

2022-2023

NEBRASKA CHILDREN'S COMMISSION ANNUAL REPORT

Recommendations to the Governor and the Health and Human Services
Committee of the Legislature

Submitted Pursuant to Neb. Rev. Stat. 43-4207



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INTRODUCTION

The Nebraska Children's Commission (Commission) was created in 2012 by the Nebraska State Legislature. The Commission serves as a leadership forum for collaboration on child welfare and juvenile justice reform among the three branches of government and public and private stakeholders at the state, regional, and community level. The organizational model consists of 26 Commission Members including voting and non-voting members, an executive committee, a chairperson, and several statutory committees and Commission made workgroups.

The Commission votes to appoint members of the statutory Committees to ensure that each has a balanced membership representing all three branches of government, system stakeholders, community representatives, and families and youth whose lives have been impacted by the child welfare and juvenile justice systems. Over 250 stakeholders and community members across the state participate in the Commission's initiatives, which have significant impact on child welfare and juvenile justice policy and legislation.

In the current reporting year, the Commission has collaborated with Nebraska's Reimagine Well-Being workgroup established through LB 1173 by attending stakeholder meetings, being an ex-officio member of the workgroup, and meeting with The Stephen Group to provide historical knowledge of Nebraska's child welfare and juvenile justice systems. The Commission was identified as a key stakeholder for this transformation and looks forward to continuing to engage with the process to transform child and family well-being in Nebraska.

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



STRATEGIC PRIORITIES FOR 2022-2024



Prior to establishing strategic priorities as required by Neb. Rev. Stat. §43-4202, a review of what is currently being done and what Commission Members would like to see was completed. This exercise clarified what Nebraska was missing and drove the creation of the following priorities for 2022-2024:

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

In addition to strategic priorities, the Commission identified two areas that hold significant value in the work and recommendations provided within this report which include:

- Diversity, Equity, and Inclusion
- Family Voice

The Commission is an inclusive body that respects all religions, places of origin, ethnicities, and identities by ensuring all members have a voice and there is strong representation of diverse backgrounds.

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

RECOMMENDATIONS BY COMMITTEE

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

Foster Care Reimbursement Rate Committee Recommendations:	Strategic Priority	Page # of Report
<p>DHHS revise their implementation strategy of Therapeutic Family Care (TFC) to include youth that are not under the Division of Children and Family Services including youth not involved in any state system but eligible for Medicaid to allow them to access services within their own communities and to prevent a higher level of care.</p>	<ul style="list-style-type: none"> • Placement Stability and Solutions 	<p>Page 8</p>
<p>Multiple assessments typically occur with youth who meet the criteria to need TFC. DHHS should consider utilizing already completed assessments when determining eligibility to be a more inclusive service.</p>	<ul style="list-style-type: none"> • Placement Stability and Solutions 	<p>Page 8</p>
Juvenile Services Committee Recommendations:	Strategic Priority	Page # of Report
<p>The workgroup recommends there be a collaborative effort to increase awareness, define roles and partner with Managed Care Organizations (MCOs) to increase access to the services available through not only Medicaid but all funding streams.</p>	<ul style="list-style-type: none"> • Services Array 	<p>Page 10</p>
<p>DHHS consider and adopt this workgroup's revisions and key concepts to the current Community Treatment Aide definition which will provide a service available in a youth's community while actively working on their treatment plan.</p>	<ul style="list-style-type: none"> • Services Array 	<p>Page 10</p>

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

- Services Array

Page 11

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

- Services Array

Page 11

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

- Services Array

Page 11

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

- Placement Stability and Solutions

Page 11

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

- Services Array

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

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

- Placement Stability and Solutions

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

- Prevention Continuum

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

- Placement Stability and Solutions

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FOSTER CARE REIMBURSEMENT RATE COMMITTEE

Felicia Nelsen and Michelle Moline, Co-Chairs

The Foster Care Reimbursement Rate Committee (FCRRC) was codified at Neb. Rev. Stat. §43-4217 to make recommendations on foster care reimbursement rates, a statewide standardized level of care assessment, and adoption assistance payments. The Committee is required to submit reports to the Health and Human Services Committee of the Legislature once every four years.

The FCRRC will be submitting the legislatively required report in 2024 to include suggested rates for agencies and foster parents, as well as recommendations for Therapeutic Family Care implementation. The FCRRC and Children's Commission recognize that the cost of caring for a child has increased significantly since the last legislative report due to inflation. The FCRRC commends DHHS in keeping youth in their homes with supports and because of this, youth entering foster care tend to have more significant needs that require more training, support and resources for foster parents and their supporting agencies. Although specific rate recommendations will be provided in the 2024 report, the FCRRC would support any increases to foster care reimbursement and agency support rates to continue supporting youth involved in foster care.



FCRRC WORKGROUP

*Therapeutic Family Care Workgroup
Trisha Behrens & Doug Kreifels, Co-Chairs*

The TFC Workgroup was established by the FCRRC to define program elements and create a rate structure for the service, and is composed of foster parents, service providers, Juvenile Probation, and DHHS staff. In 2019, the workgroup created recommendations and a service definition for DHHS to utilize when establishing the treatment family care service. TFC is set to be an available service as of October 1, 2023, pending CMS approval of Nebraska's plan. The workgroup focused on comparing what DHHS is planning to implement to the Commission's recommendations from 2019. There were two notable differences between the recommendations and the current plan:

1. The 2019 recommendations stated that service should be eligible to youth who are 20 and younger and have a history of trauma in addition to complex mental health or substance use disorders that are causing functional impairment, available to youth in various family settings, and should include probation youth. The current implementation plan is to use the Child and Adolescent Functional Assessment Scale (CAFAS) tool to determine eligibility, however, this tool will only be utilized for DHHS state wards placed in foster care. DHHS will implement a clinical care coordination team to support the program and establish eligibility by administering the CAFAS to youth. Current implementation eliminates any youth who are not current wards of the state, resulting in counterproductive efforts to provide supports to keep youth with their families and in their communities.
2. Initial recommendations noted that an Initial Diagnostic Interview (IDI) be completed prior to the beginning of treatment and will identify the level of care needed. The current implementation plan identifies that a child must have an active diagnosis which requires a previous assessment be complete. If an IDI is already completed, the workgroup recommends that it be used to determine eligibility for this service and follow current Medicaid requirements for ongoing assessment. By doing so, resources could be reserved for youth without current assessments and the time until a youth is determined eligible could be reduced.

The TFC workgroup intends to monitor implementation as well as serve as a resource to DHHS while the TFC service continues to be refined to meet CMS approval and the needs of Nebraskan families. Future work includes defining what success is for this new service and creating solutions to best meet this success. The most impactful finding of this workgroup is that there are youth that will not qualify for this service and will continue to struggle to get their needs met and find permanency or will be unnecessarily placed in a higher level of care not within their community. At the time of reporting, the rates, and specific services definitions for TFC have not been outlined for the workgroup to review suggestions. The workgroup also identifies there are current efforts through LB1173 and plans to enhance this service after approval from CMS. The legislative report for 2024 will account for these actions and adjust recommendations as needed.

JUVENILE SERVICES COMMITTEE

Nick Juliano and Deb VanDyke-Ries, Co-Chairs

The Juvenile Services Committee (JSC) of the Nebraska Children’s Commission and the Nebraska Coalition for Juvenile Justice (NCJJ) present their joint report as a thoughtful contribution to the reform of juvenile justice in Nebraska and in compliance with Neb. Rev. Stat. 43-4203 and 43-2412(1) (b). To enhance collaboration, coordinate initiatives, and increase the impact and efficacy of juvenile justice reform in Nebraska, the JSC and NCJJ hold joint meetings and reporting.

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

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



JSC WORKGROUP



Access to Treatment Workgroup Julie Smith, Chair

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

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

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

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

STRENGTHENING FAMILIES ACT COMMITTEE

Misty Flowers, Payne Ackerman, and Ron Giesselmann, Co-Chairs

The Nebraska Strengthening Families Act (NSFA) Committee was created as the Normalcy Task Force under the umbrella of the Nebraska Children's Commission to monitor and make recommendations related to Nebraska's implementation of the Federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183. Nebraska's Strengthening Families Act, §43-4702, implements the federal Strengthening Families Act (SFA) and initial stakeholder recommendations. Both the federal and state SFA represent a culture shift to allow children and youth to grow and thrive in less restrictive, more family-like environments and participate in age and developmentally appropriate activities. Additional legislation related to best practices in implementation was passed as LB225 (2017).

The Committee is responsible for fulfilling the Commission's requirement to review normalcy plans, consider and review trafficking efforts in Nebraska, and make recommendations related to Another Planned Permanent Living Arrangement (APPLA) planning. DHHS has implemented a recommendation from previous reports and there are now Transition Youth Advocates in each service area of Nebraska to assist youth transitioning from foster care to adulthood.

During FY2022, the SFA Committee completed a SWOT (Strengths, Weaknesses, Opportunities, Threats) Analysis to determine what areas within SFA could be strengthened. The Committee identified there are opportunities to improve engagement with members, senators, youth, and community members to further progress on recommendations each year.

The APPLA Subcommittee has begun uncovering the barriers behind foster teens being able to obtain their driver's licenses. This group will first compile results of a survey sent to foster parents to provide some insight on the issues they have encountered in assisting foster teens. Future work includes finding solutions to the barriers and providing those recommendations to the legislature and DHHS.

The Trafficking Subcommittee has not regularly met this year but plans to meet biannually to review current efforts and will meet more frequently should the need for active review occur.

ALTERNATIVE RESPONSE COMMITTEE

Monika Gross and Susan Thomas, Co-Chairs



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

For this report, the AR Committee has focused on making recommendations related to oversight of Alternative Response. By adopting the recommendations listed at the beginning of this report, data provided by DHHS can help inform the areas of responsibilities this committee is tasked with and can also provide the most understanding into what can be improved or changed to improve the experience of families in Nebraska.

Through the Oversight workgroup chaired by Jennifer Carter and Ivy Svoboda, the AR committee identified that any data gathered because of these recommendations should cross reference the demographic data of the families involved to better understand not only the demographics of the families involved in AR, but also to determine if the AR process results in any disproportionate outcomes or impacts.

ADDITIONAL AR WORKGROUPS

Equitable Provision of Services Workgroup

Mikayla Wicks, Chair

The Equitable Provision of Services Workgroup was created to review what services are currently available to families involved in the child welfare system, and to determine if other services would be useful for future work. It was determined that often services are recommended to families based on the type of involvement they have with DHHS, whether that be court involved, alternative response or non-court involved. The group discussed how case planning and service array be offered based on specific needs of the family rather than a prescribed set of services often provided for each open case type. The group also discussed services that are available for a family to use and discussed how these services may be beneficial to families who are not involved with DHHS through an open case. Finally, a structured timeframe of getting families engaged with community resources prior to case closure could prevent future DHHS involvement.

Legal Resource Workgroup

Pat Carraher, Chair

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

Workforce Stability Workgroup

Mikayla Wicks, Chair

The Workforce Stability Workgroup was created to attempt to determine what can be done to maintain the current child welfare workforce, including DHHS staff and providers. There is work being done through LB1173 to address caseloads within DHHS, which will also help address burn out and work culture directly for Child and Family Service staff. Service providers and community agencies discussed cultures that have been created to allow child welfare workers to take time away from their role as needed, especially after a traumatic event. Ongoing assessment of what are the factors that result in a child welfare staff leaving the field through survey information will guide future workgroup recommendations. The workgroup recognizes the need for changes that largely impact the workforce while minimally impacting agencies financially.

BRIDGE TO INDEPENDENCE ADVISORY COMMITTEE

Brandi Gustoff & Richard Hasty, Co-Chairs

This Committee was created pursuant to Neb. Rev. Stat. §43-4513 to make recommendations to DHHS and the Commission regarding the Bridge to Independence (b2i) Program, extended guardianship assistance, and extended adoption assistance.

The b2i Program, implemented in October of 2014, was created to support youth who age out of the child welfare foster care system without achieving permanency. Youth aging out of the tribal court system were included in 2021. In 2023, LB14 was introduced by Senator Dungan which requires that youth involved in the Juvenile Justice System who are in a court-ordered out-of-home placement on their 19th birthday shall receive information regarding b2i. LB14 was amended into LB50 by AM1980 and requires DHHS to implement by January 1, 2025. This has been a long-standing recommendation of the Committee and members are committed to ensuring the b2i program is accessible to youth involved in out-of-home placement at the time they reach adulthood.

To continue accessibility to the b2i program, youth need to be eligible for the services regardless of their immigration status. For the upcoming reporting year, the b2i Committee will establish an Immigration Eligibility workgroup to determine what the barriers are to including these youth in the program. Once barriers are identified, the workgroup intends to create recommendations that identify solutions to this.

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

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

Nebraska Children's Commission Members

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

NEBRASKA CHILDREN'S COMMISSION ORGANIZATIONAL STRUCTURE

