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Nebraska Strengthening Families Act Committee 2020- 2021 Annual Report

Report to the Nebraska Children's Commission, the Governor, the Health and Human Services Committee of the Legislature, and the Department of Health and Human Services

Submitted Pursuant to Neb. Rev. Stat. §43-4218

Background

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

STATUTORY CHARGE

The Nebraska Strengthening Families Act Committee shall monitor and make recommendations regarding the implementation in Nebraska of the federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183, as such act existed on January 1, 2017, and the Nebraska Strengthening Families Act, [Neb. Rev. Stat. §43-4701 to §43-4715].

PRIORITIES

1. Continue to monitor the implementation of the federal Strengthening Families Act.
2. Promote normalcy as the foundation to prevent trafficking, address disparate impacts on minorities, and support the successful transition to adulthood.
3. Coordinate implementation with other policy making bodies.

The Committee has met quarterly for the last year to accomplish its statutory mandates. The Committee has two active Subcommittees to fulfill the detailed work of prioritized initiatives: 1) the Another Planned Permanent Living Arrangement (APPLA) Subcommittee, and 2) the Normalcy Subcommittee.

The Committee periodically creates and archives Subcommittees depending on their fulfillment of assignments from the Committee. Archived NSFA Subcommittees include Trafficking, Community & Family Voice, Grievance Procedure, Training, and Court Implementation. These groups may be called upon, reviewed and/or revived depending on need of the Committee and emerging issues.

For more information or to get involved, please visit our [website](#), or email necc.contact@nebraska.gov.

PRIORITIZED INITIATIVES

Summary of Activities 2020-2021

During FY2021, the NSFA Committee, with the help of three branch participation, and community representatives, made great progress continuing to advance culture changes within the child welfare and juvenile justice systems to ensure normalcy for youth in out of home placement, identifying victims of child sex and labor trafficking, and ensuring supports are in place for a successful transition to adulthood.

Much of the focus of the last year's work was on continuing the work for the Commission and its Subcommittees during the unique times of the COVID-19 pandemic. The need for the NSFA Committee to remain as a statutory body has been reviewed. Great progress has been made by the Committee, and further work remains.

The Normalcy Subcommittee reviewed Normalcy Plans and Reports submitted by child-caring agencies (pursuant to [§43-4706](#)) and is working closely with agencies to strengthen normalcy opportunities for youth.

The APPLA Subcommittee reviewed the Foster Care Review Office Annual Report and utilized data to create recommendations for DHHS on working with transition age youth.

The Trafficking Subcommittee is currently inactive but remains a point of contact and collaboration for youth related trafficking services, data and resources.

RECOMMENDATIONS

1. Normalcy should extend to youth in care in all systems as appropriate and considering parental preference. The Committee recommends the statutory requirement for Normalcy Plans and Reports pursuant to §43-4706 be amended to include facilities which provide treatment services as a component of the placement, including treatment group homes and psychiatric residential treatment facilities.
2. Stakeholders should make every effort to make decisions that enhance and maximize normalcy and avoid placements and circumstances that are inherently not normal.
3. DHHS and Saint Francis should designate Transition Age Youth Advocates in each service area, modeled after the ICWA Advocate structure.
4. Children, youth and foster caregivers should be given the opportunity to be present at every court hearing. When this is not possible, court information forms should be available in every jurisdiction and provide to youth and their foster caregivers.
5. The court forms must have a party responsible for ensuring youth and foster caregivers receive forms and have a user-friendly way to return those forms to the Court prior to the hearing ([§43-1314](#)).

Summary of legislative activity related to work of the Strengthening Families Act Committee

LB357: During the 107th Legislature, 1st Session, LB357 introduced by Senator Hunt proposed a Youth Bill of Rights. LB357 is a modified version of LB941, which was introduced by Senator Hunt during the 106th Legislature, 2nd Session. LB357 was advanced to General File with a Judiciary Committee amendment. The Strengthening Families Act Committee and Nebraska Children's Commission support enacting a Youth in Care Bill of Rights in Nebraska.

SUBCOMMITTEES

Another Planned Permanent Living Arrangement (APPLA)

Crystal Aldmeyer, Chair

The Subcommittee focuses its efforts on the provisions of the State and Federal Strengthening Families Acts related to Another Planned Permanent Living Arrangement (APPLA). This permanency goal means youth will be self-sufficient, including caring for themselves independently and providing for themselves financially, through either employment, supportive services or public financial assistance, and that reunification, adoption, and legal guardianship were attempted, but unsuccessful or not in the youth's best interest. Without a permanent family, these youth need extra support to attain their goals, achieve emotional permanency, and transition to adulthood.

Normalcy for youth transitioning out of the child welfare system includes creating a supportive network to help youth face life's challenges and develop a baseline of independent living skills.

Activities: The APPLA Subcommittee continues review FCRO data and other sources related to transition age youth. Transition age youth continue to experience placement disruptions at higher rates than younger children in care and case managers face unique dynamics in preparing older youth for the transition to adulthood. Due to these factors, the APPLA Subcommittee discussed options to help support this population of youth and work to improve their overall outcomes. DHHS currently utilizes "ICWA Advocate" (Indian Child Welfare Act) positions as a strategy to support case managers in navigating the complex dynamics of ICWA cases. The Subcommittee examined the ICWA Advocate concept and recommends that DHHS invest in "Transition Age Youth Advocates" with a similar model.

The following recommendations are being discussed with DHHS in effort to strengthen outcomes for youth ages 14-18.

RECOMMENDATIONS FOR DHHS

1. DHHS should Designate "Transition Age Youth Advocates" in each Service Area.
 - a. Youth Advocates should be supervisory level staff to help ensure continuity and impact with CFSS on their teams.
 - b. Youth Advocates should work to build relationships with community service providers and CIY in their area.
 - c. Youth Advocates should receive pay differential to compensate for their additional duties and specialized skills.
 - d. Youth Advocates should have a reduced caseload if they are not supervisory level.
 - e. ESA should designate Youth Advocates for their area as well and should participate in meetings with Youth Advocates across the state.
2. The designated DHHS Program Specialist should conduct regular meetings with Transition Age Youth Advocates to share successes, discuss process improvement, address challenges in the field, review Continuous Quality Improvement (CQI) data and coordinate specialized training.
3. Specialized training in youth engagement and/or positive youth development should be made available to all staff who work with youth ages 14-18.
4. Foster parents should receive specialized training on youth engagement and resources available for transition age youth.

Community and Youth Voice

Ron Giesselmann, Chair

The Subcommittee reconvened in 2020 for the purpose of reviewing proposed youth bill of rights legislation. The Community and Family Voice Subcommittee originally worked extensively on Youth Bill of Rights recommendations from 2016-2018 and has remained connected to legislative initiatives related to rights for youth in care. This Subcommittee worked closely with Senator Hunt's office to review and give feedback on the proposed legislation that ultimately was introduced as [LB357](#) during the 107th Legislature, 1st Session. The Nebraska Children's Commission testified in support of this legislation and worked with the Senator's office to provide input on amendments to the bill.

Subcommittee discussions emphasized the importance of collaborative implementation. Youth Rights are essential to giving youth voice and choice while in care. It is crucial that rights are discussed dynamically and periodically in order to ensure youth can partner in the decision-making process. Subcommittee members also noted that it is difficult to determine the level of understanding youth in the system have regarding their rights. It is recommended that DHHS further examine the implementation of the Youth Rights document and gather data to assess youth's understanding of their rights. This information will help support the current system of implementation or indicate that further work is needed to ensure youth in the system fully understand their rights.

SUBCOMMITTEES

Trafficking Subcommittee

Sarah Forrest, Chair

Purpose: **1)** Monitor and make recommendations to ensure that the implementation of the Federal and State Strengthening Families Acts support the prevention of trafficking. **2)** Minimize victimization for system involved youth by creating and supporting collaborative approaches to trafficking.

Activities: This group was dormant for most of FY2020 but remains willing to be activated if there is a need. The State of Nebraska applied for and received a three-year grant from the federal government focused on improving outcomes for children and youth experiencing trafficking. New workgroups are currently being formed as part of this grant. Many subcommittee members are engaged in this new work. The Subcommittee will continue to monitor to see what role it may need to play and provide updates to the SFA committee as needed/requested.

During the 106th Legislature, 1st Session, [LB519](#) was passed which requires DHHS to investigate all allegations of alleged child sex and labor trafficking regardless of the perpetrator. This important legislation improves our state's coordinated response and intervention to child sex and labor trafficking. With the passing of LB519, there is now a standard process for the mandatory requirement of sharing cases of suspected trafficking with local law enforcement.

LB519 required additional [trafficking data](#) be included in DHHS's annual report pursuant to [§43-4406](#). According to this information, during SFY2020, there were 66 reports to the hotline alleging sex trafficking and one report alleging labor trafficking. Of these reports, 12 were opened for ongoing case management. The SFA Committee will continue monitoring data trends related to trafficking in Nebraska and will reengage the Trafficking Subcommittee as needed.

Normalcy Subcommittee

Felicia Nelsen and Tom McBride, Co-chairs

Purpose: To monitor the implementation of the Strengthening Families Act, specifically to review the normalcy plans and reports pursuant to [§43-4706](#).

“Every child placed by the department in a foster home or child-care institution shall be entitled to access to reasonable opportunities to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.” [Neb. Rev. Stat. §43-4704](#)

Activities: This group was reconvened after the implementation of the statutorily required Normalcy Plans and Reports (LB225 in 2017) and to issue a survey in attempt to measure progress since the initial implementation of the Nebraska Strengthening Families Act. Since completion of the survey, the Normalcy Subcommittee has continued to meet periodically to review Normalcy Reports.

Normalcy Plans and Reports:

The SFA Committee assigned the Normalcy Subcommittee the task of reviewing the Normalcy Plans and Reports submitted by child-caring institutions to the Department of Health and Human Services pursuant to [NRS §43-4706](#). The Normalcy Subcommittee reviewed Normalcy Plans and Reports for 13 child caring institutions. These child caring institutions provide

congregate, non-treatment, placement settings (group homes and shelters) for state wards and youth under the supervision of Juvenile Probation. This component of the Act was passed in 2017 and implemented in child caring institution contracts with DHHS-DCFS in 2018. The Subcommittee collaborated with the Department of Health and Human Services in the development of a standardized format to be used in the reporting process.

During the review, it was noted the statute was not interpreted to apply to congregate treatment settings (psychiatric residential treatment facilities, or treatment group homes). Also, it does not cover child caring institutions which receive placement of state wards or juveniles under contract/voucher by other entities such as Saint Francis and the Administrative Office of the Courts and Probation.

Additional information about the normalcy requirements across system partners and settings can be found here: <https://tinyurl.com/NormalcyMapping>.

During this report year, the Normalcy Subcommittee facilitated a multi-step process with agencies who are required to submit Normalcy plans and reports per [NRS §43-4706](#). The Subcommittee identified a disconnect between the work of agencies and the Normalcy Subcommittee. This Subcommittee is responsible for reviewing reports but did not have any mechanism for discussion or feedback with agencies who completed reports. Through a survey, feedback was collected to identify areas of need for agencies. Survey themes suggested that there is little to no training on how to complete

RECOMMENDATIONS

1. Normalcy should extend to youth in care in all systems, including child welfare, juvenile justice, behavioral and mental health, and developmental disabilities. The Committee recommends the statutory requirement for Normalcy Plans and Reports pursuant to §43-4706 be amended to include facilities which provide treatment services as a component of the placement, including treatment group homes and psychiatric residential treatment facilities.
2. Stakeholders should make every effort to make decisions that enhance and maximize normalcy and avoid placements and circumstances that are inherently not normal.
3. Normalcy should extend to youth in care in all systems as appropriate and considering parental preference. The Committee recommends the statutory requirement for Normalcy Plans and Reports pursuant to §43-4706 be amended to include facilities which provide treatment services as a component of the placement, including treatment group homes and psychiatric residential treatment facilities.

normalcy plans and reports. Other survey themes included a lack of knowledge of the statute behind normalcy reports/plans and the impact of COVID-19 on normalcy activities for youth.

During this fiscal year, Subcommittee members met with individual agencies to discuss the strengths and needs of their reports and also to answer questions about normalcy plans and reports. These meetings were overall positive, and agencies noted that it was helpful to have additional information to strength their plans and ultimately improve the individualization of normalcy opportunities for youth. The Subcommittee is compiling themes from individual meetings and will be sending out a memo style document to agencies to highlight examples for the normalcy report and to summarize next steps the Subcommittee will be working on. The Subcommittee will continue to review normalcy plans and reports and build continued collaboration with agencies with the goal of strengthening normalcy opportunities for youth in Nebraska.

STRENGTHENING FAMILIES ACT COMMITTEE MEMBERSHIP

Member Name	Member Type	Title and Organization	Representation
Payne Ackerman	Voting	Former Foster Youth , Project Everlast	young adult currently or previously in foster care
Deanna Brakhage	Voting	Program Specialist , DHHS, Division of Children and Family Services	representative of the Executive Branch of Government
Ashley Brown	Voting	Program Director , Nebraska KVC	representative from a child welfare service agency
Heather Colton	Voting	Associate Attorney/Guardian Ad Litem , Pollak & Ball, LLC	Guardian Ad Litem who practices in juvenile court
Rhia Connley	Voting	Foster Parent	current or former foster parent
Rebecca Daugherty	Voting	Former Foster Youth	young adult currently or previously in foster care
Vernon Davis	Voting	Young Adult Previously in Foster Care , Young Adult Previously in Foster Care	young adult currently or previously in foster care
Misty Frazier (Co-Chair)	Voting	Executive Director , Nebraska Indian Child Welfare Coalition	representative of a child welfare advocacy organization
Patricia Frost	Voting	Education Specialist II , Nebraska Department of Education	representative of the Department of Education (non-statutory)
Stephanie Gardella	Voting		representative from a child welfare advocacy organization
Ron Giesselmann	Voting	Executive Director , Masonic-Eastern Star Home for Children	Representative of a child care institution
Brandy Gustoff	Voting	Chief Program Officer , Omaha Home for Boys	representative of an Independent Living Services Agency
Terri Knutson	Voting	Parent	Parent who has experience in the foster care system
Sara Riffel	Voting	Associate Vice President , Connected Youth Initiative, Nebraska Children and Families Foundation	professional who has relevant practical experience
Jessica Rockemann (Co-Chair)	Voting	Child and Family Advocate , Nebraska Children and Families Foundation	representative from a child welfare advocacy organization
Deb Shuck	Voting	Central Service Navigator for the Older Youth System of Care , CAPWN	representative from an agency providing independent living services
Tiffany Uher	Voting	Continuous Quality Improvement Director , CEDARS	Representative of a child care institution
Bailey Perry	Resource	Senior Director of Self-Sufficiency Service , Omaha Home for Boys	representative of an Independent Living Services Agency
Vacant	Ex-Officio		representative of the Legislative Branch of Government
Jeremy Behrends	Ex-Officio	Juvenile Justice Program Specialist , Administrative Office of Probation, Juvenile Services Division	representative from the Juvenile Probation System
Monika Gross	Ex-Officio	Executive Director , Foster Care Review Office	Executive Director of the Foster Care Review Office
Deb VanDyke-Ries	Ex-Officio	Director , Nebraska Court Improvement Project	representative of the Judicial Branch of government