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Health and Human Services Committee
January 22, 2014

[LB660 LB790 LB853]

The Committee on Health and Human Services met at 1:30 p.m. on Wednesday, January 22, 2014, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB660, LB790, and LB853. Senators present: Kathy Campbell, Chairperson; Bob Krist, Vice Chairperson; Tanya Cook; Sue Crawford; Mike Gloor; Sara Howard; and Dan Watermeier. Senators absent: None.

SENATOR CAMPBELL: Good afternoon. We will go ahead and open the hearings for the Health and Human Services Committee. I'm Kathy Campbell. I represent District 25 in east Lincoln and eastern Lancaster County. And we're awfully glad to start out the session with our hearings this year. I'm going to go through the housekeeping items first. If you have a cell phone, please silence it or turn it off so it's not bothering anybody. Although handouts are not required, if you are testifying, we would like to have 15 copies of your testimony. If you need help with those, you can visit with the pages. They'll help you do that. If you will be testifying, we'd ask that you complete one of the bright orange sheets on either side of the hearing room and print very legibly. When you come forward, we do use the light system in the Health and Human Services Committee. You will have five minutes. It will seem like a long time that you are on green, and then it will go to yellow and you only have a minute left. And when it goes to red, you'll look up and I'll be trying to get your attention. Please state your name to start out your testimony, and spell it. The orange sheet is used to make sure that we're spelling your name right, but when you say your name and spell it, that's for the transcribers who listen to the tapes. With that, I think we'll go ahead and have the senators introduce themselves. Senator Howard.

SENATOR HOWARD: I'm Senator Sara Howard. I represent District 9 in midtown Omaha.

SENATOR COOK: I'm Senator Tanya Cook. I represent District 13 in northeast Omaha and Douglas County.

SENATOR KRIST: Bob Krist, District 10, Omaha, northwest Omaha and the city of Bennington and some unincorporated parts of Douglas County.

SENATOR GLOOR: Senator Mike Gloor, District 35, which is Grand Island.

BRENNEN MILLER: I'm Brennen Miller. I'm committee clerk.

SENATOR CAMPBELL: Senator Watermeier will be a little late. Senator Crawford is introducing a bill in Judiciary. And I would like to introduce our pages this afternoon: Emily, Emily Schiltz; and Stuart Sucha. Did I get that right, Stuart? Finally, huh? Good. Michelle Chaffee, who usually sits to my left as the legal counsel to the committee, is ill

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today so will not be joining us. We will start with the hearings in the order that they were posted, and the first order up is LB660, Senator Krist's bill to provide for extension of the pilot project and a contract relating to case management. Senator Krist.

SENATOR KRIST: (Exhibit 1) Thank you, Senator Campbell and members, all members of the committee. My name is Bob, B-o-b, Krist, K-r-i-s-t, and I'm proud to present LB660 to you today. First, let me start with my own housekeeping. We had a...you know how much I love eleventh-hour stuff, but in the eleventh hour I had a very productive meeting with the Department of Health and Human Services and what you'll find is that what's on the machine now is the amendment, white-page amendment, that replaces the original bill. Stuart has copies of those amendments, which becomes the bill, and if anybody would like a copy of them, please raise your hand and you can get them that way. I'm going to go over the changes that were made to the amendment, in the place of the amendment, that were made as of last night, and I thank Kerry Winterer for his attention and detail, and I think it makes the effort better overall. First of all, if you'll flip open to page 3 of AM1668, you will see that line 4, before 30 June of 2014, the department may, may extend the contract for the pilot project described in subsection (2) of this section. To be clear, when we approved the pilot project in the April time frame, it exists in law until we say it doesn't exist. So what we're talking about here is really the extension of the contract associated with the pilot project, even though the wording calls it the pilot project. Lead agency shall also comply with the requirements in the section. Another change is that we had an evaluation that is still in place and is still what I feel is the strongest part of this piece of legislation. We need to look at it one more time, and I've asked for the same company that did the initial study for us to have the continuity to look at it again in terms of how it differs from the other service areas, and give us a good assessment of whether privatization works. But more importantly, I think, many of us, many of us have questions about case management: where should it be; who should have it; whether it's with the state or with the contractor; whether it's contracted with the state doing the contract, or whether it's contractor, contractor. There's a couple variations. That's part of the assessment and a study that needs to be done. That now is dated 31 December of 2014. It also says that the contract can be extended. It doesn't say 15 months. It doesn't say three years. It doesn't say one year. That's very important because the Governor was very specific in his request not to extend it past one year to bind the next Governor, although I will make this editorial comment. At any time, a contractor or the state can terminate with 90 days' notice. So I don't think we're binding anybody up too badly, no pun intended. I think there are many letters of support that have come in, and I'll make sure that the committee clerk has those. And I'd like to just go through some prepared testimony here, if you don't mind, if I can find it. Thank you. LB660 seeks to extend the contract in the pilot project in the Eastern Service Area, also called the ESA, and provide an external evaluation. Progress is being made in reforming child welfare systems. Some indicators include the number of state wards continues to decrease, more children are being safely served in their homes rather than in out-of-home care. There's much better data showing what it

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costs to provide the service. Pilot project, which is serviced by the Nebraska Families Collaborative, or NFC, continues to make significant contribution to the success of reform. The ESA is performing better on many of the federal-mandated benchmarks than at any time in the past five years. For example, placement stability benchmark is being, for the first time in ESA history; absence of recurrent maltreatment benchmark is being met for the first time in the ESA history; reentries into care within 12 months of discharge benchmark is being met for the first time in the ESA; permanency of children in foster care, ESA has consistently met federal benchmarks on this measure. ESA accounts for over 50 percent of the adoptions statewide. Let me say that again. It accounts for 50 percent of the adoptions statewide. NFC is nationally accredited. The network of over 50 Nebraska providers continues to become stronger. Key stakeholders are stepping up and taking more ownership and providing a child welfare system that needs to happen in the Eastern Service Area. Stability and continuity of the system is very important. If we change the caseload management, we are going to see an incredible number of kids, about 40 percent of our child welfare cases statewide, changing in the ESA if it's changed from the present system. I would only say further that the movement of youth with law violations from Office of Juvenile Services, or OJS in DHHS, to the Office of Probation Administration, which, as you recall, is LB561 material, has destabilized those caseworker platforms even more. Imagine where our Probation Office is hiring those new probation officers that are a hybrid of a social worker and a caseworker. Many of those are coming from the current caseworkers who are in the NFC contract and statewide in state control. So as those numbers were drawn out, of course, the transition caseload went up again. So when we looked at that, it was destabilizing. We can't afford any more destabilizing efforts and I would suggest that this is the best alternative. Allowing the department to extend the contract will allow the newly elected Governor and his cabinet time to settle in and have time to determine any changes they want to make going forward. Even with the extension, the contract, since the contracts between NFC and HHS are renegotiated each year, the new Governor will be able to directly influence the FY 2016 contract and they should...if he should choose to do so, he or she should choose to do so. I'm going to stop there in this introduction. I will be here to close and I would hope that the testimony coming forward will convince you that this is the right move. And I thank, again, the Department of Health and Human Services for, even though it was eleventh hour, the kinds of things that needed to be done, I think, we're in the right spot to help the families and the kids in the Eastern Service Area. [LB660]

SENATOR CAMPBELL: Thank you, Senator Krist. Any questions? Senator Gloor. [LB660]

SENATOR GLOOR: Thank you, Senator Campbell. Thank you, Senator Krist. Why the same agency or entity doing the evaluations? Is it because they did such a great job? Is it from a continuity standpoint? And by the way, who are they, if I could ask? [LB660]

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SENATOR CAMPBELL: Hornby Zeller. [LB660]

SENATOR KRIST: Hornby Zeller is the name of the firm,... [LB660]

SENATOR GLOOR: I remember. [LB660]

SENATOR KRIST: ...and I think we were mildly if not moderately impressed with the product that was brought forward. And I think that rather than starting from scratch, they'll have some data, which will hold down the cost. And I did call and make sure that I knew what that cost, plus or minus a few thousand dollars, was going to be. So I think in terms of efficiency and in terms of cost factors, but also in terms of continuity, they already have a baseline. [LB660]

SENATOR GLOOR: Thank you. [LB660]

SENATOR KRIST: Thank you. [LB660]

SENATOR CAMPBELL: Other questions from the senators? We should note that in the fiscal note, and I'm sure this information came from you, Senator Krist, but that the evaluation costs would range from \$100,000 to \$170,000. That's in the fiscal note. Is that fairly accurate you think? [LB660]

SENATOR KRIST: The cost estimate that was given to me by Dr. Zeller was not to exceed \$100,000. [LB660]

SENATOR CAMPBELL: Okay. [LB660]

SENATOR KRIST: So we'll have to mop that up I guess. But again, I'm trying to make sure that the current effort that's going on to renegotiate the contract between the department and NFC should not be burdened by the cost of the study that we need to have done. So this will probably end up being an A bill, I would think, and I would refer the fiscal analyst directly to whoever the department decides to do that. It is their choice, but I believe in statute I'm saying that we'd like to have the continuity. [LB660]

SENATOR CAMPBELL: I was just looking around for Liz and I didn't see her. She's probably in the back someplace. Any other questions? Thank you, Senator Krist. [LB660]

SENATOR KRIST: Thank you, Senator Campbell. [LB660]

SENATOR CAMPBELL: Okay. We will start with the proponents, so our first proponent. Good afternoon. I'm sorry, we were trying to shuffle papers up here. Go ahead and state your name for the record and spell it, please. [LB660]

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RUTH HENRICHS: (Exhibit 2) All right. Good afternoon. I'm Ruth Henrichs, the president of the Children and Family Coalition of Nebraska. My name is spelled Ruth, R-u-t-h, Henrichs, H-e-n-r-i-c-h-s. I currently serve, as I said, as the president of the board of the Children and Family Coalition of Nebraska, better known to most of you, I believe, as CAFCON. CAFCON is a coalition of 13 agency CEOs. Our focus is to create, promote, and ensure a healthy environment for the provision of a continuum of quality professional services for children and families. CAFCON agency members are: Lutheran Family Services of Nebraska, where I spend my time during the day as president and CEO; Cedars Youth Service; Epworth Village; Lincoln Family Services; Nebraska Children's Home Society; Heartland Family Service; Boys Town; Christian Heritage; Omaha Home for Boys; Child Saving Institute; Children's Square; Youth Emergency Services; and KVC Behavioral Health of Nebraska. So it is a wide array of organizations for which I speak today. CAFCON is pleased to support LB660, which extends the Nebraska Families Collaborative pilot. During the last few years, the major concern of all providers has been and continues to be stability in the Health and Human Services System for children and families. NFC began by serving one-third of the Eastern Service Area, and as of March 1, 2012, NFC began serving the entire Eastern Service Area. With changes that are coming now in Juvenile Justice and Probation, and a new executive branch administration on the horizon, coming in 2015, the extension of this contract will allow the system to maintain stability for children and families as we move forward during times of tremendous potential change. CAFCON members also believe that having NFC serve as a lead organization, in addition to and alongside of DHHS, provides the opportunity for data comparisons, for increased transparency, and better communication. We sort of, at CAFCON, talk about this as friendly competition or really good partnership in the sense that this kind of openness and data transparency often creates what can be increased motivation for both of those organizations to make the necessary changes to improve the outcomes of our Nebraska delivery system. It's just really good when you don't...if you get the money, deliver the service, and evaluate yourself, that's one kind of system. But for CAFCON, we really believe that support of LB660 keeps that second organization there and that just pushes human behavior, too, with openness and transparency, to continue to make changes and to do better. I would be happy to answer any questions that you might have. And I know that I have peer CAFCON organizations here beside me who can also answer questions. Thank you. [LB660]

SENATOR CAMPBELL: Thank you, Ms. Henrichs. [LB660]

RUTH HENRICHS: You're welcome. [LB660]

SENATOR CAMPBELL: Questions from the senators? Any questions? Thank you very much. [LB660]

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RUTH HENRICHS: You're welcome. Thank you. [LB660]

JAMES BLUE: Name is James R. Blue, president of CEDARS Youth Services in Lincoln. Senator Campbell, thank you very much for the opportunity to testify in support of LB660. And thank you, Senator Krist, for introducing this and supporting it so strongly. [LB660]

SENATOR CAMPBELL: You have to spell your name. [LB660]

JAMES BLUE: B-l-u-e, James. [LB660]

SENATOR CAMPBELL: Thanks. [LB660]

JAMES BLUE: Perhaps in an ideal world this bill would not be necessary. We in this field would have the honor and pleasure of serving children in an environment which is both stable and predictable. But that's not the reality and the progress we have made as a state toward this stability for our endangered children, youth, and families would be threatened by even the risk of contract termination for the Nebraska Families Collaborative. While CEDARS is primarily focused on the needs of vulnerable children in southeast Nebraska, us and the entire state would feel the ripple effects of another major change in the delivery system of these essential services. Performance in this field, as you know, is measured through many different standards. Across the board, NFC's outcomes are impressive, both historically for the Eastern Service Area and relative to the rest of the state. Now this is not to in any way impugn the efforts of HHS-managed service areas. We at CEDARS have what I think is an excellent relationship with the Southeast Service Area in Nebraska. Rather, I'm focused on what is working now in the unique community of greater Omaha, and it is working. The singular outcome which resonates with me is the same which I think is the minimum expectation of every citizen in Nebraska, and that is children who have been abused or neglected are safe once they're in the state's custody. All the other outcomes are important. That's a minimum expectation of anyone you would meet on the streets of Lincoln, across Nebraska, that children, once they have been harmed, are safe when they're in the state's protective custody. The Eastern Service Area is now outperforming the rest of the state in keeping children safe, which has rarely, if ever, been achieved in Omaha. The concept underlying the reform of 2009 was that communities could and would step forward to assume responsibility for the safety and permanency of their vulnerable citizens, particularly the children. The Nebraska Families Collaborative has, despite the troubles, emerged from this mess as we have all hoped, throughout this difficult process. They are strong and their reputation is one of integrity. It is modeled in inclusiveness, state and local investments, and most importantly, for me, performance. Like to thank you for your support today for LB660 and I look forward for the opportunity for this dream to continue to develop. Thank you. [LB660]

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SENATOR CAMPBELL: Thank you, Mr. Blue. Questions from the senators? Comments? Thank you. Our next proponent. Good afternoon. [LB660]

AIMEE MELTON: (Exhibit 3) Good afternoon, Senator Campbell, Senators. My name is Aimee Melton, it's A-i-m-e-e and Melton, M-e-l-t-o-n, and I am here today from the Omaha City Council. I was a newly elected member to the city council in our last election. But I am also here as a practicing attorney in Douglas and Sarpy County in the juvenile court system. And the reason I found...find it so important to come down today and testify on behalf of this bill--and I would like to thank Senator Krist for proposing this bill--I worked in the juvenile court system for...I've worked there for many years. So prior to NFC coming into play, there were many issues in regards to caring for our children with caseworkers, with changing caseworkers, and really the caseworkers identifying the problems that we had with our children and our families, and then getting them the right services. And I can tell you that when you don't have caseworkers who are prepared, who are on top of these cases, who know what's going on, not only does it hinder the judicial process when you appear for hearings and they have to be continued, but it delays getting help for these children, getting them...moving them out of the system or moving the families out of the system. Since Nebraska Families Collaborative has taken over as a whole...I know the initial rollout of this pilot program, it didn't work very well. But in the last two years since Nebraska Families Collaborative has taken over, services have improved drastically. The caseworkers are...they call you back. They're very concerned about the children, about the families. And their goal really seems to help families and children. The reason I am here on behalf of the city of Omaha is because Omaha is a great city and we're growing. Our economic development is wonderful. However, I read an article in the paper within the last couple days that referred to our crime problem as Omaha's Achilles' heel, and that's exactly right. When we are trying to get companies to come to Omaha and we're trying to increase our development, crime is a major issue, and I don't need to go into the recent events that have happened. But in order to combat crime, yes, we need to amend our good time laws. That's very important. We need to educate our children and make sure that we do have early childhood development, but this is the third way to make sure that we're combating crime. It's to get to these families and to get to these children before that child becomes another Nikko Jenkins. And so I think it's very, very important that we have people that are assisting the families. We have children having children in Omaha and that's a problem. This encourages these kids to enter gangs and commit additional crimes. With the help of NFC, and as Ruth from CAFCON stated earlier, she listed all of the nonprofits and service providers in the city of Omaha, and I think what NFC has done is they work with all of these service providers to provide additional services that I don't think the families and the children were getting a number of years ago. It also saves us money because we're also...they're utilizing the services that are being provided by nonprofits so that taxpayers aren't necessarily funding all the services that are needed by these families. So if we can reduce their recidivism rate and keep children from actually entering crime, that is going to not only help Omaha financially but

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it's going to reduce our crime rate, and essentially we're going to help children and families, which I think is what our goal is here today. I did bring with me a letter. It is on Mayor Jean Stothert's letterhead, but it was also signed by all seven city council members. And I was told from a member of my city council staff that he doesn't recall a time in at least the last four to five years that there has ever been a letter signed by the mayor of Omaha and all seven city council members. So I would ask that you take that into consideration and support this bill. Thank you. [LB660]

SENATOR CAMPBELL: Questions or comments from the senators? Ms. Melton, I have a question, since you are an attorney and work in the juvenile court. For a long time, when we dealt with LR37, we kept hearing about the conflict between case manager and the CFOMs. Has that improved? How is that working? I mean it's nice to talk to someone who actually works in the system, so I appreciate your coming to testify on behalf of the council and the mayor. [LB660]

AIMEE MELTON: I think it has improved and I guess most of my experience is I work with the caseworkers from NFC. [LB660]

SENATOR CAMPBELL: Oh, okay. [LB660]

AIMEE MELTON: I work with the county, with the county attorneys, who are always involved in this. And I don't know if I can say that it's improved. It has not gotten worse. I think that just providing more of the services, more of the children and the families are being served. So I don't know that I could give you a definitive answer on that, in my experience. [LB660]

SENATOR CAMPBELL: I appreciate that. Any other questions? Thank you for your public service, and convey our thanks to the mayor and the council. [LB660]

AIMEE MELTON: I will. Thank you very much, Senator Campbell. [LB660]

SENATOR CAMPBELL: Our next proponent. Good afternoon. [LB660]

GEORGIE SCURFIELD: (Exhibit 4) Good afternoon, Senator Campbell and this committee. My name is Georgie Scurfield, spelled G-e-o-r-g-i-e S-c-u-r-f-i-e-l-d. I'm a social worker and I work every day in the Eastern Service region...Eastern Service Area with staff from NFC. And I am representing the Nebraska Chapter of the National Association of Social Workers when I speak today. I'm speaking in support of LB660, not because I think that privatization of case management has worked particularly well or even because I think that the quality of case management is better now than it was when it was formerly provided by the state. In fact, I think we're only just beginning to get back now, after all the disruption, to a situation where we're at the same kind of not perfect level that we were before we started the privatization initiative. But we are

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getting back. The changes that were made last year, too, to Juvenile Justice and moving, transferring cases to Probation again disrupted things, as we've already heard this morning. So we had some case management change, turnover last summer and increasing into the fall. So things are not yet perfect. However, there are three reasons that I'm here to support LB660. First of all, we can't do any more change in the Eastern Service Area right now. We know that there are still cleanup things that you're going to be doing with the bill to transfer responsibilities to Probation and we need to have an organization in place that will continue to work with the child welfare kids in a reliable manner. We need an organization that is consistent and will continue to do that work for some time so that the case managers can be in their positions long enough to build relationships, gain experience, hone their skills, and develop their good judgment. Without that, services are not provided, families are hurt, and children suffer. Even when workers are guaranteed a job in a new provider when we go through that change, they preempt that change by moving fast to jobs that they think will be more secure, so we lose good people. The smoothest transitions are still wrought with the loss of good people, along with their experience and their relationships. And when they leave these services, again, services are not provided, families are hurt, children suffer. Secondly, Nebraska Families Collaborative is locally based. It is made up of the people who know child welfare work in Douglas and Sarpy Counties. Boys Town, Heartland Family Services, Child Saving Institute, OMNI Behavioral Health, and the Nebraska Family Support Network, along with the wonderful agencies that NFC contract with, have been part of this vast welfare public-private partnership for a very long time. And the data, the actual numbers that we've already heard today show that NFC are getting better at keeping their staff, reducing their caseloads, and moving children to permanency more quickly, and keeping children safe. Despite everything, improvements are happening, which means that services are being provided, families are healing, and children are safe and cared for. My third reason is because of the planning and evaluation piece. Know that although that's been slightly modified, I still am hopeful. Nebraska did not do a good job of either of planning or evaluation when we jumped into privatization of child welfare five years ago, and we did less when we subsequently leapt into the privatization of case management. This bill allows for change to be planned and to be assessed so that we move forward thoughtfully and with good data to measure what is being done and where we're failing, data that we can trust to move us to a place where more services are being provided, more families are healing, and more children are safe and cared for. So please, support LB660 so the changes that are happening in Juvenile Justice will be all that the system has to deal with this summer so that NFC can continue to do...to work on the improvements and so that you can hold them accountable with good data to review their progress as we move into the future. [LB660]

SENATOR CAMPBELL: Thank you, Ms. Scurfield. Questions from the senators or comments? Okay. Thank you. [LB660]

GEORGIE SCURFIELD: Thank you. [LB660]

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SENATOR CAMPBELL: Our next proponent. [LB660]

SENATOR KRIST: Did you want another chair? [LB660]

SENATOR CAMPBELL: Will you be testifying, ma'am? [LB660]

DONNA KELLEY: (Inaudible). [LB660]

LAWRENCE KELLEY: This is my wife. [LB660]

SENATOR CAMPBELL: Okay. [LB660]

LAWRENCE KELLEY: Yes. [LB660]

SENATOR CAMPBELL: All right. We just wanted to make sure we needed to bring up another chair. Thank you. Good afternoon. Go right ahead. [LB660]

LAWRENCE KELLEY: (Exhibit 5) Good afternoon, Chairwoman Campbell and members of the Health and Human Services Committee. For the record, my name is Lawrence Kelley, that's L-a-w-r-e-n-c-e K-e-l-l-e-y. My wife and I have been foster parents in the state of Nebraska for over ten years, (becomes emotional) excuse me, I'm sorry...serving over 100 children in our home over those years. I am here today to testify in support of LB660. I want to thank Senator Krist for his service and ongoing commitment to Nebraska's children and families. We look forward to the Legislature's continued partnership as we strive to improve child welfare in Nebraska. My wife and I have experienced many changes over the last six years. While we know that we need to make changes to improve the system, we don't think another major change, such as case management moving from NFC back to DHHS, is what children's families and foster families and the child welfare work force need right now. We believe that if NFC no longer has a contract, there will be even more loss and instability for the children we are all trying to help. Stability is the greatest gift we can offer a child while they are in care. (Becomes emotional) I'm sorry. I'm sorry. I didn't plan on this happening and I'm... [LB660]

SENATOR CAMPBELL: You're quite all right, sir. Go right ahead. [LB660]

LAWRENCE KELLEY: My wife and myself, we're front-line caregivers, so we don't see cases. We see faces. And basically, everything that happens on this level, when it gets down to our level, we're the ones that have to explain why the changes are to kids who just don't seem to understand what's going on. For example, I had a child, 12-year-old girl named Hawo, and within six months she went through three case managers and two GALs. There were...we had a sibling string of six from 2 years old to 16. And the

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16-year-old child was pregnant, so eventually we wind up having seven. And Hawo said to me, why is it that everybody gives up on us? You know, are we that bad of kids, nobody wants us, nobody will stay around for us, nobody will help us? Why does everybody throw the towel in on us? You know, I really didn't have words for this girl. The best comfort I could give to her was say, we're still here, we haven't given up, we didn't throw in the towel. Now in that situation, we had a caseworker that moved on to another job. We had another caseworker took another position somewhere else. We had a GAL that did something different. But the way that this child sees it is they don't see it like that and they don't understand that. You got to understand, when they come into care, they've already given up everything. For whatever reason, they're in care. And we've seen some of the most horrific reasons that kids are in care, and we've taken kids that didn't nobody else want. Their world is already rocked when they come into care. They've lost everything. And when they lose the support system around them, it is though, to them, nobody cares. I've heard this many times over our ten years: Who cares about us? Is there anybody who cares? I'm here today because I care about children. I'm not in...I'm not much of a politician or anything like that. I'm a disabled veteran 20 years, and when I was no longer able to perform my military duties, my wife and myself became foster parents to serve our community when I no longer could serve my country. But whatever decisions are made from this building, I want you to know there's faces and these kids that we try hard to support need everything that we can give them. And one of the main things they need is to know that there's somebody there that they're familiar with who's going to see them through their process. I thank you for your time and attention. I would be happy to respond to any questions you may have. [LB660]

SENATOR CAMPBELL: Thank you, Mr. Kelley. Any questions from the senators? Mr. Kelley, thank you for your service to our country and as a foster parent. Our next proponent. [LB660]

SARAH FORREST: (Exhibit 6) Good afternoon. Good afternoon, Senator Campbell, members of the Health and Human Services Committee. My name is Sarah Forrest and I am the policy coordinator at Voices for Children in Nebraska for child welfare and juvenile justice. And Sarah Forrest is S-a-r-a-h F-o-r-r-e-s-t. Voices for Children is a statewide, independent voice telling the whole story of how Nebraska's kids are faring and advocating for improvements of the systems that serve them. We're here today in support of LB660 because we believe it strengthens our ongoing efforts across the system between many different players to meaningfully and carefully reform our child welfare system. I won't repeat too much of what's gone before me, but first and foremost is stability. Obviously, our system in the past couple of years has been through enormous shifts and that's created confusion, turmoil in the lives of kids and families. And so making sure that we have stability for kids and families is a very important part of successful efforts going forward. Second, data: We're very excited that the bill presents an opportunity for further evaluation and study which can provide a clear path

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going forward. So as the state looks at how and whether to shift our semi-privatized case management system, we need the best information to make those improvements and decisions, but also look at broader system challenges that often come through independent evaluation and study. Most importantly, we think that this stability really needs to serve as a solid foundation for our state's ongoing reform efforts. We've seen a lot of positive changes in the past 18 months while case management has been stable in Nebraska, and that being said, we still know that there is much, much more work to do. We have a unique opportunity as a state right now, having received the IV-E waiver, to carefully implement some new policies that we know can really make a difference, can create new services that are evidence-based for kids and families, can help strengthen and keep them together. We can reduce the trauma of foster care. We can invest in kinship care placements. And we can really incentivize permanency and make sure that children don't linger in care. We have the opportunity to tackle all of these new and exciting reform initiatives, and there are people who are already working on them. Stability in the Eastern Service Area, along with data and evaluation, is going to allow us to do this. And I'd also like to thank this Legislature who played such...and this committee, who played such an important role in really getting the ball rolling on some of the very important reforms and the stability that we've seen over the past few years. So with that, I'd like to thank you, urge you to advance this bill as part of a thoughtful data-driven effort to continue the progress that we're all slowly but surely making for kids and families. And I would welcome any questions you have. [LB660]

SENATOR CAMPBELL: Are there any questions? Thank you, Ms. Forrest. [LB660]

SARAH FORREST: Thank you. [LB660]

SENATOR CAMPBELL: Our next proponent? Good afternoon. [LB660]

NICOLE BRUNDO: Good afternoon. My name is Nicole Brundo, N-i-c-o-l-e B-r-u-n-d-o. I'm here on behalf of Don Kleine, the Douglas County Attorney. I supervise his Juvenile Division, and I've worked in the Douglas County Attorney's Office, specifically assigned to the Juvenile Division, since 1995. So I have had the opportunity to work with almost every agency in those 18 years that has done any type of work in Douglas County Juvenile Court. And I use the same words as Senator Krist in terms of stability and continuity, and that's the bottom line of how it will benefit Douglas County to have NFC maintain the current situation that they're in. I would also say the Douglas County Attorney's Office is very familiar with the NFC administration. In urgent matters, we know who to reach for what. They answer their phones, and if they're unable to they immediately call back. For not so urgent matters, the workers and supervisors are very responsive with regards to the e-mails and respond in a timely matter. NFC's participation in the state-mandated collaborative teams, which we refer to in Douglas County as 1184, is 100 percent, and I can tell you that we have a lot of teams. What we do when we get around the table in those collaborative teams is we talk about how we

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can do this better together. And NFC is represented, along with Department of Health and Human Services, law enforcement, the county attorney's office, and many other agencies. There was a letter presented today to you from city council. I will tell you that Don Kleine has also mailed a letter in support of NFC that's been mailed to you, with copies to each of the senators. I did hear some comments today from you, Senator Campbell, about answering the question with regards to any conflict between case managers with Health and Human Services and NFC. I think that initially we would see that occasionally with a pass off from the initial assessment workers of child protective services to Nebraska Families Collaborative, and I think that goes somewhat to when you pass off a case, as we each do in this field. Somebody investigates, then you pass it off to the next person. Then somebody prosecutes and so on. And there was ownership on the part of HHS doing their initial investigations and care that they put into the families and the kids, and when you pass that off to somebody else, you care about what happens to it and that it gets taken care of. And through many processes, I know there's internal staffings between HHS and NFC, but I see it add to the noncourt 1184 team that's held at Project Harmony where you actually see the initial assessment worker in the same room, around the same table as the NFC worker that's taking that case and running with it. And through that process I have seen improvement and less conflict, seeing that opportunity for them to openly discuss and ask others for their input, are we missing anything here, is there anything further that we could put into this plan or into this case. The foster parent mentioned the words "giving up," and so in conclusion I would say that NFC made the commitment in the situation of the privatization to not give up. And I would answer any questions as well. [LB660]

SENATOR CAMPBELL: Are there any questions from senators? Thank you. I appreciate you making a comment, because certainly one of the complaints when we looked at this through LR37 was that you had two people and what was the duty of the CFOM versus that. So your comment that you feel that it's improved and less conflict is...that's encouraging. Do we still need the CFOM? [LB660]

NICOLE BRUNDO: You know, I don't want to speak out of turn in terms of there's two types of CFOMs. There's the CFOM that was sitting in the courtrooms that is...those are...they're moving away from that. Then there's the CFOM that's collocated with the case managers in the building, so it would almost depend on which you're speaking of. It's helpful when it's possible in the courtroom to have the CFOM because they remain the legal guardian of the child. As for the collocated CFOMs, I actually think that's more internal in policy and how that's helpful to those two departments, and so I don't think I'd be best able to answer that question. [LB660]

SENATOR CAMPBELL: Okay. Thank you so much... [LB660]

NICOLE BRUNDO: Okay. [LB660]

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SENATOR CAMPBELL: ...for your comments. [LB660]

NICOLE BRUNDO: Thank you. [LB660]

SENATOR CAMPBELL: Our next proponent. Anyone else? Okay. Good afternoon. They'll look for that. Yes, they will. [LB660]

DAVID NEWELL: I know. I'll get in trouble. [LB660]

SENATOR CAMPBELL: Yes. [LB660]

DAVID NEWELL: (Exhibit 7) Good afternoon, Senator Campbell and members of the committee. My name is David Newell, D-a-v-i-d N-e-w-e-l-l. I'm the president and CEO of Nebraska Families Collaborative. I would like to thank Senator Krist for introducing this legislation and thank you, Senator Campbell and all the committee, for the leadership that you have shown in addressing many of the child welfare problems that we've had in our state over this last five years. I think the testimony that you've heard today is evidence of the progress that we have all made, thanks to your leadership, the people in this room, and many other people who couldn't be here today. I love the foster parent's comment that it's faces, not cases. And when you work in child welfare, that is what we do. And behind every number that we look at there's a child's face and a parent's face. And at NFC, our mission is for these kids not only to have a family but for them to be safe, for their families to be safe, and for them to be well. And we want the kids and families to be thriving. And while we've...you've heard much of the progress that we've made, there's still much work to be done, and we're very focused on doing that. I'm not going to read my testimony to you today but I'm just going to point out a few things in it so that you have it as a reference. So you see my testimony. There's a handout on the Child and Family Service Review scores in the Eastern Service Area, and in the last five years it's important...and when we look at the Child and Family Service Review measures, the important thing to understand is that these are system measures. So they are literally the reflection of the work of everybody who serves children and families in the Eastern Service Area. They are not a reflection of NFC's work alone. And when we started this initiative, the region was meeting two of the six measures and we're now meeting four of the six measures. And with these kind of measures, the progress isn't always linear and sometimes you get one step forward and two steps back. But overall, as you've heard, the trend is in a positive direction. We're particularly pleased, if you look on the next...the back of the next page, on the reentry rate into out-of-home care, which for the first time in the region we are now meeting the federal benchmark for that, so we're very excited. And here again, this is an example of everyone in our community pulling together to lessen the number of kids reentering into care. And then you see on the next page on adoptions, where 2013 was a great year for adoptions in the Eastern Service Area. And if you ever want to have a really joyful event in your life, go to National Adoption Day in your community. It is a lot of fun. You'll cry,

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but it's also one of the most exciting things you can do, that and reunifying families. And the majority of our kids do reunify with their families. About 70 percent in the ESA reunify with their families. Then the next handout that you have is just a reference to give you a comparison of the size of the different regions. We're the Eastern Service Area, which is approximately 40 percent of the child welfare population. You can see the other regions and there's comparison for the August data, which is the last time that NFC had comparable data across the regions, and the most recent November data that's for ESA only. So you have that as a reference. And then the last attachment that you have is NFC is working very closely, as you can see, with the community. And one community member who was not able to come today is Willie Hamilton with Black Men United, and so he asked that I provide this letter of support from him, and so that's included in your packet. But with that said, just if the committee has any questions. [LB660]

SENATOR CAMPBELL: Sure. Any questions for Mr. Newell? Mr. Newell, let's just talk about a couple of questions then, because I know you've been working on them so we probably need to talk about them. One of the issues that the evaluator talked about was the...at the end of the fiscal year and you do...the Auditor comes in and looks at that. And I know that each year you've had less of a deficit or, you know, money that was owed to other people. How are you doing on that? I mean each year you've made progress. What do you think you've done. [LB660]

DAVID NEWELL: Uh-huh. So that I'm clear, Senator, are you talking accounts payable or...I'm not...I'm not... [LB660]

SENATOR CAMPBELL: When the audit report comes out, it was like \$600,000 and some that you had were, you know, in arrears or that was owed. I'm probably not saying this correct. Then last year in the analysis it was \$311,000 when you looked at expenses versus revenue, where you... [LB660]

DAVID NEWELL: Deficit then. [LB660]

SENATOR CAMPBELL: And every year you've been making progress. How is that going for you this year? [LB660]

DAVID NEWELL: So it's...we expect...one of the things where we're very fortunate is between our own accounting staff and we also have a wonderful treasurer who's the CFO of Boys Town. Our financial projections are almost bang on for every fiscal year. And so what we're predicting is for, when the year ends in June, we're expecting to meet our projected budget for the year, so. And I think also just to give credit to the department, one of the things where I think the department and NFC have learned is to very closely monitor the finances on an ongoing basis. And so we send a monthly financial report to the department and we review that with them and go back and forth.

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And so I think we're managing that well. [LB660]

SENATOR CAMPBELL: You're probably just starting to look at the 2013 audit or work on it. [LB660]

DAVID NEWELL: Yes. Yes. Yeah, we go by calendar year in our audit. [LB660]

SENATOR CAMPBELL: Right. [LB660]

DAVID NEWELL: Yes, uh-huh. [LB660]

SENATOR CAMPBELL: And every year, you've made progress. So all I was trying to get to was, do you envision that to also be progress this year? [LB660]

DAVID NEWELL: Yeah, I think we're expecting to meet our budget ending in June, is what we're forecasting at this point. [LB660]

SENATOR CAMPBELL: Will...you know, at some point the evaluator talked about whether NFC would become, you know, an entity unto itself without just the partners backing you up. Do you think you'll ever get to that point? [LB660]

DAVID NEWELL: So let me explain. So right now the way that it works is that we are a member of ESA nonprofit, so the five members are represented on our board but the majority of our board of directors are community members now. [LB660]

SENATOR CAMPBELL: Right. [LB660]

DAVID NEWELL: And so...and we are expecting in this coming fiscal year to be self-sustaining, is our goal. Uh-huh. [LB660]

SENATOR CAMPBELL: Because that was one of the things that he was certainly looking for when he did the first evaluation, and you certainly have worked hard, and the board, to meet all the objectives that were in the bill, on an outside board, so. [LB660]

DAVID NEWELL: Yes. And we have a wonderful board of directors. [LB660]

SENATOR CAMPBELL: Yeah. [LB660]

DAVID NEWELL: Many of those members are here in the audience today. [LB660]

SENATOR CAMPBELL: Any other questions? Senator Howard. [LB660]

SENATOR HOWARD: Thank you, Mr. Newell, for your testimony. Can you remind me

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how long NFC has been in existence. [LB660]

DAVID NEWELL: So we started in 2009, so we're in our fourth year of operations and it's a five-year contract ending in June of this year. [LB660]

SENATOR HOWARD: And do you feel as though NFC is providing better case management than the state was previously? [LB660]

DAVID NEWELL: You know, Senator Howard, I wasn't here then. What I can say is that I think that our service delivery continues to improve on an ongoing basis. It's not...we are kind of perfectionists at NFC, and so I think both our board and our staff, we're always driving to be better. And so I think one of our mantras is that we're never good enough, but we keep striving. So you know, feedback that I get is like much of what you heard in the testimony today, is that we're not there yet but things continue to get better. [LB660]

SENATOR HOWARD: Yeah. I guess my question is coming from the CFSR scores from December that you gave to us, in that your December 2013 and your November 2013 for absence of maltreatment in foster care, reunification, and adoption are actually not beating the state's scores prior to privatization. And so I was trying to sort of understand a little bit more about where those numbers came from. [LB660]

DAVID NEWELL: So as I said before, these are system measures. And so one of the things why it's, generally speaking, best to compare the region to itself is that the Eastern Service Area has the most complex population in the state. And that doesn't mean that every region has its challenges, they all do. The...one of the things as far as the agency specifically, however, is that because they are system measures, we probably need to move to other measures which are better measurements of agency performance, because you're literally seeing the performance of everyone in the system, not just NFC. So...and there's no jurisdiction in the United States that meets all the performance standards. And so, you know, as you well know, it's very, very challenging work and, like I said, sometimes it's two steps forward and one step back, but overall the trend is in the positive direction. [LB660]

SENATOR HOWARD: Thank you, Mr. Newell. [LB660]

DAVID NEWELL: Thanks. [LB660]

SENATOR CAMPBELL: Okay. Any other follow-up questions? I know one question I need to ask you, because we've talked about this before and I know you're working very diligently to become Title IV-E, in compliance... [LB660]

DAVID NEWELL: Uh-huh. [LB660]

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SENATOR CAMPBELL: ...so that we can draw down those dollars. [LB660]

DAVID NEWELL: Uh-huh. [LB660]

SENATOR CAMPBELL: How are we doing on that? [LB660]

DAVID NEWELL: So we just recently received some feedback from the department on the IV-E cost allocation plan, so the thing that's important to understand in regards to IV-E claiming is that the relationship on IV-E claiming is between the state of Nebraska and the federal government. [LB660]

SENATOR CAMPBELL: Right. [LB660]

DAVID NEWELL: And that NFC was required to submit a cost allocation plan, which we did, by June of last year, which we did on time, and we just recently received feedback on that plan. We don't anticipate any major difficulties in regards to that. I think, you know, we'll work closely with the department. But ultimately, when it comes to IV-E claiming, it is the state of Nebraska's responsibility to make sure that IV-E claiming processes are correct and in place. And so NFC will cooperate with those processes, but it's really a relationship between the state of Nebraska and the federal government. [LB660]

SENATOR CAMPBELL: And you and I have talked about this a lot. We keep following this. And I think we're paying a lot of attention to it because we're getting ready, and Senator Coash will have his amendment to AR, so we're getting ready to start there. So I really do hope it works out. It takes a long time for them to get back to you on the questions. So do let us know how it's going. [LB660]

DAVID NEWELL: Absolutely. [LB660]

SENATOR CAMPBELL: Thank you. Any other follow-up? Thanks, Mr. Newell. [LB660]

DAVID NEWELL: Thank you. [LB660]

SENATOR CAMPBELL: Other proponents. Okay. Those who are in opposition to LB660. [LB660]

WILLIAM REAY: (Exhibit 8) Good afternoon, Senator Campbell,... [LB660]

SENATOR CAMPBELL: Good afternoon. Go right ahead. [LB660]

WILLIAM REAY: ...Senator Krist. Thank you for this opportunity to speak this afternoon.

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My name is Dr. William Reay, spelled W-i-l-l-i-a-m R-e-a-y. I first hand in my written testimony, which I asked the Chair to please receive into legislative record. As CEO of OMNI Behavioral Health and one of Nebraska Families Collaborative's founding organizations, I'm testifying against LB660, which was introduced January 8 to extend the pilot project created by LB961 in 2012. LB961 exclusively authorized the NFC to provide child welfare case management services in eastern Nebraska through June 30, 2014. A straightforward reading of LB660, if not conclusively, indicates that two sections of the bill violates Article III, Section 18 of Nebraska's Constitution: prohibition against special legislation, which in relevant parts reads the Legislature shall not pass local or special laws in any of the following cases: that is to say, granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatsoever. In all cases where a general law can be made applicable, no special law shall be enacted. In Haman, the Nebraska Supreme Court explained that section's meaning. By definition, a legislative act is general and not special, and it operates alike on all persons or class of persons who are brought within the relation and circumstances provided for that classification so adopted by the Legislature on the basis of reason and not purely arbitrary. A Legislature act that applies only to particular individuals or things or class is special legislation. General laws embrace the whole subject with their subject matter of common interest to the whole state. Uniformity is required in order to prevent granting to any person or class of persons the privilege or immunities which do not belong to all persons. In other words, legislation that benefits a single entity, such as LB660 does though in two separate ways, is unconstitutional. First, a pilot project is an exclusive special status for the NFC, which was created by LB961 and which was set to expire 30 June 2014. Special status was then and still is the Legislature's suspension of a statutory obligation under 73-504(2) to have all contracts in excess of \$50,000 be put to competitive bid. Because LB961 conferred special status on one entity, which is the NFC, it was unconstitutional for the same reasons as mentioned above, and LB660 perpetuates the defect by authorizing the department to extend NFC's no-bid contract. This special privilege is not available to any other corporations well-qualified to provide the same service, qualifications which negate any argument that NFC qualifies as a single source provider exception under 73-507. Given the ongoing favoritism, there's little doubt that the Legislature intends to perpetuate this special status of a no-bid contract for several years. Second, Section 2 of LB660 states that the pilot project shall be evaluated by the same entity which contracted (sic) the evaluation required pursuant to 43-4409. Although LB660 leaves the entity unnamed, it is clear the Legislature has a single specific entity in mind, which is to confer a special relationship, again, and special benefit to yet another contractor of no bid. Let me illustrate "special legislation" in another case of Cox v. State, 1938 Opinion regarding Cox's attempt to obtain compensation for personal injuries sustained when Cox's auto crashed into a hole in a road created by the Department of Roads. Cox couldn't sue the state, couldn't sue the state in district court because of state sovereignty and to be barred from the state statute of limitations. The Legislature passed special legislation to waive state sovereignty, but only for Cox, and waived the

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state statute of limitation again only for Cox. The Nebraska Supreme Court struck the law for violating Article III, (Section) 18--prohibition against special legislation--because the legislation did not...didn't let everyone injured by the state sue the state, only those citizens who had senators who pass legislation on their behalf. The immediate effect of the court, the court shut down Cox and 17 pending cases, and stopped the longstanding practice of state senators giving special consideration to special constituents who want redress for injury by the state. The state remanded (sic) the situation by passing the Nebraska State Claims Act. For these reasons, I'm asking the committee to kill the bill outright or, alternatively, delay your vote until you obtain a Attorney General's Opinion regarding both the constitutionality of LB660 and the legality of ongoing no-bid contracts set out therein. Thank you. [LB660]

SENATOR CAMPBELL: Thank you, Doctor. Any questions? [LB660]

SENATOR COOK: I have one. [LB660]

SENATOR CAMPBELL: Senator Cook. [LB660]

SENATOR COOK: Yes. Thank you, Madam Chair, and thank you, Doctor, for your testimony. It's actually a two-part question because the tone I am experiencing is somewhat accusatory toward...I am a state senator and certainly would not vote as I have for the bill that created this with the idea that I was creating a special legislation for any organization. Is this the only reason that you are opposed to LB660? Do you have any concerns about the service or any other aspect, or is it solely based on your thesis of special legislation? [LB660]

WILLIAM REAY: Solely on constitutional grounds, nothing further. [LB660]

SENATOR COOK: All right. [LB660]

WILLIAM REAY: The exception, you know, the reason, we have a lot of contractors, Magellan for example. What prevents Magellan from finding a state senator that will protect their contract? Special contract by special provision, so, yes, constitutionality only. [LB660]

SENATOR CAMPBELL: Other questions? Oh, I looked over to see Senator Gloor. Dr. Reay, I have a question. I think part of the reason that Senator Krist went for the amendment was to put in the language "may" continue the contract, and it doesn't have to a specific date. That changes...that change made in the bill, do you think that takes away the constitutional question? [LB660]

WILLIAM REAY: No, I do not, but then again it wouldn't harm to ask the Attorney General if it did. [LB660]

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SENATOR CAMPBELL: In the original, in the original bill, as I remember, and I am not an attorney and I do not have photographic memory, but I think the bill allowed and said that the department may contract for a lead agency. And so you're saying that in the original legislation, while it didn't specifically state that it was NFC and the department could have chosen any other,... [LB660]

WILLIAM REAY: Well-qualified, yes. [LB660]

SENATOR CAMPBELL: ...and truly they could have... [LB660]

WILLIAM REAY: That's right. [LB660]

SENATOR CAMPBELL: ...at that point. [LB660]

WILLIAM REAY: That's right. [LB660]

SENATOR CAMPBELL: They could have said, well, we want KVC... [LB660]

WILLIAM REAY: That's correct. [LB660]

SENATOR CAMPBELL: ...to take that contract, or we want, what did we have, three or four other outstate folks who were interested, at least showed an interest in it. And so I think the argument at that point was that the department could have chosen anyone. [LB660]

WILLIAM REAY: That's correct. [LB660]

SENATOR CAMPBELL: And so you're saying that now this legislation hones it down to be more specific? [LB660]

WILLIAM REAY: Yes, to only one. [LB660]

SENATOR CAMPBELL: Even with the amendment? [LB660]

WILLIAM REAY: Yes. [LB660]

SENATOR CAMPBELL: Okay. I just wanted to clarify that. Okay. [LB660]

WILLIAM REAY: Thank you very much. [LB660]

SENATOR CAMPBELL: Thank you. All right. Any others who wish to testify in opposition to LB660? Anyone who wishes to testify in a neutral position? Good

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afternoon. [LB660]

KERRY WINTERER: (Exhibit 9) Good afternoon. Good afternoon, Senator Campbell and members of the HHS Committee. I am Kerry Winterer, that's spelled K-e-r-r-y, last name Winterer, W-i-n-t-e-r-e-r. I have the pleasure of being the chief executive officer of the Department of Health and Human Services, and I'm here to testify in a neutral capacity regarding LB660. We share the concerns of Senator Krist, and I believe others on this committee, regarding the continued stability of providing services to children and families in the Eastern Service Area. We are in the midst at this time of negotiating a one-year extension with Nebraska Families Collaborative of their case management contract. Our hope is to have this completed within the next 30 days. We believe that LB660, as amended by Senator Krist in AM1668, contributes to that stability by voicing the Legislature's intent that the contract continue without directing the department to enter into a contract with specific terms or a specific direction (sic). We believe for the Legislature to dictate significant terms is an inappropriate step by the Legislature into which...into what are executive branch prerogatives in how and with whom it contracts to implement policy. I would note that the amendment includes the evaluation provision of LB660. The department filed a fiscal note of approximately \$169,000 for this provision, which I wanted to bring to the committee's attention, and the amendment does not affect the fiscal impact of the bill as already provided. I'd be happy to respond to any questions you may have. [LB660]

SENATOR CAMPBELL: Questions? Did you have a question, Senator Cook? [LB660]

SENATOR COOK: Yes, I do. Thank you, Madam Chair. [LB660]

SENATOR CAMPBELL: You're welcome. [LB660]

SENATOR COOK: And thank you, Mr. Winterer, for your testimony. [LB660]

KERRY WINTERER: Sure. Yes. [LB660]

SENATOR COOK: I have a photocopier printout of a news release put forward by the State Auditor making reference to...it's kind of alarming. That's why I want you to answer, to the degree that you're able,... [LB660]

KERRY WINTERER: Uh-huh. [LB660]

SENATOR COOK: ...that the Department of Health and Human Services demands nearly \$22 million in repayments, and it goes on to say that the federal monies...there were monies disallowed by the feds based on some of the decisions that the agency made. Can you shed some light on that? [LB660]

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KERRY WINTERER: Sure. And in fact, we just...we also just issued a statement which I think... [LB660]

SENATOR COOK: Okay. [LB660]

KERRY WINTERER: ...will shed some light on that. This is a disallowance for the years 2011 and 2012. It stems from the design of the privatization contracts, which essentially goes back to 2008 when those contracts were designed and put in place. Those were the contracts that provided for the lead agencies. And that, at that point in time, those contracts, as you may recall, were lump-sum contracts. Unfortunately, there was no mechanism built into those contracts in which we could provide documentation relative to payments made to specific providers for specific purposes, which are required in order to qualify for IV-E payments. We've already resolved previous years' disallowances and negotiated with the federal government relative to those. This was not a surprise. This was what we expected. We were in fact disappointed by the amount, because we believe the amount is very much overstated. What will happen at this point in time is we will have...this is just simply the first notice from the federal government and they have said, we believe there is reason to disallow an amount in those two years for that amount that's reflected in the letter. What will happen at this point in time, in all likelihood, is an appeal of that. And then we'll begin a process in which we will be negotiating that amount and finally settling, if you will, with the federal government in terms of what that amount is. It's going to require us to go back and try to reconstruct and provide documentation to the feds, the federal government, to justify payments that were made under those contracts. [LB660]

SENATOR COOK: All right. Thank you very much. [LB660]

SENATOR CAMPBELL: And to follow up from Senator Cook's comment, Mr. Winterer, we have already paid for the first year, isn't that right? [LB660]

KERRY WINTERER: That's correct. [LB660]

SENATOR CAMPBELL: We got a letter and then we negotiated down. And my memory isn't good enough but... [LB660]

KERRY WINTERER: Yes, that's been... [LB660]

SENATOR CAMPBELL: ...did we end up paying, like, \$5 million or \$6 million on that? [LB660]

KERRY WINTERER: Yes, and I'm not sure the amount, but I think it was even less than that, ultimately,... [LB660]

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SENATOR CAMPBELL: Okay. [LB660]

KERRY WINTERER: ...once we got the...once we went through the process, which is a lengthy process, to essentially negotiate and resolve it with the feds. [LB660]

SENATOR CAMPBELL: Because I think some of the discussion late this morning on the floor among senators when this first came out was we owe the \$22 million in 30 days, without understanding that we've got...we have an appeal process, so we can do that. [LB660]

KERRY WINTERER: There will be a significant period of time before that amount is actually determined. As I said, this is just simply the initial notice. This really begins the process. [LB660]

SENATOR CAMPBELL: Okay. [LB660]

KERRY WINTERER: It's not the end of the process. It's the beginning of the process. [LB660]

SENATOR CAMPBELL: Is this the last of the... [LB660]

KERRY WINTERER: Yes, should be the last, because... [LB660]

SENATOR CAMPBELL: ...of the requests for money here from the feds? [LB660]

KERRY WINTERER: ...because keep in mind what we have done is we are doing business differently at this point. We are providing the proper documentation, at least for services that we provide. You already talked about NFC and qualifying for IV-E dollars for NFC. We're not claiming any IV-E dollars for the NFC services until we get a cost allocation plan in place that the federal government will accept. Is that costing us federal dollars? Yes,... [LB660]

SENATOR CAMPBELL: Yes. [LB660]

KERRY WINTERER: ...but it avoids...that's not what was done previously. It avoids this problem because we are not claiming any dollars at this point in time that we can't document and justify. [LB660]

SENATOR CAMPBELL: Right. And really, in all the conversations that I've had with Mr. Newell, you know, we've all been very clear here. We want to try to get to the point... [LB660]

KERRY WINTERER: Yes. [LB660]

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SENATOR CAMPBELL: ...where we can draw down... [LB660]

KERRY WINTERER: Yes. [LB660]

SENATOR CAMPBELL: ...Title IV-E dollars for the Eastern Service Area, because at this point we're using straight General Fund dollars. [LB660]

KERRY WINTERER: That's right. And it is a process that we have to go through with the regional office in Kansas City. They are the ones ultimately who have to approve that plan that gets submitted by NFC or any contractor, for that matter. [LB660]

SENATOR CAMPBELL: Right. [LB660]

KERRY WINTERER: They're the ones that have to be satisfied. We can be the conduit and try to do what we can to facilitate that, but it's really something the federal government approves. And many times, they take their own sweet time. [LB660]

SENATOR CAMPBELL: Well, and we're really trying to do somewhat of a similar process, are we not, to trying to get the youth that are being transferred over to the Probation... [LB660]

KERRY WINTERER: Yes. [LB660]

SENATOR CAMPBELL: ...that we can somehow draw down IV-E dollars for them, because at this point we have not got that process in place. Would that be accurate? [LB660]

KERRY WINTERER: And that's a little bit more complicated and is going to require a different approach to try to do that. [LB660]

SENATOR CAMPBELL: Right. Right. Any other follow-up questions? Thank you, Senator Cook. It's good you clarified that because there was a lot of discussion late on the floor, like... [LB660]

SENATOR COOK: Yeah, that is alarming to read. [LB660]

SENATOR CAMPBELL: ...where are we going to find \$22 million in 30 days. We were all, of course, willing to write a check, but. (Laughter) Okay. Any other questions? [LB660]

SENATOR GLOOR: Who's "we"? [LB660]

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SENATOR CAMPBELL: Oh, I'm sorry to speak for you, Senator Gloor. Thank you, Mr. Winterer, very much. [LB660]

KERRY WINTERER: Thank you. [LB660]

SENATOR CAMPBELL: Anyone else in a neutral position? You weren't writing a check, huh? [LB660]

SENATOR GLOOR: (Laugh) Don't know how to write. [LB660]

SENATOR CAMPBELL: Good afternoon. [LB660]

CINDY TIERNEY: (Exhibits 10, 11, 12, 13, and 14) Good afternoon. My name is Cindy Tierney, that's C-i-n-d-y T-i-e-r-n-e-y. Thank you, Senator Campbell and honored members of the Nebraska State Legislative Health and Human Services Committee, for the opportunity to testify here today. I'm the executive director of Concord Mediation Center, and we are the Office of Dispute Resolution's approved mediation center that serves Douglas and Sarpy Counties. We offer mediation, facilitation, and training services. We like to consider ourselves as creating problem-solving processes for families and businesses. Last year, 81 percent of our cases were referred by the court, and 37 percent of those came directly from juvenile court. I am here today to testify neutral on Senator Krist's LB660 that would extend the pilot project of the Nebraska Families Collaborative until December 31, 2015. Concord Mediation Center offers juvenile court-based facilitations for children and families who are working with the Nebraska Families Collaborative. The juvenile courts refer cases to us when they think the family could benefit from having a dialogue with their providers about their case progression. This typically means cases are not moving ahead, for one reason or another. So bringing the family together, with both their informal and formal support systems, can help the family problem-solve the issue or the issues at hand. A neutral third party facilitates or manages this conference. We provide prehearing conferences prior to the first appearance in court, prehearing conferences prior to the permanency hearings, and prehearing conferences prior to the termination of parental rights trials. We also conduct family group conferences, which can occur at any point during the case progression in juvenile court. A brief definition of those services is provided to you in the brochures that I passed out. During last fiscal year, we conducted 369 facilitations for the court and the families receiving services from the Nebraska Families Collaborative. We conducted 236 prehearing conferences prior to the family's first appearance in court to front-load services for the family, 20 prehearing conferences prior to the permanency hearings, and 51 prehearing conferences prior to the termination of parental rights trials, and also 63 family group conferences. Although many problems arise and are discussed during these facilitations, all parties, but most importantly, the families leave with a better understanding of expectations they must complete prior to their case being closed. Plans are created with next steps for the

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families and for the Nebraska Families Collaborative family permanency specialist. Even though some communication issues have arisen between the Nebraska Families Collaborative family permanency specialist and the family, we have found that those FPSs are usually willing to accept responsibility and help create a better plan that ensures families will receive what they need to move their case ahead in the court process. If we feel there is a family permanency specialist or someone else who is not willing to work on the issues to help the families, we have the names of people within the Nebraska Families Collaborative organization to contact immediately. We always get problems dealt with when we have called their program audit department, their legal department, or just their supervisory staff. Whatever needs to be done, they seem to provide the folks that will actually help us get that done. We understand that when an agency is dealing with over 2,600 youth and over 1,300 families on any given day there will be problems. That's just the nature of the beast, so to speak. What seems to be important to me is how those problems get addressed. We have found that the NFC is willing to accept feedback and create options for solving the problems so that cases can, in fact, move ahead for the benefit of families and children. I'm also a member of the Nebraska Families Collaborative's community advisory board. These monthly meetings are designed to educate the community about issues related to children and families. As a part of these monthly meetings, there is an agenda item where families or community members can publicly air an issue. I've observed Dave Newell and his staff members hear feedback, take criticism, and let the person with the issue know how it will be followed up on. At the meetings where I have been present, I have not seen a defensive reaction by Dave to feedback. I've only seen him respond with acknowledgment and a problem-solving focus. I'd encourage anyone interested to attend a community advisory board meeting to see this process in action. The last point I'd like to make is to advocate for stability, as everybody else has here today. The Eastern Service Area has gone through many changes since the privatization effort has begun. As we've seen each of those changes occur, I would just hope as you make your decisions about this legislation, I know you'll remember the direct impact your decision has on the children and families of our area. Thank you so much for your time. [LB660]

SENATOR CAMPBELL: Thank you for your testimony. Are there questions? Senator Gloor. [LB660]

SENATOR GLOOR: Thank you, Senator Campbell. Thank you, Ms. Tierney. I appreciate your testimony. It's very well written, very well stated. But it seems to me that you would be a better fit for proponents, or am I missing something? I want to make sure that I'm not... [LB660]

CINDY TIERNEY: Well, you know, I don't think it's been a perfect system and I don't think they've done everything exactly right. So I feel like it's more of a neutral testimony in that it hasn't been perfect, there have been some problems. And those are the kinds

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of cases that we see. And so for me, it's just more about being able to say, though, out loud, publicly, that there are problems but that they do, in fact, solve those problems when they come. Okay? [LB660]

SENATOR GLOOR: Okay. Thank you. [LB660]

CINDY TIERNEY: Uh-huh. [LB660]

SENATOR CAMPBELL: Other questions from the senators? Thank you very much. [LB660]

CINDY TIERNEY: Thank you. [LB660]

SENATOR CAMPBELL: Our next testifier in a neutral position. Good afternoon. [LB660]

SARAH HELVEY: (Exhibit 15) Good afternoon. My name is Sarah Helvey, S-a-r-a-h, last name H-e-l-v-e-y, and I'm a staff attorney and director of the child welfare program at Nebraska Appleseed. And I want to begin by thanking Senator Krist and this committee for your ongoing work to improve the child welfare system in Nebraska. Our written testimony that you have was prepared before we were made aware of the amendment, so I want to just cover kind of the bottom line for us on this issue. Nebraska's statewide privatization effort undertaken nearly five years ago resulted in a crisis in the system. However, thanks to the leadership of this committee, increased oversight, transparency, and accountability have been put into place. And while there is still a long way to go, the system is more stable and in a better place today. We continue to have concerns about some of the fundamental aspects of privatization. Specifically, we continue to believe that case management responsibilities should be with the state. While we believe private agencies play a critically important role in serving children and families in our community, we believe that the state has the ultimate legal responsibility for children who are wards of the state. And therefore, we support accountable public management of the state's child welfare system. We also continue to have some concerns about inefficient and unsustainable cost shifting from the state to private agencies under this model, particularly with regard to Medicaid, Behavioral Health, and Developmental Disabilities. At the same time, we appreciate that this bill would put into place an evaluation of the case management issue under the amendment, if the pilot continues. We think this would give the department and the Legislature the opportunity to make an informed decision going forward. If the department would decide not to continue with the pilot program, we think it's critically important, as others have noted, there be a transition plan in place at that time, if that would occur. And finally, we want to also acknowledge the work of the Nebraska Families Collaborative. Our interactions with their leadership and their staff have been positive. They have made efforts to work collaboratively and be transparent and to provide reliable financial and programmatic data. And it's clear that they care about and

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are invested in children and families in the Eastern Service Area. So thank you again for your ongoing commitment to child welfare. And I'd be happy to answer any questions from the committee. [LB660]

SENATOR CAMPBELL: Any questions from the senators? Thank you, Ms. Helvey. [LB660]

SARAH HELVEY: Thank you. [LB660]

SENATOR CAMPBELL: (See exhibits) Anyone else in a neutral position on the bill? Okay. Senator Krist, I know you would like to close. And before you do, I'm going to read into the record that the committee received letters--and, Senator Krist, these are letters in support, correct--... [LB660]

SENATOR KRIST: Yeah, they all are. [LB660]

SENATOR CAMPBELL: ...okay, from Beneficial Behavioral Health Services in Omaha; PRI, Progressive Research Institute of Nebraska, also I believe in Omaha; then we have another copy of the letter from the city of Omaha and the mayor; the Douglas County Attorney, we received the letter from Mr. Kleine that Ms. Melton referred to. And I believe that is...and also from Mr. Hamilton, executive director of Black Men United. I think I got it all. Okay. Senator Krist, go right ahead. [LB660]

SENATOR KRIST: Stability, continuity; stability and continuity; stability and continuity--those few words you heard over and over again. It may not be the best, but it's what we have in place. We know there will be a change of Governor and, potentially, a change of administration in key areas. We need to afford them the opportunity to look at the program in a stable manner and keep in mind that these are, as Mr. Kelley said, faces that we're dealing with. I'd like to respond, there was only one opponent and I'd like to respond to the concern and also the process that we live with. This has been an ongoing piece of legislation. It started over eight months ago. It happened in collaboration with many state senators. It happened at meetings where key leadership at NFC was there. It happened in discussions on the phone, in my office, and it resulted in LB660. The first I became aware that there might have been a constitutional issue was when you called me this weekend, Senator Campbell, and told me there's a force out there. That's not how I do business, and I would hope that other people wouldn't do business like that with us and they would respect the fact that eleventh hour is not the time to be changing unless, unless it's the Governor or the Department of Health and Human Services, which always does things at the eleventh hour. I'm kidding. But when I was made aware of the issue, I had a conversation with the individual and we...and I did ask the question of...I attempted to contact Holley Bolen in the Attorney General's Office and she has not gotten back to me yet with a result. But we all know that our Bill Drafters, our Revisor's Office is really, really good at pointing out when we have special

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legislation. I'd like to read you a letter to the...in the record from Ms. Joanne Pepperl, the Revisor's Office, been at this job for 30-some years: Your legislative aide, Rod Krogh, asked me to review LB660 to see whether there are possible special legislation concerns. Article III, Section 18 provides, in relevant part, the Legislature shall not pass local or special laws to any...in all the following cases. And I won't read this but it's exactly what was read here on the record before. What Ms. Pepperl finishes with is a recent Nebraska Supreme Court case, Banks v. Heineman, that addressed legislated, as created, special legislation provided two discussion areas. One is the focus of the prohibition against special legislation and it benefits or grants special favors; one creates an arbitrary or unreasonable method of classification. Or two, creates a permanently closed class. The second is a closed class in one that limits the application of the law to a present circumstance or condition and leaves no room or opportunity for an increase in the number of the class by future growth. The bill contains provisions to extend a contract within a pilot project that was first enacted by laws, and she gives LB961, Section 2. A problem may exist, she said. Her recommendation to solve the issue is to change the word "shall" to "may." The word "may" then puts the obligation and the execution back into the executive branch, where it belongs. I made that change with the help of Mister...and again, thank you to Kerry Winterer for his attention in the detail, and it does not set limits. It says as long as the project is alive, the pilot project is alive, that contract may be extended. Now they'll have to refer back in the Department of Health and Human Services to the DAS regulations and policies that govern contract law, because there's a specific amount of time that is recommended for you to review a sitting contract. And in fact, our Performance Audit Committee has taken that issue up, potentially in this next year, to find out if we are really looking at those contracts in a timely manner. So once again, I think I've covered that turf well. And also, there are provisions where we are allowed special legislation. I would cite Yant v. the City of Grand Island, Haman v. Marsh, the State, Douglas County v. Nebraska. All of them state special legislation is appropriate by Supreme Court ruling when it comes to a rational basis or need, public purpose intent, or Legislature determines there's a public purpose. So I think we've covered that ground pretty substantially. I will follow up with Holley Bolen to make sure, in the Attorney General's Office, in Jon Bruning's office, to make sure, if you...if this committee wants me to. But I believe we're on solid ground with that. And with that, I want to thank the people who came to support the families and kids in the Eastern Service Area, and I would ask for your support for LB660. [LB660]

SENATOR CAMPBELL: Other questions or comments? Senator Gloor. [LB660]

SENATOR GLOOR: Thank you, Senator Campbell. Senator Krist, Ms. Helvey's testimony got me to thinking about something I'd like your opinion on. And this is the sort of thing, I guess, I could have asked you from the Chamber, but it's probably important enough to ask it here in a public hearing setting. That is the concern that we've all had since the beginning of this privatization about unsustainable cost shift from the state to private agencies. And it's a tough call. I mean the agencies, the advocacy

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groups exist to address some of the needs that we have. The state has limited resources also. And so I recognize the balance. But I'd be curious as to whether you think, as relates to that issue specifically, we've been pretty successful of finding an appropriate balance in that arena. And I'm asking you because, of course, I see you as a wise and impartial judge of that, as opposed to the organizations involved. [LB660]

SENATOR KRIST: I have...I was born in Omaha and lived there until I served in the Air Force and then came back to Omaha by choice. There is an incredible benevolent surrounding within the Omaha community. The public-private partnership is the key to the kinds of services that are available there, and we are very fortunate that these registered 501s go out and fund-raise and make a difference in terms of how this money is spent. I think that's the only way that the state has been that successful in that particular locale. I can't speak for anyplace else, but I know the Omaha area very well. My hope is that in...and we can't talk about the contract negotiation because it's ongoing. My hope is that, though, we realize from a state perspective that we cannot continue to walk on the backs of those nonprofits. We have to do our share, and that we realize that some of that defunding, particularly in the DD area, has hurt families and kids. So I thank you for the question and I think that it is important for us to realize that the success of that particular program or the NFC and the coalition has been not just with the money that the state has afforded for the project but the other monies that were raised privately and public monies that have been given into the program. [LB660]

SENATOR GLOOR: Thank you. [LB660]

SENATOR KRIST: Thank you. [LB660]

SENATOR CAMPBELL: And I would just make a comment that my rather inept way of asking Mr. Newell the question, but that really is an important thing to have come from the evaluator to say at some point you have to become sustainable unto yourself. And as Mr. Newell said, that's what they're working toward and they expect that they will reach that goal. Well, that's one of the things that the evaluator brought out to this committee, if you go back and read that report, was the financial stability of the organization, because at that point its member groups, and primarily Boys Town, was backstopping this. So to be able to get to the point where they are a standalone, sustainable organization would meet a goal of the evaluator. Am I articulating... [LB660]

SENATOR KRIST: Absolutely, and I don't want to name drop but I know that you all know Ken Stinson and had an opportunity to meet him at our Legislative Council at Offutt. People like that, that sit on the Boys Town board, cannot continually dip into the pot and know that there's no end. They have to have a sustainable platform to serve the programs. And it's very important that we reach that stability, because we're never going to be able to do the job. We'll never be able to do the job as effectively, as a government, that we will in a public-private partnership across the board. I would also

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say that if you don't want the contract to succeed, then don't fund it correctly. And I have great faith in Mr. Winterer to make sure that we reach that balance in this contract. They've been working hard at that. And I don't know any of the specifics and I would never talk about them if I did, but I know that they're working hard trying to negotiate the contract coming up. [LB660]

SENATOR CAMPBELL: Senator Crawford. [LB660]

SENATOR CRAWFORD: Thank you, Chairwoman Campbell. And thank you, Senator Krist, for your hard work on this. And I apologize if I missed this earlier. I was at a hearing for... [LB660]

SENATOR KRIST: I'll fill you in. (Laugh) [LB660]

SENATOR CRAWFORD: ...yes, for another bill we were introducing. One of my initial concerns with the bill is just to make sure that if we're doing the study that we have the information in time to have a deliberative discussion before we have to make the choice about extending the contract again. So I was a little concerned in the initial draft about the type of time between when we get the report and when we have to be extending the contract. And what I don't see in the amendment is what exactly the time line is in terms of when we're extending that contract, so I just wanted to make sure. There are two time line issues for us to work on. [LB660]

SENATOR KRIST: Sure. [LB660]

SENATOR CRAWFORD: One is to make sure there's a window between when we get the data and we have to make the choice; and two, for us to work carefully to make sure that we have clear about where we want this study to start; where is the fair or appropriate place to say this is where we should look to see how they compare. [LB660]

SENATOR KRIST: Right. Senator Gloor asked a question earlier that you missed, and just to back up to that point. Hornby Zeller did the initial study... [LB660]

SENATOR CRAWFORD: Uh-huh. [LB660]

SENATOR KRIST: ...and we're asking them to go back there for continuity purposes so they don't have to start from scratch. I think that's important because of the time line. The other thing that I think is very valuable is that we now are focused, and don't just tell us we're doing it good. Tell us how we compare, how they compare to other service areas and themselves, and how are they functioning in one of the key areas, which is case management. And the date in the amendment... [LB660]

SENATOR CRAWFORD: Uh-huh. [LB660]

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SENATOR KRIST: ...pushes it back. It actually gives the department six months from the time that the study is due to us and to the... [LB660]

SENATOR CRAWFORD: Excellent. [LB660]

SENATOR KRIST: ...and to the state or to the Governor and the department. And then six months you would think would be enough time if you wanted to terminate and do an RFP or if you wanted to go back to state control in an orderly manner. And I, again, I don't have any stock in Boys Town or any other organization. [LB660]

SENATOR CRAWFORD: Uh-huh. [LB660]

SENATOR KRIST: I'm not saying that this is a contract that needs to be, but at some point if they decide to make that decision, that's their decision to make. [LB660]

SENATOR CRAWFORD: Thank you. [LB660]

SENATOR CAMPBELL: Any other comments? Thank you, Senator Krist. [LB660]

SENATOR KRIST: Thank you, Senator Campbell. [LB660]

SENATOR CAMPBELL: And with that, we close the public hearing on LB660 and we will proceed to LB790. If you are leaving, please try to leave as quietly as you can because we will start when Senator Howard...don't...take your time. That's fine. We'll let people take a break. Do any of the senators want a break here? You want to take a break, a short break, anybody? Why don't we take a five-minute. That allows everybody who wants to leave, to leave. [LB660]

BREAK

SENATOR CAMPBELL: We thank everyone for attending the hearings for the Health and Human Services Committee. We won't repeat all of the beginning, where many of you were here and heard all of that. I will repeat, if you have a cell phone, double-check that it is turned off or on silent. We are ready to open the public hearing on LB790, Senator Howard's bill to require training for case managers, as prescribed. Senator Howard, go right ahead. [LB790]

SENATOR HOWARD: (Exhibit 16) Thank you. Good afternoon, Senator Campbell and members of the committee. For the record, I am Senator Sara Howard, H-o-w-a-r-d, and I represent District 9. Today, I bring you LB790 to continue the conversation we started last year on LB269 about how best to harness federal funds for child welfare. To ensure consistency in training, LB790 requires all child welfare case managers to receive the

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same program of initial training. The Department of Health and Human Services must create a formal system for measuring and evaluating the quality of such training. The training must promote evidence-based, family-centered practice that utilizes the least restrictive approach for children and families. LB790 also requires each trainee to complete a formal assessment before assuming responsibilities to ensure competency. Because LB790 is intended to be part of the conversation about child welfare funding, after introducing this bill, I was very happy to hear from several social workers, including my own mother, and professors of social work about the importance of IV-E funds to ensuring competent and educated child welfare workers. Several who contacted me offered another way that Nebraska could be utilizing IV-E dollars for training. Many states utilize IV-E funds for stipends for social work students who are trained in child welfare practice and committed to working for a period of years in child welfare. The importance of trained social workers in child welfare cannot be overstated. Research is conclusive, in the child welfare profession, workers who are properly educated and trained, particularly those with social work degrees, are most likely to stay. As this committee is very well aware, ensuring consistent case management is an important piece of working toward permanency for children in the system. Others behind me or other behind me will likely be able to talk more about the specifics of social work stipend programs, but I've provided you with an amendment that would require the Department of Health and Human Services to work with the Nebraska schools of social work to develop a IV-E stipend program. The partnership established by this program will allow the state to access specialized federal funds for professionalizing the field of public child welfare work force through recruitment, training, and retention of qualified graduates into child welfare positions. Additionally, the amendment removes that the requirement that...the requirement that the training be required by the same entity, so they just have to be on the same curriculum to pull down the IV-E funds, and does require an evaluation of quality regardless of who provides the training. I look forward to continuing the conversation with you about how best to draw down federal dollars to ensure a highly trained child welfare work force, and I ask your support for LB790. And I would be happy to answer any questions. Thank you. [LB790]

SENATOR CAMPBELL: Any other questions? Senator Gloor. [LB790]

SENATOR GLOOR: Thank you, Senator Campbell. Thank you, Senator Howard. Is this to apply only for child welfare clients or any Nebraskan who is participating in a program operated by the Department of Health and Human Services? [LB790]

SENATOR HOWARD: So IV-E funds either follow a child or they can be drawn down for training specifically. So your first question was does it follow a Nebraskan child in the child welfare system, so that's an eligibility issue around IV-E. We can draw down funds for eligible children. We also have a pot of money that we can draw down specific to training for our child welfare case managers. It's just that they have to be on the same curriculum in order to draw down those funds. [LB790]

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SENATOR GLOOR: I'm not phrasing my question very well. [LB790]

SENATOR HOWARD: Sure. [LB790]

SENATOR GLOOR: But I know Terry is here and I might bend his ear a little bit further. Plus, it buys me some time to think about how best to ask the question. Thank you. [LB790]

SENATOR HOWARD: Fantastic. Thank you. [LB790]

SENATOR CAMPBELL: Senator Crawford. [LB790]

SENATOR CRAWFORD: Thank you, Senator Campbell. And thank you, Senator Howard, for bringing this bill and raising this issue. I know we've been in multiple discussions where we've talked about the importance of making sure we're making best use of our university resources and enhancing our work force working with these children, so I appreciate that very much. Is the fact that we are adding this section to bring in these stipends, does that change the fiscal note? [LB790]

SENATOR HOWARD: That's a good question and we were just discussing it, and Mr. Werner behind me may be able to elaborate a little bit further. [LB790]

SENATOR CRAWFORD: Okay. [LB790]

SENATOR HOWARD: But 75 percent of the cost of the program would be paid by federal funds and 25 percent would be state dollars. But I believe we can use some in-kind money for that, which would reduce the cost of the fiscal note. [LB790]

SENATOR CRAWFORD: Excellent. Thank you. [LB790]

SENATOR HOWARD: Thank you. [LB790]

SENATOR CAMPBELL: Other questions for Senator Howard? Okay, thank you, Senator Howard,... [LB790]

SENATOR HOWARD: Thank you. [LB790]

SENATOR CAMPBELL: ...and we know you'll be around. So we will open up the testimony this afternoon on LB790. Our first proponent. Good afternoon. [LB790]

TERRY WERNER: (Exhibits 17, 18, 19, 20, 21, and 22) Good afternoon, Senator Campbell and Health and Human Services Committee. Just to let you know, I'm passing

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around... [LB790]

SENATOR CAMPBELL: You need to identify yourself and spell your name. [LB790]

TERRY WERNER: Oh, I'm sorry. Yes. My name is Terry Werner and that's spelled T-e-r-r-y W-e-r-n-e-r, and I'm the executive director and registered lobbyist for the Nebraska Chapter of the National Association of Social Workers. And what's being passed out are three letters of support: one from Dr. Maha Younes, who's the director of social work at UNK; Jeff Mohr, who's director of social work at Nebraska Wesleyan; and Shawna Herwick, who is the director of social work at Union College. Also is a policy brief from the Social Work Policy Center, which you might find of interest. And then also there is a survey of the states that are currently utilizing Title IV-E funds for...in this manner, so. NASW wishes to go on formal record in support of LB790 and AM1657. I commend Senator Howard in her attempt to draw down as much federal Title IV-E funding as possible. Title IV-E is a federal program administered by the state and local child welfare agencies to help poor children. It provides state funds...states with funds for maintenance, administration, and training of child welfare programs. Nebraska's current child welfare system has been unable to access certain Title IV-E funds as it has failed to partner with accredited schools of social work in order to recruit, train, and hire the most qualified work force into our child welfare services. Moreover, the current system is less than desirable as it hires graduates who lack the aptitude, as well as the academic and professional preparation, to assist our most vulnerable children and families. The new hires are provided with state-funded training for the first few weeks of their employment with the department and, due to their lack of preparedness for the field, end up resigning within a few months. The high turnover impacts children and families the worst as they end up with multiple workers and an ever-changing intervention strategy. Rather than continue to just spend money on computer systems, training modules, checklists, and other tools that have proven ineffective, the time has come for Nebraska to put children and families first, seek partnerships that guarantee best practices in recruiting, training, and hiring a professional work force. In an ideal world, we would only hire highly trained social workers for our child welfare system, as Kansas and many other states have done. Social work students spend time studying family systems and challenges, researching complex policy issues and advocating for responsive practices, gaining valuable...gaining values and practice skills to support families, and capping it all with internships with human service agencies. This extensive educational preparation provides a high level of skills and abilities demanded by child welfare positions. They are passionate about serving children and families and are prepared to do so. Research shows that hiring social work graduates reduces worker burnout and turnover, increases morale, and, most importantly, ensures proper care for children and families. Amending this bill to utilize IV-E funds to promote partnerships with social work departments and to provide students with an educational stipend to support their commitment to child welfare is only common sense. A majority of states in the nation utilize these funds for partnerships and stipends. This funnels well-trained

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people into our child welfare system and can only improve the current situation. This common-sense use of Title IV-E funding is something that Nebraska and schools of social work in Nebraska have worked on for years but have not achieved success to date. In January of 2009, there was a memorandum of understanding signed between UNO, UNK, the department, and the Center on Children, Families, and the Law to pursue an agreement establishing a partnership for the purpose of increasing professionalism in the child welfare system. In July of 2009, a three-year agreement was drafted but unsigned due to budget concerns. Efforts were then stymied due to privatization of the system. It should be noted that Title IV-E funding to promote the partnership initiatives and student stipends comes from a different Title IV-E provision and is not the same money that would be utilized for the required training in LB790 and has not been accessed by the state previously. Senators, this is common-sense legislation. I urge you to advance LB790 and AM1657. And I'd be happy to take any questions. [LB790]

SENATOR CAMPBELL: Are there questions? Senator Gloor. [LB790]

SENATOR GLOOR: Thank you, Senator Campbell. With a little more time, Terry, thank you for your testimony. [LB790]

TERRY WERNER: (Laugh) Well, see, you made me nervous, though, with that warning. [LB790]

SENATOR GLOOR: Well, I know. This actually probably falls more into the category of educating a senator who is confused, trying to understand how this all fits together. And so let me use, you know, a hypothetical scenario with Andy Campbell, who unfortunately presents to St. Elizabeth's burn center or Children's Hospital, both of whom are under contract with the state Department of Health and Human Services for Medicaid. [LB790]

TERRY WERNER: Okay. [LB790]

SENATOR GLOOR: So I think this covers that. And they will be cared for, among other people, case managers who are employees of the hospital but who work very closely with the case managers that the state may assign. And, in fact, the state may choose to defer some of the decision making to the case managers of the hospital. Those case managers who are hospital employees are also subject to their own training requirements that accrediting agencies, that the institution is accredited by, require them to adhere to. And so we've got...I'm trying to make sure that we don't have a double-jeopardy going on here. I'm trying to figure out does this even have a degree of applicability to a consistency in training. [LB790]

TERRY WERNER: I cannot answer that question, and maybe Senator Howard can in

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her closing. But as far as drawing down the funds, my understanding of the original bill is that the training has to be consistent between whichever body is providing those trainings. Currently, Children, Families, and the Law provides some of the training, and NFC provides some of the training, but I'm not certain that NFC is able to draw down the funds without providing more consistency. But really, I am here to talk a lot...mostly about the stipends, so. [LB790]

SENATOR GLOOR: Okay. Well, and I'd say this primarily for Senator Howard to think about or maybe somebody else can answer it. Are we talking about an opportunity here to draw down funds, or are we talking about...and are we...and we're talking about also a consistency on training... [LB790]

TERRY WERNER: I think... [LB790]

SENATOR GLOOR: ...that we require case managers to have? And my question probably has more to do with concerns about the consistency in training and whether that, in fact, has some overlap ramifications we don't...hadn't foreseen. [LB790]

TERRY WERNER: You know, currently, the practice is to hire a college graduate--could be a math major, I know the department tries not to do that, but it could be a math major, could be a history major--and then provide them with training. And then they go into the work force to work with some of our most vulnerable families and children. The purpose of the stipend is to move towards individuals who are passionate about working in the child welfare system, who are trained in the child welfare system, who in their undergraduate as well as graduate time in college have field placements where they spend 400 to 500 hours in actual field placement, and you end up with a better employee, the state does. And with the stipends, there would be...I mean it could be structured any way, but in the 2009 contract, for every year that they received a stipend, they would be obligated, if there was a job, to work for the department or, I'm assuming, that would be NFC as well in the future. And as far as funding goes, I did want to address that because it is a 75 percent federal funding. And by the way, there are two pots of funding in Title IV-E. One is a long-term training fund and one is a short term. Short term was more what CCFL is doing. And long term would be the stipend program, and the federal government would pay 75 percent of that. However, our match can include things such as the time and dollars that the faculty member would spend in supervision, would spend in administration and so on. So it may not be actual dollars. And I don't know how the fiscal note will look and address that, but I know that in the budget that was prepared in 2009 that match, much of it, was covered by staff time and supervision time towards the match, so that...so those dollars are already being spent because those people already work for the universities. The other thing that, as I understand it, is that the contract would be with perhaps the UNO Grace Abbott School of Social Work and the School of Social Work at University of Nebraska at Kearney. They would then subcontract to perhaps Creighton, Creighton School of Social Work;

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Union College School of Social Work; or even Chadron State College School of Social Work. So I believe that the contract has to be with a state entity, and in the previous, in 2009, that's how it was structured, between UNO and UNK. [LB790]

SENATOR GLOOR: Okay. Thank you. Well, I'll hold my questions. [LB790]

TERRY WERNER: Yeah. (Laugh) [LB790]

SENATOR GLOOR: Thank you. [LB790]

SENATOR CAMPBELL: Senator Crawford. [LB790]

SENATOR CRAWFORD: Thank you, Senator Campbell. And thank you for being here to testify today. You mentioned short-term and long-term training, and that actually raised a question that I had that may be beyond the scope of this bill. But I guess this initially we're talking, I assume, about the initial training, and I was wondering if this...moving to this stipend program provides better options for us to have continuing education or then you mentioned maybe the stipend allows for more continuing education or long-term involvement. [LB790]

TERRY WERNER: I'm not sure about that. [LB790]

SENATOR CRAWFORD: Okay. [LB790]

TERRY WERNER: I think there are people here that are not going to testify but perhaps could answer that question. I know there has been talk among the schools that they would love to partner with the department in order to provide some ongoing consistent training. So I believe that's an opportunity. I don't know how this works, because they're not going to testify. [LB790]

SENATOR CRAWFORD: All right. That's fine. [LB790]

TERRY WERNER: But if you'd like to ask them... [LB790]

SENATOR CRAWFORD: Oh, that's fine. I appreciate that. Thank you. [LB790]

TERRY WERNER: So...yeah. [LB790]

SENATOR CRAWFORD: Thank you for letting us know they're interested in talking to us. That's fine. [LB790]

TERRY WERNER: (Laugh) [LB790]

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SENATOR CAMPBELL: And, Mr. Werner, Senator Howard can follow up and get information from them. [LB790]

SENATOR CRAWFORD: Yes. Right. [LB790]

TERRY WERNER: Sure. [LB790]

SENATOR CAMPBELL: So we know, if they're not testifying today, you know, we can get the information. [LB790]

TERRY WERNER: Okay. [LB790]

SENATOR CAMPBELL: Other questions? [LB790]

TERRY WERNER: Thank you. Oh. [LB790]

SENATOR CAMPBELL: I do have one question. In any of the states that you've looked at, do any of them, instead of giving a stipend while the student is in school, that they provide a loan repayment? [LB790]

TERRY WERNER: I'm not...I don't know the answer. [LB790]

SENATOR CAMPBELL: Whether you could do that or not. [LB790]

TERRY WERNER: But, you know, certainly there are loan repayment programs for... [LB790]

SENATOR CAMPBELL: Right. [LB790]

TERRY WERNER: ...high-need areas. But I don't know if Title IV-E funding can cover that. [LB790]

SENATOR CAMPBELL: I just know that in the Rural Health Advisory Board, they have found that if they give the loan repayment, that retains people faster than a stipend. [LB790]

TERRY WERNER: Uh-huh. That makes some sense. [LB790]

SENATOR CAMPBELL: Exactly. They get the person to the community and then pay for them in a loan repayment, so just an idea. [LB790]

TERRY WERNER: It's a good one. [LB790]

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SENATOR CAMPBELL: Thank you, Mr. Werner. [LB790]

TERRY WERNER: Thank you. [LB790]

SENATOR CAMPBELL: Our next proponent. Good afternoon. [LB790]

MONIKA ANDERSON: (Exhibit 23) Good afternoon. My name is Monika Anderson, first name is spelled M-o-n-i-k-a, last name, A-n-d-e-r-s-o-n. Thank you, Senator Campbell and members of the committee. My name is Monika Anderson. I am the legal counsel for Nebraska Families Collaborative in Omaha and I'm here today to support LB790. We understand that Senator Howard has amended, agreed to amend, the bill to remove the requirement that all training statewide be provided by one entity. And with that change, NFC wholeheartedly supports this bill. Since April 1 of 2012, NFC has provided all of its own preservice and ongoing training internally. NFC's preservice training is required to meet all of the same learning objectives as are required for the state work force, and the NFC curriculum is both approved and monitored by DHHS on an ongoing basis. Attached to my written testimony in the packet is a side-by-side comparison of NFC preservice training with DHHS preservice training that was prepared by our operations support director. And as you will see by reviewing that document, the two are very compatible with each other. Providing all of our training internally is more efficient and a wiser use of state resources. It eliminates travel time and mileage expenses and maintains the trainee's close connections with supervisors and mentors as they proceed through the training process. Internal training is a positive factor in recruiting new workers, as our human resources staff always knows when the next training session is scheduled to begin and can on board new employees at the same time. As part of our rigorous CQI process, which is a valuable part of our COA accreditation, NFC continuously seeks feedback from our trainees, staff, supervisors, and external partners. Our training is responsive and able to quickly adapt based on feedback, policy changes, and current issues affecting child welfare practice. We also partner with government and community agencies, including recently the Division of Developmental Disabilities, Project Harmony, and the Douglas County Attorney's Office, and juvenile court judges, to provide trainings for our staff and providers. One of the recommendations in the Hornby Zeller report for NFC was to open up our training to providers so that there could be kind of a common understanding, and we have done that. Our providers have been very receptive to that. In fact, we make our training available to community members who want to attend. NFC is also very supportive of Senator Howard's efforts to enhance the scope of preservice training, as well as measure and evaluate the quality and effectiveness of the training. This is a process that NFC is already engaged in as part of our internal CQI process and maintenance of accreditation. NFC also supports pursuing additional IV-E reimbursement for training costs. We're currently actively working with the department on our IV-E cost allocation plan, so this is really very timely. We know that it is possible for a state agency to obtain IV-E reimbursement for training provided by private agencies. This is currently being

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done today in other states. What makes this even more timely is that every five years a Child and Family Services Plan must be submitted to the federal Administration for Children and Families. Included in the CFSP is a very detailed and specific training plan that states must submit, and these plans, these new plans, must be submitted in June of 2014. So the timing is really ideal with the cost allocation plan being finalized and a new five-year plan to be submitted this year. I have included in your packets for your reference a copy of the subsection on IV-E training costs from the federal Child Welfare Policy Manual, which is written in a question-and-answer format, and it will answer your questions in more detail than I'm able to provide here. As to the stipend, I would refer you to Dave Newell's testimony on LB269 in 2013, and he actually recommended building capacity in the social work field by providing incentives to social work students who enter the child welfare work force. So again, NFC is very supportive of that. Thank you once again, Senator Howard and Senator Campbell and members of the committee, for your leadership on this issue. And I'd be glad to take any questions. [LB790]

SENATOR CAMPBELL: Are there questions? Senator Krist. [LB790]

SENATOR KRIST: Thank you, Monika, for your testimony. When I look at this chart, that would be the third page in your handout, it appears to me that you're on track with everything that the department is teaching or the way that it's being taught, and in some cases you exceed it, in some cases they have a different structure. But both of these are going to have to be certified by the state to the feds. Is that correct? [LB790]

MONIKA ANDERSON: That's correct. My understanding is the issue with IV-E reimbursement is not an issue of consistency of training but the fact that NFC conducting training is not part of the state's plan currently. [LB790]

SENATOR KRIST: And why not? [LB790]

MONIKA ANDERSON: I can't answer that question. [LB790]

SENATOR KRIST: Okay. Is it, and just briefly, is it less time-consuming? I mean you said part of the savings is inhouse as opposed to going someplace else. Can I see a cost-benefit from doing it with inhouse? [LB790]

MONIKA ANDERSON: Well, we believe that there are efficiencies because we're not having to pay for drive time, mileage, and other per diem for trainees traveling out of town. We're also able to leverage some of the national expertise that's available in Omaha through Project Harmony to provide part of our preservice and ongoing trainings. We've partnered with Project Harmony on a number of different trainings. [LB790]

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SENATOR KRIST: So the state, in fact, could teach at your facility with the programs that they want, or vice versa, if this program were very closely aligned, and it appears that it is. Is that a true statement? [LB790]

MONIKA ANDERSON: It is. Yes. Yes. All of the same learning objectives that are contained in the state training program are contained in NFC's training program. [LB790]

SENATOR KRIST: And a last question, if I could. [LB790]

SENATOR CAMPBELL: Sure. [LB790]

SENATOR KRIST: Is this training available to Probation now as they cross over into this new world that they're into? And if so, is there a cost for them to attend the training program? [LB790]

MONIKA ANDERSON: Probation provides their own training at this point. We have made, as I indicated in my testimony, we have made our training programs available to providers, stakeholders, community members. So in that regard, folks from Probation would be welcome to attend. We have no formal arrangement with them to provide training. [LB790]

SENATOR KRIST: The reason I ask the question, and for the record, if we're going to draw down IV-E and it's going to be extended to the Probation area, which it needs to be eventually, you heard...I think you heard Mr. Winterer talk about it's a little more complex but it can be done. But if they're not trained correctly, if they're not part of the training process, and if the state doesn't certify yours and theirs, then they have to do everything on one side, if I'm understanding you correctly. [LB790]

MONIKA ANDERSON: Right, that's correct. [LB790]

SENATOR KRIST: Okay. [LB790]

MONIKA ANDERSON: Yeah, and NFC would certainly be open to discussions with Probation about sharing some of our training. [LB790]

SENATOR KRIST: Thank you. [LB790]

SENATOR CAMPBELL: I just want to be clear, Ms. Anderson. Is the state drawing down Title IV-E dollars for training now? [LB790]

MONIKA ANDERSON: Not for NFC's training is my understanding. [LB790]

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SENATOR CAMPBELL: Right. No, but for their own training. Aren't they... [LB790]

MONIKA ANDERSON: I don't know. [LB790]

SENATOR CAMPBELL: Senator Howard is nodding. I'm pretty sure they are. [LB790]

MONIKA ANDERSON: Yeah. I can't speak for them. [LB790]

SENATOR CAMPBELL: But I don't know that they're drawing down any of the stipend dollars. I mean that's a whole different... [LB790]

MONIKA ANDERSON: Correct. [LB790]

SENATOR CAMPBELL: All right. Thank you. Any other questions? Senator Crawford. [LB790]

SENATOR CRAWFORD: All right. I may have gotten confused here, so I apologize if that is the case. But so I was...what I was hearing when I was listening was that you have training that you do inhouse and you appreciate being able to do that training inhouse. [LB790]

MONIKA ANDERSON: That's correct. [LB790]

SENATOR CRAWFORD: And as I read the bill, it sounds like it's talking about the fact that the initial training of all case managers shall be provided by the same entity, whether it's the department or organization under contract with the department. So sounds to me like the bill is calling for all case managers to be trained in the same place so that that wouldn't be NFC internal training. That's what I guess I was confused by. [LB790]

MONIKA ANDERSON: Well, my understanding is that that's what Senator Howard's amendment addresses. Part of her amendment is to eliminate that requirement for a single entity to provide all the training. [LB790]

SENATOR CRAWFORD: Oh, I got you. It's the bottom of the amendment. Okay, I see at the bottom. I saw that it was adding new, I thought, well, that's adding new. I see that now. I apologize. Thank you. [LB790]

MONIKA ANDERSON: That's all right. [LB790]

SENATOR CAMPBELL: Okay. All right. Seeing no other questions, thank you very much for your testimony. [LB790]

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MONIKA ANDERSON: Thank you. [LB790]

SENATOR CAMPBELL: Our next proponent. Good afternoon. [LB790]

THERESA BARRON-McKEAGNEY: Good afternoon, Senator Campbell, honored Senators. My name is Theresa Barron-McKeagney. That's T-h-e-r-e-s-a B-a-r-r-o-n hyphen M-c-K-e-a-g-n-e-y. I am the associate dean for the College of Public Affairs and Community Service at UNO, but in my former life for nearly ten years I was the director of the Grace Abbott School of Social Work. So Mr. Werner was...called me out in terms of me not testifying, and so I have not prepared anything so I apologize. But I would really like to help illuminate anything that you might have in terms of questioning on the work that the schools of social work have done in terms of gaining access to the Title IV-E funding. Dr. Maha Younes and myself, as well as the other private institutions across the state of Nebraska, have worked for nearly ten years to try to get some funding to help our students in social work and really professionalize the state of Nebraska with regard to child welfare. And so it's been a long road and I'm very pleased that Senator Howard has made an amendment to her bill with regard to allowing this to happen. And so I am very much a proponent of it and think that it's necessary for our state to move forward. So if I can answer any questions for you or any concerns that you might have, I'll try and do that. [LB790]

SENATOR CAMPBELL: Questions? Senator Krist. [LB790]

SENATOR KRIST: Could you talk a little bit to multiple organizations teaching the same quality program? Do you see a problem with that in terms of the certification? [LB790]

THERESA BARRON-McKEAGNEY: You know, the work that we did in terms of all the schools and departments of social work, again, nearly six, seven years ago now, got together to look at the curriculum needs of the training and we at the end were working with the Center on Children, Families, and the Law to make sure that we weren't duplicating things. And so we felt that we were very close to making sure that all the training was very consistent with what was needed by the state to ensure that the needs were being met for our child welfare professionals. [LB790]

SENATOR KRIST: In your professional opinion then, it's possible for the state to certify these multiple places and multiple organizations to the feds and win the argument for IV-E drawdown? [LB790]

THERESA BARRON-McKEAGNEY: Well, I believe that the state has to work very closely with the entities, with the academic entities--UNK, UNO, all the privates, and also now NFC--to make sure that everything is very consistent. It's very important. You know, when I first became director in 2004, my brother-in-law at the time, Robert McKeagney, was the vice president for the Child Welfare League of America, and so we

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brought him to Lincoln to meet with Governor Johanns, because at that time the state of Nebraska was number two in the country with regard to out-of-home placement. And the issue that was really of concern to my brother-in-law was that more support needed to be generated by the state for social work professionalization, and he said that the documentation included that the more MSWs, the more master's in social work people that you have that supervise people who are working in child welfare, the better it is, because in supervisory roles they know what can happen. And with response to your question, Senator Gloor, it was interesting, because the thing that I think about in terms of the whole nature of hospitals and working with medical social workers, you know, they're licensed, basically. They're licensed, at least in my profession, licensed clinical social workers, and so they've gone through their own set of training with regard to licensure at the state level. They've been declared as licensed. And so anything that kind of like would then be a part of that child welfare, a neglect that someone could come into the hospital for, they would probably be working with those social workers who are the child welfare social workers as well. And so in terms of these two parties working closely together, that's how I would see that happening. [LB790]

SENATOR GLOOR: Okay. Thank you. [LB790]

THERESA BARRON-McKEAGNEY: Uh-huh. [LB790]

SENATOR CAMPBELL: Other questions? Senator Krist. [LB790]

SENATOR KRIST: Just one more comment. What I almost saw Gwen Howard sitting out there for just a minute because.... [LB790]

THERESA BARRON-McKEAGNEY: Yes. Senator Howard and I are very close friends. [LB790]

SENATOR KRIST: ...when we went through the LR37 process, she was so adamant that this was... [LB790]

THERESA BARRON-McKEAGNEY: Yes. [LB790]

SENATOR KRIST: ...a cornerstone in making sure that the trainings... [LB790]

THERESA BARRON-McKEAGNEY: Yes. Senator Howard and I are very close colleagues and she's a proud graduate of the School of Social Work. At that time, it was not named after our hero, Grace Abbott. But she is very much a proponent of social workers in the system to professionalize any state system. And I'll say that with some authority. Even though I'm now an associate dean, I'll always be a social worker. [LB790]

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SENATOR KRIST: Thank you so much. [LB790]

THERESA BARRON-McKEAGNEY: You bet. [LB790]

SENATOR CAMPBELL: I had...oh, sorry, Senator Crawford, go right ahead. [LB790]

SENATOR CRAWFORD: All right. Thank you, Senator Campbell. And thank you for testifying. I appreciate that very much. So would you address the question I asked earlier then about ongoing or continuing education, the...how or if there's any way in which adding this option into our program will facilitate ongoing or continuing education? [LB790]

THERESA BARRON-McKEAGNEY: Oh, yes. In terms of professional social workers, in order for them to qualify for renewal of their license, they have to be subject to 32 credit hour or 32 continuing education units every two years in order to continue to comply with their licensure. And so this will be a part of what happens. And, you know, training can be in any area. It can be in child welfare. It can be in mental health. It can be in ethics, you know. But that will continue. [LB790]

SENATOR CRAWFORD: Yes. And these are stipends for students, so I'm... [LB790]

THERESA BARRON-McKEAGNEY: Yes. Yes. [LB790]

SENATOR CRAWFORD: So their work, they're getting this training as students and getting the stipends as students. [LB790]

THERESA BARRON-McKEAGNEY: Yes. Yes. [LB790]

SENATOR CRAWFORD: And then they begin work while they're still students, or is the idea they begin work after they're students? [LB790]

THERESA BARRON-McKEAGNEY: Well, actually, yeah, right. Well, what happens is they have their training as students, like any social work student goes through any professional program, and each school has a practicum experience, an internship experience. And in the proposal that we wrote for the state, we said that the student, basically, would stay with the state in their practicum... [LB790]

SENATOR CRAWFORD: Yes. [LB790]

THERESA BARRON-McKEAGNEY: ...and that hopefully then that the student would then be hired on by the state for the next two years or however long they receive the stipend. And so that was the hope again, to professionalize the system of the state, was to make sure that we had this very highly trained, educated work force to remain with

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the state. And now, I mean this is what the Nebraska Families Collaborative is very, very eager to do. Dave Newell, I think, contacts me on a daily basis to ask how many social work students were graduating so that he can take them away, you know. And so there will be this work force that is dedicated to the profession and really understands child welfare so well. [LB790]

SENATOR CRAWFORD: Thank you. [LB790]

THERESA BARRON-McKEAGNEY: I mean I credit all the people that come into training that want to work with children. But, as my brother-in-law so aptly said several years ago, you know, these folks see these children that are neglected and severely, you know, malnourished or anything, and they say this is not for me. But I swear to God that my social work students and now Dr. Randall's social work students... [LB790]

SENATOR CRAWFORD: Uh-huh. [LB790]

THERESA BARRON-McKEAGNEY: ...will be there on the front lines saying this is what I was trained to do. [LB790]

SENATOR CRAWFORD: Right. Thank you. Thank you. [LB790]

SENATOR CAMPBELL: I had an occasion, when we were doing all the study on child welfare, to sit down and have a conversation with Dr. Ann Coyne,... [LB790]

THERESA BARRON-McKEAGNEY: Yes. [LB790]

SENATOR CAMPBELL: ...and I said, if I did one thing to help in the case management, what would it be, and she... [LB790]

THERESA BARRON-McKEAGNEY: Uh-huh, and I know her answer. [LB790]

SENATOR CAMPBELL: ...and she responded, as you just talked about,... [LB790]

THERESA BARRON-McKEAGNEY: Yes. [LB790]

SENATOR CAMPBELL: ...and she said, I would require every supervisor to have an MSW. [LB790]

THERESA BARRON-McKEAGNEY: That's right. [LB790]

SENATOR CAMPBELL: She said that's really at the level, because that supervisor can help people who come but that supervisor needs to have that training. [LB790]

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THERESA BARRON-McKEAGNEY: Absolutely. [LB790]

SENATOR CAMPBELL: And I've never forgotten that good advice from her. [LB790]

THERESA BARRON-McKEAGNEY: And if I could just, you know, be so bold as to add something. Currently, in my new role as associate dean, I just became the associate dean in October of 2013, and I have responsibility for the reappointment, promotion, and tenure of our members in each unit. And my responsibility is to make sure process and procedure is followed correctly. And so when the dean hired me, he said, how do you feel about being, you know, over the RPT college committee. And I said, you know what, there isn't anything that I haven't seen as director of the School of Social Work. I said I've been an authority figure, I've reappointed people, I've promoted people, I've tenured people, and I've let people go. And I said, so if any member has anything to say to me in terms of you don't know what you're talking about, they're wrong. [LB790]

SENATOR CAMPBELL: Thank you for taking time to come testify today. [LB790]

THERESA BARRON-McKEAGNEY: Oh, sure. Thank you very much. [LB790]

SENATOR CAMPBELL: Thank you. And you did an excellent job even though you were just recruited to do that. [LB790]

THERESA BARRON-McKEAGNEY: (Laughter) I couldn't live it down if Terry... [LB790]

SENATOR CAMPBELL: No, I doubt. Other proponents? Anyone in the hearing room who wishes to testify in opposition? Ms. Cox, are you testifying as a proponent? [LB790]

LINDA COX: Proponent. [LB790]

SENATOR CAMPBELL: Okay. How many other people wish to testify on this bill? Okay. Looks like we could be to you. Go right ahead. [LB790]

LINDA COX: (Exhibit 24) Senator Campbell, members of the Health and Human Services Committee, my name is Linda Cox, L-i-n-d-a C-o-x. I am the data coordinator for the Foster Care Review Office. I'm here today in support of LB790 and its efforts to assure that newly hired case managers are better prepared for the vital work that they are asked to do on behalf of children and families. For many years, the Foster Care Review Office has reported in annual reports and quarterly updates on case management turnover due to the negative effects that that has on children and family. New case managers face daunting tasks. They need to quickly learn about the intricacies of the complex child welfare system before forming relationships with families and children in their caseloads. Some trainees are graduates of other disciplines, so they need to learn some social work basics before they can start serving children and

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families. Trainees also need to learn how to use the N-FOCUS system, a system that is complex, nonintuitive, and uses technology from the early 1990s, when many of these trainees were preschoolers. In addition, case managers need to understand why they need to use evidence practices, why fidelity to those practices is important for themselves and for service providers, and which of many possible actions are evidence-based practices. The trainees need to learn all of this quickly, so that the knowledge can be applied to the complex interactions of families involved in the system. Given the critical nature of case management education, the training program for these professionals needs to be measured and evaluated. Requiring competency prior to serving is good for the families the trainees will eventually serve, and can help point out, too, training deficits that can be corrected, and can help improve the system as a whole. Thank you again for this opportunity to speak. Be happy to answer any questions. [LB790]

SENATOR CAMPBELL: Thank you, Ms. Cox. Questions? Good to see you again. [LB790]

LINDA COX: Thank you. [LB790]

SENATOR CAMPBELL: I think that concludes the testimony. Did I miss anybody who wished to testify? Okay, they must have an orange sheet on another bill. Okay. Senator Howard, if you'd like to close. [LB790]

SENATOR HOWARD: Thank you for your careful attention to LB790. In my view, when I introduced this bill, it was really to address the issue that NFC was not able to draw down IV-E funds for their training, and so by getting everybody on the same training, presumably, we would be able to draw down those funds, and in looking at opportunities to draw down IV-E funds to professionalize social work and to improve our training. The schools of social work and social workers as a whole approached me about also considering a stipend program, using a different pot of IV-E money, within this same legislation. I think this is a great opportunity for our state to professionalize social work and to really improve the quality of the case managers who are going into the homes and working with these children every day. My mother was a master's in social work. The state of Nebraska graciously paid for her master's in the '70s. I don't know what pot of money they got that from, but it was a very brief program. And it made a very big difference in the way that she managed the families that she worked with. And she is a huge proponent of social work and professionalizing the field and quality training. I would be happy to answer any other questions that you have. [LB790]

SENATOR CAMPBELL: Senator Krist. [LB790]

SENATOR KRIST: Just briefly, you heard the questions I asked about my concern, obviously, is that the feds are looking at a training program within the state of Nebraska.

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And the state then is responsible for certifying all the training that's being done, whether it's in classroom NFC or in classroom Nebraska, that things are being done the same way, and then also extending that training, maybe not a certification of such, but the training itself. Because if Probation in the LB561 process, as we have gone down that track in Juvenile Justice, is going to be also handling IV-E, they need to know what they're doing and be trained the same way. So I would really appreciate it, and I will help any way I can, but I'd appreciate running those things to ground, because it doesn't seem to me like...I mean going back to my prior life, that training program was taught all over the world to the same certification for DOD standard in aviation or cockpit research management or whatever it is. And I know social work is more intricate than flying an airplane, but I think we probably can adjust the standard to make sure that that's done the correct way. So I'll help any way I can, but I think we need to run that to ground before it comes on the floor. [LB790]

SENATOR HOWARD: Absolutely. [LB790]

SENATOR CAMPBELL: Senator Gloor. [LB790]

SENATOR GLOOR: Thank you, Senator Campbell. I'm slowly but surely getting on track, but you can help me with a couple of issues. The bill summary is what threw me off. And I believe what I understand now, what I was initially concerned about, is in fact we may be restricting the ability to train case managers appropriately, surrendering the numbers we need for competency within the numbers. But in reality, by improving the opportunities for training at the same time making sure that there are consistency in that training, we're going to be doing, hopefully, just the opposite, making it easier to make sure we get trained people who are competent. The part I don't understand still, Senator Howard, is the very last sentence on the bill summary says: All case managers shall complete a formal competency assessment process after initial training and before assuming responsibilities as a case manager. And since the bill relates to any organization with a contract with the department, to me, if you're using the title "case manager," your organization probably has some kind of contract with the state. So I'm trying to get comfortable that we're not throwing the net so wide here... [LB790]

SENATOR HOWARD: Right. [LB790]

SENATOR GLOOR: ...that we're gathering up people we...unintended consequence. So that's...we can talk about that at a later time. [LB790]

SENATOR HOWARD: And your question pertained to perhaps a hospital who had a contract with the state for something else. [LB790]

SENATOR GLOOR: Yeah. Sure. [LB790]

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SENATOR HOWARD: And then this was too big... [LB790]

SENATOR GLOOR: You bet. [LB790]

SENATOR HOWARD: ...because we need to specify that the contract should be specifically for case management in child welfare? [LB790]

SENATOR GLOOR: I think that's probably where I was headed. I think that's the intent you have. [LB790]

SENATOR HOWARD: Okay. [LB790]

SENATOR GLOOR: There may not be a problem in the language that's actually in the bill itself, but the bill summary was steering me in a different direction, and that's the reason I started going how broad is this bill intended to be. So now you understand. [LB790]

SENATOR HOWARD: Uh-huh. It's very focused on the privatization of child welfare and if there continue to be contracting entities, which I'm sure there will be, making sure that their case managers are receiving the same training, or at least a baseline curriculum of the same training across the state. [LB790]

SENATOR GLOOR: Well, and as we just heard, you take some of those institutions and they will only hire licensed social workers, which may well immediately address that issue. But we can talk further about it. But I am far more comfortable than I was 25-30 minutes ago. Thank you. [LB790]

SENATOR CAMPBELL: You know, I think that's an important point to bring out because Senator Christensen and I have been working with a constituent question that was posed to him about case management, and it had to do with what the requirements are for a case manager in hospice and what is required by CMS for certain...I mean there's many variations of this. And even on the licensure, because when Helen Meeks responded and she began to show all the different...or talk about different ways that "case manager" is defined in statute and what has to comply with CMS. So we probably need to clarify this bill summary before it goes out, you know, that type of thing. [LB790]

SENATOR GLOOR: Yeah. [LB790]

SENATOR CAMPBELL: Thanks, Senator Howard, very much. [LB790]

SENATOR HOWARD: Thank you for your consideration. [LB790]

SENATOR CAMPBELL: Uh-huh. That concludes the hearing on LB790. (See also

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Exhibit 30.) And we will proceed, and I saw Senator McGill come in the door. We will proceed to LB853, to change and rename the Young Adult Voluntary Services and Support Act, I hope to a shorter name. (Laugh) [LB790]

SENATOR MCGILL: Uh... (Laughter) [LB853]

SENATOR CAMPBELL: I'm kidding. I'm kidding. [LB853]

SENATOR MCGILL: Hi. I am State Senator Amanda McGill, M-c-G-i-l-l. I represent northeast Lincoln here in the Legislature. Good afternoon, Senator Campbell and the rest of the Health and Human Services Committee. I'm here today to introduce LB853, which improves and amends the Young Adult Voluntary Services, Support Act. Thank you for your work in helping to pass LB216 last session, giving youth 18 to 21 in our state the option to take advantage of these critical services and supports. LB853 clarifies juvenile court jurisdiction and process, renames the act to the...so it becomes the Young Adult Bridge to Independence Act. While I guess it's not a lot shorter, but this was a recommendation from the youth and something that they wanted to see and felt was a better name that would be more encouraging for youth to take part in the program. And the bill also makes several other technical changes. Over the interim, the advisory committee appointed by the Children's Commission has worked diligently to present detailed recommendations for this program. LB853 includes a number of those recommendations to strengthen and clarify provisions so the program will work best for young people in the way that it's meant to. Testifiers after me will speak more to the specific changes in the bill, because there are a number of them, but I'd like to mention that I will work with the committee and others to resolve any issues with LB853 and the program. I want to make sure the program is ready to go for the young people who will benefit from it. Right now we're waiting for the federal government to make a decision on their funding, and that takes a couple months. But it should...they should be getting back to us any day. And once they do come back to us and say that we're getting the money that we want to pull down, it will be 60 days for us to implement it. So being able to get this through the process now would be very beneficial to making sure that program is ready to go once the feds give us the okay. With that, I'll take questions, but I'd love for you to listen through the more-detailed specifics of the bill from some of the testifiers. [LB853]

SENATOR CAMPBELL: Are there any questions? Senator Crawford. [LB853]

SENATOR CRAWFORD: Thank you, Senator Campbell. Thank you, Senator McGill,... [LB853]

SENATOR MCGILL: Uh-huh. [LB853]

SENATOR CRAWFORD: ...for all of your hard work on this. So are most of the...is

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most...are most of the technical changes then really to get us ready for this money that's coming, or to make sure...making changes that clarify, that make it more likely or...
[LB853]

SENATOR MCGILL: Most of them are clarifying. [LB853]

SENATOR CRAWFORD: Okay. [LB853]

SENATOR MCGILL: Most of them are clarifying in terms of, like I said, the juvenile court jurisdiction. There's a question you'll hear about in terms of funding through guardianships. [LB853]

SENATOR CRAWFORD: Uh-huh. [LB853]

SENATOR MCGILL: You know, we're happy to work with Health and Human Services on any of the small hiccups that they may see just so we can be ready for prime time as soon as we get the okay. [LB853]

SENATOR CRAWFORD: Okay. Thank you. [LB853]

SENATOR MCGILL: Uh-huh. [LB853]

SENATOR CAMPBELL: Any other questions? Thank you, Senator McGill. [LB853]

SENATOR MCGILL: All right. [LB853]

SENATOR CAMPBELL: Our first proponent. Good afternoon. [LB853]

MICKEY ALDER: (Exhibit 25) Good afternoon, Senators. My name is Mickey Alder, M-i-c-k-e-y A-l-d-e-r. I'm just going to go ahead and share part of my story. I have to get to class, so...and drive up to Omaha for social work class, so. I speak to you today as a member of Project Everlast, a future social worker, and a former state ward. I'm here to offer my support for LB853. While speaking to you today, I will be the voice of many of the youth this bill will be directly affecting. And I first off want to thank everyone who helped pass LB216. I state this because this bill will be a life-changer to many youth who age out of the foster care system. I know that many of those youth will not have the opportunity to thank you firsthand, so I will do that for them today. As many of us were taught growing up, we know practice makes perfect. As we know, passing LB216 is just the beginning to our journey of making everlasting change in these youths' lives after aging out. By implementing LB853, we'll be able to continue moving forward and building the most effective programs these youth deserve. LB853 will allow us to have our plan ready for the big day when the federal government gives the approval to continue to travel on the journey of creating an amazing opportunity to successful

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stories of our youth here in Nebraska. I would like you to take the time to think about a time in your life that you had to practice to accomplish a goal of your own. It can be anything from hitting that high number in a production to the big football game. What did you have to do to be the best that you could be? I believe many of you were thinking the same thing, and that answer was practice. Now think about LB853. This is our opportunity to implement our practice and be ready for that big day. Why wouldn't you want to be the best that we can be for these youth? Life is not standing still for many of these youth. Every day youth age out of the system and another day goes by. LB853 will be...LB853, we will be ready if we pass it. I would like to thank you for the opportunity of sharing my support for LB853. This bill means a great deal to me and many other youth. I would be happy to answer any questions you have. [LB853]

SENATOR CAMPBELL: But they better be short. (Laughter) [LB853]

MICKEY ALDER: Yes. [LB853]

SENATOR CAMPBELL: Any questions? Good luck at class. [LB853]

MICKEY ALDER: Thank you. [LB853]

SENATOR COOK: Yes. Thank you. [LB853]

SENATOR CAMPBELL: Dress warmly. It's like an air conditioner back here. I just want you to know, that's why we're all kind of going...it is freezing. Good afternoon again. [LB853]

SARAH HELVEY: (Exhibits 26 and 27) My name is Sarah Helvey, it's S-a-r-a-h, last name H-e-l-v-e-y, and I'm with Nebraska Appleseed. We want to begin by thanking Senator McGill and this committee. Last year, last legislative session Senator McGill introduced and this committee prioritized LB216 to create what is now being called the Bridge to Independence Program to provide extended services and support to age 21 for young people who age out of foster care. We believe this program will remove barriers, improve foster care outcomes, and prevent further reliance on adult systems. LB216 also established an advisory committee, as Senator McGill noted, to make recommendations regarding implementation of this program. And this has been an intensive and impressive process and, we believe, an important vehicle to ensure that this program is implemented to best serve young people and to ensure that there's continued collaboration and input among stakeholders and young people that was so central to LB216. I want to note for the record that I am a member of the advisory committee, but I'm speaking today on behalf of Nebraska Appleseed. I want to use my time today to provide a little bit more background for what LB853 does and why it's important. LB853 implements recommendations from the advisory committee and input from stakeholders. It provides clarity on certain pieces of implementation and makes

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some technical changes. As a supplement to our testimony, we provided a fact sheet about LB853. And as you can see on the back page, LB853 does four primary things. First, the bill changes the language to reflect the new title of the program, Bridge to Independence, and also the term for caseworkers to be "independence coordinators." And as Senator McGill noted, those changes are recommended by the advisory committee with input from young people. Second, LB853 provides guidance on how to implement the requirements of the program passed last year as part of LB216. Specifically, LB853 provides additional guidance on what independence coordinators should work on with young people by cross-referencing the existing categories of the transition planning statute for consistency. The bill also ensures that young adults are regularly informed about their right to an attorney and their right to request an additional court hearing, as needed; and that all young adults leaving the program receive information about community resources. That sounds like a lot, but essentially it's just providing notice of rights and community resources. The bill also requires that independence coordinators help young adults prepare for their annual hearings and the six-month case reviews, and it's important there to note as well that federal requirements for this program require that the caseworker and the young adult have monthly face-to-face meetings. And so this provision doesn't create any new meeting requirements but just specifies how those already required meetings should be used to help prepare the young adult to make progress in this case. And I think the department raised some questions about that as well, about meetings and delaying court hearings, and that would be our response as well, that that is intended to be part of the already existing monthly meeting that's required as part of the federal program. This bill also reflects the recommendation that supervisors of independent coordinators should have specialized training for this role, and we think that would have to happen anyway but it's important to make clear. The bill also encourages that participation of young adults in the six-month case reviews, by stating that those should be conducted in an informal manner and, whenever possible, at times that allow for the attendance and participation of the young adult. Third, LB853 clarifies some things about juvenile court jurisdiction and process as part of this program. The bill includes a reference to the juvenile court's jurisdiction under this program in Nebraska Revised Statute 43-247, which you probably know is where the (3)(a), (3)(b), (3)(c) juvenile court jurisdiction is. The bill also specifies that the document that the department is required to file with the juvenile court be a petition and that a record be made of those permanency hearings. LB216 said they should file a report or petition, and people said, which one? So it's a clarification. Because of the relatively short period of time the young people will be participating in this program, the bill provides the permanency hearings should be conducted in an expedited manner. The bill also provides clarification of the juvenile court's authority to review the legal rights and entitlements of young adults under this act, and that reflects input from the advisory committee that the juvenile court should have a role when young adults are involuntarily terminated from the program. I can see I'm short on time, so I'll just mention LB853 makes some technical changes and one of those is regarding the guardianship issue, and it addresses...it corrects or eliminates an inadvertent statutory

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inconsistency to permit those guardianship payments to age 19, as intended by LB216. I understand the department has also raised a concern about the guardianships beyond the age of 18. We think that this bill addresses that issue, as in coordination with the already existing statute that defines child to age 19, but we also...there's also a separate bill, LB908, that more specifically addresses some of those guardianship issues. So in conclusion, we think this bill is important because it incorporates many of the lessons learned from input from stakeholders and the advisory committee process, and that process also brought to our attention some corrections that needed to be made and implement...to implement the laws intended. So therefore, we think this bill is not just helpful but important to move forward to implement the program when the federal approval comes. [LB853]

SENATOR CAMPBELL: Ms. Helvey, who is the...who is sponsoring LB908? Senator McGill? [LB853]

SARAH HELVEY: I believe it's Senator Coash. [LB853]

SENATOR CAMPBELL: Okay. And it is meant to be a clarification on guardianship? Did I hear that right? [LB853]

SARAH HELVEY: It creates a separate process for juvenile code guardianships,... [LB853]

SENATOR CAMPBELL: Oh. [LB853]

SARAH HELVEY: ...and it includes some provision about the extended guardianships. [LB853]

SENATOR CAMPBELL: That would probably go to Judiciary. [LB853]

SARAH HELVEY: I think that's correct. [LB853]

SENATOR CAMPBELL: Yeah. That would make sense. Questions? Ms. Helvey, you did an exceptional job covering a lot of material, so thank you very much. [LB853]

SARAH HELVEY: Thank you. [LB853]

SENATOR CAMPBELL: Our next testifier. Good afternoon. [LB853]

KRISTINA DELLACROCE: Hi. I'm Kristina DellaCroce, K-r-i-s-t-i-n-a D-e-l-l-a-C-r-o-c-e. LB853 is our final steppingstone in the making of the Bridges of Independence. We have come so far in this process, our youth that won't even benefit from here are testifying here today to show and to prove to you how important this is. They are helping

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the next set of youth become successful and show them what they can be, showing them there are people trying to make foster youth have a better outcome. If LB216 was around when I was still in care, it would have prevented me from couch surfing with my son and letting him see things that he shouldn't have seen at such a young age. I went through hell to get where I am today and still not exactly where I want to be. Now, with LB216, foster youth have an opportunity to do something after they age out and not have to worry about being homeless or their next step. Being here from the beginning of LB216 and finally seeing it come together with all the youths' input has really put a smile on my face. LB853 really has me grinning because it's all of our thoughts and completions into the final step of completing a huge step in history for our foster youth. I am here today testifying for the next generation of youth to have a better outcome. Thank you for your time. [LB853]

SENATOR CAMPBELL: Great job, Kristina, very good. Questions from the senators? Thank you so much for coming. [LB853]

KRISTINA DELLACROCE: Thank you. [LB853]

SENATOR CAMPBELL: Good to see you again. I remember when we had the large number of foster kids come in, youth, and I remember seeing you in the audience. So thanks for coming back and testifying. [LB853]

KRISTINA DELLACROCE: You're welcome. [LB853]

SENATOR MCGILL: Wasn't it your little one that ran into the Chamber (inaudible)? (Laughter) [LB853]

SENATOR CAMPBELL: Ah! [LB853]

SENATOR COOK: He's famous. [LB853]

SENATOR CAMPBELL: Senator Coash to the rescue, I believe. For the audience, her son ran right down the middle aisle, and Senator Coash, who has a young toddler himself, now a little older than toddler, just stepped right up and picked him up, and it was a lot of fun. [LB853]

SENATOR GLOOR: Walked him out the door. [LB853]

SENATOR CAMPBELL: It was a lot of fun. [LB853]

SENATOR KRIST: It's all on NETV (inaudible). [LB853]

SENATOR CAMPBELL: I hope you got a picture of that, right. Our next testifier. Good

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afternoon again. [LB853]

LINDA COX: (Exhibit 28) Yes, hello again. My name is Linda Cox, L-i-n-d-a C-o-x. I am data coordinator for the Foster Care Review Office. I'm here today in support of LB853 and to bring your attention to a couple of statutory clarifications that we believe are still needed. The Foster Care Review Office is the state's IV-E review agency. In other words, we have been designated in statute since 1996 as the state agency responsible for reviews that meet the requirements of Title IV-E. As such, since before LB216 was passed by the Legislature last year, we've been in collaboration with HHS as to the reviews that we'll be conducting on the young adults under the Bridge to Independence Program. Our professional staff have access to N-FOCUS, N-DEN, JUSTICE, and other relevant information regarding these young persons, as they were children in the system, including information from any reviews that we may have done on these young adults' cases. We have a statewide infrastructure and authority to report to the courts on cases within our jurisdiction. Our staff is educated on the effects of abuse and neglect and related trauma, and what's needed in order for children from the foster care system to become successful adults. We routinely invite minor children age 13 to 18, if appropriate for the individual child, to attend our reviews on their cases and provide their unique input. So this process that is already in place can be expanded for the young adults who are age 19 and 20. The bill sets up a system by which reviews take place in a collaborative environment, so our discussions with HHS have included some of the logistics that will be necessary to make such collaboration as successful as possible. Further, we have a tracking system already in place from which we can and do provide information on people in the out-of-home care system. The Bridge to Independence participation information can be added as an extension of that tracking system. We've been collaboratively developing with DHHS our data tool, which is designed to benefit you as policymakers as well as serve the needs of HHS and our office. We've also been in discussion as to how we will get the information as to which youth are participating in this program. We are equipped to conduct tracking and analysis, as well as report to the Legislature. There had been a question as to fiscal note. Last year we had an appropriation. We have reviewed that. It's going to be enough for us, for staff and operations, expenses for these reviews. The plan is to meet the proposed statutory requirements by providing the case review in an informal, young adult friendly environment. The reviews will be young adult driven and at locations convenient for the young adult. We will ensure that they are aware of their rights, as stated within the bill. And in order to provide easy accessibility to the reviews, we're looking at holding them in physical locations across the state and looking into the use of Web-based but secure services. The funding already appropriated will enable us to utilize these type of services, track the young adult's experiences, and report on the program. As we have been working on developing new review procedures, we found that there are a few clarifications that we think would strengthen the bill and make the legislative intent clear. I'm not going to read those but they are attached here. I think with this in place and with the discussions that we have been doing, we will be ready to

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roll forward as soon as that approval comes from the federal people. And so I think we will be very ready to go as that becomes available. Thank you for your consideration. I'd be happy to answer any questions. [LB853]

SENATOR CAMPBELL: Thank you, Ms. Cox. Any questions from the senators? You've been extremely helpful, I know, the Foster Care Review Office, to getting all of this set up and helping out, so really appreciate it. Other proponents for the bill? Anyone in the hearing room who wishes to testify in opposition? Those who wish to testify in a neutral position? Do we have anyone else in the hearing room who wishes to testify? Okay. Good to see you. [LB853]

KAREN AUTHIER: (Exhibit 29) Good afternoon. My name is Karen Authier, K-a-r-e-n, Authier, A-u-t-h-i-e-r, and I serve as chair for the Nebraska Children's Commission, and thank you for the opportunity to testify regarding LB853. I'm testifying in a neutral capacity because the Children's Commission has not had the opportunity to review and take a position on this bill. We did meet this morning but didn't specifically address this bill. The Children's Commission appointed the members of the Young Adult Voluntary Services and Support Committee, and I notice you didn't change the name or that isn't proposed as a change (inaudible) so I'm left with a mouthful. The Young Adult Committee, as I sometimes call it, is...was appointed as directed by the provisions of LB216, which was passed in the last session of the Legislature. The commission sent out a request for nominees. A nominating committee reviewed the applications and forwarded the names of nominees to the commission. The nominations were approved at the last...at the June 18th commission meeting. Mary Jo Pankoke was appointed chair of the committee, and Mary Jo is in the room. First meeting of the committee was July 1...July 31, 2013, and reports from that committee were included on the agenda of the commission monthly meetings throughout the remainder of the calendar year. Work groups were established by the committee to focus on six areas: eligibility and transition from the current service array; case management and supportive services; placement; case oversight; communication/marketing; and there should be a six by state extended guardianship assistance program. With an emphasis on inclusivity, work group participation was open to anyone who had an interest in implementation of the Bridge to Independence Program. There was a committee decision to have each work group cochaired by a committee member and a DHHS employee in order to encourage collaborative planning and decision making and reduce redundancy of effort. Each work group formulated recommendations to address the specific recommendations or the specific requirements of LB216 regarding the implementation plan. And I am told that there were, between July 31 and December 1, there were a total of 38 meetings of work groups, so there was an impressive amount of activity and discussion that went into the recommendations. All recommendations were reviewed by the commission with opportunity for discussion and question and answer. However, because of the tight time line specified in LB216 for reporting recommendations to the HHS Committee, the commission didn't have adequate time to vote on each recommendation separately. The

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commission did accept both the October and December reports before they were submitted to the committee. And in the final vote to...in the vote to accept the final report, the commission did add the recommendation that the Building Bridges to Independence Program be expanded to include Juvenile Justice youth served by Probation. This added recommendation is consistent with the intent of the commission's strategic plan to include both child welfare and Juvenile Justice population in the focus of its efforts. The commission plans to follow the implementation of the Bridges to Independence Program by returning to the committee's recommendations for more in-depth review of the issues involved and monitoring progress toward the goals with the assistance of the committee. [LB853]

SENATOR CAMPBELL: Questions? Comments? I was privileged to watch this process from start to end, and I really do want to thank Mary Jo Pankoke because she did a whale of a job in terms of bringing a lot of people together... [LB853]

KAREN AUTHIER: Uh-huh. [LB853]

SENATOR CAMPBELL: ...to deal with the recommendations, so. [LB853]

KAREN AUTHIER: And I think, as I was writing this, was well aware that that group and each of the committees that the Legislature has authorized and placed under the commission, the emphasis has been on involving as many people in the discussion as possible. Makes it a little messy sometimes, but I believe that the input...and I think that this bill was a good example of that. There were many areas to cover in terms of implementation. But they did a remarkable job of covering every...making a recommendation on every area. [LB853]

SENATOR CAMPBELL: Thank you. Any other questions or comments? [LB853]

KAREN AUTHIER: Thank you. [LB853]

SENATOR CAMPBELL: Thanks. Okay. Senator McGill. [LB853]

SENATOR MCGILL: Just real quick, I just want to thank then the Children's Commission and the advisory board. What you don't see in this bill is all of the other recommendations that they came forward with, and so this was just the cream of the crop that wouldn't have a fiscal impact. But there certainly is a lot left to do moving forward in terms of some of the other youth that we had to cut out of the bill. But I'm looking forward to working with the committee to get this done so this program can be as efficient and effective as possible as they get started. [LB853]

SENATOR CAMPBELL: (Exhibit 31) We should note for the record that we received a letter of support for the bill from the Nebraska Chapter of Social Workers and also

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received a letter from the department, Thomas Pristow, which I think you probably have a copy, Senator McGill. [LB853]

SENATOR MCGILL: Uh-huh. [LB853]

SENATOR CAMPBELL: And it raises some questions, and I know you're going to work with them, so... [LB853]

SENATOR MCGILL: Yep. [LB853]

SENATOR CAMPBELL: ...that will work out. Any other comments from the committee? With that, we'll close the public hearing. [LB853]

SENATOR MCGILL: All right. [LB853]

SENATOR CAMPBELL: And I would ask the committee to stay for just a couple of minutes.