

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

WAYNE: And welcome to the Judiciary Committee. My name is Justin Wayne, and I represent Legislative District 13, which is north Omaha and northeast Douglas County. We will start off today by having members and staff do self-introductions starting with my right.

IBACH: Teresa Ibach, District 44, which is 8 counties in southwest Nebraska.

McKINNEY: Terrell McKinney, District 11, north Omaha.

JOSH HENNINGSSEN: Josh Henningsen, committee legal counsel.

ANGENITA PIERRE-LOUIS: Angenita Pierre-Louis, committee clerk.

DeBOER: Hi, everyone. My name is Wendy DeBoer. I represent District 10 in northwest Omaha.

BLOOD: Good afternoon, Senator Carol Blood, representing District 3, which is western Bellevue and eastern Papillion, Nebraska.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

DeKAY: Barry DeKay, District 40, representing Holt, Knox, Antelope, Cedar, northern part of Dixon and northern part of Pierce County.

WAYNE: Also assisting us is our committee pages, Elizabeth [SIC] Kolb from Omaha, who is a political science major and a pre-law major at UNL. Also with us is Ethan Dunn. Dunn is from Omaha, who is a political science major at UNO-- UNL, sorry. This afternoon, we will be hearing 7 bills and they'll be taken up in the order listed outside your room. On the table, right there next to the young, young man in the hat sitting in the front, is a blue testifier sheet. Those blue testifier sheets help us keep accurate records, so please fill one out. Before you come testify, hand it to the page. If you do not want to testify but want your position heard for the record, you can fill out a gold testifier sheet right there and check the box over-- either you're a proponent or a opponent, and that will be listed in the record. Also, I'd like to note that it's the Legislature's policy that all letters of record must be received by the committee by 8 a.m. in the morning of the hearing. Online comments are to be sub-- submitted in lieu of personal testimony. Any handouts, if you have handouts, please make sure the pages have at least 10 copies. If you don't have 10 copies, please give it to them before you come up to talk so we could have those 10 copies when you are presenting. Testimony begins

with the introducer of their opening statement-- or introducer of the bill will have an opening statement. Then we'll follow by those supporting the bills, those in opposition, then those speaking in a neutral capacity. Then we'll close with the introducer of the bill making final closing remarks. We ask you to begin your testimony with your first and last name and spell them for the record. We will be using the 3-minute light system today. When you begin your testimony, it'll be green. It turns yellow with 1 minute left. And then at the red light, I will ask you to wrap up your final thoughts. I would like to remind everyone, including senators, please turn off your cell phones or put them on vibrate. That way we can-- that-- sorry. This will-- we will start with-- I'm trying to think. Oh, LB923. LB923, Senator McKinney. Welcome to your Judiciary, Senator McKinney. I've been waiting to grill you all year. Welcome.

McKINNEY: Thank you. Thank you, Chair Wayne and members of the, of the Judiciary Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I represent District 11 in the State Legislature. I'm introducing LB923, which, which allows the use of tribal enrollment cards for proof of age and identity for certain firearm and alcohol laws. In a society that claims to cherish diversity inclusion, it is imperative for states like Nebraska to recognize the valid-- the validity, and importance of tribal enrollment cards as a form of identification. Tribal enrollment cards serve as a fundamental link to Native American identity and heritage, embodying centuries of tradition and culture. By accepting these cards as proof of age and identification, Nebraska has the opportunity to demonstrate its commitment to equality, respect, and recognition of, of all its citizens. Tribal enrollment cards are issued by federally recognized Native American tribes, signifying a legal acknowledgment of an individual's membership within their respective tribal community. These, these cards undergo rigorous ver-- verification processes by tribal authorities, ensuring their authenticity, authenticity and reliability. Thus, they hold the same level of credibility as other forms of, of identification, such as driver licenses or passports. Speaking of credibility, the state of Nebraska passed a new voter ID requirement last year that accepts tribal identification cards as valid identification to vote. Therefore, I believe they should be accepted uniformly. Denying the acceptance of tribal enrollment cards perpetuates system-- sys-- systemic discrimination against Native Americans who have long faced marginalization and, and erasure of their cultural identity. By refusing to recognize these cards, Nebraska inadvertently contributes to the ongoing disenfranchisement

of Native American communities, hindering their access to essential services and opportunities. Tribal enrollment cards are often the only form of identification available to many Native Americans, especially those living in rural or reservation areas. Requiring, requiring alternative forms of identification places an undue burden on individuals who may face financial constraints and logistical challenges in ob-- in obtaining them. Recognizing tribal enrollment cards as valid identification streamlines the process and, and ensures equitable access to services for all Nebraskans. By embracing tribal enrollment cards as valid identification, Nebraska can create stronger relationships with Native American tribes within its borders. This gesture of respect and recognition demonstrates a willingness to engage in meaningful dialogue and partnership with tribal governments, leading to enhanced collaboration on issues of mutual interest, such as economic development, healthcare, and education. By accepting tribal enrollment cards as valid proof of age and identification aligns with the values of equality, inclusivity, and respect for diversity that are the core of American society. Nebraska has an opportunity to lead by example and set a precedent for other states to follow. By embrace-- by embracing the, the rich tapestry of Native American culture and heritage, Nebraska can move forward towards a more just and inclusive future for all its citizens. It's time for Nebraska to take this step forward and recognize the validity of tribal enrollment cards. Thank you. I'll answer any questions.

WAYNE: Any questions from the committee? Senator DeBoer.

DeBOER: Thank you. Senator McKinney, are you familiar with the REAL ID requirements that the federal government has?

McKINNEY: Yes, I am. I don't think that that would be an issue, because when I was doing my research before I introduced this bill, others-- I got the model for this bill for some other states that did, that did this same thing, and it didn't come up as an issue.

DeBOER: So, I guess they wouldn't be able-- folks wouldn't be able to use that ID as their ID for going through like a airport. Because I think that's the problem with the REAL ID-- one of the problems with the REAL ID.

McKINNEY: I guess I would-- I can't ask you that question. But currently, if I'm living on a reservation and I dec-- and I only have a tribal identification card and I go to get on a flight, what are they requiring now?

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Judiciary Committee February 15, 2024

Rough Draft

DeBOER: So I don't know if-- because I think we're just in the process where the timeline was expiring for when you could not have REAL ID. This was-- the reason I asked this is because last year in TNT, we had a problem with trying to get Ukrainian driver-- driver's licenses. Do you remember this? And so, I would just say, I think this is a good bill. I think it's a good idea, but we should probably make sure to talk with Rhonda Lahm over at the Department of Motor Vehicles and see-- because they handle a lot of REAL ID stuff, so she might be a good resource on--

McKINNEY: OK.

DeBOER: --on that.

McKINNEY: All right. I'll double check with them, but.

WAYNE: Any other questions from the committee? Seeing none, gook luck at districts. I mean, state.

McKINNEY: All right. Thank you. And I apologize. I have to-- I won't be here to close. I have to leave. But I really think this is a great bill. I think it's something we should do, and should have done a long time ago. And one of-- a, a member of the tribe is why I brought this bill. He reached out to me and asked me would I introduce this. And I told him, yeah. It was a no-brainer. So that's why we're here, and I think we should find a pathway to get it passed. Thank you.

WAYNE: And don't, don't apologize for impacting kids' lives, man. Good luck with your team today.

McKINNEY: Thanks.

WAYNE: First proponent. Welcome back to your Judiciary. I, I, I really love your brims. You be having some--

JESS LAMMERS: Thank you, Senator Wayne. I, I work hard and I custom order them. That's facts. Jess Lammers, the man in the hat, J-e-s-s L-a-m-m-e-r-s. I would like to lend my voice of support to Senator McKinney's bill supporting Native American IDs for alcohol and gun purchases. Because my children are Native American, this hits close to home. They can have a tribal ID, but then outside the reservation, what's the tribal ID do? Nothing. Now, addressing Senator DeBoer's comments about the REAL ID Act, that's a joke. The REAL ID Act is a joke. You're right. That little gold star in there on that card gets me access to an airport and a federal building. So does the gold star

on that one. Yeah, and there's another government ID with a gold star. Pick an ID, pick an address, pick a house, pick a business, pick a trust structure. REAL-- the REAL ID Act is a joke. And essentially, it's supposed to make my government issued ID like a mini passport. So if we're going to make government IDs like mini passports, why not just put those requirements on tribal governments and int-- integrate those so that they're REAL ID compliant? But then again, that would be an amendment to Senator McKinney's bill. And I would still lend support or my voice of support to Senator McKinney's bill, because it just makes common sense that if tribal governments are recognized as governments at the legislative level already, shouldn't their IDs be recognized by the broader spectrum of society? And as a guy that's worked in the alcohol industry since 1993, it never made sense to me why I could not accept a tribal ID at the door of a bar. And that would conclude my comments to the committee. I would yield any time forward and accept questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

JESS LAMMERS: Thank you, sir.

WAYNE: And for the record, those were not props. We're good.

JESS LAMMERS: You can check them if you want. [INAUDIBLE].

WAYNE: Oh, you're fine. I appreciate it. Next proponent. Next proponent. Welcome to your Judiciary Committee.

CORNELIUS LEVERING: Thank you.

WAYNE: Go ahead, sir.

CORNELIUS LEVERING: Good afternoon, Senator- or Chairman Wayne and members of the Ju-- Judiciary Committee. My name is Cornelius Levering, spelled for the record, C-o-r-n-e-l-i-u-s Levering, L-e-v-e-r-i-n-g. Before, you know, I really get to the thick of my testimony, I was thinking on my way down here, is that across this field here, there is a statue of Susan La Flesche Picotte that was erected here, not long ago. Susan La Flesche was a, a member of the Omaha Tribe of Nebraska, just as myself. And oftentimes, in the justice that she was fighting for, for, health-- equitable healthcare for our native people, she was a one-woman show. And clearly, there are probably not many Native Americans in this room here today. But I don't need an army because I am an army. I am an enrolled citizen of the Omaha Nation, or more

commonly known as the Omaha Tribe of, of Nebraska. I'm here to testify in support of LB923. I want to thank Senator McKinney for introducing this bill and specifics of it that are long overdue. As an American Indian, I carry with me daily my tribal ID. However, nowhere I go do they seem to be recognized as a legitimate form of identification. In my experiences, often there is uncertainty as to whether they can be accepted. As first nations people, this is emotionally damaging and is a slap in the face. My people have fought in the wars of the United States government and given you victories where defeat by the enemy was almost guaranteed. However, I am still treated, what seems like, as an enemy in my own country. This is no different than the African American experience here in the US. While LB92-- LB923 aims to have tribal IDs recognized for the use to purchase alcohol and firearms, I would strongly support adding a provision that tribal IDs are recognized by the state and be the equivalent to state I-- state IDs issued by the Department of Motor Vehicles. This is the solution to recognize us as nations within a nation, to uphold our sovereignty, and that gives us respect. The only line I would offer that we strike is for the use to purchase alcohol. Alcohol has devastated the populations of American Indians. I lost my mother 2 years ago to alcohol-- alcoholism. As you may know, I am for the best interests of my people. Members of the committee, I'm not asking for any special recognition. What I am asking for is the protection of our sovereignty, and that tribal IDs hold the same weight as state IDs. I want to thank you for your time and consideration of this matter, and your dedication to the rights of Native American people. Thank you, and I'll yield for any questions.

WAYNE: Any questions? Seeing none, thank you for being here. Next proponent, proponent.

RANDI SCOTT: Good afternoon. Chairman Wayne, members of the Judiciary Committee, my name is Randi Scott, R-a-n-d-i S-c-o-t-t, appearing today as a registered lobbyist on behalf of the Winnebago Tribe of Nebraska, in support of LB923. We would first like to thank Senator McKinney, although he is no longer here, for introducing legislation. The tribal council wishes to express their support for tribal enrollment cards being recognized as valid, especially in these instances where age is a requirement to access. Senator McKinney really laid out many of the reasons why we are also supportive of LB923. It just makes sense to apply the use of tribal IDs to these instances. And we would ask the committee to advance this bill to General File.

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Rough Draft

WAYNE: Thank you. Any questions from the committee? Seeing none.

RANDI SCOTT: Thank you.

WAYNE: Next proponent. Welcome back to your Judiciary.

MAGHIE MILLER-JENKINS: Thank you. Thank you. Hello. I'm Maghie Miller-Jenkins, M-a-g-h-i-e M-i-l-l-e-r-J-e-n-k-i-n-s. I swear I'm going to get a recording for my long name so I can just play it. I'm here in support of LB923, mainly because I feel like anything that we can do to advance the health, benefit, and recognition of our indigenous brothers and sisters is going to be something in the right direction. I would love to see more legislation coming to your table that is in favor of giving them rights, in favor of making sure that all of the constituents that live in Nebraska are seen with the amount of respect that they deserve. I mean, the names of our state and our city are still in their language. The fact that they have to come in before a Judiciary Committee and ask to have a piece of paper from colonizers to recognize them on their own land is pretty audacious to me. The idea that this could not pass and could actually be met with pushback is also audacious to me. It's just-- it's crazy. So I'm hoping that this committee can do the right thing and just beeline it straight onto the floor. That's pretty much all I've got to say on this one.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next proponent. Next proponent, proponent. First opponent, opponent, opponent. Those testifying in a neutral capacity. Neutral? Because you are the only one in 8 years who have always respected my wishes to testify in neutral capacity, so I really, really appreciate it.

HOBERT RUPE: Well, I do appreciate that as well.

WAYNE: Welcome.

HOBERT RUPE: Welcome.

WAYNE: Is this the first time-- is this your first time in Judiciary?

HOBERT RUPE: This is my first time in Judiciary in a long, long time. I think it's the first time since you've become Chairman, definitely.

WAYNE: Well, I-- in all 8 years, I don't remember you ever being over here so--

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Rough Draft

HOBERT RUPE: It's been a while. You usually just made me go to General Affairs all the time.

WAYNE: I-- I didn't see-- this didn't catch my radar or I would've had you back in General Affairs.

HOBERT RUPE: My name is Hobert Rupe, H-o-b-e-r-t R-u-p-e. I have the privilege of serving as the executive director of the Nebraska Liquor Control Commission. And I'm here to answer any questions. As is our normal practice, we were asked about the fiscal note on this bill. And we looked at it, and the commission says, well, this seems to make sense to us, so go answer any questions that may not occur. The bill, the bill clearly identifies that it must be a photo ID with the, with the age are 2 major requirements. Where we're looking at it just from, you know, is this the person in front of you representing who they are? I had the privilege-- the young man was able to let me see his ID. And I'm going, looks good to me, the format of it; be clean and concise, was formatted the correct way. You know, the only thing we would have to change a little bit is we'll have to change some forms and probably some training. But, you know, that's what happens as the laws change and evolve. And that's why the fiscal vote was zero, because we absorb any of those changes. So.

WAYNE: Any question from the committee? Can you walk through-- I know we're talking about using it for different reasons, but walk through your process of approving a liquor license real quick. Because, because they-- I had the privilege of being on General Affairs multiple years and heard it. And this is now our committee. And I just want people to know it isn't simply an application, ID and like, you, you guys go through extensive [INAUDIBLE].

HOBERT RUPE: We go through an extensive process to get an ID-- to do an application. And I can proudly say that as of the 5th of May, knock on wood-- or I'm sorry, 4th of May. It's Star Wars day actually. It's going to be a Saturday. We're going to be going completely online with our application process. This Legislature has given us the, over the last couple of years, the ability to do an online process. And we replaced a licensing application process that went first online when I was a sophomore in college, to give you an idea of how long ago that was. So right now, when you have to apply for a liquor license, if you're talking about primarily retail liquor license, Senator, you would have to file the form. The forms are, you know, you have to disclose any convictions you've had, if you're taking out any loans or banks, any notes, so that-- any indebtedness, a copy of the lease or

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Judiciary Committee February 15, 2024
Rough Draft

ownership rights for the location. And as part of that, the principles, generally, would have to also do-- undergo a background check, including being fingerprinted and processed in the Nebraska State Patrol. That's our role. We, we take it in, and then we send it out to Department of, Department of Health for an examination. We send it to the Fire Marshal or their designee for-- to make sure they're in compliance. We also send it to the local governing bodies for their ability to weigh in. And just as an aside, on places where they've been on tribal grounds, we've sent it both to the county and to the tribe, those applications, for them to-- because we figured we would rather hear-- we'd rather hear more recommendations rather than less. So that's been our practice for the last [INAUDIBLE] 15 years.

WAYNE: And then in efforts-- to just make sure we-- because, again, with term limits and everything, that everybody gets to serve on committees. And when they get to the floor, something from General Affairs come, and they might not understand. How much local control is involved? And then, what-- what's their process of local control for establishing liquor licenses?

HOBERT RUPE: A liquor license, there are about 4 things where the, where the commission must hold a hearing before it. And then, 2 of the most common are if they receive a recommendation of denial from the local governing body. So a local governing body will receive the-- a copy of the application. And usually it'll be, sometimes be redacted to provide like, the Social Security numbers and privacy statutes. And then, generally, they will have a hearing. Now, different cities do it in different ways. And, and so, it's-- and they'll, they'll publicize it. It will be an agenda item on the city council, either to go forward with it. If they recommend denial, then a hearing must be had in front of the commission. A hearing must also be had in the commission if we receive 3 or more citizen protestants from the jurisdiction, protestant to the issuance of the license. So those are 2 of the times where we must have a hearing. Now, you know-- and for the most part, if the cities are objecting for-- based on rational reasons, the commission has a history of, of going along with them. Every once in a while-- I still remember the one where we got the recommendation of denial from a local jurisdiction, because the guy wasn't from around here. He was from 20 miles away. And a week later, the same exact business model across the street got a recommendation of approval. So we're like, well, you can't really just make a recommendation for, for, for, [INAUDIBLE] reasons, so we approved both of them.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

WAYNE: Any questions from the committee? Again, thank you for being here.

HOBERT RUPE: Thank you very much.

WAYNE: And thank you-- again, you're one of the few agencies that have always been in the neutral and just said, how can we help, so appreciate it.

HOBERT RUPE: You know, that's the lucky about being a noncode agency. I'm here as a resource for you guys on technical issues. Thank you.

WAYNE: Yeah. Any other neutral testifiers? Seeing none, there were-- 1 letter. That letter was in support. Any-- do you want to close? Senator McKinney waives closing. And at that, that will close the hearing on LB923. Next, we will move to the hearing on LB1202, Senator, Senator Halloran. Welcome back. Welcome, sir.

HALLORAN: To your Judiciary Committee.

WAYNE: It's your Judiciary Committee.

HALLORAN: I appreciate that.

WAYNE: I serve, I serve at your pleasure.

HALLORAN: Does that make me the ninth nonvoting member of the committee?

WAYNE: There you go.

HALLORAN: Good afternoon, Chairman Wayne and members of the Judiciary Committee. Thank you for this hearing. For the record, my name is Senator Steve Halloran, S-t-e-v-e H-a-l-l-o-r-a-n, and I represent the 33rd Legislative District. I must make a confession. I, I almost inadvertently picked up the opening testimony for LB341, but I thought that would be kind of redundant. And I'm here, I'm here today to introduce LB1202, which was brought to me by the Department of Health and Human Services. LB1202 modifies the restrictions regarding the physical location of the Customer Service Unit for child support enforcement under the Department of Health and Human Services. Currently, Nebraska law requires customer service units locations to be in Nebraska and result in the hiring of at least 0.25% of the county's labor force. This strict location requirement has created a limited bidding process to only a few locations that would qualify to

put in a bid. This bill removes the language that pertains to the location related to a county's labor force, while keeping the requirement to remain in Nebraska. This change would make the bidding process more competitive and allow for future flexibility of the location in advancing technology. Additionally, this change will ensure the Nebraska workforce continues to fill the positions needed at the Customer Service Unit. This ends my testimony on LB1202. A representative of the Department of Health and Human Services will be testifying to give you more information on this bill and can answer any specific questions you may have. This is a technical bill, which, I'm sure a future testifier will be able to answer questions.

WAYNE: Any questions from the committee? Seeing none, seems pretty simple. Thank you.

HALLORAN: Thank you.

WAYNE: Any proponents? Proponents? Go ahead and start.

SHANNON GROTRIAN: Thank you. Good afternoon, Chairperson Wayne and members of the Judiciary Committee. My name is Shannon Grotrian, S-h-a-n-n-o-n G-r-o-t-r-i-a-n, and I'm the director of the Office of Economic Assistance within the Department of Health and Human Services. I am here to testify in support of LB1202, which will modify the statutory language regarding the location of the child support enforcement call center. I want to thank Senator Halloran for introducing the bill. The call center has been in Wausa, Nebraska since 2001. In December of 2023, DHHS signed a new 5-year contract with the current vendor. This vendor and location have provided excellent service to the people of Nebraska for many years, and we believe that they will continue to do so under the terms of the new contract. However, the current statute contains restrictive language that prevents all 93 counties across the state from participating in the bid process. LB1202 will reduce this bureaucracy and burden while ensuring the call center stays in Nebraska. In the future, opportunities will be available to every county across the state to bid on the child support call center contract. We respectfully request the committee advance the bill to General File. Thank you for the opportunity to testify today. I'd be happy to answer any questions you have on this bill.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

SHANNON GROTRIAN: Thank you.

WAYNE: Next proponent, proponent, proponent. First opponent, opponent. This is [INAUDIBLE]. Is there any opponents here? OK.

JESS LAMMERS: [INAUDIBLE], but I'm testifying neutral.

WAYNE: Neutral. Neutral capacity, come on up. Come on up.

JESS LAMMERS: Jess Lammers, J-e-s-s L-a-m-m-e-r-s. What draws my attention to Senator Halloran's bill is not the senator's name. It's the fact that it has IV-D at the top of it. The state of Nebraska screwed up my IV-D child support and my IV-D child support number for going on 23 years now. So I don't necessarily care where you all do the work. I just care that you do the work and keep the records correctly. And if you can't do the work and keep the records correctly, I'm, I'm confused why we're changing the language about where the office is held. Again, I'm testifying neutral because I don't care where you have the office. I just care that you keep the records correctly. And currently, the IV-D team-- they have a special team that takes care of this program, which is part of the Social Security Act. And in regards to intrastate and interstate commerce under the Uniform Interstate Family Support Act, Nebraska Revised Statutes 42-701 through 42-752-- don't quote me on that. I'm not a lawyer. They can't do the job correctly at the office they're in. So maybe we should concentrate more on the workload and less on the facility. If improved facilities or Senator Halloran's proposed changes improves the ability of the team to concentrate on the work at BAR, producing a higher work product for the constituents who essentially would be defrauded of their money if the work is done incorrectly, then I, I would lend my support. But I'm not certain that language exists. You're just changing where the office is, but you're not including-- not going to improve the quality of services. That would conclude my comments. I would yield any time left back to the committee and accept questions or comments.

WAYNE: Any questions or comments from the committee? Seeing none, don't see anything. Thank you for being here. Next neutral testifier. Seeing none, Senator Halloran, you're welcome to close. Senator Halloran waives closing. There are no letters of record, and that will conclude the hearing on LB1202. Next, we will start the hearing on LB1222, Senator Day. Welcome to your Judiciary. Welcome.

DAY: Thank you. Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Jen Day. That's J-e-n D-a-y, and I represent Legislative District 49, in Sarpy County. I'm here this afternoon to introduce LB1222, which adds the adult sexual assault statutes to an existing statute that only applies to minors, which allows the state to seek the termination of parental rights in a case where one parent is convicted of first degree sexual assault of the other parent. In practice, this allows a way to relieve the state and DHHS from having to provide reasonable efforts to the offending parent. In the status quo, we can have situations where the state would have to provide reasonable efforts to prevent the removal from the perpetrator parent, for example, visitation and support services. Obviously, this creates a situation where the nonoffending parent is in a position to be victimized again, even before we consider situations where an abusive partner could use custody filings to harass the victim parent. However, as I mentioned, at the moment, there is already a fix in state law to avoid this, but only if the victim parent is a minor. This action came from LB517 in 2009, which was Senator Tom Hansen's priority bill, and passed 49-0 on Final Reading. LB517 as drafted only cited 43-319.01 and 43-320.01, the child sexual assault statutes, but the statement of intent introduction at committee and brief floor introduction made no note that the purpose was to exclusively tailor the state-- the statute to victims that were minors. To quote the statement of intent, the court may terminate all parental rights if one parent has been in-- been convicted of felony sexual assault of the other parent, or a comparable crime in another state. So this narrow scope of the bill that only applied to minors was never mentioned in all the opportunities we have as legislators to communicate our legislative intent. The only reference to minors is Senator Hansen stating that he brought the bill after a child conceived from sexual assault of a minor was having their adoption held up by the offending father, who refused to relinquish his rights, even though the victim wished to relinquish. However, at no point in the legislative process was this limitation to min-- to only minors referenced, so it's possible that our statutes here are more narrowly focused than was the intention in 2009. Regardless of the intent, I think we can all agree that it is abhorrent to make someone co-parent with the person that sexually assaulted them, and that this simple extension of this idea that passed unanimously over a decade ago. One other note: we've made an amendment for the committee to consider, AM2416, which changes the language in the bill from, quote, convicted to committed, which matches the language used in other subsections of 43-2092. Testifying

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

this afternoon are Brianna McLarty, who is testifying on behalf of the County Attorneys Association, and Melanie Kirk, from the Nebraska Coalition to End Sexual and Domestic Violence, both of whom can speak to the more technical angles of the bill. But I am happy to try to answer any questions you may have right now.

WAYNE: Any questions from the committee? Is this the bill that Lindstrom brought years ago, too?

DAY: I'm not sure. I wasn't aware of that. I mean, it's possible, but I'd, I'd have to find out.

WAYNE: And I, I apologize. This is your bill. Nevermind. I just-- I-- actually, I just read it. I was about to say something that I didn't need to say. Nevermind.

DAY: OK.

WAYNE: Any other-- will you be here for [INAUDIBLE] at closing?

DAY: Yes.

WAYNE: OK. First proponent. First proponent. Welcome. Haven't seen you in a while. Good seeing you.

BRI McLARTY: It's been, it's been a minute. Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Bri McLarty. That's B-r-i M-c-L-a-r-t-y, and I'm here to testify in support of LB1222 on behalf of the Nebraska County Attorneys Association. I would first like to thank Senator Day for bringing this bill and for allowing the County Attorneys Association to share how we've seen this specific subsection played out in our practice. I'm currently a deputy county attorney, and I practice exclusively in juvenile law, and I've done so for the last 7 years. LB1222 makes 2 main changes that I would like to highlight and urge the committee to advance. The first would affect the reasonable efforts that must be made. The second expands subsection (11) of 43-292, one of the grounds upon which termination of parental rights may be sought. Right now, as the law is written, if one parent is convicted of sexual assault of the other parent and a subsequent juvenile court case is opened on the victim parent, the state would be required to not only give notice to the offending parent of the proceedings, but make reasonable efforts to reunify with that parent. Under the current law, even if it was deemed not in the best interest of the child to have a relationship with the offending parent, there'd be no grounds to seek a termination of the offending

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

parent's rights. The state would be in a difficult position of having to force the victim parent to co-parent with their abuser while the juvenile court case was open. I've seen abusive parents use juvenile court proceedings to harass the other parent. They force contact with each other. They object to the placement back in the victim parent's home, delaying permanency for the child. And even if the case were to close with a bridge order that gave the victim parent full custody and no visitation to the offending parent, they would just-- the offending parent would just need to wait 30 days before filing modification and continuing the cycle of abuse. Subsection (11) was not originally one of the grounds for termination. It was actually added in 2009, under LB517 by Senator Tom Hansen from a story shared by a constituent, where a mother with an open juvenile case wanted to relinquish and have the baby adopted, but the father, who was in prison for sexually assaulting the mother, wouldn't relinquish. The father would continuously tell the minor parent, if you visit me in prison, I'll relinquish. If you call me or write me, I'll relinquish. It was the-- this manipulative, continued abuse that senators, through their comments in committee and on the floor, were clearly concerned about, and felt justified in adding this grounds for termination. However, in their drafting of the bill, the subsection cites specifically to the sexual assault of children statutes. The situation shared by Senator Hansen was that type of situation and would have been possible under (11). But like Ms.-- like Senator Day said, none of the testimony pointed that out. I would like to share with you one specific case I prosecuted, that on its face, you'd think subsection (11) would apply, but it didn't. This is why this bill is so important. The case was a 17-year-old girl who was sexually assaulted by an older man in his 40s, and a child was conceived from that assault. It was later determined that this was a product of incest, that the, the older man was the father of the minor parent. Unfortunately, when I went to terminate the father's rights on that infant, I realized I couldn't use subsection (11). She was 17 and too old to fall under either of the cross-referenced statutes. She was a parent that was the victim of sexual assault by the other parent, just like the statute said, but that protection was not available to her or the baby. The Juvenile Code is messy, complicated and confusing. But at, at the, at the end of the day, is there to serve the best interests of the child. And LB1222 is necessary to ensure that 43-292 subsection (11) is available to those children that need its protections. I'd be happy to answer any questions you may have about this change or about termination of parental rights in general.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

WAYNE: Any questions? Senator DeBoer.

DeBOER: So as I understand it, this is basically like, somebody gets raped, and now the rapist wants access to the child?

BRI McLARTY: It's a little more nuanced than that. So how this-- this is very narrowly tailored to exist within the juvenile court, court world. There would have to first be a 3a filing. So, for example, how I've seen it play out sometimes as maybe the parent has been convicted of sexual assault in the past against this particular parent. They go to prison. They're there. They lose contact with the mother. Something happens. Perhaps the mother has trouble with substance abuse, mental health crisis that brings her to the attention of the juvenile court. We are obligated under state law right now to notify legal parents, so we would have to notify that legal parent, whether he's in Tecumseh, or he's at community corrections, or has been completely done with his criminal case and he's out in the community. We have to give him notice, and then we have to provide reasonable efforts for him to reunify. That's how the law is right now. So she may have cut off contact, but now we've pretty much invited him back in, and that's what we're kind of looking at changing. Now, this is a really, rarely used statute, just like the one for murder. You don't want to use it, but when you do need to use it, you want it to be available to you. And in the case that I had, this sounds terrible to say, but because it was an incest case, I was able to use a different subsection and kind of do a workaround. But it just baffled me that this was the kind of situation that subsection 11 was focusing on and thinking about, and I-- it wasn't available to me-- if that answers your question.

DeBOER: Sure.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. Next proponent. Go ahead.

MELANIE KIRK: Good afternoon, Chairman Wayne, members of the Judiciary Committee. My name is Melanie Kirk, M-e-l-a-n-i-e K-i-r-k, and I'm the legal director at the Nebraska Coalition to End Sexual and Domestic Violence. Our coalition is a network of 20 different sexual and domestic violence programs that are across all 93 counties in the state, provide services to survivors and their children when they need shelter or when they need services, such as therapy or assistance filling out protection orders and such. I'm very grateful to Senator Day for bringing this bill. The original statute, as written, is not usable, as was mentioned previously. It [INAUDIBLE]-- it refers to

sexual assault of a child when I don't think that was originally the intent of this section under the bill. I did contact Senator Day's office to ask if they would make an amendment to change the language from convicted to committed. If you look through the statute in that same section, it requests-- or it requires the language committed for any other of the crimes as a means to use to terminate parental rights, but it requires conviction level for sexual assault. It doesn't make sense to hold sexual assault to the standard of convicted, which is beyond a reasonable doubt, rather than clear and convincing, which is the standard for all of the juvenile court cases for termination of parental rights, especially given the fact that out of every 1,000 sexual assaults, only 310 are reported to police. And of those, only 25 perpetrators will be convicted. So it's incredibly rare. And it-- what, what ends up happening, as was mentioned by the county attorney, is we're being-- we're forcing victims and survivors to co-parent with the person who has raped them. And so I'm asking you to consider this bill, to, to pass it on and adopt the amendment to change the language from convicted to committed, so that it's aligned with all of the other, the other offenses in this, in this bill for terminating parental rights.

WAYNE: Any questions? Thank you for being here.

MELANIE KIRK: OK.

WAYNE: I have questions but it doesn't-- don't worry about it.

MELANIE KIRK: OK.

WAYNE: Next proponent. Next proponent, proponent. Those testifying in the opposition? Next o-- opponent, opponent, opponent. Those testifying in the neutral capacity? First neutral testifier. Welcome.

SPIKE EICKHOLT: Thank you. Good afternoon, Chair Wayne and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing as a registered lobbyist on behalf of the Nebraska Criminal Defense Attorneys Association. We're in a neutral capacity. I apologize, Senator Day, because I didn't actually discuss until just seconds before that I'd be testifying on her bill. When we saw the bill as originally introduced, our association opted not to oppose that, because as proposed, what it would do is broaden the different criminal convictions that could result in termination of someone's parental rights. And as you've heard the proponents testify, perhaps there's some logic to expanding those sexual assault crimes beyond a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

statutory rape case or sexual assault of a child or those other things. The concern that we have and the reason I'm testifying in neutral capacity is that there was a proposal to amend the bill. I think the amendment was-- that's been provided to you is AM2416. We do have concerns about that. Because what that would do, if you look on page 2, line 28 of the bill, is it would no longer require a conviction of the current sexual assault, assault crimes or the proposed addition of those sexual assault crimes was simply the argument that a person committed those crimes could result in the termination of the parental rights. Termination of parental rights is a lower standard of proof than a criminal case. Criminal case, you find someone guilty is proof beyond a reasonable doubt. Termination of parental rights is clear and convincing evidence. You could have the scenario where someone is actually acquitted of a sexual assault, found not guilty by a jury, but then the state could terminate their parental rights to that child or children they may have with that alleged perpetrator--- or alleged victim. The rules of evidence don't apply in a termination of parental rights proceeding. The juvenile court has looser standards as far as proof, process, and so on. And many of our members actually represent people in juvenile court who have their parental rights terminated, fairly routinely, for a whole variety of reasons, for reasons that we talked about here and other reasons, as well. So that's the concern that we have, is that it would lower the standard, no longer require a criminal conviction to result in termination of parental rights, at least with these types of crimes. And for that reason, we have concerns with that amendment. I'll answer any questions if anyone has any.

WAYNE: Any questions from the committee? I want to-- this is unfair to you because you don't really practice in juvenile law, but you mentioned clear and convincing in termination hearings and the rule of evidence. It's been a bill that I've had over the years.

SPIKE EICKHOLT: Yes.

WAYNE: What do you mean by rules of evidence in judic-- in juvenile? So when somebody is charged with 3a and could lose their children, versus the person who steals a Snickers bar--

SPIKE EICKHOLT: Right.

WAYNE: --or a person who steals an iPhone, what does that mean in court, in a practical, practical, like, if you can give an example?

SPIKE EICKHOLT: So there's some-- rules of evidence are actually statutes, 27 dash-- it starts with, I think. 27-1, then it goes on to maybe 1400. But there's a series of statutes that are called the rules of evidence. And there are a variety of different, sort of, rules or standards that courts have to follow when the rules of evidence apply at a trial or a proceeding where the rules of evidence apply. One of those is hearsay. Generally speaking, if a person has something to say, what they observe, what they saw, what they sort of experienced, they have to be there in the courtroom to say what they saw themselves, firsthand. If Senator Holdcroft saw me steal a candy bar and I say, I didn't do it. I want to have a trial. He's got to come to court and say, I saw him take that candy bar out of the store. That's a rule of evidence. That's hearsay. If he doesn't show up-- if Senator Holdcroft doesn't show up, then they can't introduce his statement into a proceeding in which the rules of evidence apply. If the rules of evidence don't apply, that Senator Holdcroft doesn't have to be there. The officer who talked to Senator Holdcroft at the scene can say, Senator Holdcroft says he saw Spike steal that candy bar. That is what happens in, in a termination of parental rights, because rules of evidence don't apply in that situation. I can't-- if I'm representing myself, I can't question the officer and say, well, what time of day was it? How far was he from it? Who else was there? Was anyone else seeing what he's seen? The officer doesn't know. He only knows what Holdcroft told him. So that's an example, maybe.

WAYNE: So is it fair to say in a termination of parental rights-- that means you are losing your child, your rights to your child, there is a lesser standard-- I don't want to use the word due process because it-- that has legal connotation. But is there a lesser standard when it comes to evidence coming in, than to the 21-year-old who stole a iPhone from Target, in a court proceeding?

SPIKE EICKHOLT: Arguably, yes, because in the termination of parental rights, the rules of evidence don't apply. I can't object on hearsay or maybe a chain of custody, or anything like that that might apply. The level of proof in the termination parental rights is lesser than the iPhone example, because iPhone is proof beyond a reasonable doubt; proof so convincing that you would act and rely upon it without hesitation in the more serious and important transactions of life. That's the jury instruction for it. Clear and convincing is somewhere between preponderance and that. And that's really kind of unclear. I don't know that instruction off the top of my head. But it's somewhere between 51% and maybe 90%, right, whatever-- 90-some percent-- whatever proof beyond a reasonable doubt is. And it's right-- it's

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

termination of parental rights. You lose your parental rights. You are a stranger to that child. You have no legal rights, whatsoever.

WAYNE: Thank you. And again, we haven't had a-- today is like our first day with juvenile. We had a couple in fast but-- as I'm departing in my-- I'm the, the lame duck senator here. I want to make sure that the people behind me understand that there's an issue in juvenile, regarding-- as somebody who has-- steals a candy bar arguably has more rights than a person who's losing their child. Is that a fair statement?

SPIKE EICKHOLT: I think so, when you talk about the context of rules of evidence. Yes.

WAYNE: Yes. Thank you. Any other questions from the committee? Seeing none, thank you for being here. Sorry for kind of going off topic. We just don't get a lot of that. Any other neutral testifiers? Seeing none, as Senator Day comes up to close, we have 1 letter, and that letter is in support. Senator Day, welcome back.

DAY: Thank you. I will be very brief. The intent of this bill was just essentially to add the adult statutes in with the current statute, which only applies to minors. I will mention that the language in the amendment mirrors, in subsection (10), the language surrounding murder or voluntary manslaughter of a child. So that's where the language in the amendment comes from. I will say though, however, we would like the bill to move forward. If the language in the amendment is, is a sticking point, then we would be happy to just-- if we could get the bill moved forward as it is, without the amendment. So.

WAYNE: Any questions from the committee? Thank you for being here.

DAY: Thank you.

WAYNE: That will close the hearing on the LB22-- LB1222. And we'll open the hearing on LB1334, Senator Cavanaugh. Welcome to your Judiciary Committee.

J. CAVANAUGH: Good afternoon, Chair Wayne and members of the Judiciary Committee. My name is Senator John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h, and I represent the 9th Legislative District in midtown Omaha. And I'm here to introduce LB1334, which provides for a possible extension of probation terms upon agreement of the parties, and provides for a waiver of fees under certain circumstances. LB11-- LB1334 was brought in response to the Supreme Court's decision last

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

fall, in State v. Simons. In that case, the court ruled that a probation term could not be extend-- extended and pending a revocation hearing. But there were-- there may be times when it is in the defendant's interest to request or acquiesce to a continuance of probation. The County Attorneys Association approached me with this bill to correct this part of the statute. The other part deals with waiver of fees for indigent probationers in limited circumstances. As you can see, from the lack of the fiscal note, the Office of the Courts does not expect this to have a significant fiscal impact on the state. And so, the first part of this is-- basically allows for a, a joint agreement by a defendant and a prosecutor to extend the term-- the probation term, up until either the resolution of the violation hearing or the actual termination of probation by statutory limit. So some terms-- sentences include a maximum term of, say, 2 years probation on a misdemeanor. And so this would not allow, allow a court to extend or an acquiescence to extend beyond those 2 years, but it would allow it to extend beyond the original for-- 1 year that may be imposed as a sentence. Additionally, it clarifies, in part of the statute, that probation fees may be waived in instances of electronic monitoring and drug testing, which is the practice in some courts, but not all. And so, there's some confusion about whether that's allowable. We're just clarifying that, that that is allowable. And then also, including the presumption if somebody has previously been found indigent, that, for purposes of probation fees, that they are indigent. So we're not requiring a second hearing if someone's already been found indigent. So that's the-- basically 3 parts of this bill. Be happy to take any questions.

WAYNE: Any questions from the committee? Seeing none, thank you. And thank you for waiving closing. First proponent, proponent.

JASON WITMER: Good afternoon.

WAYNE: Good afternoon, and welcome back.

JASON WITMER: Thank you. I'm Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I am a policy fellow at ACLU, and we are here in support of LB1334. An individual may be placed on probation as an opportunity to remain with their family, to maintain and gain employment, and to essentially keep their freedom. And in general, for society-- for the rest of society, it provides a person a greater likelihood to adjust to their life, rather than being locked, locked away, destabilized, and then returned back into the community. What is concerning about probation is that an individual's freedom can be determined by their financial status,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

creating an unjust cycle of punishment. Similar findings in the 2022 ACLU's Nebraska Report, which highlighted systematic issues in cash bail, fines, and fees, and that-- in our probation system, that can set people up for failure. The imposition of costs without considering the ability to pay could lead to debt, violations, and further entrenchment in the criminal legal system. The practice of-- that-- these practices can have dire consequences, as we know. Individuals who are unable to afford probation costs may face additional burdens, including growing debt, increased supervision requirements, and incarceration, if they're unable to pay them-- fees. This not only perpetuates the cycle of poverty and inequity, but it also undermines the goal of rehabilitation and reintegration into society. To address these in-- injustice, we have a key for meaningful reforms within our probation system. This includes eliminating fines and fees as a condition of probation, ensuring that probation terms are tailored to the individual's needs and circumstances, providing alternative solutions to those unable to pay. So, we are here in support of LB1334, that includes provisions for waiving certain fees for pro-- for probationers, based on indigent, indigent service and inability to pay for hardships or what-- or whatnot that may come forth. Someone's ability to pay should never determine their-- the factor of freedom. And so with that in mind, we would ask, in the interest of creating a success-- more successful probation system, which benefits us all if it's working right, that we advance LB1334.

WAYNE: Any questions from the committee?

JASON WITMER: Thank you.

WAYNE: Thank you for being here. Next proponent, proponent. Welcome. I was confused. I didn't say opponents.

TONY CLOWE: Hi.

WAYNE: You're alway--

TONY CLOWE: I reached out to Mr. Cavanaugh to bring this bill.

WAYNE: Oh. Wow. I'm confused. All right. Welcome.

TONY CLOWE: Thank you for having me. My name is Tony Clowe. I'm a deputy county attorney in Douglas County. I've been in that role for 10 years. I'm also here testifying on behalf of the Nebraska County Attorney Association. We are here in support of this bill, specifically the portion that allows a defendant in the state to enter

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

an agreement to extend probation. Following the decision by the Nebraska Supreme Court, on State v. Simons or Simons-- however he pronounces his name-- they said there's only 2 manners in which you can extend probation, and it is significantly affecting the way that we have operated in Douglas County, and in my understanding, largely, across the state. The way it was before, if we filed a violation of probation, everybody considered it to automatically extend until it was resolved. But now, if we file a violation of probation and their original ending date comes, the State Supreme Court has said that's it. We're done. And we can't supervise them, even if the VOP is still pending. I, I think that this is a, a, a bad way to go with our probation. I, for a period of 3 years, handled all violations of probation and post-release supervision violations in Douglas County. So I'm very familiar with the process, and probably have more experience than pretty much anybody in the state on this. And I can tell you, that when we allow somebody out on bail, because they're-- they've already pled. They're not entitled to bond. They're not entitled to bail at this point. We're typically doing that to give the defendant an opportunity. And, and I agree with the prior testifier, that the more we can work with people to become productive and meaningful members of our society, the better for everybody. And so, my concern is if we don't provide a way to extend probation, that we will instead, just violate everybody instead of giving them a second chance to work their way back onto probation. Some people, especially early on probation, might, if they have a drug addiction, might pick up a new drug charge. And rather than just violating them, I'd prefer to let them out and into treatment again. And if they can cooperate, they work their way back into the good graces of probation, and end their case positively. We don't have that option unless we do something. And so, that's why I'm here to support this today.

WAYNE: Questions from the committee? I have a philosophical question that I'm struggling with.

TONY CLOWE: Absolutely.

WAYNE: I literally just asked legal counsel. Once a sentence is done--

TONY CLOWE: Yes.

WAYNE: --the court has been clear that the only place to change a sentence is at the Pardons Board. How, how are you getting around-- how are you-- I don't want to say getting around that, but how-- because my understanding is once the--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

TONY CLOWE: Once they've imposed the--

WAYNE: --once they're, once they're sentenced and they leave the courtroom, there's a distinction now. Because a judge made a mistake, but he didn't realize it until after the individual left the courtroom. The Court said even he could not go back and fix that, because once they leave the courtroom, it's a final order.

TONY CLOWE: Yeah.

WAYNE: How, how-- are we taking a shot and just going to see what happened? Is that what we're doing here? I'm just trying to figure out how we're dealing with that. Because it sounds like this is unconstitutional legislation, but I'm trying to figure out how--

TONY CLOWE: I-- and I--

WAYNE: --and I'm not opposed to what you're doing. Trust me.

TONY CLOWE: Right. I, I get that

WAYNE: I agree.

TONY CLOWE: No, I, I understand your concern. And I think that the, the differentiation here is that the defendant has to be afforded due process. Right. If we have a violation of probation under normal circumstances, and then that probation is found to be violated, right, we have a statute that already allows for the extension of that probation. It provides for what can happen, should that be found to be true. In this scenario, we're not authorizing the state, the government, probation, or anybody else to do that without consulting the defendant. So the defendant is being provided the due process. It's to the benefit of the defendant in almost every situation that, that this would come up, that we're allowing them out to try to get back into the good graces of probation. So--

WAYNE: Does it go both ways? Is it only-- does the prosecutor have to sign off on it?

TONY CLOWE: They would have to be in agreement. Yes.

WAYNE: But what-- I, I guess that's my-- I mean, that's my other point of it, is what if the defense counsel says, hey, instead of violating them, let's, let's extend probation. And then, county attorneys object?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

TONY CLOWE: You know, I--

WAYNE: Does the court have jurisdiction to extend?

TONY CLOWE: --I'm a fan of having as many tools in the toolbox as possible, but I understand that not all my colleagues are necessarily the same way. So I guess-- I mean, I'll be candid. I hadn't thought of that scenario. But in, in a similar light, one of my concerns in this bill doesn't necessarily address it, but say you're on a misdemeanor probation where you owe restitution and you weren't able to make restitution upfront, but you have since started making restitution. You need about 3 more months to like, make it. What happens right now is, they just, you know, they'll offer an extension to the defendant. And the defendant can sign it and say, yeah, I'd like to extend my probation 3 months. Under the Simons opinion, that's probably done. You know, they probably can't do that anymore. This doesn't really address that. But in a situation where, you know, the defense attorney is requesting that and the judge-- and, and the state is saying, no, I don't think that's beneficial to us. Because what ends up happening, is if the judge is going to let that person out, then there's nobody supervising him past that end date of probation. Right? So it's not really in our interest to allow people to get out and not be supervised, even if we might not want them out. But if that situation was to arise, the judge can still do that. And it's on us at that point, because probation hasn't been extended. Under the Simons opinion, it ends on the day that it ends.

WAYNE: No, I, I, I agree with your concern. I have somebody on probation with restitution, who will not, will not meet it, but they're making payments.

TONY CLOWE: Right. And, and the second duration.

WAYNE: We're having the same conversation about how to--

TONY CLOWE: Yeah.

WAYNE: --how do you extend it underneath the current statute?

TONY CLOWE: Well, and the other-- I mean, the other thing to take into consideration under this scenario would be, well, my client needs to be in inpatient drug treatment, right. And I'm getting a probation voucher to pay for that. But because I was let out, the county attorney didn't agree. Well now, probation ends and now-- those funds dry up, right? There's no, no longer a way to access that probation

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

voucher. But that being said, I think, you know, there, there has to be a way for you to include both parties in this, just to fully address the, the due process concerns, because you can't just have the judge, I think, change it on a whim. And you can't have the state do it, obviously, all by itself. I think it needs to kind of have all the parties to be a part of it.

WAYNE: But then, on fairness-- sorry. I'm just trying to build a little record in case they do challenge this. In fairness, we allow post-conviction release and probation to end early.

TONY CLOWE: Correct.

WAYNE: And there's no real authority for that, either.

TONY CLOWE: Well, I mean, it's statutory authority, but yeah. No--

WAYNE: Well, it's like-- but it would be the same authority.

TONY CLOWE: -- it turns out no defendant has ever challenged that. So that's--

WAYNE: Good point.

TONY CLOWE: --probably why there's, there's nothing on there. But, no. We-- I mean, we obviously haven't tried to contest that, either. And, and you're right. I mean, you can end it early. And the judge can do that at any time. And, and Douglas County often does.

WAYNE: Often does. Yeah. So to me, it's all the same authority. Either they can or they can't. And they-- you can't allow a judge just to have the discretion to end it early for incentive--

TONY CLOWE: Yeah.

WAYNE: --but then not be able to extend for the same kind of incentive.

TONY CLOWE: Right. And I, and I think that, again, I'd rather have tools in the toolbox. And, and this statute at least gives us something so that we can continue to work with people in the community. I mean, we recognize, at least in my office, that a large majority of our, our people are, are, you know, not going to be incarcerated for the rest of their lives. And so, my personal opinion

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

is I'd rather work with them in the community and see what we can do. And this, this will allow us to continue to work in that capacity.

WAYNE: I agree. Any other [INAUDIBLE]? Seeing none, thank you for being here.

TONY CLOWE: Thank you.

WAYNE: Next proponent. Those in opposition? Anybody testifying in the neutral capacity? Pick a side, Spike. Pick a side.

SPIKE EICKHOLT: I thought I did.

WAYNE: Welcome.

SPIKE EICKHOLT: My name is, my name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association, as their registered lobbyist, in a neutral capacity. Senator John Cavanaugh introduced this bill in response to State v. Simons. We did see that decision. I understand what Senator Cavanaugh's got here is a probably pretty measured response to that, that makes some sense. The part that we are generally speaking to is on the last page, page 5, that provides for if there is going to be a request to extend probation while a motion to revoke that probation is filed, that that request must be a true joint request, with either the defendant having an attorney, or at least the defendant being in a court and sort of waiving the right to have an attorney, to agree to that extension. Because it is an extension of a punitive sentence. Probation is a punishment. It is a sentence. And this bill does propose to extend that. So-- and we do like the other components that are in the bill, as well. To kind of answer some questions, maybe, or try to answer some questions that were asked before, Section 29-2263 allows courts to modify or terminate or discharge or amend the orders of probation at any time after court imposes sentence. And as Chair Wayne asked, it is a little bit peculiar, if you will, because there's a series of cases that say that once a sentence is final, a defendant or the state can appeal that sentence. But generally speaking, the only entity that can alter or change a sentence is the Board of Pardons. Now, there has been and there are cases that make it different with probation. Courts retain jurisdiction to a limited extent over the court-- the probationer and the defendant in those cases. There is a case on appeal now, challenging the deferred judgment probation. I wrote an amicus on behalf of our association. I made this very point, that what you have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

in the probation statutes that have been affirmed by our court for years, is courts keeping jurisdiction. A defendant can request that their probation be modified. The state can request their probation be modified. For instance, a judge puts somebody on probation. They test them one time a week for drugs. But after weeks and weeks of negative tests, sometimes, the courts will say, you know what? You don't have to come in every week. Once a month or random can be-- and the other way, as well, if they start testing positive. And courts have approved that process before and it is in statute, and I think that's the distinction. So I don't know if this necessarily runs into trouble with that. I think one question that does exist with this bill is if whether it could even be used retroactively, and only could be prospectively for sentences that are imposed after the effective date of this bill. In other words, if a judge sentences somebody to 18 months probation, that is the cap. And I don't think parties can agree to extend that punishment and make that punishment more severe, consistent with ex post facto. So that's the only concern that I would raise to the committee.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Anybody want to-- anybody want to testify in the neutral capacity, neutral capacity? Seeing none, as Senator Cavanaugh comes up to close, we have 2 letters, both of them in support.

J. CAVANAUGH: Thank you, Chairman Wayne. Thanks, members of the Judiciary Committee. I appreciate Mr. Witmer and Mr. Clowe coming and testifying. And I do, I do appreciate Mr. Clowe. I'm working with him on this issue. He correctly probably has more experience with motions to revoke probation than anybody around. And I had a-- the great privilege of working opposed to him in many of those situations, where we, I'm sure, did this, where we agreed or had it-- probation continued, and we didn't do it on the record. What Simons stands for, or Simmons, depending on how you want to pronounce it, is that probation can be extended. It just has to be extended by a finding on-- of the judge in court. And so what we're resolving here is what has been the practice historically is that a defendant essentially can acquiesce and say, I would like the benefit of this continued probation, but without having to have a finding on the record. So this is a power the courts already have. And as Mr. Eickholt referenced, there is a distinction between a final decision by a court for a term of incarceration, which, I think, is what you were, you were referring to, Senator Wayne, when they walk out of the courtroom and the sentence is final. But the court does maintain jurisdiction on probation, for probation sentences. Probation is administered by the

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Judiciary Committee February 15, 2024
Rough Draft

courts, ultimately. And a revocation of probation, the court still has the authority to impose up to the maximum sentence they were allowed to impose before. And these are the scenarios we're talking about here, is where a defendant does not want to get them-- they have maybe had some kind of issue where they've violated their probation and they do not want to get in a position where the-- they give the judge and the prosecutor no alternative but to incarcerate them, and the court is willing to give them a little bit more time to follow the terms of probation. So it's-- I think it's a pretty-- I, I really appreciate Mr. Eickholt's reference, a measured solution. I'm going to put that on my business cards going forward, that I come up with measured solutions. So, I think that this is-- it, it really is a cleanup bill, a very reasonable bill. It was-- I would say-- go as far as to say consent, considering that it is a bill that is agreed to by both-- at least one defense attorney and the, and the county attorneys. And the Defense Attorneys Association was neutral. So I would ask for your favorable consideration of this bill. And I'd be happy to answer any other questions you may have.

WAYNE: Any questions from the committee? I just wanna make sure I understand your definition of a cleanup bill. You're overturning the Supreme Court.

J. CAVANAUGH: I'm not--

WAYNE: I just, I just want to understand [INAUDIBLE].

J. CAVANAUGH: I-- though I would argue that overturning the Supreme Court falls into the category of cleaning thing-- up some mistakes, I don't think the Supreme Court made a mistake here. I think they invited this solution.

WAYNE: There you go. Appreciate it.

BOSN: They welcomed it.

WAYNE: All right. Now I understand your definition. Any other questions from the committee? Seeing none, thank you for being here. That will close the hearing on LB33-- LB1334. And now, we will open the hearing on LB1089, LB1089. Welcome, Senator DeBoer, to your Judiciary.

DeBOER: Good afternoon, Chair Wayne and members of the Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. I appear today to introduce

LB1089. As the committee is aware, we often hear a variety of bills addressing court fees and court costs. Court fees, as opposed to fines, are collected by litigants and are used to fund a number of programs, including the judge's retirement program, legal aid funding, a court computer system, etcetera. Last year, I introduced LR127, an interim study to comprehensively examine the court fee system and its role in funding the judicial branch and other state programs. LB1089 would provide that court costs, probation fees, drug testing costs, or other incidental fees assessed to people who are charged in the court system will not be assessed against juveniles or their families for juvenile actions. Many of Nebraska families who are impacted by the juvenile, juvenile court system are also impacted by the court-imposed costs. A disproportionate percentage of youth and families in the juvenile court system are low-income, whom the fees and court costs impact most profoundly. Additionally, as you will hear, there's a greater variance among Nebraska counties of-- there's great variance amongst the Nebraska counties on how they're imposing these fees. So some counties impose fees for drug testing or fees for the performance of community services. Some counties charge for youth to participate in diversion programs. There's lots of costs. Overall, the costs weigh heaviest on rural Nebraska youth. Small counties like Scotts Bluff-- Bluff County, Dodge County, and Adams County assess significantly more fees than the state's largest counties. There's an argument that the payment of costs is an expected consideration of rehabilitation, that a person should figuratively and literally pay their debt back to society. But, especially with juveniles, fees can be an obstacle to rehabilitation by preventing a court from sealing a juvenile's court record upon completion of probation, if that youth owes court costs. Additionally, at least one recent study revealed that court costs can exacerbate recidivism. States across the country have moved to either completely eliminate or substantially de-- decrease court costs for youths. Some of these states are Maryland, Montana, Oklahoma, Utah, Virginia, and some others. Our justice system, particularly our juvenile justice system, should operate to promote safety, rehabilitation, and meaningful accountability, without regard to an individual or family's wealth or lack thereof. Frequently, families come into contact with our juvenile justice system are already struggling to get by. LB1089 would ensure that court fees and ancillary costs do not operate as a barrier to youths being rehabilitated and moving forward with their life. There will be testifiers who follow me, who will have detailed data regarding juvenile court fees in Nebraska and related matters, so I'll urge the committee to listen to the testimony regarding the bill and ask any

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Judiciary Committee February 15, 2024
Rough Draft

questions that you might have, but I will be happy to answer any that you might have right now.

WAYNE: Any questions from the committee? Seeing none, OK. First proponent. First pro-- proponent. Thank you.

TINA ROCKENBACH: Good afternoon, Senator Wayne and members of the Judiciary Committee. My name is Tina Rockenbach, T-i-n-a R-o-c-k-e-n-b-a-c-h. I serve as the executive director for Community Action Nebraska, the state association that represents all 9 of Nebraska's community action agencies, serving every county in Nebraska. At CAN, our role is to advocate for the Nebraskans we serve and provide support to elected officials for effective policy implementation. We're a resource to you for data and case studies supported with statistics gathered in our annual community needs assessments. But most importantly, we highlight client success stories that illustrate the impact good policy can have on the quality of life and productivity for Nebraskans, now and for generations to come. Unfortunately, the story I'm about to share and information is not that of immediate success and rather, highlights how critical a yes vote on LB1089 is for young individuals who desire to join Nebraska's workforce, but may face unnecessary delays. Following my testimony, you will hear from other professionals and experts that can give you more insight on key specific data points. One component of our mission with Community Action is empowering individuals to take control of their long-term success by providing them with temporary support. Services provided by each agency are designed to specifically address barriers to reaching financial mobility for individuals and families. Earlier this year, it came to our attention that disproportionate fees were being assessed to individuals in juvenile court. And in addition, the extent to which families and juveniles are educated about financial assistance resource opportunities, should they need them, varies dramatically depending on counties. The demographics of youth unable to pay fees mirror those served by our networks. A lack of equity concerning fee assessment and assistance education perpetuates that poverty cycle. And most families in our network are in case management for obtaining basic needs assistance through our programs as they work towards goals. More often than not, trying to foot the bill for a court case and the fees associated with it will stretch a household's checkbook even more. And one of the things we typically highlight is that one event can put an individual or family into that financial crisis. This example, of course, would be if they would have a youth go through that system. Our concern is how do we eliminate those barriers completely and to help streamline the process, so that

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Judiciary Committee February 15, 2024
Rough Draft

those youth can grow into young adults and effectively become members of the Nebraska workforce and productive members of society. The biggest example we have seen and just to add to this here, as we have individuals who maybe try to go through our organizations for employment, things like that, as a first step, or we're assisting in other areas that they're trying to get into. Sometimes, when these things are discharged unsuccessfully because of their inability to pay, it can affect some of the processes and can delay some of the processes for someone to go through more things, background checks, etcetera, to gain some of that employment, or limit their options. And those are just examples we've heard from families. So with that, I will be happy to answer any questions that I can.

WAYNE: Any questions from-- Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. Not having had to pay fees, about how much are we talking here? Can you give me some examples?

TINA ROCKENBACH: I don't have that, but I do-- we do have somebody coming up--

HOLDCROFT: OK. Thank you very much.

TINA ROCKENBACH: --that has that specifically for you. You bet.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. Next proponent, proponent. Welcome.

RAYMOND DURHAM: Thank you, Senators, for your time and consideration of the important issues addressed by LB1089. My name is Raymond Durham, R-a-y-m-o-n-d D-u-r-h-a-m. I'm a staff attorney representing the National Center for Youth Law, or NCYL, a national nonprofit advocacy organization dedicated to uplifting youth, youth and centering youth voices in a variety of areas, including education, immigration, foster care, and youth justice. For over a decade, NCYL has worked with various communities across the country to learn about the impact of court-imposed costs on youth and their families. In collaboration with partners on the ground, what we have found is that regardless of the state or community that were involved, and the impact of court costs on youth and families is consistent. Juvenile legal costs lead to more youth involvement in the court system. They inhibit a youth's rehabilitation back into the community. They disproportionately target black, brown, indigenous, and poor families, and they create distrust in our legal systems. A recent study

published last year confirms the negative impact of these costs, finding that youth court with court-- youth with court-imposed fees are 23% more likely to recidivate. These costs paint a bleak picture for a youth's future and sets them up for failure. Instead of focusing on school, extracurriculars, and family time, youth are spending significant amounts of time trying to pay off court debt. They're working low-wage jobs and continued system contact. Let's be clear. When you impose fees, costs, and fines on youth, you're imposing those costs on their future. National research and survey data has shown that these court costs take an emotional toll on youth, as well. Youth with court costs experience depression, anger, anxiety, stress, frustration, because of the inability to escape a cycle of system involvement. Nebraska is no different, and youth have reported experiencing the same emotions for the very same reasons. Importantly, the federal government has also identified the harmful impacts of these court fees. Last year, the Department of Justice published a letter cautioning states that the imposition of these costs could be in violation of the Constitution, and directed states to presume both one, that a youth is indigent and has an inability to pay. And the last decade, across the nation, communities and states are responding to national attention about these court-imposed costs. As, as a result, over 20 states have implemented reforms to juvenile legal systems to eliminate many of these court costs. Nearby states, like mentioned before, New Mexico, Texas, Colorado, and Oklahoma, have either completely eliminated or substantially eliminated these fees. Nebraska is not far behind these reforms. As we have heard, many courts in Nebraska already do not impose court fees on youth. LB1089 explicitly acknowledges that a child's future should not be dependent on court debt. A family should not have to choose between paying for court debt or paying for rent or for groceries. Nebraska should change the lives of thousands of youth and families by enacting LB1089. Thank you, and I welcome any questions you may have.

RAYMOND DURHAM: Any questions from the committee? Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. Back to my question to the earlier testifier, do you have any idea of how much these costs are [INAUDIBLE]?

RAYMOND DURHAM: Imposed on the youth or that the state collects in general?

HOLDCROFT: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

RAYMOND DURHAM: Which, which one?

HOLDCROFT: [INAUDIBLE].

RAYMOND DURHAM: Imposed on the youth, it can be anywhere from \$75, standard docket fees. That goes to the general fund, court automation, judges' retirement fund, those are pretty standard fees. Now youth are also experiencing other costs, such as county reimbursement fees for attorneys. Some youth are being charged community service fees. Some youth are being charged sheriff service fees. There are various other fees that can equal into the hundreds of dollars for youth.

HOLDCROFT: OK. And this bill gets rid of all those fees?

RAYMOND DURHAM: Yes. This bill is proposing to get rid of all of those fees or eliminate all those fees.

HOLDCROFT: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

RAYMOND DURHAM: Thank you.

WAYNE: Next proponent. Welcome back.

JASON WITMER: Hello again, Chairman Wayne, and the rest of the committee. I am Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I'm the policy fellow at ACLU, and we are here in support of LB1089. Last November, I had the privilege of attending a graduation at Boys Town, where I witnessed remarkable-- remarkably resilient system-impacted youth who had completed a policy training course. At this ceremony, each gave presentations sharing what they had learned and how it, how it connected to their personal experience. Now, several youth shared. What they shared was-- it was basically the same theme I seen through several youth. And the theme was being a teenager from a low-income family grappling with uncertainties about their future, facing challenges at home and in school, truancy, that became a reality, leading to probation, leading to fines and fees that neither they nor their family could pay for or afford, which led to parole vio-- probation violations. Then came separation from family. And this began the cycle which-- many of them, it led into their-- the struggle that continued into their adulthood. How did we come to a point where we not only criminalized children for poor decisions such as truancy, becoming probation, but also make them pay for services that come with

criminalization? Having experienced much of the same practice growing up as a state ward, feeling unwanted and unready, I can attest to the fact that stacking punitive measures on children, including imposing fines and fees, is precisely how we drive children down the pipeline to prison. In all my experiences, I have never found a rehabilitative value in charging fines and fees to struggling children or their families, nor have I found in my research for this, that it-- that there's any rehabilitative value in there. As we heard, most of the fines and fees are for the services. And while these services provide a service, the fines and fees of juveniles, most can't pay for what they got going on now, let alone their family. And we can all, we can all picture what that struggle does. It goes downhill. So we're asking-- so I would say that those young people that I've seen, I believe they're going to be successful. Not-- most of our youth don't have these great organizations to wrap around them like they had. And however, I feel that this committee can invest in these youth now, by removing these fines and fees through LB1089. And, just so you know, that what feels like a ripple to us is a tidal wave to others. And fines and fees have created a disaster in many families, and we can do something now with this bill. So with that in mind and with the interest of the Nebraska children in mind, the ACLU supports this. And we ask that you also support LB1089. And I'll answer any questions if you have any.

WAYNE: Any questions from the committee? Seeing none, thank you.

TONY CLOWE: Thank you.

WAYNE: Next proponent Welcome.

MAGHIE MILLER-JENKINS: Hello. Maghie Miller-Jenkins, M-a-g-h-i-e M-i-l-l-e-r-J-e-n-k-i-n-s, and I am spoke-- coming to speak in favor of LB1089.

WAYNE: You got to speak up just a little bit. This room is terrible.

MAGHIE MILLER-JENKINS: Oh. I usually don't have to get told that. It's such a rare comment. I'll take it. I'm here speaking in favor of LB1089 for a couple of reasons. One of them is because I'm a mutual aid provider, so I help a lot of youth and young adults that are not quite bad enough situations to be put in a CPS situation, but it's also, also not a healthy situation that they're living in. So I provide a safe space in the in between. And what I have been dealing with a lot, over the last 2 years, is witnessing what probation and fees can do to a kid's mentality about themselves. A lot of times,

they're required to do, like, community service and things like that, that go along with the rest of the punishments that come from it. But the fees, specifically, are hard for them because often they don't have jobs. And if they-- if it's not their first offense and they've been convicted of more than one thing. So first, it was truancy. And then because they were gone from school, they had so much time on their hands, they got caught with a group of friends shoplifting. And now they've got that on their record. So trying to hire a 15, 16 year old kid that has, you know, something on their record already. And again, a lot of these kids are in family situations where they're not being cared for and taken care of to the best that they should be. So now, all of that responsibility falls on their shoulders. And then what happens if they fail? Then they go to jail. And then they get told what? That they're a failure? That they're a blight on society? And children retain that. They take what people tell them as facts, and then they build who they are off of what other people tell them that they are. So I would just like more steps in the direction of telling the youth of Nebraska that they're worthy, that everybody makes mistakes. But most of the people that are not currently sitting in jail are not currently sitting in jail because they didn't get caught, not because they didn't make mistakes, not because they didn't make bad choices. They're in trouble because they got caught. So I would love for us to push some empathy out to the youth of Nebraska and especially rural Nebraska, where they don't have as much access to as many resources as we do in Lincoln and Omaha, which is where a lot of people base their opinion off of, is off of the metro. But out in the Panhandle, finding a job to be able to pay for those fees is horrendously difficult. So I would like us to take a whole Nebraska look when we're looking at this particular bill and these types of bills. Thank you for your time.

WAYNE: Thank you. Any questions from the committee? Senator Bosn.

BOSN: Can I just get you to say your name one more time? I was the reason you had to speak up. I can't hear you very well.

MAGHIE MILLER-JENKINS: Oh, no worries. It's Maghie. It's actually French for magic. Maghie.

BOSN: OK. And your last name?

MAGHIE MILLER-JENKINS: Miller-Jenkins.

BOSN: Thank you. I'm sorry.

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Judiciary Committee February 15, 2024
Rough Draft

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. Next proponent.

KATIE NUNGESSER: Thank you, Chairperson Wayne and members of the Judiciary Committee. My name is Katie Nungesser, spelled K-a-t-i-e N-u-n-g-e-s-s-e-r, and I'm here representing Voices for Children in Nebraska in support of LB1009-- or LB1089, excuse me. LB1089 speaks to an urgent matter that touches the very core of justice and fairness within our state of Nebraska. As Nebraskans, we strive to uphold the values of a justice system that aims to be blind to wealth, race, or social class. However, our youth justice system is currently tarnished by the discrimination-- discriminatory and harmful practice of court debt, particularly fines and fees imposed on system-involved youth and their families. The numbers speak volumes. According to data received from the Administrative Office of Courts, over \$760,000 in fines and fees and restitution were imposed on youth in Nebraska from 2019-2022. A complex web of over 20 categories of fees and judgments amounts placed an undue financial burden on youth navigating the juvenile legal system. Even after removing restitution, which goes to victims to make them whole, these costs included annual report fees, appellate court filing fees, drug testing fees, and numerous others, creating a maze of financial challenges for at-risk youth and their families who are often already struggling. These dollar amounts may not be much in the full context of the state budget, but they create a significant impact on individuals and families. Notably, the cost burden is not equitably distributed. Rather, the data reveals that black and brown youth bear the brunt of court-imposed costs in Nebraska. There's also an urban and rural divide in how court costs are imposed, with Nebraska youth living in rural areas at greater risk for being assigned fees and judgments than their peers in our larger cities. This is true-- sorry. This is true both for the number of fees assigned per case, which we have expressed as a rate in the issue brief, and for the total dollar amounts paid by youth and families. For example, youth in Dodge County are 9 times more likely to have court-imposed costs than youth in Douglas County. A child's location in our state should not equate to them shouldering more cost. Court costs create financial strain, impact emotional and psychological well-being of youth, hinder their ability to focus on education, extracurricular activities, and other rehabilitative services. The consequences can be far reaching. Youth may face extended probation or potential of contempt for court for failure to pay these. To be clear, it's not just a hypothetical. In our conversations with families impacted by these costs, one Nebraskan shared how these financial

pressures pushed them into unlawful activity, just to meet their responsibilities. Fines and fees are not just a stress-- stressor, but, in fact, can prevent youth from breaking from the cycle of incarceration. You have heard from others expressing the harmful impact of these fines and fees, so I will not rehash that testimony. Rather, I'd like to highlight why LB1089 is a sound policy for Nebraska. Address-- it would address administrative categories of fees and judgments that go to government process, rather than to make victims whole. Note that this bill does not eliminate a court's ability to order payment of restitution. And I see I have the red light. And so, I will ask you to support this bill, and eliminate fines and fees in juvenile court.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next proponent. next proponent. First opponent. First opponent.

TIM HRUZA: Good afternoon, Chairman Wayne, members of the Judiciary Committee. My name is Tim Hruza, last name spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association. Let me first state-- start by making abundantly clear-- well, first of all, let me thank Senator DeBoer for the conversations that we've had about this bill and for bringing the conversation about the topic, generally. I want to make abundantly clear that the, the bar association takes no position. It certainly does not oppose the policy discussion that's ongoing here. I am only here today in the opposition piece because of what you will see reflected on the fiscal note. When we take away court filing fees, for whatever reason, that has an impact on our ability to pay for some of these services. And particularly with this fiscal note, you'll also-- you'll also note, on the fiscal note, that there's not a general fund impact here, but it will reduce the amount of money that comes into the court and goes to the Commission on Public Advocacy to provide important services, both to juveniles, right, through probation and other services provided through the courts-- in the courts, but also, to Nebraskans generally, for the services that are provided through our court filing fees. I am only here in opposition to ask that if the bill moves or if you guys do decide to take this position, which, again, is a policy discussion that I think many of our members would support without any question, it is just to look at that financial piece and make sure that we backfill those lost dollars. I think the court's estimate is a high number of \$1.2 million. And the Commission on Public Advocacy's is a \$100-\$125,000, that are important services that are provided that would be affected if we remove all of these filing fees. So with that,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

again, just here to ask that if, if you do decide to move the bill, that maybe it includes some funding transfer or a conversation about how to backfill those lost dollars, so that we ensure that the services continue to be provided. I'm happy to take any questions that you might have. I would also just say, before I step away, again, thank you to Senator DeBoer for the conversations that we've had. We have brainstormed some different options. And I will continue to work with her and proponents to make sure that we do something on this funding piece, as well. Thank you.

WAYNE: Any questions?

DeKAY: Yeah.

WAYNE: Oh, Senator DeKay.

DeKAY: Thank you, Chairman Wayne. When you're talking about the court costs and stuff, how will the-- those fees be accumulated, or are they absorbed, or how will they come back to the courts?

TIM HRUZA: So without some sort of funding source that backfills it, either, you know, a General Fund appropriation or a transfer from a different cash fund or something like that, it would just be lost revenue. This, this expands directly off of the bill that you introduced, I think, last year, Senator DeKay, and the conversation that you and Senator John Cavanaugh had, and so-- and others. Senator DeBoer has been a big advocate for this conversation, generally, over the last several years, is how we pay for things with filing fees. You'll also note in the Commission on Public Advocacy's fiscal note discussion, they're already seeing reductions in funding as a result of low-- filings not happening. When you take away a swath of all filing fees and any of that revenue, it's just a loss of revenue. So without some sort of source to backfill that, they just don't have it. They lose the funding.

DeKAY: Thank you.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

TIM HRUZA: Thank you.

WAYNE: Next person in opposition. Seeing none, anybody in neutral testimony Seeing none, Senator DeBoer to close. We have 3 letters, 2 in support, and 1 in opposition.

DeBOER: Thank you everybody. Yeah. I mean, the, the conversation we're having here is that we are having fewer and fewer court filings. That's just true. There are fewer and fewer court filings. That is a trend that is going to very likely continue. And it has been going for a long time. So even if we were to continue to fund everything or try to fund everything on the backs of court fees, we're not going to be able to do it forever. We need to have a very serious conversation about what we pay for with general funds, what we pay for with court fees. And I will say also, I mean, some of these things that we're funding don't seem like things we should be funding on the backs of children, you know, flipping burgers at the, you know, whatever, when they should be trying to get rehabilitated. The other issue with these particular court fees is that these are juveniles and that they are not being treated the same from county to county. They're also not being treated the same from judge to judge. In Lancaster County, I think most of these are probably waived. But in other counties, they aren't. And it doesn't make sense to me to say, and this is particularly true in those rural areas of the state, that those kids in those rural areas of the state need to be caught up in this court debt. But we recognize that they maybe don't need to be in other parts of the state. I think they should-- this is one of those things that some of us in here have been talking about for a long time. We probably ought to have some, some semblance of continuity across the state. And, you know, yeah, we have to pay for upgrades to the technical computer programming systems of the court, but it doesn't seem like something we should be doing, to me, on the backs of children. So.

WAYNE: Any other questions from the committee? Senator Ibach.

IBACH: I-- thank you, Mr. Chair. And thank you for dialing that down. Thank you, Mr. Hruza, too. Because I was kind of perusing through the fiscal note and the-- identifying the \$1.2 million lost per fiscal year and the general funds that will have to replace it in-- since Senator Clements is not in the room today, I'm speaking on behalf of him, I'm sure. Anyway, I just wonder if there's a way that we could maybe compromise somewhere, so that the, the amount of general funds will need to, to increase in the future. And they currently receive \$1 million to supplement the filing fees.

DeBOER: That has nothing to do with this bill, though. They already-- my understanding is they already have to get those.

IBACH: It's for everything?

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Judiciary Committee February 15, 2024
Rough Draft

DeBOER: They already have to get those. Because the, the filing-- the court filings are going down. So we can't pay for what we already have with the amount of court filings we're taking. And the court filings are going to get fewer and fewer. That's the trajectory that they've been on for I don't even know how long-- very, very long time. And we're not-- I mean, we are not going to be able to do what we do in court fees. We're not gonna be able to pay for everything that we pay for now, with court fees. We can't even pay for-- you, you saw. We had to backfill \$1 million. We [INAUDIBLE] Senator DeKay's bill. You know, this is the problem, is that even if we raise court fees a whole bunch of money, and there's all kinds of problems with that, we're still not going to be able to pay for it. So we need to have a serious conversation about what we're paying for with court fees, some of which makes no sense that we're paying for with court fees. There are, you know, the folks that go around and, and try cases throughout the state so that a county that doesn't have a prosecutor or-- you remember when we had that--

IBACH: Um-hum.

DeBOER: --bill earlier this year? That isn't something that the users of the court system should be paying every time they enter into the court for a civil case or a criminal case or a juvenile case. In my mind, that's something that we're doing to take those particular counties and keep their property taxes down. So why we're paying this through court fees, I don't know. So you're asking me, what do we do, as Senator Clements. We've got money that needs to be there. I think we should find it. Because if we don't find it today, we're still going to be in this problem more and more and more. Because this-- as a source of revenue, court fees are not going to keep up with the things that we're asking them to pay for.

IBACH: Which is my point. Is there, is there a way to compromise so that-- I mean, my counties are, are the higher counties, so I don't dispute that, that at all. But my point is, if, if we have to find a source of revenue somehow, can we compromise on the amount of court, court fees that are already, that are already--

DeBOER: No, of course, of course, we can try and figure that out.

IBACH: And maybe--

DeBOER: But the problem is-- I mean, the way it gets tricky, and I, and I-- I'm not trying to belabor the point, but the way it gets

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Judiciary Committee February 15, 2024
Rough Draft

tricky is that it's not like there's consistency as it is. So how do we, how do we find a compromise when there's so much inconsistency, is, is the question that I have.

IBACH: Well, that might be the solution, is to find the--

DeBOER: Make it all consistent?

IBACH: --yeah, find the consistency.

DeBOER: Yeah. Maybe.

IBACH: Thank you. Thank you, Mr. Chair.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here. And that will close the hearing on 1-- L-- LB1089. And we'll open the hearing on LB1051. Welcome, Senator DeBoer.

DeBOER: Good afternoon, Chair Wayne and members of the comm-- Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. I'm here today to introduce LB1051, which just cleans up the Nebraska Juvenile Code. Concerns about navigation through Juvenile Code are not new. Both judges and juvenile families have continually expressed frustration when dealing with these statutes' complexities. Having to be involved with the juvenile justice system is the last thing that we want for Nebraska youth. But when they do become involved, it is difficult for the juvenile or their families to understand the process and their rights when reading through the Juvenile Code. That's why in 2022, I introduced LR386, which was an interim study designed to examine and make recommendations to the juv-- Nebraska Juvenile Code. Subsequently, a workgroup of judges, attorneys, and researchers focused on juvenile issues was formed. These individuals began their work in September 2022 and continued throughout the 2023 interim. They finalized their report in-- their finalized report in June 2023, made several recommendations, both nonsubstantive changes and slightly more substantive issues. The more substantive issues were identified as issues needing more discussion. However, given the presence of judges on the workgroup, no specific policy was recommended. I handed out a memo-- I will hand out a memo prepared by my office, summarizing the changes made in LB1051, but want to highlight them for you here. The nonsubstantive issues in the recommendations were: to provide a topical index to the Juvenile Code. Section 19 of the bill: instruct the Revisor's, Revisor's Office to publish a topical index for the

Juvenile Code; 2, to reorganize 43-248 and 43-250 to flow more cohesively. This occurs in Section 7 and 8 of the bill. References to these statutes are also corrected accordingly; and 3, to eliminate obsolete provisions of the code. In many instances, sections included language of honor before a certain date, and those dates have long passed. Various sections of the bill reflect the removal of this obsolete, obsolete language. The substantive issues identified by the working group were: 1, clarification of in-person requirements under 43-253, especially as it relates to rural areas; 2, evaluation and adjudication requirements for 43-243, 247(3)(c) cases, and clarification of detention hearing requirements. On those first 2, LB1051 makes no changes. I wanted this to be a nonsubstantive change bill. So I remain committed to continuing conversations with interested parties to be sure we find the right way to provide greater clarity in our Juvenile Code on those first 2 issues. The issue requiring detention hearing requirements is summarized by a member of the workgroup this way: The confusion comes from 43-253(3), which appears to indicate that if a juvenile is taken into custody by a peace officer and probation then places that juvenile in either detention or an alternative to detention within-- which infringes upon the juvenile's liberty interests such as a GPS device or other out-of-home placement, then the juvenile must personally appear before the court within 24 hours. Other statutes refer to 48 hours, so they wanted to make these make sense. LB1051 makes no changes to the requirements-- in Section 13 of the bill, I did include a change to 43-255. 43-255 refers to filing deadlines for prosecutors in juvenile cases. I wanted to have a simple way to highlight the 28-- the 24 versus 48-hour issue to ensure that we have a conversation about this in committee and going forward. The county attorneys have asked that we remove that change found in Section 13. And should the committee advance the bill, I would ask that we, in fact, comply with their wishes and make that change for them. The goal for LB1051 is to provide overall consistency to the Nebraska Juvenile Code. With the changes I've mentioned, I believe this bill is a great start to addressing some of the concerns that have repeatedly been raised. However, your efforts, efforts should not stop after this bill. As I mentioned, there are some issues not addressed by this bill, which are the-- those more substantive questions which we should address. But I believe this bill is a great first step in cleaning up our Juvenile Code to make it easier for all involved to follow along. I wanted to be sure the committee is aware, I did submit a letter to the Speaker to consider LB1051 as his Speaker priority. So thank you for your

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

time, and I urge you to advance LB1051 to General File. Happy to answer any questions you may have.

WAYNE: Any questions from the committee? Seeing none, thank you. First proponent. First proponent.

PATRICK McDERMOTT: Mr. Chairman, members of the committee, my name is Patrick McDermott, P-a-t-r-i-c-k M-c-D-e-r-m-o-t-t. I was a member of the LR3886 [SIC] workgroup. I appear on my own behalf. I am not authorized by that committee to make any particular remarks. I'm here because in 3 months, I will have been a lawyer practicing directly in juvenile law for 50 years. I've been through a lot of these technical changes when I was a county judge in the fifth district. I was chairman of the legislative committee, I think, 17 of the 20 years I served. I appeared down here on technical changes, just trying to clean up the language, so I am very much in favor of this bill. It's an adventure, when you put 5 or 6 judges in the same room to try and work on something like language. You got 5 or 6 people who are used to getting their own way and the last word on everything, so it is a battle of wits and wills to settle on language. We have known about most of the technical corrections in this bill for years. It's never going to be perfect because we're dealing with something that is just inherently imperfect, and that's removing children from families. So if you're going to be doing that, then there's going to be imperfections. The one thing that I think this bill really offers is in Section 19. That's the direction to create a special topic index to the Juvenile Code. And why that's important is this: We get a lot of new judges who have never practiced juvenile law. We get a lot of new practitioners of the law, because every law firm sends their youngest and newest up to juvenile court to learn how to do things. So my role as a county court judge was something of a trainer, but when we amend this code, we tend to do it piecemeal, so we stick things in strange places. The review requirements ended up in the foster care review statute. So if you're not dealing with foster care review, you don't know to look there. You don't know that there are special provisions in the Indian Child Welfare Act, because they're-- they don't stand out and scream at you. But a topical index can at least direct new judges, new practitioners, and families to where in the world should they look. The language of the statute is not bad, but I see the red light, so I will stop there.

WAYNE: Thank you. Any questions from the committee? So were you on the committee?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

PATRICK McDERMOTT: On the LR386 group?

WAYNE: Yeah, [INAUDIBLE].

PATRICK McDERMOTT: Yeah.

WAYNE: So what-- where are the judges on the 24 versus 48?

PATRICK McDERMOTT: We battled that for 2 years when-- my last 2 years on the bench. The judges are split because of this. There is a Supreme Court rule that says, which was the compromise, that said the general rule is 48 hours. However, if a jurisdiction has the resources, the supply of judges, to do it within 24 hours, they are free to do so under a local rule. The, the big problem is that rural judges can't possibly meet the 24 hour standard. It's a real effort to meet the 48-hour statute, unless you take a liberal view of what in person means. If the kid can see me and I can see the kid, for instance, via Zoom, that's in person enough for that 48-hour hearing. But you can get arguments from people about that. But it's, it's really difficult.

WAYNE: And, and so then, in Section 6, it appeal-- it repeals 40-- 47/3. What happened to that-- you know, I'll wait till close. Don't worry about it. I'll ask, I'll ask Senator DeBoer at the end. Any other questions from the committee? Seeing none, thank you for being here.

PATRICK McDERMOTT: Thank you.

WAYNE: Next proponent, proponent. First opponent. Are you proponent? OK. Go ahead. Sorry.

BRI McLARTY: Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Bri McLarty, that's B-r-i M-c-L-a-r-t-y, and I'm testifying on behalf of the Nebraska Counties-- County Attorneys Association in support of LB1051. I wanted to thank Senator DeBoer for tackling this project of cleaning up the language in the Juvenile Code, and in providing-- and inviting me to participate in the workgroup of judges and stakeholders. Beyond the deletion of the superfluous language regarding effective dates, this bill makes 2 major changes. Senator DeBoer did outline those in her, in her introduction, so I'll just talk briefly on both of them. The first is the reorganization of LB43-- of Statute 43-448. This is the basis on which a juvenile may be taken into custody. And then, the second one is, is, 43-250. As it relates to 43-448, the statutes reorganizes and groups together those situations that would generate

either what we call a juvenile dependency case. So think of where the department would be involved or a petition might be filed under 43-247(3)(a) or (3)(c), or kind of the other avenue, which is the juvenile delinquency case, wherein a juvenile pro-- probation is usually involved. And a petition is typically filed under 43-247, subsections (1), (2), (3)(b), or (4). It's going to take some getting used, used to, knowing the new numbers. But they're grouped together so that they're kind of next to each other, which makes the cross-referencing really easy. Before it used to be, oh yeah, subsections 2, 6 and 7. Now, it'll be 4-7 or 1-3. So it's just going to make it a lot easier and cleaner to read when we're doing those cross-referencing, with the statutes that come afterwards-- with what happens after removal of a child from the home. The change I want to talk specifically about is the change from 48 hours to 28 hours [SIC]. I do appreciate Senator DeBoer listening to our concerns, and asking the committee today to do a committee amendment to change it back to 48 hours. I think there's some confusion, and that's not surprising with the Juvenile Code. In looking at the 2 statutes, 43-- I'm going to make sure I get these right-- 43-253(3), this is the one that requires the 24 hours in which a juvenile must be seen by a judge. So say a juvenile intake is done. The kid is detained. They have to go before a judge within 24 hours for an order saying you're going to remain detained or you're going to remain with that restricted liberty. 43-255 is actually a directive to the prosecutor, that they have to file a motion, either a motion to revoke, a juvenile petition, or a complaint. If we fail to do that, then the juvenile is automatically released from whatever restriction they have. So while it feels like there's a difference in the statute of 24 versus 48, it's directing 2 different entities about how this case is supposed to progress. So that's why we're asking for the 48 hours, because there is a lot that goes into deciding if we're going to charge or how we're going to charge it. The 48 hours allows the county attorney to do due diligence. For example, the difference between a third-degree assault and a second-degree assault, you have to look at whether or not there's serious bodily injury. That's the difference between a Class I misdemeanor and a high enough felony that could allow the case to be filed in adult court. We're just asking for an extra 24 hours-- the-- for the existing 48 hours we have, to make sure we're doing due diligence before making those charging decisions. And I'd be happy to answer any questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Proponent?

TIM HRUZA: Good afternoon, Chair Wayne, members of the Judiciary Committee. My name is Tim Hruza, last name is spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association in support of LB1051. I just want to-- I don't have a whole lot to add. I think that most of our conversation at the bar association did come down to a discussion about the 24 versus 48-hour hearing rule. And then, as Judge McDermott mentioned earlier, just concerns about ensuring the counties and particularly, rural counties have the resources and the ability to get juveniles before the court. Again, we support all the changes that Senator DeBoer has made. Her and I have had some conversations, and I think with the changes that the county attorneys have brought forward, too, that should help ensure that we have consistency in how this is treated. So with that, I thank the committee for their support, I thank Senator DeBoer for bringing the bill, and to the working group that put it together. We appreciate all of your efforts. Thank you very much. Happy to take any questions.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next opponent. Proponent, sorry. Proponent. Now we're going to opponents, opponents. Anybody in the neutral capacity? Welcome.

SPIKE EICKHOLT: Good afternoon. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, appearing on behalf of Voices for Children as their registered lobbyist. I was not planning on testifying until I heard the introducer, Senator DeBoer, explain that she's considering an amendment from the County Attorneys Association requesting the change back from-- Section 13 of the bill on page 25, from the proposal to go from 48 to 24 hours in which a juvenile can be detained unconditionally, that Senator DeBoer is considering reverting back to the 48 hours. Voices was not involved in the drafting of the bill, but Senator DeBoer did share drafts with us before, and we thank her for that. That was very appreciative. So we didn't plan on taking a position on the bill, because most of it was, as Judge McDermott explained, was to aid the judges and the bench, particularly those judges that normally don't practice a lot in juvenile court, to make it easier for them to navigate the system. But this is arguably a different type of proposal. And I would urge the committee to think carefully and urge the committee to stick with the original version, simply because that is something that was recommended and adopted by the judges that worked on it. I understand that the rural judges have different needs and perhaps can't hear cases quickly, but since the statute was adopted, we have made accommodations. Most of the court rules allow for virtual Zoom hearings for any of these things. They

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

can still be accomplished within the statutory period of time. So we would urge the committee to not adopt the amendment to go back to the 48 hours, but instead, keep Section 13 at 24 hours after detention. I'll answer any questions if anyone has any.

WAYNE: Any questions from the committee? Senator Bosn.

BOSN: Thank you. Mr. Eickholt, so it's your understanding that a youth is detained and has to appear in front of the judge within 24 hours, correct? If they're detained?

SPIKE EICKHOLT: That's right. As proposed by the original version of the bill.

BOSN: Well, and my understanding is that that would still remain the same. They would still be a 24-hour hearing requirement under 43-253.

SPIKE EICKHOLT: So that's Section 6 of the bill. Is that right?

BOSN: Well, this is my turn to answer-- ask questions.

SPIKE EICKHOLT: I just want to make sure I can [INAUDIBLE].

BOSN: I don't remember which section it is. So I'm just looking at the note here that talks about-- I mean, to Ms. McLarty's point, there's a difference between the 24-hour detention to appear before a judge and the 43-255, which is directed at the prosecutor has to file within 48 hours. And that's what they're asking you to have go back to 48 hours.

SPIKE EICKHOLT: OK.

BOSN: Does that clear up your concerns? So there's still, there's still the direction-- and maybe I'm misunderstanding. So that's always a possibility. Detention is still within 24 hours--

SPIKE EICKHOLT: OK.

BOSN: --but the filing is what she's asking to have go back to 48 hours.

SPIKE EICKHOLT: If that's the request and if that's the proposal, we still have some concerns with that. I understand the example that Ms. McLarty gave, but sometimes prosecutors don't know what the appropriate charge might be within that 24 hours, but there's an amendment process that allows for that.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

BOSN: Right. But you would--

SPIKE EICKHOLT: A charge can always be amended.

BOSN: But you would agree that the request for detention is oftentimes based on the information that's going to be uncovered--

SPIKE EICKHOLT: That's right.

BOSN: --such as a brain bleed. We might decide that youth needs to be detained, versus no, this is just a broken bone and maybe the youth doesn't need to be detained. So I think that was to her point, was that first 48 hours is really the time period in which we're making those decisions. And I don't disagree that the charge can and should be amended if, if more information is uncovered. But your initial comment was, we want to get those youth in. And since we're accommodating through Zoom, my question is, is your concern alleviated if that is still at 24 hours?

SPIKE EICKHOLT: I think we still have concerns. I understand what you're saying, that the charging decision itself many times can control the question of detention, but many of the juvenile courts and many of the-- particularly in the, in the bigger jurisdictions, have screening instruments in which the charge is just one of the factors to consider. So it shouldn't be, we would submit, a determinate, dispositive feature as to the question of detention.

WAYNE: Any other questions? Seeing none, thank you. Any other neutral testifiers?

JESS LAMMERS: Jess Lammers, J-e-s-s L-a-m-m-e-r-s. I'm testifying in the neutral capacity. Even though I, I think at my heart, I support the bill, I'm testifying in the neutral capacity because my children are no longer juveniles, so my opinion might not necessarily be applicable. However, anything that would clean up the juvenile statutes language would definitely be beneficial to the courts and to families, especially families in marginalized communities, particularly communities of Native American descent or any other disenfranchised member of society, a Jewish community, an African American community, specifically north Omaha, any community that has a prevalence of broken traditional family structure, meaning mom and dad are not in the same home. So if we could clean up the language of the law, it may actually improve everyone's lives. And that is an important thing. Nebraska could really actually be a leader somewhere

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

other than the football field. That would conclude my comments, and I would yield any time to committee and accept questions.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

JESS LAMMERS: Thank you, sir.

WAYNE: Next neutral testifier, testifying in the neutral capacity. Seeing none-- as Senator DeBoer comes up to close, we have no letters for the record. Welcome back.

DeBOER: Thanks. I'll be brief. I just-- this is a cleanup. So we're trying to make our statutes more accessible to everyone, and that was the main goal. And we really took the advice of the working group that was put together. Since the controversy between 24 and 48, I decided that since we wanted to make this not a controversial bill, that this is just cleaning things up so that we could get it done, I decided to go back to the status quo in order to resolve the problem. And we can take up the question of how to address that issue more fully with a different bill that would address the substantive issues.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. And that will close the hearing on LB1051. Now, we'll open the hearing on LB911. It's an emergency.

BLOOD: It is.

BOSN: I feel like this bill should have to go to emergency services. If it's that number, it's just a waste.

WAYNE: I agree. Welcome, Senator Blood, to your Judiciary.

BLOOD: Thank you, Chair Wayne. And to the members of the Judiciary Committee, my name is Carol Blood. That is spelled C-a-r-o-l B as in boy, l-o-o-d as in dog, and I represent Nebraska Legislative District 3, which is comprised of western Bellevue and eastern Papillion, Nebraska. Today I bring forth LB911 to provide transparency for data regarding cases involving the Indian Child Welfare Act. The Indian Child Welfare Act is a 43-year-old federal law protecting the well-being and best interests of Indian children and their families. The ICWA makes sure Native children are connected to their communities and do not lose a sense of their heritage, by reaffirming the rights of tribal nations to be involved with child welfare cases in regards to Indian children of their tribe. Excuse me. Child welfare experts

have praised the ICWA, as it has provided proper represent-- representation in the judicial system for tens of thousands of Native American children. A priority goal for the ICWA is to keep Indian children within their indigenous communities, as prior to its inception, there was enough disturbing evidence to suggest Native children were being taken away from their tribes without much legal merit. Approximately 75-80% of families living on reservations had lost at least one child to the foster care system prior to the ICWA. Child welfare agencies were often ignorant or insensitive to Native cultures when deciding child welfare cases involving Indian children, which led to this high rate of removal. ICWA returns sovereignty to Indian tribes in regards to their children and whether they should be separated from the parents and ultimately, their culture. LB911 supplements the ICWA and adds transparency for Nebraska's tribes with child welfare cases involving Indian children to prevent anyone from falling through the cracks. LB911 gives responsibility to the Department of Health and Human Services and Office of Probation Administration to ensure records are kept on each case involving the Indian Child Welfare Act, and those records are available for analysis. These records will include whether the child involved is considered an Indian child under the federal and Nebraska Indian Child Welfare Act, and which tribes the child represents. Records of testimony for each case will be accessible, as well. These records of delineated data will be provided to the Commission on Indian Affairs annually by DHHS and the Office of Probation Administration. We understand DHHS reports on these cases already, but we want to expand on what they track on to get a more transparent picture of what is happening under the ICWA. LB911, as a concept, is to be supplemental legislation to the Indian Child Welfare Act and provide transparency to Nebraska tribes on the what, when, and how of each case involving children of their tribes. Nebraska tribes deserve to be updated on cases involving their children, as their connection to their tribe's culture and families is often at stake. I thank the committee for your time today. I want you to know that I have handed out an amendment that better clarifies the intent of our bill, to encourage more transparency in ICWA cases. This language was submitted to us by the ACLU in their continued efforts to help protect these vulnerable, vulnerable children.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. First proponent.

ROSE GODINEZ: Good afternoon. My name is Rose Godinez, spelled R-o-s-e G-o-d-i-n-e-z, and I am testifying on behalf of the ACLU of Nebraska

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

in support of LB911. We thank Senator Blood for introducing this legislation. The ACLU is committed to defending tribal sovereignty and the rights of indigenous people to be free from discrimination and governmental abuse of power. Beginning in 1819 and through the 1960s, the United States government passed laws and implemented policies that established Indian boarding schools. In most cases, Native American parents were not able to visit their children at boarding schools while their children endured injury-- routine injury and abuse. This trauma continued as Native children were removed from their homes and placed in white American homes to continue the forced assimilation into white American culture and termination of Native Americans. This state-sponsored violence and assimilationist past of boarding schools, as well as the state of the child welfare system, was the catalyst for the creation of the federal ICWA in 1978, which includes essential procedural protections and created a placement preference to promote the stability and security of Native American tribes and families. Recently, the Nebraska-- not the Nebraska, the United States Supreme Court issued a landmark victory for tribal sovereignty by rejecting all constitutional challenges to ICWA, in the landmark case, *Brackeen v. Haaland*. And while we are glad ICWA stands and thereby, Nebraska's version of ICWA stands, there is no accountability or way to ensure compliance with ICWA or that it is being implemented accurately and honoring its intent. The Department of Interior has attempted to address this issue and recently promulgated a rule in 2020, for the federal Administration for Children and Families' Adoptions and Foster Care Analysis Report System, which is a mouthful. So it's AFCARS. This legislation is consistent with AFCARS, but would be state-specific and offer Native people and Nebraska and tribes information on how many children are in the state system, or whether a court has ordered that ICWA apply for a child. Our partners behind me will break into specifics and more detail on the child welfare crisis, as applicable to Native children in Nebraska. Overall, LB911 presents our state with an opportunity to ensure transparency and compliance with federal and state ICWA and urge the comm-- and we urge the committee to advance this bill to General File. Thank you.

WAYNE: Any questions from the committee? Senator Bosn.

BOSN: Thank you sen-- Chairman. Do you practice in juvenile court in Nebraska?

ROSE GODINEZ: I do not.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

BOSN: OK. So maybe-- I guess-- are you aware of whether or not information is sent to the tribes at the time that a child is either removed or involved with juvenile court?

ROSE GODINEZ: So in my consultation with attorneys that represent tribes, they do receive specific information about their cases involving their children from the tribe. But not-- there isn't a collection system for all of the children in all the tribes that are represented in Nebraska. Further, I think NICWC, who will be testifying behind me, can further provide more information.

BOSN: OK. Thanks.

ROSE GODINEZ: Yeah, of course.

WAYNE: Any other questions from the committee? Seeing none, thank you for being here.

ROSE GODINEZ: Thank you.

WAYNE: Welcome.

ALLISON DERR: Thank you. Good afternoon, Chairman Wayne, members of the committee. My name is Allison Derr, A-l-l-i-s-o-n D-e-r-r. I am an attorney with Nebraska Appleseed, a public interest advocacy organization. As you've already heard, ICWA was passed to explicitly recognize our alarming overremoval of Native youth from their homes, threatening tribes and Native culture's future existence. ICWA works to correct this by adding protections in child welfare cases involving Native youth, to ensure they return to their home, tribe, or community unless absolutely necessary. ICWA is deemed the gold standard of child welfare policy and was upheld and applauded recently by the U.S. Supreme Court, just last year. So while NIC-- or ICWA has helped keep Native families together, there is still much more work to be done. The child welfare system still notoriously, disproportionately involves Native youth, investigating, removing and permanently severing their family ties at higher rates than non-Native youth, despite evidence they are not more likely to be harmed than non-Native youths. And this is particularly true in Nebraska, where our disproportionality rates are consist-- consistently double the national rate, with Native youth being in our child welfare system 4 times more than their makeup of the general population. And in fact, a 2022 study put Nebraska's child welfare system as the fourth most disproportionate in the country. So this committee already has bills

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

before it to address disproportionality at the front end of the system. But one potential source of disproportionality within the system rather than the front door of the system, that we hear about from attorneys and community members, is that ICWA is not consistently followed. So to combat this and disproportionality in general, community members and diversity scholars recommend increased oversight, especially through data collection and review. A recent report by the University of Massachusetts noted, the simple recipe to address equity issues is 1, develop metrics; 2, make them transparent; and 3, hold people accountable. This is a recipe LB911 follows. Requiring the department to track ICWA compliance and report that annually to the Nebraska Commission on Indian Affairs will not only increase compliance but also provide transparency, accountability, and a quantifiable means to track ICWA compliance, effect and room for improvement in collaboration with the Commission. Nebraska's ICWA is the most robust in the country, so it's clear this Legislature believes in its importance in the protection of Native youth. But our disproportionality data shows we can do better. LB911 gives Nebraska the tools to start. We thank Senator Blood and the committee for your attention on this bill, and urge you to pass LB911.

WAYNE: Any questions from the committee? Senator Bosn.

DeKAY: Yes.

WAYNE: Senator Bosn followed by Senator DeKay.

BOSN: You heard my question.

ALLISON DERR: Yes.

BOSN: Do you practice in Nebraska, in juvenile court?

ALLISON DERR: No, but I do-- child welfare law and policy is my--

BOSN: OK.

ALLISON DERR: --subject matter area of expertise, so I can try to answer.

BOSN: OK. So in my experience, at the time of removal, there's a questionnaire that's filled out by the parents, if available, and the youth, about any ties to any tribe. Is that your understanding?

ALLISON DERR: Yes.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

BOSN: And then--

ALLISON DERR: That should happen. Um-hum.

BOSN: OK. So is it your contention that's not always happening?

ALLISON DERR: I think-- it's-- my contention would be it's not always happening at the start of the case.

BOSN: OK.

ALLISON DERR: The timing of it is not always consistent.

BOSN: OK. And is there times where it's told-- that families are told-- or that HHS might be told, no, there's no Native American ties. And then, subsequently, there are Native American ties found later?

ALLISON DERR: Sure.

BOSN: OK. And so, when you say there's no ability to ensure compliance-- or the previous testifier said, there's no ability to ensure compliance with ICWA under current standards. Can you explain what you mean by that?

ALLISON DERR: I don't know if I respectfully would go as far as saying there's no way to enforce ICWA currently. I mean, ICWA is currently in our State Juvenile Code. Courts have to comply with it. If it's not complied with, we would say that's grounds for appeal. There's, in fact, a separate statute in both federal and state law, saying if it was not complied with, you can undo certain things the juvenile court has done. So I think there are some enforcement mechanisms. But what we consistently still hear from attorneys is that doesn't mean it's being complied with in practice, even if there are current enforcement mechanisms.

BOSN: And do they appeal in those cases?

ALLISON DERR: They should be.

BOSN: OK. Are you aware of those appeals?

ALLISON DERR: Yes.

BOSN: OK. Do you have any-- can you, can you provide me some of those cases [INAUDIBLE]?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

ALLISON DERR: Sure.

BOSN: Maybe [INAUDIBLE].

ALLISON DERR: Yes. We can follow up with those.

BOSN: OK.

ALLISON DERR: Sure. I think if I could clarify, though, I think the point of the data reporting, as opposed to what's-- the enforcement mechanisms already in statute, is that we are hearing even though those mechanisms exist, they just aren't consistent-- ICWA is still not consistently being followed. And a lot of that is a lack of knowledge about what ICWA says and requires by attorneys and judges. But if the department is forced to report its compliance data to the Commission on Indian Affairs, then there are actual ICWA experts that can be reviewing that data to ensure ICWA is, in fact, being complied with, to kind of counter the lack of knowledge and expertise on ICWA within the juvenile court, is my understanding.

BOSN: So what do you envision as the hammer, should a county not be complying with the current requirements of ICWA? What are the consequences of that? ICWA, if that makes sense?

ALLISON DERR: Yeah. It is. I don't know if I'm the person to answer that. Maybe that's a question for the senator or other folks behind writing this bill. But what I will say, and I think NICWC is going to testify this-- to this after me, is there's currently a study that some advocates in Nebraska received funding for, from the Robert Wood Johnson Foundation, to examine compliance with ICWA in Nebraska, and how Nebraska is performing and how we can better improve ICWA. And my understanding is they've been having trouble accessing some of the data, because a report like this does not exist. So I'd imagine-- I don't, I don't know if there's a quote unquote hammer, but at the very least, this would increase knowledge in ensuring that current ICWA advocates are informed of how well it is working and where there's gaps in knowledge and enforcement, if that's helpful.

BOSN: It is. Thank you.

DeBOER: Any other questions? Senator DeKay.

DeKAY: Thank you. Earlier, part of your testimony, you said that Native American youth can be permanently severing their family ties.

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Judiciary Committee February 15, 2024
Rough Draft

How does that happen, and what's, what's the age span between-- newborn to teen, or whatever? What-- can you answer those for me?

ALLISON DERR: With your first question, how their family ties could be permanently severed, if you have a juvenile court case opened up against you, like against a parent for, say, alleged abuse or neglect, a possible consequence of that child welfare case is the parental rights could be terminated. So their, their parental rights are permanently severed if the juvenile court decides so. For Native youth and families, what ICWA currently provides is there has to be extra efforts before you terminate parental rights to ensure that child stays within their family. And if that's not possible, at the very least, within their tribe. And if that's not possible, then within a community or a family willing to provide a connection to their tribe and their culture. But if ICWA is not being complied with, which the disproportionality data kind of demonstrates it's not completely being complied with, then they would be placed with a family that doesn't follow those placement preferences, so farther and farther away from their nuclear family or their tribe or their Native community. That helps.

DeKAY: So they would-- could be put into a foster care system or even put up for adoption?

ALLISON DERR: Yes. Correct. And ICWA would say that if they are put into foster care or they're adopted, they have to be put in a placement that is as close to their Native nuclear family as possible. There's-- it's like a, a placement preference. I think there's maybe 5 categories. So first, being with their nuclear family, then all the way out to a non-Native family that would still keep them connected to their tribe and their culture. But again, those placement preferences are always complied with, so they could be put in a non-Native foster home or a non-Native adoptive family.

DeKAY: So they-- and this could all happen from time their newborn, up into their teens?

ALLISON DERR: Correct. Yes.

DeKAY: OK. Thank you.

ALLISON DERR: Um-hum.

DeBOER: OK. Any other questions? Thank you so much for being here. We'll have our next proponent. Welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

JUDI GAIASHKIBOS: Thank you. Dwindling members here. It's been a long afternoon, I know. I was at 2 other hearings earlier, before Natural Resources. So, my name is Judi Gaiashkibos, that is spelled J-u-d-i G-a-i-a-s-h-k-i-b-o-s. I am the executive director of the Nebraska Commission on Indian Affairs. This is my 28th year as the director of Indian Affairs. I am very honored to be here today. And I want to thank Senator Blood for introducing this bill, which we kind of would say is a cleanup bill, to support the state Indian Child Welfare Act and federal, as well. I hope-- I'm going to try to answer a couple questions that were raised, but I'm going to leave a lot to my esteemed colleagues that'll fo-- follow. The director of the Nebraska Indian Child Welfare Coalition, I think she can answer better than I can. I am not an attorney. I don't practice in Nebraska. I have a daughter that is an attorney who went to Columbia Law School. And she practices Indian law at Akin Gump law firm in Washington, DC. And she went to university undergrad here. So, she does water law, not Indian Child Welfare Act law. The reason that we really need to have our agency be the clearinghouse to monitor this, is currently, there isn't a mechanism. They, they collect data, but not consistently, from the tribes. And it's given to the tribes, but the-- it's not given to the state and other people. So I think that's one of the things that we hope this will achieve. And as you've heard testifiers, when you think about life and put it into context, our agency was formed in 1971. This bill was enacted, the Indian Child Welfare Act of 1978. Over the course of time, while-- prior to that, there were over 100,000 children that were removed from their homes. And every week, every month, we get requests at the Indian Commission, that people want to know-- they're trying to find their families. And Senator DeKay, you asked about what the impact is. The impact is separating families. It's so detrimental. I'll give a case story so that it kind of-- you can remember this. I had a secretary that worked in my office. She now has gone on to be an attorney. She's a member of the Sicangu Rosebud Sioux Nation in South Dakota. Her mother and siblings were at home with grandma while her mother went to Valentine to get some groceries. While her mother was gone, the-- welfare came, and they removed the 4 children. They were brought to Nebraska and adopted by a family in Broken Bow, a very wealthy farm family. The mother-- they couldn't have children. So these 4 children were raised there. The eldest was 12, down to my secretary's mother, who was 3. She assimilated, adapted, and bought into forgetting everything she knew about being an Indian person, even though she looked like one. She was cute, had brown hair, brown skin, etcetera. Her eldest brother, he knew his mother. He knew his grandmother. He was 12 years old. He consistently

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

ran away from home there. So my secretary's mother drank the Kool-Aid, and she went along with the program. She loved her parents. She didn't know anything else. While she didn't teach her daughter, my secretary, anything about her culture, so her daughter went to the university, got a degree, and then she was a Fulbright. She wanted to know about her Indian culture, so she came to work for us so she could learn. And it was like, you know, open up the curtains. And she found out what all she had missed. And that is what the impact is forever, on these people that are separated. I, I can speak to that on-- I know I'm out of time. So I'm going to let other people-- and I'd be happy to answer any questions. But thank you, Senator Blood and Judiciary. I hope this can be moved out and go to the floor. It's time, in our state's history, that we do things for our first peoples that will protect our dual citizen children. And not do what we know-- the boarding schools that my mother went to in Genoa, Nebraska, that opened up in 1884, the purpose was kill the Indian, save the--

DeBOER: OK. OK. I have to stop you. I'm sorry.

JUDI GAIASHKIBOS: Yeah. OK.

DeBOER: OK. Let's see if there are any questions, though. Are there any questions from the committee?

JUDI GAIASHKIBOS: OK. Thank you.

DeBOER: Thank you.

JUDI GAIASHKIBOS: I'm glad I-- hope I answered those questions, and I know the next testifiers will be fabulous.

DeBOER: Thank you. Welcome.

MISTY FLOWERS: Thank you. Good afternoon. I want to thank you all for your service, first of all. And thank you all for being here. Good afternoon, Chairperson Wayne and members of the Judiciary Committee. My name is Misty Flowers, F-l-o-w-e-r-s. I want to say, [INAUDIBLE] Cante' Waste' Nape ciyuzapi. [INAUDIBLE] Misty Thomas Flowers emakiyapi ye [INAUDIBLE]. I said, I greet you all with a, a good heart. I said what my Dakota name and my English name. I am a member of the Santee Sioux Nation, which is in northeast Nebraska. And I'm also a descendant of the Tlingit of Alaska. I am testifying today as the executive director for the Nebraska Indian Child Welfare Coalition, which is NICWC, a nonprofit organization dedicated to educating, advocating, and bringing people together to protect Indian

children's rights, protect their cultural connections, and ensure the Indian Child Welfare Act is respected in Nebraska-- for Nebraska children. NICWC staff, board, and coalition members support LB911. Be-- before I get too far, I know that Rose had mentioned it already and just want to mention and recognize that the Supreme Court of the United States upheld ICWA this past year, in June of 2023. You've heard testimony from some of our partners and allies about national trends and disproportionality statistics specific to Nebraska. What I want to focus on is what NICWC is doing to reduce the disproportionate rates of American Indian Alaska Native youth in our state's child welfare system, as well as tell you about the difficulty we've had with obtaining the necessary data and information needed to fully assess the implementation and amendments to the Nebraska ICWA, passed unanimously by the Nebraska Legislature in 2015 through LB566. NICWC was formed as a grassroots organization in 2008 by the Nebraska tribal nations and other partners in Nebraska with a vested interest in ICWA. At that time, Nebraska was ranked number 2 in the country for disproportionality of Native children in our foster care system. At that time, the data we were able to obtain from, from Nebraska DHHS at the time did not even reliably track if a child was eligible for ICWA protection, let alone ICWA compliance measures. For co-- our coalition members had several conversations about updating Nebraska DHHS child welfare case management system, N-FOCUS , through the years, and several ICWA compliance fields have been added, especially since 2015. Fast forward to today, and Nebraska is ranked about fourth or fifth in the country for disproportionality of Native children in our child welfare system. We suspect that this is due to the work that has been done in Nebraska to improve ICWA compliance. However, we, we also believe this may be because other states are doing better with tracking ICWA data. We know Nebraska DHHS is collecting ICWA compliance data, and with the passage of LB911, we will be much better able to show the progress the state is making and identify areas needed-- needing improvement throughout outside entities' research and analysis. I know my time is up. She did mention that we do have a research project, which is funded by Robert Wood Johnson Foundation. And that is a collaborative project with NICWC, Nebraska Appleseed, and OU. I did give you a copy of my testimony. The rest is there, so if you-- but I'm available if anybody has any questions.

DeBOER: Perfect. Thank you so much. And we'll, we'll read your testimony here. Thank you for providing that. Are there questions from the committee? Senator Bosn has a question.

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Judiciary Committee February 15, 2024
Rough Draft

BOSN: Thank you, Ms. Flowers. You heard the questions that I asked. And maybe-- are you more comfortable answering some of those, about the procedures in juvenile court with regards to ICWA-involved individuals?

MISTY FLOWERS: I will try.

BOSN: OK. So-- thank you. So when an-- a youth is removed, is it your understanding there's a temporary custody hearing held. And at that time, the caseworker is essentially gathering data, and asks the parents, any relatives who attend, and the youth, are there any Native American ties?

MISTY FLOWERS: Um-hum.

BOSN: And is it your understanding that that's not happening?

MISTY FLOWERS: So actually, they could be notified at the time when some-- when, when-- and the call is being received by the Child, Child Abuse/Neglect Hotline. There's actually questions that are asked at that time. And so if the reporter knows that, that there are-- there's American Indian heritage, they are at-- being asked those questions even at that time, as early as when the call is received by the Child Abuse/Neglect Hotline.

BOSN: So sometimes, it's even happening before the temporary custody hearing. And having practiced there, I know there's heightened standards for removal of a child who has Native American ties. But then following that, is it, is it your understanding that tribes aren't being noticed once ICWA has been triggered? I guess we'll use the word. Maybe that's not the right word, but--

MISTY FLOWERS: I believe that tribes are being notified. It, it just kind of depends on-- I feel like it's different across the state. Because within the various counties and jurisdictions, there are different practices in all of the different county courts. And so, I feel-- there's-- so the practices are not consistent across the state.

BOSN: But it's not the courts that notify ICWA. It would be the Department of Health and Human Services that notifies the tribe. Is that right?

MISTY FLOWERS: My understanding is that it is the court's responsibility. DHHS can help with that, and they have in the past. And-- but in some juvenile courts, it's solely the county attorney.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

BOSN: OK, providing notice for purposes of adjudication or termination or things like that.

MISTY FLOWERS: Yeah.

BOSN: And so, what this would do that's different than what's existing, is that it would now notify the state Indian Affairs-- is that--

MISTY FLOWERS: No. As far as, like, notice goes, this is-- what we're asking for is a compilation of the data. And so, like, if, if a child comes in and it's-- they're identified as ICWA or ICWA-eligible, then that information is going to be compiled and de-identified into a report. Then that would go to the Commission of Indian Affairs.

BOSN: OK. And you-- and currently, that's not going to them?

MISTY FLOWERS: No. They do not-- as far as I understand, do not receive any type of data or information report.

BOSN: So it's going to the individual tribe and not the group. Is the-- essentially, all tribes are represented by the Tribal Affairs. Is that fair to say?

MISTY FLOWERS: Yeah. So I think-- I don't-- I, I, I feel like-- I think you might be confused a little bit. So like--

BOSN: Probably. But unintentionally. So if notice goes out to the-- you said you're a member of the Santee Sioux.

MISTY FLOWERS: Right.

BOSN: So if they notify your tribe, that isn't necessarily going to the Nebraska Bureau of Indian Affairs.

MISTY FLOWERS: Commission on Indian Affairs.

BOSN: Commission on Indian Affairs.

MISTY FLOWERS: No, they do not get notification.

BOSN: OK. And under this bill, they would.

MISTY FLOWERS: They would get a compilation of the, of the data.

BOSN: OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 15, 2024
Rough Draft

MISTY FLOWERS: Does that make sense?

BOSN: Yes.

MISTY FLOWERS: OK.

BOSN: Thank you.

MISTY FLOWERS: Um-hum.

DeBOER: Thank you, Senator Bosn. Senator DeKay.

DeKAY: Thank you. Is the Santee Dakota, is that a different tribe than like, the Yankton Sioux?

MISTY FLOWERS: Yeah. So we're part of the Oceti Sakowin, which is the Seven Council Fires. And so, essentially, a long time ago, we were all of, were all of the same blood and the same tribe. And it-- and we got separated into tribes based on our-- on the various bands. And so, the Yankton Sioux would be separate from the Santee Sioux.

DeKAY: So from earlier testimony, if a child was put in placement and going to a family, would it be a good chance of that child staying within the Santee Sioux community, or could it go across state lines to the Yankton Sioux or some other place going forward?

MISTY FLOWERS: I guess that would be a possibility, especially if they had relatives. And that's always a possibility. And when I introduced myself, I, I, I introduced only 2 of my-- the tribes that I have lineage with. But I actually have also Yankton Sioux blood, Ho-Chunk and Ponca. So it's very, very-- you know, so like, if I was in child welfare, I could have relatives on the Yankton Sioux Reservation.

DeKAY: OK. Thank you.

MISTY FLOWERS: Yeah. Sure.

DeBOER: Other questions for this testifier? Thank you so much for being here.

MISTY FLOWERS: Thank you.

DeBOER: We'll have our next proponent. Next proponent.

RENAE HELPER: Good afternoon. Can you hear me? Good afternoon. My name is Renae Helper. My name is spelled R-e-n-a-e H-e-l-p-e-r. I am an

enrolled member of the Santee Sioux Nation in Nebraska. I am also the Santee Sioux Nation Indian child welfare specialist, and I have been in this position for 4 years. I am testifying in favor to amend Section 43-1501 through LB911, regarding the Nebraska Indian Child, Child Welfare Act. I believe that this bill will help strengthen the reporting and tracking of the Nebraska Indian Child Welfare Act. It will also allow HHS and tribal partners to see how effective our efforts are when applying ICWA. We have some relations with a few state entities, but would like to continue working towards networking where it's needed. I believe we can have great relations and better partnerships if we knew what areas need work. ICWA is important to me because this restorative approach helps state and tribes work together when a family comes to the attention of the Child Protective Services. In this duration, we can develop communication in spaces where both state and tribes gather resources and services for tribal families. For example, the tribe helps families in many areas such as prevention, cultural enrichment, kinship relations, substance abuse, and healthy parenting, because protecting our tribal children is the most important task of the Santee Sioux Nation. Unfortunately, we have limited data and information on state efforts. The tribe receives a list of a state worker for youth in care monthly, containing only, containing only last names of tribal families by county, their status of eligibility, and placement, but this bill would help us access additional information to improve practice. Thank you to Senator Blood for introducing this bill, and I would respectfully request that you vote to advance LB911. Thank you.

DeBOER: All right. Thank you very much. Are there questions for this testifier? I don't see any. Thank you so much for being here.

RENAE HELPER: Thank you.

DeBOER: Next proponent. Welcome.

JESS LAMMERS: Thank you, Vice Chair DeBoer. Jess Lammers, J-e-s-s L-a-m-m-e-r-s. I would like to lend my voice in support of LB911, because I believe if LB911 were passed, it would be an extra set of eyes on the paperwork involving children from an already underserved community. That extra set of eyes may very well catch a nuance mistake, a paperwork mistake, an error of some kind, that may change the trajectory of that child, so that they can be more successful and receive the services they may need on a more timely basis. To address Senator Bosn's question, the temp custody hearing part isn't necessarily happening within 48 hours of being initiated into state

custody or law enforcement custody. And parents, specifically non-custodial parents, which tend to be male, are not being notified in the proper fashion. And when the non-custodial parent is notified, generally, damage has already happened emotionally and psychosocially to the child. Provided that the language in LB911 is passed, that would, again, reiterating, add an additional set of eyes onto the problem, hopefully creating a situation where that child, again, reiterating, receive services more timely, mitigating any emotional or psychosocial damage that may occur. Because Native Americans worship in a certain way, both of the land, their body and the spirit world. And I don't think that that is properly acknowledged by the courts or the, the legislative body. I would yield any remaining time and field questions from the committee.

DeBOER: Any questions for this testifier? Don't see any. Thank you so much for being here.

JESS LAMMERS: Thank you, Senator.

DeBOER: Next proponent.

MAGHIE MILLER-JENKINS: Hello again. I'm Maghie Miller-Jenkins, M-a-g-h-i-e M-i-l-l-e-r-J-e-n-k-i-n-s, and I am here to testify in favor of LB911. I'm actually really pleased with how today has gone, honestly. I don't usually spend my days at Legislature, spending the whole day just testifying on bills that I believe in. And so I want to say thank you to DeBoer and thank you to Blood, for-- and McKinney, for bringing up bills that I can spend my day down here being excited to rally behind, because I don't feel like that's something that I get to do as often as I would like to. I feel like a lot of my time is spent up here harping on you guys about things that you guys aren't doing well. So it's nice to be able to come for so many things on a day that I'm behind. But in regards to this particular bill, I think it is vitally important. I mentioned earlier that we are on the land that's not ours. We are unannounced guests in a home that was never meant to be our home. So anything that we can do to help bring our indigenous brothers and sisters more solidarity from our lawmakers, more rights, more even playing fields, since we have forced them into such a disadvantage for so long. I think that it's important that we do our due diligence to bring forward bills, bring forward laws, and bring the equity back as much as we possibly can. So I commend Senator Blood for bringing such an amazing bill to the floor. And I also commend Senator DeBoer and Senator McKinney for their bills that they had here today. And I just pretty much-- very rarely, am I going to

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Judiciary Committee February 15, 2024
Rough Draft

come up here and say thank you. So I hope it's noted somewhere. I'm going to watch myself back later, cause it's a historical moment. I don't usually get to tell you guys thank you. But that was, that was the main sentiment for this one, is I'm glad that there are good things happening, because often there's not. So hopefully, we can keep this track going forward and see better bills next year.

DeBOER: All right. Are there any questions? I don't see any. Thank you so much for being here. Next proponent. Is there anyone else who would like to testify in favor of the bill? Now, we'll switch to opponents. Anyone in opposition to the bill? Is there anyone who would like to testify in the neutral capacity? I don't see any. So, while Senator Blood is coming up for her closing, I'll note for the record, there were 4 letters, 3 were in support, and 1 was neutral. Senator Blood for your closing.

BLOOD: Thank you, Vice Chair DeBoer. Friends, I say this a lot, but I'm going to say it one more time. It is never too late to do the right thing. What we heard today were people talking about their culture and heritage and their tribes. And we know that we have a past history that we should be embarrassed of. We know that children who were literally ripped from their parents' arms, put into what they called Indian schools. Many still cannot be accounted for because we know they are no longer on this earth. That's what this bill is about. This bill isn't about what happens in court. This bill is about the data. And the reason we need the data amped up is because we want to make sure that when we report back to the tribes, that they know what the hell is going on with their children. Because that is the very least that we can do to help make up for our past transgressions. We know when it comes to children, regardless of where they come from, where they live, what they look like, how they identify, that we can better help them if we always have good science facts and data. And so ultimately, if you look at the amendment, that is all that we're talking about today, is to make sure that the information that filters down to these communities is accurate and timely. And with that, I thank you for your time today. It was a long day. But I am very excited about this bill, as I know that it takes us a step further to communicating with our, our tribes here in Nebraska, and letting them know that we do see them and that we care about what happens in their communities.

DeBOER: All right. Are there any questions for Senator Blood? All right. That ends our hearing on LB911 and our hearings for today.