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Judiciary Committee
October 16, 2009

[LR109]

The Committee on Judiciary met at 1:00 p.m. on Friday, October 16, 2009, in the Legislative Chamber of the Civic Center in Omaha, Nebraska, for the purpose of conducting a public hearing on LR109. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Colby Coash; Brenda Council; Scott Lautenbaugh; Amanda McGill; and Kent Rogert. Senators absent: Mark Christensen.

SENATOR ASHFORD: Yeah, it's an old joke. You have to be in Lincoln everyday to get it. Senator Coash from Lincoln; Senator McGill from Lincoln; Senator Council, Brenda Council, and Senator Steve Lathrop, both from Omaha. Senator Lautenbaugh is going to return presently do he will return; and I am here, Brad Ashford. This is an important issue. It's a critical issue and it's an issue we've been working on in the committee for three years with many of you, and the hope is that we can come out of this interim study with legislative changes and modifications that will address the issue of detention of juveniles and help all of you who work every day in the system, on the local level certainly and on the state level, but on the local level to give you all more alternatives and resources hopefully to address what we all know is a significant issue which is the detention especially of nonviolent juveniles. With that introduction, I have a list and I'm going to...hopefully we can spend two hours or so and get through. We don't have any restrictions on the amount of time to testify but I'd ask that we try to keep our testimony to around five minutes or so and then with questions after that. So Todd is here from the department and I know you have to go so can we start with Todd Reckling. [LR109]

TODD RECKLING: (Exhibit 1) Thank you, Senator. I present the committee with some handouts. [LR109]

SENATOR ASHFORD: No. Yes, you can. (Laugh) That's fine. We have...Christina, and this is Christina Case, by the way. Christina is the committee clerk and LaMont Rainey also is the legal counsel, and Stacey Trout in the back is...I'm sorry, and Jeremy

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Nordquist is also here from south Omaha. [LR109]

TODD RECKLING: Senator Ashford and members of the Judiciary Committee, for the record, my name is Todd Reckling, T-o-d-d R-e-c-k-l-i-n-g. I'm the director for the Division of Children and Family Services within the Health and Human Services System. In addition to providing some testimony here on LR109, we also were asked to provide a few questions that certainly tie into that related to Office of Juvenile Services, which is in the Division of Children and Family Services, and you'll see in my testimony both some information that pertains to the Douglas County Youth Center as well as our involvement with that and also some responses to the questions that were raised of our department related to the Office of Juvenile Services. So without reading everything here today, I'll try to skip through, with your tolerance, and get to questions as you may have those for me. But just wanted to address a few things. We do appreciate the opportunity to be here today and testify. Department of Health and Human Services has certainly been at the table with others in wanting to collaborate as we move forward with addressing this issue with juveniles being detained in various settings. We're trying to work more closely with probation, law enforcement, and providers, and other entities on addressing the detention issue. As you can see on the first page, I just wanted to highlight a little bit down toward the bottom related to some of the activities that have occurred which you're aware of. In April of 2008 is one measure to us to help with the detention and other issues of services for our youth. We worked under a contract and started a new program called Youth Links with Heartland Family Services and Boys Town being the contracted entities. And then you'll see on the next couple of pages we have some statistics for you related to the Douglas County Correctional Facility and our involvement with kids in that. But as we've been moving forward, we certainly wanted to employ various strategies to ensure that state wards that are committed to our care and custody are not unnecessarily detained. These include such things as increased graduated sanctions and utilizations of those sanctions, accountability with our contractors as we use a service such as electronic monitoring. We've also tried to have different meetings to make sure that we're not letting the kids linger in the detention

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facility. And we're also...our Office of Juvenile Services staff are partnering with the Omaha Police Department to do checks on those juvenile offenders that are in our care and custody. The bottom of your first page there show some statistics, just in general, of the youth that are admitted to Douglas County Correctional or, excuse me, a youth facility, and then of those children how many of those youth are actually committed to the care and custody of Health and Human Services, Office of Juvenile Services. And so you can see that as the years have progressed we've been fairly steady. We hit pretty much kind of an all-time high with at least our proportion of those youth that are being served in the facility in calendar year 2008. Nine months into this calendar year we are projected, if we carry on with that trend for the next three months, we should be less than we were last year by about 15 percent with the youth that are in our custody that are in DCYC. Think it's important to note, if you flip over to the top of page 3, in the second graph, that while these efforts are continuing, we are also faced with a situation where we have more kids in the Eastern Service Area that are coming in under a delinquency docket, and so you can see back in back in 2003 we had about 334 kids on an average day that we were being responsible for to supervise, and in 2008 that number jumped up to 533. And so we've come down just a little bit so far in 2009 with a few months left, but I think that's pretty significant to say that while we're actually making some progress with the number of youth that are going to DCYC, we have also experienced a 57 percent increase in the number of kids that we're responsible for in this service area. Senator Ashford's office had requested some specific answers to questions related to the Office of Juvenile Services' operation, as well as under that the Youth Rehabilitation and Treatment Centers, and while I'll let you read that for yourselves and not go into all that detail, but we did outline in the handout for you on page 4 just the general administrative duties of the Office of Juvenile Services. Office of Juvenile Services again is part of the Division of Children and Family Services so, collectively, we serve a continuum of kids all the way from abuse/neglect to status offenders to delinquencies. [LR109]

SENATOR ASHFORD: Todd, why don't you start with question 2 and just generally

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answer 2, 3,... [LR109]

TODD RECKLING: Okay. [LR109]

SENATOR ASHFORD: ...4, 5, I guess, just because I think it gives good background information. Don't read it but just give me just a general... [LR109]

TODD RECKLING: Thank you. I appreciate that. I think part of the question was how does OJS interact with the detention center, so there's a couple avenues. One of those is that the Office of Juvenile Services is responsible to do an Office of Juvenile Services, OJS, evaluation on the youth. So once the youth has been adjudicated, the courts can order that an OJS evaluation occur to help further understand what the needs of the youth are, what the risks are, and then make that information part of the decision going into the dispositional review. So during the time that the OJS Office is responsible for the evaluation, we are responsible for that evaluation and the youth may be detained before that, they may be detained after that. Our responsibility is to get the evaluation done. That process is based on a OJS evaluation that I would be happy to share with you if you would like that information. But that's a clinical assessment as well as we have a worker that also looks at risk and needs through a common instrument that we use with probation called the Youth Level of Service Case Management instrument that we've...both agencies have agreed to utilize to help look at risk and needs. So we may at that time get the evaluation. The child may be in detention both before and after while we deliver the report back to the court for further disposition. Another interaction at that point for us is kids come into detention. If they are, through the dispositional order, placed then in the Office of Juvenile Services for ongoing services, that's a point where our system kicks into gear. The youth may be in detention at that point and then it's our responsibility to get a Juvenile Services officer out there and start making plans for the youth for that next placement or whatever has been court ordered and what's available. That may include either a treatment facility that was then recommended through the evaluation phase or it may be a nontreatment services. That

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recommendation may be for the youth to go back home and be provided services. It may be that they're in some array of out-of-home services, anywhere from foster care to group home to a treatment facility. Or it may mean that the youth then is committed to the Youth Rehabilitation and Treatment Center. We also have our officers that are overseeing the OJS population and if those youth are youth that have been in the YRTC and then are out or considered on parole, and there are conditions of liberty for that youth to be out in the community. So for example, if they're violating and are serious safety concerns with the youth, our JSO officers have the authority to detain and apprehend and work with law enforcement and the courts then...not the courts, excuse me, law enforcement to actually detain the youth and they may go into a detention setting at that point. So that's another aspect of where we would intercept with detention. There also are kids that are on our caseloads that are being supervised that then commit new law violations that they then may be ordered and held in a detention facility. Your question number 3 related to preadjudication, again the Department of Health and Human Services is not involved with the preadjudication phase other than to help with the OJS evaluation. It's after disposition that a youth is committed to our care and custody. [LR109]

SENATOR ASHFORD: Why don't you go on and... [LR109]

TODD RECKLING: As far as case management, if you kind of ask how cases are managed, a youth that's committed to our care and custody through a court order, again, whether it's in home, out of home, YRTCs, is assigned to a Juvenile Services worker from our local service area. That worker then has responsibility to help set up conditions of liberty to identify and make sure that the services and supports are available for the youth for both supervision and any other treatments or ongoing structural needs and supports for the youth and the family. They do visits with the youth. They have an array of services that they can use, such as graduated sanctions, whether it's electronic monitoring, different types of family support, foster care placement, or other type of drug testing or services that meet their needs. One of the questions that

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was also raised was what happens if there is not an agreement with a court order and a treatment plan? It's a good question and the way we do that is that our staff are required to follow a court order. There are certainly times when the department feels that a court order may be something that is a situation where we will want to appeal, to we may appeal that. But, for example, if there are situations that we have where a youth may be ordered to a specific level of treatment and the question then was if Magellan doesn't approve that, what happens. Because we're under court order, we then pay for that youth with strictly state funds rather than being able to capture any type of federal reimbursement off those; that I issue or sign off on a letter of agreement and that youth then receives that level of care. [LR109]

SENATOR ASHFORD: How often does that happen, Todd, generally? [LR109]

TODD RECKLING: You know, I have some statistics that I'd be happy to provide the committee. We can pull those together. It kind of varies, to be frank with you. There are certain areas of the state where it's not utilized very much and there's certain areas of the state where it's used a little bit more. [LR109]

SENATOR ASHFORD: Okay. [LR109]

TODD RECKLING: As far as the YRTCs, I'm not sure if you're familiar, we are publishing an annual report every year. We're just getting ready to publish out next annual report. We operate the Youth Rehabilitation Center at Kearney for the boys and at YRTC-Geneva for the girls. We typically have about 165-170 boys out at YRTC-Kearney. Our capacity is officially 172. Geneva, our capacity is about 70...82, excuse me, and our daily census is around 70-72. Average length of stay for the girls is about 8 months or so, a little bit shy of that. Average length of stay for the boys is approximately about 5.5 months to 6 months. Questions about what happens when a youth goes to the YRTC, at point of YRTC, they go through an admission process with us where they're reevaluated through our intake process. We look at their needs again,

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their risk levels, and they're assigned to a unit based on their peers that are there and their needs. So different structures that while they're there, different programming that's just right in our annual report that I'd be happy to share with you when that's available. Questions I think, Senator Ashford, that you asked for, what happens after for like a prerelease from the facilities, at that time that they go to the YRTCs, they're under the authority of the Office of Juvenile Services so there are occasions where a youth has a dual docket where they maybe have an open juvenile delinquency file but also like an abuse/neglect file and a status offense file. Sometimes the cases are rolled into one. Sometimes those are held separately. We have had different situations based on some of the different court practices and local area practices of whether or not that docket stays open or not on those other ones. The reason I bring that up is they're just OJS. Once they hit the YRTC-Kearney typically the court jurisdiction is done at that point and then Office of Juvenile Services has authority for when they're released. Courts don't issue a sentence specific number of days that the youth go to YRTC. That's up to the programming through OJS at the current time. There are those kids, as they're coming out of the Youth Rehabilitation Center, again if they have another docket, where we do stay involved with the court. Under state statute, if that youth, after they're released from the YRTC and they're on parole status, if they're in the home there's no further court intervention, if they're in out of home some of the courts are having court hearings for that different level of oversight at six-month periods. So I'm not sure if you want me to continue on or what kind of.. [LR109]

SENATOR ASHFORD: Why don't we just ask some of the other members of the committee. And Senator McGill has a question. [LR109]

TODD RECKLING: Appreciate it. [LR109]

SENATOR MCGILL: Well, I'm wondering if you could talk to us a little bit about at the top of page 6 you talk about a pilot program here in Douglas and Sarpy County. Can you talk about that? [LR109]

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TODD RECKLING: Yes. Thank you very much. We're very excited. I see Ellen Brokofsky is here. We've worked closely with Ellen from Probation, as well as Deb Minardi from Probation and Corey Steel. We have had the opportunity...Ellen and I are both very interested in evidence-based practices and programs for youth, how to do graduated sanctions, and Probation is, under Ellen's direction, about to move forward. Have really to, over the last couple of years, look at their juvenile population and so we've had those conversations and, as part of that, one of our efforts was how do we work more collaboratively together. And what we identified were that there were situations where, instead of just dual dockets, we actually had that were dual committed, meaning that they were actually committed to the care and custody of the Department of Health and Human Services, Office of Juvenile Services, and committed to probation. So we had some kids being supervised and trying to be managed by both agencies. And so we thought that that was a prime opportunity for us to look at spending resources differently, look at collaboration, and not have duplication of effort in the system. Through my staff and Probation staff, we've worked very closely with the courts and county attorneys to start this pilot program where we basically looked at two populations of youth. One is the kids that are currently in the system and dual committed, how can we make sure that they're with one agency or the other, the best fits for that agency and for that youth more importantly. And so those kids have started now under this agreement where I have a contract with Probation to fulfill those duties so those kids that would have otherwise been Office of Juvenile Services' state wards we have now, because of this pilot, had the opportunity to have those youth supervised by Probation, and what that has done is that that money has been able to, through the contract, to be opened up for Probation. So we mutually agree on a plan that best fits the youth and then Probation is actually overseeing those youth. So then the kids that their needs are more abuse and neglect related, those, by mutual agreement, are staying with our agency more, so we have people that specialize in that area work with them. The next phase of this that we're starting to enter into under the pilot is those kids that would have otherwise for sure have been committed to the Office of Juvenile

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Services, how do we not have them have to be state wards. We'll work with Probation. So we've agreed on the YLS instrument that I defined for you before a little bit, we've agreed on what parameters based on the needs of that instrument plus the needs of the youth and families, and which agency will best serve. And so again, it's a population, if we can prevent the state wardship, otherwise not being for the pilot, Probation is able to supervise those. So we're quite excited. We're early into it. As you can see, we're looking to produce data and we're anxious to be able to show some success. We've certainly had some bumps in the road. We've been working closely and I'd like to thank everybody, the county attorney's office, courts. Everybody was very willing to try to do business differently. [LR109]

SENATOR MCGILL: Practically speaking, is it more cost-effective then? [LR109]

TODD RECKLING: You know, the proof will be in the pudding. [LR109]

SENATOR MCGILL: Yeah. [LR109]

TODD RECKLING: We believe that through effective and efficiencies gained that we're hoping that we can manage those resources better. [LR109]

SENATOR MCGILL: And do we think that the costs of making them state wards is more than just keeping them through the other process or is it...? [LR109]

TODD RECKLING: I don't know that it's...wardship doesn't necessarily mean higher dollars. I think part of what we're trying to show, and I'm sure you'll hear after me today, that when a youth is in too restrictive of a level, it's not good for them. And so we think by the new practice that Probation has with our frequency of graduated sanctions, our frequency of supervision and structure that we can serve some of these kids differently than we were doing in our agency and hopefully have the same (inaudible) outputs and outcomes for the youth. And my personal belief is that I think it will show some cost

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savings so we can service more kids but I don't know that for sure and it's too early.
[LR109]

SENATOR MCGILL: They're staying in these community programs more so (inaudible)?
[LR109]

TODD RECKLING: For the most part, kind of the agreement in a nutshell is kind of those higher levels kids that really are in need of significant residential treatment services are more so staying with us and then Probation is taking the kids that are either at home or in some type of...they could be in a foster care home or other. [LR109]

SENATOR MCGILL: Okay. Thanks. [LR109]

TODD RECKLING: Thank you. [LR109]

SENATOR ASHFORD: Yes, Senator Coash. [LR109]

SENATOR COASH: Thank you. Thank you, Chairman. Thanks for being here, Todd. Senator Ashford actually asked the question that I was going to ask. And I'm going back to bullet number 6 here about when the court orders a particular level of treatment that Magellan denies, and I, too, would like to see that data. I have some concern that that happens at an expense and I'm worried about the children and getting the level of service they need. Along those lines, do you have any sense as to why that happens, from your perspective, as to why you typically have to pick up the bill with child welfare funds to do that? [LR109]

TODD RECKLING: I can give you my opinion. [LR109]

SENATOR COASH: I'll take it. [LR109]

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TODD RECKLING: I think it's kind of a multifaceted issue. Magellan, and I'm sure this could...we could spend all afternoon on this topic, Magellan is an administrative services organization, meaning that they are here and get, through our contract, they are to try to manage the different levels of care for us, meaning treatment level of care. So treatment foster care, treatment group home, residential treatment services, whether that's mental health or substance abuse. And so they don't get any more money whether they deny kids or not. I didn't bring it, a sheet for you today, but I do have a sheet that we recently put together that talks about the different levels of care and the denial versus approval rate that I can make available for the committee. I think in part sometimes, whether it's our staff or the team of people that recognize or by court order, that there is sometimes disagreements amongst team members and/or even providers. So you may have a...I'll give you a make believe example. You may have a youth that has been seeing a therapist and that therapist may recommend...let's say the child needs residential treatment for substance abuse. If that authorization goes through Magellan and it's denied, that provider then have an opportunity to appeal that decision, so they can provide whatever supporting evidence they have. It's just like your insurance company where somebody reviews your doctor's order of whether or not you need surgery, just like Blue Cross Blue Shield or any other insurance. It's Medicaid, under those guidelines, that Magellan follows. So if the provider appeals it and it's still denied, they can still go through a higher level appeal. Again, it then draws in different levels of peer review, so you have doctors reviewing with doctors and trying to get the information. Sometimes there is still disagreement and denial by Magellan, and so that's all based on medical necessity. And so just like your insurance company, if they deny you for your heart surgery, then you try other alternatives. So typically they'll recommend, if they deny the residential treatment level, they may come back and say we don't agree, or approve that level of care that's a lower intensity level of care. If that happens, it's all based on medical necessity that's documented and dialogued between the providers. There are times when, for whatever reasons, others disagree with that finding and at that point, if it's court ordered, then I will follow a court order and I'm paying that out of strictly state funds. [LR109]

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SENATOR COASH: Okay. Thank you. On a separate issue, we saw a bill in this committee last year that had to do with truancy... [LR109]

TODD RECKLING: Yes. [LR109]

SENATOR COASH: ...and adjudication based on just truancy alone. You know, the kid is not going to school. Can you speak briefly just about the...if any, but how truancy-only issues find their way into the OJS system, if at all? [LR109]

TODD RECKLING: You know, a couple things: Truancy-only is...there's certainly that a population of kids that we believe exist, so after we have done our assessment, we really don't believe that abuse or neglect is there, sometimes those issues, you know, a kid may be running away because they're running away from abuse and neglect in the home, so sometimes there are multiple adjudications. Sometimes after our assessments it doesn't appear to be abuse or neglect, it may be just more kids running away or being truant from school or not following their parents' rules. Sometimes that then leads them into criminal activities so then they ultimately come in to Probation or Office of Juvenile Services. But there are kids that just don't want to go to school and, despite the efforts of the parents, they don't get to school and I don't know if you're familiar but a couple of years ago there was a bill that tried to say if it was a truancy-only issue then let's try to work with the schools and the community so those kids didn't necessarily have to come into the system right away; let's make sure we exhaust all of their levels of opportunity with them. And that bill didn't go anywhere. But it's certainly an issue for us. Those kids are difficult to deal with. It's hard to put sanctions around them. I can't use my typical OJS sanctions because they're not delinquent and they don't have those rights, basically, taken away from them because of their criminal activity. And so they are a population that we certainly serve. Just to kind of put it in perspective, on any given day I have about 6,400 state wards. About 1,545 or so are delinquents and the rest are then abuse/neglect. Most of that "rest," which is, I can't do

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the math in my head here, let's say 5,000 abuse/neglect and status offenders, most of those are abuse/neglect kids but we probably serve with some type of truancy issue maybe 400 to 500 of those kids for that type of related truancy activity. [LR109]

SENATOR COASH: All right. Thank you. [LR109]

TODD RECKLING: And those are the population, too, that I think again, through efforts that we're trying to do through the department, whether it's the kid that's actually in front of the court or before the court, working with the community, other opportunities to work with the schools and others to do different activities. There's a couple committees, I'm sure you'll probably hear maybe from Kim Hawekotte, I know she's been working on the truancy issue, and there's been various subgroups that we've been a part of to try to address it. Kids could run away and get in pretty significant trouble after they're truant from school. [LR109]

SENATOR COASH: Is it fair to say from your department's perspective that those 400 to 500 kids that are...you're involved with on truancy, you have to follow the same rules and everything for the kids from abuse/neglect, the adjudicated cases? Is that...so you kind of have to treat that the same and... [LR109]

TODD RECKLING: They're... [LR109]

SENATOR COASH: ...even though their issues are different? [LR109]

TODD RECKLING: Yes, I think I understand your question. They would be afforded any and all services that we have under the child welfare arena. I certainly can't handcuff them and I can't...I shouldn't be detaining them unless they've violated a court order or have done other type of activity, it's just straight truancy though. We can try to, you know, provide structure and supervision. Some of those kids are in foster care. Some of them are in treatment centers. Some of them are at home with wraparound services.

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They're kind of all over the board. And a true truancy, you know I said 400 to 500, that's kind of running the gamut. The true truant, you know, I probably have true truant, I don't know, maybe 20-30 kids a month. [LR109]

SENATOR COASH: Okay. Thank you. [LR109]

SENATOR ASHFORD: Yes, Senator Nordquist. [LR109]

SENATOR NORDQUIST: Thank you, Director Reckling. Do we ever get to a point where there just isn't capacity in appropriate placement for these kids? [LR109]

TODD RECKLING: Let me try to answer your question and not be vague but set it up so I can answer it correctly. The 6,400 state wards that I talked about certainly isn't the whole population that this committee is invested in looking at but I'm just taking one slice of the pie. On any given day, that total population, 70 percent, over 4,000 kids are in out-of-home care at various levels. I think you probably then, following the Platte Institute and the reports that we've published, the reports that you've seen, there are, in my opinion, too many kids in the system. And once they get in the system, there are too many kids in out-of-home care. So at this point in time, we do know that we have issues around bed capacity for certain levels, yes. In the new system, where we're trying to go with our child welfare and juvenile services for the department, is to what we're collectively calling flipping the pyramid, so we would like to serve 70 percent of the kids in the home with services and 30 percent in out-of-home. I think you can quickly realize and see what type of shaking loose of capacity that would do if we were serving more kids in the home and providing different wraparound services. You've heard from the family members through safe haven and other means that they want their kids at home if they can have services. We would like to be able to front load the system more and I believe by flipping pyramid, and I hope you hear today from the providers, we are very close to entering into those new relationships for child welfare and OJS. And so you're going to have different lead providers come to the table and they have a different array

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of services that are going to be offered to help these kids, things that we've not perhaps had in the past or a different way of doing business that we've not had in the past because of this public-private sector relationship. And my point is then if we can start moving more kids in the home--and granted, they won't go home if they can't be safe and we know we can't keep them safe there and keep the community safe--if they can be served in the home with different levels of service, that certainly frees up our bed capacity and changes the face of what we need for beds in Nebraska. [LR109]

SENATOR NORDQUIST: Okay. Thank you. [LR109]

SENATOR ASHFORD: Yes, Senator McGill. [LR109]

SENATOR MCGILL: I'm certainly in favor of trying to keep more of those kids at home with their families and treating them as a family unit and helping them with all of their issues. What are we doing to make that with the switch that we're still going to be funding the providers appropriately or as necessary, since they're taking on these responsibilities and growing their programs? [LR109]

TODD RECKLING: Now we've been doing this process for almost a year now and for the last many months, and I hope a few people here behind me will testify to, we've been working very closely with the providers through negotiations about what these new contracts look like and will look like. They've all submitted their program proposals but there are various arrays of services. If the committee is interested, we have had the opportunity where we've gotten the providers together with the department and we've done an overview of what the new contracts will look like as far as service delivery and what that means. What I've said and what you will hear me repeatedly say is I don't necessarily...I don't have more new money. What I do have is an opportunity to shift money and do things differently. So through various negotiations, we're getting close. We haven't signed that final contract yet, but they are on board with us, both the agency, my agency, and their agencies. There's some risk because we're all betting that

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in the future can make that pyramid shift and free up some of those front-end services instead of the deeper end, more costly services. So are we experiencing and anticipating some bumps in the road? You bet. Will we get through this? Absolutely. But at the same time, we think we can be more effective, more efficient, and these contracts are doing things that we haven't done before, for the most part. These are moving more toward and will be performance-based contracts. So I have incentives and disincentives in there that, again, the providers, as part of the negotiation, are working with us on what those should be. And whether those are...they will be mutually agreed on, but that will help us get the federal outcomes. We keep saying where are we headed. It's not only flipping the pyramid but we have to stay in compliance with the federal measures of safety, permanence, and well-being. So for the first time, we're not just buying outputs. I haven't gone to the providers and said, here's the list of services that I want you to provide, here's exactly the rate of service that I'm going to pay you, end of story. We have been absolutely not prescriptive on this in the sense that we said here's what you need to do: You need to serve safety services, in-home services, out-of-home services, and case management; here's your continuum, here's your family, do whatever you need to, to produce these outcomes. And so it's a different shift in business model and there's some risk there, but we're going to do it for the same amount of money. [LR109]

SENATOR MCGILL: Thank you. [LR109]

SENATOR ASHFORD: Yes, Senator Council. [LR109]

SENATOR COUNCIL: Thank you. Thank you, Mr. Reckling, for appearing today. I have a couple of questions. On page 6, again this question 7, how does OJS resolve conflicts when a judge's order conflicts with a treatment plan, I wanted to ask a slightly different version of that question. How does OJS resolve a conflict...what I've seen are conflicts between the treatment plan which the judge orders and Magellan. And I know the answer here says that DHHS assumes all financial responsibility, the staff follows the court order, but I'm going to tell you that's not been my experience; that if the treatment

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plan says a specific level of residential treatment for a youngster and that level of treatment may only be available at a facility outside the state of Nebraska, Magellan will not approve it. And then we're faced with the DHS, at least been my experience, looking around for other alternatives. [LR109]

TODD RECKLING: Your point is well taken, Senator. We do have kids that go out of state, both on Magellan's dime, so to speak, and our child welfare OJS dime. The issue with Magellan, again, goes back to medical necessity. I can't...our staff can't determine that and the courts don't determine that. That's based on their criteria that they use through the Medicaid guidelines to determine medical necessity and what level that is. So there are times certainly, and I think I tried to point it out, maybe I didn't do an adequate job, that Magellan may not authorize a certain level of care but they may authorize a different level of care. You're absolutely right, our workers are in a position where they may think a youth needs some type of a, let's say, group home but Magellan hasn't authorized a treatment group home, so they will look for a group home because they may believe that's in the best interests of the child. That may or may not be court ordered at a specific level, but...so there are times when we try to...we certainly don't ever intentionally try to violate a court order but there are times where we try...we do end up not having, Senator Nordquist, the issue about that bed is not available, we may have to look to another alternative level and try to wrap services around or do something different to serve that youth. And I think that it ties back to...at the beginning of this, is some of those kids are sitting in detention while we're waiting for a bed somewhere. And that's one of the issues you'll hear others talk today. I think there's now 140 kids in DCYC today and, of those kids, about 73 are ours. Of the 73 kids, about 15 of those are waiting for placements. It's an issue for us and we need to continue to look at it. And that's why, when we start moving this fall and early spring with these, freeing up some of these different beds when kids can stay home with wraparound services, we will start...my hope is start looking at some of those issues and have different capacities to serve the youth. But it's not going to happen overnight. So the question is, what do we do in the meantime? If I can't find that level of care, can I try to wrap services around

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the youth, keep them safe, keep the community safe at a different level? [LR109]

SENATOR COUNCIL: My second question goes to the evaluation and on page 4, in response to question number 2, how does OJS function in relation to kids, and you say OJS can become involved in the court orders and evaluation. I guess there's been some question raised as to preadjudication. What is the evaluation tool that is utilized by OJS and how do they utilize that tool? [LR109]

TODD RECKLING: The OJS evaluation is, if I could simplify, probably two parts. We teamed up several years ago with Medicaid so we could get federal reimbursement for that, and so they do...I'd be happy to provide, again, the committee, if you'd like to see the actual clinical assessment piece of the evaluation, I can provide that. It has different levels, looking at the child's medical and treatment needs. And then our Office of Juvenile Services uses the YLS and looks at risk and needs assessments for the youth to help look at the treatment aspect of it, the structure and supervision, and make decisions around a recommendation that goes back to the court. So that evaluation is both the treatment and the nontreatment aspect through supervision to collectively make a recommendation that the court can either agree with or disagree with. [LR109]

SENATOR COUNCIL: Okay. Then tell me, what is the Comprehensive Child and Adolescent Assessment? [LR109]

TODD RECKLING: That is collectively what I am referring to the two parts. [LR109]

SENATOR COUNCIL: That is collectively. [LR109]

TODD RECKLING: Yes. [LR109]

SENATOR COUNCIL: Okay. [LR109]

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TODD RECKLING: That's the official Medicaid name that we've called the instrument itself through the Medicaid piece. [LR109]

SENATOR COUNCIL: Now is OJS at liberty to perform portions of that tool or are they required to perform all aspects of the assessment? How does that work? [LR109]

TODD RECKLING: You know, I think you'll see and probably have already seen in your report that the statute is pretty vague on that. It says evaluation...I don't the exact verbiage, but basically as designed by OJS. I've been with the system since 1992 and I was part of the system when we worked with Medicaid to look at this new instrument to try to capture some federal dollars and what we were finding is it wasn't just capturing dollars but there were times when we were frustrating the courts further because of the evaluations that we were doing. I don't know if you remember but years past we used to send all kids, boys and girls, down to Geneva, run them through the assessment center for a couple days and then they came back. And then we moved around to having community-based when the statutes changed in the late '90s. But I bring that up to say that, you know, per statute, we can have an evaluation kind of as we defined it, and what we were finding is oftentimes we'd go back to court with a recommendation and then they'd say, well, what about the kid's substance abuse, what about their mental health issues, what about behavioral health issues? So then we had to go back, take a longer period of time, try to get a Magellan or, excuse me, a Medicaid assessment to look at those behavioral health issues, and then set up another court and come back into court. So part of what we thought of was how can we combine some of this stuff so when we go into court we're prepared to give the court the information that they need. So by design, it was intended to not only look at the nontreatment needs but the treatment needs so the evaluation met all the Medicaid needs. So it wasn't like us going back later and saying, oh, by the way, I need a residential treatment care center for this youth and now I need to start the process for authorization. That should all occur because we're now meeting the Medicaid requirements through the CCAA evaluation. One of the criticisms of the new tool has been it's too much, they're doing too much, I

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don't need a full assessment, I don't need a mental health status, I...pretty much we think we know based on a predisposition investigation or other information about the child and family that we pretty much have a good sense of this youth, we don't need to do the full-blown assessment. It is required, however, in the sense of meeting Medicaid Magellan guidelines for medical necessity if that youth requires treatment. Can we and could we redesign the tool a little bit? You bet. I think the balance is where it's too less versus too much. Part of what we tried through Youth Links that we haven't done a whole lot, but through Boys Town in years past tried to do an abbreviated kind of screening process. And Nick Juliano is here and can correct me. I can't remember the acronym but it was a shorter model so you did a screen and if you hit on things then you went further into the assessment. And so, you know, it's by design one of those things that I certainly think the system has some flexibility to continue to look at to try to produce the best efficiencies, getting the right amount of information, not too much, not too little. [LR109]

SENATOR COUNCIL: Well, and in that regard, I mean there have been a lot of issues and questions raised about...ties into just what you're saying, the length of time that young people are being detained awaiting just the evaluation. And I understand the numbers you just shared, the number who are sitting in confinement, waiting placement and treatment facilities, but on the front end the length of time that young people are being detained for these evaluations and... [LR109]

TODD RECKLING: Well, let me throw out in part a response to you. I'm not so sure that all the kids that are detained for no just evaluation need to be detained. That's certainly anecdotal. I think that the committee is here today is are there different ways to look at youth that don't have to be in detention? Can we wrap some structure and supervision around them so they don't have to be in detention? If you look at statute, that is one of the contentious issues, is by statute we have...people interpret it differently, but basically there's a community-based evaluation and there's a residential-based evaluation, and the question is, is OJS going to do that? Should it be in partnership with

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the court? Does the court determine whether it's in home or out of home? I think as a system there's some opportunity to work together to say some of these kids could probably be served in a community-based setting. We could wrap some structure and support around them and not have them in detention. Now let me not say the wrong...there are also some kids that absolutely must be detained... [LR109]

SENATOR COUNCIL: Need to be, uh-huh. [LR109]

TODD RECKLING: ...while we get that evaluation so they don't run away again, go out and hurt somebody again. But I think that's the challenge of, again, what's that balance between community-based and residential evaluations. [LR109]

SENATOR COUNCIL: Right. Thank you, Mr. Reckling. [LR109]

SENATOR ASHFORD: Todd, thank you. And I must say I appreciate the candor of your comments. I think this is good. And I think where the committee wants to go, or at least where I'd like to go and then the committee can chime in, but I think we'd like to explore quickly those kinds of options to see if we can draw those lines between those that would not be able to be released out of detention and those that would, and figure out how to address those different classes of individuals. And it is hard maybe to put people into general classes but I mean...but I think that's where we would like to go and I think that's what's been the...sort of in the...what we're hearing from...I'm hearing from our community, is certainly the length of stay but being able to be...the issue...obviously, we don't want to do something that's going to hurt our ability to get funding into our state. Obviously, the money is important. But this is always an issue--where can we have flexibility, where can we move, involve the preadjudication, postadjudication arenas to have the flexibility that will work in the best interests of the child. And I think that's what you're saying, isn't it? [LR109]

TODD RECKLING: Absolutely. [LR109]

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SENATOR ASHFORD: You're saying that there are opportunities for flexibility here.
[LR109]

TODD RECKLING: And to individualize. I think what you keep hearing from families, the communities, the agencies, how can we kind of all team and work together and what we would like to be a part of. [LR109]

SENATOR ASHFORD: And it sounds like there may be some necessity for statutory change to maybe firm up some of the language and it may be too general. It may be...it may need to be tightened up and maybe we do need to have some definitions that would be more specifically related to what we're talking about. I don't know, but that's something...but I do, you know, I would like this session, without question, to be able to address this issue in a manner that's...and certainly my druthers would be working with you and with your department to make sure that we can do that. The second...the second concern or issue, to me, is the models that we're seeing across the country in more of the innovative states, I'm not saying we're not innovative, but some of the states that are trying new things in the area of...in sort of the family, for lack of a better term, diversion back into a family environment, trying to avoid detention; that there seems to be some shifting of funding, whether it's in a pilot program or other mechanism, shifting of funding back to the local level to try out these other options short of detention, literally to reduce detention in a substantive way by shifting money back to the local level and with criteria, with benchmarks, with evaluations and so forth and so on. I don't know what your general view would be, but my sense is it would be supportive. If we can find a program locally that would meet some of these needs and it would...that that's something we should be able to look at. Would that be a fair comment? [LR109]

TODD RECKLING: I would just make a general statement and say, based on the economic climate and where we're headed for the next few years, I think any opportunity to partner to be... [LR109]

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SENATOR ASHFORD: Right. [LR109]

TODD RECKLING: ...more effective and efficient is a good thing. [LR109]

SENATOR ASHFORD: Right. Well, I really appreciate your comments, Todd, so thank you. [LR109]

TODD RECKLING: Thank you. [LR109]

SENATOR ASHFORD: I guess you can go now. [LR109]

TODD RECKLING: Thank you. [LR109]

SENATOR ASHFORD: Let me see, I know judges come next so, Judge, would you like to come up, Judge Kelly? [LR109]

CHRISTOPHER KELLY: (Exhibit 2) Thank you, Senator Ashford, members of the Judiciary Committee. My name is Christopher Kelly. I'm one of the five juvenile court judges in the separate juvenile court for Douglas County, Nebraska. I'd love to be able to stand up here and say I'm one of the six or maybe even the seven juvenile court judges in our court, but I'm not able to do that. [LR109]

SENATOR COASH: Senator Coash is your biggest supporter on that. [LR109]

CHRISTOPHER KELLY: Is that right? Okay. I'll talk to you then, Senator. (Laughter) Overcrowding is obviously a serious issue and something that we all need to work on together. From the vantage point of the bench, I can tell you that there are three things that really come across every day in our courts that give us problems, that give us delays in moving children through our system in very positive fashion, and it all comes

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down to resources. And resources, of course, means it comes down to money and we all know what that means. Evaluations have long been a problem for us and I hasten to add just anecdotally that I've been on the bench for ten years now and it seems to me that in the past year to year and a half that we've been improving the turnaround time on our evaluations, and that tells me that the Department of Health and Human Services has been working on that. It's probably still too slow and we are evaluation-driven as a system. We can't turn our head and cough without getting an evaluation. And the second thing is availability of resources, placements, services. We utilize a number of different placements in juvenile court, anywhere from foster care to group home, treatment group home, enhanced treatment group home, residential treatment center, and home with adequate services, called wraparound services by Mr. Reckling. We have to wait for these things. We have kids with mental health issues sitting in our youth center being warehoused. Sometimes we're able to order some type of therapy in the youth center but that might come once or maybe even twice a week. We have kids who have serious drug issues and, while we're confident that while they're at the youth center they're not using drugs, they need to engage in therapy. These are kids and for you and me maybe a week or two weeks doesn't seem like a long time but to a kid it can seem like an eternity, I think. We have kids with behavioral issues. These kids, they need to get moving in some type of positive fashion and they're being warehoused at our youth center. And I'm going to hasten to add that...I'm going to compliment Brad Alexander and his staff. They run a quality placement, a detention center there. They work with the bench in excellent fashion. I can't say enough about them but they do what they are supposed to do. They do it well, but they can't do what needs to be done for these kids. Magellan is an impediment. It's a dirty word up in juvenile court. Why can't we get this done? Well, because Magellan has denied treatment or they denied service. Magellan is never party to any of the proceedings in juvenile court. They're essentially beyond the reach of the juvenile court. Now we can get...obviously, the Department of Health and Human Services is the responsible agency. They are party to the proceedings and they are the ones that we direct our issues to, but Magellan, frankly, they conduct a 15-minute or a half-hour paper review on these kids and they

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make decisions based on that and, I know, medical necessity and everything, but they're wrong much of the time. And we know that often when they're doing these paper reviews they don't have all the information that the courts have and that the department has with respect to these kids, and I don't know why that's the case. I've talked about the delays in placements, services. The other thing is, frankly, court time and that comes down to our system and our issue up in the juvenile court. I've handed out a monthly report. This is our most recent report. It's something that comes out every month to us and we're able to essentially see where we're at, take a snapshot at the end of the month, and I'll just blow through some numbers for you. We have at this point in time, at the end of September, 2849 active cases. That's well over 550 cases per judge. We had 191 new filings last month which brought 234 children into our system. We did terminate 238 cases last month so we actually had a net loss of 4 children in our system, and that is a little bit out of the ordinary. Usually, we're adding kids every month. We are a busy court. We've been called the busiest court in the state by the last two chief justices of our Supreme Court. We signed 3,402 orders last month. That comes out to close to about 680 orders per judge per month and those are actually spelled out on the last page. We're required to review each case on our load by statute every six months. If we did that, we'd have so many things falling through the cracks that we wouldn't have cracks in the floor anymore. We probably review them on an average of every two months, and we're required, again by law, a recent law, to review detained children every two weeks, and that gets a little frustrating when you, you know, order an evaluation and then you come back in two weeks knowing the evaluation is not going to be done and you can't move the kid. We're a model court nationwide. When we became a model court eight years ago, we were 1 of 15 in the country. They've now expanded that through the National Council for Family and Juvenile Court Judges and they now have 32 model courts. We have two family drug courts, we have the delinquency drug court, and we are busy, we're productive, and we need help. I asked my bailiff this morning before I came over, I said if I'm an attorney and I ask you for 15...for a 15-minute time slot to have a hearing in our court, how much...when can you get me in. The answer is December of this year. If you need an hour, it's mid-January of

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2010. If you need a half-day, it's the end of January. If you need a full day for adjudication, we're into February 2010. I talked to one of our judges yesterday, and this is anecdotal but it tells you what we're faced with. He's going back into an adjudication hearing next week which was continued from June 2009, June of this year, so coming back four months later they're in the middle of testimony from an expert witness and he couldn't get the case in any sooner than that. That's not unusual. If we have a termination case on file and it requires more than a day of testimony, we're splitting it up because we can't get two consecutive days together unless we go five or six months out. So we might have a half-day here and then another half-day a week after that and then a full day two weeks after that. And we've had cases and I've had cases where we're not getting the adjudications done on those types of cases for four or five, even six months. It's not acceptable. It's not due process, I don't think. So we need help. I'm an optimist but I'm not a crazy optimist. I know that our Legislature is going into special session. We know why it's going into special session soon. I'm just here to tell you that the system needs to improve. We need help. We need help on our bench. I don't know that you're able to do anything now, but I want you to remember this down the road when things do get better because we will be back and I don't know how we'll be then but we're pretty desperate right now. Be happy to entertain any questions. [LR109]

SENATOR ASHFORD: Any questions? [LR109]

SENATOR LATHROP: I think I do. [LR109]

SENATOR ASHFORD: Senator Lathrop. [LR109]

SENATOR LATHROP: Judge, you said that you were talking about the...how you are required to review cases that are pending evaluation and the requirement is that you review those cases every two weeks and that you will recognize that you're going to review some case or somebody's situation. In many cases you won't have the evaluation complete so you have to go through this exercise to comply with statute

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essentially. [LR109]

CHRISTOPHER KELLY: Essentially. They are very short hearings. [LR109]

SENATOR LATHROP: I expect so, but I'm wondering, as I'm listening to that, are there models...are there standards in your profession, that is juvenile court judges, does the ABA or something like that have standards for how long a juvenile stays in detention, how long it takes for an evaluation to take place, those kinds of things that provide us with a yardstick for measuring how well we're doing not only in Douglas County but across the state? [LR109]

CHRISTOPHER KELLY: I can't speak to that. I don't know nationally what the models are, frankly. All I can tell you is what they have been. I've been in juvenile justice in Douglas County for all of my 30 years in the law, and it's been...it's been horrendous, it's gotten a little bit better, it's gone back to horrendous. I think we're on an upswing right now. We're hopeful, although with this privatization that's coming into place, we're being told with confidence by both the department and other members of the judiciary and people who...from other jurisdictions who have experienced it that it is going to be chaotic and it's going to be really crazy, and it's going to get worse before it gets better. The hope is that it does get better. [LR109]

SENATOR LATHROP: And the privatization is HHS essentially farming everything that they do out to contractors. [LR109]

CHRISTOPHER KELLY: Right. [LR109]

SENATOR LATHROP: You mentioned Magellan and being on the Judiciary Committee, particularly when we take up...well, entirely when we take up juvenile issues, Magellan comes up and I think you called them frustrating or an impediment. I'm not sure what term you used now, I didn't write that down but... [LR109]

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CHRISTOPHER KELLY: I'll use both. [LR109]

SENATOR LATHROP: Okay, you use both. Why don't you tell us a little bit about that or...it's...we talked about this some time ago in a meeting that you and I were both in attendance at, I believe, where in the health insurance industry they have people in place to make sure that a doctor is not going to do a surgery on somebody who might respond to medication and, in some sense, Magellan was intended to perform the same function and it seems like it's just gone too far. [LR109]

CHRISTOPHER KELLY: Well, in our view, and it's a very simplistic view, their job is basically to say no and they do their job well, okay? Our job is to make sure that the children and families get the services that they need. The Department of Health and Human Services is required to do that, whether Magellan says yes or no. And the problem is, is that we order something and then they submit it to Magellan for their approval. And Magellan, and I'll have to give them this, too, they've improved their turnaround time quite a bit from what it used to be. We used to have to wait for it. Now it comes pretty quickly. If there is a rejection then the matter is brought back to the court. Maybe we have a two-week check or a two-week review, which is working magic to do these things, and they come back and they say, well, Magellan denied. And our response is, I didn't order Magellan to do anything; I ordered you to do...to get this certain placement which is based on evidence brought before the court and submitted. And the department has been doing a little bit better, I think, in terms of shouldering the responsibility to get it done, but it just amazes me that...and I just found this out, when I order a case manager to find a placement at a certain level, it's Magellan out there doing that. And they come back and they report to us. I say, how we doing on getting this placement? Well, Magellan can't find anything. And I'm just not sure how efficient that is. Maybe it is efficient. [LR109]

SENATOR LATHROP: Mr. Reckling was talking about or was asked questions about

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the conflicts between your orders and what Magellan says, so can you give us a sense of how often that's happening? And essentially what you say is this child, you conclude after a hearing, this child needs some service, whatever that might be. Maybe it's an evaluation of some sort or some type of a placement. You sign the order and Magellan doesn't have any legal authority to trump that or to interfere with that, do they? [LR109]

CHRISTOPHER KELLY: No, they have the ability to trump the payment source, I guess--Medicaid. But the department is bound to follow the court's order and there have been times when it's not been done or it's not been done well. But by and large, they're pretty good about the letters of agreement and/or they assume the payment responsibility. And... [LR109]

SENATOR LATHROP: Well, tell us what happens in a conflict and maybe give us, so that I have an understanding, because I keep hearing about Magellan every time we have a hearing that deals with juveniles and I'd like to have a little better understanding in somebody and appreciation developed from somebody who's on the front line, if you will. Could you give me...make up a hypothetical and tell me typically how this comes into play? [LR109]

CHRISTOPHER KELLY: Okay. A child runs away from home six times, is brought back and is detained, is put into...is seeing a therapist. The therapist comes back. Maybe we've ordered an evaluation. They come back and they say, this child needs some type of secure placement or this child needs some type of maybe an upper level RTC level placement, residential treatment center. That evidence is submitted to the court. Court makes a finding that the child shall be placed in RTC level placement as arranged by the Department of Health and Human Services. We now, at least I do, I insert the terminology "as arranged and paid for by the department," which in my view effectively removes Magellan from the situation. The placement must take place as ordered whether or not Magellan is going to pay. The problem that we've had in the past is you order it and then the part...the matter comes back before the court on a check and we

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say, where are we with regard to this placement, and the answer was always, it seemed, and it wasn't always but it seemed like it was always, Magellan denied. And our answer to that is, so what? You know, you got to make the placement. Well, Magellan denied. And I'm not sure if the case managers, if the folks at that level, understood. Think they understand a lot better now. [LR109]

SENATOR LATHROP: They do now. [LR109]

CHRISTOPHER KELLY: Yes. [LR109]

SENATOR LATHROP: Okay. [LR109]

CHRISTOPHER KELLY: I believe they do. But that would delay things, so there we are two weeks later with the kid sitting in the youth center or in some other inappropriate placement and waiting for the placement and we have to reaffirm that, no, this placement is ordered, it must take place. And if it plays out, and it has played out in the past where you have to bring a show cause against the department to get their attention, and typically when that is brought they jump to and they take care of the problem. But it delays things and that's the problem that we're dealing with here is delays in the system. [LR109]

SENATOR LATHROP: So when we look at the census at the youth center, part of that is a function of you order one thing, Magellan says we're not going to approve it, so until that's resolved the person sits there and nothing happens? [LR109]

CHRISTOPHER KELLY: I don't think that's the case so much anymore, frankly. I think that when we've ordered a placement and a kid sits there, and you have to remember a lot of these kids are hard to find placements for. They're pretty hardened kids and they've got really bad issues, a lot of them. And we have placements out there and we have case managers come in to our placement check hearings and they say, look,

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we've made 12 applications. Well, that's pretty impressive. That's pretty darn good. Denied at every one, so now what do we do? We either have to up the placement level to have more opportunities within Omaha or within the state of Nebraska, or I have to order them to start looking outside the state and that takes more time. [LR109]

SENATOR LATHROP: Is there a difference in how this gets paid for, whether...let's say that you order a placement at a particular level that you've just described in your hypothetical. If you order it and Magellan says, no, we're not approving that, is there a different payment source or is it all coming out of the same pot? [LR109]

CHRISTOPHER KELLY: I don't know. I'll tell you what. I sit on the bench and I just don't know that I should have to worry about who is paying for what, okay? [LR109]

SENATOR LATHROP: I'm not asking you to worry... [LR109]

CHRISTOPHER KELLY: Yeah. [LR109]

SENATOR LATHROP: ...or if you do, but just whether or not you know. [LR109]

CHRISTOPHER KELLY: I don't know. [LR109]

SENATOR LATHROP: Okay. [LR109]

SENATOR ASHFORD: Senator Coash knows. [LR109]

SENATOR COASH: I can answer that. [LR109]

SENATOR ASHFORD: Go ahead. [LR109]

SENATOR COASH: I can answer that, Senator Lathrop. If Judge Kelly orders that and

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Magellan doesn't pay for it, the department, as Todd Reckling said, has to follow that court order. A hundred percent of that treatment service payment comes from child welfare funds. If Magellan approves the service, then it's a 60/40 match because it's Medicaid approved, and the state picks up 40 percent and the feds pick up 60. [LR109]

SENATOR LATHROP: If that's the case, and I believe exactly what you say and that sounds like what Mr. Reckling was saying, I think at some point Magellan isn't going to be cost-effective, are they? I mean they're going to end up... [LR109]

SENATOR MCGILL: Yeah. Yeah. [LR109]

SENATOR LATHROP: ...at some point it gets to a point where we're paying all the freight because you're essentially overruling Magellan. [LR109]

SENATOR COASH: That's why I asked for the numbers, how many times we're (inaudible). [LR109]

SENATOR LATHROP: Got it. [LR109]

SENATOR MCGILL: Uh-huh. [LR109]

SENATOR LATHROP: I think those are the questions I have. I again appreciate what you do. I know that you're...and we, as the Judiciary Committee, Judge, appreciate the work that the Douglas County Juvenile Court judges do, and we also have an appreciation for the fact that a lot of things, with the cooperation of the county attorney's office, don't get filed in Douglas County and are taken care of more informally than is the case in some other jurisdictions, so that you're dealing with the real meat-and-potato issues of the youth in Douglas County. So we appreciate that. [LR109]

CHRISTOPHER KELLY: Thank you. [LR109]

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SENATOR ASHFORD: Any other questions of the judge? Chris, on the...just for my...the 332 delinquency cases on your docket this year, for example, the six-time truant young person, juvenile, that person would be a delinquent? [LR109]

CHRISTOPHER KELLY: That would be a status offender. [LR109]

SENATOR ASHFORD: That's a status offense. [LR109]

CHRISTOPHER KELLY: Right. [LR109]

SENATOR ASHFORD: So what is it...where do they cross over to the delinquency filing? [LR109]

CHRISTOPHER KELLY: Well, a delinquency filing is a violation of law, whether you're an adult or a child. A status offense is a violation of a law because of your status as a minor. So as a minor, you're required by law to attend school and if you don't... [LR109]

SENATOR ASHFORD: So even though a chronically truant child is not a delinquency case or... [LR109]

CHRISTOPHER KELLY: Right. [LR109]

SENATOR ASHFORD: ...that's a status case. [LR109]

CHRISTOPHER KELLY: It can be a delinquency case if there are combined charges which also allege a law violation, but that's the only instance. [LR109]

SENATOR ASHFORD: And what would be, just anecdotally, what would be a common situation with a truancy and some other delinquency charge that would go together.

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What kind of case do you see that would...they're not in school. Are they going out and stealing something or carrying a gun or...? [LR109]

CHRISTOPHER KELLY: Busting into cars or oftentimes they're involved in marijuana. [LR109]

SENATOR COUNCIL: Minor in possession. [LR109]

SENATOR ASHFORD: Drug and... [LR109]

CHRISTOPHER KELLY: Yeah, MIP. [LR109]

SENATOR ASHFORD: If...and in this continuum, when they get into the system, there's a charge filed. I think Senator Lathrop has hit...made a great point and that is that the...I know when we work closely with Kim and she's done a great job in kind of helping us understand this system, but the county attorney, at least in our county, in Douglas County, does...I think bends over backwards to try to deal with the problem before there's a filing. That's my sense. And if they weren't doing that, that there would be, instead of 1,689 delinquency cases or other cases, there would be a lot more than that. But would that be fair? [LR109]

CHRISTOPHER KELLY: I can tell you that through the juvenile assessment center, which has been a blessing in our jurisdiction, we're diverting approximately 1,500 to 1,700 cases a year pre-filing. [LR109]

SENATOR ASHFORD: Right. [LR109]

CHRISTOPHER KELLY: And if you...if you want to do the math, it's now \$82 bucks a filing, we're saving the state easily \$100... [LR109]

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SENATOR ASHFORD: Yeah. And, Chris, that's a great point and I want to focus and emphasize that. With the assessment, just very quickly and then we'll move on because we're spending more time than what I had originally thought and we're keeping you, but when we do have a situation like that where they go into the assessment center, explain to me what happens in that situation. [LR109]

CHRISTOPHER KELLY: Well, and we have the director of the Juvenile Assessment Center here, but essentially what happens is they go in and they are given a perfunctory assessment. The county attorney reviews their record and I think they make a joint decision with regard to whether or not the youth is appropriate for diversion. If they are then that's presented to them and they and their parent would have to agree, and I think they actually sign a contract of sorts, to participate and pay a fee and to basically successfully complete that diversion. It's like a probation without being involved in the court system formally. If they fail it then, then the filing is made and the matter brought before the court. They've had their opportunity. [LR109]

SENATOR ASHFORD: Okay. Thank you. Any other questions of the judge? Thanks, Chris. I'm sorry, Senator Coash. [LR109]

SENATOR COASH: Not a question. Thank you, Chairman. Not a question but just a comment, Judge Kelly. Senator McGill and Senator Council and I spent some time a few weeks ago in the Douglas County Juvenile Court and you guys are doing tremendous things with the resources that you have. And we got to watch some preconference hearings and how you're just saving families through some real creative ways, and you're to be commended for that. Thank you. [LR109]

CHRISTOPHER KELLY: Thank you. And the invitation mat, the welcome mat is out. Come up any time and we'll be happy to share our lives with you. Thank you. [LR109]

SENATOR COUNCIL: Thank you, Judge. [LR109]

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SENATOR MCGILL: Thank you. [LR109]

SENATOR ASHFORD: Thank you, Judge. John Cavanaugh. [LR109]

JOHN CAVANAUGH: Mr. Chairman, members of the committee, John Cavanaugh, executive director of Building Bright Futures and pleased to have the opportunity to be here this afternoon. I was also pleased to have the opportunity to participate in the committee study over the last year with Douglas County and chairman Chris Rogers (phonetic). Much of the information you're provided today was developed and presented in the course of that process. Mr. Chairman, I'm appreciative of the fact that you have made your staff available to assist Douglas County in developing a series of recommendations and I think that the recommendations that were produced are all important. The two big problems that you're presented with and that we have been wrestling with for years really now are the number of youth detained in our juvenile justice system and the length of time that they're detained there. And each one of these is a...the numbers are sobering but each one of those is a life diverted and, in many instances, a life severely damaged, whether it's a case of someone who was detained without real need and justification for being detained or detained without the services and the real kind of needs met that they have. And those are the two basic categories by which we divert children in our community really from productive lives. Bright Futures' interest here is really a focus on the opportunity for academic success for every child in our community. We find that this segment, the contact with the juvenile justice system, is one of the major obstacles to that success. We have found and adjunct to that which intersects with this, which is healthcare or access to behavioral healthcare, is hand in hand with that problem of creating huge impediments, obstacles to academic success. So we want to partner, first of all, with Douglas County and their processes and with the state of Nebraska. We don't think that...we know there's not a simple answer to this. We know that it is critical that we, in spite of the heroic efforts, and I have seen a lot of heroes in this community from the courts, the prosecutors, the defense counsel, and the service

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providers who are doing heroic work, but there's no question that we are losing literally thousands of kids in this community and we see the product of that loss in our adult prison system and in wasted and unproductive lives. We also know, I think, that we have the resources and the capability in the system that we have is really out of sync, not only in our community but across the country. We just have too many kids detained and we're detaining them too long and we're doing it for reasons of ineffective use of our resources. Much of that is outlined today. So it's going to take a huge effort. I commend this committee for sticking with this over many, many years now, and to keep pushing forward and I think that you're on the cusp of maybe some significant breakthroughs. And perhaps the financial crisis will assist us forcing us to use the money that we do have more effectively. We certainly have major financial incentive to solve what is a very serious human, social, and moral mismanagement of how we're serving our youth with our institutions today. So I want you to know that Building Bright Futures is extremely interested in working with you on this, both in terms of finding the resources to divert more of our youth out of youth detention and to more effectively reintegrate them back into productive lives once they have been in contact and involved in the juvenile justice system. Our system was really conceived, I think, by the Legislature as one in which the juvenile justice and the juvenile courts are to serve the best interest of the child, that we don't give up on a child because they come in contact with juvenile justice but we see it as an opportunity to redirect that life. And I think that basic premise has to be what underlies all of the policy decisions that you make going forward. So thank you for the opportunity to be here. We have been working with Douglas County and with this committee and we intend to continue to do that and look forward to making some major breakthroughs in the year ahead. [LR109]

SENATOR ASHFORD: Thank you, John. Any questions of John? I would...I would...I appreciate your assistance over the last three years in addressing these issues and others and I understand your main goal is education but you rightly say always that these other issues are not tangential to that; they're directly related. And so you have been a great resource and we appreciate it. I, you know, I was just looking at the...and

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we've talked a lot about the warrants and probation, and I'm glad that Ellen is here and we can talk about the Probation response, but it seems to me that in looking at other models across the country and there are several where there have been significant reductions in detention in the juvenile arena by better defining who may be held in a detention situation and who may not. And certainly graduated punishment or, you know, in a probation setting where someone is brought in on a violation and it's not a serious offense where they could be of significant harm to others, that that person should not be detained for longer than maybe a few hours before they can be placed in a safe place. What other states are finding, and I know Senator Council and Senator McGill and I went to a conference a couple weeks ago or last week, I forget, about the various alternatives and they make significant savings. There are significant savings to the state of Illinois and the state of Ohio, for example, in their redeploy programs where they are, in effect, reducing detention by 25 to 40 percent by funding these programs at the county level with a relatively small amount of money. And so I agree and I think the committee does need to...these recommendations by the way, and Stacey is here and she's going to go over a few of them, but these recommendations are very viable and very doable. Better definitions and getting Probation more involved in how we determine the risk factors involved with these juveniles is very important. [LR109]

JOHN CAVANAUGH: The only thing I'd say to that, Mr. Chairman, is I do...the focus of I think the county's submission to you and work with you was on time in detention and directly related to the causes of that time, and I think that those are important policy issues to be addressed. But you can't just address the clock without addressing the program alternatives. [LR109]

SENATOR ASHFORD: Uh-huh. [LR109]

JOHN CAVANAUGH: The fact of the matter is we do need, as I think the judge said, additional resources and additional options for preincarceration diversion... [LR109]

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SENATOR ASHFORD: Preadjudication and pre... [LR109]

JOHN CAVANAUGH: ...and for incarceration diversion. Those kids are staying too long because they don't receive the placements. And then as Senator Lathrop unraveled, huge errors in the compensation system within that system, and I think that you have to get to the bottom of those misallocation of...misuses of funds, and there is a lot of money in the system that could be used a lot better. [LR109]

SENATOR ASHFORD: I think the model seems to be the putting together of a...before we even get to the mismanagement of the fund issue is that putting together a team of individuals who can address each individual case at the very beginning of the process, hopefully before adjudication. And, well, there's been, in case of a probation situation, when they've been picked up or whenever it is, to make...to see to make sure that that diversion occurs at that point. And if you have the right people on the team, getting the resources together, it seems to me...at least in other states it seems that they're able to find other alternatives other than detention in a youth center. But I agree, that is the key point. Thank you. [LR109]

JOHN CAVANAUGH: Thank you. [LR109]

SENATOR ASHFORD: Kim, do you want to be next? You're on the list next but... [LR109]

KIM HAWEKOTTE: Am I? [LR109]

SENATOR ASHFORD: ...you can... [LR109]

KIM HAWEKOTTE: Good afternoon, members of the Judiciary Committee. I'm Kim Hawekotte, it's K-i-m H-a-w-e-k-o-t-t-e. I am the director at UNO, the Building Bright Futures truancy initiative. And first off, I was part of the group that put together the

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recommendations with regards to the detention center. I 100 percent support them. I think Director Reckling brought out some key points and some statutory changes that can be looked at that would help assist with some of that, especially with regards to the OJS statutes. A couple of areas that I just wanted to bring up probably deal more with the truant area because that's what we're working on at UNO. First off, national stat, and I don't have any reason to doubt that Douglas County is any different, 90 percent of all youth in detention are truant. It's just that simple. If you're sitting in detention, you're not in school. And we all know for all of us sitting in this room that education is the key for us to have our successes, why we're at where we're at, and so we have to start dealing with that. In all the research and studies that we've done, we've shown that with regards to education and truancy, attendance at school is a key ingredient. We've got to get kids to attend school so we have to come up with ways for them to attend. Some of the various ways that have been done in other states that I'm putting forward to you guys today and this one will probably be the most controversial but what a lot of states have is a statute that says no status offender can be placed in detention, period. Whether they're truant, whether they're runaway, whether they're anything else, if it's a straight status offender then they cannot be placed in detention. Only law violators can be placed in a detention facility. Now you have been to the alternatives to detention, the JDAI and looked at some of that. It's very clear that what most states have done is developed alternatives to that. It might be some type of shelter care. It might be some other type of modified version if that kid or youth cannot go home because of whatever reasons. But that detention facility is not the appropriate place. You do not put a law violator in with a nonlaw violator. I mean there's every study out there that shows you have now created another law violator. So we have to be very careful as to what we do about that. Also what most states have done and that we have not done here yet in Nebraska is to create a specific statute on what detention is, what it should be used for, who it could be used for, how long youths can remain in detention, and what are the safeguards. If you look at a lot of other states, there are specific statutes dealing with what that detention looks like and who can be there. I want to talk a little bit about truancy because, as you all know, that is one of my main issues, too, is with regards to

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truancy because we do see youth in the youth center because of truant behavior but it is because they have violated a court order. It is not because of the truant but because they have not followed the court order. But a couple of things within the truancy statutes that we feel are very important in order to accomplish and keep these kids in school is to take a look at the statute that allows school districts to define absence from school as either unexcused or excused because does it really matter as a system for us if kids are excused or unexcused from school? If a parent calls in, then that means that they're excused, even though they've done it for the last two or three weeks. We need to take a look at that part of the statute. We need to take a look at the part of the statute with regards to the role of the school attendance officer. What is a school attendance officer to do? And in a lot of the schools we're working in, that means it's a secretary who checks a little box that says that youth is in school. What else needs to be done? What should they be doing? One of the things that our state does not have, I just got back from a conference in California looking at some California statutes with regards to truant youth. California has created a lot of hammers, so whether you like the hammers or not, sometimes you need those hammers. As Judge Gendler, I love the way he always talks about we have our toolbox in juvenile court and you have the preventative piece, you have the carrots, but you also need some of the hammers because they give and help strengthen those carrots. So what are some of the hammers? Some of the hammers they've done in other states with regards to truant youth, if you don't go to school you don't get to drive a car, you lose your law license. Some of the others deal with welfare payments, some deal with Medicaid payments, some deal with a penalization statute for parents if you don't send your youth to school. I know Senator Ashford has talked to us in the past about some of those statutes and ways that we can help look at it. But to me, one of the key things that we have to do under the truancy statutes is take a look at the statute that says that no filing can be done or a youth is not considered truant until they've missed 20 days of school. Reality is, for most youth, if you've missed 20 days in any quarter or semester, you've already flunked that semester. It's too late. We're getting at them too late. You really need to start looking at a system where if that youth is gone three, four, five days, that that system has to have some type of response and

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start dealing with these kids. You cannot wait 20 days because what has that kid done in that 20 days besides going to school? As studies have shown, they're usually on the street and they're usually doing something else and then, yes, they do get caught with some type of law violation and then all of a sudden they're in a different part of the system. So those are just some suggestions with regards to change and statutory changes, but I'm more than willing to answer any questions that any of you might have with regards to any of the various hats I've worn. [LR109]

SENATOR ASHFORD: Any questions of Kim? Yes, Senator Council. [LR109]

SENATOR COUNCIL: Yes, thank you, Ms. Hawekotte. I appreciate the insight. Particularly interested in two of the points you addressed. One was the states where there's legislation that says no status offender can be placed in detention. Did we look at what offenses were characterized as status offenses? Were there similarities in terms of how status offenses were defined in those states where no status offense resulted in detention? Are they using the federal model for a definition of status offense? [LR109]

KIM HAWEKOTTE: Pretty much the same definition that we have. In other words, a status offender is somebody who has not committed a law violation. They've committed offense. [LR109]

SENATOR COUNCIL: Okay. [LR109]

KIM HAWEKOTTE: The way I would always do it whenever I would talk to youth is it's an offense that if you and I did it as an adult, nobody really cares. [LR109]

SENATOR COUNCIL: Yeah. [LR109]

KIM HAWEKOTTE: They don't care if we run away. They don't care if we're ungovernable. We get to be that once we get to be adults I guess. But it's more that.

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But, no, it's pretty much the same definition. [LR109]

SENATOR COUNCIL: Okay. But wouldn't you agree that there would be certain levels of status offenses where there would need to be, for lack of a better term, a different continuum of care provided as an alternative to detention, and...but not truant. I mean ordinarily the truant goes home at night even though they don't go to school during the day, but the runaway is not going home at night. [LR109]

KIM HAWEKOTTE: Correct. [LR109]

SENATOR COUNCIL: So we're going to...we would need to have some safety...some service provider network to...as an alternative to detention, for example, for the habitual runaway. Because putting that person back at home and even something that we had the opportunity to visit in Illinois last week, the evening reporting center, that could work for a truant, might not work...probably wouldn't work for a runaway. [LR109]

KIM HAWEKOTTE: Correct. But there are some other alternatives to detention, such as a staff-secure type facility instead of a detention facility. What a lot of states have done with their status offenders is they've created staff-secure type facilities. In other words, it's status offenders kept together with status offenders. [LR109]

SENATOR COUNCIL: Status offenders, okay. [LR109]

KIM HAWEKOTTE: Right. [LR109]

SENATOR COUNCIL: Okay. [LR109]

KIM HAWEKOTTE: But it is in a staff secure. In other words, they're not going to run out that door. [LR109]

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SENATOR COUNCIL: Okay. [LR109]

KIM HAWEKOTTE: But that doesn't mean you put him in a detention facility. [LR109]

SENATOR COUNCIL: And so...well, and the objective always being keeping law violators and status offenders housed separately. [LR109]

KIM HAWEKOTTE: Correct. [LR109]

SENATOR COUNCIL: That if it's staff secure, that the only people there are status offenders and that there's not the commingling and the potential influence of that status offender to become a law offender. [LR109]

KIM HAWEKOTTE: Correct. And please don't get me wrong, I'm not saying that with these status offenders that some of them should not be at home, but we need to develop alternatives to detention. [LR109]

SENATOR COUNCIL: No, no, I know. No, no. (Recorder malfunction--some testimony lost.)...then the other point you raised on truancy and how absences are defined, that struck me, because...I mean, when I was a kid, if my mom called in and said I was sick and, you know, I was sick, then I was excused. But I think you and I and others know that unfortunately we have some parents who will do that and it's simply because they don't want to go to the effort of getting the child ready to go to school or there are other issues, and all they do is get on the phone and call. But when you say other places, how they define absences, are we getting to like an adult employment situation, that, you know, if you call in sick, you better bring a note from a physician that says you needed to be out X number of days? I mean, what are we really talking about there? [LR109]

KIM HAWEKOTTE: Some states have even gone to that level. But really what states have done is take a look at, instead of worrying about whether it was an excused or an

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unexcused absence and if it was valid or not, is that they have a system within that school that comes into place after that... [LR109]

SENATOR COUNCIL: After so many days, regardless. [LR109]

KIM HAWEKOTTE: After so many days, regardless. So if it is a legitimate illness... [LR109]

SENATOR COUNCIL: Some one will determine that. [LR109]

KIM HAWEKOTTE: Correct. [LR109]

SENATOR COUNCIL: Okay. Now that's when you were talking after three or four days there ought to be something that's triggered, a mechanism that goes into operation, and someone is out checking into that situation. [LR109]

KIM HAWEKOTTE: Right, because we would get referrals at the county attorney's office where the youths would miss maybe 20 days of unexcused absences and 50 excused. [LR109]

SENATOR COUNCIL: Right, and that... [LR109]

KIM HAWEKOTTE: Well, no matter how you add that up, that's 70 days gone from school. [LR109]

SENATOR COUNCIL: Right. Right. In fact, I think one of our last encounters in juvenile court involved a young person that we didn't know why they weren't in school for, like, and it's almost an entire quarter. [LR109]

KIM HAWEKOTTE: I believe so, Senator. [LR109]

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SENATOR COUNCIL: And the interesting thing was the mother said that they had moved and the bus no longer ran past their house, and made no effort to find alternate transportation. So the kid just sat home everyday. So I mean...and after three or four days, somebody ought to have been checking. [LR109]

KIM HAWEKOTTE: Checking and seeing what it is. [LR109]

SENATOR COUNCIL: Thank you. [LR109]

SENATOR ASHFORD: Thank you. Senator McGill. [LR109]

SENATOR MCGILL: I'm not all that knowledgeable about Douglas County and truancy issues and what gets a kid to the court level. But what kind of programs are there to get the kids to school? You know, I don't know if it was at this conference or somewhere else that I heard about some districts in the country have had great success with sending somebody from the school, even the principal, to the people's homes to knock on the doors and get the kids, and other sorts of encouragement or truancy officers or things like that. What happens here right now, in the OPS area, for instance? [LR109]

KIM HAWEKOTTE: Well, through a collaborative effort with Building Bright Futures, we're working on four initiatives that deal strictly with truancy and with the school districts to help come up with different ways to affect positively their attendance. And I'll be glad to share those with you, Senator, as to what those initiatives are. [LR109]

SENATOR MCGILL: Okay. [LR109]

KIM HAWEKOTTE: But the other thing that I can share with you is we did create, at the request of some of the school districts, what are the best practices that school districts should use with regard to attendance. So on day one, what should happen; on day two;

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and day three, and I think that's what you're referring to. Because there are a lot of national studies out there that say this is the best practice with regards to attendance and this is what we should look at. So it would be my recommendation to take a look at some of those best practices and then see which ones need to be done at a school district level and which ones really are more statutory basis. [LR109]

SENATOR MCGILL: Okay. So we may not have the best practices in effect right now but we're trying to work towards that. [LR109]

KIM HAWEKOTTE: Correct. [LR109]

SENATOR MCGILL: Okay, thank you. [LR109]

SENATOR ASHFORD: Kim, first of all, can we get your recommendations? I don't know, does Stacey have those specific recommendations, because we'd like to see those. Or maybe she does. Okay, she has the truancy recommendations. The Building Bright Futures... [LR109]

KIM HAWEKOTTE: Oh, what the initiatives are that we... [LR109]

SENATOR ASHFORD: Not the initiative, but your ideas that you've given us on statutory changes. [LR109]

KIM HAWEKOTTE: Sure. I can write them down. They're all in my head but I can write them down and get them to you. [LR109]

SENATOR ASHFORD: Oh, you can write them down later if you'd like. [LR109]

KIM HAWEKOTTE: Thanks. I will gladly do that. [LR109]

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SENATOR ASHFORD: I'm still struggling with who is in the youth center at any given time. If we have 100...and I can maybe ask Brad and maybe I will real quickly. But you have 140 or 150 juveniles in the youth center, Douglas County center, at any given in Douglas County. And I assume some of these may be hybrid. They could be truants who have committed some other kind of offense and they're there. Are most...and many of them are warrant violations or violations of probation. Do you have any idea of how that breaks down? I probably need to ask Brad that question. [LR109]

KIM HAWEKOTTE: I would defer to Brad because I know Brad has all these wonderful stats sitting there that he could help to (inaudible) some of that. [LR109]

SENATOR ASHFORD: Well, I guess...again, I think we need to just isolate what we're dealing with here. And, I mean, I absolutely agree with you and I think this, I would guess most of us in this committee, or not all of us, would agree that status offenders should not be mixed with nonstatus offenders. It's just figuring out how to do that. On the truancy filings, how did the school...how would the case come to you? Would it come to you from the school? Would it come to you from a counselor? How would you get a case on a truancy...a chronic truancy case? [LR109]

KIM HAWEKOTTE: What we did, about three or four years ago we met as--that was back in my county attorney hat. I met with all the area school districts, and we developed a referral form that each school district would have to use in order to refer a case to the county attorney's office. Because what we found at the time is we would get simple one-page letters that would say this youth has missed 45 days of school. [LR109]

SENATOR ASHFORD: There was no consistency. And I remember... [LR109]

KIM HAWEKOTTE: There was no consistency. [LR109]

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SENATOR ASHFORD: And we drafted proposals three years ago, together, on that issue. And every school district came out of the woodwork, literally, I mean...and I'm glad you're working on this at Bright Futures, because they all opposed it. [LR109]

KIM HAWEKOTTE: Correct. [LR109]

SENATOR ASHFORD: You know, we don't want a standardized...we want you, again the state, to tell us who is truant and who's not. Well, I think we've kind of gotten to point where that's not going to work anymore, that sort of argument. [LR109]

KIM HAWEKOTTE: And I'm not sure it's even totally necessary either, because the school districts did all get together and we developed a form in order to have referral, that has all the information required before the county attorney would even consider looking at a truancy filing. So once a school district has all that information, they fill out the form. They get it to the county attorney's office. [LR109]

SENATOR ASHFORD: Okay. [LR109]

KIM HAWEKOTTE: And then it's reviewed by the county attorney, and the decision is made whether it goes over to the juvenile assessment center as a diversionary or whether a filing is done within juvenile court. [LR109]

SENATOR ASHFORD: Okay. That's helpful. Thank you. Thanks a lot, Kim, and thanks for all the help you've given us on our efforts. Brad, could I ask you some questions so we can wrap up this sort of...and give us your name, if you would, and...you're on the list of "here to answer questions but not to testify" list. [LR109]

BRAD ALEXANDER: Yes, sir. My name is Brad Alexander, B-r-a-d A-l-e-x-a-n-d-e-r, and I am the superintendent of the Douglas County Youth Center. [LR109]

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SENATOR ASHFORD: And would you mind just giving us an overview, and I realize it changes from month to month and week to week. But what are the nature of the juveniles that are...what are the nature of the incidents that have gotten them there? [LR109]

BRAD ALEXANDER: Sure. There's a couple ways to approach it. I can tell you the top ten reasons that the kids are admitted. That seems to be appropriate. [LR109]

SENATOR ASHFORD: Go ahead. [LR109]

BRAD ALEXANDER: The number one reason that the kid comes into the youth center is for assault; (2) is theft by unlawful taking; (3) is disorderly conduct; (4) is failure to appear...you don't have to write this down; I can give this to you. [LR109]

SENATOR ASHFORD: I was just writing just one little number down. (Laugh) [LR109]

BRAD ALEXANDER: (5) is shoplifting; (6) is burglary; (7) is a capias for a status offense. That represents about 3.5 percent of our admissions. The code number of seven is possession of marijuana. Those both come in at 3.5 percent of our admissions. (9) is receiving a stolen item, and (10) is carrying a concealed weapon. So those ten represent 53.5 percent of our total admission to the Douglas County Youth Center. [LR109]

SENATOR ASHFORD: I'm sorry. What percent? [LR109]

BRAD ALEXANDER: Those top ten represent 53.5 percent. [LR109]

SENATOR ASHFORD: Then going down from there, are they violations? If you go to the next 47 percent, are those violations? Or are those status offenses, or how...? What is the general nature of the makeup? I mean, if we're mixing populations here. [LR109]

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BRAD ALEXANDER: Well, here's another part of the, I think, the equation, if this might help. Two-thirds of kids at admissions are in juvenile court and then the other one-third are at least being admitted as an adult, whether they're going to be going into the criminal justice or the adult system. [LR109]

SENATOR ASHFORD: Okay. [LR109]

BRAD ALEXANDER: So that's a part of the equation. [LR109]

SENATOR ASHFORD: Well, if the capias violators are 3.5 percent of 150 people, let's say, that's six or seven...what would that be? [LR109]

BRAD ALEXANDER: Well, we have 140 today. Ten would be 14; five would be 7. So I do the math. [LR109]

SENATOR ASHFORD: Okay. So it's a small number. It's a small number of individuals who are capias violators. But then they're...just maybe I'm not understanding it. [LR109]

SENATOR COUNCIL: What's the difference...and, Brad, I'm sorry. What's the difference between failure to appear and a capias? [LR109]

ASH: Right. [LR109]

BRAD ALEXANDER: Failure to appear in adult court. [LR109]

SENATOR COUNCIL: Okay. [LR109]

SENATOR ASHFORD: Okay. [LR109]

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BRAD ALEXANDER: That would be on a warrant generated out of adult court. And then a *capias* would be something (inaudible). [LR109]

SENATOR COUNCIL: It's just related to juvenile. [LR109]

SENATOR ASHFORD: *Capias* is just a not showing up for your juvenile court hearing. And that's about 3.5 percent of the total? [LR109]

BRAD ALEXANDER: Correct. [LR109]

SENATOR ASHFORD: And other status offenders? [LR109]

BRAD ALEXANDER: And I don't want to mislead. I mean, I'm sure there's other reasons that a judge might issue a *capias* other than just not showing up for a hear, too. [LR109]

SENATOR ASHFORD: Okay. All right. But if we're talking about status offenders, those that are not delinquency filings, that would be generally how many? [LR109]

BRAD ALEXANDER: That probably is closer to 7 percent. I can tell you that in 2008, we had 1,743 admissions into the youth center; 1,076 of those were delinquency and 117 were for status offenses. I mean, they were a violation of (inaudible) court order but nonetheless they were still status offenses, and so that's about 7 percent. [LR109]

SENATOR ASHFORD: Okay. So theoretically if we were to legislate that status offenders cannot be put into the youth center, that would be, in this case, 117 or 120 or some number. It's a small percentage of the overall number. But there would be certainly a savings in not putting them into the youth center, obviously. What is the cost of housing someone in the youth center? [LR109]

BRAD ALEXANDER: One hundred seventy dollars a day. [LR109]

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SENATOR ASHFORD: One hundred seventy dollars. And the average stay is 30 days, or...? Or at least I think that's the county finding on the county's task force. [LR109]

BRAD ALEXANDER: In 2008, it was 33 days. [LR109]

SENATOR ASHFORD: Thirty-three days at the \$170. So that's real money. So if you...that would be a factor. But of the other delinquency filings, too...well, that's all right. We don't have to get into that, but. All right, so at least with the status offenders we're dealing with about...with a number that...it's somewhat magical. Okay. Any other questions of Brad? Yes, Senator McGill. [LR109]

SENATOR MCGILL: Of that population, what percent would you say have a mental, behavioral health, posttraumatic stress circumstance? [LR109]

BRAD ALEXANDER: Yes. That's an excellent question. I can tell you that 1 out of 4 of the youth at the Douglas County Youth Center are on a psychotropic medication. [LR109]

SENATOR MCGILL: So those are the ones who are diagnosed on something. [LR109]

BRAD ALEXANDER: They are the ones who are diagnosed. Yes. [LR109]

SENATOR MCGILL: Okay. [LR109]

SENATOR COUNCIL: Just a follow up. And Brad, we took the tour of the facility a few weeks ago. While you gave us that number of youngsters who you have the diagnosis. You also speculated, based upon your experience, of the number of youngsters who were not diagnosed who clearly evidenced some behavioral or other mental health issues. And that's a pretty substantial number, is...a significant number, as well. I don't

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want to say substantial. [LR109]

BRAD ALEXANDER: Yeah. I mean, there's two issues. I think there are certainly a good number that have went undiagnosed. And I'm not a fan of putting kids on medication, by any stretch, and we don't advocate for that. But we do...we are responsible to take care of them and that's our primary responsibility. And I can tell you, it's a real tough situation when you have to find a mental health bed for a youth that truly does need a mental health bed. It's not easy to come by. [LR109]

SENATOR COUNCIL: Okay. You were commenting at the tour that there's kind of like a mini assessment. When a youth is first transported there's this, like, mini assessment. And if during the course of that, the staff person has reason to believe that that youngster needs some level of mental or behavioral health treatment, what if anything can be done at that stage? [LR109]

BRAD ALEXANDER: Well, we have a contract with a psychologist that comes into the youth center. And one of the things that we had done, we have an assessment, obviously, that we...a series of questions that we ask the youth when they arrive. And a lot of them go to their mental health or their physical health, and so forth. And we had the psychologist kind of fine-tune that assessment for us so that he would place questions into the assessment that would highlight issues that might raise concern for somebody that might have a mental health problem. And when that is highlighted, they are then forwarded to him and then he does a more comprehensive assessment. [LR109]

SENATOR ASHFORD: Thanks, Brad. [LR109]

SENATOR MCGILL: I just have one more question. How many of the folks in there would have had one of those traumas in the past? Maybe they were abused when they were younger and become kind of a cycle in their family. [LR109]

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BRAD ALEXANDER: I would just be guessing, to be honest with you. I think it's significant though. [LR109]

SENATOR MCGILL: All right. Thank you. [LR109]

SENATOR ASHFORD: Even though there are...and this isn't really a question, Brad. But even though a small number of these individuals, these juveniles, are status offenders only, there are a number of these individuals who have...maybe have...are delinquent, I guess, or alleged to be delinquency cases. But it's all the large...much different than...you've got very serious ones and less serious ones, and you've got criminal law violations at the adult level and some at the juvenile level. So you're mixing a population of serious offenses and less serious offenses, there's no question about that. . [LR109]

BRAD ALEXANDER: Yeah. And I think it's important to point out, too... [LR109]

SENATOR ASHFORD: And many with mental health issues. [LR109]

BRAD ALEXANDER: Sure. [LR109]

SENATOR ASHFORD: Right. [LR109]

BRAD ALEXANDER: And we do classify them...a classification for us, kind of in a nutshell, is putting similarly situated people into units together, so that we don't have somebody with a long history of violence placed into a unit with somebody that's first time into the system type of deal. [LR109]

SENATOR ASHFORD: Okay. Thanks, Brad. [LR109]

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BRAD ALEXANDER: All right. [LR109]

SENATOR ASHFORD: Thank you. Who is here? I now we have a couple more on the list but I'd like to just carry this on one step further to find out if anybody here can talk about the resources that would be available other than the youth center? Is there anyone here that has some information on that issue? Come on down. Go ahead. [LR109]

DEBRA BLUE: (Exhibit 3) Good afternoon. My name is Debra Blue, D-e-b-r-a B-l-u-e, and I'm program director from Concord Center, which is an office of dispute resolution-approved center. Honorable Chair and members of the committee, I want to thank you for allowing me an opportunity to talk to you about Concord Center's family youth engagement processes. At Concord Center we create a process of constructive dialogue to facilitation, mediation, and education. And we have restorative justice programs that we offer: our victim offender meetings, as well as youth circles and family group conferencing, which promote family youth engagement, that get families on board to hold youth accountable. In our victim offender program, we offer opportunities for youth offenders to meet with the victims of their offenses. This emphasizes and values active involvement in processes that offer crime victims some support and assistance. It holds offenders accountable to the community and the individuals that they have violated against, and helps restore losses to victims, both emotional and material, to the extent that that's possible. These meetings give offenders a chance to take responsibility for their crime and see the real human cost of their action, and allows them the opportunity to make things right. It offers victims of the crimes a chance to share the impact that the offense has had on them and their lives, as well as address restitution and concerns for their safety and security. A particular story. A young man was with a group of friends, running around a neighborhood in the middle of the night, and they were stealing things from people's garages, scratching cars, and just a policeman that had been called, and chased one of the kids down in the yard of the family. This commotion woke up the family. And through working with the youth and the

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victim of the crime, we were able to put them together in a room and talk about the impact that had on this family. The family actually was considering moving from their home. Their children were scared. They felt like that their lives had been totally changed and were traumatized by the event, but after meeting with the young man, realized that he wasn't a monster; that it was safe to continue living in their home. And the young man was so strongly impacted by this family's story that he wanted to go to the kids and apologize. He offered restitution to help pay for damages, and both parties were able to leave with a sense of renewed hope in the community. As far as our youth circles and family group conference process that we have, as neutral third parties we bring together juveniles as well as their support systems--family members, service providers that are working with them--and assist them in creating a plan for the future. This plan allows the juvenile an opportunity to become a competent and productive community member. One of our recent cases resulted in a juvenile that was being moved from a residential treatment facility, and he was now being enrolled in college and going to be moving into a dormitory and begin classes. So our victim offender meetings, our youth circles, our family group conferences do promote family and youth engagement. Juveniles are offered an opportunity to develop competency and reintegrate into the community as productive community members. This strengthens public safety through community building. Restorative justice processes offers opportunities for dialogue and problem solving. Thank you for your time and attention. Do you have any questions? [LR109]

SENATOR ASHFORD: It's a good plan. Good idea. [LR109]

SENATOR MCGILL: Who...? I'm sorry, can I ask a question? [LR109]

SENATOR ASHFORD: Yes, you can. [LR109]

SENATOR MCGILL: Where does the funding come from? [LR109]

DEBRA BLUE: We do work with sliding fee scales, so we offer...we work with families.

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Victims never pay for any services when they're involved in these. We also have contracts with Health and Human Services that are working with the three providers in our area that will be taking over cases for them. We work with Heartland Family Services and have grant funding from them for victim offender meetings. So we have...and we are, of course, always looking for additional funding, but we have some sources. [LR109]

SENATOR MCGILL: How does this fit into the legal process? [LR109]

DEBRA BLUE: We work...we get referrals from...for the victim offender program, we get referrals from the juvenile assessment center. We get them from probation. Often judges order them. They're usually part of diversion, so kids are trying to stay out of the court system. They're keeping them out of there so they'll send them through victim empathy classes with Heartland Family Services or with the victim offender meetings. Our family group conferencing program, we get those referrals from Health and Human Services. Judges often order them and anybody involved in youth, especially ones that are aging out of the system that really need that plan and those strong supports. [LR109]

SENATOR MCGILL: I wish you could help more than the 15 that you can in a year. [LR109]

DEBRA BLUE: Well, that was just our victim offender program. [LR109]

SENATOR MCGILL: Oh. [LR109]

DEBRA BLUE: And we definitely have capacity and professional mediators that would love to be doing a lot more of this work, and we have more capacity to...just need to get those referrals in. [LR109]

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SENATOR MCGILL: Sounds good. [LR109]

SENATOR ASHFORD: Good. Thanks. And thank you. Thanks for sharing that with us. Juvenile detention center. Do we have anybody here from...? [LR109]

SENATOR COUNCIL: Assessment Center. [LR109]

SENATOR ASHFORD: Assessment center. What did I say? [LR109]

SENATOR COUNCIL: You said detention center. [LR109]

SENATOR ASHFORD: Assessment Center. I'm sorry. [LR109]

KIM CULP: Hello. I'm Kim Culp and I'm the director of the Juvenile Assessment Center. And I think Judge Kelly did an excellent job of explaining what we were all about. We've been open here in Douglas County for about six years, and I think the big difference between our assessment center and what we do with diversion that really made a difference is that we use any and all resources that we can find in a community, so there is no such thing in Douglas County as if you're on diversion you do this. If you are on diversion...well, first of you, you come to the assessment center. We do the youth level of service. We also do mental health screening. We use the diagnostic predictive scale. Some of you may have heard of it being called the teen screen. And about 65 percent of the kids who are assessed at the assessment center are screening positive for behavioral health issues. [LR109]

SENATOR ASHFORD: What was that again? Seventy percent? [LR109]

KIM CULP: That's 65 percent of the kids coming through the assessment center are screening positive for behavioral health issues, okay. And that's a screening. So it doesn't mean that they're having these issues but they're screening positive. It needs to

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be looked into a little bit further. We see about 1,500 kids a year that are referred to us by the county attorney. The county attorney oversees everything we do. So we make a recommendation back to the county attorney as to what the individual diversion plan should be, and then we monitor the youths while they're on diversion. You asked about resources in the community. We definitely use the Concord Center. We definitely use Heartland Family Services that's here; the Boys and Girls Club. Everyone that was at the hearing this morning, in some way we're using all of those. We use about 30 or 40 different resources in this community. [LR109]

SENATOR ASHFORD: How do you follow up with the cases once you've made the determination or the county attorney has made the determination not to file? How do you follow up on those? [LR109]

KIM CULP: Okay. Well, the case plan gets mailed out to the family, and within 7-10 days then we have some follow up with them. Did you get the letter? Did you understand it? Do you understand what it is that you have to do? We also have a pretty sophisticated case management system. So when the county attorney approves the case plan, if the community provider is on our network--and we probably have about 20 providers on our network--that case plan goes out to them automatically via the Web. And then we communicate either...you know, it works really well when we're communicating through the case management system, but also phone follow-up contact with folks. And we're monitoring kids for 3-6 months, generally. [LR109]

SENATOR ASHFORD: Okay. It's usually 3-6...and the nature of the reasons why the county attorney is looking at these cases, what is the nature of their...? Is it...how many are...is it status and delinquency? Is it everything, or how does it...? [LR109]

KIM CULP: It is both. We probably have somewhere between 200 and 300 truancy status cases that we assess each year. So the rest of them would be law violations. The number one law violation has been consistently shoplifting--very consistently. Probably

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500, 600 cases a year of shoplifting, but it runs the gamut. The ten reasons that Brad discussed for kids being in the detention center very closely mirrors why kids are coming to us. [LR109]

SENATOR ASHFORD: Does it...I mean, there's...but he, Brad did read some fairly serious offenses though. [LR109]

KIM CULP: Yes. And those serious offenses we're not going to necessarily see at the assessment center. [LR109]

SENATOR ASHFORD: Will you see drug possession cases? [LR109]

KIM CULP: Yes, we do. Very...yeah, and a lot of... [LR109]

SENATOR ASHFORD: How about fire arm possession cases? [LR109]

KIM CULP: No, we probably would not see a case like that. [LR109]

SENATOR ASHFORD: Okay. But you would see a drug possession and theft and that kind of thing. [LR109]

KIM CULP: Absolutely. [LR109]

SENATOR ASHFORD: And then some other...but not status offenses, obviously, because they wouldn't go to...or would they go to you? [LR109]

KIM CULP: Well, the truancy ones would, yes. [LR109]

SENATOR ASHFORD: The truancy. But those are sort of borderline, especially if they're chronic. I mean, if they're...but go ahead. [LR109]

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KIM CULP: Well, remember that if it's a truancy case that's coming to us, it has been referred to the county attorney. So the schools determine that the child has missed 20 days, okay. And I'm kind of going, like, 20 days, because by the time we get it, it can be 30, it can be 40, it can be 70. [LR109]

SENATOR ASHFORD: Is it sometimes 30, 40, 50, 60, 70? [LR109]

KIM CULP: Yes. [LR109]

SENATOR ASHFORD: My goodness. Why don't the schools tell you before that?
[LR109]

KIM CULP: Well...and I mean, part of it is just...you know, by the time they file it with the county attorney...and we have a pretty quick turnaround. I mean, if the county attorneys are doing... [LR109]

SENATOR ASHFORD: That wasn't a criticism. I was just wondering why it's... [LR109]

KIM CULP: No. But I mean, it adds up very, very quickly. You know, they do their paperwork. They give it to the county attorney. The county attorney gives it to me.
[LR109]

SENATOR ASHFORD: Okay. [LR109]

KIM CULP: By the time they're in my office, it can often be a lot more than 20, okay. .
[LR109]

SENATOR ASHFORD: Okay. Fair enough, fair enough. [LR109]

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KIM CULP: Okay, but we do see a lot. [LR109]

SENATOR ASHFORD: It sounds like you really do, do a lot. How many people do you have on staff? [LR109]

KIM CULP: I have seven specialists who are actually the ones who are meeting with the kids, doing the assessments, and doing all the case management. And, yes, I could use more, okay. Two support staff and then community resource and myself, so there's 11 people in the office. [LR109]

SENATOR ASHFORD: Great. Any questions? Senator Council. [LR109]

SENATOR COUNCIL: Yes. Thank you, Kim, for being here today. As you may know, county board chairperson Chris Rodgers isn't here today because he's attending a conference on disproportionate minority confinement. At the policy forum that Senators McGill and Ashford and I attended last week, that was the topic--disproportionate minority confinement--and my question goes to that in terms of, is there data being developed and maintained that shows the percentages of individuals, by race ethnicity, who are being referred by the county attorney to the juvenile assessment center as opposed to being sent to the DCYC? And are we developing those numbers and what is that data showing us? [LR109]

KIM CULP: I'm sorry I didn't bring the data with me, but I...there are nine system points when you're looking at disproportionate minority contact. And we are...certainly the Juvenile Assessment Center is involved in keeping that data for the kids, both referred to the county attorney and the kids coming to us, and the youth being successful through diversion as well. We go...there is a disproportionate minority contact committee that has been in existence for five years, the last five years. And we go over those numbers on all nine systems points. Every month, every other month that data is continually being looked at, and, you know, basically the number of kids who are being

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arrested is much higher than the percentage of the population within our community for both African-American and Latinos. The number of kids being filed on is higher. The number of kids being successful with diversion is lower. That's a bad thing. One of the things that we've done in the past year, knowing that data, we wanted to strengthen kids successfully in diversion, and so we've worked with the Center for Holistic Development and have developed a program called The Talented Tenth Scholars to work specifically with African-American males. So I think that's where it's so important to look at that data and continually be aware of that data so that you know what your trends are in your community and you can make sure that your resources are going to really meet those problems. So I'm very...you know, we've just finished up our first year with that program; just starting in the second year now. So I have very high hopes and hope that we can turn some more kids around and get that number a little bit higher. [LR109]

SENATOR COUNCIL: And is the DMC data reported, like on a monthly basis or a quarterly basis, so that the committee can take a look at that? [LR109]

KIM CULP: I could certainly...the only data that I have and I control is the data that's on our case management system. As far as the full DMC, it's done by the statewide coordinator, Doug Kramer, and I know right now he is finishing up last year's data. That comes out once a year from him. [LR109]

SENATOR COUNCIL: Mr. Chairman, I would appreciate it if your staff could obtain a copy of the most recent DMC report. [LR109]

KIM CULP: But I can certainly give you my data on any kind of basis that you want it. We have it. I do it every month. [LR109]

SENATOR COUNCIL: Because it will have an effect on the issues we discussed this morning, that if disproportionate numbers of minorities are having contact with the juvenile justice system, then that's going to increase the likelihood that they are going to

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have contact at the adult level, and so we need to see how those trends are going. We heard about the trends on violent crime. Let's see how the trends are going on a lot of these delinquency offenses like shoplifting, marijuana possession. We need to know what the numbers look like and where the trends are headed. So I'd appreciate receiving that report. [LR109]

KIM CULP: Absolutely. When I'm talking about resources at the diversionary level, I think we do have a lot of very, very successful programs out there that I'm very, very pleased to be affiliated with. The kids that aren't making it is because we haven't been able to wrap those services around those kids. So if there's something on my wish list would be to develop those programs that are going to have continual contact with the kids. Because to me, diversion...you know, yes, the kids do very much have to be held accountable for their actions, but more importantly I'd like diversion to add something to their lives so that it's not a matter of just taking a class or just getting through a time period or that type of thing, but that we've actually added something that's going to help that child in the future. The after school initiative in Omaha has just been a great experience, because that doesn't add something for a 3-month diversionary period; that adds something into their life, and that's really what we're looking for. [LR109]

SENATOR COUNCIL: Just one other comment. Just a question and then a comment. It is my understanding that some of the young people who come through the assessment center and are being eligible for diversion, then you collaborate with some community-based organizations in terms of what those diversion activities and programs are. And I know the Boys and Girls Club has a number of youngsters referred to them through their diversion, so that's how those collaborations go. And just my comment was that I want to thank you, because Kim, every time I see her, has extended an invitation to me to come and visit the Juvenile Assessment Center and to see how they operate. And schedule permitting, we'll do it before the end of the year. So I just want to thank you for your openness and willingness to allow us to experience and gain a better understanding of what goes on in the Juvenile Assessment Center.

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[LR109]

KIM CULP: And that invitation is extended to all of you. We'd love to have you come.

[LR109]

SENATOR ASHFORD: And not just Brenda? We can...(laughter). [LR109]

KIM CULP: Not just Brenda. [LR109]

SENATOR ASHFORD: Thanks, Kim. [LR109]

KIM CULP: Thank you. [LR109]

SENATOR ASHFORD: I don't know if Nick is still here. We're going to try to wrap here in another 20 minutes, Nick, but I want to talk to you a little bit about resources, if I could. So why don't you come on up. [LR109]

NICK JULIANO: Great. [LR109]

SENATOR ASHFORD: You were on the maybe list, Corey. Are you now on the definite list? Okay. No, that's all right. Nick, go ahead. [LR109]

NICK JULIANO: (Exhibit 4) Thank you, Senator Ashford and members of the Judiciary Committee. My name is Nick, N-i-c-k, Juliano, J-u-l-i-a-n-o. I'm the director of strategic initiatives for the Nebraska/Iowa region of Boys Town. First of all, I want to thank you for your efforts to this task force to reform and improve the way Nebraska deals with our at-risk children, especially those who come into the juvenile justice system. As many of you know, one of Father Flanagan's fundamental beliefs that lead to his founding Boys Town is, "There are no bad boys--or girls. There's only bad environment, bad training, bad example, bad thinking." Typically, young people, when provided with the correct

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balance of support, direction, and skills, and having access to healthy relationships with caring adults, can and will overcome obstacles and move through adolescence to become productive adults. For many of those needing help being confined, and especially those who spend long periods in custody, the exact opposite of what research shows can help them most occurs. Historically, society has attempted to prevent young people from engaging in illegal or antisocial behavior by punishing those who do engage in these behaviors. In general, they are locked up, monitored more closely or placed in settings that are overcrowded and may inflict harsh and punitive treatment. Toward these ends many public dollars are wasted, and more importantly, many young people are likely to engage in criminal and/or antisocial behavior. Their chances for rehabilitation are lessened significantly. In fact, national statistics show that for youth being released from youth detention or youth prisons, almost 66 percent will be rearrested within 12 months and almost half will be incarcerated again within two years. But what are communities to do, particularly when juveniles engage in behaviors that put the community and themselves at risk? Few would argue there's no place for detention or for detaining juveniles who commit serious crimes for significant periods. However, much of the overcrowding today in detention centers is because youth who do not really require this level of security remain there too long, as many of the testifiers here have pointed out. The reason for this varies. Some are awaiting court dates that get delayed; others are awaiting assessment to determine whether they pose significant risk to the community, and if not, what services they need. Others are awaiting acceptance or placement into programs that can provide them with the level and type of services needed, and some have been sentenced as a deterrent when treatment was clearly appropriate and more likely to produce the desired outcome of preventing future illegal behaviors. Over the past 20 years, Boys Town has developed an integrated continuum of programs and services. These extend from a locked intensive residential treatment center for youth who require high levels of structure and psychiatric treatment, to in-home services, to behavioral health outpatient clinics, parent training, and other nonresidential options when the risk to community safety is low or nonexistent. Boys Town continues to provide several levels of residential care for youth who require

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services outside their family. However, sometime during 2010, over 60 percent of the thousands of youth served by Boys Town will be served in the homes of their own families. These include many youth who are already involved or are at significant risk of becoming involved with the juvenile justice system. Research has shown that programs that are successful in both prevention and rehabilitation efforts have a number of characteristics in common. In his recent testimony before the LR171 Task Force, Dr. Ron Thompson, from Boys Town, presented the following as common characteristics. Some of the most significant include: being staffed by treatment staff rather than law enforcement personnel; having a well articulated treatment model implemented with fidelity; teaching positive interactions with peers and adults; providing consistent and fair discipline; using consequences for positive and negative behavior; monitoring and supervising of youth's whereabouts; ensuring a lack of opportunity for association with deviant peers; promoting positive behavior and achievement in school; and developing formal and informal supports in the youth and family's environment. [LR109]

SENATOR ASHFORD: I'm going to stop you here because we have the written statement, and I think you've laid out the rationale quite well. I think I'd like to get into some specific questions, though, if I could. Does anyone have any questions? Let me...Nick, what...just very briefly, what is available now in the Omaha area at Boys Town to address the needs we've been talking today, this afternoon? [LR109]

NICK JULIANO: Well, there's actually a number of services available, both through our assessment services, which currently we discussed before some of those evaluations that are done on children in custody, the Office of Juvenile Services, the CCAAs. Boys Town currently provides those as a part of that information going to court and working very hard for timely assessments for kids in detention. Of course, as I discussed, we have a number of residential levels of care, which many of our admissions to those programs are youth who are coming out of detention. Many of those kids are youth who are deferred from detention and served in our residential programs. And then probably the third piece and where we are growing and investing a lot of prevention services both

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through partnering with Health and Human Services and with the state probation pilot, is growing our in-home services and those services where with the truant, with the predelinquent, with the delinquent that has low level behaviors; of course, where there's not a significant community risk, we can work with the court to go into a home and provide services to the youth. It could be monitoring, it could tracking, skill building to the parents to help to hold them accountable so kids attend school, have community supports, have after school activities where they are supervised or monitored, and get involved in sports, those types of things. [LR109]

SENATOR ASHFORD: How many of those individuals are there that you presently have, Omaha area youth, juvenile youth that are in that in-home alternative? Do you know? [LR109]

NICK JULIANO: Well, this year we will serve about 1,200 Nebraska children and their families. The vast majority of those kids are Douglas and Sarpy County youth. Either state wards or on probation. I'd say 75 percent of those kids. [LR109]

SENATOR ASHFORD: Are on state wards or on probation? [LR109]

NICK JULIANO: Or are probation. So they are the kids in out communities... [LR109]

SENATOR ASHFORD: There's always been adjudication and some of that involves in-home and some is not. [LR109]

NICK JULIANO: That 1,200, that was just the in-home portion. [LR109]

SENATOR ASHFORD: Okay. [LR109]

NICK JULIANO: Next year we are projecting we will serve 2,000 children in their family homes. That does not count the children... [LR109]

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SENATOR ASHFORD: And that's mostly OJS funding? [LR109]

NICK JULIANO: That's a combination of...yes, OJS funding referrals from the Nebraska Department of Health and Human Services. But also we are working with probation on their pilot, and we'll be serving some of those kids under that new pilot program for those nonresidential preventative services, in-home pieces to prevent them from going into detention or even coming into our residential programs. [LR109]

SENATOR ASHFORD: Right. Okay. Good. Any questions of Nick? Thanks. Thank you very much. [LR109]

NICK JULIANO: Thank you for your time. [LR109]

SENATOR ASHFORD: All right. Let's...do we want to hear from probation? Let's fill in the gap here. [LR109]

COREY STEEL: I will definitely try to fill in the gap. I'm Corey Steel, S-t-e-e-l. I'm the juvenile justice specialist with the Probation Administration. I want to thank you, Senator Ashford, for a lot of the juvenile issues you've tried to attack in the last few years, and the rest of the committee. I want to take...and I'm just going to hit a couple highlights of specifically on the detention issue. Roughly, probation supervises about 3,700 juveniles across the state of Nebraska each year. And on probation, whether we're doing a juvenile intake, whether we're supervising that juvenile, or doing an investigation for that juvenile court, we always look at community safety. Along with that, we're also doing an assessments, whether it be a mental health assessment, whether it be an assessment. You heard Todd Reckling talk about the YLS, which talks about risk and break it down into eight different domains of risk. We always look at those things when we are dealing with any juvenile that comes into our system. This morning you heard a lot about a collaboration with all the agencies. Omaha is doing a terrific job of collaborating on a lot

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of different fronts. Probation has come in, in the past few months, and collaborated with the Omaha Police Department, the Douglas County Youth Center, and Douglas County, in general, to deal with a lot of the intake issues. One thing that we have done in the past three months is set up where every juvenile that comes to that Douglas County Youth Center is now receiving a probation intake. Prior to that, up to a third, 30 percent of those juveniles were being detained from the Omaha Police Department with no assessment done. So we did not know if they were a risk to the community; we did not know what their risk behaviors were. Let me give you an example of three weekends ago. Just on a weekend, our juvenile intake officer here in Douglas County had 11 total juvenile intakes where they would go out and do an assessment to see if they were fit to be placed in the detention facility based on community safety. Of those, three were juvenile; nine were booked as adults, and previously those would have been sent straight into the detention facility without any assessment being done and be placed and detained. Of those nine that were booked as adults, six of those were released due to our intake assessment that was done at that point in time. So we saved six juveniles from going into detention on that weekend. I just highlight just that one weekend, because this is something that just did start in July with the Omaha Police Department and with a new standard operating procedure. So that's an example of intake and some things that we've put in place recently to make sure every juvenile that goes into that detention center is assessed. We've also talked about graduated sanctions earlier on. What we've done in probation is build our graduated sanctions so a juvenile that does violate conditions or terms of probation is not automatically being detained. We have things that we can put in place so that we... [LR109]

SENATOR ASHFORD: Where does that come into...Corey, where does that happen? Does that happen before the officer goes out there with the probation officer? Where does that happen when you...where is that.. [LR109]

COREY STEEL: Graduated sanctions can take place if a probation officer has a technical violation of that juvenile, such as a curfew, a positive UA, skipping school,

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those types of things. And that probation officer then would create a sanction and would sanction that juvenile and say, now there's an option. We have three levels of options that we can put into place: add a curfew, community service work, up our UAs, more supervision, reprimand, working with the family on that. So we don't automatically, first violation, they go into the detention facility. We now have an array of options that we can use instead of straight to detention. Does that answer your question, Senator?
[LR109]

SENATOR ASHFORD: It does. [LR109]

COREY STEEL: Okay. So we are building upon that as well. It is in the adult statute. It's adult-specific, but we utilize that on the juvenile front as well. [LR109]

SENATOR ASHFORD: What about the statute we passed last year on the screening?
[LR109]

COREY STEEL: I'm going to get to that, as well. [LR109]

SENATOR ASHFORD: Okay. I always like to see how our statutes are doing. [LR109]

COREY STEEL: Starting July 1, 2010, probation will also do juvenile intakes on all warrants that are issued and that are picked up on those warrants. What we'll roughly see in Douglas County, is there could...we took a look and saw how many juveniles are on an active warrant. There were about 800 when Senator Ashford requested that information from us. So we could potentially now be doing intake assessments on those warrants, as well, which once again, as we're seeing on the adult front, those juveniles that were booked as adults, some of those do not need to be detained. We feel that the same thing is probably going to happen on that front too. Not every kid that has an active warrant or *capias*, as Brad Alexander had talked about, will need to be detained. We see some of those juveniles in other jurisdictions where there's things put in place

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where they talk to the parent, talk to the juvenile; and some of the times, it's they didn't get to court, transportation, what have you. We'll be able to now alleviate them going into detention, even if it's for a day or two, and not going into that... [LR109]

SENATOR ASHFORD: And these measures will obviously influence the number of individuals detained in the Douglas County Youth Center, correct? [LR109]

COREY STEEL: Correct. That's the assumption, yes. Just a couple things that I'd like to hit on, as well. There still are some things that are in need in Douglas County, and the juvenile system as well. You've heard about alternatives to detention. Those are big, those community-based alternatives, so we have something to say. This juvenile should not be in detention; we have community placements for them to go. Whether it be alternatives to school, job readiness programs, or you've heard about reporting centers, those things that are placed in the community would be much better off than placing a juvenile into the detention facilities, as well. [LR109]

SENATOR ASHFORD: Do we have teams of people in place to be able to help guide those juveniles into those various options? I mean, we have probation and we have some of these other resources we've heard about today, but...and the assessment center...but do we have a team of monitors or helpers or...? [LR109]

COREY STEEL: It's hard to say (inaudible) everybody is working together to do this. One of the recommendations was a case expediter for Douglas County. That would be that specific person that could help (inaudible) juveniles. [LR109]

SENATOR ASHFORD: Isn't that a very important position, the expediter position? [LR109]

COREY STEEL: As Kim Hawekotte said, I've worn many hats as well. That was my previous position in Lancaster County, was a, for lack of a better work, case expediter to

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divert from detention and oversee all those alternatives. So, yes, I think it's very important to have one person that would oversee that process, get juveniles in the court faster, get them out of detention faster, and oversee those placements. [LR109]

SENATOR ASHFORD: Is that a county position or a state position? [LR109]

COREY STEEL: In Lancaster County, it is a straight county position. [LR109]

SENATOR ASHFORD: Okay. Senator McGill. [LR109]

SENATOR MCGILL: I'm just wondering if you could talk a little bit about some...we spent most of our time talking about the Douglas/Sarpy County area today. Can you talk a little bit about Lancaster County or other parts of the state and what programming is there, or is this really where we are trying to start some pilot programs here that can maybe be expanded? [LR109]

COREY STEEL: Yeah. I can specifically talk a lot about Lancaster County because for almost eight years that's where I was. They have built their, we'll call it a network or a graduated sanction, so to speak, of services. This was built on...ten years ago, a grant was written to be able to do these functions. They have day centers, evening centers. They have tracker services, which is kind of an assistant PO that's tied to the probation office, so they can do the school checks, the curfew checks, those nights/weekends-type things. They have a job placement program. They have an alternative school. Then all those... [LR109]

SENATOR MCGILL: So did you think the flow was a little better there, right now? I mean, there's different people, a different population, and a smaller place. [LR109]

COREY STEEL: Well, yeah, it is. It's a different population. The flow is better, yes, because you have one person that's coordinating that, and I think that this county is

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moving in that direction as well. But they have that systematic array of services for the courts and for probation so that they can place those juveniles; instead of going into detention they have options. [LR109]

SENATOR MCGILL: Thank you. [LR109]

COREY STEEL: I know in Douglas County they do utilize the home program, which is electronic monitoring, which is a very beneficial program as well. I know recently Brad Alexander has expanded that program and I think that's shown a great impact. But the additional services would also, I think, show a great impact as well. [LR109]

SENATOR ASHFORD: Thanks, Corey. [LR109]

COREY STEEL: Thank you. [LR109]

_____: (Inaudible) probation? [LR109]

SENATOR ASHFORD: Yes, you're still probation. [LR109]

ELLEN BROKOFISKY: Thank you. Good afternoon, Senators. And I won't say much, but I wanted to make... [LR109]

SENATOR ASHFORD: But you have to say your name, Ellen. [LR109]

ELLEN BROKOFISKY: My name is Ellen Brokofsky and I am the Probation Administrator, and I'm here mainly just in a responsive role. What I want to say to say is, having done detention authorizations myself as a probation officer for many, many years--since 1975, lots of experience--what happens in the middle of the night when an individual juvenile comes in for detention. Senator McGill asked, what is the biggest issue across the state that's just not solely applicable to Douglas County? And that is in

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the middle of the night there are not alternatives. The only alternative in the middle of the night is a detention facility. That's it. Now that's different and I don't know if you realize that. But in the '80s, many, many, many communities took responsibility for the children in the community themselves, and there were shelter cares, there were staffed secure facilities. In 1975, ancient times when I started, in Douglas County the Whitman Center and the YES House came from initiatives of the juvenile justice people in the community that did not want to put kids in detention. So what I can say to you, and I think that we can provide you some data, is that if the only game in town is secure detention and the assessment instrument says this individual really doesn't need secure detention, as Senator Council mentioned earlier, this individual may need detained, may need held, may need somebody to watch them, but doesn't need secure detention. The only game in town is secure detention unless you release. So as Corey was emphasizing and Kim Culp and all...and Kim Hawekotte, they're talking about all the things that we're trying to do to keep kids out of detention. But if you put a kid in detention in the middle of the night and that's the only option, chances are when the juvenile goes to the court within 48 hours, if there is not an immediate residential alternative, the juvenile is going to go back to secure detention. [LR109]

SENATOR ASHFORD: You know, that's just a big problem. It's a big problem. [LR109]

ELLEN BROKOFSKY: That's the core. That's the core. And I wanted to make sure that that was said, because everybody here who is dealing with juvenile justice knows that. [LR109]

SENATOR ASHFORD: I know we've been sort of going around this afternoon, but I think, at least I'm trying to get at where these problem areas so that we...because we only have a couple months, and we're going to have address them and we want to address them this year. And I think you put your finger on one very important one, and that is there is no place else to go. Yes, Senator McGill. [LR109]

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SENATOR MCGILL: And in a perfect world, what would that place look like and where would they be located? [LR109]

ELLEN BROKOFKY: There would be alternatives. Probation has the statutory authority to detain. So in the night, in the middle of the night and the late afternoon after 5 p.m., we would be using our assessment instruments that we use now, that differentiate staff secure, which would be Lancaster County, which Corey referred to, they have a staff secure component. Sarpy County essentially has a staff secure. I believe Madison County has a staff secure. They're still very high end, high structured. They're still costly but not as much as secure care. Shelter care is more where you have people on staff that can provide some short-term crisis counseling, spend some time talking to that child who has posttraumatic stress or whatever other mental health issue that they have. It would be an array of places, options that you could determine, who am I going to call tonight. In the old days, in the '70s and '80s, we would place kids right into foster care in the middle of the night. We would place kids into, like I said, the Whitman Center or the YES House. They had all...even through Boys Town, and their center in Grand Island was available to us. [LR109]

SENATOR ASHFORD: Does Boys Town have that now? Do you have some place here in Omaha where we can take children at night, juveniles? [LR109]

NICK JULIANO: We don't currently operate a shelter in Omaha. We do still have that shelter in Grand Island. But there is the potential as part of this process to consider developing that type of program. [LR109]

SENATOR ASHFORD: Okay. [LR109]

ELLEN BROKOFKY: So that's my piece. Just so you have that information, that's all, because I think that when you think about these alternatives, that all of the front-end loading that needs to happen so they don't go to detention, but once they're at the door

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what are the kinds of things we can do that really make a difference. [LR109]

SENATOR ASHFORD: Thanks, Ellen. [LR109]

ELLEN BROKOFSKY: Thank you. [LR109]

SENATOR ASHFORD: Thanks for sharing. Does everybody want to go home now? No, no, no. Deb is here. Why don't we just take two more and then we're going to...how many want to...? Well, you want to...there's a young man who's been here all day and you're going to get to...go ahead, Deb. [LR109]

DEBORA BROWNYARD: (Exhibit 5) Debora Brownyard, D-e-b-o-r-a, Brownyard, B-r-o-w-n-y-a-r-d. Good afternoon, Senator Ashford and the members of the Judiciary Committee. I'm the director of the Office of Dispute Resolution in the Nebraska Supreme Court. And when Ellen talked about that two-day period, removing a child in the middle of the night, placing somewhere, and that's a gap, and then 72 hours later for the court hearing, where should this child go, one possible approach is using some of the front-end loaded processes that are being used in child welfare right now. I understand some of you went to a prehearing facilitation that Concord Center did the other day. The mediation centers, and there's six regional across the state, do these prehearing facilitations, quickly arranged. We also do what's call expedited family conferencing. And one thought would be, in this 72 hours, is to work with the mediation centers to pull together the key stakeholders around this child. And I would urge the committee not to forget the family and informal supports. Over and over again, as a lawyer, I had worked in the child welfare and juvenile field, and it's like the old medical model: We're going to take this child and do the child alone. Well, the child...the whole belief that the apple doesn't fall too far from the tree, well, if the child is having problems, obviously the mom or the dad has a problem. The thing is, we have found extended family members who can care for this child. So I urge the committee not to overlook the fact that we have this wonderful service provider network. Don't forget the

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family, the extended family, and the informal network that could come together to be a support to these kids. The family group conference coordinators are able to research that really quickly and pull those people together, along with probation, along with law enforcement, county attorney. I just want to encourage the committee to remember we have these resources in the state and to think about these. Because these youth, what they really need are bottom-liner relationships and connections, and who better to make relationships and connections but possibly an uncle or an aunt or a grandparent that could support that kid. [LR109]

SENATOR ASHFORD: That's a great point, Deb. And I think the point of having a team put together at the point that Ellen is talking about and Corey is talking about, before there's detention, somehow that team has to be created. And we did, though, we did pay attention when we introduced a bill a couple years ago on family wraparound services, and you would have thought that we had introduced a bill to sell the state. But in any event, we're moving through that and beyond that, aren't we, Ellen. And so...but thanks for your comments. I think those are very valuable comments. Yes, sir. [LR109]

DEBORA BROWNYARD: I have some handouts. [LR109]

SOLOMON KLEINSMITH: My name is Solomon Kleinsmith. That's S-o-l-o-m-o-n K-l-e-i-n-s-m-i-t-h. I just got hired a couple weeks ago as the Neighborhood Accountability Board coordinator. That's part of the Neighborhood Center at UNO. I'm a little disorganized. I wasn't planning on speaking, but you talked about so much that's involved with what I'm doing, I pretty much had to say something. The program that I'm working on is something that you mentioned about innovative programs in other states. And Senator McGill, you talked about how we need programs that keep people at home. This also works with victims...oh, she left. And Senator Lathrop, you talked about return on investment. All of these things are involved with the Neighborhood Accountability Board program, which is based on programs like they have in Pima and Illinois and in Missouri. I would be... [LR109]

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SENATOR ASHFORD: Missouri is sort of the model state, isn't it, for this sort of thing? They seem to all...they seem to be borrowing...everybody seems to be borrowing from Missouri. [LR109]

SOLOMON KLEINSMITH: I'm going to visit Missouri next month and I'm going to visit Pima in two weeks. So all of it is going to be based off of that. I have a little bit of a unique perspective on this because 13 years ago I actually was in the DCYC. Not exactly 13, but pretty close, and so I was a nonviolent youth offender that went there. Probably didn't have to. Probably should have been sent somewhere else. But there is a report that I dug up called the 2008 Juvenile Justice System Action Plan. I'm not sure if you guys are involved with that. But four of the things are: capping DCYC population, removing lower risk youth from DCYC, diverting status offenders, and implementing evidence-based practices. And that basically sums up what the Neighborhood Accountability Board program wants to do. Again, I've only been doing this for about three weeks, but it's a pilot program, grant-funded two years. And hopefully in less than two years I'll have data for you guys, so you don't have to look to other states for programs that could potentially be spread statewide or at least outside of Douglas Count. Neighborhood Accountability Board programs have been proven to lower costs, up front, versus detention, but also through lower recidivism. And this is data you can look up, but you can look up either Neighborhood Accountability Boards, or Neighborhood Justice Boards I think is what they're called in Missouri, and I can front you that information if you want to ask... [LR109]

SENATOR ASHFORD: I think we'd like to have that information actually. [LR109]

SOLOMON KLEINSMITH: Okay. Who would I give that to? [LR109]

SENATOR ASHFORD: Well, you can... [LR109]

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SOLOMON KLEINSMITH: I'll talk to her afterwards. [LR109]

SENATOR ASHFORD: Ashford. Just call me up. I'll give you my number. [LR109]

SOLOMON KLEINSMITH: Do you have any questions for me? I mean, I can talk for a long time about this stuff, but... [LR109]

SENATOR ASHFORD: And the challenge, by the way...and then we will get to the end of this. But the challenge then is then go to the next step and to look at recidivism as it relates to diversion, because diversion is a number that we can easily calculate. Recidivism becomes a little more complicated and there's not as much data on that as there is on the reduction and detention. [LR109]

SOLOMON KLEINSMITH: You'd be surprised. I mean, I've been looking for it specifically, so...I mean, I found a bunch of it. [LR109]

SENATOR ASHFORD: Okay. Good. I'd love to see that because that's good stuff. Thank you. We'll get your information to Stacey. I think that pretty well...but I would like to hear from you, very briefly. Would you mind just coming up, because you know what you're talking about, just like everybody else. [LR109]

JOANNA LINDBERG: (Exhibit 6) My name is Joanna Lindberg, J-o-a-n-n-a, Lindberg, L-i-n-d-b-e-r-g, and I'm the community education director at Heartland Family Service and have been an advocate for about 15 years in the juvenile justice arena. What I wanted to talk about, and it really weaves a lot of what's been discussed, is restorative justice practices. And I brought a video from the state of Pennsylvania, who is a restorative justice state, and there are numerous states who have developed that as kind of the core of their philosophy. And what that is, is balanced attention to victims and offenders, and making sure offenders are accountable for their crime, repair the harm, apologize, and that victims are given restitution--funding for the compensation for

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what's been done to them. There's just a whole continuum of programs in that arena. The one thing, we tried to start one last year, a work restitution program where our young people...we did it with several young men that went through mediation and developed a restitution agreement and they worked in our senior center. But we ran into a statute, a Nebraska statute that...Chris Rodgers from the county board suggested we might not want to continue this program. And it's a statute that says that an individual who does community service as part of a probation order will receive workmen's compensation benefits if they are injured. And so that has created a real reluctance for nonprofit agencies to have a person come and do this type of work when... [LR109]

SENATOR ASHFORD: You have the expert in Senator Lathrop on the workmen's compensation here, so. [LR109]

JOANNA LINDBERG: Okay. Are you familiar with that statute that if a person... [LR109]

SENATOR LATHROP: I am. I've actually had some conversations with Senator Flood about it in the last week, so. [LR109]

SENATOR ASHFORD: We're on it before you even knew we were on it. [LR109]

SENATOR LATHROP: Although I don't know if it's discouraging anybody, because nobody even knew about. (Inaudible) think these guys are still doing that work. [LR109]

SENATOR ASHFORD: Joanna, she knew, but...it's been (inaudible). [LR109]

JOANNA LINDBERG: Yeah. The nonprofit agencies have backed away some for allowing community service just for that reason, because of the potential cost to them to provide workmen's compensation benefits to volunteers. [LR109]

SENATOR ASHFORD: Thank you, Joanna. Thanks for all your work throughout the

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years...and Tiffany is here. Tiffany, can you summarize...and we're glad you're here and...Tiffany is from Voices from Children, so. [LR109]

TIFFANY SEIBERT: (Exhibit 7) Tiffany Seibert with Voices for Children, S-e-i-b-e-r-t. Most of the points that I wanted to make today about the impact of incarceration on children have already been made, and also the appropriate use of detention to make sure that we're using it for kids who are most likely to reoffend or to make sure that they appear in court. We want to be sure that we're not detaining kids just to get them services. So we do support the recommendation of the working group. We thank the committee for all your work on this issue and your commitment to this issue. One thing that I do want to just reiterate, I have provided a handout that has consolidated some research on the impact of detention. So that's there for you. And then also the last page of that handout is different points in interaction with the juvenile justice system, the breakdown by race. I think we need to keep this critically right up front as we look at reducing detention; that we're doing so in a way that also reduces the overrepresentation of minorities in detention. [LR109]

SENATOR ASHFORD: Well, there's disproportionate sentencing, and it's all over the nation and I think we're aware of it and we do need to address it. [LR109]

TIFFANY SEIBERT: Great. And so I'm pleased to hear you mention Models for Change and JDAI and all these other things. But I... [LR109]

SENATOR ASHFORD: Right. We're hoping to be named a Models for Change state. We're working on it, so. [LR109]

TIFFANY SEIBERT: That's great. Well, thanks for the time, and thank you again for your commitment to this issue. [LR109]

SENATOR ASHFORD: (See Exhibits 8, 9, and 10) Thank you. I do want to recognize a

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real legend in this field: Mary Ann Borgeson there. And Mary Ann has been here all day and, you know, I'm a big fan, and so I'm sure lots of other people are. Thank you for everything you do for mental health and everything. We do have Chris Brown's letter, which...Chris is in San Francisco, I think, at a... [LR109]

SENATOR COUNCIL: Rodgers. [LR109]

SENATOR ASHFORD: Rodgers. Chris Brown. Sorry, Chris Rodgers. Chris Rodgers, who's at a...he's a kicker for...he's used...but Chris is in San Francisco at a meeting involving these issues, and we appreciate that. And we do have the Douglas County recommendations and those will be part of the record. [LR109]

STACEY TROUT: There's copies over there if anybody wants one. [LR109]

SENATOR ASHFORD: I can assure the group...thank you all for being here. I can assure you that we will have legislation ready to go on the first day of the session on some of these issues. So thank you very much. It won't die on the floor. It won't. Thank you. [LR109]