

**Health and Human Services Committee**

**LR 37 Handout**

**September 13, 2011**

Good Morning, Senator Campbell and members of the Health and Human Services Committee. My name is Nathan Busch (N-A-T-H-A-N B-U-S-C-H) and I am the Western Service Area Administrator for the Nebraska Department of Health and Human Services. The Western Service area is comprised of 29 counties. The Department has offices in the cities of Chadron, Rushville, Alliance, Gering, Bridgeport, Kimball, Sidney, Ogallala, Imperial, McCook, North Platte, and Lexington. My office is located in Gering. The Western Service Area comprises roughly 5,900 square miles. I am pleased to have this opportunity to provide you information about child welfare and juvenile services in the Western Service Area.

I would like to begin by giving you some current information about the Service Area and then, as you have requested, talk about three issues of importance relative to child welfare in the Western Service Area.

I was appointed as the Western Service Area Administrator in October 2007. At that time the Western Service Area was responsible for case management for 850 state wards. As of September 2011, the WSA is responsible for case management for 605 state wards. As you can see, the total number of state wards for the WSA has decreased by 245 kids in the last four years. While children are not a commodity to be counted, I believe this is an indication that

children are reaching permanency in a more expedited manner. Currently, 73% of the 605 state wards are placed out of their home. Of those placed out of their home 41% are placed with a relative or someone known to the child. Currently the Western Service Area is also serving 172 children outside the formal court via a non-court involved process.

I would like to share with you some of the positive things going on in the WSA at this time.

A stakeholder's group was established in the Western Service Area to gather input from community stakeholders. Members of this group include representatives from CASA, Foster Care Review Board, educators, service agencies, Child Advocacy Center, Nebraska Foster and Adoptive Parent Association and Family Advocacy Organizations. We meet monthly to discuss upcoming changes, outcome data and community issues that affect children and families. One of the group members also serves as a representative to the Statewide Partners Advisory Council.

Additionally, since 2008, the Service Area has improved contract monitoring and Quality Assurance (QA) through activities that we have developed. Some QA activities that were put into place during the service coordination contract have remained, including Quality Assurance of Family Team Meetings, service area Quality Assurance team, monitoring of the service area Program Improvement Plan (PIP), and quarterly state Child and Family Services Reviews. Increased availability of service area specific data from Central Office and QA has also been helpful. This data is shared with staff and stakeholders to make improvements in the outcomes for children and families and to recognize the successes. Data is shared on a quarterly basis

with a service area Comprehensive Quality Improvement Team (a team comprised of both internal staff and external partners) to determine the system's progress with the PIP goals and to determine if new goals need to be established.

Additionally, it is important to monitor our performance through the outcomes that children and families experience when interacting with the child welfare or juvenile services system. In order to monitor this, the State, including the Western Service Area monitors monthly progress with regard to the six federal outcomes we are required to meet. Our current strengths are absence of maltreatment in foster care, timeliness of adoption and permanency for children in foster care. The areas needing improvement are absence of maltreatment recurrence, timeliness and permanency of reunification, and placement stability. Our progress on reaching these federal standards can be monitored by the public at [www.dhhs.ne.gov/compass](http://www.dhhs.ne.gov/compass):

In October 2007, the Western Service Area was meeting one of the six federal outcomes. To address this issue the Western Service Area established a Permanency Planning Team to staff and manage cases of those children and youth who have had difficulty achieving permanency. This team continues to operate today. The team is comprised of Department staff from different disciplines. As a result, the WSA has greatly improved its' outcome on the establishment of permanency and timeliness of adoptions for children who have been in care for long periods of time. Currently the WSA is meeting 3 out of the 6 federal outcomes.

Recently, the WSA created a Non-Court Involvement Planning Team to staff and manage cases of those children and youth who are in need of services but are not involved in the formal

court system. The team is comprised of Department staff from different disciplines. The purpose of this team is to help provide ongoing services to families whose children are determined unsafe without the formal involvement of the Juvenile Court, but working in conjunction with the local County Attorney's office.

I would now like to address three areas of importance that exist for the WSA today. All three comprise challenges that exist for children and families that live in the rural parts of this great State. These three areas all have one common theme, resources for children and families in the rural western half of Nebraska. I would like to concentrate on three areas; foster care, group homes and youth shelters.

In November 2009, the Western Service Area had 317 foster homes. These foster homes were comprised of both approved foster homes and licensed foster homes. Approved foster homes are not required to be licensed because they are relatives or people the child knows personally. Licensed foster homes are foster parents that meet licensing requirements as set forth by State Statute, but typically are not personally known to the child. Currently the Western Service Area has 348 foster homes available, again comprised of approved and licensed foster homes. As you can tell, this is an increase in foster homes of roughly 31 homes. While we have seen an increase in foster care families, many are not able to care for children who exhibit severe behaviors, children who have serious mental illnesses, or infants and teenagers. To meet this need the Western Service Area will be teaming with an external partner to assist with the recruitment of foster homes. This will allow for a partner who can focus all of their attention on the recruitment of foster families in the Western Service Area

with special attention to recruiting homes for infants, teenagers, and children who exhibit severe behaviors.

The second area of importance that I would like to address today concerns group homes. In 2009 the Western Service Area had 85 licensed group home beds available within its' geographical area. This was comprised of the Salvation Army, Snow Red-Fern Memorial Foundation, and Boys and Girls group home in North Platte. Today, the Western Service Area has 12 beds available for group home services in the service area through the Nebraska Youth Center in North Platte which serves an all male population. As you can see, this has been a reduction in the number of group home beds available in the Western Service Area. This is a result from each of the various providers either terminating their contract with the State or choosing not to renew their contract. As of the first part of September, 23 youth have been placed in Group Homes outside the service area, and 1 youth is placed in a group home outside of the State. As I am sure you are aware, the Department is statutorily required to make efforts to reunify families, or seek other suitable permanency. This is made more challenging when a child is placed in a group home far from his / her family. This does present us with an opportunity in the Western Service Area to examine and assess what group home services are needed in the service area and where those services should be located. The Department is working with the Panhandle Partnership for Health and Human Services to continue to collaboratively examine the infrastructure within the Panhandle Area. We continue to work together to examine a System Service Array, which is a foundation for assessing resources availability, quantity, quality and importance within the system. As we progress the Array will

help us assess the need for group home beds and to determine where to develop these beds in order to best serve the children and families of Western Nebraska.

The third area of importance that I would like to address today is the availability of shelter beds in the Western Service Area. In 2009 the Western Service Area had two shelters one located in Scottsbluff consisting of 12 licensed beds and one located in North Platte consisting of 12 licensed beds. Today, the Western Service Area has one shelter, located in Scottsbluff. This shelter has 12 beds available. Looking east, the next shelter is located in Grand Island, 340 miles away from Scottsbluff. The availability of this service must increase in the WSA. The task ahead of us now is to determine, in conjunction with our communities, where the shelter or shelters must be located in order to best serve the children and families of the western part of this state.

We have tremendous partners and communities in the WSA, who have pulled together for the benefit of those families out here who need our assistance. We continue to have challenges associated with the rural nature of the communities we live in, but we have dedicated partners, communities and professional staff who are committed to the children and families of the western half of this great State. While I pointed out above resources we need to enhance in the Western Service Area, I would like to state that through the close collaboration of the Judges, Attorneys, Service Providers and the staff of the WSA, good things are happening in the Western end of this State. As stated above the number of children reaching permanency has increased, efforts are being made to provide services as quickly as possible, and we are increasing our compliance with the federal standards. None of these things would be achieved

without the team work that exists within the service area and I am grateful. The challenge ahead of us at this time is to take, an area where good things are happening and make it an area where great things can happen.

I appreciate your time. If you have questions, I will do my best to answer them. Thank you.

My name is Scott Curtis; I am a review specialist for the State Foster Care Review Board. I have held this position for the past 2 1/2 years. I review Western Nebraska which covers Scottsbluff/Gering, Alliance, Kimball, Sidney, Chadron, Ogallala, North Platte, McCook, and their surrounding cities. I hold 3 board meetings per month, resulting in approximately 35 children being reviewed per month. The Foster Care Review Board reviews and makes recommendations and findings of children who have been placed in out of home care. I am currently a member of the local Through the Eyes of the Child team, am a member of the local Western Service Areas Partners group, recently joined the local 1184 Treatment Team, and am a partner with the local Youth Network groups. I would like to provide the committee with information that I have received through my reviews, from GAL/attorneys, from providers, and from foster parents.

**Top 4 Issues Experienced with Boys & Girls Home as a lead agency:**

1. Lack of payment to foster homes and lack of timely payments.
2. Reduction of payments to foster homes.
3. Loss of service providers in the local area, including foster homes, shelters and group homes.
4. Foster parents received payment based on the child's behaviors. Increased behavior would result in higher pay and additional supports from the lead agency.

**\*NOTE:** The FCRB does not track foster care payments; however, payment issues have been consistently reported to us by the foster parents.

**Top 3 Issues facing child welfare since the lead agency left:**

1. Because of lack of payment and/or reduction of payment to foster homes, there is a reduction in foster homes in the area making it is difficult to maintain the children in their home communities. This not only disrupts the children's educational setting and typically their medical and therapy relationships, it also increases the need for transportation for visitation and therapy, transportation for court, etc.
2. Because Health and Human Services CFS specialists remained actively involved in their cases, there was a relatively smooth transition of returning the cases back to CFS Caseworkers.
3. Family support and visitation services were being in-part provided by Boys & Girls Home prior to privatization, and during the privatization process many other local service providers either closed or had to reduce staff. When Boys and Girls Home left the area there was a lack of service providers in the area. Health and Human Services has worked hard to rebuild the infrastructure, but difficulties still remain.
  - a. One major provider, Reach-Out Foster Care, recently ended services due to financial concerns. Reach Out provided Foster Parent Recruitment and training, visitation supervision, transportation, and a host of other assistance. The FCRB



found that this provider had consistent high quality reports and provided excellent services.

- b. Speak Out had to significantly reduce its staff.
- c. Many of the Community Action programs have lost staff.
- d. The Boys Ranch in Alliance was in the process of reorganizing but did not contract with Boys and Girls Home, and had to close its doors permanently.
- e. The Chadron/Alliance area previously utilized 3 transportation companies but currently only 2, Prince of the Road and Midwest Transport, are available. Additionally, these 2 providers have had to reduce staff.
- f. Western Community Health of Alliance had been providing Supervision for visits, tracking services, and other family services, but all were discontinued due to Boys and Girls Home coming to the area.
- g. The Bridgeport/Alliance area is currently trying to utilize services from Chadron and Scottsbluff, and McConaughy has picked up some services, but the size of the area being served is a barrier.

#### **Recommendations for child welfare in the future:**

1. Health and Human Services needs to strengthen their oversight of contract providers including service coordination and financial payments, documentation provided, and act on reported concerns in a timely manner.
2. Assess foster parent payment, recruitment, and retention.
3. Statewide the FCRB had these same reported concerns regarding foster parent support. As stated in the FCRB Reform Report issued in December 2010:
  - a. 50 foster parents had directly reported to the FCRB their intention to cease foster parenting. Pay had generally decreased while their roles and responsibilities had increased. They were expected to provide supervision for parents and siblings without adequate support or training. The supervision of parent/child contact by the foster parents could create a potential conflict of interest.
  - b. Between April 1 and May 20, 2010, foster parents made at least 80 contacts to the FCRB seeking assistance with getting past-due payments, or getting previous reimbursement rates restored.
  - c. Foster parents directly reported they were receiving less reimbursement than prior to the reform. They also reported that they are no longer receiving respite care or clothing reimbursements.
  - d. Several Relative placements had contacted the FCRB to describe the difficulty in caring for children when receiving only \$10 per day reimbursement,. Difficulties were particularly noted with grandparents who are on fixed incomes.
  - e. Providers reported and the FCRB experienced that if accurate information had been shared regarding privatization issues, the agencies would have been able to better prepare themselves for what eventually did take place. Further, several

agencies noted confusion as to which agency to contact when issues on children arose, which led to children being lost in the shuffle and not receiving other needed services.

- f. There are some current difficulties with Magellan denying children treatment level of care. These denials have led to some children being placed in emergency shelters for significant and unacceptable periods of time.
- g. Although Health and Human Services is making efforts to recruit new foster homes in the area, many of these homes have expressed in interest in taking only younger children, which has led to many older youth being placed in either the Emergency Shelter for significant periods of time, or placement considerable distances away.
- h. In North Platte services have been lost included shelters, foster homes and group homes. Due to the lack of placements for children as well as the size of the Western Service this causes a barrier due to the distance between parental home and placements.

HHS Office	Children in out of home care	# w/4 or more workers	# w/4 or more placements
Alliance	28	2	11
Gering	128	42 (33%)	44 (34%)
McCook	37	4	17
North Platte	155	46 (30%)	67 (43%)
Ogallala	4	2	3
Sidney	21	7	11
Statewide	4271	1970 (46%)	1946 (46%)

\*These statistics are as of 9/12/2011

Overall the Western Service Area is exceeding the statewide numbers for children that have experienced 4 or more workers or 4 or more placement changes. As of 9/12/11, in the Scottsbluff/Gering area there were 128 children in out of home care. Of those, 42 children (or 33%) have experienced 4 or more workers, and 44 children (or 34%) have experienced 4 or more placements. In the North Platte area there are 155 children in out of home care. Of those, 46 children (or 30%) have experienced 4 or more workers, and 67 children (or 43%) have experienced 4 or more placements. Statewide there are 4,271 children in out of home care, and 1970 children (or 46%) have experienced 4 or more workers and 1946 children (or 46%) have experienced 4 or more placements.

Commendations:

\*Judge James Worden, Judge Mike Piccolo, Judge Kris Mickey, Judge Kent Turnbull, Judge Anne Paine, Tiffany Wasserburger from the County Attorney's office, GAL's Lindsay Snyder, Maxie Morgan, Audrey Elliott, and Eric Eisenhart. All of these individuals have all provided excellent services to the children of the area.

\*Scotts Bluff County has a very strong CASA program, and the reports received from the CASA volunteers are invaluable when assessing a child's situation.

\*Health and Human Services administration and staff have recently made renewed efforts to provide information and have representatives present at all FCRB meetings.

As the FCRB budget document has requested, another reviewer for the Western Service area is needed to review more children. I myself regularly cover cases from as far away as Furnas County, and travel takes up a substantial portion of my time.

Thank you for taking the time to hold a hearing regarding the child welfare system and I appreciate being given the opportunity to be heard regarding child welfare issues we face in the Western service area.



Case: Montanez/Smith Family

September 12, 2011

Attention: To the State of Nebraska

We are here to share our story and the truth of the injustice and abuse of authority in the Scottsbluff County Courts/County Attorney and DHHS Workers. We are in Great hopes and expectation that our voice today will be heard not only for ourselves, but for the others who have suffered at the hands of the County attorney and DHHS.

On August 4<sup>th</sup>, 2011 was the day our lives were turned upside down. We had received a phone call from the Gering Police department at 10:00 am informing us that our 14 year old son was at the police station asking for help. The Gering Chief of Police would not tell us why he was there, and how he got there and that the Gering police would be in touch with us letting us know further details. We were a family re establishing our selves after relocating from IL just a few months prior to this incident. Around 11 am that morning, the Police and DHHS workers showed up at our door, stating that our 14 year old son had complained of abuse towards him and his siblings and that the County Attorney had used her full authority to have all four of our children removed from our home without full proper investigation and jumping the gun.

Our story began when our 4 year old brought to our attention that our 14 year old son had been engaging in appropriate behavior towards him, that alarmed my wife and I. Our 4 year old had told us that his oldest brother had been sticking his finger in his bottom. My wife and I confronted our oldest child about this concern and believed that these actions had taken place, as our 4 year old son had described and bringing this allegation to our attention on a couple more occasions. We believed this was a serious matter, and necessary to discipline our 14 year old son. My wife had set up a doctor's appointment to have our four year

old examined and to begin seeking further help. Our 14 year old was aware of this doctor's appointment that was set for Thursday, August 4<sup>th</sup>, the day our children were removed from our home. In using the law against us our 14 year old showed up to the Court House claiming him and his siblings had been abused and that he was in fear of his sibling's life.

During the 2<sup>nd</sup> week of our children being in the States Care our two toddlers were placed in a day care facility that is known for a history of complaints. Our toddlers were coming home with bruises and bite marks with no incident reports being made from this day care facility. No answers on what happened to our children. As we had expressed our concern to case workers, GAL, visitation coordinators that seem to overlook the seriousness of the trauma and more so focusing on my wife and I being the abusers. As there were comments being made from visitation coordinators such as "I really don't care for the day care facility and making it known that care givers were real offensive and impatient" but yet children who are in the system our continually being placed in these day cares that lack the proper care for our children who have been traumatized from being taken out of their homes.

From the very moment our children were taken out of our home, the case worker had already made her judgment towards us treating us like we had no rights to have our children or any hope to get our children back. Since we have taken a stand to fight for our children and the ability to walk out our rights, DHHS and two of the case workers who were supposed to be working for the family, bringing families together became very offensive, avoiding our calls and not returning our call backs. DHHS case worker had used intimidating tactics such as threatening us with her authority, trying to put fear in our lives like we no longer had any say so to our children, disregarding anything we had to say, disrespectful and very distant. DHHS case worker even went so far as to asking my 11 year old daughter if she liked where she was staying at, as she said "yes" because she and the rest of our children had been placed in my brother n laws home, the case worker twisted our daughters words and put on a report that my daughter wanted to live at my brothers house to use against us in court. Any decisions that were being made such as counseling appointments, hair follicle testing that was

done to our children, was being done without any notification to us, being done in secrecy. We have witnessed and watched DHHS Case workers swore under oath before a judge, take a stand and be dishonest. This same case worker who has also caused division between our families telling misleading stories, slandering our character and instigating discord with my wife's brother and sister in law where all four of our children were placed. We were determined by getting involved in the welfare and well being of our children. In the been awhile as we had expressed our concerns to the Gering Police, representative from GAL, DHHS and case workers with the allegations of our 14 year old son towards our four year old they were ignored to what happened to our baby who was the one suffering all along.

These are the very same people who believe they are protecting our children from us but are the very same people making poor judgment calls that are destroying homes and tearing the lives of parents and children. We were told from the very beginning this was about Reunification to bring families together. This has been used as a sales pitch once our children are in the Nebraska states custody. We have also been labeled as Christian fanatics, judged and treated like criminals before entering the courts. Could this be why the "U.S Department of Health and Human service reports have highlighted that Nebraska exceeds the National average of state wards and ranks at the near top in the number of Children removed from their homes, and are experiencing rates that are two times the national average for the removal of children from the home?"

## Recommendations:

We are asking the State of Nebraska, those who are in those positions in making decisions to go back and review all cases of abuse and investigate. All parents who have complied and done their very best to prove themselves worthy to have their children returned. We are asking for those Children who rightfully need to be

home with their parents to be released to their rightful place just as ours should be.

2. DHHS case workers in need of sensitivity training and preparing them to refocus and the true meaning of reunification. Providing proper training for case workers to be equipped with the ability to make sound decisions.

3. We recommend the County attorney be stripped of ~~all~~ authority and prohibited from making quick and irrational decisions. Thus appointing a counsel to decide the removal of the children from homes in cases of possible child abuse. Implementing a 72 hour investigation plan before removing children's from homes.



Nebraska Unicameral:

Health and Human Services Committee's LR 37 investigation and hearing

Scottsbluff, NE Tuesday, September 13, 2011.

My name is Dr. Mark Hald. I am a licensed psychologist in full time private practice in Scottsbluff with Options in Psychology. Most of my work is with children who are under age 12. I have a specialized practice for children under 5.

**The top three issues experienced with the Boys and Girls Home as a lead agency are as follows:**

- **A lack of communication from team members.**
  - Being told three different things from three different people from the BGH.
  - Not being provided service referral and background information on clients prior to first appointments.
- **A loss of trust in the system and process.**
  - not trusting that what was said would happen would happen
  - not trusting that services would be paid for if provided
  - This lack of trust continues to permeate our current problems, will I get paid, will there be follow through, what services do we have, etc.
- **The loss of experienced staff when the Integrated Care Coordination Unit was closed.**
  - There was a significant gap in time from the closure of the western ICCU resulting in a significant loss of a pool of experienced staff who were hired into other agencies and states. This resulted in a largely inexperienced BGH staff.
  - This resulted in a loss of relationship trust that had been earned over the previous 8 years.

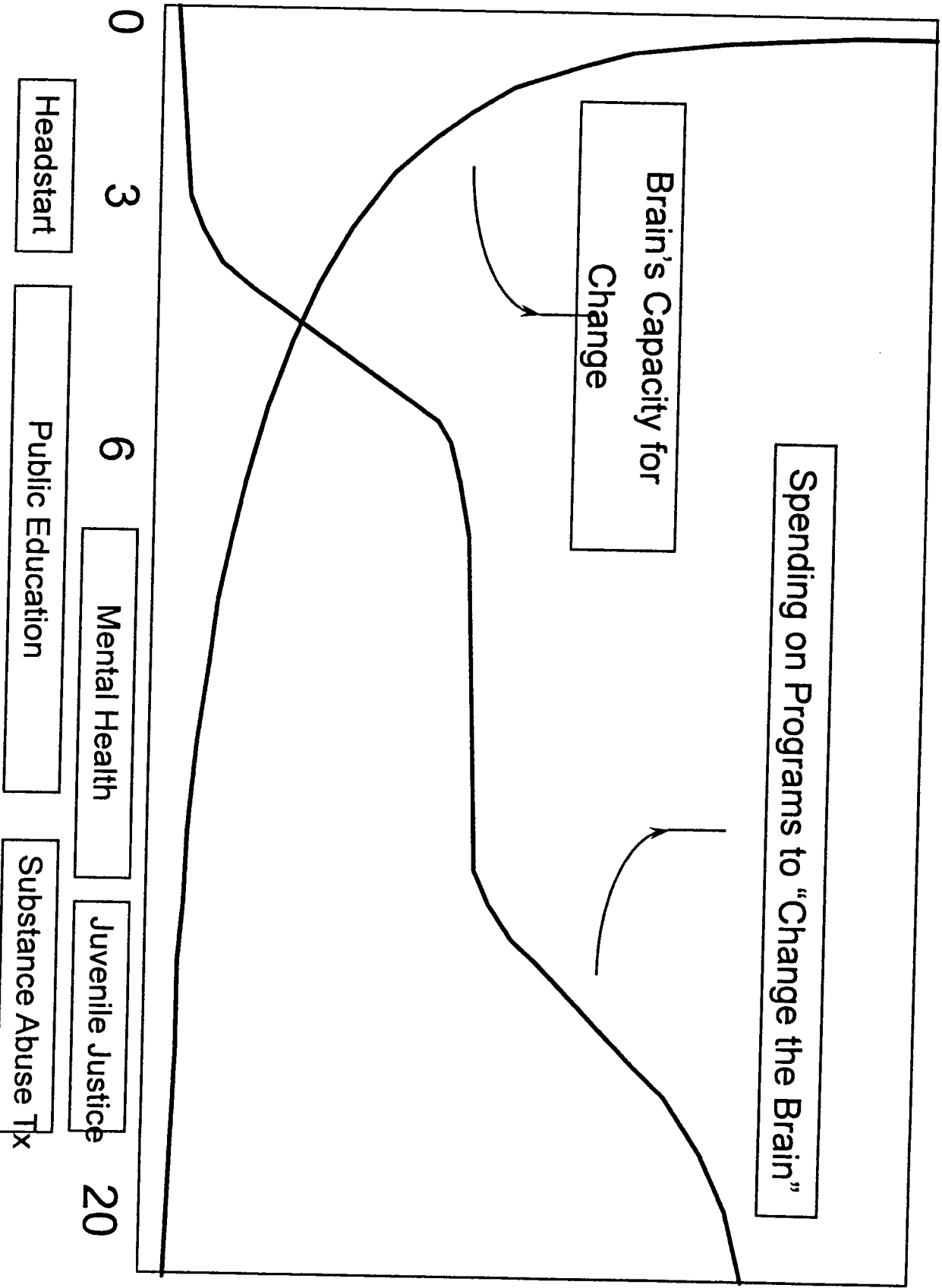
**THE TOP THREE ISSUES FACING US CURRENTLY ARE:**

- **Difficulties with communication.**
  - Learning of changes in regulations after the fact.
  - Differing interpretation of rules and regulations depending on who you have on the phone.
  - Difficulties in keeping all of a families team members in the loop.
  - Not always being able to trust that what has been communicated to the case worker will be clearly communicated to the court and other team members.
- **Mental Health Service and appropriate training.**
  - There is a lack of providers who are willing and appropriately trained to work with children and families 5 and under.
  - Not only are there very few providers but there are very few providers who have the specialized training needed to help facilitate healing in the damaged parent child relationships from neglect, abuse, trauma woven in the complex needs of the children and their families. The healing process is often complicated when an inexperienced case worker doing the best he or she can, is overwhelmed with large caseloads have difficulties linking the families with service need to return the children home in a safe manner, fails to communicate effectively, and often the child lingers in foster care for too long, too long beyond the recommended best practices.
  - As a trainer since 2008 with the NE court improvement project "Helping Babies from the Bench" I have heard repeatedly in all areas of the state:
    - "You can't get mental health service paid for children under 5."
    - "I use to provide mental health service for children under 5 but I got tired of fighting with Medicaid / Magellan over denials for authorizations that I quite trying and won't see children until they are 5."
    - "We don't have any mental health providers."
  - There is no systematic way to train mental health providers to work with children under 5. (There are pockets of specialized training groups, but these are mostly in the Lincoln and Omaha areas). There are providers but very few in numbers.
- **A lack of understanding of the underlying problems and systems reacting to symptoms rather than underlying causes.**
  - The children and their families often have complex issues. Since October 2005 Specialized Training and Consultation in Attachment and Trauma with children and youth I have earned 190 hours of specialized training in trauma, attachment, and related issues. And I just feel like I'm starting to really get a solid understanding of how to help.
  - Science must inform our practices. Science and research informs us that:
    - Health brain development occurs in the context of healthy safe and loving relationships and supportive family systems.

- Healthy brain development in the early years, conception to four set the stage for a person's life. There is now a large pool of research that show that adverse childhood experiences impacts brain development and mental and physical health across the life span. A person who experiences 3 or more average childhood experiences is more likely to smoke, be obese, struggle with depression and anxiety, have trauma symptoms, have cardiovascular problems etc.
- The research shows that 60% of children in foster have some type of developmental delay while the rate in the general population is 4% to 10%.
- The research show that 25% to 40% of children in foster care have mental health problems and diagnosis while the rate in the general population is 3% to 6%.
- 60% to 80% of children removed from their home have parents with substance abuse problems.

#### **WHAT NEEDS TO HAPPEN:**

- Understanding the value of early childhood mental health and social – emotional development.
  - Intervening with young children and their families under age 5 is effective and can help the healing happen.
  - Using science and research to inform our work in a systematic manner.
  - Because of the complexity of the problems the intervention teams need to have appropriate training, supervision, and consultation round the children and families mental health issues.
- Better planning for families earlier in a removal such as:
  - Requesting parent assessments during the first three months
    - Those would include drug and alcohol evaluations as well as parenting capacity, and parent child interactional.
  - Moving to put interventions in place quicker while informing parents of the timeline they are dealing with.
- Statewide Prevention Programs
  - The legislature should consider statewide prevention programs that target new families and provide them with personal contact beginning in the hospital and home based follows ups about positive parenting and relationship building.
  - Home visiting models have been shown to be some of the most effective prevention models.
  - Dr. Bruce Perry with the Child Trauma Academy in Huston, TX as well as other have noted that the spending on programs to change the brain is highest in adolescent and adult mental health, juvenile justice, substance abuse, etc... yet the highest return for dollars spent is below age 5 when intervention has the highest potential to change and shape the brain.
  - We have to increase the number and quality of relationships: health in all domains is created through relationships. Isolation increases risk for all physical, social, emotional, and cognitive problems.



# Age

Nebraska Legislature Health and Human Services Committee  
Interim Hearing  
September 13, 2011  
Western Nebraska Community College  
Scottsbluff NE

Senators and Fellow Citizens,

I am here today on behalf of the Panhandle Partnership for Health and Human Services.

- The eleven counties of the Panhandle began a broad based collaboration in 1996. Over the years the Panhandle Partnership for Health and Human Services has grown in capacity, effectiveness and ability to impact outcomes. PPHHS does not provide services. Rather it exists to bring together broad sectors of the population to conduct assessments, create plans, implement plans through multiple partners, ensure evaluations and sustain outcomes. The work of PPHHS is recognized within the state and nationally as a foundation and model for a number of sectors including Public Health, Juvenile Justice, Substance Use Prevention, Rural Home Visitation programs, Rural Homeless Youth, and Child Abuse and Neglect Prevention systems.
- This collaborative work occurs through implementation of evidence based and evidence informed practices and initiatives, and brings together public and private sectors.
- The initial success of the Panhandle Partnership was in large part a result of the fact that there was no duplication of services in the area. This area was not resource rich.

Prior to the beginning of the Nebraska reform the Panhandle was being impacted by a severe drought which increased the need for many basic services while a national economic downturn was reducing funding to many core programs, and thus to the capacity to respond. Many resources and jobs were lost.

The selection of the lead contractor for the Western Service Area, which includes the Panhandle, further impacted community resources. Agencies closed or were assimilated within the structure of the lead contractor. Some agencies chose not to participate but were still impacted by the loss of key staff to the higher paying jobs. At the same time DHHS reduced its' capacity.

It is not our intent to detail specific grievances. Many individuals and agencies across the state will discuss fiscal, personnel and personal impacts of the reform.

What is important to note is that in remote rural areas the impact of the reform has been to decimate an already fragile child and family serving infrastructure. Those who suffer the most are the children and families who need help. Where adequate resources once existed to support families at early signs of problems we now see more significant problems before families can access limited resources.

Rather than dwelling on what went wrong, we believe the current circumstances are an opportunity to make meaningful change. We cannot speak for the other areas of the state, but the depth of collaboration in the Panhandle offers an opportunity to find more effective solutions and systems for rural communities.

Our recommendations are:

1. Stabilize the CPS crisis now by placing a ten year moratorium on any further privatization and lead contracts.
  - This will stabilize the revolving door within DHHS and return to the provision of higher quality service.
  - We need to be able to attract new workers to rural areas and help them become well established, recognized professionals. This will not occur as long as job security is in question.
  - There has been a professional drain in the area as many who once worked in the CPS system and local agencies have sought new careers, or jobs outside the area as a result of the recent chaos and fluid environment.
2. Recognize that all areas of Nebraska are not the same and use this to create an effective service system.
  - During the 2005 Service Array Assessments in 28 rural Nebraska counties, community members identified DHHS policies and practices which were ineffective and more costly in rural areas.
  - Rural communities have the same issues as urban areas but are more transparent and therefore offer the opportunity to develop models for effective systems and services.
  - Rural communities do however need process and support in addressing stigma and barriers for effective services for all families such as the process outlined in the Annie E Casey Juvenile Detention Alternatives Initiative (JDAI) being implemented in Nebraska.
  - Rural communities see interrelationships of family issues such as substance use, high school completion, adolescent pregnancy, mental health needs, health care needs, family stress and relationship violence, and can help to identify an effective continuum of resources to address these issues.
3. Understand the economy of scale in rural areas and develop policies and practices to assure a continuum of services, including a prevention system, that assist in maintaining cost effective services.
  - In rural areas mileage and windshield time are barriers to a cost effective system.
  - The Panhandle believes that strategically located rural agencies, community/ school partnerships and expanded 1184 teams can serve to provide effective family support services before families enter higher end systems.

- However, if a family is in the CPS or OJS system the existence of these same locally (3-5 county area) available services can reduce time and travel costs.
  - Develop mechanisms for those with DHHS service contracts to enter into subcontracts with agencies to provide more cost effective responses across geographic regions.
4. Build on emerging practices. Federal agencies, private foundations and states across the country are focusing on community collaborations as requirements for effective change.
- Enter into collaborative partnership with logical sections of Service Areas, such as the Panhandle, to identify needed services and resources through a comprehensive assessment process, data review, system plans including protocols and practices, evaluation and continuous improvement.
  - There will always be individuals, agencies and groups who desire to develop or increase a specific type of services. These decisions should not be made by virtue of position, prestige of organization, or personal appeals but through community examination of data, and research of evidence based policies and practices such as those for victims of adverse childhood incidents and effects.
  - All services should be part of a balanced core continuum of effectively used resources, known as a system of care.
  - Focus on process and outcomes for children and families. Understand that actions such as cross training for community capacity on evidence informed practices that promote social and emotional wellbeing and facilitate healing and recovery can be as beneficial as adding more resources.

In closing we urge all parties to this dialogue to look to the future, to the reduction of the number of children who are abused and neglected. If we truly seek to impact costs, both human and fiscal, it is to this area that we must place meaningful attention.

Recent research on prevention of child abuse and neglect notes,

*“One strategy for community change efforts seeking to reduce child maltreatment is to emphasize building social capital and creating an environment of mutual reciprocity. A second strategy is developing, implementing and assessing an array of formal services and institutional relationships that will support families when friends and neighbors are unable or unwilling to provide assistance. In the first case, the challenge is to recognize the social dilemmas and environmental challenges that indeed require a social response that is difficult to achieve in the absence of public investment or professional skills. In the second instance the challenge is recognizing the inherent limitations to public resources and the importance of creating a culture in which seeking and offering assistance to meet one’s parenting responsibilities is normative.” (Daro, 2010)*

This work will require complex dialogues and collaborative action. It also requires a core infrastructure of committed citizens, organizations, and agencies. The more distanced Nebraskans become to the issues of child abuse and neglect, through outsourcing, the demise of the professional community, abdication of community responsibility, ready responsiveness to local concern, and jaded perspectives of ineptness and waste at local and state levels, the less capacity we will have for either or both of the above options. Over the long term the impact will be increasing numbers of referrals and higher cost to the Child Protective Services and Juvenile Justice systems.

Thank you for the opportunity to present these ideas. We look forward to working together for the future of all Nebraska children.

Joan Frances, on behalf of  
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*Caring for children today,  
to give them a better tomorrow.*



LR 37 Committee Hearing  
Scottsbluff, NE  
9/13/2011

Presenter: Stan Bills, M.A.  
Executive Director  
Snow-Redfern Foundation

Thank you for the opportunity to express concerns that need to be heard by the public at large, especially families who have been impacted by the reform that is the focus of this hearing. I am here to voice concerns of our Board of Directors, as well as my own personal concerns, which are based on over 40 years of working with at-risk youth.

You probably know our organization best as Nebraska Boys Ranch, which no longer exists, primarily due to the reform by Health and Human Services. NBR was a residential program that operated for over 45 years, having served around 1,000 youth. However, let me stress that I am not here to grind an ax, or express anger about what caused our demise. Our Board is concerned that there are now youth and families in our region, as well as the State as a whole that are not receiving services. They are hopeful that everyone in this hearing is equally concerned about these families.

I will be expressing my **opposition** to the reform to privatize child-welfare services, and believe the current reform should be discontinued. My three main points are:

1. Children and families have been put at greater risk, as a result of this reform.
2. Privatization has *not*, and *will not be*, less costly than the previous system. It is *not* more expeditious, or cost effective.
3. Privatization was *not* approached, *nor* managed, in a way that allowed for residential programs to actively participate, negotiate and ultimately survive the reform.

ONE: We can all agree that children *should* remain in their homes; I am not disputing that position. **But** can we all agree that all homes should have their children remain in home, *even if it is an unsafe environment*? I don't think so! One must admit that there are times, that for the sake of everyone, removal must happen, if only for a short time. Following this attempt at reform, where are these families going to find the respite care they need? Judges and attorneys express the same concern for the youth and families they serve. Often, their hands are tied, because there are no options for placement, therefore, they are *forced* to leave the children in the unsafe homes. Sometimes the homes are unsafe due to the mental health issues that the youth exhibit. Unfortunately, mental health services continue to decline also, not only by residential providers, but by mental health therapists as well.

During the transition period, when NBR was still operating, I asked Boys and Girls Home, Inc. where they would place these youth if facilities such as ours were to close. Administration said they would be placed in foster homes. Correct me if I am wrong, but prior to reform wasn't there a shortage of foster homes? I know "the plan" was to recruit more foster homes, but what was going to be different? Were they going to be paid more? That didn't happen, in fact, I believe the fees may have declined. And family placements were to be provided at little or no cost to the lead agency. Someone should give us an accounting of the number of foster homes now available. It probably has increased, but has it been enough to offset the closure of several group home facilities? I repeat, this leaves families at risk of having greater problems. The result has been that some families have had to go without much needed services as these programs were closed. I have some friends who had to travel 5 hours to visit their son, as there were no beds for him in Western Nebraska. Now I ask you, which makes more sense? The family to drive 5 hours for visitation, or 17 miles to Nebraska Boys Ranch? He is now home, which is good, but it created quite a strain on the entire family during the long distant placement.

I believe all of you on the Committee are very aware of the concerns expressed by the Foster Care Review Board, about out-of-home reform. Long time foster homes have discontinued service, sighting lower reimbursement rates, more responsibilities, and less support from the lead agencies. You probably have read the FCRB report, so I will not elaborate.

TWO: During the transitional period into the reform, I asked one of the top Administrators from Boys and Girls Home how could this new model possibly be more cost effective than the current system we were using. She stated that she knew it would be more costly in the beginning, but would be more cost effective over time. In theory, I agreed. However, reality is facing us now as we all know some lead agencies have suffered serious financial difficulties, and others had millions of dollars advanced to them to even get to the point where costs are more manageable. How much longer do we have to wait to get there? I will tell you right now that even though I agreed in theory, my experience told me we probably would never get to a cost effective level with the new reform. At our agency, we had professionals trained to deal with difficult youth. We conducted the training, had ongoing training, all at OUR expense. Paid for out of OUR per diem, which was roughly \$96 per day. With the new system, the trained professionals do much of their work in the family's home. For safety reasons, there have been times when there was the need for 24-hour direct supervision. I'll guarantee you; the cost was much more than \$96 per day! I'm not going to spend any more time on the financial issue, as the recent State audit will support my position.

I am not ashamed to say that the Nebraska Boys Ranch program was a behavior modification program. To change past behaviors, it is *more expeditious* to create an environment that is different from the one from which they had lived. Were we 100% successful? Of course not. But more often than not, we were successful in helping the youth. Sometimes, success in our business is not easily measured, as it may be much later in life before the youth puts into practice, the coping skills he's been taught. There are some parts of the "old" system that do work, and will still work.

THREE: Those of us who were in the residential side of services were often treated as if we were "the enemy" of families. An example would be from a meeting I attended in Kearney, at the Boys and Girls Home facility, where the coordinator of the meeting told us that, "any of you that are Group Home B programs just as well go home because we aren't going to use you anyway". That is how the meeting started! What a great start to developing a positive relationship with providers of services! What a shock that was to a number of programs at the meeting. Boys and Girls Home was true to their word, as most programs have had to close, due to dwindling placements. In some cases the programs didn't receive payment for services in a timely fashion. I do not have a count of the number of beds lost due to reform, but believe these statistics are available through the Foster Care Review Board.

Initially, the lead agency gave indications that they were going to be willing to work with residential programs, but ultimately that didn't happen. When we proposed providing a few long-term out-of-home beds, and a few shelter beds, we were informed we were not logistically placed (being 17 miles from Alliance). As our numbers declined, and income declined, the Board started the process of closing the facility. It is difficult for any Board of an organization to justify providing more and more services, at the **old** rate. That is just not good fiscal practice. When the reform process started, I had predicted to some of our employees, that what will happen is the lead agencies will be able to force out some programs and then develop their own. Thus, they could pay themselves. That is what happened, because beds were disappearing, they had to open their own facilities. In my opinion, there is something wrong with that, morally and ethically.

SUMMARY: I could sum it up by saying "it sounded good on paper". However, I should be more specific, as I know you are looking for our opinions. As I stated earlier, I do not support continuing to spend taxpayer's money on a system that is currently out of control, and perhaps unmanageable. There are parts of the old system that did work, and would still work. It is with a mixture of sadness and anger that I say that a lot of collateral damage has been created by this reform. Nebraska Boys Ranch is gone. It will not return. It was very unique in it's setting, probably never to be raised again in that same form. After 40 plus years of working with at-risk youth, it is difficult for me to trust a system that says they have the best interest of youth and families at the forefront, when in reality it turns out its about the dollar. I am talking about the systems that are in place to serve youth and families, but aren't getting the job done. Families can best describe their disappointments and frustration better than I can. I hope they will speak today.

On the bright side, there are some options that may be on the horizon, depending upon what the Legislative and Administrative branches of the Nebraska government decide to do. The NBR campus has now been *donated* to a well-known international organization called Teen Challenge, which will offer services to youth starting next spring. I hope everyone will open their minds to consider the use of positive residential services in NEW reform plan.

Senator Campbell and members of the Health and Human Services Committee, my name is Tom Perkins, and I am here to express some concerns in re to the privatization of human services, especially those involving children. But before I outline my concerns it might prove helpful for you to have an idea of my professional background.

My experience with DHHS actually began with its predecessors: Department of Public Institutions, Department of Social Services and the Department of Health. I was one of several of Governor Nelson's appointees to sit on the Steering Committee to develop a plan to combine several state agencies into one: The Department of Health and Human Services. Over the years I have served on other Committees and Boards for the Department.

Perhaps more importantly I have served as the director of private and public social service and mental health agencies including Uta Halee Home for Girls and became intimately acquainted with the issues of trying to find adequate services and support for young girls. I will not go into detail in re to this.

Rosemary Chapin, in her book Social Policy for Effective Practice, defined Privatization as: "the practice of transferring ownership or control of government to private enterprise." While we contemplate the phrase "transferring ownership or control" it is important to realize that the state must always be the *Parens Patriae* for minors and others who are in need of a guardian. It must not nor cannot relinquish this responsibility and yet the state of Nebraska appears to have given private enterprise a function for which it is not prepared to act on.

Granted private enterprise is the economic lifeblood of this nation. We expect and hope that entrepreneurs will discover goods and services that can be offered in exchange for a profit. When they are successful families, communities and the nation benefit from their enterprises.

Entrepreneurs are rightfully concerned with the bottom line or profit as they are the one's who are taking financial risks. If the profit is too narrow or if the bottom line shows a loss then the entrepreneur must make adjustments in order to survive. This is good business.

And this brings us to my concern.

Whenever entrepreneurs enter into governmental affairs they naturally take with them their values and tools for success. Among those values and tools is the ability to make internal adjustments to improve a profit and the bottom line. If neither is adequate then it may mean rationing services to clientele, e.g., children, to improve them.

Naturally there is a limit as to what a private corporation can do with out making a profit and the fact of the matter is contractors are in the state foster care service to have a good bottom line. This may create a conflict of interest, e.g., the needs of children v the needs of the corporation. The third piece of this equation are the needs of the state to have services that will improve the well being of children, which should be the state's bottom line.

Remember children will become adults and the children in the state's programs will need the type of care and attention that will lead them to become mature and responsible adults.

So our children have been put up for bid, e.g., the lowest bidder. When the low bidder gets the contract to take on Foster Care of State Wards some are surprised at the cost and discover that they cannot make a profit. Their choices about what to do about this dilemma are minimal. Cut services, staff, or programs or bail out leaving children in limbo.


Private enterprise, no matter how valued it is, is simply not prepared to be *Parens Patriae*. I would refer you to the articles that appeared in newspapers across Nebraska, (11.11.10). It was clear that private enterprise did not understand that "prosecutors, defense attorneys, and even judges in parental rights and welfare cases," have not only rights, but also obligations to maintain contact with the children. It was also clear that something was amiss when children were lost in private enterprise's system for upwards to six weeks. This is unacceptable.

There is a myth that private enterprise can always do government work more efficiently and at less cost. The fact of the matter is according to Chapin, "...privatized social services will very likely cost more - rather than less - than services provided directly through the government. Privatization can also be more costly because tax dollars often flow into for profit private initiatives without the same structural checks and balances that exist in government, e.g., if government employees 'blow the whistle' to expose unsafe or illegal practices, their positions are protected. In contrast, in private corporations, if complaints surface and the contract is lost, the employee's job disappears. It is for this reason, employees in private firms may be less likely to report waste and corruption." (p. 430)

What we are discussing here is the fact that privatization of governmental services is an ideological belief that too much government is bad. The problem is that no one as far as I know has drawn the magic line to determine when government is the right size. Children ought not be pawns in this philosophical debate. Nor should they be subject to the whims of someone's profit or bottom line.

The state should and ought to reassume its *Parens Patriae* responsibility and acknowledge that privatization of children's services is more costly both economically and psychologically in the long run when operated by corporations that are rightfully interested in their bottom line. Take back the contracts and have the experienced Nebraska DHHS staff work in behalf of children.

Respectfully Submitted,

  
M. Thomas Perkins, Ph.D., LICSW

## Nebraska groups slam child welfare reform effort

LINCOLN (AP) — Several groups complained publicly Wednesday that agencies hired by the state to manage parts of Nebraska's child welfare system have refused to work with attorneys in cases involving state wards, failed to return phone calls or even tell authorities where foster children have been placed for weeks.

Voices for Children in Nebraska, Nebraska Appleseed and others gathered in Lincoln to release a letter signed by more than 800 organizations and individuals calling on the Nebraska Department of Health and Human Services for more information, transparency and accountability in the state's child welfare reform process. The letter is being sent to Gov. Dave Heineman and officials with the state Health and Human Services Department.

Last November, the state began to transfer control of foster care and other child welfare services to independent contractors. But since April, the state has lost three of its five contractors due to financial concerns, and at least two of the companies said the state wasn't paying them enough. That has left the state with only two providers — KVC and Nebraska Families Collaborative.

The groups voicing their complaints Wednesday said children and parents in the child welfare system are suffering because of the changes.

Lancaster County Attorney Gary Lacey said KVC workers managing the cases in the state's foster care system have repeatedly refused to give any information about the children they oversee to prosecutors, defense attorneys and even judges in parental rights and child welfare cases.

Lacey recounted one instance in which a KVC worker who had been called as a witness in a child welfare case refused

to speak to an attorney in his office.

"The KVC worker told him, 'I'm not allowed to talk to you,'" Lacey recalled. When pressed about why she believed she could not talk to the attorney about the child's case, Lacey said the worker responded, "That's what the Health and Human Services Department said."

Lacey said he thinks the privatization process needs to be slowed, and that children's welfare is a matter for the state, not private businesses.

Others at the meeting said the private agencies' workers lack proper training regarding requirements under state and federal law.

That includes failing to inform native American tribal officials where children who are tribal members have been placed in foster care — a violation of the federal Indian Child Welfare Act.

"We've lost children for four to six weeks; we had no idea where they were," said Gale Jungemann-Schultz with the Ponca Tribe of Nebraska.

Neither KVC Vice President Stacey Brewer nor Todd Reckling, who oversees child and family services for HHS, responded to phone messages Wednesday seeking comment about the complaints.

A spokeswoman for the Health and Human Services Department said Wednesday that the department continues to have ultimate responsibility for children and families.

"DHHS employees will continue to have responsibility for core functions that include intake and initial assessments (and) investigations," spokeswoman Kathie Osterman said in a statement. "DHHS will also have added emphasis on contract and case oversight, including case management decisions that primarily relate to court recommendations."

The first name in second chances.<sup>SM</sup>



Written Testimony of  
Ron Zychowski  
Chief Operation Officer  
Eckerd

Before the Nebraska Legislature, Health and Human Services Committee

Hearing on Legislative Resolution 37

September 13, 2011



The first name in second chances.<sup>SM</sup>



## INTRODUCTION

Chairwoman Campbell and members of the committee, thank you for the opportunity to submit written testimony for today's hearing on behalf of Eckerd. I'm Ron Zychowski, Chief Operating Officer of Eckerd – one of the nation's leading nonprofit providers of behavior health, juvenile justice and child welfare services.

As a national leader in helping children and families have much-needed second chances for more than 40 years, Eckerd has worked to ensure that every child has the opportunity to succeed. Over the past three years, Eckerd has opened over \$60 million in innovative community based programming. Today, Eckerd serves more than 11,000 youth each year through a continuum of nearly 40 specialized services nationwide.

Eckerd is able to replicate these community-based models as appropriate in any community and also has expertise in developing specific innovative programming to meet the unique needs of states and localities to better serve children, youth and families. Eckerd is an experienced partner in helping states manage and transform publicly funded systems of care. Governed by a community-based board, Eckerd has developed a collaborative publicly funded system of care for the safety, well-being and permanency of vulnerable and at-risk children, while strengthening and supporting families.

The Eckerd Senior Management Team has over 70 years of experience in child welfare reform on both the state and national level. The team has served as senior leaders in both the government and private sectors during the 15 years of transformational reform in Florida. We currently operate the largest Community Based Care Lead Agency in Florida, serving more than 3,100 children daily with successful outcomes.

We are supporting reform efforts in Texas, Louisiana, New Hampshire and South Carolina. We have specific expertise in child welfare reform – and we're proud of our success in turning around broken foster care systems across this country – creating stable, caring environments for children and families, and bringing transparency, organization and efficiency to the process.

In the past year, Eckerd has met with state leaders and providers across Nebraska – we've thoroughly researched the inner workings of the Nebraska system of care and while some see a system beyond repair, we see solutions. We know that successful reform and improved outcomes is possible in Nebraska under a privatized system.

I feel very strongly about this state and have continuing personal ties to her which came about while serving in my last tour of duty with the United States Army. My six children, seven grandchildren and one great granddaughter currently reside in the Omaha, Council Bluffs, and Red Oak, Iowa areas. Their quality of life and the quality of life of the communities in which they live are personally important to me. Additionally, on a professional note, I was pleased to have the opportunity to consult with the Nebraska Family Collaborative as that organization was forming to undertake this work in the eastern service area of the state. I, along with Eckerd, want what's best for Nebraska's children in need and the selfless families and staff who devote their lives to them.

Nebraska is at a crossroads in its reform – and state leaders now have the opportunity to redirect the effort in a way that will improve outcomes for children and families, while reducing the demand for out-of-home placements. Eckerd stands ready to bring its expertise to Nebraska.

The first name in second chances.<sup>SM</sup>



**ECKERD EXPERIENCE IN FLORIDA**

In 2008, Eckerd was brought in as a new entity to take on the role of the Lead Agency for a geographic area that had a struggling child welfare continuum. In less than three years, working hand-in-hand with the state and community, Eckerd took a system in shambles and created a successful, sustainable program that provides a continuum of care ranging from early intervention and prevention services, to out-of-home care, permanency through reunification, adoption or permanent guardianship and independent living services for those youth who age out of foster care.

Florida as a whole has successfully transitioned from one of the worst child welfare systems in the country to one of the best. This transition took time and we learned a great deal from the experience. Overall, Florida safely reduced the children in foster care by 45 percent without increasing the rate of re-abuse or re-entry and is ranked number one in the nation for the timeliness of adoptions achieved because of the transformation to community based care.

About the reformed system, George Sheldon, former Secretary of the Florida Department of Children and Families remarked, “we are setting an example for America in the preservation of families and the protection of children. Together, we have re-imagined and remade Florida’s child welfare system into a national model for reform.” What worked for Florida can work for Nebraska.

**NEBRASKA CHALLENGES**

The following table outlines current systems that are partially privatized. The table demonstrates the components and functions operated by the state agency and private providers in Tennessee, Florida and Nebraska. In Nebraska, there are several case management functions shared by the state and private providers. This shared case management function in Nebraska has resulted in a system that is inefficient and inconsistent.

CHILD WELFARE SYSTEM		CHILD WELFARE MODELS		
COMPONENTES	SAMPLE FUNCTIONS	TN	FL	NE
Investigations	Did abuse happen? Does family need assistance? Does Court need to be involved? Does child need to be removed?	ALL FUNCTIONS DONE BY STATE	ALL FUNCTIONS DONE BY STATE	ALL FUNCTIONS DONE BY STATE
Case Management	Achieve permanency with safety for the child. Perform Family Assessment. Develop case plan. Monitor case plan execution. Present case to the court	ALL FUNCTIONS DONE BY STATE	ALL FUNCTIONS DONE BY PRIVATE PROVIDERS	FUNCTIONS SHARED BY STATE & PRIVATE PROVIDERS
Services to Children and Families	Out of Home Care. Domestic Violence Services. Family Preservation Services. Parenting.	ALL FUNCTIONS  DONE BY PRIVATE PROVIDERS	ALL FUNCTIONS  DONE BY PRIVATE PROVIDERS	ALL FUNCTIONS  DONE BY PRIVATE PROVIDERS

The first name in second chances.<sup>SM</sup>



I have evaluated the outcome of shared case management functions in Nebraska and have pulled together several areas of concern. Shared case management has led to serious confusion with parents, foster parents, courts and providers. It is difficult to determine who is in charge of the case and there is often duplication of effort and wasted resources.

In addition, the current financial methodology is fundamentally flawed. The method of payment in the contract was initially a fee-for-service with a small administrative allocation. These are risk-bearing managed care contracts and, as such, should be funded by either a case rate or a global transfer of funds where the unit of service is a month of child welfare services provided. The Department has addressed this particular issue in amendments to the current lead agency contracts, however the funding methodology of these contracts was not determined by rigorous analysis of what functions were being transferred to the lead agency and what the department was spending to provide these services in each of the regions. Additionally, the financing model for this reform does not contain a reinvestment strategy. Such a strategy would allow communities and lead agencies to reinvest savings achieved by reducing the number of children in out of home care due to more timely permanency and reinvest those savings to attack the problem of Nebraska's excessively high removal rate.

Due to the shared case management and flawed financial methodology, insufficient funds were available to do the work required and subcontractors and foster parents were not being paid in a timely manner. The lead agencies were forced to infuse cash or have no other option but to back out of the contract. In addition, lead agencies were forced to bring more and more services in-house to help make ends meet; causing a significant number of long-standing Nebraska providers and programs to close.

Finally, prior to the Families Matter transformation, a rigorous readiness assessment was not done to ensure that both the provider and the Regional Department staff were ready and capable to execute the new system of care.

#### **ECKERD RECOMMENDATIONS**

Nebraska leaders are working diligently to reform a decades-old, broken system. This reform, a partnership with local community based services and the State, with the right systems in place – works, and works well: reducing the number of children who are removed from their families and improving the lives of those children who must enter the foster care system, while quickly and safely achieving permanency. These are the central tenets of the best possible system for Nebraska's children.

The first step is ensuring that lead agencies have the programs, capacity, and organizational structure to take on the enormous task at hand. The agency must clearly identify how it contracts with existing providers to meet the needs of children and families. A rigorous readiness assessment must be in place to minimize service disruption, and ensure that staff is equipped to do the work, payments to vendors and foster parents are not delayed, and stakeholders and the community are properly engaged and informed.

It is essential that the roles of government and the private sector are clearly defined, with the state retaining certain functions but playing a limited role in the provision of service. Additionally, the state must effectively coordinate with child welfare and the other human services functions such as mental health, substance abuse, and juvenile probation.

The first name in second chances.<sup>SM</sup>



Redefining government's role in a privatized child welfare system is critical to ensuring proper system oversight and efficient use of human and financial resources. In a privatized system, government has a very limited role in the direct provision of service.

Clearly, some functions, such as operating a central abuse hotline and responding to abuse allegations, can remain state functions. Contract oversight, operation of the state's data system, quality assurance, and coordination with federal agencies are also critical state functions. The human and financial resources necessary to perform these functions should remain with the department. It is also essential that the state ensure effective coordination between child welfare and the other human services functions such as mental health, substance abuse, developmental disabilities, and juvenile probation. This change in focus will allow the state to ensure that Nebraska has a well-functioning child welfare system, while freeing up resources for reallocation to the private sector.

One of the more significant implications of redefining the role of government is the fact that there will be fewer state employees. However, that is not to say that there will be fewer jobs. The child welfare system can ill afford to lose the expertise and commitment found within the current state workforce. As functions are identified for transfer to lead agencies, hiring priority for the new private sector positions should be given to existing state employees. This technique was successfully used in Florida as lead agencies were established across the state.

The state should also ensure that the private lead agencies operate systems of care within their assigned area that enhance the efforts of long-standing providers within their communities, not replace them. This is an often missed critical component of the system redesign. Other major state reforms, such as the one in Kansas, allow for self-referrals by the lead agency to services also offered by the same parent company. This is a dangerous practice for several reasons: it adversely impacts long-standing providers in the community and it has the potential of causing a significant disruption in service should a change in lead agency become necessary. Finally, if self-referrals take place, conflicts of interest arise such as the need to reduce out-of-home care and the need to keep foster care beds full. The result can be extended time in care. For example, the average length of stay in foster care for some lead agencies in Kansas is as high as 21 months as compared with fewer than 10 months in Florida.

## CONCLUSION

Nebraska's child welfare reform effort is a noble cause with a laudable purpose. Reducing the number of children who are removed from their families and improving the lives of those children in foster care, while quickly and safely achieving permanency, are the central tenets of the best possible system for Nebraska's children. Governor Heineman was absolutely correct when he said, "I hope everyone realizes that what we've been doing for the last 40 years hasn't worked. Nebraska has one of the largest percentages of out-of-home placements in America."

Reform is a detailed and challenging process, but Eckerd is prepared and eager to work with the state to turn the system around. Together, our efforts will provide Nebraska with a child welfare system that clearly defines responsibilities, sets performance expectations, and is capable of rising to the highest standards of youth care.

To whom it may concern:

I am writing you this letter because I need your help. My name is Kathy Seckinger and I live in Gering, Nebraska. I am 27 years old and am a single mother of 3 boys ages 10,5, and 2. In April 2011, DHHS took my kids away from me because of allegations of Physical Neglect. They said that my boyfriend had drugs in my home and was doing drugs in my home and was hitting my kids, leaving bruises on them and that he was being abusive towards me while my kids were present. All of which was and is untrue. This letter may be long but please take the time to read because it is more important to me than anything right now that my voice be heard.

I need your help because I have already had my trial and the judge ruled in favor of the state saying that they had enough proof. When really they didn't. My lawyer is in the process of appealing it but I feel I need to do anything I can to get my kids back because I truly do feel like I have been treated unfairly and what hurts me the most is that the state said that they are just looking out for the best interest of my kids, when that is just a lie- because nobody knows children better than their parents and the ones closest to them and since the state took custody of my kids I feel like they think my kids are just like rag dolls or something and their using them just to get what they want and that is not fair to anyone, especially my kids.

Let me back track so you understand.

I got my kids taken away from me in 2006, for the first time because I had a drug problem. I went to inpatient rehab, outpatient rehab, did parenting classes, and counseling- anything and everything I needed to or could do to get my kids back because I knew I had a problem and I wanted to better myself for me as well as my kids and my family. While I was in inpatient rehab in Alliance, Nebraska- I got taken out of treatment on a felony drug warrant. I ended up bonding out and going back to rehab and completing everything. I got four years probation for that felony. I never denied or argued with the state, I just did what they asked me to do and I did, so, I got them back in October 2008. It took me a 1 1/2 years to get them back but it

was well worth it and I can honestly say, that I am thankful that I had to go through all of that because it made me open my eyes to what is really important in my life.

On February 12, 2010 the WING unit raided my house. They had a stop and hold on my car. They had me shaking my bra out on a main street with no female officer which was embarrassing. They never found nothing because there was nothing. My house got the doors kicked in for nothing and my house totally trashed for nothing and I got humiliated for nothing.

On February 14, 2010 my boyfriend, Shawn Hill Sr. and I had got into a mutual fight. Only one of my kids were present and he was one year old. I got mad and was off my meds at the time and was not thinking right and called 911 and said that he had choked me. I started taking my meds that next day because I was very depressed and I knew I should have never stopped taking them in the first place. A few days later I met with a county attorney by the name of Mr. Blaha. I had told him what had happened and he kept trying to put words in my mouth which I didn't like and then he wrote on a piece of paper everything that he wanted to know about what had happened on February 14, 2010 but on there he had listed that he wanted to know about my drug use, present and past and Shawn's drug use present and past. Mr. Blaha made me feel very uncomfortable because I had come to him to do the right thing and talk with him and all he did was try to put words in my mouth and try to add drugs into the situation when no drugs were involved at all. So, I went to Shawn's attorney and gave him my statement. At Shawn's trial I did testify, but on Shawn's behalf because of Mr. Blaha. I told the truth when I was on the stand though and that's all that matters to me. Shawn's charges got dropped down to one misdemeanor charge. He got 30 days in county jail for it.

After February 14, 2010- June 2010, DHHS visited me at least three times with concerns about Shawn, drug use, and my kids being neglected. I had received in the mail that those allegations were unfounded. There were times were I just felt like I was being harassed. I remember one time I was just getting home and HHS and an officer were outside my house like they were waiting for me and I went up and talked to them and answered there

questions and then the officer asked if they could go inside and look around and I told him no because I was on lunch break and needed to get back to work. The officer threatened me by telling me that I was on probation and that I could not tell no and that if I refused I could get in trouble and go to prison. Then he asked me again, if he could go in and search and I told him no, that I was going inside and they could not come in. I waited inside my house about 30 minutes, until they left and then I headed back for work. I called my probation officer and set up an appointment with her because she was busy at that time. When I went in to talk with her I told her what had happened and she told me directly to my face that I can say no to any office I wanted or anybody but I can not tell her no if she was to ask me to search. Which she never did. My probation officer was aware of my situation and I did keep her informed.

In April 2010- August 2010, Shawn and I split up because he found another chick he wanted to be with. During this time he harrassed me and threatened me and all kinds of other things but my kids were never present. I made police report after police report and nothing ever happened. I finally called the Chief of Police of Scottsbluff and asked him why nothing was being done about anything and he said that he did know why either because he had sent all of the reports over to the county attorney's office and that he was sick of nothing being done either. So, then I called Mr. Blaha and I asked him why nothing was being done and these were his exact words to me " remember when we were in court and you chose not to cooperate", then he told me that in order for anything to be done that I would need to get a protection order. So, I got a protection order. Even, after I had got the protection order I had made police reports that nothing was done about. Out of about 15 reports that I had made, Shawn got charge with only 2.

On July 7, 2010 Mr. Blaha from the Scottsbluff County Attorney's Office left me a voice mail saying that he knows that I'm upset because "we" haven't got Shawn put in jail lately for anything and that he knows a way that I could change that and help "us" get him into trouble. I can not believe the nerve that Mr. Blaha has as a county attorney, let alone, as a human being, after everything, he knew ,that I was going through, did nothing about- had the nerve to say, hey I didn't help you and do my job like I should

have and now "we" still can't do "our" job right, so will you help me even though I screwed you? My answer to Mr. Blaha was hell no. I had taken my dad in with me as a witness because I know how the court system gets down here and you can not trust nobody- not even a judge(I'll get to that in a little bit). I took my dad in and Mr. Blaha asked if I had got his voice mail and I said yes I did. I told him no, I will not do anything for you because it is not my fault you can not do your job and I spoke with my probation officer and she is very unhappy right now because you did not even speak with her about this with her before asking me and she told me to tell you no and I'm telling you no anyways because I had got the protection order for a reason and because you told me it would be the only way anything would get done about anything. I just told him no, one more time and then I said, so what is going to happen with all of those police reports especially the ones that I have proof of and all he said was that he would see would he could do. Mr. Blaha was asking me to violate my probation as well as the protection order. That's not cool. I was very smart though and I still have that voicemail from Mr. Blaha.

In August 2010 I tried to get the protection order dropped because for the main reason it didn't do me any good anyways and because Shawn and I decided to work things out. I tollally believe in second chances because if I myself, look back, at me getting my kids taken away from me and getting them back, as my second chance. So, I tried to get it dropped but it got denied.

In September 2010, Shawn got out of jail and dispite the protection order we both chose to be together. Things were going really good. Shawn got a job working on a farm, full time and he treated me good. Shawn has known my baby since he was two months old and to my son that is his dad because he has never even seen his real dad. Shawn just took on the rule of the man of the house like any other man would. He is better with my kids then even I am sometimes because he has more patience. He has always been one who likes to get my kids outdoors and take them fishing, take them to the WildCat Hills, teach them things about history, animals and things like that. He is very good with my kids. When it came to punishing the kids I would be the first one to punish because they are my kids but a few times Shawn



has had to step in because my kids are growing up and they are all boys. I have spanked my kids a few times but never beat my kids or anything like that and as for Shawn- he spanked my kids three times, the whole 2 1/2 years we have been together and I know because I was there and I saw it and I was ok with it and it was not hard and he never left any bruises or anything like that. Shawn has never beat my kids either. He cares about my kids and only steps in when I ask him to. As for Shawn and I, we don't even really even argue anymore. When we do, as crazy as this sounds, but Shawn, is always the one, to walk away or the one to tell me to leave him alone because he needs time to cool off. Sounds crazy but it's true. I am very protective of my kids. Anyone who is close to me or to my kids knows just how protective I am of my kids. Things were not perfect but we were doing ok, as a family. No family is perfect though.

In March 2011, Shawn and I, were on our way to take his son to the bowling alley and I had threw a cigarette out the window and got pulled over for it. Shawn already knew he was going to jail so when police office asked for his I.D and he didn't have one, he just told the truth and told the officer his name and he got arrested for felony violation of a protection order. That next day I went in and filled out the paperwork to get the protection order dropped. He had got out on bond an O.R. Bond that next week. I am bipolar and had been sick and off of my meds for a few days. I had heard that he was at the bar with his ex and flipped out. It was like a was reliving the past and went into a state of mind that was my state of mind from my past. I called my probation officer because I needed someone to talk to and she told me to call to police and so I did. I call and reported that Shawn had violated the protection order and threatened the slice my throat. Then I called my probation officer back to let her know that I had contacted the police and that I should be alright. The next day I started taking my medication again baecause I was feeling better and by a few days later my mind became clear and after talking with my councilor I felt so stupid because I realized that I had called my probation officer and talked to her for two hours about something that never even happened and that I had made false reports. After thinking things through I knew I had to do the right thing. So I went to Shawn attorney and told him that I had made false reports and I went to his

court and testified to just that. At the time I made the false reports I was not in the right state of mind but I felt that it was only right that I get on the stand and tell what I did wrong because Shawn was facing a felony for something he didn't even do.

Tiffany the county attorney did not like that one bit. She got mad in court. That very next day DHHS was at my house saying that they had got a call about drugs in my house and Shawn hitting my kids and a bunch of other things. They asked me to take a u.a. for them but I refused to take one for them and told them that I would go take one for my probation officer. They asked me some questions including about the false reports and I told them that yes I did. I asked them if they would like to look around or anything and they told me no that they had to be somewhere else but they would get ahold of me and come back some other time. Which they never did. I called my probation officer to take a u.a. and told her that I had just taken one for her the day before and that I was sick now and the HHS would want a random u.a. ,so if she could call me randomly that way they couldn't say anything and she said ok. My probation officer and me got along good. I kept her informed about everything that was going on with me and if she had a question for me I answered it honestly.

April 8<sup>th</sup> 2010- Shawn got out on a O.R. bond once again but I don't know where Shawn went or was at when he got out of jail. I was at home with my two kids, Javen and Ryder, waiting for my son, Kade to get home from school. He always gets off the bus and is home no later then 4:05pm. So, when he was not home by then, I started worry. I called my parents and they came over. By 4:15pm Kade was still was not home, so I had my parents go look for my son down the streets and by the park while I called around looking for him. Finally, around 4:45pm I was freaking out because my parents and I could not find my son anywhere so I decided to call the principal at home since nobody would answer at the school. The principal told me that HHS had came and got Kade in the afternoon. I got so mad because here I am freakin out because I thought something bad had happened to my son because he never came home from school and all along HHS had him!! I called the non emergency number and asked to speak with someone from HHS because I wanted to know where my son was and why

they had him and the lady I was talking to just told me that HHS and an officer would be to my house in a little bit.

When they arrived Lisa Bell from HHS was the same worker that had came into my house prior. She said that because I refused to take a U.A. For them and because Shawn was released from jail they were taking my kids. I got so mad because I only refused because of previous harrassment I had recieved from HHS but I willing to take one just not for them and Shawn being realeased from jail should have had nothing to do with my kids being taking out of my home because he didn't go to my house when he got released and he had not been there at all since he got released and I didn't even know where he was. Then I found out that my kids were being split up and I got even more mad. They were going to place my baby with his dad's mom, that he has only met once of twice and has never even met his own dad rather then placing all my kids with my parents just because Tiffiany, the county attorney, didn't like the fact that my dad wrote a letter on Shawn's behalf, for Shawn's sentencing, saying how Shawn has changed. Later that day Lisa did agree that my kids needed to stay together but they were all placed with Javen, my five year olds grandmother. A few days later, my kids were placed with my parents, were they should have been in the first place.

I knew from just the way things started off that I was going to have problems with HHS and expecially the county attorney office because well, for one thing, my kids should not have been taken out of my home in the first place and second because of the reasons and the way my family and I were being treated.

I got a court appointed lawyer and when meeting with him I got to read all of the allegations against me. I could not beleive it! They said that because of a fight that my boyfriend and I had gotten into almost two years ago, and because of protection order violations and that my son Kade told HHS workers that Shawn hit and left bruises on him and his brothers and described things to HHS and HHS to it as being drugs so HHS said along with everything else that Shawn and I were using drugs and that Shawn had drugs in my home. After a few days HHS agreed to place all of my kids with my parents. When court came around for me I was upset already but then the

judge ordered that my visits be supervised and that Shawn was to have no contact with my kids at all.

Besides just being very mad and upset that my kids were taken out of my home I have had many problems with HHS, the County Attorney's Office, and Judge Worden himself.

There have been court dates that involved my son's dad's that for some reason my attorney and I were not notified about and when I called the caseworker at that time(Karalyn Ingalls) she, one time said that she herself, that she had just found out right before the court date but like I told her, my son's dad lives in CO and if the courts had enough time to notify him to get him over here then they should have been no reason why I was left out. That kind of thing happened more then once and my attorney was not notified about those court dates either. There were court dates that I had to find out through one of my son's dad's and he live clear in Norfolk,NE. I found out when he was here because he told me he had court and that's why he had came down and my attorney and I were not notified of that one either but that one I did go to anyways by myself.

Karalyn Ingalls had came to my house to talk with me one day and we were talking about what Shawn and I could do to get my kids back. From day one Shawn has talked to each caseworker that I have had and asked them what he could do to help me get my kids back. They have said things and gave him idea but mostly just brushed him off. He got the feeling as well as I did that they did want him to do anything. Yea they talked to him and everything but it's like they were not expecting him to cooperate and they didn't know how to act. He has filled out paperwork for them he has done everything he can to try and paticipate in things but he feels very harrassed and as well as I do. Karalyn even made a comment to me one day about Shawn that made me mad. We were talking about what was currently going on and at that time Shawn was in jail so I told her that I had talk to him earlier and he had got frustrasted because of what was going on and she said to me that maybe he needs to go get his head check out because if he misunderstood what I just talk to him about there is a problem. She had just got done visited with him at the jail that morning and he was mad because

he was confused by what she told him. When I talked to him that night though I explained everything to him so that he understood. Which in my eyes was her job.

My two old boys as well as myself go to Partners and Behavioral Health at Regional West Medical Center. All Summer long, I got approved, by the caseworker, to take my kids unsupervised to all their appts. I took them to all their appointments at PBH as well as all there doctor, dentist, eye doctor, well just any doctor appointment my kids needed to go to, I took them. On an average, I took my kids to two to three appoinments a week unsupervised all summer long. After the trial though, all of a sudden it's a big safety issue that I be unsupervised with my kids. Ashley Clarey, who is now my third careworker, told me that it was because of school starting and she doesn't want me to think that basically I can just take off with my kids when ever I want to. I have a voicemail from her regarded her exact comment and reasoning and I was smart and saved it. I think it is totally unfair to my kids, my family and to myself but expecially my kids.

August 5<sup>th</sup>,2011- I was officially off of probation. I completed 4 ½ years of probation sucessfully! I'm very proud of myself. I have came very far. Addiction is not an easy battle but I fought it and I'm still fighting it and I'm going to continue fighting it!

August 8<sup>th</sup>,2011- We had a team meeting here at my parent's house. I was already upset because I was told I would not be able to take my kids to their appointments unsupervised anymore, even when I partipate in them sometimes, just because “ school was going to start”. Ashley had said that my son's dad wanted a visit the weekend before school started. I had told her that I did not want him to go. I normally would never turn down visits between him and his dad but his dad had got court ordered at the beginning of the summer to have weekend visits and the state would even pay for them. All summer he made two. I told her that even if my son was with me still, he would not go because school is starting and he needs to get things ready for school and get his mind right for school. Ashley Clarey basically told me that I didn't have any say so because the court had ordered weekend visitation and plus the state has custody and not me. I totally felt like my

parental rights were violated!! I understand that the court ordered weekend visitation but his dad only made two visits all summer that the state even paid for, which is stupid enough, but when all his dad is trying to do is hurry up a get another visit in before school starts because for some lame excuse after excuse or another, he couldn't make all the other visits during the summer, that all seems to be ok with HHS, the County attorney's office and the judge and when it comes to the court ordering his dad to visit his son every weekend and his dad not giving a crap, that seems to be ok, too, with HHS, the County Attorney's Office, and the judge. Well, for me, as a parent, as someone who actually does know what is best for my son- I disagree! If it was me missing my visitations I would be punished but, they make it look like it's ok and that I'm the bad one. I have raised all my kids on my own with out their dad's and so I don't even know why the state involved the dad's anyways. The last time I got my kids taken from me because of a drug addiction they didn't involve the dad's and I had my kids away from me for 1 ½ years. My son's dad's only want to be in their life when they have time and it has been like that from day one. I have just learned to live with it and tried to explain to the HHS but nothing I say even matters to them.

The weekend my son, Kade, came back from his dad's. I discovered a big bruise on his butt. I was so mad!! I asked my son what had happened and he told me that he was at his dad's house and he was going down some stairs and missed a step and fell. Know, don't get me wrong, I believe my son because I do know when he is lying. On August 25, 2011- I had taken a picture to Ashley Clarey, the caseworker because I didn't want anything to fall back on me, my parents or anyone else. My dad handed her the picture and we told her what had happened and what my son had said that happened and she said that she would need to go speak with Kade at school about this. As of September 12,2011-she has yet to go talk to my so about it. To me, that is not right because if I still had custody of my kids and that picture came up and I said the same thing- the state would investigate and take my kids just cause, just like they already did. So, I told my lawyer to file a complaint with who ever she had to because I mean, this is one of the main reasons why they took my kids. They said my kids had bruises when they had no evidence, what so ever and here I give them a picture of a big bruise

on my son's butt, that he got while in state custody, and on the visit that I told the caseworker that I didn't want him to go on because of school starting and it's like it's no big deal just because my son is in state's custody.

Also on August 25, 2011- when my dad and I went in to take Ashley the picture of Kade we also talked to her about appointment transportation. Since I was no longer approved to take the kids to their appointment because school started my dad had taken my son the week before and I went with. My dad and I both agreed and we both told Ashley that it is unfair to my two year old to have to be stuck in awaiting room for an hour. Ashley had asked if my dad would be able to drop my five year old off at his appt and then come back to get him. To me, that's not right because even though he is in with an adult you should not just leave him at an appt because he is only five. I had asked her once again if I could just get approved to take my kids to their appts like I had been doing all summer long because I have an appt the same time, my five year old does and when I don't have one, I participate in his. She told my dad and me, that she would talk with her supervisor and get ahold of us and let us know and she never did.

August 22, 2011- I called Ashley Clarey, the caseworker, to see if I could get approved to have a unsupervised visit with my son, Javen. I explained to her that it was his Kindergaren Orientation and I wanted to be able to take him so that I could take his school supplies to school. She told me no. I told her I didn't understand because I was just trying to be apart of my kids lives and that during the summer I had two unsupervised visits with my son, Kade. Once was just to take him to the arcade for an hour because he had been upset about his dad missing his court ordered weekend visit on his birthday and the other was so that I could go buy him a pair of shoes. She still told me no and told me that if I chose to go unsupervised that I would be violating the safety plan.

September 6, 2011- I called Ashley Clarey, the caseworker, to see if I could get approved to have an unsupervised visit with my kids, Kade and Javen, because that night was parent's night at their school. I told her that parent's night was so that I could know about what my kids would be learning, the activities at school, and things like that. She told me that my parent's would

have to drop my kids off and pick them up. I told her that I didn't understand because it would only take about 15-20 mins for each child. Then I told her that the main reason I wanted to go is so that I could talk to my son's teacher about his ADHD, just to make sure he is doing ok in class and so his teacher and I could work out some communication. Once I said that, she just said, ok you can go.

September 7, 2011- I called Ashley Clarey to see if I could get approved to take my son, Javen, to his appointment on September 8, 2011 at 10 a.m. At Partners and Behavioral Health. I told her that my dad had business to take care of so that he was unable to take my son. I asked her if I could either get approved to take my son or if at least her or someone from the state could go get him from school and take him to his appointment. She told me that she would approve it, just this one time. I told her that she would need to call the school and tell them that I will be picking him up from school for his appointment and that it's ok and she said yea I know but remember it's only this one time.

September 8, 2011- I went to Lincoln Elementary, my son's school, to pick him up for his appointment. When I got there I talked to Marci. I told her that I was there to pick up Javen for his appointment but I wanted to make sure that someone notified the school that I got approved. Marci said that no one had called her or anybody else. I told her that the caseworker just approved me yesterday to pick him up and she told me just to sign him out. I didn't feel comfortable doing that so I gave Marci, Ashley's office number and Marci called her to confirm that I had got approved. All Ashley had to say to Marci is that yea it was ok for me to pick Javen up for his appointment and that she had forgot to call. I checked my son out of school and took him to his appointment and then took him back to school and checked him back in. I do not understand how she "forgot" to call and notify the school.

August 15, 2011- This was the day of the trial for my kids. In the morning Tiffany, the county attorney, called all of her witnesses. I already knew everything. The first witness was my son, Kade. My son did very good. He was very brave. I'm very proud of him. My son is a very emotion kid though.



Anyone who really knows my son and is involved in his life on an almost daily basis can tell you. My son gets very emotional and starts to cry when he gets put on "the spot" or just wants to be left alone. Everyone has their own defense mechanism and that is just his. My son testified that he has never seen Shawn hit me. Which is true. My son testified that he is scared of Shawn. Which is true but only because Shawn yells at him when he is doing something wrong. Even if you ask Kade, he is afraid of me, my dad, or anyone else when they yell! That is my son's reasoning behind being afraid of Shawn because no matter what anybody does think, I do care about my kids and I have talked to my kids about things, and if my kids were seriously afraid of Shawn, I would have got rid of him a long time ago. You can always replace a man in your life but your kids are irreplaceable!! My son also testified that Shawn had spanked him and his brothers sometimes leaving red marks and bruises. Now I'm not going to say that Shawn has never spanked my kids because he has but he has never ever let bruises on my kids. I honestly do not know why my son is saying that and I wish I knew but I know I see my kids every single day all day and I was present when Shawn did spank my kids and I know for a fact that my kids never got no bruises from no spankings or anything like that. After my son got done testifying I gave him a hug because I do love my love and my son even made me cry while he was on the stand. I want my son to know that I'm not mad at him for nothing and that no matter what I will always love him. Tiffany had on her witness list Mr. Blaha, the county attorney, but never called him to the stand. I don't know why but I really wish he would have been on the stand because I truly do believe he had a huge part in this big mess that is making me look bad and it would have been nice to try and get some things cleared up. In the afternoon, I testified. I didn't do so well. I was very nervous and I felt like I was being attacked by Tiffany and the GAL. On top of that, I knew, I couldn't just speak out when ever I wanted and my lawyer wasn't doing much of anything. I had told my lawyer that I wanted to make it known that I was not denying anything from my past and neither was my boyfriend. There was a lot of things that my lawyer and I discussed before the trial that I wanted her to bring up that she failed to do and I feel that it would have helped me a lot. I had a principal, a head start teacher, and my son Javen's grandparent's, all of which work at public schools, testify on

my behalf. They all testified that they never saw any indication of abuse or neglect and that Shawn and I were involved with the kids. Julie, Javen's grandma, testified that she takes the kids every Thursday and she gives the kids baths and never seen any bruises on my kids and by law is obligated to report anything like that and she never even suspected anything. My dad and mom both testified on my behalf. They both testified that Kade is very emotional and my kids never had no bruises on them. I had my lawyer ask my dad, if he had to choose between the safety of his grandchildren and his relationship with his daughter what would he choose. My dad said the safety of his grandchildren. I had my lawyer ask that question because my dad does put my kids before me and he should. I am an adult already and am grown. I know my dad better than anybody and if my parents felt like my kids were in harms way for any reason what so ever, they would take them away from me, themselves. Jeff Furman, from Partners and Behavioral Health was on my witness list. I did not feel we need his testimony before the trial plus his office wanted \$900.00 but I regret it more than ever now. He sees both Kade and I. He was going to testify to Kade emotional state and how he feels about how from his professional point of view, why Kade reacts the way he does in certain situations. He was also going to testify about my mental state. How long he has been seeing me and the progress I have made and the medication I take, and about the false reports that I had made because I went to him about the situation explaining to him, telling him my state of mind and that I was confused. That is something that I will forever regret!!

All through the trial Judge Worden was acting very rude. All day through court he was rubbing his bald head back and forth and closing his eyes like he was getting annoyed. He did not look at any of the witnesses, he just looked of in space. There were times when he had to ask the county attorney or my lawyer to repeat the question because he wasn't paying attention. Most of the time he was doing something on his computer or just, in my opinion, off in his own world. I have been in court rooms many times before, sad to say, but never have I seen a judge act so disrespectful. I am not the only one who feel this way either. After talking to a few people and them saying the same thing as I felt, before I mentioned anything to anybody, I knew it wasn't just me being mad at the judge. He really was acting unprofessional,

disrespectful, and even bias.

Judge Worden ruled that the state had enough evidence. He said that because my son said that he was scared of Shawn and because he was crying that shows to him just how scared he really is of Shawn. He dropped the drug allegations. He also said that most of the time he see parents whos minds and judgements are clouded by drugs or something but very few were a parent is basically just chosing a boyfriend over kids.

First thing I would like to say is that I would always chose my kids. You, know, I honestly could have kicked Shawn out already and probably had my kids back already but HHS said that even if they closed my case and they found out that Shawn was in my house again, and me just knowing how the county attorney's office works around here, they would just come back and take my kids again. As, a parent, someone who really does love and care about my kids and know what's best for my kids. I feel like it is best for my kids to stay with my parents, if they can't be with me, until I get this whole big mess straightened out, rather then, kick Shawn out have my kids come home and then have Shawn come back home because he has done no wrong and then have my kids removed again and confused some more and then their minds messed with some more, all because of harrassment that I myself have recieved from the county attorney's office here in Scottsbluff County and HHS here in Scottsbluff County. I'm not going to put my kids through all of that, and I'm not sorry about it either. My son is only scared of Shawn when he yells at him for doing something wrong just like he is scared of me or anyone else that yells at him and if HHS or the county attorney's really did care about my son then all they would have to do is ask him questions like that and he would tell him, himself. All they care about is just getting what they want though. They are not looking out for the best interest of my kids at all. Only I am!! I have been the only one all long!! The judge also said that basically I had no reason for not chosing my kids over Shawn. The way I see it is that I will always chose my kids but as far as the courts are concerned I should not have to chose nobody. We should be able to be a family again just like we were. We we doing just fine. Whatever criminal matters were involved, Shawn has already served his time in jail for everything!! I honestly feel that the county attorney office is just mad and

trying to get Shawn and I back somehow because they messed up and now have put my kids in the middle. That is not fair to anyone, especially my kids. Since even the day of the trial, ALL of my kids have been asking me when they get to come home, knowing Shawn is there. As, their mother, as a parent, as a human being, it breaks my heart every single time they ask me! I wish I could explain to them the situation I am in so that they could fully understand how much it hurts me and how hard I am trying to get them back.

I have so many people on my side, it's not even funny but yet the court system here only wants to see what they want to see. How is that fair? I have been in my fair share of trouble and am not proud but when people change their life and there are people to verify it, it's not fair to look past everything just because you have not seen it with your own eyes. Don't get me wrong I do understand somewhat that people around here are just trying to do their jobs. I respect that but when they are abusing their authority, in my eyes as well as others, I do have a problem with that.

I just want my kids back. They have been out of my custody for five months now and that is five months too long! I miss my kids and I want them home where they belong. I have been working with different organizations and contacting whoever I can to get some assistance because it's obvious I can not fight my battle on my own.