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HEALTH AND HUMAN SERVICES COMMITTEE FCRB ANNUAL REPORT PRESENTATION
December 05, 2011

[FCRB Presentation]

The Committee on Health and Human Services met at 9:00 a.m. on Monday, December 5, 2011, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB197. Senators present: Kathy Campbell, Chairperson; Mike Gloor, Vice Chairperson; Dave Bloomfield; Tanya Cook; Gwen Howard; and Bob Krist. Senators absent: R. Paul Lambert.

SENATOR CAMPBELL: Good morning. I want to welcome you to the sessions, continuing sessions all day, actually. If you can stay all day, we're going to be here all day in public hearings. But we are delighted to start off our day with a report from the Foster Care Review Board on their annual report, as well as additional information on the Child Welfare System. This is the last report that the committee will receive prior to its own release of the LR37 report on December 15. But that doesn't mean that we haven't heard from the Foster Care Review Board all along. I want to, certainly, state for the record an appreciation to Carol Stitt and all the staff at the Foster Care Review Board office because, without question, they were always willing to help us find data, to supply data, and in some cases anticipate the data that we might be looking for or needing. And as legislators, we have come to depend upon the Foster Care Review Board for this...providing that information to us on where children are in the foster care system. So, just know that we much appreciated everything and the tours of the office and orientation very much. So with that, we'll proceed and, Carol, we'll let you go ahead and start and talk about your report. [FCRB Presentation]

CAROL STITT: Okay. I would like to introduce today the state board members who are with me. And I think, actually, Georgie Scurfield, to my right, the board chair, will be starting her presentation. And then we will move to Marcia, or...Doctor Scalora, Marcia and then myself. So any questions you have, hopefully, we can answer those. Thank you. [FCRB Presentation]

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GEORGIE SCURFIELD: Good morning to the committee and thank you for hearing from us today. My name is Georgie Scurfield, G-e-o-r-g-i-e, Scurfield is S-c-u-r-f-i-e-l-d and I'm currently the chair of the State Foster Care Review Board and serve on the state board in my role as the CASA director, court-appointed special advocates director for Sarpy County. The Foster Care Review Board, its role under the Foster Care Review Act is to independently track children in out-of-home care; to review children's cases; collect and analyze data related to the children; and make recommendations on conditions and outcomes for Nebraska's children in out-of-home care, including recommendations for needed corrective actions. Our annual report is being issued under the legislation 43,1303(4). We're here today to present to you our 2010 annual report which also has some of the data for 2011, the first half of 2011. And I want to talk very briefly before I introduce my colleagues and let them speak about their recommendations and the information that we've discovered about how we gain our information, how we track and how we review the cases. Both the courts and HHS are required to report to the Foster Care Review Board about when children enter out-of-home care; what changes there are in terms of caseworkers or placements for those children while they're in out-of-home care; and to let us know when they exit the care. Because we get those two sources of information both from HHS and the courts, we have a built in verification system right there. And then the cases are reviewed by our wonderful volunteer boards across the state on recommendations from information that is put together by our equally wonderful staff members who go out to the offices to find out that information. We're not at a position at the moment to review every child because we don't have enough staff to do that. But we try really hard to do as many as we can; and we're always working on ways that we can do more. As the children's cases are reviewed, the staff verify, correct, and update the information on every child. They also obtain additional information required by state and federal statute to determine the child's safety, well being, and progression towards permanency. We're always wanting to know if the children are safe, if the case is moving forward, and if they are in a place where they can remain permanently. The tracking staff add the information as they move through to the information system and to the tracking system.

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Throughout the review and tracking process, we built in verification steps so if people are checking to see if this is really the situation, sometimes that means making phone calls or checking in with the frontline staff. But because there's more verification on the children that we've actually managed to review, that is the strongest information. Although we're very clear that the tracking information is good too, we've done everything we can to track. So I want to thank the staff and the local board members who are volunteers who do a lot of this work for us. And joining me today, as well as our executive director, Carol, who we have already heard from, I want to introduce Marcia Anderson, who is a local board member and was appointed to the board because she is a local board member. And Doctor Mario Scalora who is appointed to the board because of his experiences as a psychologist and is going to speak first of all about the data and our recommendations. [FCRB Presentation]

SENATOR KRIST: Chair. [FCRB Presentation]

SENATOR CAMPBELL: Yes, I'm sorry. [FCRB Presentation]

SENATOR KRIST: Before you continue on this, I realize this is out of format, but I don't think it's any mistake that we, our committee, is meeting all day on issues relating to health and human services, and particularly foster care and Medicaid. Four years ago today the Von Maur massacre happened. This was a foster child who aged out of the system and we lost track of him. His Medicaid and his medications were taken away after an extensive psychiatric diagnosis. I feel, particularly in the last year, personal responsibility to make sure that this program, this process, this board, this Legislature, take an aggressive action...take aggressive action to make sure that, although we can't ever prevent it potentially, totally, we need to take as much action as we can to make sure that a Robert Hawkins never...one of our children, because as a ward of the state, he was my son and your son; it's a very serious, serious thing that we are about. So in respect to those victims and families, I just want to mention that today. This happened in my backyard so it is very, very, very much affected me and I'm so glad for people like

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Georgie, like the rest of you, who have given your time and volunteering your time to make sure that this process and this program works. Thanks for the opportunity, Chair. [FCRB Presentation]

SENATOR CAMPBELL: Thank you. Yes, go ahead, I'm sorry. [FCRB Presentation]

MARIO SCALORA: Thank you. Thank you, Senator. And thank you. I'm Mario Scalora. A large part of my activity with the board is to coordinate activities with our very dedicated staff who worked on the data. This was no small undertaking. Just to give you a sense, we have, basically, about a year and a half's worth of data reflected in this report. And if you had...I don't know if the committee has a copy of our report. [FCRB Presentation]

CAROL STITT: Yes, they do. They all have a report in front of them. [FCRB Presentation]

MARIO SCALORA: On page 8, for example, we compare children reviewed in 2008 with children reviewed in 2010 and for the first half of 2011 calendar year. We did that purposely to show two things. One, to just look at how have things shifted since Reform took place. And also to look at if things are trending in a more positive or negative direction. Obviously, any time you have dramatic changes in the system, things are going to shift in different directions. And we also wanted to see what might trend and how they would continue to trend given the efforts of a lot of those dedicated people everywhere trying to work in the system. A few points I would like to make to you all. One of the most critical things we see as a board that we think needs immediate attention is the issue of worker-case loads and the amount of worker changes. We think it's critical...if the amount of...if there's destabilization, so to speak, at that end of it, the youth do not get served. Forget the paperwork, forget how many placements are out there; if the people working directly with the kids, the boots on the ground are shifting too much or have an overwhelming case load, it is not going to work. And some of our

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trends suggest that that is still a problematic issue. While we knew when it was a HHS-driven system that was problematic, it shifted from the number of people who had more case manager shifted from 35 percent in 2008 to 51 percent in the first half of this year. That doesn't strike us as a good trend, to be frank about it. The Lead Agency staff changes also seem to be ticking up a bit from 11 percent last year to 21 percent of cases that had four or more Lead Agency staff as the primary for that case. Related to that is the loss of placements. We know that while there's been a 6 percent decrease in the number of HHS children placed in out-of-home care, the amount of licensed foster homes or our (inaudible) and child care agencies have gone down a significant percent, 17 percent fewer licensed foster homes and 15 percent fewer beds. With the other agencies one might argue whether we need so many beds in one part of a system or the other, the challenge that we see is that the overall trend is going downward and that is concerning to us. Not only do we think it's important that people have adequate access to their case managers, but access to those therapeutic resources is critical. Within the system we focus a lot on documentation. And I will just highlight something very briefly. This data you have here is based on several thousand cases. Not only the data that HHS workers and Lead Agency workers work hard to input into the system, into the computer, which our staff review and look at discrepancies and clean up any messes that could happen, which is endemic to any system when you have a lot of people. We also have thousands of reviews that are done by our staff of roughly 80 percent of the youth in out-of-home care. And we look at that data to...look at discrepancies between that and other data. We spend a lot of time cleaning up discrepancies. In addition to that, we look at what we call lack of documentation data where a staff make a special effort to review every case and to, basically, evaluate is a certain piece of documentation there. There's no discretion there. Is it there or is it not, straight laws of physics, so to speak. So what I'm going to share with you is that lack of documentation issue. And we see that there, on page 8, as it highlights, we still see a...it's...in some areas it's stabilized a bit, but we still see a significant number of cases anywhere from a quarter to a third of the cases having significant gaps of documentation. If you look at whether a case has a complete case plan, we had in the

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first half of this year 43 percent missing key aspects of the case plan that made it incomplete. That makes it hard for key decision makers to make decisions whether it's case managers, courts, or other stakeholders in the system to do things to ensure that permanency happens in a timely and safe manner. So we wanted to highlight that to you as a committee. Another interesting statistic, and, frankly, concerning to us, is the decrease in the number of adoptions. We don't have any points of causality here. I don't know why it is happening. But the numbers, you know, in 2008 we had 218 completed adoptions. That number is trending downward. That number is going downward, sadly. We think, probably, should be going in the other direction. We wanted to share that with you. And we've made some recommendations in the report to hopefully try to address that issue. With that in mind... [FCRB Presentation]

MARCIA ANDERSON: I'm Marcia Anderson and I have served two years on the state Foster Care Review Board, but I've been a volunteer at the local board since 1995. And so I will say the recommendations in this report, from a personal standpoint, reflect not only the history that I have with the board, but the history that all of the board members bring based on their backgrounds in child care and child advocacy. So these recommendations come from a very collaborative, personal opinion of the board as a whole regarding what we can do or recommend to you to try to stabilize the system. In 2010, October 2010, the board came together and we did not at that time necessarily believe or feel or make any recommendations that Reform itself was not appropriate. The implementation of Reform, at that period in time, we had had issues with three Lead Agencies, sent up some flags and we issued a letter in 2010 raising those issues. We repeated the issues, and we did that in October because we thought waiting until our annual report in December was waiting a little bit too long, even though it was only two months away. Today we repeat some of those recommendations that we had in October and December of 2010. And you will see those on page 4. And what we've done is boil down our concerns to the top...absolutely top four items that we want people to concentrate on. We could have made many recommendations regarding child care. But the important thing to do today is to stabilize the system. Without stabilizing

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the system and getting the workers stabilized, getting the services to this whole, whether it's to DHHS, Lead Agencies, to the judiciary, to ourselves, to the children, to their families, you have to have the consistent worker. If you have the consistent worker, you have the consistent documentation that let's the judiciary make logical decisions on these children. If you have the worker, you have the documentation; the documentation reflects the services; and those services reflect progress for the children to permanency. Whether it's a reunification to their biological family or other permanency such as adoption, long-term care, or some other solution. But what we aren't seeing, with the erosion of the beds, the foster homes, those options are being diminished for participants in this system. And so we would say the very most important thing is stabilization. Our second item is the placement issue. And the placement is not only...these foster parents do not have to take these children into their home. They do this because they want to participate in our community and give children a chance. But they can do that to their own detriment. They can do that to their own financial detriment. And sometimes a detriment to their own children if they are having to compensate for some of these other costs. So timely payments, timely...whether it is a foster family or a care facility. They can't run that care facility if there's no cash. So that whole system of supporting payments, supporting the cash flow to make the whole system work is our second concern and making sure that those facilities are available as options for placements for these kids. Our third item is that in order...once we stabilize the system a decision has been made for Reform, for privatization, for change in state overview. We cannot go backwards. We have to go forward. In order to go forward, we have to engage everyone, the judiciary, the service providers, the Foster Care Review Board. We have been reacting to these changes. We don't get informed ahead of time of, okay, we're going to have Lead Agencies and they are or aren't going to input their data into the common system. We have spent many hours of our own time reacting and trying to compensate for these changes, which has put pressure on our own agency. I only say that because I can only imagine the pressure put on to all the other people that have been affected by Reform. I can only use our experience. And then the last issue, which Senator Krist opened with, is we have to address the mental

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health issues of these children whether they have...they come from a place that has put pressure on them, and neglect or abuse situation, whether they were participatory in it or they were witness to it. That carries with them. And if they don't have the right mental health services, these issues stay with us long past their time in foster care. And that is a critical issue to be solved. Thank you. [FCRB Presentation]

CAROL STITT: My name is Carol Stitt; I'm the executive director of the Foster Care Review Board. And I would like to thank this committee, and particularly Senator Campbell, for all the time you have invested in studying the system, understanding the system, and really being a part of the solutions that we're working with. I would also like to acknowledge that we are in a difficult position. But I believe with the leadership of the Legislature, the judiciary, and the executive branch, we will also move to a better system. Our concerns are the individual cases we see, the data we gather, and the overall system that we're all working with, and the different systems we're working with. One of the things that Senator Campbell asked us to do, which we did in the report, on page 2, is put together a map of where we have Lead Agencies and where we don't have Lead Agencies and the number of children that are affected in those different systems. I can tell you a challenge for the board has been figuring out what system we're tracking, how to communicate to you and others about what we see in those systems and then try to figure out the general recommendations. And I do think we struck a very good note in talking about what we think needs to happen statewide. These are statewide recommendations. They're not just Lead Agency recommendations. We see placement deficits everywhere. We see numerous worker changes everywhere because of the instability in the system; and I think, due to a large part with workloads. One of the points I would really like to make, however, is that I'm also optimistic because of the work and because of the leadership of this committee, the chief justice, and our past successes, you know, between 2006 and 2008 we reduced the number of children in care nearly 2,000. I believe when we all work together and we all come together and we're clear about what it is we're trying to focus on and fix, this process really does have an opportunity to rebuild a child welfare system. I would also

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like to say that the focus you have brought and the clarity, even in the questions you have asked us, Senator Campbell, have been very helpful. And I think you have really met this challenge and I think we are willing and able to work with you more in the future. If you have any other questions for us, we're all available to answer those.

[FCRB Presentation]

SENATOR CAMPBELL: Senator Krist. [FCRB Presentation]

SENATOR KRIST: I have a couple of questions that are wrapped around data. We've had so many conversations about databases, the collaboration of different data sources, and I appreciate your bullet points in terms of your recommendations, but I'd love to see the board come up with a no-kidding this needs to be done in terms of concrete examples of things that need to be done. And I'll give you one... [FCRB Presentation]

CAROL STITT: All right. [FCRB Presentation]

SENATOR KRIST: ...that I think, if I understand the process correctly, we had an office in Douglas County in Omaha that was working magnificently and had placements and move to permanency in a statistical level above the norm. Somehow that org... [FCRB Presentation]

SENATOR HOWARD: The adoption agency. [FCRB Presentation]

SENATOR KRIST: ...the adoption agency, somehow that organization disappeared. Somebody made a decision. You talk about reacting. Somebody made a decision and the organization is gone. I'd like to see the board say, you know what, that worked, put it back in place. Because when we go back with our LR37 recommendations, with our LR37 multiple recommendations, I'd like to be able to say, HHS, Department of Health and Human Services, this committee would really like you to put back in place some of

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those things that worked, this being one of them. And I hope that...by the head nod, I think I'm on the right track in terms of that process actually working. And I'd also like to see a solid recommendation because you understand the databases that are out there. [FCRB Presentation]

CAROL STITT: Yeah, I do. [FCRB Presentation]

SENATOR KRIST: How do we wrap up those...that all of those databases without HIPAA and all the rest of the things we have to worry about; we need to consider those things, don't get me wrong. But we need the information. And then just one...obviously you can respond to my rants, but the last thing I would say is that you were created by this body, by this Legislature, to be the watchdog. If you have information that we're not seeing, that hurts the system. So I would hope that any information, good, bad, ugly, sounds like a Clint Eastwood movie, doesn't it? No matter what it is, we need to see it in a timely manner so that we can, in the future, put into it...and I'll shut up and let you make any... [FCRB Presentation]

SENATOR HOWARD: And if I could... [FCRB Presentation]

SENATOR CAMPBELL: Sure, absolutely. [FCRB Presentation]

SENATOR HOWARD: If I could jump in here as well. I really want to second what Senator Krist said regarding the adoption situation. And Carol, you and I have talked about this, we share that concern; thank you for bringing that up, I certainly appreciate your wisdom. I worked in the adoption unit and we were focused on getting permanency for kids. The agency...I mean, reaching the adoption...the point of adoption is really...other options have been really ruled out. They're not realistic for that child. And so at that point adoption should be completed as quickly as possible for obvious reasons, for obvious reasons, and I expressed to you my concern when following Adoption Day the lead story on the front page of the Midlands was new dog park

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opening, and the story regarding children being adopted was a very little column across from the obituary page. And maybe you can share the experience that you had working with a family that had waited months and months and months and had to have new home studies done and still the adoption wasn't completed. [FCRB Presentation]

CAROL STITT: Well, I think one of the reasons we focused on caseworker changes and the instability of the system was because these are the kinds of issues that we're seeing, what Senator Howard just talked about with paperwork. But the other real concern I have as the executive director of the Foster Care Review Board is the general loss of infrastructure. And by that I mean knowledge. You know, I think, absolutely, we could have focused on the permanency unit. I think what we were trying to communicate to the Legislature is that these changes, regardless of what other structures we put there, you know, we're not keeping up with the lost information. And that's a serious problem. And what we're doing, which we talked about at the Supreme Court Commission meeting, is not inexpensive, because we're losing actual case information. And that's what my staff report to me. And we're losing knowledge of the system. A very common thing that my reviewers bring to me is, when they ask someone, did you prepare an affidavit? And it's not unusual to say...you either hear "that's not my job" or "what is an affidavit", which you guys heard from the legal system. The secondary issue, I think with the permanency unit, Marcia made a very important point for our work also, we in this year, and year and a half, are constantly scrambling to figure out where the kids are. When you came over for the data report, Lydia (phonetic) showed you the number of changes and the way she's trying to focus in on one of the most critical issues. She also alerts us with trend data. So that's one of the big problems when you have all these changes, even if you have a permanency unit and you have four or five changes with a worker, those issues, you know, the case focus is deteriorated. And I think that's really a significant issue. That's not to say, I don't think anyone here disagrees about the permanency unit. [FCRB Presentation]

MARCIA ANDERSON: Well, and I appreciate you wanting specific examples of things

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to do. But if you look on page 3 at the Reform summarized and defined, in 2009 they do the five agencies and they're implementing those by April. And shortly thereafter, two go; in '10, one goes. Then instead of...when we say, hey, stop the changes, then cases are moving back to DHHS. And then in this year they're outsourcing case management services. What do you recommend? I mean, we can say adoption unit is a fantastic thing, and it is a fantastic thing, it was working beautifully, but right now...but we...we're building the house upon the sand because it's moving so quickly. So that's why I think...maybe some of the specifics...when we debated this in our board meeting, well we said, we don't know how to stabilize...I mean, there's so many moving parts we don't know what to do. [FCRB Presentation]

GEORGIE SCURFIELD: And my comment to that would be, even the best worker in the adoption unit, if there was one, cannot do the job without the documentation. There has to be good documentation to allow that case to move forward. So we have to start with the frontline workers being consistent and always documenting what they should be documenting. And that isn't happening. [FCRB Presentation]

SENATOR KRIST: Please don't get me wrong. All I meant is that there are some specifics of things in helping in the stabilizing the current situation that we need to consider worked. And stability goes back to things that do work. And we all know that the changeover, the constant changeover and the constant change driven by the department has caused these issues. So I don't mean to...your recommendations... [FCRB Presentation]

MARIO SCALORA: No, no, no, we're good. [FCRB Presentation]

MARCIA ANDERSON: (Inaudible), Senator Krist. [FCRB Presentation]

CAROL STITT: Yeah, yeah, we've been...we've been...one thing I would like to focus you on is page 9 of our report. And one of the things that we have there, Senator Krist,

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at the bottom of the page is: All parts of the system coping with the stresses of multiple, significant changes in personnel, roles, functions. I cannot tell you how many times my Omaha supervisor, who is here today, would bring issues and I'd be like a week later going, oh, that's what she was talking about. Because we're trying to figure out where the kids are; we're trying to figure out who's working what; we're trying to figure out language. I mean, we have changed the frontline workers' names a number of times. And I know in some of the orientation senators would say to me, now, okay, now is their staff or is this their staff? And so what we tried to do is step back from all of that commotion and say these are what we think are the absolutely most important issues. That's not to say we could have missed something. Because this is the environment, and again Senator Campbell asked me to do this in two different ways, one with data and one with a chart to take the senators through what is happened in that year and a half. So I hope it's helpful as you go forward with your work. [FCRB Presentation]

SENATOR CAMPBELL: Senator Bloomfield. [FCRB Presentation]

SENATOR BLOOMFIELD: Thank you, Chair. Doctor Scalora, this is just for my own clarification. On your page 8, you have lack of a complete case plan 38 percent and no documentation 32 percent. Is that 32 percent all made up of that 38 percent or are we looking at something different? [FCRB Presentation]

CAROL STITT: Two different things. [FCRB Presentation]

MARIO SCALORA: Yeah, they're two different things. The documentation regarding placement safety or appropriateness is a very specific part of the case plan; looking at issues around who else may be in the foster home, for example; whether the person being placed there, whether it's an appropriate foster placement for the needs of that child. For example, if someone were sexually aggressive, wouldn't want to place them in a foster home with younger children, for example. So that's a more narrow piece than the lack of complete case plan would be...does it have all the parts, so to speak. [FCRB

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SENATOR BLOOMFIELD: I realize it's a more narrow piece, but is it all taken out of that 38 percent, or is it additional? [FCRB Presentation]

CAROL STITT: It's two different findings. [FCRB Presentation]

MARIO SCALORA: It's two different findings. [FCRB Presentation]

SENATOR BLOOMFIELD: It's an additional finding, okay. [FCRB Presentation]

CAROL STITT: It's two different findings. So when the board members review the cases, Senator, they have to make a finding about the appropriateness and placement of the safety...by statute the Legislature, it's one of the things they want us to look at. In that number of cases, after three notices, okay, we don't have the information. Now the second issue is the case plan overall. [FCRB Presentation]

MARIO SCALORA: So the 32 percent would feed into the 38 percent... [FCRB Presentation]

SENATOR BLOOMFIELD: That's what I was... [FCRB Presentation]

MARIO SCALORA: Yes, so it feeds in that direction, not the other way, if that helps you, sir. Thank you. [FCRB Presentation]

CAROL STITT: One last thing I just want to make sure the senators are aware of. The maps at the back that we presented throughout the year are also in this report. So you can look at data both...let's see if we can find this here...on page 25 you will be able to look at specific data by area, again this is a request of the committee chair, those are there. And then you'll be able to look at pertinent regional statistics by area. So you

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have those and you can spend some time looking at those. [FCRB Presentation]

SENATOR CAMPBELL: You know, one of the significant points about your report is that the committee has certainly heard in five public hearings a lot of anecdotal information. What is significant, I think, in the Foster Care Review Board's report to the committee is that you track the data and the data does have a consistency to the anecdotal information that we have heard over the last 18 months. And again, the consistency of report from the state Auditor to the legislative Audit Committee to the surveys and now to your report there is a consistent picture that's being painted in the state of Nebraska on what is the state of the child welfare system. And, frankly, all of the reports show that it is in great difficulty; it is unstable and we need to take action to remedy that. So that's what's particularly helpful about the data is that it does reflect what we've been hearing for all these months. A great amount of work goes into all of this; can't even imagine. From the board's perspective, on page 8, would you say...which is the most important benchmark that you pay attention...or maybe the top two. I would assume lack of documentation based on all of your comments. [FCRB Presentation]

CAROL STITT: I think definitely one of our concerns is safety due to the lack of documentation and those placements. And then the calls or the information that comes forward to the reviews. And I think a second on both the changes we're seeing in workers and the loss of placements. [FCRB Presentation]

SENATOR CAMPBELL: Okay. Any other follow-up questions that the board would like to have for the members today? Yes, Senator Howard. [FCRB Presentation]

SENATOR HOWARD: Thank you, Senator Campbell. And this is more of an observation really than a question, but, Georgie, you commented on the lack of documentation and you and I both know how critical that is. It kind of is a testimony to our years of experience obviously, but it goes...you could take it a step back from reaching permanence, it goes into the court system too, because without the

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documentation, without a worker that comes into court, a case manager who comes into court knowing what's happening in that case and being able to give testimony regarding the reasons why a case should be, say, terminated which would allow it to move toward the adoption unit in the past, toward permanency through adoption, without that information the judge is really pretty powerless; he can't just say I've had this case in here for six years or six months and I see no progress. He's got to have something to base that on. And that comes directly from whoever is managing that case. And I think, I don't want to speak for you, but I think you'd agree with me, that a CFOM sitting in the back of the room who's really there to be an attendant rather than a valid reporter on the case is of no help whatsoever. And I'll give you a chance to address that. [FCRB Presentation]

GEORGIE SCURFIELD: I think the courts are struggling at the moment to make good decisions when they're not sure that the information they have is reliable. And I think the...and department has made some efforts to have a Children's Family Outcome Monitor, one of their staff members, attached to every court who is actually there to deal with problems right there and then. But because they don't have firsthand knowledge of the case, they're still translating what's happened from the other workers. And because there's been significant changes in the frontline workers from the agencies, where there are agencies, and then that means that the information is still unreliable, there's isn't the same history with a long-term worker and they don't have the same ability to look at past decisions and review those and use those to plan the next one. So I would echo what you're saying, Senator, certainly. But the impact on the courts about the lack of documentation, the changes in personnel is very significant. [FCRB Presentation]

SENATOR CAMPBELL: Marcia, did you want to add? [FCRB Presentation]

MARCIA ANDERSON: Well, I want to...I guess the CFOM was put into place to satisfy a legal issue. That goes to the collaborative effort of all participants, you know, participating in these system changes to make it work for everyone. I just want to make

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that observation. The other observation I want to make is on the data, this is a snapshot of the data today. But with the resources that are going away; I mean, like on foster families, they're keeping the families...the kids they have, but we don't know about...if they're taking any more. We don't know what these statistics will look like in the future. [FCRB Presentation]

SENATOR CAMPBELL: Exactly. Any other questions? Senator Bloomfield. [FCRB Presentation]

SENATOR BLOOMFIELD: Thank you. That 32 percent number in the first line on page 8 still bothers me a lot. Where do you suppose we need to go to address that? Anybody can answer that that has a mind to take a shot at it. [FCRB Presentation]

_____ : I think, Senator, there are two issues that related to it. One is sometimes we may be putting square pegs into round holes because resources aren't available. If we are in need of getting someone placed, a child placed in a setting, and there are not as many options, it forces that issue where we may be putting people in less than desirable place. I think that could also be related to the fact that we have a lot of worker turnover. The people who are (inaudible) face to face with the youth are changing more frequently. And as a result, it is harder to have that consistency and you're going to have to have some documentation. So I think those two...if those two pieces could get stabilized, I think some of those other numbers would go down. [FCRB Presentation]

SENATOR BLOOMFIELD: Where do we find the documentation? What are we...who do we need to lean on to get the documentation done? [FCRB Presentation]

CAROL STITT: Well, I think there's two places. It's lead agency's documentation and it's HHS offices. So there are two places. And we look in two places. We look in the files, the HHS files, and we look on N-FOCUS. So those are the sources that we look for this

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information. I think that one of the things that the staff brought to me repeatedly, because of their concerns, their concerns were exactly like your concerns, they were coming and saying, we can't find information. Information that used to be there is not available. So we put a very collaborative process in place with the lead agencies and HHS and all came to agree what should be in the file, what was required by the state Legislature, the federal laws, and just good case practice. And that's how we started tracking this process. It is concerning. These numbers that you're looking at actually happened at the review meeting, all right? So when they get notice we're coming to review a case, our staff make another contact with them and they know what we're looking for. This information is critical to us making the determination about appropriateness of placement. [FCRB Presentation]

SENATOR BLOOMFIELD: And still a third if it isn't ready when you get there. [FCRB Presentation]

CAROL STITT: Right. [FCRB Presentation]

MARCIA ANDERSON: The best scenario is there is a home study and it's not in there. It's just not acceptable to us and we don't know it. The worse scenario is because of the turnover they haven't done the home study yet and it's always in process and not getting concluded. So, it could be just a simple documentation error versus a management of getting the task done. We don't know. [FCRB Presentation]

SENATOR BLOOMFIELD: Okay. Thank you. [FCRB Presentation]

SENATOR CAMPBELL: One of the most important things, it seems to me, for children in the foster care system it said...it goes back to what we heard in the Lincoln hearing, and that is, who knows the child? Someone has to know that child in a face-to-face situation and know them well. And that's one of the major issues and questions that was asked in the Lincoln hearing is, really, who knows the child? With that much turnover

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and that much lack of documentation, it leads one to believe that we have a situation where very few or no one knows the child. [FCRB Presentation]

CAROL STITT: Which I think...one thing I would really like to emphasize, when we review the cases, we report on the last visit, the last documented visit of the worker, HHS or lead agency. I'm very concerned about the children we're not looking at. [FCRB Presentation]

SENATOR CAMPBELL: Yeah. [FCRB Presentation]

CAROL STITT: If the data looks like this, where the children...we're doing all this work and notice and going in and looking, the kids we haven't looked at I'm very, very concerned about because just the process of a notice of a review gets things moving, gets services put in place, plans updated or written. And that number changes depending on what's happening in the system. [FCRB Presentation]

SENATOR CAMPBELL: Exactly. One more comment and then we really do need to... [FCRB Presentation]

SENATOR HOWARD: I get to be the wrap-up comment. [FCRB Presentation]

SENATOR CAMPBELL: You do. [FCRB Presentation]

SENATOR HOWARD: There are two things I wanted to stress. Number one, documentation is an ongoing process. When I was a case manager, somebody would call me and say we've got these therapy sessions going on, I wanted to tell you what's going on. I make a note. Somebody calls me and says a child has run away; I make a note. You do that ongoing because you have no way of remembering; there's no way to go back and two days later catch up, ongoing, ongoing, ongoing. And when you have a high turnover of case management, that doesn't get done. And people leave and if they

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don't leave under very good circumstances, whatever, it's not a priority to them, frankly. The other thing that's important to keep in mind is while we all care about the child and the stability and the permanence and all those things that go into social work, we also care about funding. It's an ugly reality. We care about funding. And when the adoption numbers, just to give you an example, when the adoption numbers dropped down like this, we're losing federal dollars because there's a bonus that comes in every year for an additional number of children adopted and it's an important thing to keep in mind. We didn't work towards permanency for that. We...on the direct line, we cared about the child; just like Kathy points. But it helps our bottom line and our ability to provide services when we do have federal dollar incentive monies coming in. [FCRB Presentation]

SENATOR CAMPBELL: Thank you very much for your report. I'm sure if the committee members have any additional questions, they'll be in touch. And it's particularly helpful to have three of the board members here with Carol. So thank you for coming today. [FCRB Presentation]

SENATOR HOWARD: Thank you. [FCRB Presentation]

MARIO SCALORA: Thank you. [FCRB Presentation]

SENATOR CAMPBELL: The committee will take a five-minute recess before we start on the public hearing on LR197. [FCRB Presentation]