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Health and Human Services Committee  
September 13, 2011

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[LR37]

The Committee on Health and Human Services met at 9:0 a.m. on Tuesday, September 13, 2011, at Western Nebraska Community College, Scottsbluff, Nebraska, for the purpose of conducting a interim public hearing on LR37. Senators present: Kathy Campbell, Chairperson; Dave Bloomfield; Bob Krist; and Norm Wallman. Guest senators present: Mark Christensen; and John Harms. Senators absent: Mike Gloor, Vice Chairperson; Tanya Cook; and Gwen Howard.

SENATOR CAMPBELL: As we go through the state, we have had two hearings, one in Grand Island and one in Lincoln, and we are here today. Thursday we'll be in Norfolk and then at the end of the month we'll be in Omaha. And we gain a great picture of how people are looking at services and the protection of children, so we're particularly glad you're here. As is the custom in the Health and Human Services Committee, we introduce ourselves, so I'll start with myself. I am Kathy Campbell from District 25, which serves east Lincoln and then northern Lancaster County. And then I'm going to go all the way to my right and welcome two of our guests. So, Senator Christensen, do you want to start. [LR37]

SENATOR CHRISTENSEN: Senator Mark Christensen from Imperial. [LR37]

SENATOR HARMS: Senator John Harms from the 48th District, Scottsbluff. [LR37]

SENATOR BLOOMFIELD: Senator Dave Bloomfield, extreme northeast Nebraska, Wayne, Thurston, and Dakota Counties. [LR37]

SENATOR KRIST: Bob Krist. I represent District 10, northwest Omaha and unincorporated parts of Douglas County. And it should be mentioned that I am also on the Performance Audit Committee, of which Senator Harms is Chair, and we are also focusing on these issues. [LR37]

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MICHELLE CHAFFEE: I'm Michelle Chaffee. I'm legal counsel to the committee. [LR37]

SENATOR CAMPBELL: And on the end, writing and transcribing and taking care of every small detail, is Diane Johnson who is the clerk for the Health and Human Services Committee. I'd like to start out this morning, the committee has a piece of business that it needs to take care of and I will explain it to you. This morning we will have testifiers, and we are trying to touch base with, and I'll call them categories of testifiers in each of the hearings, so we have invited a foster child, a foster parent, someone from the county attorney's office, a guardian ad litem, and certainly the administrator for the service area. And then we will take those testifiers first that we have notified and they have notified us that they're going to be here, and then we will go to public testimony. So anyone in the room who plans to testify today will have to look for those little orange sheets, and there's some on the chair there, so if you are planning to speak today, we do need that orange sheet completed for the record. This afternoon, we will have a closed session of the Health and Human Services Committee. Invited to join us in those sessions will be Senator Christensen and Senator Harms. So the first part of our closed session this afternoon will be excluding press, and then in the remainder of the afternoon, and in a motion you'll know the times of that, the press can be present, but otherwise the session will be closed. So as Chair of the Health and Human Services Committee, I would entertain a motion to close the meeting according to Rule 3, Section 16(b) at 1:15 excluding the press and then reconvene the meeting at 2:00 p.m. with a closed session at which the press can be present. [LR37]

SENATOR KRIST: So moved. [LR37]

SENATOR CAMPBELL: Is there a second? [LR37]

SENATOR BLOOMFIELD: Second. [LR37]

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SENATOR CAMPBELL: So a motion and a second. Any discussion from the committee? And as you can well imagine, I have explained this to Senator Wallman. I called him so he would know. Diane, would you call the roll, please? [LR37]

DIANE JOHNSON: Senator Bloomfield. [LR37]

SENATOR BLOOMFIELD: Yes. [LR37]

DIANE JOHNSON: Senator Krist. [LR37]

SENATOR KRIST: Yes. [LR37]

DIANE JOHNSON: Senator Campbell. [LR37]

SENATOR CAMPBELL: Yes. [LR37]

DIANE JOHNSON: Senator Wallman. [LR37]

SENATOR WALLMAN: Yes. [LR37]

SENATOR CAMPBELL: Thank you. Okay, we will start out the morning and I'm going to go through a few housekeeping details. And I'd like you all just to relax. I look out and some of you look just really tense. You have to relax. We came out to hear your stories and what you want to convey, so please know that we'd like you all to relax and take a deep breath. If you are testifying this morning, we'll ask you to come forward and state your name for the record, and spell it. And even if it's Smith, please spell it because that's how the clerk and the transcribers know that the record is accurate. If you are testifying this morning, we had asked you to bring copies of your testimony. It's not necessary that you have copies. So if you plan to testify and you go, oh, I didn't write it out--not a problem. But if you did, we ask for a certain amount of copies, and I think

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Diane explained that to you. We would ask that you all silence your cell phones or turn them off because it can be very disruptive, and not necessarily to us. We're used to a lot of noise and a lot of interruptions, but it is for the testifiers, and we don't really want to give them any more anxiety. I think that's all of the housekeeping details that we have this morning. So we will start. And as is the custom in these hearings, we always start with the service area administrator. So Mr. Busch, please come forward. We had a chance to meet each other earlier this morning. [LR37]

NATHAN BUSCH: We did. Thank you. [LR37]

SENATOR CAMPBELL: We'd like to start with the department's service area administrator. We'd like to start with this testimony because it gives us an overview of what's happening in the service area from the department's perspective. So thank you very much for coming. [LR37]

NATHAN BUSCH: Thank you. [LR37]

SENATOR CAMPBELL: And we'll let you just go ahead and state your name and spell it, and away we go. [LR37]

NATHAN BUSCH: (Exhibit 1) I'll do it. Thank you. Good morning, Senator Campbell and members of the Health and Human Services Committee. My name is Nathan Busch, N-a-t-h-a-n B-u-s-c-h. Senator Wallman, can you hear me okay? [LR37]

SENATOR CAMPBELL: I think we're okay. [LR37]

NATHAN BUSCH: Okay. We'll go ahead then. I am the Western Service Area administrator for the Nebraska Department of Health and Human Services. The Western Service Area is comprised of 29 counties. The department has offices in the cities of Chadron, Rushville, Alliance, Gering, Bridgeport, Kimball, Sidney, Ogallala,

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Imperial, McCook, North Platte, and Lexington. My office is located in Gering. The Western Service Area comprises roughly 5,900 square miles. I am pleased to have this opportunity to provide you information about child welfare and juvenile services in the Western Service Area. I would like to begin by giving you some current information about the service area and then, as you have requested, talk about three issues of importance relative to child welfare in the western end of the state. I was appointed as the Western Service Area administrator in October 2007. At that time, the Western Service Area was responsible for case management for 850 state wards. As of September 2011, the Western Service Area is responsible for case management for 605 state wards. As you can see, the total number of state wards for the service area has decreased by 245 kids in the last four years. While children are not a commodity to be counted, I believe that this is an indication that children are reaching permanency in a more expedited manner. Currently, 73 percent of the 605 state wards are placed out of their home. Of those placed out of their home, 41 percent are placed with a relative or someone known to the child. Currently, the Western Service Area is also serving 172 children outside the formal court via a noncourt-involved process. I'd like to share with you some of the positive things going on in the service area at this time. A stakeholders group was established in the Western Service Area to gather input from community stakeholders. Members of this group include representatives from CASA, Foster Care Review Board, educators, service agencies, Child Advocacy Center, Nebraska Foster and Adoptive Parent Association, and family advocacy organizations. We meet monthly to discuss upcoming changes, outcome data, and community issues that affect children and families. One of the group members also serves as a representative to the Statewide Partners Advisory Council. Additionally, since 2008, the service area has improved contract monitoring and quality assurance through activities that we have developed. Increased availability of service area specific data from central office and QA has also been helpful. This data is shared with staff and stakeholders to make improvements in the outcomes for children and families and to recognize the successes. Additionally, it is important to monitor our performance through the outcomes that children and families experience when interacting with the child welfare

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or juveniles services system. In order to monitor this, the state, including the Western Service Area, monitors monthly progress with regard to the six federal outcomes we are required to meet. Our current strengths are absence of maltreatment in foster care, timeliness of adoption and permanency for children in foster care. The areas needing improvement are absence of maltreatment recurrence, timeliness and permanence of reunification, and placement stability. Our progress on reaching these federal standards can be monitored by the public at [www.dhs.ne.gov/compass](http://www.dhs.ne.gov/compass). In October 2007, the Western Service Area was meeting one of the six federal outcomes. To address this issue, the Western Service Area established a permanency planning team to staff and manage cases of those children and youth who have had difficulty achieving permanency. This team continues to operate today. As a result, the Western Service Area is meeting three out of the six federal outcomes. Recently, the Western Service Area created a noncourt involvement planning team to staff and manage cases of those children and youth who are in need of services but are not involved in the formal court process. I'd now like to address three areas of importance that exist for the Western Service Area today. All three comprise challenges that exist for children and families that live in the rural parts of this great state. These three areas all have one common theme: resources for children and family in the rural western half of the Nebraska. I would like to concentrate on three areas: foster care, group homes, and youth shelters. In November 2009, the Western Service Area had 317 foster homes comprised of both approved foster homes and licensed foster homes. Currently, the Western Service Area has 348 foster homes available, again comprised of approved and licensed foster homes. While we have seen an increase in foster care families, many are not able to care for children who exhibit severe behaviors, children who have serious mental illnesses, or infants and teenagers. To meet this need, the Western Service Area will be teaming with an external partner to assist with the recruitment of foster homes for infants, teenagers, and children who exhibit severe behaviors. This second area of importance that I would like to address today concerns group homes. In 2009, the Western Service Area had 85 licensed group home beds available within its geographical area. Today, the Western Service Area has 12 beds available for group

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home services in the service area through the Nebraska Youth Center in North Platte, which serves an all-male population. This reduction is a result from each of the various providers either terminating their contract with the state or choosing not to renew their contract. As of the first part of September, 23 youth have been placed in group homes outside the service area, and one youth is placed in a group home outside of the state. As I am sure you are aware, the department is statutorily required to make efforts to reunify families or seek other suitable permanency. This is made more challenging when a child is placed in a group home far from his or her family. This does present us with an opportunity in the Western Service Area to examine and assess what group home services are needed in the service area and where those services should be located. The department is working with the Panhandle Partnership for Health and Human Services to continue to collaboratively examine the infrastructure within the Panhandle area and determine where to develop these beds in order to best serve the children and families of western Nebraska. The third area of importance that I would like to address today is the availability of shelter beds in the Western Service Area. Senator Campbell, I see my red light. May I continue? [LR37]

SENATOR CAMPBELL: That's fine. Go ahead and finish. [LR37]

NATHAN BUSCH: Thank you. In 2009, the Western Service Area had two shelters, one located in Scottsbluff consisting of 12 licensed beds, and one located in North Platte consisting of 12 licensed beds. Today, the Western Service Area has one shelter located in Scottsbluff. The shelter has 12 beds. Looking east, the next shelter is located in Grand Island, 340 miles away from Scottsbluff. The availability of this service must increase in the Western Service Area. The task ahead of us now is to determine, in conjunction with our communities, where the shelter or shelters must be located in order to best serve the children and families of the western part of this state. We have tremendous partners and communities in the Western Service Area who have pulled together for the benefit of those families out here who need our assistance. We continue to have challenges associated with the rural nature of the communities we live in, but

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we have dedicated partners, communities, and professional staff who are committed to the children and families of the western half of this great state. While I pointed out above resources we need to enhance in the Western Service Area, I would like to state that through the very close collaboration of the judges, attorneys, service providers, and the staff of the service area, good things are happening in the western end of this state. As stated above, the number of children reaching permanency has increased. Efforts are being made to provide services as quickly as possible and we are increasing our compliance with the federal standards. None--none of these things would be achieved without the teamwork that exists within the service area, and I am grateful. The challenge ahead of us at this point in time is to take an area where good things are happening and make it an area where great things can happen. I appreciate your time. I appreciate your willingness to come to the western end of the state. If you have any questions, I'll do my best to answer them. Thank you. [LR37]

SENATOR CAMPBELL: Questions? Senator Krist. [LR37]

SENATOR KRIST: What's the cost of the one individual that's outside the state? [LR37]

NATHAN BUSCH: The monthly costs they're incurring? [LR37]

SENATOR KRIST: Monthly, daily, yearly. [LR37]

NATHAN BUSCH: I'm not sure, Senator. I'll have to get that back to you. [LR37]

SENATOR KRIST: Can you get back to me? [LR37]

NATHAN BUSCH: Absolutely. [LR37]

SENATOR KRIST: I'm hearing that that's in excess of \$12,000, and I just think that that's better spent in the state. [LR37]

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NATHAN BUSCH: I would agree, Senator. [LR37]

SENATOR KRIST: The second question: You said that you lost a 12-bed unit here in the area. [LR37]

NATHAN BUSCH: Yes. [LR37]

SENATOR KRIST: The goal of the privatization outsourcing was to take the same amount of money and outsource and privatize. Is the reduction in money because of an intermediary or another profit needing to be taken by a company? Did that result in the 12 beds disappearing? [LR37]

NATHAN BUSCH: The 12 shelter beds that disappeared? [LR37]

SENATOR KRIST: Right. [LR37]

NATHAN BUSCH: That service was located in North Platte. It was actually through Boys and Girls Home. And I'm not sure if that was the thing that caused that, Boys and Girls to close their shelter out there. Certainly it was...I would assume it was associated with money. [LR37]

SENATOR KRIST: How much more money do you need to restore that 12-bed unit? [LR37]

NATHAN BUSCH: Senator, I don't know entirely an exact figure on that. I will tell you, right now we are communicating with two potential providers who are interested in operating a shelter in the North Platte area. Matter of fact, one of them I believe is actually meeting with the bank today to go over finances. [LR37]

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SENATOR KRIST: And you do have the money in the budget to restore that process?  
[LR37]

NATHAN BUSCH: I don't know that entirely, Senator. [LR37]

SENATOR KRIST: I'd like you to get back to us on that one as well. [LR37]

NATHAN BUSCH: Absolutely. [LR37]

SENATOR KRIST: Thank you. [LR37]

NATHAN BUSCH: Absolutely. [LR37]

SENATOR CAMPBELL: Senator Christensen, you had a question. [LR37]

SENATOR CHRISTENSEN: Yeah. You talked about, right at the top of page two, about "I believe this indicates that children are reaching permanency in a more expedited manner," and yet that was one of the three things you said needed to be worked on. Give me an example of what is expedited manner. What are we reaching at? [LR37]

NATHAN BUSCH: What we're seeing, Senator, is specifically with regard, as a result of permanency planning team, we're able to get things in place quicker to effect an adoption of a child or to effect a guardianship of a child, which moves that up to, many times, meeting the federal standards, and we're able to meet that as soon as possible. Some of that includes having a permanency hearing sometimes at 6 months to 12 months in a case, where before, permanency hearings were occurring at a much slower pace. But Senator, let me be very clear also here. The department is one part of what's taking place here. The courts and our county attorneys offices and our GALs are really helping to facilitate this expedited process as well, too. They're doing a terrific job, Senator. [LR37]

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SENATOR CHRISTENSEN: You didn't hit the question. Is it taking two years, five years, ten years? [LR37]

NATHAN BUSCH: On average, I believe it's taking...we're looking at...oh, I have to get back with you with an exact average, but I'll tell you we're hitting some cases within a year. [LR37]

SENATOR CHRISTENSEN: So what would be an example of some of the longest we're seeing out here? [LR37]

NATHAN BUSCH: Some of the longest? Senator, we do have kids in our system that age out of the system that never find an adoptive home. [LR37]

SENATOR CHRISTENSEN: But like what age would they come in before they're aging out? [LR37]

NATHAN BUSCH: Before they're aging out? We've had some kids that have come in at as low as 14 years old maybe that have aged out in the system. [LR37]

SENATOR CHRISTENSEN: So it's taken four years. I know of cases in eastern Nebraska over six years. [LR37]

NATHAN BUSCH: Um-hum. [LR37]

SENATOR CHRISTENSEN: And still no closer. How are CASA workers? Has it been beneficial to you? How do you...have you seen that on your end, the use of CASA workers? [LR37]

NATHAN BUSCH: I'm sorry. To my staff, Senator? [LR37]

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SENATOR CHRISTENSEN: Yeah. [LR37]

NATHAN BUSCH: It's been beneficial. In terms of reaching permanency, Senator?  
[LR37]

SENATOR CHRISTENSEN: Yes. [LR37]

NATHAN BUSCH: Yeah, it's been beneficial, you know, in terms of both the personnel aspect of it and in the aspect of my staff wanting to help people. They want to reach a result. And I'll tell you, I actually had someone come in the other day to see me, Senator, that said, you know, the permanency planning team has a lot of the good endings, if you will, because they see the adoptions and they see the guardianships. That has a big impact on our staff, Senator. [LR37]

SENATOR CHRISTENSEN: To me it would be good to see that among all cases.  
[LR37]

NATHAN BUSCH: Absolutely. [LR37]

SENATOR CHRISTENSEN: That's why I wanted to see your input on that. And I guess I'm done. [LR37]

SENATOR CAMPBELL: Senator Bloomfield. [LR37]

SENATOR BLOOMFIELD: Thank you. The one individual that's out of state, where is he or she at? [LR37]

NATHAN BUSCH: You know, I'm not completely sure. Debbie, are you...? [LR37]

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\_\_\_\_\_ : Ohio. [LR37]

NATHAN BUSCH: In Ohio. [LR37]

SENATOR BLOOMFIELD: There's nothing in Wyoming we could have done or...?  
[LR37]

NATHAN BUSCH: You know, the specific treatment needs... [LR37]

SENATOR BLOOMFIELD: That seems a long ways out of state. [LR37]

NATHAN BUSCH: It is a long way, Senator. It's a very long way from the family. [LR37]

SENATOR CAMPBELL: Senator Krist. [LR37]

SENATOR KRIST: Just a follow-up. In Ohio. There was nothing in the metropolitan area that could have taken care of the needs of that child? [LR37]

NATHAN BUSCH: I don't believe so, Senator. Our priority is to place as close as we can. Certainly we do not go out of our way to place that far away out of state. [LR37]

SENATOR KRIST: Wow. It's hard to believe that the metropolitan area, with all of its capability, doesn't have something to keep them in the state. [LR37]

NATHAN BUSCH: It is hard to believe, Senator. As I stated, that makes working reunification with the family, as you can imagine, difficult at best--at best--when your child is placed that far away. [LR37]

SENATOR KRIST: I know there's HIPAA and confidentiality issues there, but I would sure like you to follow up with us on that one, because... [LR37]

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NATHAN BUSCH: Well, I'd be happy to, Senator. [LR37]

SENATOR KRIST: ...that one is tough to believe, so. [LR37]

NATHAN BUSCH: I'd be happy to, Senator. [LR37]

SENATOR KRIST: Okay. Thank you. [LR37]

SENATOR CAMPBELL: Other questions from the senators? Mr. Busch, I want to go a little bit further on that, and I concur with Senator Krist, that information...and we certainly don't want to go forward with questions that might get us in trouble with the HIPAA regulations. [LR37]

NATHAN BUSCH: Sure, Senator. [LR37]

SENATOR CAMPBELL: But is it the child with multiple problems, are we seeing behavioral health problems or diagnosis, do you know? [LR37]

NATHAN BUSCH: You know, Senator, I'm not completely sure right now off the top of my head, but I will get that to you. [LR37]

SENATOR CAMPBELL: Okay. That would be really helpful to us. I think you identified in your testimony that one of the populations that is difficult are children with multiple needs... [LR37]

NATHAN BUSCH: Absolutely. [LR37]

SENATOR CAMPBELL: ...and how do we serve those children without them bouncing. And I'd also like when, just because it's an interesting study, if you could tell us what

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other placements that child had had before they went to Ohio. [LR37]

NATHAN BUSCH: Absolutely, Senator. [LR37]

SENATOR CAMPBELL: Because part of the...I'm sure the other senators are hearing too that with that special population they may go from placement to placement to placement, and in some cases then to Kearney and back, and I think what we're trying...we realize that number may not be great but it's a challenging population. [LR37]

NATHAN BUSCH: It is a very challenging population. But we will be happy to get the full committee that information. [LR37]

SENATOR CAMPBELL: Okay. Do you work with all the OJS cases too? [LR37]

NATHAN BUSCH: I do, Senator, yes. [LR37]

SENATOR CAMPBELL: Can you tell us a little bit about just generally numbers in that population and how it's working here? [LR37]

NATHAN BUSCH: In terms of how it's working in general? [LR37]

SENATOR CAMPBELL: Yeah. How does it work here? [LR37]

NATHAN BUSCH: You know, it works fairly well out here. Certainly it's interesting to have in many cases social workers, if you will, working with that specific population. Our OJS population at this point in time it is my understanding it does make up necessarily a majority of what we deal with. But for instance, in Gering, I have two staff that specifically deal with the population. They are kept busy. They are kept busy, Senator. I wouldn't say otherwise. But overall, in terms of our largest OJS population in the service area, Lexington comprises the largest OJS population on the eastern end. [LR37]

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SENATOR CAMPBELL: And Mr. Busch, just a ballpark, do you have any idea of what percentage of the kids that you have you're responsible for the case management, 850 state wards approximately? [LR37]

NATHAN BUSCH: We were, Senator. That was about three years ago. [LR37]

SENATOR CAMPBELL: Okay. And then we came down to 605. [LR37]

NATHAN BUSCH: That's correct. [LR37]

SENATOR CAMPBELL: So what percentage of the 605 do you think, just ballpark? [LR37]

NATHAN BUSCH: Just off the top of my head? (Laugh) [LR37]

SENATOR CAMPBELL: You bet. [LR37]

NATHAN BUSCH: I would say, off the top of my head, the OJS population probably is about, what do you think, Darren (phonetic)? Off the top...it's hard to pull that off the top of our heads. [LR37]

SENATOR CAMPBELL: And that's fine. If you could... [LR37]

NATHAN BUSCH: I would say maybe 40, 50 percent. [LR37]

SENATOR CAMPBELL: Okay. [LR37]

\_\_\_\_\_ : A little bit lower. [LR37]

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NATHAN BUSCH: A little lower? Okay. [LR37]

\_\_\_\_\_: (Inaudible). [LR37]

SENATOR CAMPBELL: Okay. [LR37]

NATHAN BUSCH: We'll get that to you, Senator. [LR37]

SENATOR CAMPBELL: Of the children and youth that have...you've decreased that number, closed those cases,... [LR37]

NATHAN BUSCH: Yes. [LR37]

SENATOR CAMPBELL: ...do you track those and (inaudible) we had any return percentages? Do we watch if the kids come back into services? [LR37]

NATHAN BUSCH: The recidivism? [LR37]

SENATOR CAMPBELL: Yes. [LR37]

NATHAN BUSCH: Yes, Senator. We do track that. The recidivism of those kids has been relatively low is my understanding. Foster Care Review Board tracks that number as well. I believe, last I saw, the recidivism rate at this point...boy, off the top of my head I think it was around...oh, I don't know, Senator, exactly. We can get that to you as well. [LR37]

SENATOR CAMPBELL: Under 10 percent, do you think? [LR37]

NATHAN BUSCH: Oh, yes. Yes, I believe so, Senator. [LR37]

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SENATOR CAMPBELL: So do you provide then aftercare programs? [LR37]

NATHAN BUSCH: We do, Senator. Yes. Yes, absolutely. [LR37]

SENATOR CAMPBELL: To help those youth. Senator Harms, do you have a question? [LR37]

SENATOR HARMS: Yes, I do. Nathan, could you tell me what you think are your greatest strengths in the Western Service Area? [LR37]

NATHAN BUSCH: The greatest strengths? [LR37]

SENATOR HARMS: Yes. [LR37]

NATHAN BUSCH: I've got to tell you, the greatest strength by far, and interestingly enough it has come what I believe as a result of the reform, is our collaboration and our teamwork. [LR37]

SENATOR HARMS: Okay, now what you think is your number one weakness? [LR37]

NATHAN BUSCH: Our number one weakness in the service area? Senator, I believe the number one weakness right now is the availability of resources to keep our kids close to our communities out here. [LR37]

SENATOR HARMS: Can you tell me, as you were involved in the privatization when we went through that, tell me where the number one weakness lies that actually is in that privatization portion? I'd like to kick this out here, just a minute here... [LR37]

NATHAN BUSCH: Sure. And Senator... [LR37]

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SENATOR HARMS: ...and get it right. [LR37]

NATHAN BUSCH: Just to clarify, are we talking privatization or the reform? [LR37]

SENATOR HARMS: I'm talking about the reform. [LR37]

NATHAN BUSCH: Reform. Okay, Senator. Some of the challenges that we saw with reform, we are in a position out here to where our work force, our available pool of staff and employees, is only so big. And obviously when you are dealing with children and families and people's lives, you want the best of the best. That is a challenge when you're looking to expand that out. The other challenge, Senator, that comes with that, in the western part of the state our communities pride themselves on coming together. Senator Christensen can attest to this probably in Imperial. They come together to serve the people in their areas. They come together as a community to work together. And we're proud of that out here, we're proud of that. And sometimes when you have somebody come in from the outside that can tell you we have a way of doing it better, that needs to be accepted within the local community culture as well. That is actually a fairly sizeable challenge that exists. If you have somebody come in from out of state that says you can potentially do it better, the community has to buy into that. And it's not...the community is not going to be sold. These are our kids and our families. They need to be convinced. They need to be convinced that whoever is coming in can do that. [LR37]

SENATOR HARMS: When you look at your health and human services, and when we went through the reform aspect there seemed to be a real major issue in communication. As you look back over that, how would we...how can we improve that whole thing? I mean this didn't seem like the left hand knew what the right hand was doing, and people seemed to be...the public was confused. What really broke down in that issue? [LR37]

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NATHAN BUSCH: You know, I was going to say communication with the public, Senator, a communication between Boys and Girls and the department. [LR37]

SENATOR HARMS: Both. [LR37]

NATHAN BUSCH: Both, okay. Public communication. Senator, transparency is what needs to happen. The department as my...is making an effort to be more transparent. Certainly the service area tries to make an effort to be as transparent as we possibly can. It does not benefit the children. It does not benefit the families to play hide the ball. This isn't a game we're dealing with. In terms of communication between provider and the department, I have to tell you, Senator, the communication was actually fairly well out here. We were lucky enough out here to have a manager on the Boys and Girls side that managed the service area that worked in close partnership with us. And a good example is when Boys and Girls called on Friday evening and sent us a note at 5 o'clock saying, we're done. We had cases to transfer and we had to do it seamlessly so that children's lives were not affected. And because of the close relationship we had with our area manager, the balls didn't get dropped in that transition. That was...I was quite proud of that. Quite proud of that. Communication though, external with our community, it's the key, Senator. It's the key. If our community is going to buy into this community culture, it's the key. [LR37]

SENATOR CAMPBELL: Senator Krist, you had a follow-up. [LR37]

SENATOR KRIST: When I asked you if you had enough money to restore the 12-bed unit, I guess my question is when we have visited Grand Island and heard the South and the Eastern stories, we will hear Norfolk stories, we will hear the Omaha stories. [LR37]

NATHAN BUSCH: Sure. [LR37]

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SENATOR KRIST: And I live in Omaha and I think I know mostly what we're going to hear. What we're talking about here is money. [LR37]

NATHAN BUSCH: Right. That's correct, Senator. [LR37]

SENATOR KRIST: You don't have the resources to do what you need to do, and that comes down to dollars and cents. [LR37]

NATHAN BUSCH: At the end of the day, it all comes down to dollars, Senator. [LR37]

SENATOR KRIST: So whether it's Boys, Girls, or whether it's you, you need the proper funding to provide the proper services for our kids and families. [LR37]

NATHAN BUSCH: As with any area, Senator, that's absolutely correct. [LR37]

SENATOR KRIST: Okay. So my question expands for you to get back to us, if you would... [LR37]

NATHAN BUSCH: Sure, Senator. [LR37]

SENATOR KRIST: ...in terms of what that's going to cost us to do this correctly. [LR37]

NATHAN BUSCH: I can do that, Senator. [LR37]

SENATOR KRIST: Because along with the reform that's happened in other states, there is the realization that if you don't fund it correctly, you will fall on your face. And unfortunately, we didn't learn from their mistakes, so we have failed. And if it's a matter of dollars and cents, we need to correct that issue. [LR37]

NATHAN BUSCH: Absolutely, Senator. [LR37]

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SENATOR KRIST: And your input is going to be critical for this area for us. [LR37]

NATHAN BUSCH: We will be proud to get that to you. [LR37]

SENATOR KRIST: Thank you very much. [LR37]

NATHAN BUSCH: Thank you, Senator. [LR37]

SENATOR CAMPBELL: Senator Wallman, do you have any questions? [LR37]

SENATOR WALLMAN: No, thank you. [LR37]

SENATOR CAMPBELL: Okay. Seeing no other questions, thank you, Mr. Busch. And I'm assuming you will stay around for the morning, okay, if we have any additional questions. [LR37]

NATHAN BUSCH: You betcha. You betcha. Thank you, Senators. [LR37]

SENATOR CAMPBELL: I'm going to ask, because we had a call into the office today that the County Attorney's Office could not be present because of a court case. Did anyone...is anyone here to substitute for the County Attorney's Office? Okay. Scott Curtis. Is Scott Curtis here? Mr. Curtis is a representative of the Foster Care Review Board. Please have a seat. We're trying to get the logistics here of getting out to you, and we will need you to complete an orange sheet. Okay. Mr. Curtis, you want to spell your name, first and last, for us. [LR37]

SCOTT CURTIS: (Exhibit 2) My name is Scott Curtis, S-c-o-t-t C-u-r-t-i-s. Good morning, Chairperson Campbell and members of the Health and Human Services Committee. Like I said, my name is Scott Curtis and I am with the State Foster Care

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Review Board. I have been in my current position for the last two and a half years. I review western Nebraska, which covers Scottsbluff and Gering, Alliance, Kimball, Sidney, Chadron, Ogallala, North Platte, McCook, and the surrounding cities. I hold three board meetings per month resulting in approximately 35 children being reviewed per month. The Foster Care Review Board reviews and makes recommendations and findings of children who have been placed in out-of-home care. I am currently a member of the local Through the Eyes of the Child team, a member of the local Western Service Area stakeholders group, recently joined the local 1184 treatment team, and am partnered with the local youth network groups. I would like to provide the committee with information that I have received through my reviews, from guardians ad litem and attorneys, from providers, and from foster parents. The top three issues experienced with Boys and Girls Home as a lead agency where (1) the lack of payment for foster homes and lack of timely payments, (2) the reduction of payments to foster homes, and (3) the loss of service providers in the local area, including foster homes, shelters, and group homes. The top three issues facing child welfare since the lead agency has left the area, (1) because of the lack of payment and/or reduction of payment to foster homes, there was a reduction in the foster homes in the area, making it difficult to maintain the children in their home communities. This not only disrupts the children's educational setting and typically their medical and therapy relationships, it also increases the need for transportation for visitation and therapy, transportation for courts, and other needs. Health and Human Services has worked hard to rebuild the foster home providers in the area but this still remains an issue. (2) Because Health and Human Services CFS specialists remain actively involved in their cases, there was a relatively smooth transition of returning the cases back to the CFS caseworkers. (3) Family support and visitation services were in part being provided by Boys and Girls Home prior to privatization, and during the privatization process many other local service providers either closed or had to reduce staff. When Boys and Girls Home left the area there was a lack of service providers in the area. Health and Human Services has worked hard to rebuild the infrastructure, but difficulties still remain. Some of these difficulties include the loss of one major service provider, that being Reach Out Foster

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Care. Reach Out provided foster parent recruitment and training, visitation supervision, transportation, and a host of other services. The Foster Care Review Board found that this provider had consistent high quality reports and provided excellent services. Speak Out, another local agency, had to reduce its staff. Some community action programs have lost staff. The Boys Ranch in Alliance was in the process of reorganization but did not contract with the Boys and Girls Home, and had to close its doors permanently. The Chadron/Alliance area previously utilized three transportation companies, but currently only two, Prince of the Road and Midwest Transport, are available. Additionally, these two providers have had to reduce staff. Western Community Health of Alliance had been providing supervision for visits, tracking services, and other family services, but all were discontinued due to Boys and Girls Home coming to the area. The Bridgeport/Alliance area is currently trying to utilize services from Chadron and Scottsbluff, and McConaughy Discovery Center has picked up some services, but the size of the area being served is a barrier. Recommendations for the child welfare system in the future include, (1) Health and Human Services needs to strengthen their oversight of contract providers, including service coordination and financial payments, documentation provided, and act on reported concerns in a timely manner; (2) assess foster parent payments, recruitment, and retention; (3) statewide the Foster Care Review Board has the same reported concerns regarding foster parent support. And as stated in the Foster Care Review Board reform report issued in December 2010, 50 foster parents had directly contacted the Foster Care Review Board with their intention to cease foster parenting. Pay had generally decreased while their roles and responsibilities had increased. They were expected to provide supervision for parents and siblings without adequate support or training. The supervision of parent/child contact by the foster parents could create potential conflicts of interest; (b) between April 1 and May 20, 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; (c) 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; (d) several relative

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placements had contacted the Foster Care Review Board to report the difficulty in caring for children when receiving on \$10 per day in reimbursement. Difficulties were particularly noted with grandparents who are on fixed incomes; (e) providers reported and the Foster Care Review Board experienced firsthand that if accurate information had been shared regarding privatization issues, the agencies would have been able to better prepare themselves for what eventually did take place. Further, several agencies noted confusion as to which agency to contact when issues on children arose, which led to children being lost in the shuffle and not receiving other needed services; (f) there are some current difficulties with Magellan denying children treatment level of care. These denials have led to some children being placed in emergency shelters for significant and unacceptable periods of time; (g) although Health and Human Services is making efforts to recruit new foster homes in the area, several of these homes have expressed an interest in only taking younger children, which has led to many other children being placed either in the emergency shelter for significant periods of time or placement considerable distances away. The red light was flashing. Am I still okay? [LR37]

SENATOR KRIST: No. Keep going. [LR37]

SENATOR CAMPBELL: Go right ahead and finish. [LR37]

SCOTT CURTIS: Okay...(h) In North Platte, services have been lost, including the youth shelter, foster homes, and group homes. Due to the lack of placements for the children as well as the size of the Western Service Area, this causes a barrier due to the distance between the parental home and the placements. In this next section I do have some statistics. I do not know if you would like me to read them or not. [LR37]

SENATOR CAMPBELL: That's fine. We'll have the record note that in your testimony it's there. [LR37]

SCOTT CURTIS: Okay. I do have several commendations that I would like to make.

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Judge James Worden, Judge Randin Roland, Judge Mike Piccolo, Judge Kris Mickey, Judge Kent Turnbull, Judge Anne Paine, Tiffany Wasserburger from the County Attorney's Office, the guardians ad litem Lindsay Snyder, Maxie Morgan, Audrey Elliott, and Eric Eisenhart. All of these individuals have all provided excellent service to the children in the area. Scotts Bluff County also has a very strong CASA program and the reports received from the CASA volunteers are invaluable when assessing a child's situation. Health and Human Services has also made recent renewed efforts to provide information and have representatives present at all Foster Care Review Board meetings. As the Foster Care Review Board budget document has requested, another reviewer for the Western Service Area is needed to review more of the children in care. I myself regularly cover cases from as far away as Furnas County, and travel takes up a substantial portion of my time. Thank you for taking the time to hold a hearing regarding the child welfare system and I appreciate being given the opportunity to be heard regarding the child welfare issues we face in the Western Service Area. [LR37]

SENATOR CAMPBELL: Nice job, Mr. Curtis. Questions Senator Krist and then we'll go down the line. [LR37]

SENATOR KRIST: Excellent. Mine is pretty quick. [LR37]

SCOTT CURTIS: Okay. [LR37]

SENATOR KRIST: During the time when Boys and Girls were in place, are you aware of or were you privy to times when the comment was made, we just need more resources, we need more money, we need...and that directed at HHS. Was that communicated along the way as the program started to deteriorate and the services started to leave? [LR37]

SCOTT CURTIS: Well, we've always had pretty good communication with Health and Human Services out here, and I...we make our concerns noted, especially at the

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partners meeting. So when issues have come up with the shelter, needing more beds or needing additional group homes, we make those needed services aware to them. So along the way, at some point, they have been made aware of all of the issues that have come up with needing more resources, needing more services for the children. I hope that answers the question. [LR37]

SENATOR KRIST: And, I mean, did you hear there wasn't enough money, there was no more money available? [LR37]

SCOTT CURTIS: I did not hear that from Boys and Girls Home, and Health and Human Services is sometimes limited in what they can say during our meetings. But I had heard at points that there were limited resources for certain programs, and this was from Health and Human Services and not from Boys and Girls Home. [LR37]

SENATOR KRIST: Thank you, Scott. [LR37]

SENATOR CAMPBELL: Okay. We'll go down...questions, Senator Harms? [LR37]

SENATOR HARMS: Scott, thank you very much for coming to testify. As I look at what your concerns are here, does money really fix this? It's not just a money issue, is it? I mean you can pour money into a program that's broken and it still doesn't work, so what is the issue here? [LR37]

SCOTT CURTIS: Money would fix some of it but a major part of that goes with finding quality people to run these resources. Like pouring money into a group home in North Platte would be one thing, but finding competent people that have a track record of success is far more important. So it's...I think in the area here, it's almost more important to find the right people to take care of the issues, and we have limited availability to those people out here. [LR37]

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SENATOR HARMS: Now is that because we cannot pay them enough to attract them here, or they just don't want to live in this region? I mean what are the issues? [LR37]

SCOTT CURTIS: I think it's a combination of all of the above. A lot of the positions that we're looking for would require a college degree, and somebody coming out of college probably will not want to come to Scottsbluff to work for \$12 an hour to provide these services. So it's a broad combination of a lot of issues. [LR37]

SENATOR HARMS: So, Scott, if you've got all the power in the world--(laugh) makes you feel good, huh?--if you've got all the power in the world, how would you fix this? I mean if you could put this in a ball that's easiest for us to explain, how would you fix this issue? [LR37]

SCOTT CURTIS: Well, I think it does go back to money, being able to pay a competitive wage when identifying these people, because out here we're not able to offer the same amount of money as they would in, say, Lincoln or Omaha to some of these people. You know, we're losing the qualified people to places that are able to better pay the individuals. So I would try to increase the salaries and more oversight on the spending to make sure that the money is directed to the right organizations, the right people, and that things are actually being taken care of and that the information is not being shared when problems arise. That was also a big issue that was out here, that, you know, when the problems came up, there was a lack of sharing of this information, and then when it came into the public light, everything was gone and some of the people that were involved in that system were burned by it and don't want to go back into the system. And that's another problem. I don't think I have a good specific answer for your question, but. [LR37]

SENATOR HARMS: Oh, it's a difficult question, I understand that. If you were going to look at oversight, how would you set that up? I mean if we really...I don't disagree with you. I think you have to have oversight, both in the Western region but also over Health

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and Human Services in general. I don't think there's enough oversight, period. But out here how would you do that, how would you put that together? [LR37]

SCOTT CURTIS: I think...this may say odd. One of our weaknesses is also one of our strengths in that we don't have a lot of caseworkers, we don't have a lot of agencies out here. So that I think if maybe just...and this is just myself speaking personally, a few full-time auditors would be able to handle the oversight of the entire area because we have the reduced worker numbers and reduced agency numbers. Realistically, I think just a few people would be able to manage that oversight if done on a full-time basis. [LR37]

SENATOR HARMS: Do you think the oversight should be based around the fiscal side of it, or communication? I mean when you look at oversight, you can do whatever you want. Where does the issues lie here? [LR37]

SCOTT CURTIS: Well, all of our issues seem to come back to money, so. [LR37]

SENATOR HARMS: Yes, they do. [LR37]

SCOTT CURTIS: I think communication, the agencies, we can take care of ourselves. It would be a pure fiscal undertaking to review where these monies were lost or how they're being spent. [LR37]

SENATOR HARMS: One final question, okay? [LR37]

SENATOR CAMPBELL: That's fine. [LR37]

SENATOR HARMS: When you look at the administrative structures locally, does that flow appropriately? Is that administrative structure what we have to have? [LR37]

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SCOTT CURTIS: For myself personally I think it's working very well with Health and Human Services. We have great communication. If I need to contact any one of the administration, all the way up, I can usually have contact within 20 minutes. [LR37]

SENATOR HARMS: You get good cooperation. [LR37]

SCOTT CURTIS: Yes. [LR37]

SENATOR HARMS: Thank you. [LR37]

SENATOR CAMPBELL: Senator Christensen. [LR37]

SENATOR CHRISTENSEN: Thank you. First, I guess I'd love to encourage you to contact us senators privately, because sometimes I can say it's very difficult to speak up with potential changes that you sometimes see when people you work with are sitting in the audience. And so I would encourage that, and that goes for everyone here, because it is difficult. And sometimes what needs to be heard there's a resistance against. But I guess when I look at you said it comes down to money, I personally can disagree with that. In a way I can make a case for it and in a way that I don't, because it comes down to caseworker relationships, it comes down to guardians ad litem doing their job. I know guardians ad litem that never make visits. They'll call the caseworker. And tell me what good that does a child? None. And so basically I'm not asking the question yet, I'm trying to get a point on the record. We've got a broken system because there's no accountability to the point, if you have a bad caseworker there's no accountability to them, especially if a guardian ad litem calls them only. Never visits the home, never visits the foster parents and takes in what is going on, so--in which I've seen that be very consistent. And part of that problem is the fact, if you don't pay well you won't get a good caseworker. You get the ones that love it, that's not interested in the pay, and then you get those that take the job because that's all they can find. And that's probably one of the biggest hang-ups I see in this system we have is people that's there for the job

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instead of the profession. And that steamrolls a huge problem. And then when it goes on up, you can't talk to the hierarchy and get them to evaluate a caseworker or step them out of a case which prolongs cases. That's why I mentioned...I know of cases five and six years in, because of bad caseworkers and because the uplink won't do anything and don't do their job. But that's why I encourage you, if there's something you want to say afterwards, get ahold of these guys, because I believe there's a lot more than what's coming out, and I'll be very blunt and to the point. I believe you know things that you could say that would improve this. You might feel hindered. I hope it's that good out here that you don't. But the fact is, we have a problem. It's known statewide and the senators know it. You've seen a huge increase in the number of bills introduced, and this committee, I hope, is going to make some major changes this year. I come from the outside of the committee, I don't sit on this one, but I want to encourage you, whether it's individually, because I visit with several others that do your same job that have a lot of good insights for me. And I hope it's that good out here. But I'm just speaking up and speaking loud enough so everybody hears me, because I hope to get some phone calls, because this needs to change and I want to see the change. And sometimes it's difficult to speak here, because personally I think it comes down to oversight on caseworkers and lack of guardians ad litem doing their job that is steamrolling this problem. I guess I thought I had a question (inaudible) got one. [LR37]

SENATOR CAMPBELL: (Applause) We ask that you not applaud or cheer or whatever during the hearing and respect that. Each senator will make a comment if they wish and the testifiers, so I ask that you refrain from doing that. Thank you. [LR37]

SCOTT CURTIS: I do have some responses to that. In the local area, I have...I'm actually in the process of completing a report about a caseworker that I feel has not fully completed the duties of her position, and I have been invited to give reports to the administration about caseworkers that I feel are not adequately fulfilling their roles, because a lot of times the information doesn't flow upwards regarding those things. So I think in the Scottsbluff area, and it may be unique to this part of this state, I am

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communicating those concerns with the supervisors and the caseworkers. Guardians ad litem is a very hit-and-miss thing. Out here we're blessed with three very good ones, but in other parts of the state that I serve, in North Platte, for instance, there are some guardians ad litem that have never made contact. And I do fill out reports and those are submitted to the Chief Justice regarding guardian ad litem contact. So we are trying to address some of those issues, but I...and I do agree with you that there does need to be oversight on the caseworkers. But it's...there's a fine blend of needs out here, and that's all I can say, that I agree there needs to be oversight in finances, there needs to be oversight with the caseworkers, and the entire system needs to be improved. [LR37]

SENATOR CHRISTENSEN: I apologize. I put you in a tough spot. [LR37]

SCOTT CURTIS: No, that's okay. [LR37]

SENATOR CHRISTENSEN: But I think I made a very good point and I hope out of the point made there will be some contacts from people to the committee or whoever they feel like they can trust, so maybe we can get some justifiable changes. Thank you. [LR37]

SENATOR CAMPBELL: Senator Wallman, do you have any questions? [LR37]

SENATOR WALLMAN: No, thank you. [LR37]

SENATOR CAMPBELL: Mr. Curtis, I just have a couple of questions. Just for the record, could you tell us where Reach Out Foster Care is located? [LR37]

SCOTT CURTIS: Panhandle Mental Health. [LR37]

SENATOR CAMPBELL: I'm sorry? [LR37]

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SCOTT CURTIS: Panhandle Mental Health. [LR37]

SENATOR CAMPBELL: Okay. And the community, the community it's located in? [LR37]

SCOTT CURTIS: Oh, it's in Scottsbluff. It's by... [LR37]

SENATOR CAMPBELL: In Scottsbluff. Okay. I'm sorry... [LR37]

SCOTT CURTIS: It's by Regional West Medical Center. [LR37]

SENATOR CAMPBELL: All right. We just needed to know that for the record. In the statistics, are there any one of those statistics that you would like to highlight for the committee in the record? Anything that's really stands out, which is on page 3, I think, of your testimony. Is there anything that we really need to know out of those? [LR37]

SCOTT CURTIS: After Nathan's testimony I chose not to read this, but I felt that showing that in this service area we have superior statewide numbers for children that...our numbers are much better than other parts of the state as far as having four or more caseworkers or four or more placements. The state average for four or more caseworkers is 43 percent and 30 percent for four or more...no, I'm reading the wrong statistics. I'm sorry. (Laugh) The statewide average, statewide there are 4,271 children in out-of-home care. And of those, 1,970 children, or 46 percent, have experienced four or more caseworkers; and 1,946 children, or 46 percent, have experienced four or more placements. In the Scottsbluff area, those numbers are...there are 128 children in out-of-home care and 42, or 33 percent, have had four or more workers; and 44, or 34 percent, have had four or more placements. So locally, when you reduce the caseworker turnover, reduce the number of placements, you're going to have reunification or permanency achieved in a more timely fashion. And that is one of the strengths of the area is that we don't have as much caseworker turnovers and we are

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maintaining our placements better. [LR37]

SENATOR CAMPBELL: Senator Bloomfield. [LR37]

SENATOR BLOOMFIELD: Thank you. On page 2 of your testimony, under (a) for recommendations, you said that, as I'm understanding this, they were expected to provide supervision for parents and siblings. What kind of supervision are we talking about there that the foster home would be...? [LR37]

SCOTT CURTIS: Visitation supervision. If the children were transported to the placement home, then the foster parents were expected to supervise all the contact that was occurring and take notes to report back to the lead agency. [LR37]

SENATOR BLOOMFIELD: So the parents and siblings were coming into the foster home, or was the foster home required to take the children to see the parents and siblings, or...? [LR37]

SCOTT CURTIS: At times, both. [LR37]

SENATOR BLOOMFIELD: Okay. Thank you. [LR37]

SENATOR CAMPBELL: I want to go back, Mr. Curtis, to your third page, and you talk about that, on item (f), that some of the denials have led to some children being placed in emergency shelters. Can you give me some idea, ballpark, how long? [LR37]

SCOTT CURTIS: One child was placed in there for over five months. We've had other children that have...we've had several children that have been there for three to six months. [LR37]

SENATOR CAMPBELL: And what should, in your estimation, be the average stay? I

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mean what should we be...so we have some gauge here. [LR37]

SCOTT CURTIS: Ideally, less than a month. Because oftentimes, while in a youth shelter a child will receive limited services, and then we'll have liaison come over from the school, but therapy, visits, and other services may be very limited while they're in there. And education is such a huge piece. If a child is in there for five months, and all they're getting is three hours a week of schooling, that is not adequate. [LR37]

SENATOR CAMPBELL: And I'm sure the lack...I mean the ability, it seems to me, to keep the child in their home school is just extremely difficult if the services aren't there, and I'm sure you see that too. [LR37]

SCOTT CURTIS: Yes. [LR37]

SENATOR CAMPBELL: Okay. Oh, Senator Christensen. We'll take one more question and then we're going to have to move on. [LR37]

SENATOR CHRISTENSEN: I want to back up on what Senator Bloomfield asked you on that part (a) on page 2 on the recommendations. I guess if the foster parent has to go in and supervise the actual parent, how does this...that's a caseworker job. And I talked...yeah, you put in conflict of interest. But talk about having to be, explanation point, doing something backwards? It's right there. Because there is no way, shape, and form that should be done, because now you've got a foster parent pitted against a parent. And absolutely worst idea I ever heard. And if you want to comment on that more, fine. If not, I'm done. [LR37]

SCOTT CURTIS: I don't think I can add to that. [LR37]

SENATOR CAMPBELL: Okay. Thank you, Mr. Curtis, for coming today. [LR37]

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SCOTT CURTIS: Thank you. [LR37]

SENATOR CAMPBELL: And we should note for those in the audience that do not know, the Foster Care Review Board is required by statute to provide data to the Legislature and keep it apprised of children who are in state care. So thank you for your service. [LR37]

SCOTT CURTIS: Thank you. [LR37]

SENATOR CAMPBELL: All right. Our next testifier is Audrey Elliott. Am I saying that right? Audrey Elliott, is she here today? Okay. She was to represent the guardian ad litem. Okay. And our next then would be a former youth in foster care. Brittyn, am I saying that right? [LR37]

BRITTYN CABRAL: Brittyn Cabral. Yes. [LR37]

SENATOR CAMPBELL: Yes. Good morning. [LR37]

BRITTYN CABRAL: Good morning. [LR37]

SENATOR CAMPBELL: How are you today? [LR37]

BRITTYN CABRAL: I'm good. How are you? [LR37]

SENATOR CAMPBELL: Very good. So it's Brittyn...did we say...is that right? [LR37]

BRITTYN CABRAL: Yes, ma'am. [LR37]

SENATOR CAMPBELL: Okay. You want to...we probably better spell all of that for the record. [LR37]

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BRITTYN CABRAL: Okay. B-r-i-t-t-y-n C-a-b-r-a-l. [LR37]

SENATOR CAMPBELL: Excellent. And you just go right ahead with your testimony.  
[LR37]

BRITTYN CABRAL: Okay. All right. I'm very nervous but I'm very honored to be here and speak to you guys. I'm part of a council called Project Everlast, and it's for former youth, "guardianed" youth, or adopted youth. And we do a lot of community stuff. What we're working on lately is called cat packs and pup packs. It's for children in school from first grade to being a senior in high school that during the week, you know, they may only eat at school because there's not food in the home, you know. And they take these backpacks that have food in it over the weekend so themselves and their siblings could eat. And there's councils all over Nebraska. There's big ones like Lincoln and Omaha, and we get together and we talk about the things we're doing. And the council is not only stuff that we can do in the community but it's a place where we can go and sort of be a family, you know. Because when kids go through foster care, it kind of feels like you're alone. And to have other youth you can talk to and relate to, it's a good thing to be a part of and to, you know, be kind of like a family. My views on foster care, I have a good story. You know, I entered foster care when I was 14 for reasons that weren't my fault, and I was placed with Kristi and Eric Cabral who later adopted me when I was 15, and I became a Cabral and I'm very proud to be a part of the family. And I've had a very good story and we do hear a lot of bad stories about foster care. And there are just as many good stories as bad stories, and there are faults in the system, of course, but I think we need to focus more on when we create something it's not going to be perfect. You know, that's a given. And when there are problems that come up, which there are a lot of, that does make us one step closer to making it perfect and fixing the problems that do arise. [LR37]

SENATOR CAMPBELL: Brittyn, you came into foster care here in Scottsbluff? [LR37]

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BRITTYN CABRAL: Yes, Scottsbluff. [LR37]

SENATOR CAMPBELL: Okay. And for the audience members, Project Everlast has been put together by the Children and Families Foundation and is all across the state. And we're a part of a summit in Lincoln. Were you able to attend that, Brittyn,... [LR37]

BRITTYN CABRAL: Um... [LR37]

SENATOR CAMPBELL: ...when they did the summit on foster care or permanency planning? There were 50 students and former foster youth at the conference, and they were as articulate as you are. So just great job. Questions from the senators? Senator Christensen. [LR37]

SENATOR CHRISTENSEN: Thank you for coming in. [LR37]

BRITTYN CABRAL: Yes. [LR37]

SENATOR CHRISTENSEN: It's great to hear the positives because quite often in our job we hear the negatives and the difficult things. Something that you maybe can do and maybe this project does, and that is get some contact with those that don't work, the cases that don't work. If you ever have insights on what didn't work there, coming from your side, from your end would be great for any of our offices to hear, if you would be willing, if you hear some. Because the difficult thing on our end is to sit here and say, well, this don't work so this is what we've got to do. And you said it, it's never going to be a perfect system and it's going to be difficult to do. But having come through the foster care system, you have connections we don't. So please feel free to call Chairman Campbell or any of us when you hear something that could better the system, because we would love to be here, hearing all praises like you're giving, but we know that's not the case, but we would sure like to get better. [LR37]

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BRITTYN CABRAL: In a part of the council, the kids can get together and we can talk about, you know, the things we could change, things that would be better for us and to make it, you know, somewhat better. And we would love to, you know, have a conference call when we have our meetings with you guys if that would be something you guys would be interested in. [LR37]

SENATOR CAMPBELL: Sure. [LR37]

SENATOR CHRISTENSEN: I'm sure it would be. [LR37]

BRITTYN CABRAL: Thank you. [LR37]

SENATOR CAMPBELL: For our visiting senators, we have a foster youth at every hearing, and at certainly one of the hearings we heard from a young person who had not been adopted and had aged out of the system, and it was very interesting for us to hear. So yes, you were...that's just wonderful that you were adopted. On the council, Brittny, how many, just rough estimate, of the youth had been adopted and how many had to age out of the system? [LR37]

BRITTYN CABRAL: We don't have too many that aged out that are a part of the council. We had about two that had aged out but they wouldn't participate, you know, through all the councils and, you know, keep showing up. But there's a lot of...there's a few "guardianshiped" and there's a lot that are still currently in the foster care system. [LR37]

SENATOR CAMPBELL: Are those that are in the system right now, have they been adopted, as you, or are they in foster care? [LR37]

BRITTYN CABRAL: They're still in foster care. Yes. [LR37]

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SENATOR CAMPBELL: As you listen to the other youth, and particularly those that might have aged out, what particular problems did they have when they aged out? Do you ever talk about that, Brittyn? [LR37]

BRITTYN CABRAL: I think the only one I can think of is not having the support system after they age out. They don't have, you know, the family there anymore. They don't have the resources to lean back on anymore. You know, they feel like they've just been, you know, abandoned. [LR37]

SENATOR CAMPBELL: And that support system is really important. [LR37]

BRITTYN CABRAL: Um-hum. Yes. [LR37]

SENATOR CAMPBELL: Senator Krist, you had a question. [LR37]

SENATOR KRIST: Yeah, just quickly. We've heard in other places that one of the problems with the foster care program is that a young person comes into a home at one level of payment, and if they're really good, the payment drops, and if they're really bad, some other things happen. Talk to me about that. Is that a reality here and is it a problem? [LR37]

BRITTYN CABRAL: Well, I've seen cases that like the child, you know, they are rebelling, they're not changing, they're not making a difference, they're not trying, but they're not bad enough to where the pay highers, but they're not, you know, good enough to where it lowers. It just stays there and there's no, like...there's no anything getting better, there's no anything getting worse, and that's really all I can say I guess. That's the only case that I've known of. [LR37]

SENATOR KRIST: How many of those folks who enter the system at a certain pay level

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and then that pay drops because they are cooperative and they're doing well? How many of those parents do you know in this area that say, I can't do it for less money. Does that happen? [LR37]

BRITTYN CABRAL: Well, I guess it might have been in my case, but there wasn't any complaints. There was nothing, but. [LR37]

SENATOR KRIST: Okay. Thank you. Thanks for coming. [LR37]

BRITTYN CABRAL: Yes. Thank you. [LR37]

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

SENATOR BLOOMFIELD: I would like to redirect a question to Mr. Busch if I could,... [LR37]

SENATOR CAMPBELL: We'll come back. [LR37]

SENATOR BLOOMFIELD: ...to follow up on what Bob just asked here, because I saw some...(laugh). [LR37]

SENATOR CAMPBELL: For the record, it's harder to bounce back and forth, so we'll come back. [LR37]

SENATOR BLOOMFIELD: Right. [LR37]

SENATOR CAMPBELL: Brittyn, tell us where you are in school? Are you in school? [LR37]

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BRITTYN CABRAL: Yes, I'm in school. I'm a junior. I'm 17 years old. I guess when I went into foster care, I tried a lot of new things. I did three sports that year, my freshman year. I did golf, tennis, and swimming. And then junior year...sophomore year I did swimming because I moved to Gering and Gering didn't have a tennis team and I was a little too nervous to do golf because I wasn't that great and didn't want to be the newbie that wasn't very good. (Laugh) And so my junior year, I'm doing tennis again and I'm doing swimming. So school is good. I'm happy. [LR37]

SENATOR CAMPBELL: So what would you like to do in the future? [LR37]

BRITTYN CABRAL: In the future I want to go into the Navy and explore and help. [LR37]

SENATOR CAMPBELL: That would be terrific. Serving our country is a great future ambition. [LR37]

BRITTYN CABRAL: Yes, ma'am. [LR37]

SENATOR CAMPBELL: Absolutely. If there are no other questions, thank you so much for coming today. And we wish you all the very best of luck and knowing you're quite an articulate young woman, you'll do just great. [LR37]

BRITTYN CABRAL: Thank you. [LR37]

SENATOR CAMPBELL: So nervous or not, you were super, okay? [LR37]

BRITTYN CABRAL: Thank you so much. Thank you guys. [LR37]

SENATOR CAMPBELL: Thank you. All right, we will be taking at this point public testimony from anyone who came today who would like to testify. How many people

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have...I just want to gauge the time. One, two, three, four, five, six, seven. Okay. What you need to do is just, in order, come up. So who would like to start with the public testimony? Oh, did you have a question, ma'am? Oh, you wanted to testify. Come on up. With the public testimony, we are going to run the lights because I have to watch the time because we have a number. So we'll start at five minutes so the clerk knows, and we have a lighting system. I'm sure you've watched the lights here. At four minutes, the yellow light will go on and then the red light, and so I'll probably keep pretty close to the time because I want to make sure that everybody who raised their hand has a chance to visit with us. We have another appointment coming in at 11:30, is that correct? Yes. So we'll watch our time for that. Do we have enough chairs here? Senator Bloomfield, I haven't forgotten your request. We'll come back but I want to try to get the people who need to testify. All right. Good morning. Do we need to get another chair? All right, for the record can you introduce everyone. And I'm assuming you're speaking or...? [LR37]

VALERIE SMITH: My husband and I would both like to speak. [LR37]

SENATOR CAMPBELL: All right. [LR37]

VALERIE SMITH: He' like to begin. [LR37]

SENATOR CAMPBELL: Okay. Would you like to introduce yourself and spell your name for the record. [LR37]

VALERIE SMITH: My name is Valerie Smith, S-m-i-t-h. [LR37]

SENATOR CAMPBELL: Okay. [LR37]

OTIS SMITH: I'm Otis Smith, O-t-i-s S-m-i-t-h. This is little Otis Smith and this is Caleb Smith. [LR37]

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SENATOR CAMPBELL: Okay. Welcome, everyone. And Mr. Smith, will you be going through the testimony? Shall we start? [LR37]

OTIS SMITH: (Exhibit 3) Yes. Thank you for your time. Today I'm just here to share a little bit with you of my personal experience with county courts and the Department of Health and Human Services. We are here to share our story and the truth of the injustice and abuse of authority in the Scotts Bluff County courts, the county attorney, and the Department of Health and Human Services workers. We are in great hopes and expectation that our voice today will be heard not only for ourselves, but for the others who have suffered at the hands of the county attorney and Department of Health and Human Services workers. On August 4, 2011, was the day our lives were kind of turned upside down. We had received a phone call from the Gering police department, about 10 a.m., informing us that our 14-year-old son was at the police station asking for help. The Gering police chief would not tell us why he was there and how he got there, that the Gering police would be calling us later to fill us in on further details. We were a family reestablishing ourselves after relocating from Chicago, Illinois, just a few months prior to this incident. Around 11 a.m. that morning, the police and Department of Health and Human Services workers showed up at our door stating that our 14-year-old son had complained of abuse towards him and his siblings and that the county attorney had used her full authority to have all four of our children removed from our home without full proper investigation and jumping the gun. Our story began when our 4-year-old brought to our attention that our 14-year-old son had been engaging in inappropriate behavior towards him that alarmed my wife and I. Our 4-year-old had told us that his oldest brother had been, quote, sticking his fingers in his bottom. My wife and I confronted our oldest child about this concern and we believed that these actions had taken place as our 4-year-old son had described and bringing his allegations to our attention on a couple more occasions. We believed that this was a serious matter and necessary to discipline our 14-year-old son. My wife and I set up a doctor's appointment to have our 4-year-old examined and to begin seeking further help. Our 14-year-old was aware of this doctor's appointment that was set for Thursday, August 4, the day our children were

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removed from our home. In using the law against us, our 14-year-old showed up at the courthouse claiming him and his siblings had been abused and that he was in fear of his siblings' lives. During the second week of our children being in the state's care, our two toddlers were placed in a day-care facility that is known for having a history of complaints. Our toddlers were coming home with bruises and bite marks with no incident reports being made from this day-care facility. No answers on what happened to our children. As we had expressed our concerns to caseworkers, guardian ad litem, visitation coordinators that seemed to overlook the seriousness of the trauma and more so focusing on my wife and I as being abusers. As there were comments being made from visitation coordinators such as, I really don't care for the day-care facility and making it known that day-care givers were really offensive and impatient. But yet, children who are in the system are continually being placed in these day cares that lack the proper care for our children who have been traumatized from being taken out of their homes. From the very moment our children were taken out of our home, the caseworker had already made her judgments toward us, treating us like we had no rights to our children or any hope to get our children back. So if we had taken the stance to fight for our children and the ability to walk out our rights, the Department of Health and Human Services and two of the caseworkers who were supposed to be working for the family, bringing the families together, became very offensive, avoiding our phone calls and not returning our calls back. The Department of Health and Human Services caseworker had used intimidating tactics such as threatening us with their authority, trying to put fear in our lives like we no longer had any say-so to our children, disregarding anything we had to say, being disrespectful and very distant. The Department of Health had Human Services caseworkers even went so far as to asking my 11-year-old daughter if she liked where she was staying, as she said yes because she and the rest of the children had been placed at my brother-in-law's home, the caseworker twisted our daughter's words and put on a report that my daughter wanted to live at my brother-in-law's house to use against us in court. Any decisions that were being made such a counseling appointments, hair follicle testing that was done to our children, was being done without any notification to us, being done in secrecy. We have

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witnessed and watched the Department of Health and Human Services caseworkers swear under oath before a judge, take a stand, and be dishonest. The same caseworker who has also caused division between our families telling misleading stories, slandering our character, and instigating discord with my wife's brother and sister-in-law where all four of our children were placed. We were determined by getting involved in the welfare and well-being of our children. In the meantime, as we expressed our concerns to the Gering police, a representative from guardian ad litem, the Department of Health and Human Services, and caseworkers with the allegations of our 14-year-old son towards our 4-year-old, they were ignored to what happened to our baby who was the one suffering all along. These are the very same people who believe they are protecting our children from us but are the very same people making poor judgment calls that are destroying homes and tearing the lives of parents and children. We were told from the very beginning this was about reunification to bring families together. This has been used as a sales pitch once our children are in the Nebraska state's custody. We have also been labeled as Christian fanatics, judged and treated like criminals before entering the courts. Could this be why the U.S. Department of Health and Human Services reports have highlighted that Nebraska exceeds the national average of state wards and ranks at the near top in the number of children removed from their homes and are experiencing rates that are two, three times the national average for removal of children from the home? If I may, may I proceed? [LR37]

SENATOR CAMPBELL: Sure. Go right ahead. [LR37]

OTIS SMITH: At the bottom, ma'am, I have the recommendations. We are asking that the state of Nebraska who are in those positions to go back and review all cases of abuse and investigate. All parents who have complied and done their very best to prove themselves worthy to have their children returned. We are asking for those children who rightfully need to be home with their parents to be released to their rightful place just as ours should be. The Department of Health and Human Services caseworkers in need of sensitivity training and preparing them to refocus and the true meaning of the

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reunification. Providing proper training for caseworkers to be equipped with the ability to make sound decisions. We recommend the county attorney be stripped of authority and prohibited from making quick and irrational decisions. Thus appointing a counsel to decide the removal of children from homes in cases of possible child abuse. Implementing a 72-hour investigation plan before removing children from homes. [LR37]

SENATOR CAMPBELL: Thank you, Mr. Smith. [LR37]

VALERIE SMITH: If I may add, as we've all sat here, we've heard from the rest of the services, the focusing on more foster care, the focus on the needs. And we've heard a lot about the money. But let's get back to what's really going on. These are the underlying issues that are going on. There has been they thought they forgot about the parents. They forgot about the families. There are those who do need to be in foster care that I'm sure they're great...there's foster care parents out here. But there's too much of our children being taken out of our homes. The state of Nebraska is not equipped to be parents for children. It is not their responsibility to train our children the way they should go. Every parent has the opportunity to recover, to redeem themselves, and that has been overlooked. We've heard about all the money that is needed. And let's get back to the freedom, this nation that was established under God, the true living God who has given rights, in the judicial system that is set and the judges and these people who have been placed with honorable positions such as yourself have, and caseworkers and in the courts that has been taken advantage of. So we are just asking today that our voices has been heard not only for ourselves, but if this has happened to us, this is happening to other parents who are afraid, who are fearful as we were fearful at the beginning. But when you have everything that you've tried to rebuild and establish, this saying that every family has some kind of form of dysfunction, that does not give the rights for others to come in and take it and say they know what's best for the parents. But every parent has the opportunity to regain and get their children back. [LR37]

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SENATOR CAMPBELL: Thank you, Mrs. Smith. Questions? Okay. Senator Wallman, do you have any questions? [LR37]

SENATOR WALLMAN: No. Senator, I'll have to leave now. Thanks. [LR37]

SENATOR CAMPBELL: Okay. Thank you, Senator Wallman, for joining us today. Thank you. [LR37]

VALERIE SMITH: Thank you for hearing us. [LR37]

SENATOR CAMPBELL: Oh, I'm sorry. [LR37]

SENATOR KRIST: Just a comment. I've heard several of these kinds of stories in the big city. I didn't expect to hear one here in Scottsbluff, but God help you. [LR37]

OTIS SMITH: Thank you. [LR37]

VALERIE SMITH: So be it. [LR37]

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

OTIS SMITH: So be it. Thank you for your time. [LR37]

VALERIE SMITH: Thank you. [LR37]

SENATOR CAMPBELL: Our next testifier. Good morning. [LR37]

DIANA CRYSTAL: Good morning. My name is Diana Crystal, D-i-a-n-a C-r-y-s-t-a-l. And the reason that I wanted to testify this morning is because I've worked for HHS off and on in the HHS system for over 35 years, so I've watched a lot of...I've seen a lot of

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what works and what doesn't work. When I first started working for HHS, I didn't have a bachelor's degree yet. I had an associate. And I was a contract worker with HHS as a family support worker. The child protective service workers were so overloaded that they really barely had time to go into the homes. They would go into the homes maybe once a month. And also checking with the foster parents, they were just so overloaded they didn't have time to do that at the time. And eventually...this was years and years ago, the state decided that it wasn't legal or ethical to contract with family support workers to go into the home because they weren't...the family support workers weren't getting paid very much and they didn't...weren't allowed...they didn't have any benefits. So they decided the family support workers were being taken advantage of. So what they did was they decided to contract that work out to different providers, and in this area it was Lutheran Family Services. So for 12 years in this area, Lutheran Family Services provided the family support workers. What the family support workers did, they went into the home, they supervised visits so the foster parents weren't involved, they went into homes, supervised visits. We did parenting classes. I did a lot of parenting classes over the years, worked one-on-one with the people. Eventually, Lutheran Family Services, I think they went out of business in this area and then everything kind of changed. I'm not sure what year that was. And I guess what happened then...the way I see it is there's a big huge pie, and that money is given, you know, to the...when privatization is involved, so much money is given to them and they have this pie. And what I've seen happen is the people at the top, the people that own the organization or run the organization, they take the big huge slice of the pie and there's these little pieces left to pay the people that actually do the work and go into the homes. And so you're getting people that have no training, hardly any education, and the quality of the work is just going down. That's what I've seen over the last 35 years and that's basically what I wanted to say. [LR37]

SENATOR CAMPBELL: Thank you very much. Questions from the senators? Thank you for coming today and sharing your information with us. [LR37]

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DIANA CRYSTAL: Okay. [LR37]

SENATOR CAMPBELL: Our next testifier? Before you start, Mr. Curtis, you can feel free to take one of your chairs so you have a chair to sit down. Senator Krist, we don't want you to have to stand through the whole thing, so there are extra chairs over here too. Thank you much. Good morning. [LR37]

MARK HALD: (Exhibit 4) Good morning. I'm Dr. Mark Hald with Options and Psychology, and I'm a licensed psychologist to practice in the state of Nebraska. And I just have a few brief comments about...and I'll use the structure that...the outline that we were presented. I have worked...most of my work is with children and has been over the last 30 years. I haven't been a psychologist that long but I'm a special educator and school psychologist and have worked in treatment centers and group homes and taught at the college level and had an opportunity to do a lot of different things. My experience with Boys and Girls Home, when they were the lead agency, was frustrating to say the least. And one of the things that was very frustrating was never getting...or not never, but often not getting the same answer from different people about cases, were not informed about service referrals when we would get a referral for somebody, for background information. So it was very frustrating. A number of those things I think created a lack of trust in the system, not trusting that what was said would happen, would happen. Not trusting that services would be paid for. I know there's a provider in our office that is yet to be paid, and we hear that story all across the state. And I worry and I think have been directly impacted that that lack of trust continues to permeate now, and some of that is related to often when we deal with Magellan, which is ultimately under Health and Human Services, we hear different things from different people at different times, which is an ongoing frustration. One of my greatest frustrations was when the integrated care coordination unit closed, that I don't know all the ins and outs of that, but we lost a huge pool of people that had a lot of experience. And there was such a gap between ending that and beginning a new service, that we lost a number of qualified, experienced people. Some ongoing issues are continuing to

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have difficulties with communication. I think caseworkers are often overwhelmed and overburdened. On the other hand I think I can be as guilty as the next person not picking up the phone and calling them as well. But one of the things I think interferes with that is I don't have relationships with those people. I am more likely to call people that I know and am familiar with, and I don't think we often do a good enough job of collaborating and facilitating those relationships. One of my major concerns is a lack of appropriate mental health services and training. I've had the opportunity to travel the state with the Nebraska court improvement project, Helping Babies from the Bench. And one of the things that we hear over and over is if we have a mental health provider, they don't work with young children. And there's that myth out there, too, that we can't serve children under age 5, and a number of them...you know, a large proportion of the children that are removed from homes are under 5. I'm going to jump around here just a little bit. But one of my concerns is that we need to use science to inform our practice, and we know that a large number of children that are removed from their homes have developmental delays and have psychiatric issues in a larger proportion than children in the general population. And my struggle oftentimes is that the teams involved in working with these kids don't have appropriate training and the expertise on a consultative basis to them to help support them in terms of understanding a lot of those issues. [LR37]

SENATOR CAMPBELL: You have plenty of time so just go on if you haven't finished. Don't worry about the light because we want to try to get...because you had...you were here early so you have plenty of time. [LR37]

MARK HALD: Oh, you had me down as an appointment. Okay. [LR37]

SENATOR CAMPBELL: You have plenty of time. [LR37]

MARK HALD: All right. So one of the...let me back up, then, because I'm kind of rushing. So the children and families that we work with often have very complex issues. For example, I've been at this a long time, but just since 2005 I've had 190 hours of

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specialized training in attachment, child abuse, and neglect. And I feel like I'm just starting to really get a good handle on helping families. I've become more of an attachment-informed therapist, psychologist, and I believe that the basis of a lot of our issues are relationships. And I think sometimes we look for the right technique or the right intervention and we forget that it's about helping families and supporting their relationships. Healthy brain development occurs in the context of healthy, secure, loving relationships and supportive family systems. Healthy brain development is in the early years, from conception to the first four years, sets the stage for the rest of life. There's a huge pool of research now that shows that adverse childhood experience impacts brain development and mental and physical health across the life span. So a person who experiences three or more of these is more likely to smoke, be obese, struggle with depression and anxiety, have trauma symptoms, even have cardiovascular problems. And so one of my concerns is that as we look at revamping the system, do we really understand what the problem is? And I don't think we do enough, in terms of prevention and trying to support families on the front end of that. So I think some things that we can do to try to make things better are understand the value of early childhood mental health and social/emotional development. Early intervention is effective. We know that for every \$1 we spend under age 5, and younger, we get anywhere from \$6 to \$8 back. But yet the bulk of our spending is in adolescent and adult services. And that spending is focused on we're really trying to change the brain and help improve relationships, choices, decision making, impulse control. And yet a lot of that damage was done when children were very little. I would like to see us have statewide prevention programs, beginning with parents in the hospitals and emphasizing to them the importance and the value of that relationship with their child. I can't cite you, but I can find it--there are some studies that have been done on home visiting. And it's some of the most effective prevention that we can do with families, is helping them over time with a couple of systematic visits and providing them with some good information. And I'll stop there.

[LR37]

SENATOR CAMPBELL: I'm sorry, we were trying to figure out a question that Senator

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Krist wants to ask. [LR37]

MARK HALD: Sure. [LR37]

SENATOR CAMPBELL: You want me to go ahead? The department has in...we heard about it in one of the testimonies in the hearings, about--we think it's IRUs--someone from the department tell us, remind us... [LR37]

SENATOR KRIST: In the Eastern and Southeastern areas... [LR37]

SENATOR CAMPBELL: What, Jeremiah? [LR37]

\_\_\_\_\_ : Initial response unit. [LR37]

SENATOR CAMPBELL: Initial response unit--that they're trying to do, to up-front work with families right away and figure out, in a situation where there is a report of abuse or neglect, to identify those very early on. Have you heard any of that work that's being done? [LR37]

MARK HALD: I have not heard that term. I know that...I also consult with the investigation team and the Capstone, and so...I mean, these people are my friends; we all work together. But I have--I know we try to do the front-end-loading kinds of things, but I don't think we do a better job on some situations than others. I have not heard of that concept. [LR37]

SENATOR CAMPBELL: Okay. Senator Krist. [LR37]

SENATOR KRIST: It's fortuitous that you would happen after the family. Because essentially what the IRU has done in its early inception in the Eastern and Southeastern areas is they go into the home, they evaluate, they try to keep--they try to keep the

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family whole and not remove the children, as much as possible. That is made up...you know that the only people that can remove kids are, obviously, law enforcement, so they try to maintain that relationship. And that sounds exactly like what you're speaking of here. So I would invite this area to collaborate with Vicki Maca and find out, in the IRU process, how that happens, because I think that's, you know, you're right on target, as far as I can see. [LR37]

MARK HALD: Well, as soon as we remove a child from the family, we've created additional chaos, regardless of the situation. [LR37]

SENATOR CAMPBELL: Questions? Senator Christensen. [LR37]

SENATOR CHRISTENSEN: With your comments on early invention, I agree with you. Would you not agree, in cases where we suspect abuse or problems going on in the home, it would make sense to have a caseworker come in and visit the home and evaluate the situation before we remove? [LR37]

MARK HALD: Well, yes, and I--but I do think that does happen sometimes. Because I know there's often situations when children are not removed, and often the reporters...I'll hear schools be disappointed that a child wasn't removed, because they felt like they should have been. But they've gone into the home and felt like maybe they, for whatever reason, they shouldn't have been removed. [LR37]

SENATOR CHRISTENSEN: Because, to me, if you're going to revamp the system or make some positive changes, one of the first things you're going to do, unless you know there is actual physical or sexual abuse, is you're going to do the in-home visits to evaluate the situation before you start anything, because you've got to know where to start from. [LR37]

MARK HALD: I would agree wholeheartedly with that. [LR37]

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SENATOR CHRISTENSEN: Thank you. [LR37]

SENATOR CAMPBELL: Senator Harms. [LR37]

SENATOR HARMS: Dr. Hald, thank you very much for coming in and testifying. I really do support your early intervention. I've always believed, for many years, that the quicker you can get into a family or deal with the children's issue...it has to be early. So taking your thoughts in regard to early invention and tying in the sophisticated science that goes with this in the brain development, what type of worker are we going to have to have to be able to do this? What level of education are we going to have to have to go in and do this? Because they're not going to be able just to...a regular caseworker--I don't mean this in a negative sense--I don't think can do that or not. So what type of educational experiences will we have to have? How do we prepare this great state to be able to do what you're talking about? Because I support what you're saying. [LR37]

MARK HALD: Well, I think part of that is in how we forge our partnerships. And going back to what Scott was saying earlier, I think it has a lot to do with training and expertise of people. We don't have the luxury in western Nebraska of having multiple colleges and universities. And people leave the area. And so the people that we hire often don't have the right background, experience. Their heart is in the right place most of the time. But sometimes it's people that--they don't get the nurturing part of trying to support families. I know of a situation recently where someone brought a foster child home and told the foster mother he shouldn't get anything to eat because he had spilled his food. So it's a lack of education, understanding. I think people with a bachelor's degree can do it, Senator Harms. But I think we have to help them understand relationships, what are healthy parenting relationships, and do a better job of having people know--well-informed, research-based parenting programs that are skill based and relationship based. [LR37]

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SENATOR HARMS: Do you think that we could put together an internship program with Chadron State College, University of Nebraska Medical Center, University of Nebraska in general to have students who are just about to get their master's degree--a part of their program would be to come out and go through a program here in rural Nebraska that--it would give us maybe students who are pretty bright, articulate that could interface with a family working with someone from Health and Human Services to be able to fill that gap. Because I think there's going to be a major gap here. And I think the only way we can fix this is start talking to the university or talking to Chadron State College to make it some type of program where we can bring these students in before they graduate--they're just about to get their bachelor's degree--give them real-life training and use that intelligence that they have and that freshness out of school to help mold some of these families, under supervision. [LR37]

MARK HALD: I think that's an excellent thing, to do that. I think while you were president of the college here we tried to develop a program that was very systematic for even associate's degree in those areas. And yet we couldn't--it couldn't be supported. People didn't send their people to the training program. [LR37]

SENATOR HARMS: I think if it came out of this committee and we actually put it in the form of a law, it provides the opportunity to open it up, put a little money behind that. I think we can get there. I think that's just about where we have to go. We have to pretty much drive that ship--or this committee has to drive this ship to (inaudible) get that done. [LR37]

MARK HALD: I do think that we struggle to have quality people that do those positions, because we can't pay them enough--a fair, you know, a living wage. [LR37]

SENATOR KRIST: Well, and that's that IRU concept. And we're lucky enough in the south and the eastern to have people there, because they are part of the medical community, so... [LR37]

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SENATOR CAMPBELL: You know, I'm going to make a comment here and interject. The Legislature two years ago put together, after the save haven, put a package of bills together, and it was grouped under what was then known as LB603. And there is a group of senators...and I'm trying to think, I don't think any of you are on the LB603 committee. Dr. Boust at the University of Nebraska Med Center has received funding to begin training mental health practitioners as well as providing education to physicians, educators--somewhat what Senator Harms is talking about. And they're doing it through conferences, and they're doing it through telemedicine. And what the Legislature may want to do is to enhance what is happening out of there, than to build a whole new one... [LR37]

MARK HALD: It's part of that that BHECN... [LR37]

SENATOR CAMPBELL: ...because we sort of piloted it through the LB603 monies. But the Legislature will have to relook at that issue because it will come up for more funding. And your suggestions and Senator Harms's fit right together with what Dr. Boust is trying to do out at UNMC. So we just need to link all these pieces together. But excellent suggestions for the record. [LR37]

MARK HALD: I, you know, I...one of my frustrations is that I know there...I don't think, historically, we've had a systematic way to train people in--especially psychotherapists and psychologists who have an interest in young children, because it is very, very specialized. There are some pockets happening--I'm aware of some of those things. There's a couple of training programs connected with the Court Improvement Project to work on some of that early childhood parent-child psychotherapy, parent-child interactional psychotherapy. I'm really excited about the Circle of Security model, which is an extension of those kinds of things. They have a DVD parenting model that uses actual footage of real parents and families, and it's a relationship, attachment-based model that is so impressive that they're taking it all over the world. But the state of New

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Mexico has--is--are training people by the hundreds to try and use this as a model across the state. It's one of the things that they've done, but they're doing some really impressive things with early childhood. And they're banking on the money that we'll save over the long haul, in terms of having--strengthening families. [LR37]

SENATOR CAMPBELL: Good point. Other questions? I'm sorry, Senator Bloomfield. [LR37]

SENATOR BLOOMFIELD: Yes. On page 2 of your testimony, under "Statewide Prevention Programs," you say "that target new families." That's this whole intervention...can you tell me what you're talking about as a "new family"? [LR37]

MARK HALD: Well, the idea would be if we have...we parent the way we were parented. It's procedural memory. It's like putting on your shoes; we don't even think about it. And so if we can help parents understand that there may be some good things their parents did for them--there may be some bad things their parents did for them...but when we're mindful of that and we're more reflective of that, we can help support families to take the best and improve but do it in a way that we help support them mindfully. Because one of the challenges for young families--they get isolated. And if they're struggling with poverty or if they're a single-parent family, they get isolated and they don't have supports around them. And those are some of our largest risk factors for child abuse and neglect. [LR37]

SENATOR BLOOMFIELD: Are you suggesting that we send people into the hospital room of John and Susie Q. Normal at the birth of their first child and the state starts to intervene at that point? [LR37]

MARK HALD: It would be an informational service. I mean, families get a lot of information at that point of contact, and it would be another piece of information to help support them. [LR37]

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SENATOR BLOOMFIELD: You are suggesting that the state send somebody in there with the first child and talk to the parent a little bit about how they should parent? Because, in that case...had you come in to me with my first child, I would have grasped you firmly by the ear and exited you out the door. [LR37]

MARK HALD: I think there's a lot of power in information, Senator Bloomfield. And I think we have a responsibility and an obligation to help inform people to the best that we can. [LR37]

SENATOR BLOOMFIELD: I think there's a lot of intimidation in state people coming into your room too. [LR37]

MARK HALD: Well, I can appreciate that. [LR37]

SENATOR BLOOMFIELD: We're going to have to look into this a little further on both sides. [LR37]

MARK HALD: There would have to be the right way to go about doing it. [LR37]

SENATOR CAMPBELL: There are some wonderful parenting programs across the state that are sponsored by any number of agencies, and we probably just need to do a better job of advertising them and getting a statewide inventory of where they're at. Dr. Hald, thank you for coming today. And you have a lot of nuggets in your testimony which we'll have to take a look at. But I want to go back to this--the mental health for children under 5. In your career, at some point, were they paid by Medicaid? [LR37]

MARK HALD: Well, they're still paid for. But I have to argue almost every time I seek authorizations for that. And so what I've heard in my travels across the state is, "Well, I get denied," or "It's too much hassle," or "It's too much paperwork." And I'm just

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hardheaded enough that I just stay with it, and I usually get what I want. But I understand people's frustrations, because it is more demanding. And they act like we don't know what we're doing, or they'll say things like, "Oh, that's just a parenting issue," or, "Child was unable to benefit from psychotherapy," or...and the story goes on. [LR37]

SENATOR CAMPBELL: But there's a major amount of trauma that these children undergo. And I think we're just getting better informed about how that trauma does affect children. I know that we've been trying to read in the office, and we sent Michelle, our legal counsel, to a conference. And trauma is becoming a huge issue, and we need to understand it. [LR37]

MARK HALD: It's very important to understand it. It's helped me understand myself better, you know. Oh, I forgot what I was going to say. It doesn't matter. That's not unusual, either, so... [LR37]

SENATOR CAMPBELL: As everyone in this room has been invited by Senator Christensen, I will also add, if you think of something, you can surely send us an e-mail and we'll make sure that all the committee and visiting senators get copies of it. So don't hesitate, on the drive home today, when--we should have said that or wish I'd talked to somebody. We're there, and we will be gathering data. [LR37]

MARK HALD: Well, don't hesitate to call me, too, if you have any questions. [LR37]

SENATOR CAMPBELL: Okay, we'll do that. [LR37]

MARK HALD: All right. Thank you. [LR37]

SENATOR CAMPBELL: Next testifier. I think any one of the senators that are probably here today...I brought some of my cards, and we'll leave them. And so if you'd like to pick one up--we certainly can share. Good morning. [LR37]

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JOAN FRANCES: (Exhibit 5) Good morning. I'm Joan Frances, and I will spell that for you: J-o-a-n F-r-a-n-c-e-s. And I'm here this morning on behalf of the Panhandle Partnership for Health and Human Services, which is a large collaborative organization that has existed since 1996. It is open to any citizen or agency of the Panhandle, and it serves all 11 counties in the Panhandle. I have prepared these notes, but I'm watching time for the sake of the others that come behind me. And some of this may actually be duplicative, but I do want to highlight a couple of things. On the Panhandle Partnership when we say it serves 11 counties...a lot of the testimony today has come from people in Scotts Bluff County, and so we just need to know that up in the northern Panhandle there are some really great people working collaboratively on these systems as well, from agencies that aren't in this room and similarly to those down south. But the partnership has been recognized over the last few years both at the state level and nationally for the kind of work that it has done in addressing systems. And those systems include the juvenile justice system, substance abuse prevention, public health services, rural home visitation programs that we were just talking about, rural homeless youth programs, child abuse and neglect prevention systems. I'd like to clarify a couple of things just since Dr. Hald's testimony to that end. About ten years ago, in collaboration--maybe a little longer, it was 2000--in collaboration with the rural hospitals, all nine of them in this area, the Panhandle Partnership and the Rural Healthcare Network developed what was called the Children's Outreach Program, which was nurses visiting children and parents in their hospital rooms and offering the service of home visitors for at least two to three visits. The purpose was not just to look at child abuse and neglect issues but to look at the entire family system and ensure that that family had, especially the new family, the resources they needed in order to be good parents, whether it was in some cases the side of a house that was missing or a mom that didn't know how to nurse, whatever it was. But these were nurses, so we got past the issue of the department coming in the door. And that was part of a robust system of services that sent referrals on up the line. As we have lost money and resources in this area and as hospitals have become less able to do that work, we have not been able to

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maintain that service fully funded. But at one time, this voluntary service was covering 80 percent of the newborns in this region. And families were taking those services very well. Scotts Bluff County and Regional West Medical Center were hardest hit and hardest pressed to continue that service, because they have the largest population of babies. So today while we're sitting in this room, in another room in this building interviewing is going on for a second home visitation program that is starting for Scotts Bluff County, Morrill County, and Box Butte County as part of the Affordable Health Care Act for America home visitation program. It is an evidence-based process called Healthy Families America. The collaborative decision was made here of how that would work. And that program is hiring home visitors that will be meeting with those families and working at these early childhood abuse and neglect cases and families that are struggling at very high rates. What is common with all of these is that you have a screening process that helps get the right family to the right service at the right time. And so as I'm talking today I'd like to just highlight that, that, whatever we do, we need to be working with evidence that helps us screen to get the right family to the right service at the right time to reduce the cost. So we have talked as a region. And you've heard from here what has happened to this region as a result of the lead contractors and the demise of the availability of resources, so I'm not going to reiterate that. But as the partnership was looking to present this, we think that what is important to note--and I'm now at the bottom of my first page--is that when you have a demise of the upscale health and human service system in a rural area, you also lose the infrastructure at the bottom. In other words, what people had that they were able to access before they came in contact with the system is no longer there, because we've lost the whole thing and because of so much funding that has been cut. So we are purposely, or unintentionally but intentionally, driving to the higher-end system of care. We don't want to dwell on what went wrong, as a partnership board and the people I'm speaking for and our members, but we believe that the current circumstances do provide us with the opportunity to work collaboratively in a new way to solve these problems. And that's what we need. We have four main recommendations. The first one you've heard already, which is stabilize this situation with the HHS by maybe putting a moratorium on

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any future lead contracts or privatization. We need to be able to stabilize our region. We need to be able to attract professionals, who are not going to come if they think this thing is up in the air all the time. We need to build those people into our communities. We need to replace the professional drain that has occurred so that we can have the stability to create the systems that all of the people have talked about. We also would ask that we recognize that all areas of Nebraska are not the same. We wish sometimes we were as resource rich as the east, and we are not; but we also know that what we have here can be used to create an effective service system. In 2005 the partnership between the Nebraska Children and Families Foundation, the Department of Health and Human Services, and communities like the Panhandle conducted a 28-county service array assessment. In addition to looking at the services that were available in the communities for those families, they also looked at the policies and practices which were ineffective and which could be addressed and changed. We believe that that same kind of partnership now in rural communities can help to create an effective system across the continuum of policies and practices. In our rural communities we see the interrelationships of substance abuse and domestic violence and child abuse and neglect and poverty and healthcare. And if, sitting together, we can look at the similar system to what you're talking about that's happening in the east, we believe that we can address an effective continuum that can help our families here. And it's not necessarily the robust continuum that you need in the east, because we have to use the same people and cross-train them to these unique systems. We are asking you to understand the economy of scale here and some of the policies and practices. You've heard it: what's going to kill you in costs is windshield time and mileage. And it's not going to create an effective service system, and it's not going to build communities--especially looking at the subcontracting process that allows more than one agency to be able to participate in this work. That's what the demise of this area was, that when Boys and Girls came in you either had to be part of them or not provide. And that's what destroyed us. We need a way to have relationships to provide services in the distance. And I see the red light. [LR37]

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SENATOR CAMPBELL: No, you're fine; go ahead and finish. [LR37]

JOAN FRANCES: Okay. We would also like to suggest that--and this is what Dr. Hald and others are saying--that we build on emerging practices and policies, that this is more than about foster homes and group homes and shelters. We need to be educating our population about--and our providers--about these emerging policies and practices and working in good ways. We know that individuals are going to ask for services, but we think it's more important to look at the design of the systems and sit together and really talk about how do families enter in one place and get referred to what they need in a timely fashion or get the services wrapped around them. We ask that we...and we're especially interested, as well, in the partners in the adverse childhood effects work. We have been doing a great deal of looking, for our training academy, at what we can do in that area. We recognize that we have to train at all levels in our community, not just our professionals and our psychologists but all of our people working, because we have many community-based people. We also ask for inclusion of our minority groups in this work. Because sometimes, as I listen, in the Native communities, perhaps what we're doing is not as effective as it might be done in other ways within their community. We ask that we braid all of our work together. We currently have an opportunity to work on the Juvenile Detention Alternatives Initiative with the Annie E. Casey Foundation. They have a number of good stages in that work that we believe can be beneficial to all of our community work, including the dialogue about disproportionate minority contact, which I think would help us. And we need that kind of support. But we believe we can get it from these statewide and nationwide initiatives that are willing to come to this area. Finally, we ask one last thing, that, in the midst of all of the work that we're doing at looking at the system, that we urge all parties to the dialogue to also look at prevention and the early intervention if we're truly going to impact costs, both the human and the fiscal. That's why we need to be placing an equal amount of time in our communities. I cite here the work of Deb Daro, who is a researcher out of the University of Chicago, Chapin Hall. And she gives two specific ways at which we might look at that work. One is to look at building social capital and looking at the environment; and the other is to look at

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the system of care work and the whole assets or resources that we have. She says, in the first case, the challenge is to recognize the social dilemmas and environmental challenges that require response; and that is difficult to achieve in the absence of public investment or professional skills. And in the second instance, the challenge is recognizing the inherent limitations to public resources and the importance of creating a culture in which seeking and offering assistance to meet one's parenting responsibilities is normative. In rural communities, it is very hard to seek help. And that's our biggest challenge. This work is going to require a complex dialogue and collaborative discussions. It also requires an infrastructure of citizens willing to work together. The more distanced Nebraskans become to the issues of child abuse and neglect through outsourcing, the demise of the professional community, abdication of community responsibility, ready responsiveness to local concerns, and jaded perspectives of ineptness and waste at local and state levels, the less capacity we will have for either or both of the above options. Over the long term, the impact will only be to increase the number of children in the child protective services and juvenile justice systems. We look forward to working together in western Nebraska for the solutions for tomorrow's children. Thank you. [LR37]

SENATOR CAMPBELL: Questions from the senators? Thank you very much. [LR37]

JOAN FRANCES: Thanks. [LR37]

SENATOR CAMPBELL: Next testifier. How many people do we have left who wish to testify? One? Two? [LR37]

SENATOR KRIST: Three. [LR37]

SENATOR CAMPBELL: Three? You don't want a break? Senators, want to take a break? [LR37]

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SENATOR BLOOMFIELD: I'm good. [LR37]

SENATOR CAMPBELL: Okay. All right... [LR37]

MARIDEE SWANSON: Good morning. [LR37]

SENATOR CAMPBELL: ...we'll proceed. [LR37]

MARIDEE SWANSON: My name is Maridee Swanson--it's M-a-r-i-d-e-e Swanson--and I live here in Scottsbluff. I am a personal care provider, so I'm one of the people who works in the trenches. I provide personal care for my daughter, who is a mentally handicapped 34-year-old young woman. I live in the home. It's our home; we share a home. Because the state of Nebraska Health and Human Services considers me a contract employee, then I do not get any benefits. I work strictly for what I bill every month. In June I got a letter from the League of Human Dignity, who is who I contract through, that the care providers were going to get a 2.5 percent pay cut straight across the board, because of budget concerns. That did not impact me greatly, but it did to a certain extent, because I am a single mom, and I am the primary provider for my daughter. She does get SSI. But anyway, for that notification I got two letters--one from Health and Human Services, one from the League of Human Dignity. Then to inform her and me of this cut, she received seven separate letters--they all came the same day--and I received five separate letters--they all came the same day in separate envelopes. I called Health and Human Services about this. And I said, you've got to be kidding me. There's one letter per envelope; each envelope is postmarked 34 cents; and just in postage alone, it was almost \$5 to tell us about this change. The answer I got was, these are computer generated by the people that are in the administrative staff at Health and Human Services. I was outraged. I was like, you cut my pay 2.5 percent, but you do this; are you kidding me? If you take that across the board for the care providers and the clients in the state, what is the amount of money that is spent on paper? But they expect us, as care providers, to go paperless. Case in point: Because I

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was billing twice a month, they encouraged me to save enough so that I could make up the two weeks that I didn't bill and only bill once a month, which cost me about \$1,200. Because they wanted to go paperless. But they do this. So I called Senator Harms, and we had a discussion about it, and he asked me to come and testify. I think part of the problem--and I think that the people that have testified here today have good points--but part of the problem is an incredible amount of waste. And I think that's an administrative problem. I think that's a problem within the agency. I think: We used to do it this way back in '85, and we're still going to do it. And I think they're protecting their jobs. And those of us who actually take the pay cut have--I have no control over this. If I did, I would have at least taken it up to the 34 cents' worth, you know. I mean, seriously. So that's my complaint. And do you have any questions? [LR37]

SENATOR CAMPBELL: We'll take Senator Harms and then Senator Krist. [LR37]

SENATOR HARMS: Maridee, thank you very much for coming in. I think this really tells a part of the story that we have. And I know that I have had this conversation with other people in Health and Human Services, is that we really need to look at the structure; the structure, quite frankly, from the top to the bottom needs to be re-engineered. And I don't think we've really done that. When it was reorganized, I think it made it much larger, almost uncontrollable. And I agree with Senator Christensen here. I really believe we have to restructure this in order to cut these things down. And I think the problem with it is, is that--and I've said this to Mr. Winterer--I think (inaudible) issues really lie are in the mid-management side of things. I don't--I just don't think there's enough communication through this whole process and this whole structure. As they reorganized, I think they just kept all the same sorts of things together and they just did the restructuring. And I think, in time, I think we'll get to that issue. I think it's important for us to understand that if you had seven letters, and you look at all the people across Nebraska, how much money that is; it adds up. And I think in order for us to fix all of this, I think it's going to take another re-engineering of the overall system. And I think you can then get better control of it. I think also there's not enough training in the

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mid-management side of the house. [LR37]

MARIDEE SWANSON: Okay. [LR37]

SENATOR HARMS: So... [LR37]

SENATOR CAMPBELL: Senator Krist. [LR37]

SENATOR KRIST: In 1996 the Legislature created this animal. They put everything together. It became huge. It is now uncontrollable. The funding issues that you talk about, we in the Legislature, the Appropriations Committee, specifically left money in programs to protect programs. Okay? A pot of money that was designated to go to a program was robbed from in order to cut the budget in other places. I'm here to tell you that my goal in Performance Audit Committee--which is, my Chair is Senator Harms--and in this committee is to either go to a zero-based budget, where they are going to account for every dime they're spending in those pots of money, or an accountability for the money that's out there. Because it's not up to the agency, once the appropriation goes in for a particular program, to make a decision without coming back to us. That's the way it's supposed to work. When a senator asks a question, he's supposed to get an answer--he or she. And when the legislation goes forward and the budget is approved, that's where the money is supposed to be spent. I agree with you; there's enough wasted money in the system that we can recoup a lot of it. But it goes much deeper than that; it goes to a commitment. And I think some of these senators share that commitment. It's time to get back to accounting for every dollar, every penny of every dollar. So--and I really applaud you coming in. [LR37]

MARIDEE SWANSON: Part of my problem with this is that...and I will e-mail you, because there's another issue that has come forth, that pressure is being put on me, as a parent, as a guardian, and as a provider, regarding my daughter and her placement. So I don't want to get into it right now. [LR37]

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SENATOR KRIST: And I'd like to hear that specifically. I have a 27-year-old daughter who also was on SSI, and we're fortunate enough to be able to take care of her in our home. And if they're putting pressure... [LR37]

MARIDEE SWANSON: Right. And you want to keep her home, don't you? [LR37]

SENATOR KRIST: Absolutely. If they're putting... [LR37]

MARIDEE SWANSON: Well, this is pressure put on me to make her go into residential care. [LR37]

SENATOR KRIST: Yeah, I would love to hear that. [LR37]

MARIDEE SWANSON: And I don't appreciate it, you know. But it's the system. But the part of this that bothers me is that if you are working in the trenches and you are working with people, you can't take an academic point of view. It can't be an idea; it has to be workable. You can sit there and you can talk about it till the cows come home; but unless it works on my level, it doesn't work. And I really appreciate the opportunity to be able to talk to you face to face. And I thank you for your time. [LR37]

SENATOR CAMPBELL: Ms. Swanson...oh, I'm sorry. [LR37]

SENATOR KRIST: No problem. [LR37]

SENATOR CAMPBELL: We'll finish out the questions before my comments. Senator Christensen. [LR37]

SENATOR CHRISTENSEN: Thank you for saying you had e-mail. Would you have accepted this notification that the cut was coming, by e-mail? [LR37]

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MARIDEE SWANSON: Heck, yeah. I've been trying to get them to do the billing electronically for years, and they keep giving me this excuse that the software development would cost too much. Well, that's baloney. [LR37]

SENATOR CHRISTENSEN: I'm with you; I agree. [LR37]

MARIDEE SWANSON: That's baloney. [LR37]

SENATOR CHRISTENSEN: It's poor management. [LR37]

MARIDEE SWANSON: You know? [LR37]

SENATOR CHRISTENSEN: Thank you. [LR37]

SENATOR CAMPBELL: Senator Bloomfield. [LR37]

SENATOR BLOOMFIELD: The five and seven letters you got the same day, besides the postage waste, were they identical letters? Were they the same letters, then? [LR37]

MARIDEE SWANSON: All they did was--all that was changed was the authorization numbers for a partial day, another worker, and full day. And my daughter got seven, and I got five. Plus, I got the notifications from the agencies that I was getting a pay cut. And I understand the economy is tough, but I look at the national economy, and I see who's making the money. And I see a gap between the workers and the administration, and I have a problem with that. And I'm a well educated woman, you know. I mean, I just didn't roll in off the turnip truck; give me a break with this stuff. I don't...you know, I'm sorry. I'm angry and I'm hurt by this. And I just wanted you guys to know. [LR37]

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SENATOR CAMPBELL: Ms. Swanson... [LR37]

SENATOR BLOOMFIELD: Thank you. [LR37]

SENATOR CAMPBELL: ...what I wanted to ask--you only need, really, to write your e-mail once and send it to Senator Harms, and we'll ask him to distribute to all of us. [LR37]

MARIDEE SWANSON: Okay. (Laughter) [LR37]

SENATOR CAMPBELL: I think he'll do that. [LR37]

MARIDEE SWANSON: My e-mail is on the testimony sheet. [LR37]

SENATOR CAMPBELL: Okay, great. But if you wouldn't mind--because I, too, like Senator Krist and I'm sure the rest of the senators, we do want to hear the other part of your story. [LR37]

MARIDEE SWANSON: All right. Thank you. [LR37]

SENATOR CAMPBELL: Because I think several of us have heard that story from others, and it would be helpful to hear yours in addition. [LR37]

MARIDEE SWANSON: All right. Thank you. [LR37]

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

MARIDEE SWANSON: Thank you very much. [LR37]

SENATOR CAMPBELL: ...very much. Next testifier. Yes, sir. [LR37]

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TODD GRAPES: Todd Grapes, T-o-d-d G-r-a-p-e-s. I came here today from Keith County to talk to you. I thought I'd record my own testimony, if that was all right. [LR37]

SENATOR CAMPBELL: Sure. [LR37]

TODD GRAPES: If I can make the machine work. Oh, there we go. Okay. Oh, what I...I understand what the major point of today's discussion is, but I'm going to start out with a little introduction here. I'm kind of shooting from the hip. But what's in my heart is in my holster. So that's what you're going to get. I'm involved in part of an ongoing case right now that to date has cost one party of the case, the mother, in approximately ten months, \$15,000 in attorney fees in this juvenile system. And, Senator Krist, you said you were surprised to hear from the family here that this--their story of what happened to them in western Nebraska, because you hadn't heard one before. That is more likely the case out here than in eastern Nebraska. Because these communities are small, somebody gets a call in, these caseworkers know who that is. And the rumors start stirring, and the talk starts stirring. And you get a lot more collusion going on in these smaller communities. And, for instance, another thing is this--the...it comes down to so much accountability. I just am going to mention one lie in particular in a, last week, a report sent to the court saying that I was intoxicated in the mother's home, reported by the police. I talked to the police, no such report happened. I was not intoxicated; it was a complete, bald-faced lie. The police department talked to Health and Human Services, said this never happened. So an addendum was made to that court report saying that--okay, Todd Grapes was not drunk during a phone call in June. And I go: What? Because what I'm talking about happened in August in a home. Okay, there have been so many lies throughout this thing, which I can establish: anything that I will tell you is a lie I will prove to you is a lie. But there have been so many lies that when they go to cover up a lie, or revert a lie, they don't even remember which lie they're going back for. I mean, for God's sake. And then I've also sat in there and seen one caseworker twice that I can think of right now blatantly commit perjury on the stand, flat out lie, knew it

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was a lie. I can document it was a lie, or I wouldn't be telling you about it. (Inaudible) files this financial audit; I think that speaks volumes in itself. And we need another audit too, between a--of the policies and procedures of the Department of Health and Human Services, not just a financial. Because I don't think you're going to find much difference. I mean...and as far as the privatization goes anyway, I don't like the sound of that. Because that is another way for them to dodge accountability; it's another barrier between the department and accounting for their actions and another way of circumventing the justice system through a private company. And I just--I believe I have one more point. Oh, yes, the one--somebody, I don't remember who, mentioned something about one of the strengths of Health and Human Services is their collaboration within the system. Oh, yeah, that's a strength that is brought to bear on families, not a strength to benefit families, in any means. And, Senator Christian, (phonetic) your comments earlier drove the spike right through the tie. You hit it on the head. So that's just what I came here to share today. And I'm going to say that number one more time: \$15,000. And you know...and this is I don't know if you'd call it a fortunate situation, but most of the people that get in these--that are attacked and brought--and have the Health and Human Services collaboration come down on them don't have that kind of resources to get an attorney to represent them. And they're just stuck. And the department knows that. They know how expensive it is, once they've entered your life, to defend yourself and get justice. [LR37]

SENATOR CAMPBELL: Questions? [LR37]

SENATOR HARMS: Yes. [LR37]

SENATOR CAMPBELL: Senator Harms. [LR37]

SENATOR HARMS: Thank you for your testimony. I will tell you that this approach that we're looking at now, that there's--it's kind of a three-legged stool. The fiscal has already been done by the State Auditor; this committee has gone all across the state looking at

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what the public is thinking; on the other side we have the Performance Audit, is doing just exactly what you've asked. And I believe that they've already got a rough draft, I think, of where we are, what our findings are. And we give them 30 days--the Health and Human Services 30 days to argue whatever their case may be. But in November we'll be releasing this, and we'll come to the committee and--because we're working under their authorization to do this. So you're going to have a pretty good analysis overall of what these issues are. And then it'll be up to the Legislature to try to resolve these. But you're going to get a good picture. [LR37]

TODD GRAPES: Well, is this rough draft going from the Auditor to Health and Human Services? [LR37]

SENATOR HARMS: Now, that...the... [LR37]

TODD GRAPES: And then will that go to the Governor's office this time or because it's a rough draft will sit on somebody's desk? [LR37]

SENATOR HARMS: Well, that's...I don't know what the State Auditor...this Performance Audit Committee will only go to our committee and to the Health and Human Services. And Health and Human Services can deny it, can make whatever, you know, recommendations they want to make out of that. Then it comes back to the committee, and the committee then will vote on it. And once that's done, then we can release it. So it could go to the Governor; it could go to--it'll go to everyone then. And there won't be anything independently given to anyone until the committee votes on it. [LR37]

TODD GRAPES: Well, any one of you that want to speak to me at any time about my involvement with a case, I, I mean, we could spend the rest of the day here, and you could listen to just me tell you nothing but the truth that I can back up, but that wouldn't be fair to anybody else. But if you are looking for solid evidence of what has gone on and what is going on, I'm yours. [LR37]

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SENATOR CAMPBELL: Thank you. And if you wouldn't mind staying around, I'm sure there will be--senators might want to visit with you. [LR37]

TODD GRAPES: Okay. [LR37]

SENATOR CAMPBELL: Thank you, Mr. Grapes. [LR37]

TODD GRAPES: Thank you. [LR37]

SENATOR CAMPBELL: Good morning. [LR37]

STAN BILLS: Good morning. [LR37]

SENATOR CAMPBELL: Please go ahead, and state your name for the record and spell it. [LR37]

STAN BILLS: (Exhibit 6) My name is Stan Bills, S-t-a-n B-i-l-l-s. I come to you from Alliance, Nebraska. I am representing the Snow-Redfern Foundation. You probably know us best as the Nebraska Boys Ranch. It was a residential facility for about 45 years. I'm going to just highlight some things here, because I don't have time to read everything I've given you. But I'll be happy to answer questions at the end. NBR served about 1,000 kids over a period of 45 years. I am here because the board is very concerned about what is happening to families and children. And I am going to speak on my own behalf, with 40-plus years of working with at-risk youth. I'm not here to grind an ax. I'm not here to be angry. That would not accomplish anything. But I'm very concerned about families. I'm going to express a high level of opposition to the reform that has taken place. We have been..."we" being Nebraska Boys Ranch, as one of the group homes that was a fatality as a result of this. I have three points I want to stress. Number one, children and families have been put at greater risk as a result of this

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reform--greater risk. Number two, privatization has not and will not be less costly than the previous system--can't happen. It is not more expeditious for youth, or...it's not cost effective. Number three, privatization was not approached nor managed in a way that allowed for residential programs to actively participate, negotiate, and ultimately survive. I'll focus on number one first. I think all kids should be at home. We all agree on that. That's the best place for children to grow and nurture. However, there are instances where, for the safety of the family and safety of the children, it is best that the family not be united in that unsafe environment, even if just for a short time. But there are times that it is not healthy to leave a child in an unsafe environment. Judges and attorneys--and I'm sure you're going to hear this in a little while--they've--I've heard them express their concerns. Often their hands are tied. They have no options for placement. Therefore, judges are forced to leave the children at home in an unsafe environment, even though they may not want to. I heard statistics earlier about the number of youth who not only are placed outside of western Nebraska but now we have one out of state as well. There's no way that's cost effective. It's just not...nor is it expeditious. Also you heard from Dr. Hald about the fact that the mental health issues that youth exhibit--they're huge. And people are sticking their head in the sand when they think that these children are harmless. There are some children who are not harmless. They're a danger to families, to themselves, okay? As a result of that, what we've seen with the reform that has taken place, mental health services have disappeared as well. Not only residential treatment but also, I'm understanding down east--and those of you who live in the east--I'm understanding there are some therapists who have gone out of business due to lack of referrals or lack of funding, not being paid for services. During the time when NBR was still operating, I asked Boys and Girls Home where they were going to put kids when the residential beds disappeared. They informed me that they were going to be placing them in foster homes. Correct me if I'm wrong, but there weren't enough foster homes to start with. And then I understand we do have a few more foster homes. I appreciate that. But was there an increase in foster homes to offset the loss of residential treatment beds? There's no way. I know of large facilities in eastern Nebraska, in Omaha, that were closed as a result also. They took

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the hardest kids in Nebraska to work with. I know, because I was their clinical director when it opened, okay? So if the foster homes don't exist, where are you going to put them? Okay, I see my light has already come on, my goodness. Okay, number two... [LR37]

SENATOR CAMPBELL: We'll give you a little extra time. [LR37]

STAN BILLS: All right. Thank you. My wife said you would--might, maybe do that. Okay. (Laughter) I asked the top administrator when Boys and Girls Home, Inc., started this process--and I've got to tell you, I've sat in lots of meetings over the last few years--and I said, so how can this possibly be more effective? When you're pumping more money into this home...and I know of situations where there's been 24--around-the-clock services at, like, \$35 to \$50 an hour. Oops, we got paid a whole \$96 a day. It doesn't make sense. It doesn't add up, okay? So number three...you see I'm skipping a lot of stuff here. Those of us who are in residential services were considered the enemy of families. I'm here to tell you we were not. I'd love to have had some kids and some families come in and talk today, okay, who have been very successful. We're not the enemy. We love families. We know how important families are. We're family people ourselves; how can we be the enemy of families? Finally...or, excuse me--during the whole process, initially, the lead agencies gave us the indications they were going to be willing to work with residential programs. Like I said, I was pleased to sit in on those meetings; it was wonderful. All along I'm hearing: Yeah, you're going to be part of this, you're going to be a part of this. Somebody just a little bit ago made the comment about, either you're with us or you're against us. It wasn't exactly that, but if you weren't with Boys and Girls Home and in their hip pocket, you weren't going to make it, I firmly believe. And there's nobody going to retaliate on us; Snow-Redfern Foundation goes on. Snow-Redfern Foundation created Nebraska Boys Ranch 45 years ago. The foundation still exists, okay? They're not going to hurt us. So I'm not fearful of retaliation. Besides, I'm about ready to retire. (Laughter) So here's my point, though. They talked a good game in the beginning; but if you weren't in the hip pocket, you weren't going to

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survive. And what happened...and I predicted this. And I had employees who--I said, you watch what's going to happen; they're going to have this pot of money given to them carte blanche; and what's going to happen is they're going to force the little guy out of business, and then they're going to create their own. Once again I say to you, I think there's 12 beds in North Platte that are the only beds we have out here other than, well, anyway--neither here nor there. They created their own group home. They did create their own group home. Why? Because a group home in North Platte closed; a group home in Alliance, Nebraska, closed. Why? Because we were forced out. And I know there's people sitting behind me that are just fuming now listening to this. I really don't care. It has to be heard. And families who are sitting out here, I hope they're going to be willing to step up. So in summary, I was going to...it sounded good on paper, just didn't happen. (Laughter) Okay? You know, I could--I've got some more here. I, you know, I have 40 years of...one sentence I'm going to say to you: After 40-plus years of working with at-risk youth it's difficult for me...and this is a personal basis; I'm expressing my board's opinion; we're very upset about youth and families not getting the services they need. We were some of those 83 beds that disappeared, okay? It is difficult for me to trust a system that says they have the best interests of the youth and family at heart, when it really comes down to the dollar. And we hear that over and over. But it's time to seriously look at this thing, because it is out of control; it's unmanageable. [LR37]

SENATOR CAMPBELL: Questions? Senator Christensen. [LR37]

SENATOR CHRISTENSEN: Question. I know that it gets brought up at different times amongst senators visiting whether you could revert back to the other system, whether there's been too much harm done, too many homes lost that wouldn't reopen. Is yours a facility that would reopen if it went back? [LR37]

STAN BILLS: No. There's two reasons for that. And I thank you; that was a great segue. Because, I will tell you right now, the property of Nebraska Boys Ranch and the

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Snow-Redfern Foundation has been sold; it's gone. And that property, the campus, now has been donated to an international organization called Teen Challenge. It's been donated to them. Our facility has been empty for two years, okay? About \$3.5 million worth of stuff sitting out there, in today's market, and it's been donated. And I'm working with Teen Challenge. They're transitioning; they're going to be opening up, okay? So there will be some beds. The question will be, however...they're a Christian-based organization. Hmm, will this be a problem? I don't know. We'll see how Nebraska and the Legislature reacts to that, how HHS will react to that. [LR37]

SENATOR \_\_\_\_\_: I think it's a problem. [LR37]

STAN BILLS: Yeah, I understand that; I know that. Nebraska Boys Ranch will not reopen. We...when they quit referring kids to us, and our numbers went down, our money went away, the board said: We have a fiduciary responsibility to protect what Mrs. Redfern wanted, and that responsibility--we're going to keep helping families, but we're not going to spend oodles and bunches of money to retrain staff that was difficult to get in the first place. And we couldn't afford to retrain...I had 32 employees at one time. Where do you find 32 employees in western Nebraska who like to work with at-risk kids? Pretty hard. And the money--it can't happen. I know Senator McGill made a comment about that. Maybe we should go back to the old system. I'm not saying the old system was perfect; it was not; there's no way. But I'm seeing some fault in this one too, okay? [LR37]

SENATOR CAMPBELL: Senator Krist. [LR37]

SENATOR KRIST: We're hearing, even organizations that have very deep pockets are not going to continue to lose money. In other testimony, particularly on the eastern side of the state, institutions that you would never imagine would say "uncle" are ready to say "uncle." So, you know, I know that you had a responsibility to the endowment and your money and all of that. And I would say today, after what we've seen, it's impossible

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to go backwards; it is irrational to go forwards; but we can't stay here. So the fact that it's a Christian-based organization--I believe Family Lutheran Services and Catholic Charities and let's go down the list are providing those. [LR37]

STAN BILLS: Thank you. [LR37]

SENATOR KRIST: So I would hope that you would continue to press that to the state as an option, because...and you have--we have a Title 32 issue rearing its ugly head too--number of beds, all those kind of things. And you know these all too well. But I would hope that you would continue to push that issue, because I'm one of those people that doesn't believe that religion should be a hindrance to taking care of our kids and our families. [LR37]

STAN BILLS: I would like to say about we can't stay here--you're right. The foundation has invested the money from selling the ranch, and we continue to not--we won't provide direct services. We're going to help other families and youth programs around the Panhandle--actually, across the whole state of Nebraska. We can make better use of that money. But we're not going to use that money to reopen as Nebraska Boys Ranch. [LR37]

SENATOR CAMPBELL: Mr. Bills, thank you very much. And I appreciate your coming, particularly since you and I had a conversation a long time ago... [LR37]

STAN BILLS: Yes, we had. [LR37]

SENATOR CAMPBELL: ...and I said there would be a time when we would need to hear from you. Thank you so much for coming. [LR37]

STAN BILLS: I thank you all very much, and thank you for listening. And I hope the new reform, whatever that may be, we move ahead. And I appreciate your time, thank you.

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[LR37]

SENATOR CAMPBELL: Thank you. On our calendar now is a testimony from Judge...

[LR37]

ROGER TOLLEFSON: I have one more public testimony. [LR37]

SENATOR CAMPBELL: Yes, I'm going to come back to that. I'm going to come back. Is the judge here? You said he was here. [LR37]

DIANE JOHNSON: He was going to come at 11:30, so... [LR37]

SENATOR CAMPBELL: It is 11:30. Okay, let's go ahead and take your testimony, and we'll wait for the judge, who was supposed to be here at 11:30. It's a good thing I have all these good clock-watchers over here paying attention. Good morning. [LR37]

ROGER TOLLEFSON: Good morning. My name is Roger Tollefson, R-o-g-e-r T-o-l-l-e-f-s-o-n. First of all, I'd like to thank the senators and the committee for allowing a public forum here to hear the voices of those who are concerned. My particular case begins about five years ago, where my wife and I had a concern for our daughter but first of all concerns for our grandson, and we appealed to HHS for some assistance and help rectifying this situation. We believe that they did a good job and they helped unify the mother with the children. I think, at times, that that actually puts the target on her back. She vowed at that time that she would not get herself in that type of situation, and I'm proud to say that she's been clean and sober for four and a half years. She was asked to provide a safety plan, which was developed and initiated on or approximately November of last year. She called for assistance from her parents; she called the local authorities and said she was in a bad situation. That was rectified, and she returned back to that home. And she was asked to testify because apparently the district attorney felt it was necessary to file charges against her boyfriend. When she went there in

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January, she was asked to give testimony against the situation, and she did not really wish to comply. Her children were removed the following day. And was given no other reason as to why they were removed, other than that she failed to testify. She had been given a list of other reasons as to why the boys were removed but couldn't find any truth in those situations. They included the boys were tardy and late for school; however, they were able to go to the principal's office and find records that they never were tardy and they never were late and they never were absent, zero. There was no further incidents in that home, yet they as of this point are wards of the state. It's been very traumatic to the family, specifically the boys. They've had difficulties in school; they've had difficulties in the respite providers; we've had difficulties with the visitation workers. I will say that HHS has been very helpful in trying to remedy these situations, but I contend that they should never have been removed from this household to begin with. And what I found most disturbing is our last opportunity to visit with the judge in this matter. HHS's recommendation was for adoption--adoption from a family that loves them and takes care of them--and yet based on her past history, a recurrence, not current circumstances. We believe that the state's money could be best spent elsewhere. They have a very supportive family group in this community; the boys are well taken care of. They had been well taken care of in their family. I currently take care of them, along with my wife, as a foster care grandfather and grandmother. But we definitely believe that the thousands that have been spent and wasted in this particular case could have been better spent elsewhere. And I appreciate and thank you all for listening to my particular story. It's not vindictive. I do believe it might be representative of other cases, but I have no firsthand knowledge of other cases. Any questions for me, sir--or ma'am? [LR37]

SENATOR CAMPBELL: Questions? Mr. Tollefson, thank you so much for coming forward. And so the mother is still in the community today? [LR37]

ROGER TOLLEFSON: Correct. There is no charges against her--there is no criminal charges against her. She remains clean. Just...she had actually been doing a very good

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job taking care of her children. We hope that there's reunification short coming. It was most disturbing to hear the adoption recommendation. [LR37]

SENATOR CAMPBELL: So was the recommendation on adoption that you would adopt them? [LR37]

ROGER TOLLEFSON: No. The recommendation was from HHS of adoption, based on recurring problems. The DA, the attorney ad litem, of course, the children's attorney, all were for reunification. I believe that somebody looked at a paper and said, you know, this has been a problem in the past, let's take these kids from them. I can't see any other foundation for that recommendation. [LR37]

SENATOR CAMPBELL: When they became wards of the state, did you take them then, as the foster relative? [LR37]

ROGER TOLLEFSON: They brought them over to... [LR37]

SENATOR CAMPBELL: So they've only had one placement, with you, correct? [LR37]

ROGER TOLLEFSON: That's correct. The unfortunate thing is, is that, you know, respite providers. And I can sympathize with earlier testimony that there's not enough people available out there. We've had to manufacture some of our own and then get them qualified. You know, again, HHS has been very cooperative, very helpful; I just think that they don't understand the whole situation. And what I find troubling, from what I understand and meeting with several representatives, was that the power was given within one person. The district attorney or the assistant district attorney can make a recommendation to have these kids moved, which seemingly may be a vindictive move for not testifying to get your way in court. And I found that very disturbing. [LR37]

SENATOR CAMPBELL: Okay. And, Mr. Tollefson, you've always lived in Scottsbluff?

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You live here? [LR37]

ROGER TOLLEFSON: I live in Gering. Yes. [LR37]

SENATOR CAMPBELL: Oh, you live in Gering. [LR37]

ROGER TOLLEFSON: Yes. [LR37]

SENATOR CAMPBELL: I'm sorry. Okay, any other questions? Thank you so much for coming today and telling your story. [LR37]

ROGER TOLLEFSON: I appreciate your visiting Scottsbluff today and giving us the opportunity to speak. [LR37]

SENATOR CAMPBELL: Thank you. Anyone else in the hearing room who wishes to testify? Yes. We'll take the gentleman here. Yes, sir. And we still haven't seen the judge, correct? Okay. [LR37]

TOM PERKINS: (Exhibit 7) My name is Tom Perkins; it's T-o-m P-e-r-k-i-n-s, just like in the restaurant. Senator Campbell and members of the Health and Human Services Committee, I am here to express some policy concerns in regard to privatization. Right at the outset I opposed privatization of social services of any kind, but particularly in this instance of children. I'll give you a little bit of my background. My experience with DHHS actually began with its predecessors: Department of Public Institutions, Department of Social Services, Department of Health. And I was one of several of Governor Nelson's appointees to sit on the steering committee to develop a plan to combine several state agencies into one. It became the Department of Health and Human Services. Over the years I have served on a number of committees and boards with the Department of Health and Human Services. But more importantly, I have served as the director of private and public social service and mental health agencies, including Uta Halee home

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for girls, which is located in Omaha; and I am sure that you will hear testimony from there. I became intimately acquainted with the issues of trying to find services and support for young girls; I will not go into this kind of detail, but I would be willing to talk with you at another time. Rosemary Chapin, in her book "Social Policy for Effective Practice," defined "privatization" as the practice of transferring ownership or control of government to private enterprise. And while we contemplate the phrase "transferring ownership or control," it is important to realize that the state does have a responsibility, which in my opinion is now given up to privatization. The state must always act as the *parens patriae* for minors and others who are in need of a guardian. It must not nor cannot relinquish the responsibility. And yet the state of Nebraska appears to have given private enterprise a function for which it is not prepared to act on. I'm not against private enterprise; private enterprise is the lifeblood of this nation. We expect and hope that entrepreneurs will discover goods and services that can be offered in exchange for a profit. When they are successful, families, communities, and the nation will benefit from their risks that they were willing to take. And yet they are rightfully concerned about the bottom line or about profit, as they are the ones who are taking the financial risks. If the profit is too narrow or if the bottom line shows a loss, then the entrepreneur must make adjustments in order to survive. That's called business. And this brings me to my concern, and you've heard this over and again this morning. Whenever private enterprise enters into governmental affairs, it naturally takes with it their values and their tools for success. And among those values and tools is the ability to make internal adjustments to improve the profit and the bottom line. If neither is adequate, then it may mean rationing services to the clientele--and in this instance our children--in order to improve their profits. There is a limit as to what a private corporation can do without making a profit. And the fact of the matter is contractors are in state foster service to have a good bottom line. This may create a conflict of interest: The needs of the children versus the needs of the corporation's profit. The third piece of this equation are the needs of the state to have services that will improve the well being of our children. Remember, children will become adults. And the children in the state's programs will need the type of care and attention that will lead them to become more mature and

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responsible adults. That's what it's all about: bringing children up to be responsible, mature adults. So our children have been put up for bid to the lowest bidder. When the low bidder gets the contract to take on the foster care of state wards, some are surprised at the cost, and they discover that they cannot make a profit. Their choices about what to do about this dilemma are pretty slim: cut services--we've heard that; cut staff--we've heard that; cut programs--we've heard that; or bail out and leave children in limbo. Private enterprise, no matter how valued it is, is simply not prepared to be a *parens patriae*. I would refer you to the articles that appeared in newspapers across Nebraska in November of 2010. It was clear that private enterprise did not understand that prosecutors, defense attorneys, and even judges in parental rights and welfare cases had not only rights but obligations to make contact with the children. It was also clear that something was amiss when children were lost in private enterprise's system for up to six weeks. There is a myth that private enterprise can always do government work more efficiently and at less cost. The fact of the matter is--and going back to Chapin again--privatized social services will very likely cost more rather than less than services provided directly through the government. Privatization can also be more costly because tax dollars often flow into for-profit private initiatives without the same structural checks and balances that exist in government. If a governmental employee blows the whistle to expose unsafe or illegal practices, their positions are protected. In contrast, in private corporations, if complaints surface and the contract is lost, the employee's job disappears. It is for this reason employees in private firms may be less likely to report waste and corruption. What we are discussing is the fact that privatization of governmental services is an ideological belief that too much government is bad. The problem is that no one as far as I know has drawn the line, the magic line, to determine when the government is the right size. Children, our children, ought not to be pawns in this philosophical debate, nor should they be subject to the whims of someone's profit or bottom line. The state should and ought to resume its responsibilities and acknowledge that privatization of children's services is more costly both economically and psychologically in the long run when operated by corporations that are rightfully interested in their bottom lines. Take back the contracts, and have the experience of the

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Nebraska Department of Health and Human Services work in behalf of our children, who someday may be sitting where you are right now. Thank you. [LR37]

SENATOR CAMPBELL: Thank you, Mr. Perkins. Questions? Senator Krist. [LR37]

SENATOR KRIST: Although I agree with most of what you said in premise--and I do agree that it's our children that are at risk--I would offer to you that the federal FARs and the services contracts that exist are indeed cost effective and do work. Whether the application of those services contracts were indeed contracted correctly by Health and Human Services is one of the biggest questions that we have. A personal perspective: if you offer someone the opportunity to make a G&A or a guaranteed profit of 7 percent and you have a fixed versus a variable contract set up and there's enough money to execute the contract for the children, in very many areas in this process they would have been taken care of, as would the families. Advocating for those children and standing in front of the judge, though, and saying what's best for them has been convoluted by the wrong people potentially advocating. And we have found that throughout the system. But my question to you is, if you could go back to 1996, would you have piled all these things together in one agency? [LR37]

TOM PERKINS: Back in 1996 I, quite frankly, testified for and against the process. I testified against it because what was happening, in my opinion, was taking away from the local communities' control of their social services. I testified in behalf of it because I thought at that moment in time that it might be more efficient than having--actually, there were five organizations that went into that--more efficient than having one rather than five organizations take care of it. I worked closely with the Department of Public Institutions because I was the director of a mental health center. I worked closely with the Department of Social Services because I was director of Uta Halee home for girls. But looking back, as you take a look in our history with that, there have been a lot of tweaks over the period of time. And each one of those tweaks was called a reform. Quite frankly, I suspect anybody that says something about reform. And the reason why

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I do that, it's basically saying we're going to cut costs, we're going to cut programs. That's what reform is all about. [LR37]

SENATOR KRIST: As I've often done since I've been in this position, I've gone back and reviewed testimony in how legislation came about. I've run a copy of that from Legislative Research and made it available to my colleagues. And I think that we can point at different areas that potentially were assumptions--I don't like assumptions--and the reason that the legislation came forward. I would ask you to stay attuned to what we do, because I think your testimony may be very critical to potentially bringing us back to a point where local government is in control, because I share your assessment. Thank you. [LR37]

TOM PERKINS: Yeah. Thank you. I appreciate that. [LR37]

SENATOR CAMPBELL: Mr. Perkins, do you live here? [LR37]

TOM PERKINS: Yes, I do. Here in Scottsbluff, yeah. [LR37]

SENATOR CAMPBELL: Okay. Any other questions? Thank you very much. [LR37]

TOM PERKINS: Thank you. I appreciate it. [LR37]

SENATOR CAMPBELL: We still don't have the judge. Okay, I think we have two people left. [LR37]

\_\_\_\_\_: Senator Campbell, Judge Roland is here. [LR37]

SENATOR CAMPBELL: Oh, that is not the judge we're looking for. (Laughter) Sorry. We're looking for Judge Worden. Yes, we know we have Judge Roland scheduled later. So thank you. Different judge. Good morning. [LR37]

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JANAY BAHNSEN-PRICE: Hi. I'm Janay Bahnsen-Price. I am the executive director of Speak Out, the local nonprofit family org. [LR37]

SENATOR CAMPBELL: Would you spell your name for us? [LR37]

JANAY BAHNSEN-PRICE: Yes. J-a-n-a-y B-a-h-n-s-e-n hyphen P-r-i-c-e. I actually wasn't going to speak today, but I decided that I needed to come up and say a couple things. I've been listening to everybody's testimony, and one of the things that keeps coming up is prevention. And, as many people do know, or some people don't understand, family organizations--that's one of our goals, is to help keep families out of the system, keep mental--help families deal with mental health challenges in the home, before the system gets involved. And, you know, unfortunately, we're all talking about money and stuff; there's not a lot of prevention money available, so we work under crisis most of the time. But one of the things that is extremely hard to deal with when we're talking about all the services out here is the fact that Speak Out, luckily, is one of the services that continues to be able to provide service to families here, through all the reform. But we're not being utilized. Since October, after Boys and Girls Home went--or when they stopped providing services, there was a process created for referrals from the Department of Health and Human Services. Since then, we've had three referrals directly from the department. One of them we--actually, they walked in our front door and we walked them through that process. We have been told that the families don't want the service. But, in addition to that, we've had 15 additional families walk in our front door that are Health and Human Services-affiliated families that are requesting services. So the families not wanting services obviously isn't the case. But where the services are available in the area, such as us, are not being utilized by the department. One of our--another contract that the Nebraska Federation of Families for Children's Mental Health just received this year was a contract for a preventive service for family navigation, family peer support. We also work under that. And we are the only region that has not received a referral since July. In kind of looking back as to why this is

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happening, I mean, the only thing that we can come up with is fear. I don't know that there are many families that we work with that would be willing to call, you know, a help line--help line, hot line. It's kind of one of those things. They have a fear of having their children removed. And instead of, you know, dealing with the situation in an informal manner, they're afraid that their children are going to be removed. I personally don't know that I would probably call either, if that were my fear. So...but again, like I said, we're the only region, and it's not for lack of families that need assistance, because we provide assistance to over 50 families that would have qualified for that type of preventive service. So the families are out there, they're just not utilizing the service. So my recommendations, you know, I--we--I've tried to say multiple times, you know, utilize the family orgs. We are going to be able to get in with families. We're all peers; we understand what they've been through; you know, we've walked in their shoes. And we are going to be able to help that process progress more than anybody will be able to--you know, get that peer support in first before anything else happens. You know, there's families sitting in the room today that we work with. And they would all tell you the same thing, that, you know: Where were you three years ago? Where were you six months ago? Because they need that support throughout their process, and it's not being utilized. Another thing, a extremely inexpensive thing: increase the availability of things like support groups. They're extremely inexpensive. And, you know, not everybody needs to go to a parenting class; not everybody needs to go to, you know, NA 12 times a week. But they might just benefit from a parenting class and understanding that they're not the only ones that are going through the system and that they're not the only ones that have these challenges. That's a lot less expensive than sending these people through a parenting class just because it's, you know, that's what's required or that's what everybody else does. And, again, I think Dr. Hald had, when he was up here, had said something about kids under 5. Mental health starts displaying way before 5 years old. And being able to use that--the services that are available now to stop the cycle of mental health and use those preventive services to get into the home early--again, that's going to cut costs, being that's what we're all talking about. And that's pretty much all I have to say, but... [LR37]

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SENATOR CAMPBELL: Could you give us the name of your agency again? [LR37]

JANAY BAHNSEN-PRICE: Yeah, it's Speak Out. [LR37]

SENATOR CAMPBELL: Speak Out? [LR37]

JANAY BAHNSEN-PRICE: Um-hum. [LR37]

SENATOR CAMPBELL: Okay. And so you're tied into the LB603 process, then. [LR37]

JANAY BAHNSEN-PRICE: Yes. [LR37]

SENATOR CAMPBELL: And, you know, really, the testimony that we have heard from LB603...is a tremendous help to families. So we'll try to talk to some of the people, see if we can get some literature for you... [LR37]

JANAY BAHNSEN-PRICE: Um-hum. [LR37]

SENATOR CAMPBELL: ...that...and the literature makes it very clear that, no, they're not going to be... [LR37]

JANAY BAHNSEN-PRICE: Yeah. [LR37]

SENATOR CAMPBELL: ...taken...I mean, it's a mental health, behavioral... [LR37]

JANAY BAHNSEN-PRICE: Yes. [LR37]

SENATOR CAMPBELL: ...health effort. So we'll try to get some of those out to you. [LR37]

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JANAY BAHNSEN-PRICE: And we've been... [LR37]

SENATOR CAMPBELL: Because in the other parts of the state, it's... [LR37]

JANAY BAHNSEN-PRICE: Yeah. [LR37]

SENATOR CAMPBELL: ...really been helpful. [LR37]

JANAY BAHNSEN-PRICE: And it has been. And we've been trying to market it, you know, that way. But it's just, you know... [LR37]

SENATOR CAMPBELL: Hard. [LR37]

JANAY BAHNSEN-PRICE: ...there's just an innate fear that's just kind of there, you know. So... [LR37]

SENATOR CAMPBELL: I understand that. [LR37]

JANAY BAHNSEN-PRICE: ...if you'd leave an official program... [LR37]

SENATOR CAMPBELL: Questions? Senator Krist. [LR37]

SENATOR KRIST: Can you clarify for me, you said, "hot line, help line." Are you utilizing the same hot line that's available through Boys Town, through that same program? [LR37]

JANAY BAHNSEN-PRICE: Yeah, that's what I'm...well... [LR37]

SENATOR CAMPBELL: Yeah, LB603. [LR37]

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SENATOR KRIST: That LB603 program? [LR37]

JANAY BAHNSEN-PRICE: ...in my--when I was saying, yeah, "hot line, help line," I mean, when you think of hot line, I think of, like, child abuse and neglect, adult abuse and neglect type of thing. [LR37]

SENATOR KRIST: Right. [LR37]

JANAY BAHNSEN-PRICE: And "hot line, help line" I think is misconstrued sometimes, because it's the Nebraska Helpline versus the child protective services hot line. [LR37]

SENATOR KRIST: Are we doing enough to advertise? [LR37]

JANAY BAHNSEN-PRICE: Out here? Absolutely not. Nope. There's... [LR37]

SENATOR KRIST: How do we solve that problem? [LR37]

SENATOR CAMPBELL: Money. [LR37]

JANAY BAHNSEN-PRICE: Money. (Laugh) I mean, I would personally--and I've told Boys Town this--I would be the one to figure out the billboards; I would be the one to get all the postcards sent in the mail. I will personally do it. But it's just not...I can't do it with Speak Out's funding. But there's just no push for it out here. [LR37]

SENATOR KRIST: Would it be possible for you to give us a number that--that that number is adequate for advertisement on a yearly basis to start out with? [LR37]

JANAY BAHNSEN-PRICE: Oh, jeez. [LR37]

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SENATOR KRIST: Not now. [LR37]

JANAY BAHNSEN-PRICE: Okay. Yeah, I'd have to look... [LR37]

SENATOR KRIST: But, yeah... [LR37]

SENATOR CAMPBELL: Yeah, I... [LR37]

SENATOR KRIST: ...feedback. [LR37]

JANAY BAHNSEN-PRICE: ...because we don't... [LR37]

SENATOR CAMPBELL: Sorry... [LR37]

JANAY BAHNSEN-PRICE: ...we haven't ever had to do it. [LR37]

SENATOR KRIST: Yeah. [LR37]

SENATOR CAMPBELL: ...I'm going to...time here... [LR37]

SENATOR KRIST: Yeah. [LR37]

JANAY BAHNSEN-PRICE: So it would have to be a... [LR37]

SENATOR CAMPBELL: ...we're close. [LR37]

SENATOR KRIST: Yeah. [LR37]

JANAY BAHNSEN-PRICE: Okay, that's... [LR37]

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SENATOR CAMPBELL: Thank you very much. [LR37]

JANAY BAHNSEN-PRICE: All right. Thank you. [LR37]

SENATOR CAMPBELL: If you'll stick around, we might be able to get that figure for you. [LR37]

JANAY BAHNSEN-PRICE: Okay. All right. [LR37]

SENATOR CAMPBELL: Okay? All right. There's one last testifier, I believe. Is that correct? [LR37]

JAMES WORDEN: I'm James Worden... [LR37]

SENATOR CAMPBELL: Yes. [LR37]

JAMES WORDEN: ...I just showed up. [LR37]

SENATOR CAMPBELL: Yes, Judge, I'm very clear about you. Okay, she might have been the last public. Judge, please join us. You'll be the last testifier today. [LR37]

JAMES WORDEN: Okay. Great. Thank you. [LR37]

SENATOR CAMPBELL: At least in the public session this morning. Good morning, and thank you for making it. [LR37]

JAMES WORDEN: Good morning. [LR37]

SENATOR CAMPBELL: I know it, schedules are tough, so... [LR37]

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JAMES WORDEN: Yeah, I... [LR37]

SENATOR CAMPBELL: ...we kept an eye out for you. [LR37]

JAMES WORDEN: I had planned to be here a little earlier, but we got... [LR37]

SENATOR CAMPBELL: We're just fine. [LR37]

JAMES WORDEN: ...we got behind, as normal over there. On these Tuesday mornings, that's our normal abuse/neglect day. We do--Tuesdays are the juvenile cases for abuse/neglect. Several things I want to talk about. I'm going to try to split it up into some of the abuse/neglect case and then more with the delinquency and some of those cases as well and what we're doing with those kids. I tried to follow the format in the letter I received and tell you what some of my concerns were, first of all, at the Boys and Girls Home. My primary concern with them right now is visitation with our kids that are taken from the home. I probably get about half of the complaints that are probably out there, as far as visitation. And what I'm seeing is that when these kids are initially removed from their parents' home, I think one of the most if not the most important piece of the puzzle is getting a lot of visitation with those parents, for a couple different reasons. Number one, it helps the child, because they've just been taken out of the only home they've known, most of them, and away from their parents. And even if their parents aren't perfect, they're still their parents, and those kids need to have consistent visitation. And what I'm finding is that that's not happening. I'm having no visitation dates show up at particular visitations. I'm having visitation aides calling parents and case workers saying that they cannot make specific times for visitations. And then what we're coming into that I didn't use to experience prior to the change in the system was that, you know, we're asking these parents to jump through a lot of hurdles, obviously. And most of them are very, very necessary hurdles. But, you know, we're asking these parents to work, to do the rehab, to do the NAs, the AAs, to do their parenting classes; they're just suggested to do a lot of things. And then what's happening is they're given

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these very small windows as to when they can have a person from Boys and Girls appear to do their visitations. And so the parents are saying, well, I can't be there then. And then they're being told, well, that's your only slot, or we can't do weekends or we can't do Saturday nights because we don't have anybody available. Well, it turns out a lot of times Saturday nights, Sunday nights, Friday nights are a lot of the times these parents' only slots they have available to see their kids. And so I'm really struggling in my court. That's my number one concern right now with Boys and Girls, is getting parents as much visitation as absolutely possible. And I don't know exactly what the solution might be. In my courtroom, the problem...the only way I can solve that problem is I find that reasonable efforts aren't being made. And when you make that nonreasonable efforts finding, then that's the loss of federal funding, and that usually gets people's attention. But the problem is that by then we've had a bunch of missed visits. And so I hate to have to wait until that point to solve that problem. That's the way I solve the problem in my courtroom, at least the best that I can. Let's see here. The next issue I want to go to dealing with the delinquency. The cases we have where I've got the sub(1), sub(2), so the misdemeanor/felony type cases with kids. And some sub(b)s, those are the ones with the uncontrollable cases where there hasn't been a crime committed but the kids are, you know, they're not coming home at nights; they're refusing to answer and do what their parents say. And probably the first and most obvious thing to everyone is that we're just so far away from treatment centers. My research has shown that our closest residential treatment center is in York. Our closest group home for boys is North Platte. Our closest group home for girls I think is Henderson. And I think our closest therapeutic group home is in Norfolk. So having said that, let's just assume, first of all, that there's a bed for the kids so we can actually get somebody there. And I know that's not just our problem. That's a problem for judges and for families across the state. But let's assume we can get a child there. So we've got a 13- or 14-, 15-year-old that's probably been doing some counseling with someone here, developed a relationship with a counselor here in Scotts Bluff County, and we've got some very good counselors. Now we're going to take them all the way across the state so that relationship they've built with that counselor is gone. They've got to

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develop a new relationship with a new counselor somewhere else. Now they are completely away from their parents. Their parents have five-, six-, seven-hour drives to be able to see their children. The kids can't come home for a weekend. They can't do any of those types of things that if they're closer they're able to have that support mechanism around them. So it really causes problems for that child to have any normalcy, any continuity of services and support when they're being taken so far away from their families. Now, my first assumption was that we had a bed for them right away, and that's not happening definitely out here. And I don't know if there's preferences or not given to kids that are closer to the facilities. But I can tell you it's not unusual for me to place a juvenile in the detention center after they've been adjudicated of a felony charge or, you know, whether it be a sexual assault, whether it be a burglary, whether it be, you know, anything of that nature, or maybe it's a whole bunch of little things over the last year that they are just constantly in the court system; it's not unusual for me to put them in our detention center and for them to stay there for 90 to maybe 120 days waiting for a placement. We just have nowhere to send a lot of these kids. I bring them back almost weekly: Do we have a placement? Do we have a placement? Do we have a placement? OJS workers telling me, we're looking, we've tried here, we've been turned down; we've tried there, we've been turned down. And so these kids who we've already determined have these needs are sitting in our detention center, and I'll tell you, our detention center is very, very good. If you haven't got to visit it, I would strongly encourage you to. It's very good, great staff. They do everything that they can I believe with what resources they have. And they would do more if they were given those opportunities. And that might be something else we can talk about briefly. But...so I've got these young men and women staying in the detention center for months without any real services toward their long-term rehabilitation. So that's a very big concern for me. And then a lot of those kids we're shipping out of state. I'm sending...I think I've got three kids at a ranch, it's the Boys Ranch in Colorado. I've sent kids to Minnesota. I've sent kids to Iowa. I've sent kids to a lot of different states because we just have nowhere for them here. And that's not after 30 days in our center. That's usually...they're usually, those kids have fallen into that 90-day category to where I finally have to say to that

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caseworker, and they won't do it on their own. I don't know whose order that is, but I have to order them to look outside of the state. And so after they've been sitting in the detention center for a time, maybe it be 30 days, maybe it be 60 days, I order them, you have got to start looking at other facilities outside of our state for these kids. And then I get in that predicament where let's say these kids aren't really dangerous per se. I don't want to put them in the detention center, but I can't...if I put them back home, that's the same place that they say they can't control them or can't watch them. So then I get stuck in that situation is do I put them back at home where they're probably just going to find themselves in the same scenario, same problems? Do I put them in the detention center where they're with kids that have serious issues and that maybe they don't belong with? Or maybe...some of the other options, we do have a, I don't want to say group home. For some reason the word just escaped me, but we do have a home here in town that we can place kids. It's nonsecure--shelter, thank you--our youth shelter that we can place some kids in. And again, they do okay for what they're designed for, but a lot of them aren't designed for these kids. And these kids can come and go as they please. They can slip in the back door, out the windows, all those kinds of things. And we've had some serious problems with what can happen to those children once they escaped out the front door. And so that's not a very good solution for us either. And then on top of that, let's go back to the first scenario. Let's say we find a place, a bed for them. They develop a new relationship with a counselor, maybe a teacher in that new program in let's say it's Henderson, and they're doing well there, and now we want to integrate them back home. We go from that structured day-to-day, you know exactly what you're doing every minute to, boom, you're back here in Gering or Scottsbluff. All that support is gone. Your counselor is gone, that teacher you developed a relationship with is gone, and you're right back in the home, which maybe there's nothing wrong particularly with the home, but you're right back in the place where you just had all those terrible problems that put you where you were. And what I see then is maybe after a month, maybe it's two months, maybe it's three months, but they're hanging out with the same people, they're doing the same things, and they're developing those same relationships that we had just tried to help them with. And so again, I guess what I would

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like to see if I had the ability to make what I would think would be a long-lasting change would be if we had more ability out here as a community to take responsibility for these kids. Maybe it's more...maybe we can't justify the numbers to have a new therapeutic group home out here. But what I would like to see maybe are some of these day centers. And I...let's see, I wrote some of these...a lot of times I don't get some of these labels down, but day treatment centers and day reporting centers, where that way we could get some of these troubled youth maybe before we have to send them to Kearney, before we have to send them to a treatment center. We get them into our day reporting centers or our day treatment centers so that they can have that structure during the day. They can get their education, they can get some counseling, maybe we could teach them a few skills, whether it be, you know, some type of agricultural issues, some type of...we have an equine therapy out at the juvenile detention center that's worked very well with some of these kids, but have some of those opportunities for those kids at those day treatment centers. And then we send them home at night so that they are getting both, and their parents can be learning then from that program on what the kids are learning so that the parents can help us and we can help them in getting this child back into their care and their custody and try to change that cycle that that child has been in. And so I think maybe...and those are less expensive--the day treatment centers and the day reporting centers--than the therapy, the out-of-placement, out-of-home, lock-down facilities are. And I think those would put the communities--and I don't know that we're a lot unlike a lot of places you probably have visited--but it would place more of the responsibility on the communities. And I think, you know, I've lived here a long time, most of my life off and on, well, almost most of my life except for college, and I think it's a pretty good community. I think you would have people that would come together to help support those kinds of programs and do what they could because these kids are staying here. I mean these aren't the kids when they get in these problems, these aren't the kids that are going to go off to college and never come back. These are kids that stay here. And so we want to make them positive members of our community instead of the ones that I see over and over in the county court, those misdemeanors that you see them constantly in until someday they do something where

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they end up in district court on a felony. So I think those...if I could make one recommendation, I'd like to see some of those day treatment or day reporting services out here and give us a little more stake in how these kids are handled. From the financial side, I really can't answer that. You know, my...I try not to be able to...I try not to be concerned about cost as a judge. I try to stay focused on what is in the best interest of the kids. I know sometimes that's frustrating to some of the people at HHS because I know that they have to worry about those issues and those things. What I get more concerned is when I just see those kids sitting around in the detention center without the treatment they need. I think that covers most of the general issues that I wanted to address, the problem areas I saw with my biggest concern with Boys and Girls and then my biggest concern with the delinquency cases. If you have any questions, I'd be happy to answer them if I can. [LR37]

SENATOR CAMPBELL: Senator Krist and then Senator Harms. [LR37]

SENATOR KRIST: Two questions. Would it help you in your deliberation to have a central clearinghouse of those beds that are available across the state of Nebraska as opposed to relying on just one expert here locally? [LR37]

JAMES WORDEN: Yeah. That would be helpful for me. [LR37]

SENATOR KRIST: Yeah, because I'm hearing that there are beds available in other...I'm from Omaha... [LR37]

JAMES WORDEN: Uh-huh. [LR37]

SENATOR KRIST: ...and that there are beds available in other places. So potentially through the Chief Justice and Through the Eyes of a Child we could influence a central clearinghouse where we would look at our resources within the state and the judge could actually get on-line and say, here's my kid. Where do I send him? [LR37]

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JAMES WORDEN: Yeah, that would be great. [LR37]

SENATOR KRIST: Okay. My other question to you is we're hearing that you are hearing from the wrong people in the system, not necessarily the person who knows that child the best. Can you comment on that? [LR37]

JAMES WORDEN: Yeah, sometimes. That was something I actually had in my notes with Boys and Girls. A lot of times I don't have those visitation aides or the people that are involved in that case don't show up at court. And the caseworkers always show up at court for me--and I think Judge Mickey, I don't think he's had any problems with, he's the other county court judge--and they are generally the most knowledgeable, not quite as much as they used to because they used to be in charge of it from front to back. So my experience has been caseworkers are almost always there and Boys and Girls reps not so good about record. [LR37]

SENATOR KRIST: Thank you, Judge. [LR37]

JAMES WORDEN: Thank you. [LR37]

SENATOR CAMPBELL: Senator Harms. [LR37]

SENATOR HARMS: Judge Worden, thank you very much for coming. Could you tell us the number of children that you place outside the state, do you know what the cost of that is per month? I know it's pretty high. [LR37]

JAMES WORDEN: Well, the ones we have down in Colorado I know that the general cost I think is \$12,000 a month for those kids. [LR37]

SENATOR HARMS: Can you just guesstimate for me how many have you placed out of

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the state over the last couple of years? I know it's hard but just... [LR37]

JAMES WORDEN: Oh, out of state I'd probably say we placed 10 to 12 probably, something like that, the last couple of years. [LR37]

SENATOR HARMS: So when you look at Health and Human Services--I think you and I have had this conversation--really what you're asking for here is a lot more flexibility of trying to decide what's best for this child, right? [LR37]

JAMES WORDEN: Yeah, and some local options. I mean you've probably heard, and I apologize, I wish I could have been here all morning, but you probably heard from some mental health folks and some other...the gal from Reach Out that was here, I mean I think we have the people that are willing if we have then the mechanisms to get the payments and those things to those people and to create some of those services. I just think if you keep those kids locally where they can have some of that structure and discipline and yet keep them in their connection with their home and their school and their friends, because they're going to be back there, we're not going to change that, I think that's where you're going to see your most success. [LR37]

SENATOR HARMS: You and I have had this conversation in the past about if you were going to make any changes in Health and Human Services for these kinds of issues, you wanted to have the judges to have input because you see it in a completely different light about what policies work, what don't work. Do you still have that same feeling in regard to what's probably best for the person or the teenager? [LR37]

JAMES WORDEN: Yeah. I mean I guess from my perspective...and I actually try the best I can to keep a separation between necessarily what entity is providing services or what person is supposed to transport a child or those types of things because to me it's...my job is to try to make sure whatever services are necessary are getting to that child and the state is the rest. They're responsible for that. So if it's HHS that's dropping

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the ball or if it's Boys and Girls Home that's dropping the ball or if it's a counselor that's dropping the ball, to some extent I try to separate that and not worry about who to blame and just say this kid is still sitting over there or this kid has missed three...the parents said they've missed three visits with their mom and dad. And so that's what I'm worried about, not necessarily whose fault it is. And so I don't know that I can really say what specifically I'd do with HHS in their relationship with me. I think we've got a pretty good relationship with the caseworkers. I think they do a pretty good job. Yeah, I don't know if I can be more specific than that. [LR37]

SENATOR CAMPBELL: Senator Bloomfield. [LR37]

SENATOR BLOOMFIELD: You said you thought the out-of-state cost for service was about \$12,000 a month. What would that run us if we were doing it here? [LR37]

JAMES WORDEN: You know, that's a good question. That was a boys' ranch in Colorado and I got that figure just from an HHS worker when I placed the child there because I had three there at the time. And that was one of the things I mentioned to Senator Harms. I'm not what you would consider a math whiz, but I can do the numbers with that. And it doesn't take very many months and you could start putting some bricks and mortar here in Scotts Bluff County and providing jobs. I mean you can create some jobs out here for, whether it be counselors or whether it be, you know, just people that are helping work day to day with these kids. I mean you could...it seems like a lot of money. And I don't know if Judge Roland, he's here I see today, that he's had some of those kinds of experiences over in Cheyenne County, but those numbers add up fast. [LR37]

SENATOR BLOOMFIELD: Do you have any idea what it would cost here roughly for that same service if we were to do it? [LR37]

JAMES WORDEN: Oh, I couldn't tell you. I've talked...I don't know, has Dr. Smith, has

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he testified at all today? [LR37]

SENATOR CAMPBELL: Later today. [LR37]

JAMES WORDEN: He testifies later? I had a meeting with him and some of the members of the detention center. We had talked about a similar type of program that they have down in Colorado and had asked them to come up with the type of staff members that they think they would need and what the overhead would be on some of those issues because those are some things I just don't know. [LR37]

SENATOR BLOOMFIELD: Okay, thank you. [LR37]

SENATOR CAMPBELL: Judge, Boys and Girls left the community last...in 2010. So are you saying...I just want to be real clear about your testimony, that you're still having... [LR37]

JAMES WORDEN: I still am, yeah. [LR37]

SENATOR CAMPBELL: You're still having trouble with visitation. [LR37]

JAMES WORDEN: Yeah. And that is probably my most concerning thing because I know in the order that I make telling parents what to do I think most of us clean and sober and with the support that we all have would have a hard time doing some of the things that we ask them to do and still maintain all those other relationships they've got to maintain. So when a parent is trying their best to do those things and then shows up for their visit and they get a call that says, oh, I'm sorry, there's no visitation aide today, that's very, very difficult. [LR37]

SENATOR CAMPBELL: Thank you for coming, Judge... [LR37]

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JAMES WORDEN: Okay. [LR37]

SENATOR CAMPBELL: ...and making time out of your schedule. This will conclude the first part of our hearing today. This afternoon we will be in closed session. Thank you all very much for coming. [LR37]