterman <mkolterman@leg.ne.gov>, "alagrone@leg.ne.gov" <alagrone@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, Brett Lindstrom <blindstrom@leg.ne.gov>, Lou Ann Linehan <llinehan@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, John McCollister <jmccollister@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Adam Morfeld <amorfeld@leg.ne.gov>, "mmoser@leg.ne.gov" <mmoser@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Patty Pansing Brooks <ppansingbrooks@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, Jim Scheer <jscheer@leg.ne.gov>, "jslama@leg.ne.gov" <jslama@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Justin Wayne <jwayne@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>
Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>

Senators,

Below please find updates and highlights for the youth (girls) at YRTC Kearney. The current census is at 25.

We are pleased to see continued improvement with the girls' adjustment to the Kearney campus and increased participation with educational offerings. Most notably, several girls were recognized on Wednesday for school activities participation. Additionally, the girls are increasingly becoming more engaged in the recreational blocks that are offered.

During the early hours of Tuesday, September 3, 2019, four girls eloped from the facility after stealing keys, allowing them to gain outside access and then scaling the perimeter fence. With information provided by 5-Point Security, the private security company we have contracted with, law enforcement apprehended all four girls within two hours – three youth were returned to the facility and one was admitted to Buffalo County Jail. Fortunately, no youth or staff were injured in this elopement. As counter measures, we have made changes to supervisors' schedules and made procedural changes with perimeter patrol including radio checks. Additionally, compliance is conducting an investigation.

We added two additional Anger Replacement Therapy (ART) groups this week. ART is a cognitive behavioral intervention program to reduce aggressive and violent behavior for adolescents. ART includes a multimodal program with three components: social skills, Anger Control Training and

Moral Reasoning. The ART groups, which occur 3x per week, have proven effective in allowing the girls to continue work towards their program goals and adjusting to the YRTC-Kearney phase model. All girls participate in ART. There is a small core group of girls that are resisting behavioral expectations. We continue to emphasize the established limits with this group, and provide consistent structure through the Phase model – accountability for inappropriate behaviors and positively reinforce pro-social behaviors.

I am pleased to report that on Monday, September 16, 2019, we are going to be hosting 13 students from University of Nebraska at Lincoln (UNL) who will be assigned as mentors for the girls. This semester long mentorship program is also offered to our boys and is overseen by Dr. Anne Hobbs with the University of Nebraska at Omaha - Juvenile Justice Institute. The mentorship program has been successful in the past and we are optimistic we will see similar results with the girls.

On Wednesday, September 4, 2019, a team consisting of DHHS, DAS, and an external architectural firm toured the YRTC-Kearney campus and Lancaster County Youth Services Center to explore further options and assess potential locations for the continuum of high risk youth placed in our care.

Again, I appreciate the support you have provided to me and my department. I will continue to provide updates. And, as always, should you have any questions please feel free to reach out to me via email at dannette.smith@nebraska.gov or by phone at (402) 471-9433.

Dannette R. Smith | *DHHS Chief Executive Officer*

Nebraska Department of Health and Human Services

OFFICE: 402-471-9433

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Jennifer Carter <jcarter@leg.ne.gov>

YRTC Visioning Small Group Meeting Postponed

Engel, Bonnie <Bonnie.Engel@nebraska.gov>

Thu, Sep 12, 2019 at 6:01 PM

To: "Brandner, Jeanne" <jeanne.brandner@nebraska.gov>, "borgworks@gmail.com" <borgworks@gmail.com>, Jennifer Carter <jcarter@leg.ne.gov>, "Gavin, Tamara" <Tamara.Gavin@nebraska.gov>, "Gordon, Paul" <Paul.Gordon@nebraska.gov>, "Hawekotte, Kim B." <kim.hawekotte@nebraska.gov>, "Leschinsky, Heather" <Heather.Leschinsky@nebraska.gov>, "jsummers@voicesforchildren.com" <jsummers@voicesforchildren.com>, "marilyn.rhoten@alegent.org" <marilyn.rhoten@alegent.org>
Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>

The YRTC Visioning Small Group Meeting scheduled for Monday, September 16, 2019, 2:00-4:00pm, is being postponed. Postponing will allow Bill Stanton with Casey Family Programs and Dannette time to continue researching other program models. We anticipate scheduling the next meeting for mid-October. Thank you for your continued support of the youth and families served by the YRTCs.

Should you have any questions please feel free to reach out to Dannette via email at dannette.smith@nebraska.gov or by phone at (402) 471-9433.

Bonnie Engel | *Executive Assistant*

OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nebraska Department of Health and Human Services

OFFICE: 402-471-9433

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Sara Howard <showard@leg.ne.gov>

On Behalf of DAS Director Jason Jackson

Jackson, Jason <jason.jackson@nebraska.gov>

Fri, Sep 13, 2019 at 3:54 PM

To: Jim Scheer <jscheer@leg.ne.gov>, "Albrecht, Joni" <jalbrecht@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Carol Blood <cblood@leg.ne.gov>, Kate Bolz <kbolz@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Tom Brewer <tbrewer@leg.ne.gov>, Tom Briese <tbriese@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, Sue Crawford <scrawford@leg.ne.gov>, "wdeboer@leg.ne.gov" <wdeboer@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Curt Friesen <cfriesen@leg.ne.gov>, Suzanne Geist <sgeist@leg.ne.gov>, "tgragert@leg.ne.gov" <tgragert@leg.ne.gov>, Mike Groene <mgroene@leg.ne.gov>, Steve Halloran <shalloran@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Matt Hansen <mhansen@leg.ne.gov>, Mike Hilgers <mhilgers@leg.ne.gov>, Robert Hilkemann <rhilkemann@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, Dan Hughes <dhughes@leg.ne.gov>, "mhunt@leg.ne.gov" <mhunt@leg.ne.gov>, Rick Kolowski <rkolowski@leg.ne.gov>, Mark Kolterman <mkolterman@leg.ne.gov>, "alagrone@leg.ne.gov" <alagrone@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, Brett Lindstrom <blindstrom@leg.ne.gov>, Lou Ann Linehan <llinehan@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, John McCollister <jmccollister@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Adam Morfeld <amorfeld@leg.ne.gov>, "mmoser@leg.ne.gov" <mmoser@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Patty Pansing Brooks <ppansingbrooks@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, "jslama@leg.ne.gov" <jslama@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Justin Wayne <jwayne@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>

Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>

Dear Mr. Speaker and Members of the Legislature,

Due to recent inquiries about the status of the Youth Rehabilitation Treatment Center Geneva, attached is a letter detailing the incidents of vandalism that contributed to the transfer of the youth at the Youth Rehabilitation Treatment Center Geneva facility. Also attached is my response to previous inquiries about the Youth Rehabilitation Treatment Center Geneva.

Sincerely,

Jason Jackson

Director, Nebraska Department of Administrative Services

Acting Director, Nebraska Department of Personnel

Chief HR Officer, Office of Governor Pete Ricketts

OFFICE 402-471-2331

CELL 402-429-5020

jason.jackson@nebraska.gov

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2 attachments

 **Jason Jackson's Response Letter 9-13-2019.pdf**
1635K

 **Jason Jackson's Response Letter 9-5-2019.pdf**
1206K

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DEPT. OF ADMINISTRATIVE SERVICES



Rose Rickells, Governor

9/13/2019

Mr. Speaker, and
Members of the Legislature
State Capitol
P.O. Box 94604
Lincoln, NE 68509

Dear Mr. Speaker and Members of the Legislature,

I have received questions from senators inquiring about the incidents of vandalism at the Youth Rehabilitation and Treatment Center in Geneva. In the interest of transparency, I wanted to provide every senator a timeline of the incidents of vandalism. As I stated in my letter on September 5, 2019 to Senator Bolz, the safety and well-being of the youth placed in the State's care is our primary concern when dealing with this issue. That has been our primary concern since the recent surge of vandalism beginning in May of 2019, and has continued to be our primary concern.

In each of the 12 vandalism incidents, DHHS and DAS staff responded immediately to secure the water flooding our facilities and begin flood remediation efforts. Our fire safety systems in these facilities are supplied by 1¼ inch pipe, fully pressurized, and augmented by mechanical systems designed to keep the system under pressure after the sprinkler heads have been broken. The State Fire Marshal estimates that in five minutes 200 gallons of water will discharge if one sprinkler head is sheared or broken off, 320 gallons of water will discharge if two sprinkler heads are sheared or broken off, and if a pipe is breached, 1,250 gallons of water will discharge in five minutes. That much water will cause considerable damage to dry-wall, base boards, carpeting, electrical components, HVAC controls, and piping insulation.

The incidents I referenced in my prior correspondence include the following:

- **5/28/2019**
 - Youth broke fire suppression pipe and head in Burroughs room #24

- **6/11/2019**
 - Youth broke fire suppression head off in living quarters east side at Burroughs
 - East side of Burroughs was taken out of service for 6 days

Jason Jackson, Director

Department of Administrative Services

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Lincoln, Nebraska 68508

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FAX 402-471-3754

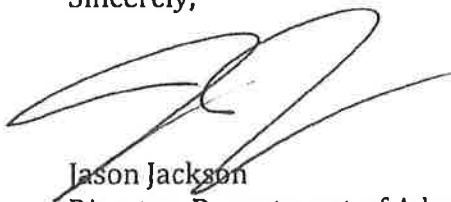
das.nebraska.gov

- **7/20/2019**
 - Youth broke fire suppression head off in day room at Burroughs
 - Day room and 2 offices were taken out of service for 7 days
- **7/24/2019**
 - Youth broke fire suppression head off in room #23 in Burroughs
 - 1 room on the south west side of Burroughs was taken out of service for 3 days
- **7/27/2019**
 - Youth broke off fire suppression head in Sandoz living quarters east side
 - 3 rooms, and 1 office taken out of service for 5 days
- **7/31/2019**
 - Youth broke fire suppression head in day room at Sandoz
 - Day room sectioned off with temporary barriers (plastic) and taken out of service for 7 days
- **8/1/2019**
 - Youth broke fire suppression head and pulled fire suppression piping out of the wall in Burroughs living quarters west hall
- **8/6/2019**
 - Youth broke off 2 fire suppression heads and piping in north side of Burroughs rooms 22 & 23 then used the piece of piping to break glass out of 2 doors
- **8/7/2019**
 - Youth broke fire suppression head off in room #25 in Burroughs
- **8/8/2019**
 - Youth broke fire suppression head in room #21 west hall of Burroughs
- **8/8/2019**
 - Youth physically pulled down fire suppression piping breaking it in 2 places above the ceiling
 - Sandoz day room taken out of service for 9 days – HHS continued to use day room
 - Water traveled through floor into basement and saturated geo thermal systems and air handler
- **8/9/2019**
 - Youth broke fire suppression head in south bathroom, west hall Burroughs

Jason Jackson
9/13/2019
Page 3

The collective impact of the damage inflicted from these deliberate acts of vandalism have undermined the suitability of the YRTC-Geneva campus to deliver programming to the youths in our care. In response, DHHS CEO Dannette Smith acted swiftly and proactively to relocate the youth to YRTC-Kearney. DAS State Building Division continues to work collaboratively, and at DHHS's direction, to repair and reinforce our structures at the Geneva campus to better withstand the damage that has been inflicted through these acts of vandalism.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jason Jackson', written over a faint, larger version of the same signature.

Jason Jackson
Director, Department of Administrative Services

CC: CEO Dannette Smith, Department of Health and Human Services



Sara Howard <showard@leg.ne.gov>

On behalf of CEO Dannete R. Smith, DHHS

Zabokrtsky, Dustin <Dustin.Zabokrtsky@nebraska.gov>
To: Sara Howard <showard@leg.ne.gov>

Fri, Sep 13, 2019 at 5:03 PM

Dustin S. Zabokrtsky | *Executive Strategic Advisor*

OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nebraska Department of Health and Human Services

MOBILE: 402-990-7326

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 **YRTC Update 9-13-19.pdf**
164K



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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

Senators,

Below please find updates and highlights for the youth (girls) at YRTC Kearney. The current census is at 24 girls and 92 males.

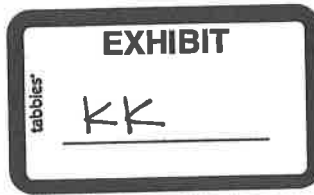
- The girls have been on the Kearney campus for one month. During this period there have been a number of visitors to the campus from the Legislature (Senators and Ombudsman), the Court (Judges, attorneys and Probation), the Inspector General and members from the Foster Care Review Board.
 - The YRTC-Kearney staff have been working feverously to assist with the girls' transition to the new environment, while continuing treatment protocols. They will continue to facilitate their transition, and minimize the impact and disruption for the girls.
- Upon arrival to YRTC-Kearney, all girls were seen by a medical provider to ensure a continuum of care and to address any urgent medical needs. This included review of current prescriptions and dosages.
 - On September 10, 2019, the Executive Medical Officer, Dr. Janine Fromm, a Board Certified Psychiatrist, visited the YRTC-Kearney campus to review medical records as a quality measure for care management. Dr. Fromm also reviewed current medications, dispensing records and laboratory reports. Dr. Fromm found no acute medication needs that were not being met. She did adjust some medications after evaluating the girls, and did follow up on some laboratory tests. Dr. Fromm commented that the three general practice physicians had done an excellent job assessing the girls on their admission to YRTC-Kearney and that the medication changes they had made were excellent and consistent with evidence based best practices.
- On September 21, 2019 we will conduct recruitment fairs at both the YRTC-Geneva and YRTC-Kearney campuses. The priority for these recruitment fairs will be identifying and recruiting Youth Program Specialist positions and teachers.

Again, I appreciate the support you have provided to me and my department. I will continue to provide updates. And, as always, should you have any questions please feel free to reach out to me via email at dannette.smith@nebraska.gov or by phone at (402) 471-9433.

Dannette R. Smith | *DHHS Chief Executive Officer*
Nebraska Department of Health and Human Services

OFFICE: 402-471-9433

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Sara Howard <showard@leg.ne.gov>

YRTC Update - 9/20/19

Smith, Dannette <Dannette.Smith@nebraska.gov> Fri, Sep 20, 2019 at 4:29 PM
To: "Albrecht, Joni" <jalbrecht@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Carol Blood <cblood@leg.ne.gov>, Kate Bolz <kbolz@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>, "brandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Tom Brewer <tbrewer@leg.ne.gov>, Tom Briese <tbriese@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, Cynthia Grandberry <cgrandberry@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, Sue Crawford <scrawford@leg.ne.gov>, "wdeboer@leg.ne.gov" <wdeboer@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Curt Friesen <cfriesen@leg.ne.gov>, Suzanne Geist <sgeist@leg.ne.gov>, "ttragert@leg.ne.gov" <ttragert@leg.ne.gov>, Mike Groene <mgroene@leg.ne.gov>, Steve Halloran <shalloran@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Matt Hansen <mhansen@leg.ne.gov>, Mike Hilgers <mhilgers@leg.ne.gov>, Robert Hiikemann <rhiikemann@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, Dan Hughes <dhughes@leg.ne.gov>, "mhunt@leg.ne.gov" <mhunt@leg.ne.gov>, Rick Kolowski <rkolowski@leg.ne.gov>, Mark Kolterman <mkolterman@leg.ne.gov>, "alagrone@leg.ne.gov" <alagrone@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, Brett Lindstrom <blindstrom@leg.ne.gov>, Lou Ann Linehan <llinehan@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, John McCollister <jmccollister@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Adam Morfeld <amorfeld@leg.ne.gov>, "mmoser@leg.ne.gov" <mmoser@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Patty Pansing Brooks <ppansingbrooks@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, Jim Scheer <jscheer@leg.ne.gov>, "jslama@leg.ne.gov" <jslama@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Justin Wayne <jwayne@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>
Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>

Senators,

Below please find updates and highlights for the youth (girls) at YRTC-Kearney. The current census is at 23 girls and 89 males. One girl was discharged on September 17, 2019, and we have had no additional admits since the relocation to the Kearney campus.

- On September 16, 2019, 13 students from the UNL Re-Entry Student Mentors program met with youth at the Kearney campus. The purpose of the mentor program is to assist in transitioning back into the community and reduce the rate of recidivism among the juvenile youth. This is a semester long mentorship program overseen by Dr. Anne Hobbs with the University of Nebraska.
- We continue to enhance the care and expand the resource capabilities to serve the needs of the girls at YRTC-Kearney.
 - DHHS has contracted with Boys Town to provide additional therapy and medication management support for our female youth. The psychotherapy will be provided by a Boys Town LIMHP, and the medication management via telehealth by a Boys Town Board Certified Child and Adolescent Psychiatrist.

Boys Town mental health services began on September 12, 2019, and medication management on September 13, 2019. This is additional support to supplement services provided by the YRTC-Kearney mental health department. As of today, eight girls have been served through this contract.

- All girls are receiving new physical exams and treatment by Family Medicine physicians, Drs. Hilliard, Wewel and Meyers.

- On September 18, 2019, three boys overpowered a staff member in the early morning and stole the keys. Two boys were able to scale the fence, one boy was quickly apprehended, and one youth is still at large. We are continuing to assess the campus environment for safety.

Again, I appreciate the support you have provided to me and my department. I will continue to provide updates. And, as always, should you have any questions please feel free to reach out to me via email at dannette.smith@nebraska.gov or by phone at (402) 471-9433.

Dannette R. Smith | *DHHS Chief Executive Officer*

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Health and Human Services Committee

LR200

Oct. 2, 2019

Dannette R. Smith

Chief Executive Officer

Nebraska Department of Health and Human Services

Good afternoon, Senator Howard and members of the Health and Human Services Committee. My name is Dannette R. Smith (D-A-N-N-E-T-T-E R S-M-I-T-H). I am Chief Executive Officer for the Department of Health and Human Services. I am here to testify on LR200 and provide an update on programming at the Youth Rehabilitation and Treatment Center – Geneva on behalf of the Department.

As you are aware, the female youth were relocated to the Youth Rehabilitation and Treatment Center in Kearney on August 19, 2019 after conditions on the Geneva campus were deemed insufficient.

Vandalism incidents at the cottage in early August, coupled with existing programming and staffing issues created a critical situation. The move to Kearney was needed to ensure the safety and wellbeing of the youth.

Teammates from Geneva accompanied the youth to Kearney including direct care staff, case managers, teachers, mental health staff, and food service staff.

The females remain separated from the males.


Some youth have high acuity of behavioral health needs that have resulted in poor critical thinking, self-harming behaviors, and harming behaviors to others, along with significant “Anger Management” issues. This type of symptom-related behavior and sometimes criminogenic behavior, requires diverse modalities of treatment and support.

Challenges related to recruitment, training, and maintaining staff impacted and compromised the programming for female youth at Geneva. There were signs that programming should be more robust in clinical support as well as day-to-day programming, which should have included clinical services, recreational services, individual treatment and behavioral modification programming. But it was clear this was not occurring due to staffing levels and a lack of appropriate clinical staff to support the programs.

My Litmus Test for the last 25 years has been if it’s not good enough for Danielle and Emerald, who are my daughters, then it is not good enough for the youth I serve.

At no time did we abdicate our responsibility in our care of the youth in Geneva. The decisions we made, including difficult ones, were made with the consideration of the youth’s best interest and their families in mind.

The Department’s goal is to ensure an environment that is safe, supportive and gives youth the opportunity to thrive as they move into adulthood. A critical component is creating a continuum of care that serves their diverse needs.



Currently, there are 20 female youth on the Kearney campus and I want to highlight some of the progress we've made as we enhance care and programming as well as expand resource capabilities.

The youth are adjusting to life in Kearney and we are pleased to see continued improvement and increased participation in educational offerings. They're attending school, attending group sessions, and all have been assigned a mental health therapist.

Several youth were recognized recently for school activities participation. Additionally, they are increasingly becoming more engaged in the recreational blocks that are offered.

For example, if the youth attended classes, participated in recreational activities and completed homework all week, a special activity occurred.

Parental involvement and visitation continues to occur with family.

We have implemented a new, more youth-focused process for developing a master treatment plan. The youth and his/her family help lead the discussion related to treatment. Everyone involved in treatment is around the table including case managers, therapists, health care providers, probation officers, and teachers. This collaborative approach engages everyone in treatment and empowers youth and families. The center in Kearney also switched to a new program model called the Phase Model in May.

The Phase Model provides consistent structure, support and clear boundaries for behavior.

Youth are scored daily in their interactions with peers, staff and their compliance with the treatment program. The scores dictate the youth's movement through the program and also what incentives they will earn.

The goal of the Phase Model is to reshape behavior. The youth are adjusting well to the Phase Model at Kearney.

The Department has contracted with Boys Town to provide additional therapy and medication management support for the female youth. The psychotherapy is provided by a Licensed Independent Mental Health Practitioner from Boys Town, and the medication management via telehealth by a Boys Town Board Certified Child and Adolescent Psychiatrist.

Boys Town mental health services began on September 12, 2019, and medication management on September 13, 2019. This is additional support to supplement services provided by the YRTC-Kearney mental health department. Eight youth have been served through this contract.

Relocating to Kearney provided an opportunity for us to consolidate resources so we're able to offer more consistent programming to the female youth.

They continue to participate in evidence-based programming including Moral Reconciliation Therapy (MRT) and Aggression Replacement Training (ART) which wasn't always available at Geneva due to lack of clinical staff. Both programs are cognitive behavioral programs.

We added two additional ART groups in early September for the female youth.

The ART groups, which occur 3x per week, have proven effective in allowing the youth to continue work towards their program goals and adjust to the Phase Model.

Youth who have substance abuse issues are also participating in Adolescent Community Reinforcement Approach with our mental health staff. This program has been identified as a best practice through the Substance Abuse and Mental Health Services Administration and now can be offered to the girls consistently.

We will continue our efforts to strengthen programming at Kearney.

The ability to strengthen programming is driven by the ability to recruit and maintain staffing. The Department's Human Resources team and YRTC leadership held career fairs at both campuses on September 21, 2019.

There were a total of 12 interviews for direct care positions, three at the Geneva campus and nine at the Kearney campus. 10 offers were made. Six were accepted and two are pending.

Recruitment remains a challenge and we are actively seeking potential solutions.

As we move forward, I will continue to personally provide updates to the HHS committee and key stakeholders including the Executive Branch, Judicial Branch, Office of the Inspector General, and the State Ombudsman's Office.

I appreciate the support you have provided to me and the Department.

Thank you for the opportunity to testify before you today. I'm happy to answer any questions you may have.

YRTC Update - 9/27/19

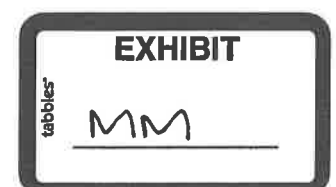
Smith, Dannette <Dannette.Smith@nebraska.gov> Fri, Sep 27, 2019 at 4:47 PM
To: "Albrecht, Joni" <jalbrecht@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Carol Blood <cblood@leg.ne.gov>, Kate Bolz <kbolz@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Tom Brewer <tbrewer@leg.ne.gov>, Tom Briese <tbriese@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, Cynthia Grandberry <cgrandberry@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, Sue Crawford <scrawford@leg.ne.gov>, "wdeboer@leg.ne.gov" <wdeboer@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Curt Friesen <cfriesen@leg.ne.gov>, Suzanne Geist <sgeist@leg.ne.gov>, "tgragert@leg.ne.gov" <tgragert@leg.ne.gov>, Mike Groene <mgroene@leg.ne.gov>, Steve Halloran <shalloran@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Matt Hansen <mhansen@leg.ne.gov>, Mike Hilgers <mhilgers@leg.ne.gov>, Robert Hilkemann <rhilkemann@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, Dan Hughes <dhughes@leg.ne.gov>, "mhunt@leg.ne.gov" <mhunt@leg.ne.gov>, Rick Kolowski <rkolowski@leg.ne.gov>, Mark Kolterman <mkolterman@leg.ne.gov>, "alagrone@leg.ne.gov" <alagrone@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, Brett Lindstrom <blindstrom@leg.ne.gov>, Lou Ann Linehan <llinehan@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, John McCollister <jmccollister@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Adam Morfeld <amorfeld@leg.ne.gov>, "mmoser@leg.ne.gov" <mmoser@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Patty Pansing Brooks <ppansingbrooks@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, Jim Scheer <jscheer@leg.ne.gov>, "jslama@leg.ne.gov" <jslama@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Justin Wayne <jwayne@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>
Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>

Senators,

Below please find updates and highlights for the youth at YRTC-Kearney. The current census is at 20 girls and 91 boys. Three girls were discharged on September 19, 20 and 24, 2019. We have no additional girl admits since relocating to the Kearney campus. There were no major incidents involving either the boys or girls this week.

- On September 21, 2019, DHHS Human Resources and YRTC leadership held career fairs at both the YRTC-Geneva and YRTC-Kearney campuses. There were a total of 12 interviews for direct care positions, three at the YRTC-Geneva campus and nine at the YRTC-Kearney campus. DHHS Human Resources will follow-up with job offers as appropriate.
- On September 24, 2019, YRTC-Kearney hosted its 4th Annual Law Enforcement Appreciation Picnic. This was a great opportunity to extend our appreciation to law enforcement officers, and all they do to support YRTC. The picnic was well attended with 21 law enforcement officers representing the Nebraska State Patrol, the Kearney City Police and the Buffalo County Sheriff's Office.
- On September 25, 2019, representatives from Nebraska Department of Labor, Vocational Rehabilitation and the American Association of Builders and Construction Workers visited the YRTC-Kearney campus. This is part of an ongoing effort to promote vocational opportunities to our youth. YRTC-Kearney has purchased a forklift simulator to assist youth in gaining skills and certification in this job area. We are developing other apprenticeship areas including careers in carpentry, electrical, plumbing, welding, HVAC and pipe fitting.

Again, I appreciate the support you have provided to me and my department. I will continue to provide updates. And, as always, should you have any questions please feel free to reach out to me via email at dannette.smith@nebraska.gov or by phone at (402) 471-9433.



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Sara Howard <showard@leg.ne.gov>

Fwd: Ombudsman update

1 message

Jerall Moreland <jmoreland@leg.ne.gov>
To: Sara Howard <showard@leg.ne.gov>

Fri, Sep 27, 2019 at 9:10 AM

Good Morning Senator,

Please see update from YRTC-Kearney that I get on a weekly basis. Apprenticeship opportunities would be beneficial for the campus.

Thanks and let me know if you have any questions. Jerall

----- Forwarded message -----

From: **Jerall Moreland** <jmoreland@leg.ne.gov>
Date: Fri, Sep 27, 2019 at 9:04 AM
Subject: Re: Ombudsman update
To: Berggren, Nicole <Nicole.Berggren@nebraska.gov>
Cc: LaBouchardiere, Mark <Mark.LaBouchardiere@nebraska.gov>, Gordon, Paul <Paul.Gordon@nebraska.gov>

Good Morning Nicole,

Thanks for the update. I am pleased to hear about the NDOL and VR discussions. Finding meaningful activities for the adolescents on your campus will undoubtedly enhance the youth experience and impact overall operational challenges. I look forward to outcomes in this area.

I am glad to hear no significant issues occurred this week.

Also, could you send me a sample (3 from the boys and 3 from the girls) of any grievance issue concerning food and/or school that you may of had on campus and how they were addressed.

Yours Truly, Jerall

On Thu, Sep 26, 2019 at 3:41 PM Berggren, Nicole <Nicole.Berggren@nebraska.gov> wrote:

Update YRTC Female Youth: September 23-September 26

Census: 20



Hello Jerall,

We discharged one female youth on September 24th, bringing our census down to 20. On September 25th, we had representatives from NDOL and VR come to the facility to tour and discuss apprenticeship opportunities in trades careers such as carpentry, electrical, plumbing, welding, HVAC, and pipe fitting. We will keep you informed as those opportunities develop. We had no significant issues this week. Please let me know if you have any questions.

Nicole Berggren | *Juvenile Justice Administrator*

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YRTC Update – 10/4/19

Smith, Dannette <Dannette.Smith@nebraska.gov>

Fri, Oct 4, 2019 at 6:00 PM

To: "Albrecht, Joni" <jalbrecht@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Carol Blood <cblood@leg.ne.gov>, Kate Bolz <kbolz@leg.ne.gov>, Bruce Bostelman <bbostelman@leg.ne.gov>, "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, Tom Brewer <tbrewer@leg.ne.gov>, Tom Briese <tbriese@leg.ne.gov>, "mcavanaugh@leg.ne.gov" <mcavanaugh@leg.ne.gov>, Cynthia Grandberry <cgrandberry@leg.ne.gov>, Robert Clements <rclements@leg.ne.gov>, Sue Crawford <scrawford@leg.ne.gov>, "wdeboer@leg.ne.gov" <wdeboer@leg.ne.gov>, "mdorn@leg.ne.gov" <mdorn@leg.ne.gov>, Steve Erdman <serdman@leg.ne.gov>, Curt Friesen <cfriesen@leg.ne.gov>, Suzanne Geist <sgeist@leg.ne.gov>, "tgragert@leg.ne.gov" <tgragert@leg.ne.gov>, Mike Groene <mgroene@leg.ne.gov>, Steve Halloran <shalloran@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Matt Hansen <mhansen@leg.ne.gov>, Mike Hilgers <mhilgers@leg.ne.gov>, Robert Hilkemann <rhilkemann@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, Dan Hughes <d Hughes@leg.ne.gov>, "mhunt@leg.ne.gov" <mhunt@leg.ne.gov>, Rick Kolowski <rkolowski@leg.ne.gov>, Mark Kolterman <mkolterman@leg.ne.gov>, "alagrone@leg.ne.gov" <alagrone@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, Brett Lindstrom <blindstrom@leg.ne.gov>, Lou Ann Linehan <llinehan@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, John McCollister <jmccollister@leg.ne.gov>, Mike McDonnell <mmcdonnell@leg.ne.gov>, Adam Morfeld <amorfeld@leg.ne.gov>, "mmoser@leg.ne.gov" <mmoser@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, Patty Pansing Brooks <ppansingbrooks@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, Jim Scheer <jscheer@leg.ne.gov>, "jslama@leg.ne.gov" <jslama@leg.ne.gov>, John Stinner <jstinner@leg.ne.gov>, Tony Vargas <tvargas@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>, Justin Wayne <jwayne@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "Wishart, Anna" <awishart@leg.ne.gov>

Senators,

This week the Department of Health and Human Services was very involved in the Health and Human Services Committee interim hearings and tours at YRTC-Geneva on Wednesday, October 2, 2019, and at YRTC-Kearney on Thursday, October 3, 2019.

At this time there is nothing new to report. The youth at YRTC-Kearney continue to do well in their new environment.

I will keep you apprised as critical care to the youth, programming, and facilities evolve.

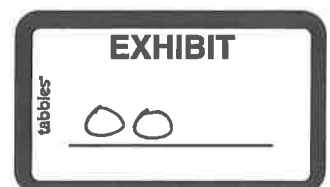
Again, I appreciate the support you have provided to me and my department. And, as always, should you have any questions please feel free to reach out to me via email at dannette.smith@nebraska.gov or by phone at (402) 471-9433.

Dannette R. Smith | *DHHS Chief Executive Officer*

Nebraska Department of Health and Human Services

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Sara Howard <showard@leg.ne.gov>

YRTC Plan on behalf of CEO Dannette Smith

Zabokrtsky, Dustin <Dustin.Zabokrtsky@nebraska.gov>

Mon, Oct 21, 2019 at 7:12 PM

To: "tbrandt@leg.ne.gov" <tbrandt@leg.ne.gov>, John Lowe <jlowe@leg.ne.gov>, Dan Quick <dquick@leg.ne.gov>, Sara Howard <showard@leg.ne.gov>, "Lathrop, Steve" <slathrop@leg.ne.gov>, "jarch@leg.ne.gov" <jarch@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>, "dmurman@leg.ne.gov" <dmurman@leg.ne.gov>, "ppansingbroks@leg.ne.gov" <ppansingbroks@leg.ne.gov>, "bhansen@leg.ne.gov" <bhansen@leg.ne.gov>, Machaela Cavanaugh <mcavanaugh@leg.ne.gov>, Lynne Walz <lwalz@leg.ne.gov>

Senators,

Please see attached YRTC system plan that was referenced in the discussions with the CEO.

Please let me know if you have questions.

Thanks,

Dustin S. Zabokrtsky | *Executive Strategic Advisor*

OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nebraska Department of Health and Human Services

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 **YRTC Business Plan Distribution 10-21-19.pdf**
845K





Youth Rehabilitation & Treatment Centers Business Plan

Monday, October 21, 2019

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

Pete Ricketts
Governor

Dannette R. Smith
Chief Executive Officer

Youth Rehabilitation and Treatment Centers System Business Plan

Outline:

- I. Executive Summary
 - a. Background
 - b. Vision
 - c. Benchmarking and guiding principles
 - d. Business goals
- II. YRTC System Campus Business Descriptions – YRTC-Kearney, YRTC-Lincoln and YRTC-Geneva
 - a. Capacity and key highlights
 - b. Programming
- III. Performance Metrics – YRTC-System and Campus Specific
- IV. Education
- V. Implementation Plan
 - a. YRTC-Lincoln phased plan
 - b. YRTC-Geneva timeline
- VI. Future Planning and Development

I. Executive Summary

Background

For over 130 years, the State of Nebraska has been providing rehabilitation services for youth. The Youth Rehabilitation and Treatment Center (YRTC) at Geneva began operations in 1892, and the Kearney location began operations in 1881. Since opening the doors, both facilities have supported the mission as it has evolved and expanded over the years, despite growing modern constraints – aging physical plants (dating back to the 1950s), increased requirements for programming and staffing, and labor supply challenges.

The State of Nebraska has an opportunity to improve the services provided to youth at its YRTCs. This includes depth and scope of programming, appropriate staffing (levels and qualifications), updated facilities and security functionality, treatment and care protocols, and the educational and rehabilitative needs of its resident youth. The current facilities, staffing and programming are not best suited to meet the current needs, nor sustainable in meeting desired future state demands. This plan outlines initiatives to address immediate facility concerns and staffing needs necessary for the security, safety, health, wellness and development of youth residents.

In December of 2013, the Nebraska Children’s Commission, along with the Juvenile Services (OJS) Committee, produced a report outlining recommendations specific to YRTC with the purpose of creating an “ideal juvenile justice treatment system.” This plan includes details that reflect the intent of OJS’s recommendations; for intermediate and long-term planning for YRTC.

In July and August of this year, a group of cross-system stakeholders met to discuss an immediate emergent need, and to design a desired future state. These meetings are noteworthy in signaling “**system collaboration**,” as well as commonality for improving the outcomes for our youth. The stakeholder group included members from the Department of Health and Human Services (DHHS), Probation and the juvenile courts, non-profits and advocacy organizations, and the Legislature. The outcome of these meetings produced a vision for the YRTC:

Vision

- Children have **hope and sense of the future** – they have identified and are living the best version of themselves.
- Children have a **voice and choice** in plans for their future as well as services and resources to help them be successful.
- Children view their experience at the YRTC as a “watershed moment” in their lives – something having a **profound and positive impact on who they are** as a person.
- The **focus of treatment is on the whole family** and is rooted in compassion and well-being.
- Children are **connected to family, mentors and other caring adults** for support and guidance.
- Children **experience increased resiliency and skills**.

- Children **successfully transition** from the YRTC with a focus on tailored services and treatment timelines based on the need for opportunities to experience the “real world” before transitioning back to the community, and expectations that are age and developmentally appropriate.

Benchmarking & Guiding Principles

The leadership of the Department of Administrative Services (DAS) and DHHS consulted with the DLR Group for the purpose of evaluating current and potential interim facilities, and to gain an understanding of the desired future vision for YRTC. The DLR Group was helpful in providing benchmark research from states that have undergone similar transitions of its juvenile rehabilitation treatment programs. Similarly, DHHS has collected benchmark research from other state’s programs. Preliminary review of the research identified several key success factors in both facility design and programming. Below is an adaption from the research elements and is inclusive of the ***Child and Adolescent Service System Program (CASSP)*** principles identified in the ***2013 OJS report***. These serve as guiding principles in designing and implementing plans for YRTC.

- Multi-disciplinary team (MDT)¹ planning and execution of among state agencies
- Engaging key system stakeholders in planning and collaboration – DHHS, DAS, Probation, the juvenile courts, advocacy organizations and the Legislature
- Strength-based programming that promotes adolescent brain development and positive human development – skills building, mental health, healing and personal growth, empowerment, problem solving and emotional intelligence
- Adoption of small-group care model core elements – cohort consistency, relationships, homelike living spaces, self-care and shared responsibilities of shared spaces
- Appropriate aftercare and re-entry are essential to case planning and successful transitioning back to the community
- Academic achievement and engagement are critical elements for case planning and successful re-entry – core curriculum, life skills, emotional intelligence and career skills
- Engaging families as partners early and throughout the continuum of care
- Promotion of psychological and physical safety for residents and staff with integration into daily activities
- Designing facilities that promote treatment and development vs. juvenile detention
- Data is continuously collected, analyzed and reported to drive decision making, guide case planning, quality improvement and success with activities and programming

1. *MDT includes unit manager, LMHT, clinical supervisor, case manager, teachers, principal, nurse, behavioral analyst, behavioral tech & activity specialist*

DHHS is committed to its mission of *Helping People Live Better Lives*. This includes ensuring care environments are culturally, linguistically and ethnically diverse to support our youth and families in providing youth rehabilitation and treatment services.

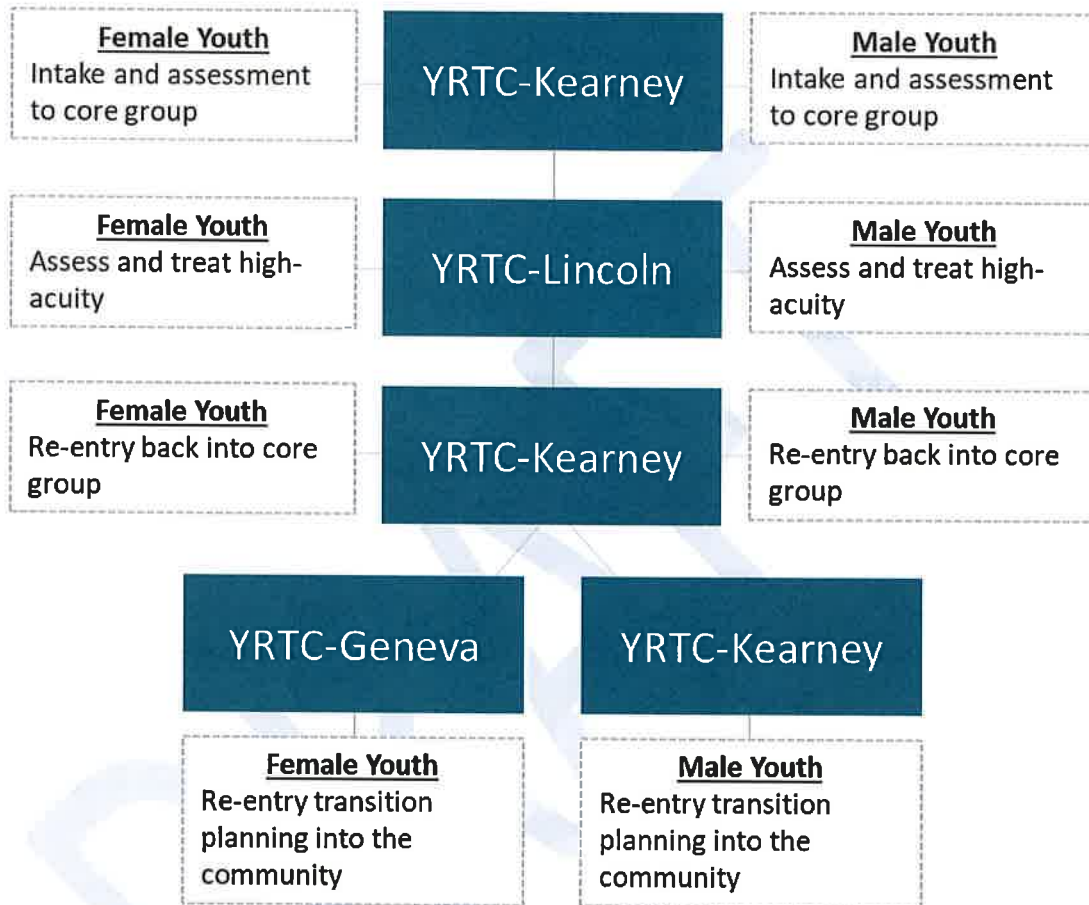
As current operations are not sustainable, the Department must execute strategies to position the State's YRTC's for future success. Given the emergent facility and staffing needs, DHHS will take a three-pronged approach in developing the **YRTC System**, implementing a plan to achieve short-term goals, and allow for **long-range strategic planning** done in collaboration with key *system stakeholders*. This three-pronged approach will address immediate facility needs, while ensuring the safety and well-being of the resident population.

Business Goals:

- Develop a system that will provide appropriate level of care and security for youth they progress in their treatment.
- Implement targeted interventions to high-acuity, at-risk youth separate from the core group that is positively responding to programming.
- Develop population specific programming (gender, acuity, culture, linguistics and race) and programming based on a youth's progress and needs for transitioning back to the community.

YRTC Treatment System – Three-Pronged Approach:

The three-pronged approach will accomplish these goals utilizing facilities based on their security and service capabilities. The facilities include YRTC-Kearney, YRTC-Lincoln and YRTC-Geneva.



II. YRTC System Campus Business Descriptions

YRTC-Kearney

This plan includes current services provided at the YRTC-Kearney campus. YRTC-Kearney is the hub for the YRTC system, providing initial intake, assessment and programming for the core group of youth. YRTC-Kearney has a capacity to serve 172 youth. The campus includes five open living units, with one unit having separate youth sleeping rooms, and four units providing a dormitory-style setting. YRTC-Kearney has a dining hall and chapel, and recreational activities which include an indoor pool, gymnasium, weight room, baseball field, outdoor play pads, a soccer field and an obstacle course.

Key Highlights

- The YRTC-Kearney campus includes the Dickson Behavioral Stabilization Unit, which is the most secure unit on campus. This unit is utilized for youth who are struggling to be compliant with programming, exhibit aggressive behavior or who have displayed other behaviors which make them a risk to themselves, others or the well-being of the facility.
- YRTC-Kearney's school is an accredited high school from which youth can graduate. Additional training and certifications are available for youth in vocational career paths.

Programming

The programming at YRTC-Kearney is based on the Phase model, which assesses youth behavior from admission through discharge. Upon arrival at YRTC-Kearney and throughout their stay, youth are given assessments to establish baseline metrics, and then to assess progress as they move through the programming. The facility uses the University of Rhode Island's Change Assessment Scale (URICA) to assess a youth's readiness to change. This assessment is given upon admission and again toward the end of Phase 2. Another tool used is the Inventory of Callous-Unemotional Traits (ICU) which assesses the personality trait of callousness or emotional coldness. This assessment is administered upon admission and again during Phases 3 and 5 of the program.

The Phase model is an incentive based program in which youth are scored daily on their compliance with the program, interactions with their peers and their interactions with staff. A youth's scores dictate their movement through the program and identifies which incentives they are eligible to receive.

YRTC-Lincoln

This plan will seek to establish services at Lancaster County Youth Services Center (LCYSC or YRTC-Lincoln), which has the capacity of 20 individual rooms divided between two separate pods, a day room and a separate secure outdoor recreational space. **New programming** will be developed to serve the needs for both male and female youth with high behavioral acuity and will include **intensive behavioral modification** programming, **family treatment** and **family support**. This will establish a model for successful transition for youth back to YRTC-Kearney where they can continue core programming or back to the community (if youth age out). Similar to the core programming, YRTC-Lincoln may include treatment for mental health conditions such as conduct disorders, oppositional defiant disorders, borderline personality disorders, disruptive mood dysregulation disorders, ADHD and PTSD.

Key Highlights

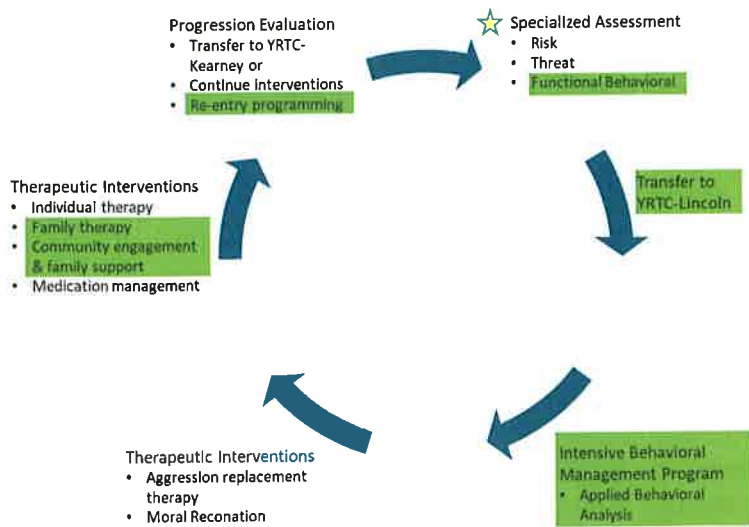
- This plan allows for separation of female and male youth, one pod for each gender.
- This plan allows for implementation of **targeted behavioral programming** for high-acuity youth, a trauma therapy model, family therapy and medical and psychiatric staffing.
- The facility provides the appropriate **physical structure and security** required to serve high-acuity youth.
- Operations will be phased into this location to allow for appropriate adjustment for both youth and staff development.

The youth that will be relocated to YRTC-Lincoln have unique needs and require intensive, targeted behavioral programming specific to these needs. They are admitted with known severe behavioral issues, or since in custody, they have demonstrated behaviors that have escalated to the degree that they cannot be safely managed in the congregate care setting on the YRTC-Kearney campus.

The YRTC-Lincoln physical structure will provide additional security and supervision capabilities through individual rooms with the ability to secure. These are critical capabilities to have when providing treatment when youth behaviors are imminently dangerous to themselves, other youth and staff. While these capabilities are key, this population will also require unique therapeutic programming to replace problematic behavior tendencies with adaptive, functional behavior.

In addition to security and supervision capabilities, YRTC-Lincoln will provide intensive programming for youth in the YRTC system who are not responding to behavioral treatment at YRTC-Kearney. This is only after the YRTC-Kearney team has thoroughly assessed the youth and determined that more intensive behavioral interventions are needed to help stabilize the youth. The treatment at YRTC-Lincoln, outlined below, will be highly therapeutic in a safe and secure treatment setting.

Once the youth's behaviors have stabilized and they are responding to programming, the youth will return to the main campus at YRTC-Kearney for continuation of their treatment program, but at a reduced intensity level.



Behavioral management, including specific therapeutic models such as Applied Behavioral Analysis, have well researched validity and applicability to a wide range of populations that experience disruptive or maladaptive behavior. This includes children with Autism Spectrum Disorder and other developmental disabilities as well as individuals in the criminal justice system.

Behavioral management interventions can be provided in various intensities and settings from outpatient, home based models to intensive residential models. Youth at YRTC-Lincoln will receive intensive behavioral modification interventions from staff specifically trained in behavioral modification through the Behavior Analyst Certification Board (BACB).

**Items in green indicate new programming*

Programming Highlights

- Specialized assessment – risk, threat and functional behavior
- Intensive behavioral management interventions
- Staff trained and supervised by Board Certified Behavior Analysts
- Enhanced family treatment and support
- Progress and transition to re-entry programming

Direct care staff (formerly youth security specialists) will be certified as Registered Behavioral Technicians (RBT) which will involve creating a different classification for this direct care staff. Other staff will also receive the RBT training including the recreational therapy staff but will not be required to be certified for their classification. Current activity specialist staff will also be re-classified and additional requirements around recreational therapy will be required of the job to ensure the recreational therapy provided to the youth is expanded beyond what is currently being provided at the YRTC-Kearney.

YRTC-Geneva

This plan also includes re-establishing services at the YRTC-Geneva campus with the primary purpose of housing female youth that will be transitioning back to the community. Based on historical volumes and capacity, the program will serve between 3-6 female youth.

Programming Highlights

Youth that will be transitioning back to the community have different needs from those that are within the core population. The youth will need to be in an environment that is less restrictive and mimics a home environment. Programming will include family treatment and enhancing personal life skills. The final 60 days of a youth's treatment will include 30 days of preparation and the final 30 days of skills application. At day 30, an Individualized Re-entry Plan (IRP) is due to the court for review. This transition process will require collaboration between the YRTC treatment team, Probation's Re-entry supervisor, community providers and schools to ensure a smooth transition.

During the preparation phase, treatment within the facility will include medication management, and weekly family and individual therapy (or more frequent depending on youth and family needs). The YRTC team will continue to collaborate with the Department of Labor and Vocational Rehabilitation to offer opportunities for obtaining needed job certifications to facilitate successful re-entry.

The YRTC-Geneva program will follow the same Phase 5 model offered at the YRTC-Kearney campus with an emphasis on life skills, increased responsibilities, community involvement and independent living. Individual, group and family therapy will transition to the YRTC-Geneva campus. The programming will continue to be individualized and based on the youth's assessments. Components of the YRTC-Geneva program will include:

- Peer support group meetings 5 days per week
- Daily independent living skills training
- School services for youth who have not graduated; vocational training for those youth who have graduated 5 days per week
- Individual and family therapy and family engagement based on the treatment plan, at least 1x per week for each, continuing through discharge
- Multi-Disciplinary team meeting 1x per week to include the family or other natural supports
- Recreational therapy at least one hour per day
- Work release and opening a bank account for youth who have graduated. Youth still in school will have an opportunity for volunteer activities
- Weekly furloughs or day passes for the youth to meet with providers
- Community visits to ensure youth are comfortable in the community setting
- Home visits by Probation Officer, case manager and therapist
- Facilitated restorative justice conferences in home community
- Preparation and attending the hearing for re-entry

III. Performance Metrics

YRTC System Performance Metrics		
Goal	Metric	Baseline
Decrease assaults on staff by 20%	- 20%	132
Decrease female youth readmissions	<= 15%	33%
Decrease male youth readmissions	<=15%	19%
Decrease all youth re-offending	TBD	TBD
Decrease female youth elopements	- 50% <= 6	13
Decrease male youth elopements	- 50% <= 9	19

YRTC System Performance Metrics	
Campus	Metric
YRTC - Kearney	Family engagement
	Educational achievements
	Family satisfaction
	Teammate satisfaction
	Decrease Dickson admits
	Furlough success goals
	Length of Stay
	Number of confined youth
YRTC - Lincoln	Family engagement
	Educational achievements
	Family satisfaction
	Teammate satisfaction
	Length of Stay
	ABA Metrics
	Number of confined youth
YRTC - Geneva	Family engagement
	Educational achievements
	Family satisfaction
	Teammate satisfaction
	Furlough success goals
	Length of stay
	Number of confined youth

IV. Education

Unification across the DHHS-OJS Special Purpose School System

The Department of Health and Human Services – Office of Juvenile Services will collaborate with the Nebraska Department of Education to maintain an accredited Special Purpose School System serving all youth committed to its care across multiple campuses. West Kearney High School, located on the YRTC-Kearney campus, will serve as the DHHS-OJS Special Purpose School System’s hub, with additional school buildings at the YRTC-Geneva campus and the proposed YRTC-Lincoln campus.

General Requirements for the Special Purpose School System

- To continue as an accredited school system, the DHHS-OJS Special Purpose School System will meet the mandatory requirements for legal operation as set forth in Title 92 NAC 10, sections 003.01 through 003.11.
- DHHS-OJS and NDE will seek to revise the West Kearney High School’s Special Purpose School Agreement to include all school sites across the DHHS-OJS Special Purpose School System.
- DHHS-OJS will develop unified curricula across all school sites, ensuring all schools offer fall and spring semesters, plus an 8-week summer school session. The school year will run July 1st through June 30th.
- DHHS-OJS will retain a Superintendent who will head administration of the Special Purpose School System.
- DHHS-OJS will establish a governing body (school board) for its school system.
- DHHS-OJS will collaborate with the NDE and the appropriate school district(s) to ensure the educational needs of all students are met, including those with a disability.

Additional Goals of the Special Purpose School System

- DHHS-OJS will enhance use of multi-site and distance learning as authorized by Title 92 NAC 10, and as appropriate with students’ educational needs.
- DHHS-OJS will enhance the students’ career readiness and employability upon discharge, in partnership with NDE Vocational Rehabilitation and Nebraska Department of Labor.
- DHHS-OJS will continue to collaborate with NDE, Probation and the appropriate school district(s) to facilitate timely, successful re-entry into public school or post-secondary education program.

Additional Requirements per School:

YRTC- Kearney

- School Principal
- Media/Technology staff
- Library for students
- Special Education Director
- Guidance Counselor
- At least one teacher endorsed in: science, language arts, math and social sciences

YRTC- Geneva*

- School Principal
- Media/Technology staff
- Library for students
- Special Education staff
- Guidance Counselor
- At least one endorsed teacher for: science, language arts, math and social sciences

YRTC- Lincoln*

- School Principal
- Media/Technology staff
- Library for students
- Special Education staff
- Guidance Counselor
- At least one endorsed teacher for: science, language arts, math and social sciences

Considerations for Revised Special Purpose Agreement:

- DHHS-OJS could request the sharing of principals and other mandatory staff positions between multiple school buildings when any one YRTC site's population may nullify the need for full-time staff onsite.
- DHHS-OJS must consider the requirements of any labor union/teaching contracts when exploring staffing alternatives.
- DHHS-OJS could consider initially using portions of the Kearney and Geneva school libraries to begin a library in Lincoln or entering into a library sharing agreement with another Lincoln residential placement, such as Lancaster County Youth Services Center.

V. Implementation Plan

YRTC – Lincoln Phased Development Plan

Phase	Operations	Programming	Youth Progression
Phase 1 October 15 – December 2019	<ul style="list-style-type: none"> ▪ Lease execution ▪ Cameras installation 12/15/19 ▪ IT Networking & connectivity 12/15/19 ▪ Contract management 11/15/19 (pharmacy, FBA training [UNMC], trauma model, laundry, food services, religious, transportation) ▪ Recruitment 10/21/19 ▪ FOP plan 10/16-10/18/19 ▪ FOP 10/21-10/25/19 ▪ Ordering supplies 11/30/19 ▪ Capital equipment 11/30/19 ▪ LCYSC & YRTC-Lincoln daily scheduling 12/15/19 ▪ Staff security access 12/15/19 ▪ Develop policies & procedures 11/15/19 	<ul style="list-style-type: none"> ▪ Staff training BCBA ▪ Staff training ART & MRT ▪ Finalize assessments ▪ Develop modification programming ▪ Clinical support contracting (psychiatric/medication, MH therapy, pharmacy, dental, medicine & nursing) ▪ Education model & agreements *all contracts commence 10/17/19, execute 11/01/19 	<ul style="list-style-type: none"> ▪ 3 females
Phase 2 February – March 2020	<ul style="list-style-type: none"> ▪ POD 1 & 2 30 min glass installation ▪ Locker enhancements ▪ Staff on-boarding 	<ul style="list-style-type: none"> ▪ Trauma model (TARGET) 	<ul style="list-style-type: none"> ▪ 4 females ▪ 3 males <i>cumulative</i>
Phase 3 May 2020			<ul style="list-style-type: none"> ▪ 4 females ▪ 4 males <i>cumulative</i>

YRTC – Geneva Timeline

Date	Activity
October 9, 2019	<ul style="list-style-type: none"> ▪ Facility construction completed
October – November 2019	<ul style="list-style-type: none"> ▪ Re-training staff 10/25/19 ▪ Furniture 10/25/19 ▪ Construction punch list and clean up ▪ Contracting (food, medical & recreational) 11/30/19
November - December 2019	<ul style="list-style-type: none"> ▪ Female youth and family assessment ▪ Order supplies & capital equipment ▪ Installation of beds
January 2019	<ul style="list-style-type: none"> ▪ Female youth transition (3-6)

VI. Future Planning and Development

Establishing the state of Nebraska's YRTC system, combined with family engagement and partnering with juvenile probation, will achieve the business goals:

- Develop a system that will provide appropriate level of care and security for youth they progress in their treatment.
- Implement targeted interventions to high-acuity, at-risk youth separate from the core group that is positively responding to programming.
- Develop population specific programming (for gender and acuity levels), and programming based on a youth's progress and needs for transitioning back to the community.

Achieving these goals is a short-term approach. There remains a need to address the aging physical structure, on-going security needs and staff recruitment challenges particularly in rural markets. Moreover, additional work is needed to develop a long-term plan which addresses root causes, reduces recidivism and ultimately enhances the lives of Nebraska's youth.

Many states are faced with similar problems, and there is no one system that has been developed to address all the root causes. There are states, however, that have implemented models which have achieved success and demonstrated a reduction of re-incarceration rates in both juvenile and adult corrections (as youth age). Two notable benchmark studies are in New York City and ***The Missouri Model***. Though unique geographically, both these models have common themes for success.

New York City Model – C2H (Close to Home)¹

- Involving a broad group of stakeholders in the reform design
- Understand the current population to determine appropriate needs
- Establish a clear process to guide dispositional decision-making
 - The Youth Level of Service/Case Management Inventory (YLS/CMI) to assess a young person's criminogenic needs
 - Structured Decision-Making (SDM) grid
- Emphasize community-based programming within the new system
- Residential program design around 3 core elements – education, family engagement and release planning and aftercare

Missouri Model²

- Emphasis on community-based programming and engagement, close to youth's home
- Focus on youth development and family engagement
- Emphasis on academic, pre-vocational and communication skills
- Closely supervised small groups, with individualized attention
- Positive environments vs least restrictive with coercive techniques

- Prevention and early intervention

1. Weissman, M., Ananthakrishnan, V. & Vincent Schiraldi, February 2019. *Moving Beyond Youth Prisons: Lessons from New York City's Implementation of Close to Home*. Columbia University, New York.
2. Mendel, R. & The Annie E. Casey Foundation, *The Missouri Model – Reinventing the Practice of Rehabilitating Youthful Offenders*. Baltimore, MD.

Additionally, the DLR Group provided examples of facility design projects they have worked on in Colorado, Oregon and Los Angeles. The facilities were designed based on the **LA Model**:

- Multi-disciplinary team planning occurs with collaboration across agencies
- Programming is focused on skill-building, mental health, healing and personal growth
- Families are engaged early and often
- Aftercare and re-entry are the core drivers for planning
- Small-group care model – therapy, living spaces and relationships
- Probation and other staff are consistently integrated into program delivery
- Programming is individualized and data driven

These models are inclusive of themes that are consistent with the earlier mentioned research, guidelines and most notably the December 2013 recommendations from the **Nebraska Children's Commission – Juvenile Services (OJS) Committee**.

Establishing the YRTC-System is the first step to reforming Nebraska's youth services. DHHS is committed to Nebraska's youth – ensuring they lead healthy lives and receive appropriate planning, treatment, skills development and successful re-entry back to their communities. We will lead this initiative and work collaboratively with key stakeholders in redesigning our system of care across the continuum, to better serve our youth and their families.

JUDGE REGGIE L. RYDER
SEPARATE JUVENILE COURT OF
LANCASTER COUNTY



Justice and Law Enforcement Center
575 South 10th Street
Lincoln, Nebraska 68508

Ph (402)441-6341 Fax (402)441-6344

Pam Krolikowski, Court Reporter

Angela Neuberger, Bailiff

October 24, 2019

RE: YRTC Business Plan

Dear Sen. Howard and Sen. Williams:

This letter is in regards to the recently-announced decision of the Nebraska Department of Health and Human Services (DHHS) about the development of a Youth Rehabilitation and Treatment Center System. More specifically, the creation of the Youth Rehabilitation and Treatment Center-Lincoln (YRTC-Lincoln).

As you are aware, DHHS announced that services at this facility will be established at the Lancaster County Youth Services Center, which, per the press release from DHHS, has the capacity of 20 individual rooms divided between two separate pods, a day room, and a separate outdoor recreational space.

When the Lancaster County Youth Services Center opened, it consisted of three components: a detention center with 60 secure beds, a staff secure facility with 20 beds, and an assessment center. Over time, decisions were made by Lancaster County to eliminate the assessment center and the staff secure facility. Currently, there is only one distinct program at the Lancaster County Youth Services Center and that is secure detention services, as set forth on the Youth Services Center's website, which can be found at the following link:

<https://lancaster.ne.gov/youth/index.htm>

A few months ago, numerous issues with the YRTC-Geneva were identified and preliminary steps were taken by DHHS to attempt to address those issues. One of the steps taken was to immediately place four of those youth at the secure detention center in Lancaster County. That decision was made without any input being sought from or provided by the judges of The Separate Juvenile Court of Lancaster County, Nebraska.

As set forth in Neb. Rev. Stat. §43-408 (2)(c), "placement of a juvenile in detention shall not be considered a treatment service." That statute also states that "if a juvenile is placed in detention while awaiting placement at a youth rehabilitation and treatment center and the placement has not occurred within fourteen days, the committing court shall hold a hearing every fourteen days to review the status of the juvenile." Primarily because of those provisions in the law, court orders were entered for those four juveniles to be immediately transported back to the YRTC-Geneva. Pursuant to those orders, those juveniles were then returned to the YRTC-Geneva. Soon thereafter, DHHS made the decision to have all juveniles placed at the YRTC-Geneva transferred to the YRTC-Kearney campus.



After those juveniles were returned to the YRTC, I was generally made aware that Lancaster County was considering leasing its empty detention center pod at the Youth Services Center to the State of Nebraska for a YRTC-Lincoln campus. Two weeks ago, a Lancaster County Commissioner stated at our local Through the Eyes of the Child meeting that it was likely that this was going to happen. When I asked him for details of this arrangement, he only indicated that the State of Nebraska would be running the program and that Lancaster County would not be. He provided no additional details at the time and none have been provided since.

I have reviewed the Youth Rehabilitation and Treatment Centers Business Plan (Plan) that was unveiled on October 21, 2019. According to that Plan, “[i]n July and August of this year, a group of cross-system stakeholders met to discuss an immediate emergent need, and to design a desired future state. These meetings are noteworthy in signaling ‘system collaboration’. . . . The stakeholder group included members from the Department of Health and Human Services (DHHS), Probation and the *juvenile courts*, non-profits, and advocacy organizations, and the Legislature. The outcome of these meetings produced a vision for the YRTC.” (emphasis added)

Currently, there are only nine (9) Separate Juvenile Court Judges in the State of Nebraska. Two of them, Judge Porter and Judge Daniels, were at the initial meeting held in July as referenced in the Plan. Today, I spoke to both of them about that initial meeting. Both of them described that meeting as a broad outline and only preliminary in nature in regards to the issues with the YRTCs. They also stated that the stakeholders present were going to be reaching out to their colleagues and receiving input prior to any future meetings that they could then share with the other stakeholders. Neither Judge Porter nor Judge Daniels were able to attend the follow up meeting in August. No additional meetings were held. The next thing we know, the Business Plan was announced which claimed to include collaboration from the juvenile courts.

There is no doubt that the YRTCs need significant improvements and that we need to do everything we can to ensure better services and better outcomes for the youth who end up at that level of care. As judges, we are only able to place juveniles at the YRTC level once we find that all lower levels of care and services have been exhausted or thoroughly considered. As a result, the youth who end up at the YRTCs are without a doubt our highest risk youth and we need to do everything possible to provide them appropriate rehabilitative services.

Without having been part of the “collaboration”, it is unclear if this proposal is going to be able to do that. One of my initial questions about this is what, if any, structural changes will be made to the pod that will house the youth at YRTC-Lincoln? I personally toured that pod a few months ago when a committee I am on was pursuing a plan to have that pod completely gutted, remodeled, repurposed, and utilized as a much-needed facility for juveniles in need of intensive mental health services. That plan is now on hold because of this decision.

I see nothing in the YRTC Business Plan that says that pod will be remodeled or changed. If significant structural changes are not made, it will continue to look exactly like the detention center cells that house the juveniles who currently reside at the Lancaster County Youth Services Center, Detention Center. Secure detention is what that pod was built for, just like the other two that are currently in use.

I and many of my colleagues are more than willing to become part of a system collaboration on the issue of improving the YRTCs moving forward. Given the significance of this issue, I wanted to set the record straight that we have not been part of that collaboration up to this point in time, despite the representation by DHHS to the contrary.

Should you have any questions, feel free to contact me.

Sincerely,



Reggie L. Ryder, Judge

The Separate Juvenile Court of Lancaster County, Nebraska
President, Nebraska Separate Juvenile Court Judges Association

Submitted on behalf of:

Judge Matt Kahler	Judge Linda Porter	Judge Roger Heideman	Judge Vernon Daniels
Judge Chad Brown	Judge Larry Gendler	Judge Christopher Kelley	Judge Bob O'Neil

CC: The Honorable Chief Justice Michael Heavican, Nebraska Supreme Court



Sara Howard <showard@leg.ne.gov>

FW: YRTC Business Plan

Steel, Corey <corey.steel@nebraska.gov>
To: Sara Howard <showard@leg.ne.gov>

Thu, Oct 24, 2019 at 8:00 AM

Senator Howard,

I just wanted to share with you a few things regarding DHHS YRTC Business Plan. First, it is being misrepresented by DHHS that the Administrative Office of the Courts and Probation (AOCP) is in support of this plan and where part of the crafting of this plan. I wanted you aware this is not true. The plan was crafted without our input and we do not support some of the concepts within the plan such as utilizing secure detention for youth in need of treatment. AOCP feels this plan has a "correctional" intent and lacks treatment and programming needed for this population.

Also and other committee members will be receiving a letter from a group of Judges outlining their concerns with DHHS's outlined Business plan.

I am aware you have a LR Hearing on Friday that I am trying to get a Juvenile Court Judge to attend and provide the committee some insight from a Judges perspective on non-court involved cases. Unfortunately I am out of state at another Court Administrator function and not able to make the hearing so I have Jeanne Brandner, Deputy Administrator for Juvenile Service attending.

When I return next week if you would like more information please let me know and I would be willing to sit down and talk.

Thanks,



Corey R. Steel | Nebraska State Court Administrator | Nebraska Supreme Court
Rm. 1213 State Capitol | P.O.Box 98910 | Lincoln, NE 68509
T 402.471.3730 | F 402-471-2854 corey.steel@nebraska.gov | www.supremecourt.ne.gov

From: Zabokrtsky, Dustin <Dustin.Zabokrtsky@nebraska.gov>
Sent: Monday, October 21, 2019 4:58 PM
To: Steel, Corey <corey.steel@nebraska.gov>
Subject: YRTC Business Plan

Corey,

Please see attached.

Thanks,

Dustin Zabokrtsky | *Executive Strategic Advisor*

OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nebraska Department of Health and Human Services

OFFICE: 402-508-0030

DHHS.ne.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

2 attachments



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YRTC Business Plan Distribution 10-21-19.pdf
845K



Sara Howard <showard@leg.ne.gov>

YRTC Business Plan

Engel, Bonnie <Bonnie.Engel@nebraska.gov> Tue, Oct 29, 2019 at 1:26 PM
To: "Ryder, Reggie" <rryder@lancaster.ne.gov>
Cc: "Heavican, Mike" <Mike.Heavican@nebraska.gov>, "matthew.kahler@douglascounty-ne.gov" <matthew.kahler@douglascounty-ne.gov>, "Porter, Linda" <lporter@lancaster.ne.gov>, "Heideman, Roger" <roger.heideman@nebraska.gov>, "Daniels, Vernon" <trINETTE.houston@douglascounty-ne.gov>, "chad.brown@douglascounty-ne.gov" <chad.brown@douglascounty-ne.gov>, "lgendler@sarpy.com" <lgendler@sarpy.com>, "Kelly, Christopher" <christopher.kelly@douglascounty-ne.gov>, "O'Neal, Robert" <boneal@sarpy.com>, "Steel, Corey" <corey.steel@nebraska.gov>, Sara Howard <showard@leg.ne.gov>, "Smith, Dannette" <Dannette.Smith@nebraska.gov>

On behalf of Dannette R. Smith, DHHS CEO, please see attached response to your October 24, 2019 letter referenced in the media.

Bonnie Engel | *Executive Assistant*

OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nebraska Department of Health and Human Services

OFFICE: 402-471-9433

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 **Judge Ryder - 10-29-19.pdf**
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NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

October 29, 2019

The Honorable Judge Reggie L. Ryder
Nebraska Separate Juvenile Court Judges Association
Justice and Law Enforcement Center
575 South 10th Street
Lincoln, NE 68508

Dear Judge Ryder:

We are responding to your October 24, 2019 letter referenced in the media.

As a courtesy, prior to release of the business plan on October 21, 2019, we reached out to the Court Administrator and Deputy Probation Administrator, to afford them an opportunity to review the plan in advance. We received their feedback, noting their concerns with programming, and confirming our next steps for continued enhancement which is discussed in this letter. DHHS never meant to imply or intended to imply that either the Juvenile Courts, or Juvenile Probation collaborated or supported the plan. The collaboration, which is referenced in the plan (background section), occurred during the visioning sessions on July 9, 2019 and August 27, 2019.

We also contacted several Juvenile Court Judges and Juvenile Probation administration leadership in Douglas County on October 21, 2019 to notify of the forthcoming business plan. We conveyed the business goals of the plan and were explicit in stating this is an **interim** plan, with future state planning to follow.

The decision to transition the girls to Kearney on August 19, 2019, was based on concerns relative to facility conditions, and staffing levels to support programming and supervision. While we operated with a sense of urgency, we placed a strategic priority on ensuring the safety and well-being of the female youth during this process. Since the transition, the female youth have adjusted well to the environment and are progressing with the programming. School attendance has improved and they continue to receive psychiatric services through Boys Town, and participate in the UNL mentorship program.

The business plan was implemented to achieve 3 short-terms goals: (1) develop a system to provide appropriate level of care and security, (2) implement target interventions to high-acuity, at-risk youth, and (3) develop population specific programming. The business plan is an **Interim** plan, to address the **immediate** facility needs with and to develop programming for the diversified youth population. Having

treatment capabilities at three separate campuses (system), enables both facility structure and programming needs. The plan affords DHHS the ability to appropriately manage the youth admitted by Juvenile Probation, specifically the high-acuity youth, in environments with the appropriate level of care and treatment. Moreover, the plan allows time for future state planning to be done in collaboration with key system stakeholders.

The programming outlined in the plan is the first step to developing population specific programming. DHHS's next step is to **engage** our Juvenile Probation partners and other key stakeholders in detailing programming enhancements. We have scheduled monthly meetings to commence in November with Juvenile Probation leadership for ongoing collaboration.

DHHS has gone to great lengths to make ourselves available to the Judicial Branch, Juvenile Judges and Juvenile Probation by keeping them abreast of all changes that may impact their constituents. I and my staff have met with directly or called key stakeholders to convey programmatic changes. We also included Juvenile Probation on an October 8, 2019 call with consultants regarding benchmarking for future state planning. It is difficult to address concerns when not given a chance to provide clarification to this Department's vision and approach. DHHS continues to see this as an opportunity to clarify our current and future planned strategies, and to develop an even stronger working relationship.

In our research for the business plan, we identified two key points: (1) a community based approach is the best practice for youth rehabilitation and treatment, and (2) we have an opportunity to improve care for our youth across the continuum. This supports the recommendations in the 2013 OJS report. The research findings, OJS recommendations, and our business plan's guiding principles align and are the basis for our future state planning.

DHHS will lead the future state planning, in collaboration with key stakeholders identified in the business plan. This will look at the youth services along the continuum to include: **prevention, diversion, admission, rehabilitation/treatment and re-entry/after care**. It is our intent to engage in a fully collaborative effort by inviting key stakeholders (including Juvenile Probation and the Juvenile Court Judges) to actively participate in the planning process. We are optimistic that they will want to participate and contribute by sharing innovative ideas and solutions that will address gaps in care.

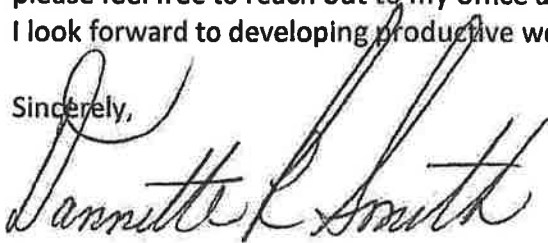
In preparation for this planning, DHHS is undertaking a strategic assessment of the YRTC system, to include facilities planning, current programming and infrastructure to support systems along the continuum of care. This assessment will be conducted by a nationally recognized consulting firm, known for subject matter expertise in treatment and care of youth in a juvenile probation system. The deliverables from this will provide key insight for key stakeholders participating in the future state planning to begin January 2020.

The Honorable Judge Reggie L. Ryder
Page Three

My team and I stand ready to collaborate with Juvenile Court Judges and Juvenile Probation. We will continue to look for opportunities to effectively communicate with both the Courts and Probation.

I am very appreciative of the Juvenile Judges and Juvenile Probation's support during my short tenure. I will contact you next week to set up a time to discuss the business plan. If you have any questions, please feel free to reach out to my office at 402-471-9433 or by email at dannette.smith@nebraska.gov. I look forward to developing productive working relationships.

Sincerely,



Dannette R. Smith, MSW
Chief Executive Officer
Department of Health and Human Services

cc: The Honorable Chief Justice Michael Heavican, Nebraska Supreme Court
Judge Matt Kahler, Separate Juvenile Court of Douglas County
Judge Linda Porter, Separate Juvenile Court of Lancaster County
Judge Roger Heideman, Separate Juvenile Court of Lancaster County
Judge Vernon Daniels, Separate Juvenile Court of Douglas County
Judge Chad Brown, Separate Juvenile Court of Douglas County
Judge Larry Gendler, Separate Juvenile Court of Sarpy County
Judge Christopher Kelley, Separate Juvenile Court of Douglas County
Judge Bob O'Neal, Separate Juvenile Court of Sarpy County
Senator Sara Howard



Sara Howard <showard@leg.ne.gov>

YRTC Business Plan - Revised Letter

Engel, Bonnie <Bonnie.Engel@nebraska.gov>
To: Sara Howard <showard@leg.ne.gov>, Matt Williams <mwilliams@leg.ne.gov>
Cc: "Smith, Dannette" <Dannette.Smith@nebraska.gov>

Wed, Oct 30, 2019 at 1:31 PM

Good Afternoon,

You both recently received a letter from Judge Ryder, President of the Nebraska Separate Juvenile Court Judges Association, regarding the YRTC Business Plan.

First, I would like to offer an apology to Senator Williams for not including him on the response.

On behalf of Dannette R. Smith, DHHS CEO, I have attached a revised letter addressed to Senator Howard and Senator Williams, a copy of the 2013 OJS Report, and the letter to Judge Ryder.

Please feel free to reach out if you have any questions.

Thank you.

Bonnie Engel | *Executive Assistant*

OFFICE OF THE CHIEF EXECUTIVE OFFICER

Nebraska Department of Health and Human Services

OFFICE: 402-471-9433

DHHS.ne.gov | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

3 attachments

 **Senators Howard Williams -10-29-19.pdf**
744K

 **Juvenile Services (OJS) Committee Phase I Strategic Recommendations 12.2.._.pdf**
1001K

 **Judge Ryder - 10-29-19.pdf**
206K

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

October 29, 2019

Senator Sara Howard
District #9 State Capitol
P.O. Box 94604
Lincoln, NE 68509-4604

Senator Matt Williams
District #36 State Capitol
PO Box 94604
Lincoln, NE 68509-4064

Dear Senator Howard and Senator Williams:

I am responding to the letter from the Nebraska Separate Juvenile Court Judges, dated October 24, 2019, in reference to the Youth Rehabilitation and Treatment Center (YRTC) business plan.

The decision to transition the girls to Kearney on August 19, 2019, was based on concerns relative to facility conditions, and staffing levels to support programming and supervision. While we operated with a sense of urgency, we placed a strategic priority on ensuring the safety and well-being of the female youth during this process. Since the transition, the female youth have adjusted well to the environment and are progressing with the programming. School attendance has improved and they continue to receive psychiatric services through Boys Town, and participate in the UNL mentorship program.

The business plan was implemented to achieve 3 short-term goals: (1) develop a system to provide appropriate level of care and security, (2) implement target interventions to high-acuity, at-risk youth, and (3) develop population specific programming. The business plan is an **interim** plan, to address the **immediate** facility needs with and to develop programming for the diversified youth population. Having treatment capabilities at three separate campuses (system), enables both facility structure and programming needs. The plan affords DHHS the ability to appropriately manage the youth admitted by Juvenile Probation, specifically the high-acuity youth, in environments with the appropriate level of care and treatment. Moreover, the plan allows time for future state planning to be done in collaboration with key system stakeholders.

The programming outlined in the plan is the first step to developing population specific programming. DHHS's next step is to **engage** our Juvenile Probation partners and other key stakeholders in detailing programming enhancements. We have scheduled monthly meetings (beginning in November) with Juvenile Probation leadership for ongoing collaboration. Prior to release of the plan, we did reach out to the Court Administrator, Corey Steel, and Jeanne Brandner, Deputy Probation Administrator, to afford them an opportunity to review the plan in advance. DHHS never meant to imply that either the Juvenile Courts, or Juvenile Probation collaborated or supported the plan. The collaboration noted in the plan (background section) occurred during the visioning sessions on July 9, 2019 and August 27, 2019.

Senator Sara Howard and Senator Matt Williams
Page Two

DHHS has gone to great lengths to make the executive team available to the Judicial Branch, Juvenile Judges and Juvenile Probation by keeping them abreast of all changes that may impact their constituents. I and my staff have met with directly or called key stakeholders and Juvenile Court Judges to convey programmatic changes. We also included Juvenile Probation on an October 8, 2019 call with consultants regarding benchmarking for future state youth rehabilitation and treatment planning.

In our research for the business plan, we identified two key points: (1) a community based approach is the best practice for youth rehabilitation and treatment, and (2) we have an opportunity to improve care for our youth across the continuum. This supports the recommendations in the 2013 OJS report (see attached). The research findings, OJS recommendations, and our business plan's guiding principles will be the basis for our future state planning.

DHHS will lead the future state planning, in collaboration with key stakeholders identified in the business plan. This will look at the youth services along the continuum to include: **prevention, diversion, admission, rehabilitation/treatment and re-entry/after care**. It is our intent to engage in a fully collaborative effort by inviting key stakeholders (including Juvenile Probation and the Juvenile Court Judges) to actively participate in the planning process. We are optimistic that they will want to participate and contribute by sharing innovative ideas and solutions where there are gaps in care.

In preparation for this planning, DHHS is undertaking a strategic assessment of the YRTC system, to include: facilities planning, current programming and infrastructure to support systems along the continuum of care. This assessment will be conducted by a nationally recognized consulting firm, known for subject matter expertise in treatment and care of youth in a juvenile justice system. The deliverables from this will provide key insight for key stakeholders participating in the future state planning to begin January 2020.

My team and I stand ready to collaborate with the Juvenile Court Judges and Juvenile Probation. We will continue to look for opportunities to effectively communicate with both the Courts and Probation.

I am very appreciative of you and the Health and Human Services Committee's continued support. I will continue to keep you and the Committee apprised of progress. If you have any questions, please feel free to reach out to my office at 402-471-9433 or by email at dannette.smith@nebraska.gov.

Sincerely,



Dannette R. Smith, MSW
Chief Executive Officer
Department of Health and Human Services

New space leased in Lincoln for treatment of

 View Comments

https://journalstar.com/news/state-and-regional/govt-and-politics/new-space-leased-in-lincoln-for-treatment-of-previous-geneva/article_ba832037-2b0f-580e-bb7c-20256401f296.html

New space leased in Lincoln for treatment of previous Geneva, Kearney youth

JoAnne Young
Oct 29, 2019



New space leased in Lincoln for treatment of

[View Comments](#)



The state will lease space at the Lancaster County Youth Services Center to house juvenile offenders.

Lancaster County Assessor's Office

The Lancaster County Board on Tuesday approved an agreement with the state to house some youths in a secure portion of the county's youth services center.

Both boys and girls sent by judges to Youth Rehabilitation and Treatment Centers who have more serious behavior and mental health issues could be sent to the Lincoln youth center beginning in January.

The agreement includes a lease of the property for five years, with an option for another five years. Rent on 18,137 square feet will start at \$352,946 annually, and will go up 2% in each subsequent lease year. If the lease is renewed another five years, rent beginning in the fifth year will be \$389,583 and up to \$421,697 by the 10th year.

Most of the Lancaster County youth that were sent to Kearney or Geneva treatment facilities come through the Lincoln center at one time or another, said Director Sheli Schindler, and are familiar with it.

It is an up-to-date facility that has standards for movement and sight, program space and bright light.

"Our facility looks like a school," she said. "We have a facility that allows us to do the work we want to do."

She said the contract with the state is an opportunity to use the space there that is not being used, in part because of initiatives that seek to reduce the number of youths being unnecessarily or inappropriately detained and decrease disproportionate minority confinement and contact with the juvenile justice system.

As a taxpayer, Schindler said, "I personally think this is a fiscally responsible approach."

The board approved the agreement on a 4-0 vote.

Some child advocates have been skeptical about the need for another "lockup" for youths in the juvenile justice system, but Bo Botelho, attorney and chief operations officer for the Department of Health and Human Services, said it is not a lockup.

"This is just another location for the YRTC," Boltelho said. "They've been committed by the courts and they're there to receive care. It's rehabilitation."

New plan for state's youth centers would include placing high-needs girls and boys in Lincoln

Not a lot has to be changed in the facility to allow for treatment of the YRTC kids, he said. It's modern and it's been well maintained. The pod just needs some modification to make it more accommodating to the state's program needs.

The pod is rimmed with single bedrooms on three sides, with a common area and outdoor recreation area.

Staff at the YRTC facility will be state workers. There will be no mingling of the county and state youths.

Schindler said the state has some exciting program models that officials are looking to implement.

Botelho said the youths that will be sent to the Lincoln facility have higher needs for acute care, and the lease with the Lancaster County center will allow for more attention and resources to address the needs of this smaller group that will benefit from more intensive treatment and interaction with staff.

"These kids come to us with a really tough life behind them. It takes work to undo that," he said. "We try to give them the opportunity to work through the issues they have."

In Lincoln, they will have single rooms rather than be in dorm areas, as some have been in Geneva or Kearney.

Reach the writer at 402-473-7228 or jyoung@journalstar.com.

On Twitter [@LJSLegislature](https://twitter.com/LJSLegislature).

 View Comments

**Department of Health and Human Services
Layoff Plan for NAPE/AFSCME Union Covered Employees
Located at the YRTC-Geneva**

This layoff issuance is generated by the need to implement a Reduction-In-Force action which will occur within the Department of Health and Human Services, Division of Children and Family Services, Youth Rehabilitation and Treatment Center located in Geneva, Nebraska (YRTC-Geneva). This action is necessary due to a restructuring of the YRTC-Geneva. The effective date of the Reduction-in-Force is December 1, 2019.

The scope of this Reduction-In-Force is limited to the Department of Health and Human Services, Division of Children and Family Services, Youth Rehabilitation and Treatment Center located in Geneva, Nebraska (YRTC-Geneva) and is initiated under the provisions of Sections 3,7 and 5.1 of the State of Nebraska and NAPE/AFSCME Labor Contract, July 1, 2019 through June 30, 2021.

The specific employees located at YRTC-Geneva and filled positions to be eliminated by this Reduction-In-Force are:

Layoff Round 1

Job Code	Class Title	Employee Name	Employee ID	Position ID	FTE	Adjusted Service Date	Location
C72481	Youth Counselor I			25442302	1.0	3/13/2017	YRTC-G
C79920	Religious Coordinator			25442090	0.3	9/14/2015	YRTC-G
H72432	Mental Health Practitioner II			25442051	1.0	8/31/1996	YRTC-G
I79510	Barber/Beautician			25442202	1.0	3/03/2008	YRTC-G
M80123	Food Service Cook			25442033	1.0	3/30/1998	YRTC-G
M80123	Food Service Cook			25442031	1.0	5/28/2003	YRTC-G
S01113	Office Clerk III			25442004	1.0	5/01/2000	YRTC-G
S01412	Secretary II			25442005	.08	5/01/1989	YRTC-G
S01511	Switchboard Operator/Receptionist			2544008	1.0	1/07/2013	YRTC-G



A second round of layoffs may occur if the affected, laid off employee is qualified to hold a position listed below and chooses to exercise his/her bumping rights. Employees who may potentially be bumped include:

Job Code	Class Title	Employee Name	Employee ID	Position ID	FTE	Adjusted Service Date	Location
C72481	Youth Counselor I			25443125	1.0	2/25/2019	YRTC-K
H72432	Mental Health Practitioner II			60001087	1.0	6/04/2018	YRTC-K
M80123	Food Service Cook			25511103	1.0	7/15/2019	LRC, Lincoln
M80123	Food Service Cook			25521819	1.0	6/17/2019	NRC, Norfolk
S01113	Office Clerk III			60011065	0.5	12/30/2018	YRTC-K
S01411	Secretary I			25443102	1.0	10/06/1997	YRTC-K
S01511	Switchboard Operator/Receptionist			25179027	1.0	8/05/2019	OPS, Lincoln

Under Article 5, sections 5.5 and 5.6, of the 2019-2021 Labor Contract between the State of Nebraska and NAPE/AFSCME, a permanent employee in a position designated for Reduction-In-Force action may, in lieu of Reduction-In-Force, elect to exercise bumping rights or elect to transfer into a vacant position.

If an election is made to bump into an occupied position that position must be subject to the provisions of the 2019-2021 NAPE/AFSCME Labor Contract and the person displaced must be the least senior in that job classification. The following bumping restrictions apply: (1) employees cannot bump between agencies (EXCEPT under conditions described in Section 5.6(c) (8) of the 2019-2021 NAPE/AFSCME Labor Contract); (2) employees can bump only to a classification or position currently used by the Department of Health and Human Services, and (3) employees cannot bump to positions not covered by the 2019-2021 NAPE/AFSCME Labor Contract.

Bumping rights are first extended to encompass positions within the Division of Children and Family Services and then extended to positions agency wide, limited only by the provisions of Article 5 of the Labor Contract and this layoff plan. Employees who elect to exercise their bumping rights shall, except in situations where specific job-related factors are involved, bump employees with least seniority in the sequence specified in Section 5.6(c).

A service anniversary date (as adjusted for leaves of absence, layoffs, suspensions, or unpaid leaves of more than 14 calendar days) list of employees in affected classes is attached and includes the name of the employee, office location and service anniversary date (as adjusted). (See attached list) Affected employees must notify DHHS Human Resources in writing of their intent to bump/transfer, within seven calendar days from receipt of their Reduction-In-Force notice. The intent must be signed by the incumbent and list their current title held and identify the bumping/transfer option to be exercised.

In accordance with Section 5.5h, DHHS has checked for any temporary employees holding the same classification and funding source within 25 miles. DHHS has no temporary employees meeting these criteria.

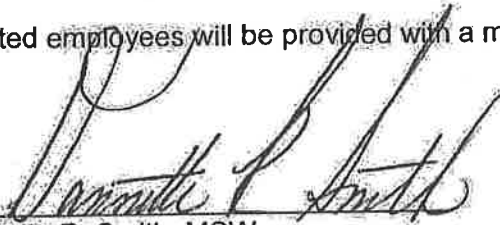
Employees electing to exercise bumping/transfer rights to a position with a lower minimum rate of pay in lieu of layoff will have their salary reduced in accordance with Section 5.7 and 11.9 of the Labor Contract.

The Reduction-In-Force shall be conducted in accordance with Article 5 of the 2019-2021 Labor Contract between the State of Nebraska and NAPE/AFSCME. A copy of Article 5 of the Labor Contract is attached.

A list of current Department of Health and Human Services vacancies will be provided to the affected employees when given their Reduction-in-Force notice.

Any and all relocation expenses which may be incurred as a result of relocation associated with this Reduction-In-Force shall be the sole responsibility of the employee and no reimbursement will be provided by the Department of Health and Human Services or the State of Nebraska. (Refer to Section 9.6)

Affected employees will be provided with a minimum of a 15 workday notice.



Dannette R. Smith, MSW
Chief Executive Officer
Department of Health and Human Services

12/21/19
Date

Cc: Mark LaBouchardiere, Facilities Director, DHHS
Roshelle Campbell, Human Resources Director, DHHS
Vicki Borden, Human Resources Deputy Director, DHHS



Jennifer Carter <jcarter@leg.ne.gov>

Update on Education at the YRTC's

Jennifer Carter <jcarter@leg.ne.gov>

Tue, Nov 19, 2019 at 10:39 AM

To: Senator Arch <jarch@leg.ne.gov>, Senator Cavanaugh <mcavanaugh@leg.ne.gov>, Senator Hansen <bhansen@leg.ne.gov>, Senator Howard <showard@leg.ne.gov>, Senator Murman <dmurman@leg.ne.gov>, Senator Walz <lwalz@leg.ne.gov>, Senator Williams <mwilliams@leg.ne.gov>
Cc: S Howard <saraehoward@gmail.com>, "T.J. O'Neill" <tjoneill3@gmail.com>

Senators,

We had a helpful conversation with Dannette Smith yesterday and clarified the plans for education at the YRTC's.

Over the last week or more, CEO Smith has had meetings with the NSEA, several elected officials in Geneva including Senator Brandt, Mayor Kamler, and the city attorneys, Senators Quick and Lowe, the principal at YRTC-Kearney, and the teachers from both YRTC's - Geneva and Kearney. Maddie Fennell from the NSEA was present at the meeting with the teachers last Friday.

According to CEO Smith, the purpose of the meetings was to present a draft plan to maintain accreditation at the YRTC schools, which as you will recall is at risk for Geneva, and to make sure the girls at Geneva have a chance to graduate.

However, in order to maintain the special purpose school accreditation at YRTC-Geneva, the school has to make up about 368 education hours. To that end, DHHS proposed three different approaches that would create an extended day and perhaps one extra week of school. This, obviously, will require staffing. Right now the girls from Geneva are able to be in school from approximately 9:00 - 1:00.

The proposals for staffing the extended school hours were as follows:

1. Ask teachers to volunteer to change hours to start earlier in the morning and go later in the afternoon. The morning hours would be extended by adding time from 8:00 - 9:25 a.m. The afternoon hours would be extended by adding time from 1:44-4:35. (To be clear, the teachers would only be volunteering to change their hours. They will not volunteer their time and will be paid, i.e., this is not mandatory overtime.)
2. Another option is to create a staggered schedule utilizing Geneva and Kearney teachers, so that some would work from 8:43-1:00 and others from 10:52 - 3:52. This would still require that some teachers cover the time from 8:00-8:43 and 3:53-4:35.
3. The third option would be to utilize substitute teachers for the extended hours.

CEO Smith also made clear in these meetings that the Department's goal is to create a special purpose school system for the YRTC's.

The teachers took the proposals and want to have another meeting to propose some of their own options which CEO Smith welcomes. She has a follow up meeting planned with the NSEA on November 25th and a follow up meeting with the Kearney and Geneva teachers at YRTC-Kearney at 1:00 on November 27th.

CEO Smith also wanted to make clear that at no time in any of these conversations did she suggest laying off any teachers.

DHHS is also working with Matt Bloomstedt on the plan to maintain accreditation at YRTC-Geneva; designing a plan for providing education services for the YRTC-Lincoln that was proposed in the YRTC Business Plan; and working with Kearney Public Schools and the YMCA in Kearney to help with providing recreation and gym classes for the girls.

Finally, the principal for Geneva's school was sent a reduction in force letter at the same time other Geneva staff received their reduction in force letters and CEO Smith stated that DHHS is currently evaluating their next steps with him.

I'm attaching the drafts from DHHS of the three proposals and a draft planning document for staffing going forward under a special purpose school system.

Please let me know if you have any questions.

Sincerely,

Jennifer

Jennifer A. Carter
Legal Counsel
Health and Human Services Committee
Senator Sara Howard, Chair
Phone: 402-471-2723
Email: jcarter@leg.ne.gov

 **DRAFT YRTC school schedules.pdf**
396K

GENEVA NORTH SCHOOL: VOLUNTEER TEACHERS SCHEDULE WITH EXTENDED SCHOOL DAY

Courses										
Need to Fill These Class Times with Volunteer Teachers										
Class Period										
8:00-8:42										
8:43-9:25										
9:26-10:08	Title I/Testing	Individual Assignments	English 9	Vocational Assessment	Algebra II	Civics	Life Science	Foods	Introduction to Business	
10:09-10:51	Title I/Testing	Individual Assignments	World Literature	Vocational Assessment	Pre Algebra	Geography	Biology	Art	Introduction to Business	
10:52-11:34	Title I/Testing	Individual Assignments	English 12	Vocational Assessment	Algebra I	American History	Physical Science	Lunch	Lunch	
11:35-12:17	Title I/Testing	Lunch	Lunch	Lunch	Geometry	Lunch	Earth Science	Independent Living	Personal Finance	
12:18-1:00	Lunch	Individual Assignments	English 11	Vocational Assessment	Lunch	World History	Lunch	Parenting	Personal Finance	
LUNCH FOR GIRLS / PLANNING TIME FOR TEACHERS										
1:01-1:43										
1:44-2:26										
2:27-3:09										
3:10-3:52										
3:53-4:35										
Need to Fill These Class Times with Volunteer Teachers. The classes originally scheduled for 1:44-2:26 were moved up to the previously scheduled planning period**										

GENEVA NORTH SCHOOL: STAGGERED SCHEDULE WITH EXTENDED SCHOOL DAY

Staggered Shift #1		Staggered Shift #2			
Class Period	Need to Fill These Class Times with Subs and/or Volunteers				
8:00-8:42					
8:43-9:25	Title I/Testing	World Literature	Vocational Assessment		
9:26-10:08	Title I/Testing	English 9	Plan		
10:09-10:51	Plan	Plan	Vocational Assessment		
10:52-11:34	Title I/Testing	English 12	Vocational Assessment*	American History	Physical Science
11:35-12:17	Title I/Testing	Lunch	Math	Lunch	Lunch
12:18-1:00	Lunch	English 11	Vocational Assessment	Geometry	Earth Science
1:01-1:43				World History	Lunch
1:44-2:26				Algebra II	Life Science
2:27-3:09				Plan	Plan
3:10-3:52				Pre-Algebra	Biology
3:53-4:35				Need to Fill These Class Times with Subs and/or Volunteers	

GENEVA NORTH SCHOOL: NEW HIRE SCHEDULE WITH EXTENDED SCHOOL DAY

Courses										
Need to Fill These Class Times with New Teachers										
Class Period										
8:00-8:42										
8:43-9:25										
9:26-10:08	Title I/Testing	Individual Assignments	English 9	Vocational Assessment	Algebra II	Civics	Life Science	Foods	Introduction to Business	
10:09-10:51	Title I/Testing	Individual Assignments	World Literature	Vocational Assessment		Geography	Biology	Art	Introduction to Business	
10:52-11:34	Title I/Testing	Individual Assignments	English 10	Vocational Assessment	Algebra I	American History	Physical Science	Lunch	Lunch	
11:35-12:17	Title I/Testing	Lunch	Lunch	Lunch	Geometry	Lunch	Earth Science	Independent Living	Personal Finance	
12:18-1:00	Lunch	Individual Assignments	English 11	Vocational Assessment	Lunch	World History	Lunch	Parenting	Personal Finance	
LUNCH FOR GIRLS / PLANNING TIME FOR TEACHERS										
1:01-1:43										
1:44-2:26										
2:27-3:09										
3:10-3:52										
3:53-4:35										
Need to Fill These Class Times with New Teachers										

YRTC SPECIAL PURPOSE SCHOOL SYSTEM: PROPOSED STAFFING ACROSS SCHOOL SITES

STAFF POSITION	KEARNEY		LINCOLN		GENEVA
	West Kearney High School	Geneva North School	West Kearney High School	Geneva North School	Geneva North School
Superintendent	Add: 1 FTE – New Position, beginning July 1, 2020				
Principal	Kercher - 1 FTE	TBD	Add: Assistant Principal - 1 FTE New Position, beginning January 1, 2020		TBD
Administrative Assistant	Barnes - 1 FTE	Kuta* - 1 FTE	Add: 1 FTE Floater – New Position		(Kuta)*
IT Tech	Add: 1 FTE – New Position				
Lead Teachers – Teaching Certificate, with appropriate Endorsement					
- Math	Kastens - 1 FTE Jalas* – 1 FTE D. Dietz* – 1 FTE 1 FTE Vacancy	Meyer – 1 FTE	Kearney & Geneva Lead Teachers supervise corresponding Non-Endorsed Teachers in Lincoln*		Geneva Lead Teachers supervise corresponding Non-Endorsed Teachers in Geneva*
- Science	Luecha – 1 FTE Mollring* – 1 FTE (T. Dietz)*	Pope – 1 FTE			
- Social Sciences	Clark – 1 FTE Buschkoetter 1 FTE	O'Brien – 1 FTE			
- Language Arts	Spiehs - 1 FTE Thompson – 1 FTE 1 FTE Vacancy	Hartman – 1 FTE			
Secondary Teachers – Teaching Certificate, with instruction provided under corresponding Lead Teacher					
- Math	1 FTE Vacancy		Add: 1 FTE – New Position		Add: 1 FTE – New
- Science			Add: 1 FTE – New Position		Add: 1 FTE – New
- Social Sciences			Add: 1 FTE – New Position		Add: 1 FTE – New
- English (Remedial)	Lobner – 1 FTE		Add: 1 FTE – Language Arts Teacher New Position		Add: 1 FTE – New
- Reading and Writing (Remedial)	Thoene – 1 FTE Haubold – 1 FTE				
Secondary Teachers – Teaching Certificate					
- Fine Arts	T. Dietz* - 1 FTE Kruse – 1 FTE 1 FTE Vacancy	Brahm* - 1 FTE (Reinsch)* Add: 1 FTE Floater*	Add: 1 FTE – New Position		(New 1 FTE Floater)*
- Physical Education and Health	Burkhart* – 1 FTE	(Schmidt)*	Add: 1 FTE – New Position		
- Career Education, Finance and Business	(Burkhardt)*	Schmidt* – 1 FTE			
- Industrial Arts	Schmidt – 1 FTE	Add: 1 FTE* New			(New 1 FTE)*
- Life Skills and Graduate Life Skills	(Mollring)*	Reinsch* – 1 FTE 1 FTE Vacancy	Add: 1 FTE – New Position		Add: 1 FTE New
Title I Teacher	Bavousett - 1 FTE 1 FTE Vacancy	(Brahm*)			
Special Ed. Coordinator	1 FTE	(Calkins)*	Add: 1 FTE – New Position	(Calkins)*	
GED Teacher	(Spiehs, D. Dietz & Jalas)*	TBD	(Spiehs, Dietz & Jalas)*	TBD	TBD
Middle School Teacher		Calkins* – 1 FTE		(Calkins)*	(Calkins)*
Lead Librarian/Media - Endorsement	Irwin - 1 FTE				
Library / Media Specialist		Turner* - 1 FTE	Add: 1 FTE – New Position		(Turner)*
Guidance Counselor - Endorsement	Cavill* - 1 FTE Add: 1 FTE - New	Leisher – 1 FTE	Add: 1 FTE Floater – New Position		(Leisher)*
Visiting Instructors: Voc. Rehabilitation	2 Days Weekly	Add: 2 Days Weekly			Add: 2 Days Weekly

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

Health and Human Services Committee

LR163

Dec. 18, 2019

Dannette R. Smith

Chief Executive Officer

Nebraska Department of Health and Human Services

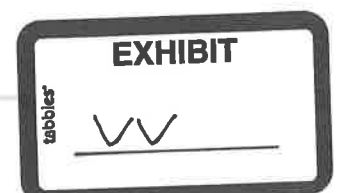
Good afternoon, Chairperson Howard, Chairperson Lathrop and members of the Health and Human Services Committee and the Judiciary Committee. My name is Dannette R. Smith (D-A-N-N-E-T-T-E R S-M-I-T-H). I am Chief Executive Officer for the Department of Health and Human Services. I am here to testify on LR163 and provide an update on the Youth Rehabilitation and Treatment Centers (YRTCs) on behalf of the Department. Much progress has been made since I last appeared before the HHS Committee in early October 2019. We continue to enhance programming and look for opportunities as we provide services to youth at the YRTCs.

Before we move forward, let's review what brought us to our current state today. On August 19, 2019, female youth from YRTC-Geneva were relocated to the YRTC-Kearney after conditions on the Geneva campus were deemed insufficient. Vandalism incidents at the cottage in early August, coupled with existing programming and staffing issues created a critical situation. The move to Kearney was needed to ensure the safety and well-being of the youth. Relocating these youth to Kearney provided an opportunity for the Department to offer more consistent programming to the female youth as we assessed their needs for specific programming and clinical supports.

Three areas are needed to develop and maintain a successful youth rehabilitation and treatment program: 1) creating a continuum of care that serves youth's diverse needs, 2) exceptional physical plants for accommodating and housing the youth, and 3) the ability to recruit and maintain credentialed staff. The Department developed and released a business plan on October 21, 2019 that identified next steps to strengthen services and programming at the YRTCs, including the development of a YRTC System. The current plan is an interim and immediate step that addresses facilities, clinical and programmatic needs. It continues to evolve as we learn, research and develop programming for a diverse youth population.

The goals of the YRTC System are to:

- Provide appropriate level of care and security for youth as they progress in their treatment.
- Implement targeted interventions for high-acuity, at-risk youth separate from the core group of youth who positively respond to programming.



- Develop population specific programming (appropriate for gender, acuity, culture, linguistics and race) and programming based on a youth's progress and needs for transitioning back to the community.

The YRTC System is based on a three-pronged approach that includes three campuses – YRTC-Kearney, the Lincoln facility and YRTC-Geneva.


YRTC-Kearney is the hub for the YRTC System and will be responsible for providing intakes, assessments and programming for the core group of youth. Currently, there are 17 female youth and 92 male youth on the Kearney campus; they remain separated from each other. Programming is based on the Phase model, which assesses youth behavior from admission through discharge. The Phase model is an incentive-based program through which youth are scored daily on their compliance with the program and interactions with their peers, staff and families. A youth's scores dictate their movement through the program and identifies which incentives they are eligible to receive.

A master treatment plan is developed for each youth. The youth and their family help lead the discussion related to treatment. Everyone involved in treatment is around the table including case managers, therapists, health care providers, probation officers, and teachers. This collaborative approach engages everyone in treatment and empowers youth and family. There is also a full complement of therapists who provide therapy and clinical support to the youth at the facility. The Department also contracts with Boys Town to provide additional therapy and medication management through telehealth.

We've been working with Nebraska Department of Education Commissioner, Dr. Matthew Blomstedt, and members of his team on educational offerings at the YRTCs. Youth will follow the same curriculum throughout their time at the centers, but it will be specific to their educational needs. He will be providing more information following my testimony today.

The Department is currently evaluating its educational offerings at YRTC-Kearney for both female and male youth and we've identified some opportunities. When we moved the female youth to Kearney in August 2019, our highest priority was ensuring their safety and well-being. Because of this, my staff and I weren't immediately able to address their educational needs. The female youth are facing a shortfall of 242 instructional hours for the current school year. These instructional hours are also a requirement for accreditation. I take full responsibility for this oversight and I am working swiftly and closely to remedy the situation.

Here are the steps I have taken...we met with YRTC teachers from both the Geneva and Kearney campuses and the State Code Agencies Teachers Association (SCATA) on November 15, November 27 and December 6, as well as the Nebraska Department of Education and our own DHHS legal team. With input from our teachers and principals along with the Nebraska Department of Education, we have developed a plan. The plan includes a staggered schedule to include extended school days that will start on January 6, 2020. The modified schedule will allow us to meet the State's mandate of 1,080 hours by the first part of June 2020 and ensure accreditation and graduation for any eligible female youth. We are



working with our teachers and the union to finalize the schedule so that we are ready for implementation on January 6.

Some additional educational developments at YRTC-Kearney include the following: we are adding two portable classrooms to provide additional instructional space for the female youth. Those will be delivered February 2020. YRTC-Kearney continues to bolster and highlight vocational opportunities for youth and is creating a Quality Pre-Apprenticeship Program with Associated Builders and Contractors, which was developed in cooperation with the Nebraska Department of Labor. The program will focus on youth becoming an electrician or welder.

On December 20, we'll be holding a high school graduation ceremony for seven of our male youth. This is one of the largest graduating classes in recent years. Thank you to Senator Lowe for accepting the invitation to be our commencement speaker. As educational hours for the female youth get back on track, if any are eligible for graduation this summer, we will also hold a graduation ceremony for them. We have also been actively recruiting teammates for YRTC-Kearney. We held a career fair on December 4. We hired 19 teammates to start the week of January 6, 2020.


Let's turn to our Lincoln facility. The Department executed a lease with Lancaster County and will establish services at Lancaster County Youth Services Center. The Department has the capacity to operate 20 individual rooms divided into two separate living spaces, a day room and separate and secure outdoor recreational areas. Youth who are not responding to treatment at Kearney will be transitioned to the Lincoln facility as they require more intensive interventions such as targeted behavioral and trauma-based programming. We are currently finalizing our clinical programming.

Applied Behavioral Analytics will be utilized to positively reinforce prosocial behaviors, which means it will identify behavioral triggers and then change the consequences to impact behavior positively. Additionally, a new trauma informed care/evidence-based treatment will be employed, TARGET, for all staff and youth at the Lincoln facility. We plan to expand TARGET training and treatment to all staff and youth in the YRTC System.

The facility provides the appropriate physical structure and security required to serve high-acuity youth. We will offer individualized educational programming at the Lincoln facility as well as some classroom based instruction depending on the needs of the youth. Once the youth's behaviors have stabilized and they are responding to programming, they will return to the main campus at Kearney to continue their commitment and treatment program.

The Department will utilize a phased approach to implementing services at the Lincoln facility starting mid-January 2020. We are currently recruiting teachers and other teammates at the Lincoln location and have recently hired the facility administrator.

The YRTC System also includes realigning and repurposing the YRTC-Geneva campus. The primary purpose will be working with female youth who will be transitioning back into the community. This program will serve 3-6 female youth who will live in the newly renovated LaFlesche Cottage. Youth transitioning back to the community have different needs from those



within the core population. The YRTC-Geneva will be an environment that is less restrictive and has a more home-like setting.

This 60-day re-entry program includes:

- Discharge to a home environment service plan
- School re-entry plan
- Employment opportunities (if applicable)
- Medical and psychiatric out-patient treatment plan
- Youth and family engagement and treatment planning

Educational offerings include classroom instruction, distance learning and reintegration into the community utilizing juvenile probation and family navigators.

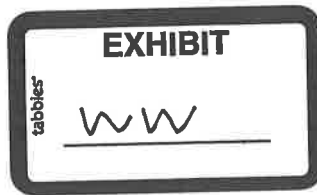
We are also finalizing a contract with the City of Geneva to provide recreation and fitness programming and our citizen advisory board in Geneva is working on volunteer and community engagement activities. YRTC-Geneva is fully staffed and we are on track for some female youth to transition to the center starting in mid-January 2020.

In closing, moving forward and establishing the YRTC System is the first step to reforming Nebraska's youth services. The three-pronged approach provides a continuum of care to serve youth's diverse needs. It also allows for long-range strategic planning done in collaboration with key system stakeholders.

We have been meeting and speaking with numerous stakeholders about the YRTC System since October 2019. Our goal is to create an awareness of the system and the positive impact it can have on youth in Nebraska, as well as soliciting feedback and encouraging future engagement.

In 2020, we hope to reconvene our group of key stakeholders who participated in our community visioning process back in July and August 2019. The Department will work in concert with this group to evaluate possible consulting firms that can conduct a system-wide 360 degree comprehensive evaluation on not just the YRTC System, but on all services offered to our most vulnerable children and families in Nebraska.

I deeply appreciate the support you have provided to me and the Department, and I know I can count on your continued support. I encourage you to dialogue with me regarding next steps. Thank you for the opportunity to testify before you today. I'm happy to answer any questions you may have.



Sara Howard <showard@leg.ne.gov>

Re: Youth Rehabilitation Treatment Center in Geneva Nebraska

mcfinley@windstream.net <mcfinley@windstream.net>
To: showard@leg.ne.gov

Wed, Sep 4, 2019 at 6:54 PM

From: "M Finley" <mcfinley@windstream.net>
To: showard@leg.ne.gov
Sent: Wednesday, September 4, 2019 5:33:53 PM
Subject: Fwd: Youth Rehabilitation Treatment Center in Geneva Nebraska

Sara Howard

Good evening. I just got off the phone with Tom Brandt and he would like me to forward this note to you. I have been quite confused on the happenings at YRTC- Geneva over the past year. Mr. Brandt wanted me to forward my message on to you. I do care about the YRTC and its clientel as well as the Employees. The facility has been a top notch facility and it can be again. Over the past year we as a Maintenance Team were told to not work on any damages or fixtures of the buildings. This has caused a lot of confusion for me and other employees. Every employee I talk to would like to know if the YRTC in Geneva will ever be there place of work again. I have been involved with the facility going on 13 years. I have recently moved into the Procurement position and am learning to operate the warehouse. My main concern is why we were told to stop working on any damages or fixtures to the buildings. I have been in my trade for quite some time and feel we were doing a good job until told not to be working on them. Rodger Stofer is retired now and he was the Maintenance Manager before DAS took over. We are all in total shock this facility has self destructed in such a short time. The Facility had a 100% ACA audit a couple of years ago ?????

Thanks for your time in Reading this, Mike Finley

From: "tbrandt" <tbrandt@leg.ne.gov>
To: "M Finley" <mcfinley@windstream.net>
Sent: Wednesday, September 4, 2019 5:03:42 AM
Subject: Re: Youth Rehabilitation Treatment Center in Geneva Nebraska

Michael, thank you for the email, this is good information, anytime a long time employee shares their experiences about how the YRTC used to work and how it now works helps us get a clearer picture of how we got where we are at, I can tell from your story that you take a lot of pride in your work. Would you forward your email to Senator Howard, she is the chairwoman of the HHS committee and is taking the lead on investigating the Geneva YRTC. I will try to follow up with you by phone, all the best.

On Tue, Sep 3, 2019 at 9:54 PM mcfinley@windstream.net <mcfinley@windstream.net> wrote:
Mr. Brandt

I would like to address the issues with the Youth Rehabilitation Treatment Center in Geneva Nebraska. I have been an employee there going on 13 years. 12 1/2 of these on the Maintenance Team. I have left this position for a Supply Clerk II position. I have a lot of mixed

feelings about the issues going on at YRTC and the Past. Approximately about a year ago we were told by the new Maintenance Supervisor that we are NOT to be fixing, or repairing any more damage caused by the girls or staff of YRTC. I have had mixed feelings about this and questioned where this was coming from. The girls at times would get angry and take their aggression out on the Drywall. I would fix these drywall issues as soon as possible.

If a light fixture became damaged I would fix or replace the fixture. Over the past couple years a lot of damage caused by the girls has definately been happening. The Staff kept putting these girls doing the damage in a perfectly good room and letting them damage them. At one time they had 4-5 rooms damaged within a week. There has been no consequences for the girls doing the damage. I guess I am writing to get this out there to make sure you get the whole picture. Until the new Supervision in Maintenance we maintained a quality Campus. When something needed our attention we got on it right away. The past year Supervision has put a stop to this and the facilities are in distress. It is nice to see contractors working on the Laflesche Building in hopes of the girls returning and hopefully Maintaining the jobs for the workers.

I personally just do not understand why we were told to quit working on damaged areas. I am a licensed electrician and a Jack of all Trades and have felt blessed to be working at Geneva. If nothing else I just wanted to make sure you and your colleagues try to make sense of all that is going on. A lot of times on tours you don't get the whole picture of what has been going on. Myself and my old Supervisor are shocked at how this facility fell apart in such a short time. I and my fellow employees would like to see this facility remained open for business. The girls have always been my priority to make sure they have a safe environment.

Thanks for listening and if ever in the area it would be nice to meet up.

Sincerely,

Michael Finley

509 N. Main Ave. Sutton Nebraska, 68979
Cell---402-469-1200
Home---402-773-4589

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Senator Tom Brandt
Nebraska Unicameral Legislature
Legislative District 32
Office: (402) 471-2711

Matthew L. Blomstedt, Ph.D.

Commissioner of Education

12/18/19

Outline of comments for the Joint Hearing with Health and Human Services Committee and Judiciary Committee - Focus on YRTC issues and Business Plan

About the Nebraska Department of Education role in YRTC

- NDE Accreditation role is similar to our role in accrediting other schools in Nebraska (NDE does not “run” the schools)
- YRTC Geneva and Kearney each have “special purpose agreements” under the regulatory authority found in Rule 10: Regulations and Procedures for the Accreditation of Schools – Currently each special purpose agreement is separate and unique
 - Other special purpose agreements include Corrections and Pine Ridge Job Corps
- Local administrators manage such agreements and each year certain basic information is required to be submitted to as a set of assurances about the program.
- There is a reliance on “self-reporting” but NDE staff occasionally make visits. In the case of YRTCs it has not been unusual to accommodate changes in the plan, especially around administrative staffing (usually as a result of staffing key positions)
- Schools are annually expected to mitigate unforeseen challenges and submit a corrective action plan when necessary due by February 1.

2019-20 School year disruption at YRTC Geneva North

- Timeline of Fall events impacting school offerings
 - **Monday, August 19, 2019** - Geneva North School's first day of school for the fall semester which also happened to be the same day that the girls were all co-located to the YRTC-Kearney. They reportedly attended 2 hours of school that day before being sent to their housing areas and then on to the Kearney campus.
 - **August 20 - 22, 2019** - No school was held for the girls that had been re-located to Kearney.
 - **Friday, August 23, 2019** - Geneva North School resumed classes at the Kearney campus; however, on an abbreviated school day of only 4 hours due to the teachers being bused back and forth from Geneva (2 hours each way).
 - **Friday, December 20, 2019** - Graduation at West Kearney High School and Geneva North School on the Kearney campus.
 - **January 6, 2020** - YRTC-Geneva School will open in La Flesche Cottage on the Geneva campus. At least one student is expected to be transferred to Geneva from Kearney.
 - **January 20, 2020**, YRTC-Lincoln School will open at a newly DHHS-leased housing unit at the Lancaster County Juvenile Services Center facility. Multiple students are expected to be transferred to that location due to high acuity mental health needs.



2019-20 Corrective Action Planning Process/Plans (Due by February 1 to NDE)

- NDE will review hours offered this fall (Days/hours in school and courses available)
- Program and staff review of current and proposed staffing
- NDE is working to provide technical assistance and guidance based on DHHS plans

Overview of Systems Involved Students and Considerations for the Future

- System barriers – (for example Special Education responsibilities)
- Rule 10 Special Purpose Agreements versus Rule 18 Interim Program Schools
- Vision for program, education, supports, transitions, facilities

**Note about Rule 18 Interim Program Schools

Interim Programs, Rule 18

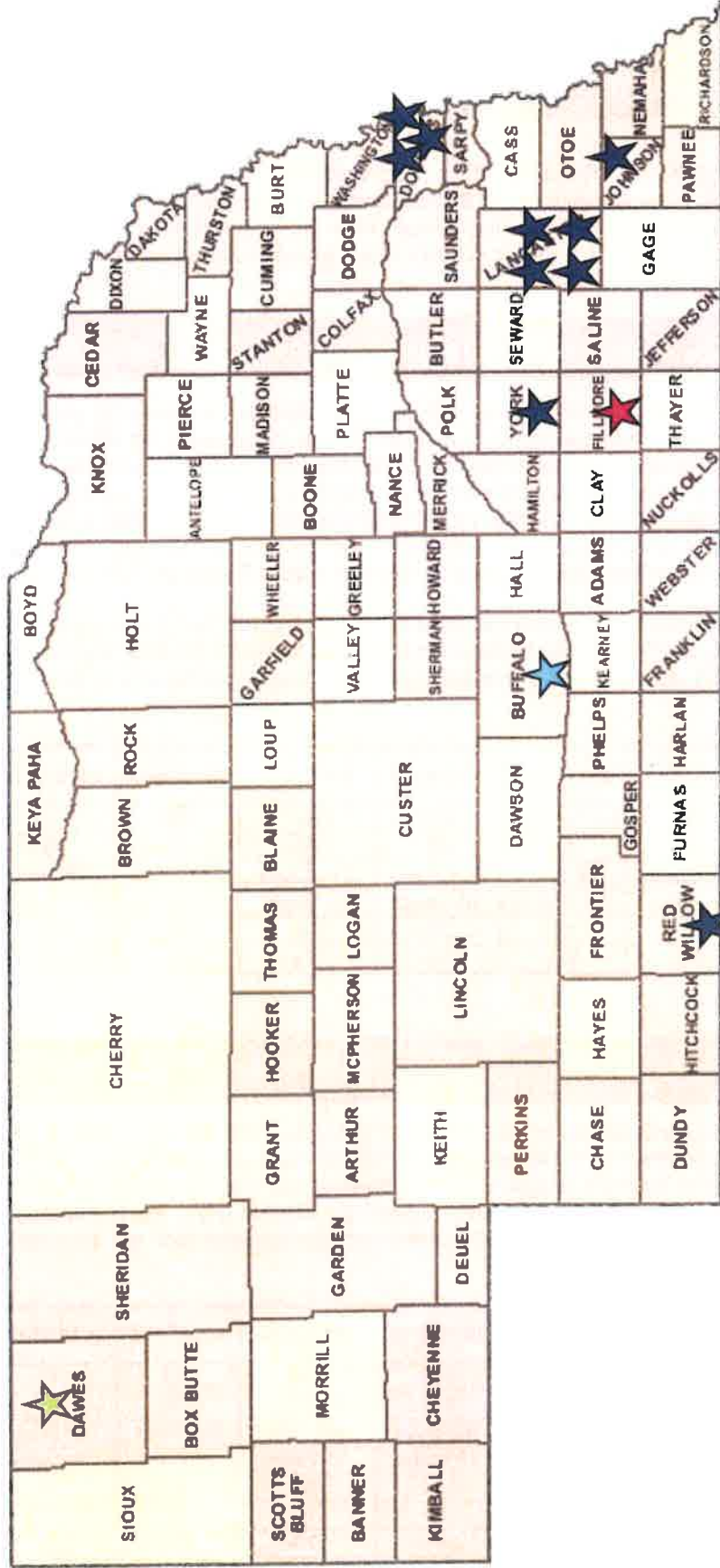
On December 29, 2003, Governor Johanns signed Rule 18: Regulations and Procedures for the Approval of Interim-Program Schools in County Detention Homes, Institutions, and Juvenile Emergency Shelters. The Nebraska Department of Education Rule 18 establishes the minimum educational staffing, programs and educational services that must be provided by Interim-Program Schools to make them eligible to receive reimbursement by the State Office of Health and Human Services System (HHSS) beginning with the 2004-05 school year. It further establishes requirements of public schools to work cooperatively and effectively with the Interim-Program Schools to insure students are provided with the real opportunity to make appropriate advancement toward graduation.

Rule 18 was developed over a multiple-year period by an interagency task force representing different state and federal programs, and with the advice and consultation of representatives of many of the schools affected. Rule 18 is intended to do two things. One is to establish certain standards of interim-program schools in order to insure public schools may have confidence in awarding academic credit for work accomplished by students while on the premises or interim-program schools. Second, the rule is intended to provide assurance to the students in interim-program schools that their academic work will be honored by the public schools to which the student will return.







Nebraska Department of Education

NEBRASKA'S ACCREDITED SPECIAL PURPOSE SCHOOLS



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-  Geneva North School at Youth Rehabilitation and Treatment Center (YRTC) in Geneva, operated by Nebraska Dept. of Health and Human Services.
-  West Kearney High School at Youth Rehabilitation and Treatment Center (YRTC) in Kearney, Nebraska Dept. of Health and Human Services.
-  The Nebraska Department of Correctional Services (NDCS) operates a *Special Purpose School System*, with school sites in each of its prisons:
 - Lincoln Diagnostic and Evaluation Center
 - Lincoln Community Corrections Center
 - Lincoln Correctional Center
 - Nebraska State Penitentiary
-  Pine Ridge Job Corps Center near Chadron is operated by U.S. Department of Labor and U.S. Department of Agriculture - Forest Service.

DATE: August 1, 2019

SOURCE: Nebraska Department of Education (NDE) – "Fostering Connections in Education" for Systems-Involved Students





Nebraska Department of Health and Human Services - Office of Juvenile Services YRTC SPECIAL PURPOSE SCHOOL SYSTEM

The Nebraska Department of Health and Human Services' Office of Juvenile Services (DHHS-OJS) currently operates two (2) residential Special Purpose Schools. The **Geneva North School** and **West Kearney High School** are Special Purpose Schools accredited by the Nebraska Department of Education through *Rule 10: Regulations and Procedures for Accreditation of Schools*. **Special Purpose Schools** are similar to public schools which are also accredited under *Rule 10*, in that they award academic credits and issue high school diplomas.

GENEVA NORTH SCHOOL – YOUTH REHABILITATION AND TREATMENT (YRTC-G)

Originally established in 1891 as the state's Girls Industrial School, the YRTC-Geneva is currently operated by DHHS-OJS. Prior to the Center closing for repairs and repurposing in August of 2019, its capacity was 82 beds. The YRTC-Geneva is accredited by the American Correctional Association (ACA) as a juvenile correctional facility. It serves female State wards, under 19 years of age, who have been adjudicated for delinquency (law violations) in Juvenile Court. Nearly 38% of FY 2016-17 admissions for Assault, followed by 13% for Criminal Mischief. When the YRTC-Geneva re-opens in January of 2020, only one cottage will be used, housing up to six girls within sixty days of release. Pre-release case planning and post-release community supervision are overseen by Nebraska State Probation Administration.

The **Geneva North School** has held AdvancED accreditation since 2012, offering Fall and Spring semesters, as well as an 8-week Summer session. Following the Geneva North School's relocation to the YRTC-Kearney campus in August, the female students continued attending classes on an abbreviated schedule due to teachers being bused back and forth from Geneva on a daily basis.

GENEVA NORTH SCHOOL	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Admissions	140	140	110	89	65	61	40
Average Daily Population	81	81	62	59	42	49	33
Average Length of Stay	208 Days	198 Days	201 Days	211 Days	234 Days	255 Days	260 Days
Average Age at Admission	16.5 Yrs.	16 Years	16 Years	15 Years	16 Years	17 Years	16 Years
High School Diplomas	10	17	20	15	19	20	--
Return to Facility Rate	10%	9%	23%	6%	22%	15%	10%

WEST KEARNEY HIGH SCHOOL – YOUTH REHABILITATION AND TREATMENT (YRTC-K)

Originally established in 1879 as an Industrial School for both boys and girls, the YRTC-Kearney is currently operated by DHHS-OJS. The 172-bed Center is accredited by the American Correctional Association (ACA) as a juvenile correctional facility. It serves male State wards, under 19 years of age, who have been adjudicated for delinquency (law violations) in Juvenile Court; with 19% of FY 2016-17 admissions for Assault, followed by 16% for Theft. **West Kearney High School** is AdvancED accredited. Pre-release case planning and post-release community supervision are overseen and coordinated by Nebraska State Probation Administration.

WEST KEARNEY HIGH SCHOOL	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017
Admissions	449	425	350	203	161	142	132
Average Daily Population	147	160	142	111	102	108	97
Average Length of Stay	147 Days	154 Days	168 Days	204 Days	240 Days	287 Days	283 Days
Average Age at Admission	16 Years	16 Years	16 Years	16 Years	16 Years	16 Years	16 Years
High School Diplomas	--	--	6	10	6	11	11
GED Diplomas	46	49	13	10	1	--	3
Recidivism Rate	29%	27%	22%	17%	16%	18%	23%



UPDATED: December 13, 2019

SOURCE: Nebraska Department of Education (NDE) - "Fostering Connections in Education" for Systems-Involved Students

2019 YRTC SPECIAL PURPOSE SCHOOLS

- **Adjudicated Male Juvenile Offenders, placed by Juvenile Court**
- **12 - 18 Years Old**
- **7th - 12th Grade**
- **Capacity: 120 Beds**
- **ALS: 283 Days**

West Kearney High School
Located at
YRTC-Kearney

Geneva North School
Re-Located to
YRTC-Kearney
in August, 2019

- **Adjudicated Female Juvenile Offenders, placed by Juvenile Court**
- **12 - 18 Years Old**
- **7th - 12th Grade**
- **Capacity: 40 Beds**
- **ALS: 260 Days**



DATE: December 16, 2019

SOURCE: Nebraska Department of Health and Human Services and Nebraska Department of Education – “Fostering Connections in Education” for Systems-Involved Students

2020 YRTC SPECIAL PURPOSE SCHOOLS

- Adjudicated Male Juvenile Offenders, placed by Juvenile Court
- 12 - 18 Years Old
- 7th - 12th Grade
- Capacity: 120 Beds
- ALS: 283 Days

**West
Kearney
High School**
*Located at
YRTC-Kearney*

- Adjudicated Female Juvenile Offenders, placed by Juvenile Court
- 12 - 18 Years Old
- 7th - 12th Grade
- Capacity: 40 Beds
- ALS: 260 Days

**Geneva
North School**
*Re-Located to
YRTC-Kearney
in August,
2019*

- Male and Female State Wards transferred from YRTC-Kearney due to High Acuity Needs requiring a Therapeutic Model
- Capacity: 11 Beds and 9 Beds
- ALS: Based on Treatment Needs
- Individualized Instruction, using West Kearney or Geneva North's Curriculum

**YRTC-Lincoln
School**
*Opening
January, 2020*

- Female State Wards within 60 Days of Release from the YRTC
- Capacity: 6 Beds
- Projected ALS: 60 Days
- Court-Approved Re-Entry Plan Involving Probation Officer, Student and Family
- Continuity of Instruction, using Geneva North's Curriculum, in prep for Re-Entry

**YRTC-
Geneva
School**
*Opening
January, 2020*



DATE: December 16, 2019

SOURCE: Nebraska Department of Health and Human Services and Nebraska Department of Education – "Fostering Connections in Education" for Systems-Involved Students

Interim-Program Schools
Under Rule 18

Total: 15

Boys Town Interim Program Schools:

Boys Town Intervention & Assessment Home – Omaha
Boys Town Residential Treatment Center – Omaha
Boys Town Intervention & Assessment Shelter – Grand Island

Hastings:

Hastings Regional Center Juvenile Chemical Dependency Program - Nebraska Youth Academy

Lincoln:

Child Guidance Center - Residential Treatment Center
Lancaster County Youth Services Center - Pathfinder Education Program
Morton School - Whitehall Campus

Madison:

Northeast Nebraska Juvenile Services, Inc.

Omaha:

Alegent/Immanuel Hospital Residential Treatment Center
Douglas County Youth Center
NOVA Alternative School
Omaha Home for Boys School
Rite of Passage - Uta Halee Academy
Youth Care & Beyond Educational Program

Papillion:

Patrick J. Thomas Juvenile Justice Center

