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Health and Human Services Committee  
August 03, 2011

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[LR37]

The Committee on Health and Human Services met at 10:00 a.m. on Wednesday, August 3, 2011, at the Bosselman Conference Center in the Heartland Event Center, Grand Island, Nebraska, for the purpose of conducting a public hearing on LR37. Senators present: Kathy Campbell, Chairperson; Mike Gloor, Vice Chairperson; Dave Bloomfield; Bob Krist; and Norm Wallman. Senators absent: Tanya Cook and Gwen Howard. Also present: Senator Annette Dubas.

SENATOR CAMPBELL: I'd like to welcome all of you to the first of a series of five public hearings that the Health and Human Services Committee will have on child welfare. I'm Kathy Campbell. I serve as the Chair of the Health and Human Services Committee and we will have introductions of the senators here in just a minute, but I wanted to welcome you and particularly commend all of the people in this service area, because Grand Island is sort of our guinea pig. We're trying to figure out what works in terms of inviting people to testify and other people who may come forward. I'm going to go through a few of the housekeeping things in a minute, but I first want to draw your attention to the bright yellow sheets. If you plan to testify today, we need to have you fill out the sheets. And the clerk, Diane Johnson, who is to my far left, will be needing this information, and Michelle Chaffee, who is the legal counsel to the Health and Human Services Committee, will be helping you get the sheets and getting them to Diane. So with that, I think we'll go with just a few housekeeping things and then we'll start out. The Heartland Event Center, which has just been terrific, had this all set up for us, would like to remind you to make sure that you know where all the exits are in case we have to evacuate. The rest rooms are through your exits, those two back doors and then to your right, so you just keep kind of angling around. This is a no-smoking facility and they would ask that you not bring in beverages or food from the outside. Other than that, I think that's their housekeeping. So with that, we'll start with our housekeeping from the committee, and the first order of business will be self-introductions of the senators and I'm going to go to my far right and ask Senator Dubas to start.

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

SENATOR DUBAS: Good morning. I'm Senator Annette Dubas, District 34, which kind of surrounds this area right here, so you're knocking on the door of my district. And I am a member of the Performance Audit Committee.

SENATOR BLOOMFIELD: I'm Senator Dave Bloomfield, District 17, which is made up of Wayne, Dakota, and Thurston Counties up in the northeast part of the state.

SENATOR KRIST: Senator Bob Krist. I represent District 10, northwest Omaha and the unincorporated parts of Douglas County, and I am on both this committee and the Performance Audit Committee.

SENATOR WALLMAN: I'm Senator Norm Wallman, District 30, which includes all of Gage and part of Lancaster County.

SENATOR GLOOR: Senator Mike Gloor, District 35, which is most of Grand Island, some of Hall County.

SENATOR CAMPBELL: And as I said, I'm Kathy Campbell. I represent District 25, which is Lincoln, and I want to thank Senator Gloor and his office for helping to put all of this together and serve as our host today. For our housekeeping of the committee in how the hearing will work, we would ask that you please turn off your cell phones or at least put them to silence or vibrate. And although handouts are not required, if you are bringing handouts with you, I think the clerk has worked with most everyone, we would like 20 copies and you can bring them with you when you come to testify. If you did not bring 20 copies, we will work something out with you. We definitely want you to testify and not just because you, you know, you shy away from saying I don't have my copies. We would ask that you print everything on the forms for Diane so that's very clear. And if you will not be testifying today but you just came to listen and if you would like to make any comments, please feel free to do so on the sign-in sheets. We also are

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

starting to carry a very large number of e-mail people who want to be notified of any information or upcoming hearings and we would invite you to leave your e-mail address on that form and put, you know, I'd like to be on the e-mail list. We'll be glad to do that for you. Each testifier...and I must say that the first series of testifiers I will call to the table. They made reservations with us and we've exchanged information and they will be given ten minutes. If you are not in that group but you came today just to testify, you will have five minutes. The light system works pretty good for us. The green light indicates that the time has started and the clerk watches that very carefully. And when you get to four minutes, you've used four minutes, the yellow light will come on. And when you get to your five, the red light will come on and most likely I'll be the person going time, time, time, time. So you can also watch the light or you can watch me. It doesn't really make any difference. When you come to the microphone, we would like you to give your first and last name and to spell it very clearly so that the record can reflect...even if it's Smith, there are different spellings of Smith, so we would ask that you spell your last name for us. With that, we will start into this morning's agenda and our first testifier is Beth Baxter. Beth is the Region 3 Behavioral Health Services. Good morning, Beth.

BETH BAXTER: Good morning. [LR37]

SENATOR CAMPBELL: Thanks for coming today. [LR37]

BETH BAXTER: And thank you for...let's see, are we on? [LR37]

SENATOR CAMPBELL: Is it on? [LR37]

SENATOR GLOOR: It's on. [LR37]

SENATOR CAMPBELL: Diane, do you know whether... [LR37]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

DIANE JOHNSON: I think there's just a little switch. [LR37]

SENATOR GLOOR: I'll bet it was off. [LR37]

BETH BAXTER: Is it right there? I knew this. If Grand Island is the guinea pig, what does that make me. (Laughter) [LR37]

SENATOR CAMPBELL: No, no, they've had us turn it off because it's on a battery. [LR37]

BETH BAXTER: There. There we go. [LR37]

SENATOR CAMPBELL: So they just wanted us to make sure. [LR37]

BETH BAXTER: All right. What's that? Can you hear me now? [LR37]

SENATOR CAMPBELL: Oh, perfect. [LR37]

BETH BAXTER: (Exhibit 1) All right. As Senator Campbell said, my name is Beth Baxter and I serve as the regional administrator for Region 3 Behavioral Health Services. We are a regional behavioral health authority that serves and manages behavioral healthcare in 22 counties in central Nebraska. Senator Campbell and members of the Health and Human Services Committee, I just want to take this opportunity to thank you for my opportunity to speak in front of the committee and share my concerns and my ideas around child welfare reform in Nebraska. I appreciate the committee's forward-looking direction with this legislative resolution and your willingness to study this issue and with the intent of improving strategies of how we move forward. As I've participated in child welfare reform, listened to and participated in statewide dialogue, I want to reinforce that nobody disagrees with the vision set out within Families Matter. We all want Nebraska to be a national leader in serving children and families in need.

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

That's what we all want to happen. And nobody disagrees with the fundamental premise of child welfare reform and the belief that families matter, children grow best in their own homes, children should be reunified or moved to permanency through adoption or guardianship in a timely manner, and families should get services earlier and be offered services without...after they leave the department's care. The vision and goals are not flawed of child welfare reform but maybe the manner in which the department has tried to implement child welfare reform falls short of where it needs to be. I will address the three areas that are outlined in the legislative resolution from three vantage points: a systems perspective that I've gained over 14 years of formal work within system of care; active participation and leadership in systems reform in behavioral health; and experience in partnering with private agencies to create the Alliance for Children and Family Services, LLC, that was selected to be a lead agency. The Alliance spent nearly one full year in good-faith efforts to move forward with child welfare reform only to have to make the decision not to sign the ongoing contract with the department due to the department's announcement that it had cut the available funding and, for us, that was nearly 40 percent of our monthly revenue. Alliance leadership knew it could not provide the quality nor the array of services needed to effectively meet the goals of child welfare reform and the outcomes for children and families. The first area I'd like to address are the critical issues, and I don't want to dwell upon this, I truly don't. The critical issues: experience with Boys and Girls Home. First of all, I want to emphasize that in my work with Boys and Girls Home in early child welfare reform, they are people of integrity, people who are committed to behavioral health reform and people who brought a tremendous amount of experience in serving children and families through this process. But there's a significant difference in being a service provider and managing a system. Boys and Girls Home lacked the infrastructure needed to do systems management. That includes effective partnering with families and youth; contract management; subcontractor monitoring, support and payment; data-driven decision making; and value-based fiscal planning. Their lack in experience in that infrastructure development management proved too difficult for them to overcome. Boys and Girls Home had a long history of providing direct services. They provided residential service but they didn't

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

have the history in providing foster care or knowing how to support foster families. They had experience in providing family support type services but didn't know how to provide effective case management nor care monitoring that were really fundamental principles to make child welfare reform work. And Boys and Girls Home lacked an adequate information system that would allow them to effectively manage the system and I think what contributed to their inability to pay providers. The next area I'd like to address are the top three issues really from my vantage point and a system perspective of how child welfare reform has impacted central Nebraska. What I see is there's a decrease in service providers due to a lack of referrals and, frankly, a lack of payment. There's a dismantling of system of care components that are essential to sustainable reform, including a lack of support for the family organization and an effective case management model, such as the integrated care coordination unit. There's an increased demand on behavioral health services through the behavioral health authorities that have a capped amount of funding. The payment of behavioral health services historically paid for children and parents of children within the child welfare funds were paid out of child welfare but have shifted to behavioral health. DHHS has identified a short-term strategy to address this but has yet to discuss a long-term strategy. And the third and final area that I want to address is offering a few recommendations for child welfare reform in the future. First and foremost, I think it's necessary for the department in good faith to ensure the providers receive 100 percent of the funds owed to them for services they have provided to children who are the responsibility of the department either through court order or on a voluntary basis. This includes the negotiated the settlement the department is working on between the department, Boys and Girls Home, and the providers, but we know that that's only 35 cents upon the \$1. That's not good enough. Plus, I believe the department needs to figure out how they can make up the difference. They can make up the difference in those payments to providers for services that have been rendered. It's just looking at it from a different perspective. It's not, okay, we can't do this, legally we can't do this. Let's look at how we make it happen, do right by the providers within the system. I would recommend the Division of Children and Family Services look at what's worked in the past. The integrated care coordination

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

units across the state proved to be effective and cost-efficient. The ICCUs developed innovative services that kept children out of the child welfare system and with their families and, in Families Matter vernacular, those are children who are noncourt involved. Let's take a page out of the history of behavioral health reform. The Governor and the Legislature at that time identified several strategies that proved to help move behavioral health reform forward. Behavioral health reform wasn't without its naysayers or its challenges and so forth, but it did work and continues to work. So let's look at what's worked in the past and try to identify those strategies that will work for child welfare reform. I'd also suggest that we remove the heavy-handed management of the Central Office of DHHS and allow the service area leadership to work with stakeholders to identify and implement reform strategies that will succeed in their service area. I would like to offer that child welfare reform doesn't have to be a cookie-cutter process across the entire state. Each service area can operate from a single statewide vision, common goals, common outcomes, but they can implement strategies that considers their strengths, their needs, the gaps in services and care, and their resources. I think the old adage is true, if you always do what you've always done, you'll always get what you've always got. And we can do better by that. And finally, to implement proven system of care principles that effectively address the needs of children with multiple and complex needs in their families. There's extensive literature and research about systems of care principles that have proven to be effective. We've experienced them here in central Nebraska as well as countless communities and states across the nation. It's more to...it's more than paying lip service to reform. It's a commitment to implementing principles, to learn about those principles, to act upon them, and to provide resources that fully support principles and implementation. Thank you for this opportunity and I'm willing to answer any questions if you would have any, and I do appreciate the forward vision of this committee in reform. [LR37]

SENATOR CAMPBELL: Thank you, Ms. Baxter. Questions? Senator Krist. And, Senator Krist, there is a microphone. If we can't hear, the button on the top... [LR37]

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

SENATOR KRIST: Here? [LR37]

SENATOR CAMPBELL: No, immediately in front of you, there, on the top, the white button. There you go. [LR37]

SENATOR KRIST: Oh, like this? Like this? I don't think you're going to need one of these, but two questions. Not to highlight your part of it but to help me understand the feedback loop that might or might not be available, you talked about Boys and Girls falling short in several areas. You must have seen that as it was happening. Did you bring that to HHS attention at any time and did you have any response from the department? [LR37]

BETH BAXTER: When I was actively involved in child welfare reform, we worked very closely with Central Service Area leadership and Boys and Girls Home, and in that point we were in the process of developing mechanisms for implementation. Honestly, at that point those shortcomings, we were trying to figure out ways to address them jointly. And I guess in the defense of Boys and Girls Home, when the Alliance was not able to continue in our work, I think it just accentuated where those shortcomings were. We talked with them, with the department. On a statewide level, there were other issues that contributed I think to Boys and Girls Homes' inability to pay providers and that was what all of the people participating from the lead agency standpoint was, that it was an inadequately funded process. [LR37]

SENATOR KRIST: From the very beginning. [LR37]

BETH BAXTER: From the very beginning. [LR37]

SENATOR KRIST: And my last question for you is you, on Item 4, you say very specifically remove the heavy-handed management from the Central Office of DHHS. Can you just give me an example of how that happened and potentially how we can fix

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

that. [LR37]

BETH BAXTER: Well, we have...I think we have stellar leadership within house, Children and Family Services in the service area, a group of leaders who want to listen to stakeholders, who truly want to partner and see the benefit in that. I don't believe that they're truly allowed to do that in certain circumstances. An example may be there are entities who are interested in moving forward with reform in this service area but the department has not allowed service area leadership to have really conversations with those folks or to bring them into the stakeholder process to learn more. I understand concerns around conflict of interest and those kinds of things, but we need to be able to begin to move in a direction that will ensure success, not handicapping entities who want to participate in reform. [LR37]

SENATOR KRIST: Thank you, Beth. [LR37]

SENATOR CAMPBELL: Senator Gloor. [LR37]

SENATOR GLOOR: Beth, thanks. Thanks for attending, first of all. I'll be very careful with this. I'll make a comment and with apologies to my counterparts who are up here because they've heard it time and time again but this is a learning opportunity for some people in the audience, and then I'm got a question for you. But my comment is going to be along the lines of what happened and why did we find ourselves with so many problems with this change. And you're exactly right with your listing of some of the three experiences and those challenges, but I group those under the overall challenge we had with this reform being a change in payment systems going to a risk-based form of reimbursement. I mean before we had the traditional fee for service, you provide care, you submit a bill, the department pays it, and the change here being negotiation with lead agencies who get a set amount of monies out of which they agree to provide services and then pay those...pay for some of those services they can't provide to subcontractors, and it's a profound change that has had its problems in the traditional

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

acute care healthcare system. I mean it's not a bad system, per se, but it is such a change that both the people who sign the contract as well as the entity that's offering the contract have to make sure that they have a good understanding of what they're asking for and they have to have a good understanding, on the other hand, of what their costs are. And I think we were ill prepared to go into this shift in payment, and so much has come out of that that is a negative. We're learning. Think people are getting better. I think lead agencies are going to get better at it. I think the state's understanding better it needs to make some adjustments on what it asks for. But the problem here was a dramatic change in how we paid for services, how that risk was shifted. And your comments I think reemphasize that was part of the problem. Now my question for you, past my comment phase and educational opportunity, your commend under addressing the top three issues facing the region, and you've been in the region for a number of years. I think you started when you were 17 or 18, as I recall. [LR37]

BETH BAXTER: About that, yes. [LR37]

SENATOR GLOOR: The dismantling of system of care components that are essential to the sustained reform, including the lack of support for the family organizations and an effective case management model known as the ICCU, would you elaborate on that a little bit? I mean it's an involved issue here but to the extent that you can boil it down a little bit, would you try and give a better description? [LR37]

BETH BAXTER: Absolutely, and I've been in system of care work probably more than 20 years actually in my work with the region, and particularly around children and family work. We had an opportunity to...we received a large federal grant that helped us implement, helped us learn, study. It gave us time to learn what was happening nationally and take our experiences and couple them with the principles of system of care and implement strategies that really did make a difference in the lives of children who have, in our field, who have serious emotional disorders in their families. And those principles have been researched and they include a strong family component, that

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

families no best what they need and what their children need. We know that there are families that need a significant amount of assistance in caring for their children. We know there's times families are not able to do that and there are mechanisms then to ensure that that child gets into a permanent, loving family environment. So we removed that support. The regions, we had worked to develop family organizations, support them statewide, and in the payment mechanism in child welfare reform those family organizations were really kind of left out there to dry. They had to rely upon the lead agencies, who were underfunded in the beginning too. We all acknowledged that they were important but how in the heck were we going to pay for them? And then the ICCU was a concept that was built upon our experience in wraparound and strength-based care, bringing, ensuring that there were evidence-based practices in our system, and it worked. It was cost-efficient. We saved money for the department. I think children got...children and family got better outcomes. I think one of the most significant outcomes--and Bernie Hascall is sitting behind me and Bernie was our manager of the ICCU--Bernie showing us that through data and through monitoring of care that we actually saw the age of children come...and these were the children and adolescents with the most complex issues that cost the most, we really focused on those children and adolescents that, you know, traditionally are the 20 percent, the high utilizers, those that have challenging issues, and Bernie helped us see that over time in this process we took the average of children coming into the system and we reduced that. When initially children came in, adolescents came into the system maybe when they were 15, 14, 15 years old, and over the course of that, implementing that model, we saw that age drop fairly significantly to where children were maybe 11 or 12 when they came into the system, and that's significant because we were getting...we were getting to children earlier, intervening in their lives and providing effective interventions and support, and that's what reform is about, is being able to intervene earlier, keep children out of the system and provide supports for their family. [LR37]

SENATOR GLOOR: Ironically, the name chosen for the move to privatization was Families Matter, as I recall. What did the scores for the region reflect from a

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

comparative standpoint with other regions? Well? I mean didn't those numbers compare to the federal assessment? [LR37]

BETH BAXTER: Yes, and truly the...you know, if you looked at the regions statewide, you know, there was consistency there because there was a model that was followed, a model that had, you know, the same type of vision, guiding principles, values, those types of things, but a model that allowed individuality based upon that region and service areas, and say their needs, their strengths, the gaps that they had and the resources that they were able to bring to the process. [LR37]

SENATOR GLOOR: Thank you, Beth. [LR37]

SENATOR CAMPBELL: Okay. I'm going to move on to the next testifier and hope that Ms. Baxter would stay around in terms of coming back to questions, but I want to make sure that all the people who signed up, we make sure we get to them. So if you would stay around, we may come back. [LR37]

BETH BAXTER: I sure will. Thank you. [LR37]

SENATOR CAMPBELL: Thank you, Ms. Baxter. The next testifier is Mr. Scott Dugan, Mid-Plains Center for Behavioral Healthcare Services. Good morning. Thank you very much for coming today. [LR37]

SCOTT DUGAN: (Exhibit 2) Well, thank you. My name is Scott Dugan, S-c-o-t-t D-u-g-a-n. I am president/CEO of Mid-Plains Center for Behavioral Healthcare Services. Our organization has provided a full array of mental health, addiction, and child welfare services throughout central Nebraska for more than 40 years. I'm here today to speak to you on our experiences over the past couple of years with the HHS Child and Family Services Division contracts. I believe that I bring a unique perspective in that I was a founding member of the Alliance for Children and Families that Beth spoke about. We

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

are one of the private partners with Region 3 and we were selected as a lead agency in the Central Service Area but chose not to move forward with that contract. I'd be happy, if desired, to speak more to that at a later time but I'd like to stay on topic as addressed by the committee. So first, I'll address the top three issues that we did experience with Boys and Girls as a lead agency. First, from the beginning of our coordination and discussions with them, it was evident that they did not have the administrative structure and resources to manage a system of care as broad and complex as child welfare. In order to manage a network of providers in a complex system involving many parties and organizations, you must have a solid IT backbone in place, clear administrative roles defined, and written procedures that facilitate exchange of information smoothly. Boys and Girls Home did not have such an infrastructure in place when the case transitioning did begin in January, and it was many months until there were signs of this being developed. Secondly, communication is a topic of concern with nearly every level of every organization. While it's understood that anytime there are changes, new ways of communicating must be developed. However, the situation with Boys and Girls Home was by far one of the worst that I've seen in some time. It was not uncommon to wait weeks and sometimes months to get information regarding families in care. Even at the administrative level, the communication was virtually nonexistent. To this day, despite many letters, e-mails, phone calls, accusations on their part toward my organization in the newspaper, Boys and Girls Home CEO never once responded to my pleas for discussions related to statuses of cases and contracts. There were, of course, some service coordinators and staff that were excellent at their job, but by and large there was little opportunity for meaningful discussions to help improve the system. Finally and probably most public to discuss is the issue around financial management. I began raising the payment issues in May of 2010, when we had yet to receive our payment for services that had been delivered in the month of March. Contracts that providers had with Boys and Girls Home stated that payments would be made within 60 days after receipt of the billing information they required. Beginning with the May 2010 date, each month we found it took longer and longer to get these payments, and when the payments would come in they would only be partial payments with little or no

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

information as to why. My repeated calls and attempts to discuss this with the leadership at Boys and Girls Home went unreturned. Throughout this time I had conversations with many of you and other senators and staff at the Central Office for Health and Human Services, alluding to the fact that the point we reached last October was inevitable based on what I was seeing and experiencing. The fallout from the lack of payments not only affects provider businesses such as mine, but it's really affected the foster care system. We've seen a dramatic drop in interest from families desiring to be foster parents and organizations across the state have suffered tremendously, some going out of business, some close to making that decision on whether or not to continue in this line of business. The second area you asked us to focus on was the top three issues we're currently being faced with. Number one issue facing us and providers is the financial strain that this change has placed on the organization. Not only have we, my organization, lost nearly \$140,000 in revenue for those services we delivered to Boys and Girls Homes' cases, but the changed system has also resulted in lower reimbursements with higher demands, and that makes this business model fail. My background is in business and financial planning, so I believe my analysis has substantial credibility and is not based on emotion. What we've seen in the service area without a lead agency is that contracts with Health and Human Services are requiring us to perform many of the functions that are currently assigned to the remaining lead agencies but not getting the funding to support those functions. Further, changes to the reimbursement structures have resulted in somewhat of a manipulation of the system to the point that, although our number of children in foster care from my organization has doubled in the last year, our reimbursement has dropped 40 percent. Second issue we currently face is the continued lack of flexibility in the design of the system. We've been providing true, evidence-based practices for nearly 15 years and have many creative and results-driven strategies that could effectively address many family issues with those involved with HHS. However, we are constantly met with resistance to making these kinds of changes. It often comes down to being stuck in traditional silos of funding where we have to try and fit a family into a specific slot that's been identified for that funding. We're consistently finding families are needing a more flexibility and creative

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

approach to reach that stability. Third, uncertainty of what the future holds is an overarching issue that continues to weigh heavily on all of the provider organizations in our service area. We've now seen three lead agencies cancel contracts, and each time the providers have been left with outstanding payments that are only settled in part. There is a continued move to contract with a new lead agency in the central, western, and northern areas. I do believe many of us are going to be evaluating our ability to continue providing services given this track record. I've already been contacted by organizations from Florida, Kansas, and Texas who are seeking a potential lead agency contract. What happened to Nebraskans taking care of Nebraskans? The third area you asked us to comment on was what recommendations you have regarding child welfare in the future. While I certainly do not pretend to have all the answers to these challenges, I would offer a few things that may help move this system in a better direction. First, there must be some protections put in place regarding the financial risk that any provider of services will face. This may mean new statutory language that provides relief funds for potential situations like we've seen with Boys and Girls Home and Visinet. Providers are frustrated because we have seen Health and Human Services find more than \$20 million of new money to help these lead agencies through this process but nothing has been done to help those of us actually taking care of the children and families. Secondly, I would suggest that if a decision is made to move forward with selecting a new lead agency for our service area that there would be involvement from us providers and a more robust vetting of the contracted entity. There clearly was not a very good review process to ensure that the lead agency candidates were capable of managing a system of care as asked, so it would be important that there are clearly established requirements and a thorough review of the organizational capacity to operate a system of care. As for provider involvement, no one knows better the landscape of a service area than the entities providing those direct services. Why wouldn't we create a provider panel that would be part of a selection and vetting process to the point that they can so as to ensure integrity in that process, and then everyone can be confident that the new lead agency will be able to deliver what it is being asked to do? I also would like to comment just on the Central Office issue

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

because I think that relates to this, the question that Senator Krist asked Beth Baxter. I would agree wholeheartedly with Beth's statement that we have good leadership in our service area. They are very willing to speak with us, talk with us, and our wanting creative solutions and ideas. However, there have been times when, hey, we like your idea. However, because of the way things are, we're told we're not allowed to do that, we're not allowed to do this. You want to look at how that could be changed, Senator Krist? I would encourage you to look at the structure and how the operational implementation has happened in the Division of Behavioral Health. While there is central control and management authority in Lincoln under the division, each regional administrator has extreme flexibility to make sure that what they're doing is meeting the needs of the folks in that part of the state, and I think that could be the start of how things could maybe change for the better around that particular issue. I do thank you for the opportunity to discuss these experiences in the system transition and I caution that we should all stay focused on the goal we are trying to achieve and not get stuck making sure that our idea or another idea is the one that wins in this process. There's no shame in saying this didn't work and changing the direction of a plan. Each failure brings us one step closer to success if we do let it. So I thank you for your service to Nebraska and for taking the opportunity to hear this, not only in this service area but each service area. And I'd be happy to answer any questions. [LR37]

SENATOR CAMPBELL: Mr. Dugan, thank you very much. And I want to recognize the fact Senator Gloor indicated to me that you serve on the city council here, so thank you very much for your service. Mr. Dugan, before we start with any questions, one of the avenues that the committee will most likely take after the series of hearings are...or before, depending upon our schedules, we would like to sit down and visit with all five of the lead agencies and yourself, who did not go into a contract, those who may have left, and those who are in existence as lead agencies. And I would invite and my question to you is would that be something that you would be able to participate in? And we would work with your schedule. But that may help some of the questions here because we would like to go into more depth with you on that issue. [LR37]

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

SCOTT DUGAN: Absolutely. I would be more than happy to be a part of that because I think, you know, we had...I think we had established a pretty good organization that could have done great things in this. Our decision not to move forward with signing the contract was based on sound business strategy that we knew that given the circumstances, what we were asked to do and the money that would be provided would not work and we did not feel comfortable moving forward to try and make it work because there are lives at stake. There are children and families that will suffer if it doesn't, and we're seeing that. So I'd be happy to participate however I can. [LR37]

SENATOR CAMPBELL: Senator Dubas. [LR37]

SENATOR DUBAS: Thank you, Senator Campbell. I'd like you to expand on that a little bit more. The financial issue is definitely the obvious reason why you didn't move forward. Are there other...were there other issues that caused you to say, no, I don't think we can do this? [LR37]

SCOTT DUGAN: Well, you know, the short summation of what happened is we worked through a very thorough and exhausting negotiation process with staff from the Division of Children and Family Services. All the lead agencies had staff involved in many, many facets of developing the contract that was eventually there. Throughout the entire time there was a dollar figure that had been put out in May of 2009 of how much money would be allocated to service these contracts. When it came to November, the number was significantly lower, and just a few weeks before being asked to sign the contract. So the dollars were a significant piece of it. Some of the things that could have shortened that and maybe made us do it: Why have two service lead agencies in a service area? I understand the redundancy and the need for protection of failures, however, we're seeing that what we did do didn't protect us from failures very well anyway. We could have, we would have signed that contract had we been the sole lead agency in the Central Service Area. The Alliance would have signed that. Because

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

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there were two chosen for the service area, you're duplicating two administrative structures, two IT structures, and it just created too many problems. I think the overall plan could have been delivered. I will not say that there's not enough money allocated to the Division of Children and Families to accomplish what we need. I cannot confidently say one way or the other whether there is. I do believe that there are a lot of administrative functions that are currently and have been paid for within the Division of Children and Families, that those...as those functions were moved to lead agencies, the dollars should have followed and the staffing should have been reduced. [LR37]

SENATOR DUBAS: When you realized you weren't going to be able to move forward, did you take...I'm sure you voiced those concerns to the department. What type of reception did they give to you when you said, you know, for these reasons we just cannot move forward and sign this contract? [LR37]

SCOTT DUGAN: The department leadership was always receptive and willing to listen. I think all lead agencies would concur that throughout the discussion it was made clear time and time again, no new money, no more money, no more money; what you get it what you get; if you sign this you got to deal with it. [LR37]

SENATOR DUBAS: There were no avenues saying, okay, can we...like you...you talked about the flexibility. There was no talk about, well, maybe we could give you this type of flexibility in exchange for the lack or the decrease in dollars. [LR37]

SCOTT DUGAN: The discussion was there but there was...yeah, it wasn't given. There was a strict time line that that really wanted to keep with. And the other lead agencies that did move forward were ready to move forward regardless. They felt that they had a plan that could work and, you know, no fault of HHS, if I have enough people that are willing to move forward, I'm not going to slow a process down just for one. [LR37]

SENATOR DUBAS: Thank you. [LR37]

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

SENATOR CAMPBELL: Senator Gloor had a quick question. [LR37]

SENATOR GLOOR: Scott, your handout has the number that you're owed by Boys and Girls but you didn't state that. So for the record, since we're keeping track of all this, would you mind two things? One is stating that amount that you're currently owed and the second is a question: Have you breached that gap? I mean how did you make up funds you weren't paid? It's a sizable amount of money. [LR37]

SCOTT DUGAN: We are still owed to this day \$138,068 for services that we did provide. Bridging the gap, we've used equity that we've built within our business, but we've gotten to the point now that there is no more equity, there's no capital to use, and we have moved...as I said in my statements, we will seriously evaluate our continuation in participating with Children and Family Services if the lead agency process moves forward without significant changes, because it's not fair to my employees, it's not fair to the foster parents that we've had working with us for 20 years to continue. But I will...I mean we've managed it. We are a diversified enough organization that we have many other lines of business that can make up some of those shortfalls and continue operationally. There are businesses that the Children and Family Services are their sole function and they are teetering on the edge of closing. [LR37]

SENATOR CAMPBELL: Mr. Dugan, would you be willing to stay around for a while if we have additional questions? [LR37]

SCOTT DUGAN: I will be here as long as you need me. [LR37]

SENATOR CAMPBELL: Okay. Thank you very much. Our next testifier this morning is Yolanda Nuncio. I hope I'm saying that right. [LR37]

YOLANDA NUNCIO: Close. [LR37]

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

SENATOR CAMPBELL: Close. And Yolanda is the DHHS Central Service Area administrator. Welcome today. Could you pronounce your name? And I'm supposed to be saying, and spell it, and I forgot that with Mr. Dugan and Ms. Baxter. [LR37]

YOLANDA NUNCIO: (Exhibit 3) Okay. Good morning. My name is Yolanda Nuncio and I am the service area administrator for the Nebraska Department of Health and Human Services. My name is spelled Y-o-l-a-n-d-a N-u-n-c-i-o. The Central Service Area is comprised of 21 counties. The department has offices in the cities of Grand Island, Hastings, Kearney, Holdrege, Clay Center, Ord, and Broken Bow, and I am pleased to have this opportunity to provide you information about child welfare and juvenile services in the Central Service Area. Families Matter is a statewide initiative regarding child welfare and juvenile services, not just the department's use of contracted case management in the Eastern Service Area and the Southeast Service Area. Families Matter is our name for Nebraska's focus on the entire child welfare/juvenile service system and the implementation of improvements to help produce the right outcomes for children and their families. The goals of the Families Matter initiative are to ensure that children and communities are safe, to see that children are connected to a caring adult and have the tools to lead productive lives. Through these reform efforts the Central Service Area has been successful in reducing the number of state wards from 675 in November 2009 to 568 in June 2011. In June 2011 the CSA was also serving 38 families outside the formal court or noncourt involved. On September 30, 2010, the contract between the department and Boys and Girls Home of Nebraska to provide nontreatment services and service coordination was terminated. Following that date, the responsibility for locating and providing services to children and their families involved the child welfare or juvenile services system returned to the department. CSA was fortunate to regain many of its former service providers when Boys and Girls Home's contract ended. In addition, providers that had been offering services in other areas began providing services in the Central Service Area. We have also added other providers since then. New providers would include Futures Family Services and

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

Nebraska Children's Home. In addition to contracted services, we work closely with community-based agencies to provide important services to children, youth, and families. The model of the service area is helping families help themselves, so partnering with community agencies is an important way that families can achieve this goal. I did include in my testimony a list of the agencies that we have partnered with and so those are there for you to see. The CSA is fortunate that we traditionally have had a strong relationship with Region 3 Behavioral Health Services. Region 3 representatives serve on our local Families Matter stakeholders committee and participate with us as a resource and referral source for children and families with mental and behavioral health issues. We also collaborate in training with opportunities for our staff. CSA recognizes the need for more services to serve the delinquent population, especially around behavior modification, drug and alcohol education, and independent living. CSA has met with several providers, including Mid-Plains, Boys Town, and Region 3 Behavioral Health Services, to discuss this need. A goal of the Families Matter initiative is to ensure that children remain home or are placed with relatives whenever it is safely possible. All efforts are made to keep a child in their home if the child's safety can be assured. With use of in-home supports and services, the service area has been able to increase the number of children served in their home from 29 percent in November of 2009 to 36 percent in June of 2011. Some children need to be placed in an out-of-home setting while their caregivers work on addressing the safety threats that led to the child's removal. Placing a youth with a family member or someone previously known to the child is a priority for our staff. As such, the number of children placed in kinship care has increased since 2008. In 2008, the service area had 66 relative or known-to-the-child, approved foster homes. As of June 1, 2011, we have doubled the number of children placed with relatives or family friends to 135. When children cannot be safely placed with a relative in an approved foster home, the next least restrictive placement is with the licensed foster family. While the number of licensed foster homes has decreased, this drop in licensed foster homes reflects the ongoing shift to kinship care or use of someone known to the family. The Nebraska Foster and Adoptive Parent Association helps recruit and train foster parents. As a result of their efforts, the Nebraska Foster

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

and Adoptive Parent Association reports 40 new foster home inquiries within the last two months. We will continue our efforts to increase the number of quality foster care families. There is a shortage of foster homes across the Central Service Area that are willing to care for the teenage population and those children with more serious behavioral issues. Many foster homes are not appropriate for these youth. We continually focus on finding the best possible match between a child and a foster family. This need is being addressed with the eight-agency foster care agencies to recruit, train, and retain foster families. These contractors are Boys Town, Christian Heritage, Compass, Epworth Village, Mid-Plains Center for Behavioral Health, OMNI, South Central Behavioral Services, and Nebraska Children's Home. These agencies are also able to support and train relative and known-to-the-child, approved foster homes. With this support, the children and youth placed in out-of-home care in the Central Service Area will experience improved placement stability. Unfortunately, not all youth can reside in the family home setting due to their behavior and supervision needs. At this time, there is a shortage of alternative placements, including group home and shelter beds, in the Central Service Area. As a result, youth are being placed outside of the service area. Currently, there is one group home for boys located in Grand Island. There are currently no group home beds available for girls in our service area. Service area also has a need for more temporary placements, especially shelters. While the Boys Town shelter is located in Grand Island, it is almost always at capacity. With the close of the Boys and Girls shelters, we are left with few alternatives. As part of the Families Matter initiative, we have redoubled our efforts to collaborate with our partners to improve child welfare and juvenile services outcomes. A stakeholders group was established in the Central Service Area to gather input from community stakeholders. Members of this group include representatives from CASA, Foster Care Review Board, Probation, legal community, educators, mental health, Child Advocacy Center, mental health professionals, law enforcement, and other agencies within the communities. We meet monthly to discuss upcoming changes, outcome data, and community issues that affect children and families. One of the group members also serves as a representative to the Statewide Partners Advisory Council. It is important to monitor our performance

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

through the outcomes that children and families experience when interacting with the child welfare or juvenile services system. Increased availability of service area specific data from Central Office has been helpful. This data is shared with staff and stakeholders to make improvements in the outcomes for children and families and to celebrate the successes. Data are shared on a quarterly basis to determine the system's progress with the program improvement plan goals and to determine if new goals need to be established. In order to monitor this, the state, including the Central Service Area, participates in quarterly Children and Family Services Reviews. In the last quarterly CFSR completed in 2011, the service area has consistently showed strengths in the area of nonoccurrence of maltreatment, children not reentering the foster care system, placement of children with their siblings, placement of children near their home of removal, monthly visits to the child by the caseworker, and assessment of the child's educational and mental health/behavioral health needs. Areas needing improvement include establishing permanency for children earlier, assessment of the needs of the parents and other children living in the home, involvement of both parents and the child in case planning, maltreatment in a foster care setting, and placement stability. The Central Service Area established a permanency planning team in 2008 to staff cases of those children and youth who have had difficulty achieving permanency. The team is comprised of department staff from different disciplines, CASA, and family advocates. As a result, the CSA has improved its outcome on the establishment of permanency for children who have been in care for long periods of time. One of the most recent changes we face involves the major demographic changes experienced by the communities in the Central Service Area, especially in the cities of Grand Island, Hastings, and Kearney. Immigrants and refugees have relocated to the service area from Mexico, Central America, South America, Somalia, and Sudan. Within the last few weeks we have had an influx of Karen refugees from Burma and Cuban refugees. The challenges that come with new communities include communicating effectively with families that have different languages, religion, and culture. We continue to work with immigrant and refugee families using the same standards around the safety of the children in the home, while respecting their religious beliefs and cultural beliefs. In the

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

Central Service Area, we have Spanish and English bilingual DFS specialists in the Grand Island, Kearney, and Hastings offices. We also have support staff that are bilingual in Spanish and English, and in order to meet the needs of the other cultures we contract with interpreters. The Central Service Area is committed to making the Families Matter initiative succeed. We are committed to this initiative because we believe that doing our work in this way will help us help children achieve permanency. We want more children serviced safely at home. As our staff completes the proficiency development training, we will continue to increase our assessment and evaluation skills in every situation without compromising children's safety. We continue to have the challenges that we have identified but we have a dedicated and qualified staff that are committed to the children and families in our community. In the packet that I gave you, I did include information on the comps reports that are both for the state and for the Central Service Area. I included an organizational chart of the Central Service Area, including phone numbers. Also included is a map of the Central Service Area and then there are some charts that cover specific topics. There's also a list of the nonplacement providers and the services that they provide for the service area. Thank you for your time. Thank you for listening, and I will try to answer any questions. [LR37]

SENATOR CAMPBELL: Questions from the senators? Ms. Nuncio, I'm sorry, you have...these are the contractors that within this service area. [LR37]

YOLANDA NUNCIO: Yes, ma'am. [LR37]

SENATOR CAMPBELL: Is that correct? Is this a listing of all possible services that you could use? [LR37]

YOLANDA NUNCIO: This...that list is a listing of the services that they provide at this time. [LR37]

SENATOR CAMPBELL: Okay. [LR37]

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

YOLANDA NUNCIO: We constantly meet with providers in our service area as we...when we see a new need develop and I believe that we've had good working relationships with the providers that we do have. And so if they have an idea, you know, then we will sit down and talk with them and discuss the idea. If we have a need then we will sit down and talk with them also. We do meet...our resource development staff does meet monthly with providers and with contractors for foster care and so we do manage to maintain a good relationship. I think we're very effective with the communication in the service area. [LR37]

SENATOR CAMPBELL: Do you work with The Eyes of the Child Initiative teams?  
[LR37]

YOLANDA NUNCIO: Yes, Senator, we are involved with the Through the Eyes of a Child. We have active teams in Grand Island, in Hastings, and in Broken Bow, and we meet...the members in the Grand Island office that are involved with that Through the Eyes are people from CASA and from county attorney's office, judges, our staff. There's lawyers that are local lawyers. There's a good representation of the community. I also attend the Phelps County Through the Eyes of the Child meetings and that's also a pretty strong, pretty effective group. [LR37]

SENATOR CAMPBELL: Yes, Senator Krist. [LR37]

SENATOR KRIST: Thank you for your testimony. The testifiers so far have been very complimentary of your listening and your assistance in their efforts. You stated that the contract was terminated with Boys and Girls but not really a perception or an opinion. How soon after they actually took over the contract were you aware that they weren't going to cut it? [LR37]

YOLANDA NUNCIO: I have to state that our relationship with Boys and Girls on the

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

local level was good. I believe and I think most of our staff will believe that they were receptive to us. We had an area supervisor that was very responsive to us. We met with them on a weekly basis and so we were able to communicate well. We were able to work well with each other, with the two agencies and with families. The issues around the financial, where, you know, those started to appear later in the contract as it moved forward. So that's what I can say. [LR37]

SENATOR KRIST: So were you aware at the 60-day point, as it was pointed out, that the providers were not being paid correctly? You became aware from the providers that that was happening at 60 days? Did you know that that was going on? [LR37]

YOLANDA NUNCIO: I do not remember when we were first made aware of payments and payments not being made. I can say that, for example, when we received calls from Scott, Mid-Plains, or from South Central or from any of the other agencies that were not being paid, we did immediately follow up with that with Central Office and also with Boys and Girls. [LR37]

SENATOR KRIST: Okay, so... [LR37]

YOLANDA NUNCIO: But I can't say that I remember exactly when it was that we became aware of it. [LR37]

SENATOR KRIST: So we've heard other testimony that would say that a lead agency should be a broker and not a broker and a provider of services. Can you give me your professional opinion on that issue? [LR37]

YOLANDA NUNCIO: I can say that when we...the process that we went through when we selected the providers for the Central Service Area were we spent a lot of time on reviewing those proposals and trying to make the decision that would be the best for our service area, and, you know, we were concerned about agencies not having adequate

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

funds to provide the services. But when we went through this, we really believed that Boys and Girls, because of their history, because of their agency, the size and, you know, the foundation and how they were, what they consisted of, that they would be able to financially hold this. I also know that as we went through this process, when problems started to arise then we provided our resource development staff to help them get their...get bills in order and try and get payments out. Beyond that, I think that I would have to refer to CEO Winterer about any other questions after that. [LR37]

SENATOR KRIST: Okay. Thank you. [LR37]

YOLANDA NUNCIO: And my reasoning for that is because, you know, we tried to handle what we could from our part, from our area, from our responsibilities, so... [LR37]

SENATOR KRIST: Thank you. [LR37]

SENATOR CAMPBELL: Ms. Nuncio, would you be willing to stay around for a while? We're going to go on with the testimony but will you be here for a while in case... [LR37]

YOLANDA NUNCIO: Certainly, ma'am. [LR37]

SENATOR CAMPBELL: Thank you so much for coming and extend to all the people who work in your office we really do appreciate that too. [LR37]

YOLANDA NUNCIO: Thank you. I'll be glad to do that. Thank you. [LR37]

SENATOR CAMPBELL: As Ms. Nuncio indicated, visiting with us today is Kerry Winterer, who is the CEO of DHHS. Thank you. Our next testifier is Ms. Dawn Paulsen and Ms. Paulsen is with the Foster Care Review Board as one of their specialists. Good morning. How are you? [LR37]

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

DAWN PAULSEN: (Exhibit 4) Good morning. Thank you for inviting me here today. My name is Dawn Paulsen, D-a-w-n P-a-u-l-s-e-n. I'm a review specialist for the State Foster Care Review Board and have been in that capacity for the past 13 years. I review the Kearney and Grand Island Central Service Areas which have three volunteer board meetings per month resulting in approximately 35 foster children being reviewed in this area per month. The Foster Care Review Board reviews and makes findings and recommendations of children who have been placed in out-of-home care. I am currently a member of three Through the Eyes of the Child teams under Judge Martin in Grand Island, Judge Jorgensen and Judge Beavers in Kearney, and Judge Ide in Holdrege. I am also a member of the Hall County 1184 Treatment Team, and I am also a stakeholder in the Central Service Area Families Matter Partner's Council. Therefore, I would like to provide the committee with information that I have observed and received. The top three issues experienced with Boys and Girls Home as a lead agency that we saw was, first and foremost, the lack of payment and reduction in payment to foster families. The second was also Boys and Girls Home did increase the usage of relative placements, and also the family support and visitation service providers became solely being provided by the Boys and Girls Home. This is also currently being rebuilt in this area. As I noted, the Foster Care Review Board does not track foster care payments. However, there were payment issues that were consistently reported to us by foster parents. The top three issues that I see facing the child welfare since the lead agency has left, because of the lack of payment, reduction of payment to foster homes, there has been a reduction in foster homes available in this area. This has made it difficult to maintain foster children in their communities. This not only disrupts the children's educational setting. It also typically will disrupt their medical and therapeutic relationships. It also increases transportation services for things such as visitation with their parents and attending court hearings. Because the Department of Health and Human Services Children and Family Services workers remained actively involved in their cases while Boys and Girls Home were the lead agency, this offered a smooth transition back to the Department of Health and Human Services. Also because of the family support and service providers were solely being provided by Boys and Girls

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

Home, again the infrastructure had to be rebuilt and is currently in that process. The recommendations that I would have for child welfare in the future is for the Department of Health and Human Services to strengthen their oversight of the lead agencies, including service coordination and financial payment, and to act on reported concerns in a timely manner. Also, assess the foster care payments, the recruitment process for the foster parents and how they can retain foster parents. In other parts of the state, the Foster Care Review Board has seen these same reported concerns regarding foster parent support. As stated in the Foster Care Review Board Reform Report issued in December of 2010, 50 foster parents had directly reported to the Foster Care Review Board staff their intentions to cease foster parenting. Pay had generally decreased while their roles and responsibilities had increased. They were expected to provide supervision for parents and siblings without adequate support or training. The supervision of the parent/child contact could create a potential conflict of interest in the foster parents who are potential adoptive parents. Between April 1 and May 20 of 2010, foster parents made at least 80 contacts to the Foster Care Review Board seeking assistance with getting past-due payments or getting previous reimbursement rates restored. Foster parents directly reported that they were receiving less reimbursement than prior to the reform. They also reported that they are no longer receiving respite care or clothing reimbursements. Several relative placements had contacted the Foster Care Review Board to describe the difficulty carrying for the children when they received only \$10 per day in reimbursement, as particularly grandparents who are on fixed incomes. I would like to make accommodations to the Through the Eyes of the Child meeting in our areas. They have been very active. Judge Ide's team meets approximately every month, Judge Martin's team meets quarterly, and Judge Jorgensen and Judge Beaver's team also meets quarterly in the area. The LB1184 team in Grand Island and the Families Matter Partner Council also meet monthly to evaluate services that should be provided or are lacking in the area, and what we can do to improve on in the areas. When accurate and complete information has been provided to the Hall County Deputy County Attorney, Bob Cashoili, he has been able to evaluate permanency for the children. He has been persistent in pursuing permanency for

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

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children, whether this be through permanency hearings or the exception hearings in juvenile court. Mr. Cashoili has also taken an active approach in filing aggravated circumstances when it is in the best interests of the children. The Foster Care Review Board and the Central Service Area have a great working relationship. The Central Service Area administrator, Yolanda Nuncio, has made it a requirement that all of her Children and Family Services workers attend our local board meetings and provide information to the board. The Foster Care Review Board and the Central Service Area also staff cases of concern to come up with plans and ways to address these concerns. The Central Service Area staff are receptive to the board's recommendations and many times ask for the board's input regarding changes to the case plans. In the Central Service Area, the Foster Care Review Board has seen in this area work together as a team with all professionals from the department's staff, Foster Care Review Board, CASA, attorneys, and other stakeholders in the area. The community stakeholders have responded well to the Families Matter meetings that are currently held on a monthly basis to inform the stakeholders of any changes as well as giving the stakeholders an opportunity to share concerns and come up with resolutions. Thank you for taking the time to hold this hearing regarding the child welfare system and I appreciate being given the opportunity to be heard regarding child welfare issues that we face in the Central Service Area. Do you have any questions? [LR37]

SENATOR CAMPBELL: We'll start at this end and then work this way. Senator Gloor. [LR37]

SENATOR GLOOR: Thanks for taking time to provide testimony to us. Your comment towards the end about five more reviewers statewide would be beneficial, is that your opinion or is that held by Carol and...I mean is that held by the board overall? [LR37]

DAWN PAULSEN: I believe that was by Carol. [LR37]

SENATOR GLOOR: Okay. [LR37]

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Rough Draft

Health and Human Services Committee  
August 03, 2011

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DAWN PAULSEN: Uh-huh. [LR37]

SENATOR GLOOR: Okay. Thank you. [LR37]

SENATOR CAMPBELL: Okay. Senator Krist. [LR37]

SENATOR KRIST: You said when accurate and complete information is provided, good placement happens. I, in talking with judges and a few lawyers in the Omaha area, became aware that there was a concern that the right people were not testifying, were not presenting to the judges. Could you talk to that for just a second? [LR37]

DAWN PAULSEN: As far as...I guess I'm not understanding "the right people"? [LR37]

SENATOR KRIST: Well, you alluded to that when accurate and complete information is given. Why would there not be accurate and complete information? [LR37]

DAWN PAULSEN: Sometimes with... [LR37]

SENATOR KRIST: Are there social workers or somebody that should be giving testimony that are not? [LR37]

DAWN PAULSEN: Sometimes with case management overturn, sometimes the history of the cases become lost. And if there's a maintenance that is provided that shows the history, that possibly there may be some aggravated circumstances or that these children have come into care several times or there have been numerous reports, when all that information is provided to all the parties I believe that they are able to be able to move forward on permanency and being able to provide or evaluate the correct services that those families need. [LR37]

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

SENATOR KRIST: So help me out with that. Does that mean that we need to potentially change the folks who are providing testimony or providing information to the judge in every case so that we can guarantee that the best and most accurate information is coming forward? [LR37]

DAWN PAULSEN: I think what would help would be retaining case managers that would be able to provide that history when they do testify. [LR37]

SENATOR KRIST: Okay. Thank you. [LR37]

SENATOR CAMPBELL: Yes, Senator Dubas, and then we'll come back. [LR37]

SENATOR DUBAS: Thank you very much, Senator Campbell. Thank you, Dawn. You mentioned the meager payment that a relative placement receives and that, you know, it definitely is a hardship. Was that the case pre-reform? Were they still being paid a lesser amount than other foster... [LR37]

DAWN PAULSEN: I do not have that information. I'm sorry. I could have Carol Stitt get that to you. [LR37]

SENATOR DUBAS: That would be great. And you might not be able to answer this question either and I could probably visit with Carol. Do you know if there was a methodology in place pre-reform for how we set up foster care payments? [LR37]

DAWN PAULSEN: My understanding is that there were a checklist that was in place and it was reviewed, but I don't know the exact process of how that was established. [LR37]

SENATOR DUBAS: Okay. All right. Thank you very much. [LR37]

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

SENATOR CAMPBELL: Senator Bloomfield, did you have a question? [LR37]

SENATOR BLOOMFIELD: No. [LR37]

SENATOR CAMPBELL: (Inaudible) Senator Wallman. [LR37]

SENATOR WALLMAN: Yes, thank you, Senator. Yeah, thanks for coming. My regard is piggybacking on Senator Krist as far as assessments of the needs of a child. Are we...are the foster care parents, you know, that you bind them together, are they getting the true information they need? You know, we're having trouble getting foster parents, I see. We even have ads all over the place. [LR37]

DAWN PAULSEN: Right. As far as they getting true information or...? [LR37]

SENATOR WALLMAN: Yeah, of the child, troubled child, you know, special needs child. [LR37]

DAWN PAULSEN: There...we receive reports, a gamut. You know, some foster parents are reporting that they do feel that they receive adequate information on the children and then there are some that feel that they didn't have enough information and that's why they felt that the placement disrupted. [LR37]

SENATOR WALLMAN: Thank you. [LR37]

SENATOR CAMPBELL: Okay. All right. Thank you, Ms. Paulsen, for coming today and extend our thanks to those who serve on the Foster Care Review Board. [LR37]

DAWN PAULSEN: Okay. Thank you. [LR37]

SENATOR CAMPBELL: Our next testifier is Kathy Wagoner-Wiese and I'm probably not

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Health and Human Services Committee  
August 03, 2011

---

saying that correctly. Kathy represents OK Kids, Nebraska Foster and Adoptive Parents Association. Good morning. [LR37]

KATHY WAGONER-WIESE: Good morning. [LR37]

SENATOR CAMPBELL: I think I had best ask for you to spell your name and make sure we get it correct in the record. [LR37]

KATHY WAGONER-WIESE: (Exhibit 5) Okay. My name is Kathy, K-a-t-h-y, my last name is Wagoner-Wiese, W-a-g-o-n-e-r-hyphen-W-i-e-s-e. [LR37]

SENATOR CAMPBELL: Okay. [LR37]

KATHY WAGONER-WIESE: And I am a licensed foster parent. And I studied these questions that we were asked and the first one, the top three issues experienced with Boys and Girls Home as a lead agency, at the very beginning there was a lot of confusion. People didn't know who was responsible for what, who could ask questions. As a foster parent, I would ask, you know, what can I do with this, can I...you know, many, many questions. Nobody knew if that was up to the caseworker, if it was up to the Boys and Girls lead person within that case. Oftentimes they would ask questions and then not get back...or we would ask the questions and they would say they would get back to us and not get back to us. There's...I think that was probably because there was no structure, from my standpoint, that I could see. There was a lot of conflicting information. For instance, in one occasion I got called to do a placement of a sibling strip of three children. There got there to my home in the evening. I ended up with two sibling strips of three children each at the same time. Both came from Boys and Girls Home. Both came...one came from Kearney and one came from Grand Island. So that's just an example of some of the structure evidently that was not in place. So that's one example. The other one, I had...you know, there was a lot of inexperienced workers and there were some good ones too, but the inexperienced workers that I dealt with, there

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

was one in particular that lasted two weeks. And I worked one...with one that had absolutely no idea how to handle a crisis situation. We met as a team and decided what should be done in this situation and then this person took it upon themselves to change the criteria, did it differently. This child ended up being taken out of my home in handcuffs by a policeman, which I felt would not have had to be done that way. But I've also worked with a lot of excellent workers, as I said before. There were some that were very helpful, very informative, very caring. The top three issues that I face now, well, I currently had decided I wasn't going to foster anymore because of all of this, but right now I do have one child and that's because she's a return. The reason that she is a return is because she was in Geneva and in lockdown for 20 months after she left my home. They wanted to put her into a rehab-type group home and, according to my understanding, they were told that there was no money to do that. They tried to get her into a group home and they were told that she was too high maintenance and wasn't eligible for a group home, so they asked me to take her back. They offered me services that now they tell me are too high priced and they cannot provide for me. One was a day reporting service, but now they won't provide that, you know, and I took her with the assumption that this was all going to be provided. And my day revolves around this child and for past children that I've had. You know, I have to provide the transportation for them to go to the doctor, to go to therapy visits, to go to any type of counseling if they have them, to her job or, right now, to her volunteer work that she is doing. Fortunately, I have a job that they are allowing me to work around that, but I don't know what people do that don't have that flexibility. The financial subsidies were greatly reduced and this is...you were asking about an FC pay list, that's the foster care pay list, and that is how they determine what rate the child, you know, you get paid for. And my children, I had three at that time when...at one time during the time that Boys and Girls was the lead agency, and all of a sudden my payments were reduced 56 percent per child during a month. The FC pay list had been completed without any of my information, without any of my input. I asked for those to be redone and they were never redone. But I went from \$30 a child to \$12 a child. All three of them were in diapers and one on formula, so there's many, many expenses that I had to provide for those children. What

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Rough Draft

Health and Human Services Committee  
August 03, 2011

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recommendations do I have? That, you know, and I talked to...I'm very active in the foster care world and I hear so many foster parents say that they feel like they're not respected, that they don't have any input in what's going on. Many times I would just get a phone call that says, these children will go on a visit, blah, blah, blah, day at such and such time. I had to reform my family situation to abide by that. There's a lack of resources for us that we need to do our job and especially a lack of funds. You know, we're expected to do so many things, you know, and the bare minimum to even just take care of this child to feed the child, you know, house the child, let alone do any kind of social activities, there is no respite information or respite pay that's available to us anymore on a monthly basis. And also I have found and I've heard that all the different agencies have different guidelines. I feel that we need to have continuity over the state. Each agency has their own rules and regulations and it makes it very confusing and I feel that the children are being the ones that are suffering from a lot of this. Thank you. I appreciate your time. [LR37]

SENATOR CAMPBELL: Thank you so much. [LR37]

KATHY WAGONER-WIESE: I was going to mention, too, sorry, that I did not type this out but I will be glad to e-mail that to you at a later time if you would like me to. [LR37]

SENATOR CAMPBELL: That would be fine. [LR37]

KATHY WAGONER-WIESE: Okay. [LR37]

SENATOR CAMPBELL: We'll talk to the clerk and see what we might need. [LR37]

KATHY WAGONER-WIESE: Okay. [LR37]

SENATOR CAMPBELL: Questions for Ms. Wagoner-Wiese today? On behalf of all of us, thank you very much for serving as a foster parent and coming to tell some of their

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

stories. I'm hoping you will be around in case the senators want to visit with you. [LR37]

KATHY WAGONER-WIESE: I could do that. Thank you very much. [LR37]

SENATOR CAMPBELL: Thank you so much. Thank you for your service. The next testifier is Mr. Mark Young, the Hall County Attorney. [LR37]

MARK YOUNG: Good morning, Senator. [LR37]

SENATOR CAMPBELL: Thank you for coming today. [LR37]

MARK YOUNG: Thank you. Good morning, Senator Campbell and members of the committee. My name is Mark Young, M-a-r-k Y-o-u-n-g. I do have the privilege of currently serving as the Hall County Attorney. I have been actively involved as a deputy county attorney and, for a while, a defense lawyer and guardian ad litem in the juvenile court system since 1986. I at this point primarily supervise, although I do have active juvenile cases, abuse/neglect cases on my personal calendar as well. Over the years what I've seen, Senators, is a problem where we, at a macro level, continue to try and define success by percentages--how many kids are in this kind of house, how many kids are in and out of the system--rather than focusing on the specific interests of specific families and specific needs. My concern is, is that the contract process that has been going on the last couple of years has really exacerbated that problem. The problems we've seen have been manifold and some of these predate actually the contract system, but I think the contract has made it worse. One of those problems and probably the one that I think is dangerous is that information is not being provided in a timely fashion either because it gets lost because of the kind of rat's nest of different communication paths or because, frankly, sometimes I believe it's being deliberately suppressed. One example, Mr. Cashoili, one of the guys in my office who does a lot of the juvenile cases, told me about this morning was a situation where during conversations the worker providing visitation mentioned a number of very serious

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

concerns and specific facts that she had observed during visits. Based on that conversation, Bob, the guardian ad litem, CASA all decided it was in this family's best interest to move towards termination and petition was filed. Suddenly, when the paperwork from the visitation provider showed up, it was all positive. When confronted with that information, the provider indicated that she was under pressure to report only positive outcomes and the belief was that was because there was some sort of incentive, if you had a good result that you got paid more. I have personally been involved in some very heated cases in termination and placement hearings where therapists or other providers who have provided testimony which the department disagreed with have been punished because they've now been...you know, they may be testifying in two or three other service areas but they're not testifying here anymore. And I have unfortunately over the years seen time and time again, and everything I've seen and I've heard about indicates it's getting worse, foster parents are often put in the situation where they're attacked by everyone or at least some parts of everyone. The parents' attorneys are going to go after them if they provide information that's negative about the parents' behaviors or the kids' behaviors and, sadly, oftentimes the department really will personally attack the foster parent for providing information that is contrary to what they think the plan should be. You know, you have a bunch of very smart, brave, dedicated, caring people here today who are foster parents. I don't know why anyone does it, given that particularly out the payment system. It is an act of love, not an act of any kind of financial incentive because the system just does not treat them very well. The other problem that I think has come up, and the contract system has really increased this and they kind of segue, is that if everybody is in charge no one is in charge. I don't know if you guys ever read The Family Circus cartoon, but if there's a broken vase there's a little ghost named "not me" and "I don't know." You'd be surprised how often they're coming to juvenile court these days. So I think that's also a concern that whatever happens out of this process, and thank you so much for taking time to start this process, there has to be some sort of clear lines of communication and clear lines of responsibility and authority. I think the problem we've had, and I've heard anecdotally from people in Hastings and the area south of here it's even worse down

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

there, where the implementation of a contract was probably more fully done, that you have service providers saying, well, you know, we're not in charge of giving the attorneys or the judge that information, and HHS saying, well, we're not in charge of that because that's the service providers. And so you end up in court and you don't have that witness you need. And, Senator, it sounded like maybe that's happening up in Omaha too. So there's got to be whatever reforms done. There's got to absolutely be some clear lines of communication and authority and ultimately responsibility. The problems I've outlined certainly have some very real risk. Because we are emphasizing trying to keep kids in their own home or with a close relative, oftentimes what that means is a child who has been physically abused who, you know, 15 years ago in my career would have been immediately removed from that home, is being left in the home under some sort of safety plan. That safety plan is only as good as the reporting. (Laugh) Obviously, if we're not hearing about trouble early enough, we can't protect that child by removing that child, if that's what has to happen, or get more services into the house if that's the way that has to go. But we can't just keep pretending that everything is okay because that helps the numbers. My recommendations are pretty basic. One is--and this predates I think the contracts but it has certainly increased under the contract--there is way too much ability for mid-level supervisors in the service areas or at Central Office to review and interfere with case plans before they're submitted to the courts and the attorneys. You have attorneys and you certainly have great county judges who are very, very interested in doing the right thing and protecting the child in a system that is meant to make sure all sides are heard and people are in a position where they can be talked to and questioned and have to justify their opinion. So you have to make sure that the case plan is accurate and is not being manipulated or suppressed in any way because of some Central Office concern. My wife asked me this morning what I was going to say when I got here today and I said, well, I was going to say unplug their computers, but I won't go that far. I do think it makes sense to have the lead contract provider as simply the broker rather than trying to double up and broker service providers, and I think that goes a long way to that whole kind of spaghetti of different conflicting and overlapping lines of communication and responsibility. And then

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

the last, and lastly, I think that any contract has to...you have to ensure that any contract system that comes into place does not have financial incentives for the providers that are outcome based. I know, and we'll have a lot of areas of medicine or other things, that's a great way, that's a great kind of metric to kind of framework. The problem here is that really puts kids at risk, in my opinion, because you can't have the situation where somebody will decide they shouldn't say something to that guardian ad litem about a concern they had during that visit because that might change the outcome, it might change their pay. Lastly, and most importantly, we have to pay foster parents. We have to pay them what they're owed and we have to make sure that any contract in the future pays them. When you work with these folks on a case and, you know, I've over the years...you know, if you're in this kind of work, you deal with some just horrendous situations and the kind of behaviors that these little kids, through no fault of their own, have when they come into these homes is just mind-boggling and not the sort of thing you can really talk about in a committee hearing. So we got to make sure that we keep the great foster parents we have and make sure we have some assurance that the family has it in their heart to provide this loving service, that they get paid, and most importantly, that they get respected. Thank you so much for allowing me to testify.  
[LR37]

SENATOR CAMPBELL: Start on that end and come this way. Senator Krist, I think I saw you first. [LR37]

SENATOR KRIST: I just want to, first of all, compliment you for the folks who are connected with this process across the state. You have a wonderful reputation, and Grand Island seems to be doing things better than a lot of other places, most other places. Thank you for your service. Thank you for your three decades, almost, of concentration here, not just because I agree with what you said, but because I'm hearing good things about Grand Island and you from other parts. As far as the lead contractor broker goes, it takes out the conflict of interest--and I understand that, and you do. We're hearing that comment all over. The case plan integrity I guess is what I

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

was told, and that you hit that right on the nail...or nail right on the head. Tell me, do the judges need to be reminded of all of those people they need to hear from? In your court system, are the right people being heard in the chamber? Because I know that the Chief Justice, Through the Eyes of the Child, would be more than willing to help in that area--not mandate, obviously, but. [LR37]

MARK YOUNG: I think we know who those right people are. They're coming to court and they're being heard. The problem is often, and I think it goes back to that communication issue, we don't often know, until the day before, what the case plan says or who we need to talk to--or we find out during the hearing. I think a frustration that I have heard from a lot of guardians ad litem is they'll be questioning somebody during a hearing or just before a hearing, and what they hear is: Well, that wasn't my job; that was this therapist--and you had no idea that therapist was even in the game. [LR37]

SENATOR KRIST: So is it possible, in your opinion, to move that case plan due date backwards to the left so that it's in place prior to? [LR37]

MARK YOUNG: Yeah. It should be. I think that goes back to the fact that I strongly believe that way too many people are signing off on the case plans in HHS before it gets sent out. [LR37]

SENATOR KRIST: I would be really interested to see what you would believe a chronology might look like, and the right...the minimum number of hands that it would go through. I think I'd really appreciate that, if you could take the time to do that for us. [LR37]

MARK YOUNG: Senator, I'll ask. I'll work on that with Bob and a couple of other attorneys in my office, and we can e-mail it to the committee. [LR37]

SENATOR KRIST: And finally, just publicly, I want to let the people in this room know I

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Rough Draft

Health and Human Services Committee  
August 03, 2011

---

made a pretty bold statement the other day, but I believe in it. It is our responsibility to try to make sure that 100 percent of the dollars that are owed to the providers within the system are paid. It may take us awhile to do that. We may have to work through some issues. We may have to circumvent the actual lead agency to get them there, but I think that's our responsibility, to restore the confidence in the system. And I'll do everything that I can do to make that happen. Thank you, sir, for your service. [LR37]

MARK YOUNG: [LR37]

SENATOR CAMPBELL: Senator Gloor. [LR37]

SENATOR GLOOR: I think, frankly, Senator Krist touched base on the issues I was going to make, but I would pile on by way of saying what helps having you here is the high credibility you have as a result of the truancy legislation that we passed and the work of your office in the schools on that, as well as the work that you've put into some of the major changes we made in some of the criminal statutes relating to crime and gangs and whatnot. So all the presenters here have a great degree of credibility with us, but to hear from you directly, given your involvement in other areas, thanks for taking the time to come here and thanks for your work and help... [LR37]

MARK YOUNG: I appreciate that. I have a lot of great people. [LR37]

SENATOR GLOOR: Yes, you do. I will make...or ask a short question. The example you gave of Mr. Cashoili and the positive changes that came back on the report, was that...? And you're concerned about incentivitation to make the numbers work. Was that something that happened just recently? [LR37]

MARK YOUNG: I believe it was in the last six months... [LR37]

SENATOR GLOOR: Okay. [LR37]

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Rough Draft

Health and Human Services Committee  
August 03, 2011

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MARK YOUNG: ...from...given what Bob put in his memo. [LR37]

SENATOR GLOOR: Okay. [LR37]

MARK YOUNG: And if I may expand on that a little bit? The problem now is, given that's the written evidence, you have to back up. Determination is not going to go forward. So once again, that child, you know, we're looking at, you know, at least six months, probably, before any new decisions can get made. [LR37]

SENATOR GLOOR: Thank you. [LR37]

SENATOR CAMPBELL: Senator Bloomfield. [LR37]

SENATOR BLOOMFIELD: Thank you. You alluded to kids from an abusive home being kept in that home. Do you think there is too much emphasis on keeping children in the home with family? I'm beginning to see an inkling that that is the case, and I just wonder what your idea on that is? [LR37]

MARK YOUNG: I have a real concern. I'm no expert, and I think one of the problems that makes juvenile work so difficult is it's kind of like I heard a forester say one time: The trouble with forestry is, unlike other ag areas, you know, it's 40 years before you know if your hypothesis is right. And oftentimes its 20-25 years. My own belief though is, is that if you are going to try the experiment in keeping...the problem is, we're experimenting with kids. You know, that's not a great test subject. If we're going to keep them in the home, we have to have rock solid assurances that the information will be rapidly transmitted and that child will be pulled as soon as possible. I would, frankly, on a lot of these cases, prefer to see it going back to where it was, back when I still had black hair, and that's the child was getting removed from the home at least for a little bit. I know that's tough on the child. I know it's disruptive. But getting beat around is pretty

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

hard on them too. [LR37]

SENATOR BLOOMFIELD: Thank you. [LR37]

SENATOR CAMPBELL: Senator Dubas. [LR37]

SENATOR DUBAS: Thank you, Senator Campbell. Thank you so much, Mark, for being here. First off, I want to say how much I agree with the statement that you made regarding defining success by percentages. And that's multiple times I've asked the department, you know, where does this number come from and how do we determine that that means we've gotten where we want to be? It has to be...we have to look at the outcomes and where these kids are at, and are they coming back into the system. And so I know numbers are good for certain things, but I don't think numbers fit when we're dealing with children and their welfare. So I so much appreciated that statement. My question is, Through the Eyes of the Child Initiative I think has given us some very successful outcomes. Do you see that there are things that Through the Eyes of the Child could expand on or maybe be changed to help us address some of the concerns that you laid out for us? [LR37]

MARK YOUNG: I think if there is more...once again, I think it all comes back to, are we getting--and by we I mean the juvenile court system--are we getting the information that we need? Because I think what has worked best with Eyes of the Child is actually something that had been done I think in a lot of central Nebraska courthouses for a long time, and that's that conversation where all the parties' attorneys sit down and have a very blunt conversation before the case goes to trial. You really can't have that blunt conversation and come to some agreement everybody can live with if you don't have the right information. But in...I do think that's the best thing that's come out of Through the Eyes of the Child, is sort of formalizing, if you will, the process and making sure people are talking to each other. There are times when family ought to be there, but really to have the blunt conversation you need, it's best to have that and then have the

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

---

parties represented and having their attorney talking to them and getting cases resolved. And I think any time...my own rule of thumb was, any time a case goes to actually the adjudication hearing, you've probably set the process back at least six months, because, you know, by the time I'm done with the parents during...if I have to go after them in a trial, you know, they're not going to be in a real good mood to work with the system for awhile, and it takes awhile to regain that ability to work together. [LR37]

SENATOR DUBAS: Thank you. [LR37]

SENATOR CAMPBELL: I too want to add my thanks for your coming. As we have worked on LR37, I've had a number of people say, if you can have one county attorney testify--and your name keeps coming up over and over. [LR37]

MARK YOUNG: Thank you. [LR37]

SENATOR CAMPBELL: So I wanted you to know that your reputation extends beyond Hall County, across the state, because people have talked about how involved your office is in the child welfare system and how caring it is to make sure that there's a good commitment for children. So I...you know, I really appreciate that. [LR37]

MARK YOUNG: Thank you so much. [LR37]

SENATOR CAMPBELL: If you would just stay for a couple of minutes, we'll...the senators may have additional questions. But I understand if you have to get back, but. [LR37]

MARK YOUNG: Sure. I can stay till about 1:00. So thank you so much. [LR37]

SENATOR CAMPBELL: That would be great. Thank you. We are at the end of our

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

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planned testimony. Are there other testifiers in the audience who would like to testify today? Yes. Oh, would you come forward, sir? Is there anyone else who would have planned to testify that would like to testify today? Okay. While the testifier is making his way to the front, I would like to encourage all of you, that as you go home today or in a couple of weeks, if you think of some information that you think would be helpful to the committee on this area, that you would contact my office and we'll make sure that all the senators receive information about it, and encourage you to stay interested in the process. And thanks for all of your commitment to children. Good morning, sir. Would you state your name and spell it for the record, please? [LR37]

RON ZYCHOWSKI: Good morning, Senator Campbell. My name is Ron Zychowski; that's R-o-n Z-y-c-h-o-w-s-k-i, and I am the chief operating officer of Eckerd. [LR37]

SENATOR CAMPBELL: Okay. Would you like to go ahead with your testimony? Perhaps it would be helpful for the senators who may not know about Eckerd, if you'd explain what that is. [LR37]

RON ZYCHOWSKI: Yes, ma'am. Eckerd is a national child-serving organization. Over the past six months, I have been traveling throughout the north-central and western service areas, meeting with department leadership, providers, stakeholders, in an effort to ascertain, you know, what happened in those particular service areas, and to look at if Eckerd would, you know, assuming that the department proceeds with the procurement for a lead agency in those areas, how we could learn from the mistakes that were made there and how we could produce a better product should we be given the opportunity to do that. We have...as I said, I've spoken to probably two dozen providers and stakeholders and judges and department leaders. In looking and assessing what I have learned in the north-central and western service areas, the common themes that you have heard here today are the common themes that I've heard as I've moved around the state. There's three really key issues or key problems with the way Family Matters was rolled out in Nebraska. One is that the program model

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

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wasn't right. And specifically, with respect to the program model not being right, the issue of dual case management, where the department maintained its case managers and the lead agencies were required to stand up case managers, and the case management function was split between those two entities, caused an enormous amount of problems both in terms of who is in charge of this case, in terms of how does communication get to the courts. Compounding that fact was the fact that the case management functions weren't funded, so the lead agencies had to take service dollars in order to cover those costs. Foster parents, courts, guardians were all confused about who was in charge in the case, who was making decisions. And it was a tremendous waste of resources. The duplication of case management services should not be allowed to continue as the reform moves forward. There are models where case management remains with the state; there are reform models where case management goes to the private sector. Those models are workable and doable. The question is: Please pick a lane and drive in it--and keep consistency of approach in terms of how you're going to do case management. The second issue, which has been alluded to here today is, well...is that the method of payment in this contract is significantly flawed. This is an at-risk managed-care contract. And you cannot fund an at-risk managed-care contract on a small administration fee and fee for service. It will not work. It has not worked in any place where it has been tried and was the second major contributor to the financial problems that the lead agencies saw here in Nebraska. You have to have some kind of case rate or some kind of global funding transfer in order to make this work. Funding for these contracts were not determined by a rigorous analysis of the functions that were going to be transferred to the private sector and the resources that should have been transferred with them. And lastly, there was no rigorous readiness assessment done at the front end of this process to ensure that both the provider and the local DHHS folks were ready and capable of doing this work. An open, public, transparent, thorough readiness assessment is absolutely essential to ensure that any reform gets off to a good start. Again, thank you so much for the opportunity to speak here today. I greatly appreciate that and await your questions, and thank you for this work on this issue. [LR37]

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Transcriber's Office  
Rough Draft

Health and Human Services Committee  
August 03, 2011

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SENATOR CAMPBELL: Thank you, sir. Questions? Senator Gloor. [LR37]

SENATOR GLOOR: Thank you, Senator Campbell. Mr. Zychowski, does Eckerd have...or I'm not saying Eckerd; it's...Eckerd. [LR37]

RON ZYCHOWSKI: Yes, sir. [LR37]

SENATOR GLOOR: Eckerd. Does it have risk contracts with (inaudible) fees? [LR37]

RON ZYCHOWSKI: Yes, sir. As a matter of fact, we operate a community-based care lead agency for child welfare in Circuit 6 in the state of Florida that serves 3,000 children every day. [LR37]

SENATOR GLOOR: Is that the only location? [LR37]

RON ZYCHOWSKI: That is the only location where we currently operate. We are involved in systems reform in a number of states across the country. [LR37]

SENATOR GLOOR: Did that particular contract go through some of the same more onerous components from a transition standpoint? [LR37]

RON ZYCHOWSKI: In the early days of reform in Florida, Florida is now in about its twentieth year of reform. You know, we learned some of those lessons from the mistakes we made 20 years ago. You know, there wasn't a lot of folks who were doing reform at that time, so, you know, we did have some trial and error that we learned by. And the readiness assessment was certainly one of those lessons we learned early on. [LR37]

SENATOR GLOOR: I think what this committee has been hearing in a variety of ways,

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Rough Draft

Health and Human Services Committee  
August 03, 2011

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over the past year, anyway, is a concern that perhaps contractors weren't vetted appropriately or lead agencies weren't vetted appropriately. Because, in fact, we didn't know the right questions to ask or the department didn't know the right questions to really ask. [LR37]

RON ZYCHOWSKI: I think if that had happened, much of the weaknesses that we saw in the system would have been addressed up front and either ameliorated or a new approach would have been taken. [LR37]

SENATOR GLOOR: Thank you. [LR37]

RON ZYCHOWSKI: Yes, sir. [LR37]

SENATOR CAMPBELL: Other questions? Thank you for coming today. [LR37]

RON ZYCHOWSKI: Thank you, ma'am. Thank you for having me. [LR37]

SENATOR CAMPBELL: Is there anyone else in the hearing room who wishes to testify today? (See also Exhibit 6.) Seeing no one, we will close this part of the public hearing this afternoon, and the committee will meet in a closed hearing. [LR37]