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Judiciary Committee
March 07, 2013

[LB86 LB463 LB561]

The Committee on Judiciary met at 1:30 p.m. on Thursday, March 7, 2013, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB86, LB463, and LB561. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Ernie Chambers; Mark Christensen; Colby Coash; Al Davis; Amanda McGill; and Les Seiler. Senators absent: None.

SENATOR ASHFORD: Good afternoon, everybody. We are here today in the Judiciary Committee to talk about three bills: LB86, LB463, and LB561. The first bill is LB86. For those of you who have not been here, and many of you I see probably have not--or at least for awhile have not, we have a little system involving these little three lights up in front of the speaker. And we'd ask you to confine your comments to three minutes. When the yellow light goes on there will...it's a notice to sum up your comments, and then any questions and answers would not be included in the three minutes. How many are here for LB561? Okay. You know, we...depending upon what time we get to LB561, we are probably going to ask that...well, we are going to limit the testimony to some period of time based on where we are on the clock. So we'll see where we are. But what I would ask, when we get to LB561, either those who are in favor of the bill or against the bill or neutral, that you try not to repeat the message of other testifiers so that we can get through the testifiers. And we probably will have some maximum time for the hearing on LB561 so that we are able to conclude our business at around, somewhere around 5:00 or 5:30. So with that, Les Seiler, Senator Seiler from Hastings is here; Senator Lathrop from Omaha; and Senator McGill from Lincoln. And she will introduce LB86.

SENATOR MCGILL: Thank you. This one will hopefully be very brief so we can move on to the other bills. Good afternoon, committee. I'm Amanda McGill, M-c-G-i-l-l, and I'm here to introduce LB86, a bill that is designed to provide clarity in licensure for staff secure facilities operated by political subdivisions. This bill is basically the same thing as last year's LB787 which was heard and advanced by this committee last year but we ran out of time before we were able to get to it on the floor. LB86 would provide for staff secure facilities operated by political subdivisions to be licensed by jail standards as minimum standards for staff secure facilities. The Crime Commission was the agency who originated this concept of staff secure as an alternative to detention after OJJDP promoted this concept and provided direct funding--and that was back in the early '90s. And since then, Lancaster County and Sarpy County have built facilities based on that concept, but guidelines were never formally adopted by the Crime Commission. This bill was brought to me by the Lancaster County Board of Commissioners as a result of an attempt by HHS to require the Lancaster County facility to be licensed under public health as a child-caring agency. As they began their internal discussions, it became clear that jail standards has demonstrated an ability to provide minimum standards for detention facilities that hold similar youth; and consequently, the Crime Commission

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would be the best agency to provide state standards for staff secure facilities. I mean, some of the differences are that childcare standards provide no standards for the rights of juveniles, whereas jail standards do. Childcare standards have no specific standards for the ways in which a juvenile can be disciplined; jail standards do. As a result of conversations following the attempt by HHS to license the facility as a child-caring agency, the county, in consultation with Sarpy County, concluded that it would be in their interest to have operational guidelines set forth by the Crime Commission rather than through DHHS. Following me today, we'll have the director of the Lancaster County Youth Services Center, and I'd invite you to ask them any questions you might have about either the efforts by DHHS or the jail standards concept. I stated before that this bill is similar to a bill I had introduced last year and we had an amendment last year to address a concern of the Nebraska Pharmacists Association. We neglected to take that section out of the green copy when we introduced it, and so we will need that amendment again to deal with their concerns. Otherwise, I would appreciate your support like I did last year, and I'm afraid I can't stay for the hearing right now, stay any longer--I have another commitment; but I do hope to maybe be back by the end of it and will have my staff listening closely while I'm gone, to all the testimony today. [LB86]

SENATOR ASHFORD: Thank you, Amanda. Senator Coash is here from Lincoln; so welcome, Senator. Any questions of Senator McGill? Seeing none, thank you. [LB86]

SENATOR MCGILL: Thank you. [LB86]

SENATOR ASHFORD: First...a proponent from Lancaster County. Stacey Conroy is my legal counsel to my right, and Oliver VanDervoort is the committee clerk. So now you have been introduced to all of us up here. [LB86]

MICHELLE SCHINDLER: (Exhibit 1) Good afternoon. My name is Michelle Schindler, M-i-c-h-e-l-l-e S-c-h-i-n-d-l-e-r. We would like to thank Senator McGill for bringing this back forward again this year. This is a priority bill for Lancaster County, and I support it as well. I've distributed...well, you're getting a letter which outlines our rationale for supporting this, and I'm here to answer any questions. . [LB86]

SENATOR ASHFORD: I don't see any. Thanks. [LB86]

MICHELLE SCHINDLER: All right. Thank you. [LB86]

SENATOR ASHFORD: Anyone else wish to testify for this bill? Well, let me see here. [LB86]

ELAINE MENZEL: This way I can say, leave the questions for Dick, but...(laugh). My name is Elaine Menzel. I'm here on behalf...M-e-n-z-e-l, here on behalf of the Nebraska Association of County Officials. And I just want to record our support as well. So

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that's...if there's any questions. [LB86]

SENATOR ASHFORD: Thanks, Elaine. Thanks. I don't see any questions. Thank you. [LB86]

ELAINE MENZEL: Okay, thank you. [LB86]

SENATOR ASHFORD: Okay. [LB86]

DICK SHEA: (Exhibit 2) My name is Dick Shea, S-h-e-a. I'll make it very quick. We...the Sarpy County Sheriffs Department is behind this bill and we do have a staff secure, so thank you. [LB86]

SENATOR ASHFORD: Yes. And you have a very good staff secure facility too,... [LB86]

DICK SHEA: Thank you very much. [LB86]

SENATOR ASHFORD: ...as does Lancaster County. So thank you. Thank you both. Any other testifiers for the bill? Anyone against the bill? How about neutral? Okay, Senator McGill waives closing. We now go to LB463. [LB86]

SENATOR LATHROP: Senator Ashford to open on LB463. Welcome to the Judiciary Committee, Mr. Chair. [LB463]

SENATOR ASHFORD: Thank you, Vice Chair Lathrop. And my name is Brad Ashford. I represent Legislative District 20 in Omaha, and I am today introducing LB463, which would add a juvenile judge to the Douglas County Separate Juvenile Court. There are currently five juvenile judges in Douglas County. Based on the 2012 weighted caseload report, which we get on an annual basis, the Judicial Resources Commission voted unanimously to recommend to the Legislature that we create and fund a new juvenile court judge in Douglas County. [LB463]

SENATOR LATHROP: Any questions for Senator Ashford? I see none. Anyone here to testify in support of LB463, you may come forward. Seeing none, anyone here in opposition to LB463? [LB463]

MARSHA FANGMEYER: Hold on. Proponent? [LB463]

SENATOR LATHROP: Proponent. Yes, come on up. [LB463]

MARSHA FANGMEYER: I don't have my sheet filled out. I will do it though. [LB463]

SENATOR LATHROP: In the interest of time, we'll have you fill one out later. But if you

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are intending to testify, please fill out one of the sheets before you... [LB463]

MARSHA FANGMEYER: I was down in the overflow section. [LB463]

SENATOR LATHROP: Okay, that's fine. [LB463]

MARSHA FANGMEYER: Good afternoon, Chairman Ashford and members of the committee. My name is Marsha Fangmeyer, F-a-n-g-m-e-y-e-r. I am the president of the Nebraska State Bar Association and I appear here today in support of LB463, which would add another judge to the Separate Juvenile Court in Douglas County. In December 2012, the NSB recommended to the Judicial Resources Commission that an additional juvenile judge be added in Douglas County. The Resources Commission voted unanimously to approve the recommendation. As we all know, there have been numerous changes in the juvenile justice and child welfare system over the last few years. The weighted caseload study tells us that the critically important work of the juvenile court cannot continue in Douglas County without additional resources. And understand that Douglas County, by the way, counts their cases a little different from the rest of the state, so I believe the weighted caseload study doesn't tell us the whole story. I think there's more need there than maybe that tells us. Many initiatives to provide better outcomes have been created. The number of hearings has continued to increase; the amount of resources to treat children has declined. And then if LB464 passes, the bill that would have juvenile cases start in juvenile court, the need for additional judges in the Separate Juvenile Court will continue to increase. As issues of violence, dependency, and neglect continue to threaten our youngest vulnerable citizens, we must be able to provide them with access to the special juvenile court on a reasonable, rational, and timely basis. So we urge you to support LB463. [LB463]

SENATOR LATHROP: Thank you, Ms. Fangmeyer. I don't see any questions. We appreciate your appearance here today and hearing from the bar association. [LB463]

MARSHA FANGMEYER: I know you have a lot more to do, so thank you. [LB463]

SENATOR LATHROP: You bet. Any other proponents here today? Anyone here in a...oh, another proponent. They're hiding behind the pole, I guess. How many do you have over there? [LB463]

_____: Just one more. [LB463]

SENATOR LATHROP: Okay, you're...all right. Thanks (inaudible). Mr. Chief Justice, welcome to the Judiciary Committee once again. [LB463]

MIKE HEAVICAN: Thank you very much, Senator. I am Mike Heavican and I am the Chief Justice. And Heavican is spelled H-e-a-v-i-c-a-n, and I'm here today to speak on

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behalf of adding an additional judge to the juvenile court in Douglas County. As you all aware, over the last five or ten years, but especially over the last couple of years, this Legislature, the courts, the judges, the executive branch, have all been very concerned with abuse and neglect cases involving young people, truancy cases, and cases of juvenile justice which are handled by our county court judges in most of the counties of the state but by Separate Juvenile Court judges in Lancaster, Sarpy, and Douglas Counties. The judicial branch especially, we created an initiative we call the Through the Eyes of the Child Initiative. We set up teams all around the state of Nebraska made up of judges and lawyers and folks from the Department of Health and Human Services and Foster Care Review folks and CASA volunteers and so forth, all designed to find better ways to move child welfare cases through our juvenile courts as expeditiously as possible. The greatest number of those child welfare cases and juvenile justice cases are, of course, in Douglas County--at least 25 percent of that caseload. Douglas County currently has five Separate Juvenile Court judges. This bill would add an additional juvenile court judge. The Douglas County Juvenile Court judges have been working very hard on scheduling issues in their courts. They are very conscious of the fact that cases need to be moving along more quickly in that court system, and they are trying to reform what they do so that that can happen. Cases, however, are still taking too long, particularly termination of parental rights cases. Over the last three years--and I believe this figure is correct--over 200 cases have been filed to terminate parental rights in Douglas County in each one of those lasts three years. That's a tremendous number of cases. And if those cases actually go to trial, they take a lot of time and they take big blocks of time, and our judges simply have not had the availability of that time. Simply put, we will never solve the problem of how to handle child welfare cases in our courts, better. We will never solve the problem of having a better juvenile justice system for our state if we do not have ample resources in the Douglas County Juvenile Court; and this bill is a step in the right direction. [LB463]

SENATOR LATHROP: Very good. Any questions for the Chief? I see none. Thank you for coming down today. We always appreciate hearing from the court. [LB463]

MIKE HEAVICAN: Thank you very much. [LB463]

SENATOR LATHROP: And Mr. Meister, you're up. [LB463]

MIKE MEISTER: Thank you. I'm Mike Meister, it's M-i-k-e M-e-i-s-t-e-r. I am an attorney from Scottsbluff, Nebraska, which may cause many people in this room to wonder why in the world is an attorney from Scottsbluff here talking about a juvenile court judge in Douglas County. What I can tell you is, and the reason I'm here, is for many years now those of us who practice outside the greater metro areas of Omaha and Lincoln have watched as our judges are snatched away from us and brought down to Omaha and Lincoln. And it's kind of a rob Peter to pay Paul--and I think we're tired of being Peter. So I am here in support of this judicial appointment. And since I've got the bully pulpit for

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a second, I think that what this committee does is probably the most important work in the Legislature. And the reason I say that is yours is a sacred trust, and that is to protect the judiciary, because the judiciary doesn't have the power of the executive nor does it have the power of the Legislature. And when the citizenry needs judges to hear their cases, we need this august body to stand up for the citizenry and fight for those judges. And if we need judges, we need judges. And it's ultimately about taking care of the citizens all across the state and not favoring one group of citizens over another. So for that reason I am supporting this bill, and if you have any questions I would be happy to take those--that are pertinent, obviously. [LB463]

SENATOR LATHROP: I see no questions. Thanks for coming, Mike. [LB463]

MIKE MEISTER: Thank you very much. [LB463]

SENATOR LATHROP: Any other proponents here today? Anyone here in opposition to LB463? Welcome to the Judiciary Committee. [LB463]

MELANIE WILLIAMS-SMOTHERMAN: Thank you, Senator Lathrop. Good afternoon, Senators. My name is Melanie Williams-Smotherman, M-e-l-a-n-i-e Williams hyphen S-m-o-t-h-e-r-m-a-n. I'm the founder and director of the Family Advocacy Movement, a grass-roots collaborative that advocates for families and children who have been unnecessarily caught up in the child welfare and juvenile court systems. We are on the front lines identifying systems, people, and policies that are causing the greatest harm to children. The juvenile court system is a significant part of this problem and it needs to be a significant part of its solution. I will say outright that I oppose the appointment of any more judges to the Douglas County Juvenile Court, and I oppose any pay raises for existing judges until critical issues are corrected. I wouldn't oppose replacing some of the judges in the Douglas County Juvenile Court, because I view them as complicit with great acts of injustice and questionable ethics. I recently was part of a collaborative team that formed a child welfare subcommittee of the Progressive Research Institute, which held three public forums last year culminating in a 71-page report that was just released at the end of February of this year, that identifies core problems related to child welfare, including a significant section dealing with the serious problems within the juvenile court system. You can access that report by visiting the Progressive Research Intitute.org Web site. The report summarized four destructive aspects embedded within the norms, values, and policies of Nebraska child welfare and juvenile court systems: equity, accountability, civil liberties, and economics. The adage, "If you build it they will come," can be no more fairly applied than to an industry that pays itself for criminalizing parents and children and subjecting them to a never-ending litany of new justifications for forcing them through our judicial system--most recently, what the so-called truancy/excessive absenteeism law, which is the reason I believe that the request for a new judge is actually here on the table right now. Children in the state of Nebraska are removed from their families at a rate at least double that of the national average. When

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factoring in poverty, it's three times that. So when we're looking for ways to reduce docket sizes and gluts in hearing schedules, just like when we're looking for ways to increase casework to foster care ratios, the answer isn't to add more judges or caseworkers. The answer is to stop creating so many unnecessary cases. I know I'm going to run out of time. I could go on for much longer than I'm going to be provided, but I'm going to keep going till I see the red light. Specifically, we need a right for families of fair trial and the presumption of innocence. And the significant erosion of civil liberties within our juvenile courts is, quite literally, a travesty of justice. [LB463]

SENATOR LATHROP: Very good. And you have a Web site and you've told us what that is, so people can get... [LB463]

MELANIE WILLIAMS-SMOTHERMAN: The Web site not for my organization but for the Progressive Research Institute.org... [LB463]

SENATOR LATHROP: And it has your report. [LB463]

MELANIE WILLIAMS-SMOTHERMAN: ...has the report that I was a part of helping to create. [LB463]

SENATOR LATHROP: Okay. And I think we got the Web site. I see no other questions. So thank you for your testimony and the time you've taken to come down here. Anybody else here in opposition to LB463? Anyone here in a neutral capacity? Seeing none, Senator Ashford waives close and that will take us to LB563 (sic--LB561) and again to Senator Ashford. Mr. Chairman. [LB463]

SENATOR ASHFORD: Thank you. Thank you, Senator Lathrop and members. My name is Brad Ashford. I represent Legislative District 20 in Omaha. LB561, the bill I am now introducing, is the last and the most substantive bill on the juvenile justice package list. I believe, and as I have mentioned yesterday, that we have come to a critical point in time and cannot wait to enact meaningful reform any longer. Through discussions with many of you since the bill was introduced, I am mindful of the concerns with the closing of the YRTC's and the need for a secure residential treatment placements. What we have now is not working. The facilities are outdated and inadequate. Assaults between juveniles and our staff who are committed individuals and work very hard every day to deal with these cases has been a challenge to both of the YRTC facilities. The program is not evidence-based. I am worried about the safety of these children in the YRTC's and that they are being released back into the communities without adequate rehabilitation and transition services. I am open to other options to avoid closing one or both of the YRTC's, including, for example: limiting capacity by narrowing the type of case that is eligible to go to a YRTC; changing the physical structure of one or both of the YRTC's; combining the populations of the two YRTC's at Kearney and Geneva into one facility; creating an actual mental health treatment facility at another location, plus

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additional training for staff and anyone involved in determining who is sent to a YRTC; incorporation of evidence-based treatment models; and investing in the development of community-based services. Whatever we include in this package, we are going to move forward this session with substantial reform towards a treatment-based juvenile service system that diverts young people from the court, from overly-involved court involvement whenever possible and utilizes evidence-based practices to rehabilitate these children, keeping them out of the criminal justice system. LB561 would expand the juvenile justice delivery project statewide and create an Office of Juvenile Assistance under the Supreme Court. The OJA would oversee juvenile probation, coordinate diversion programming, coordinate systemwide data collection, and the collaboration between juvenile justice entities and the Juvenile Justice Institute, the University of Nebraska Medical Center, and national experts on increasing capacity for the use of evidence-based services. This office, the Office of Violence Prevention, and the juvenile grant programs originally in the bill would have come under the OJA, but we are suggesting that they remain with the Crime Commission. The Office of Juvenile Services and the Youth Rehabilitation and Treatment Centers in Kearney and Geneva would be eliminated or substantially transformed pursuant to a transition plan developed and implemented prior to January 1, 2015. Juveniles in the system would be supervised by probation and treated in their homes and communities whenever possible utilizing evidence-based practices. The County Juvenile Services Aid Program, which currently exists in our budget, would be enhanced with an additional \$10 million to help counties develop community-base service options. This bill would also provide for the utilization of a new financing vehicle for juvenile justice facilities called social-impact bonds and would be...which would be administered by the Office of Juvenile Assistance as well. Recently, as I mentioned yesterday, a report was issued by the Annie E. Casey Foundation that listed Nebraska as one of the most incarcerating states for juveniles. And as I mentioned yesterday, there are some logistical reasons why that is. But they do not in my view justify the incarceration models that have existed for juveniles for far too long in the state of Nebraska. I'm also concerned that with the system that we have now and the lack of treatment for juveniles throughout the continuum, whether it's at the very early stages of their lives and connection with the juvenile justice system to the most problematic connections with the juvenile justice system, that they're insufficient options for these juveniles to seek and be given the kind of treatment they need, including most specifically mental health treatment. And there is much discussion in this bill about the necessity for a significant increase in mental health treatment and evaluation options throughout the continuum of connection between the juvenile and the juvenile justice system. There is no silver bullet to this problem. This committee has labored for seven years to try to find a way to address in a substantive way the ever-continuing number of young people who are being incarcerated in our state. It is imperative that the state of Nebraska lead the way through this and other related bills to make the changes necessary to make and improve our juvenile justice system and give our young juveniles a chance to succeed in life. Thank you. [LB561]

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SENATOR LATHROP: Thank you, Senator Ashford. Are there any questions for our Chairman? Seeing none, very good. Let's...oh, we're going to have a cointroducer. Senator Krist. [LB561]

SENATOR KRIST: Thank you. [LB561]

SENATOR LATHROP: I didn't see you behind the pole. It's kind of... [LB561]

SENATOR KRIST: Oh. I was hiding, Senator. [LB561]

SENATOR LATHROP: ...half the crowd is behind the pole today. [LB561]

SENATOR KRIST: Yeah. I am your first proponent and I would like to just set the stage clear. I want to thank Senator Ashford for tugging us all along in this effort. I was the primary introducer last year for LB985, and many of your helped and assisted in that effort. That was the Juvenile Service Delivery Project better known as the project or the pilot program in Douglas County. We amended that on the floor, if you remember, to include the 11th and the 12th judiciary district. We also did something that was, in my mind, we should do more of. We put an evaluative process involved with the project itself. So UNMC has gathered some data, probation has gathered data. We also have another study ongoing that is gathering data. And that's where we need to be. We need to quantify whether the money that we're spending and the way that we're moving out is the right way to go. Now this isn't meant towards the members of this committee, but I hope everybody in this hearing room is listening. If you think we're closing YRTC and Geneva, thanks for listening. We got your attention. It's going to take the attention of everyone in this room to craft LB561 because I don't think it's in its final form. I think as we've gone through the evaluative process, we know that there's always going to be a need for a YRTC or a Geneva. So rest assured I will withdraw my support from LB561 if we have to close. But we need to discuss the transformation of brick and mortar--of brick and mortar--into assisting and taking care of our youth. YRTC should not be a five-or-six-month lockup period until we figure out what to do with a child. Talking about juveniles. Let's treat kids like kids. Everyone's attention needs to be on the subject matter at hand. We have a golden opportunity to reprogram money, reappropriate, restructure, and bring the state in line with our goals and objectives, and that's taking care of our youth, keeping them at home, treating them with evidence-based processes in place. So once again, the worst-case scenario is to be closing facilities that are working in some capacity. Restructuring, reformatting, rethinking how we treat our youth is very important. Thank you, Senator Ashford, for your leadership on this subject and many others. Thanks to the Chief Justice for his buy in into this whole process. Thanks for Stacey for trying to keep us all on track and keeping us where we need to go. And now it's time to pitch in, roll our sleeves up, and solve this problem. And I thank you, members of the committee, and I'd be happy to answer any questions. [LB561]

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SENATOR LATHROP: I see no questions. Thanks for coming in today. We appreciate hearing from you. We do regard you as one of the people doing the heavy lifting on juvenile justice in the body. Thanks for being here today, Bob. [LB561]

SENATOR KRIST: Thank you, sir. [LB561]

SENATOR ASHFORD: Yeah. Let me if I could just for the record. I think... [LB561]

SENATOR LATHROP: Sure. [LB561]

SENATOR ASHFORD: ...as we proceed and as I mentioned the seven years we've been work...this is the seventh year we've been working on these issues, every member of this committee has made tremendous investment in juvenile justice. And you, Bob, have...Senator Krist, have as well. You have made a substantial investment of time and effort and passion. And to try...and I think you're absolutely right. No one is here to try to penalize or punish Kearney or Geneva, hardworking people that are trying to do the best job they can. But we must--we absolutely must--change a system that incarcerates youth at the rate that we are doing in Nebraska. And this sense that we can...that juveniles who need our help are getting deeper and deeper into the system and go through the continuum until they get into the adult prison correction system. We now have the largest prison population that we have ever had in Nebraska, and many of those kids had juvenile issues that were not resolved. And it's not the fault of the people who work in Kearney and Geneva, but it's a fault of the system. The system is wrong. The way we treat juveniles at the very beginning of their, of their--I don't know what the word is--their journey through the juvenile justice system and as they progress through it is what the problem is. And you've identified that, Bob, in a way that a few years ago with this project and came up with the idea of getting those kids back into their homes and monitoring them with evaluations, for example, based on their needs instead of evaluations that someone has devised and developed for...in a cookie-cutter manner for these juveniles. And you identified that to me and have been a significant leader in this effort. So thank you for that. [LB561]

SENATOR KRIST: Thank you. And I think it's also a combination of breaking down the silos and jurisdiction. HHS has done a wonderful job. Senator Campbell... [LB561]

SENATOR ASHFORD: And I think we should commend your committee and the HHS Committee and the Chair, Senator Campbell, for her tireless leadership in dealing with children that are in need. So thank you. [LB561]

SENATOR KRIST: But all the accolades behind us, there's a lot of work to be done. [LB561]

SENATOR ASHFORD: Well, and... [LB561]

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SENATOR KRIST: And looking at the statistics of the project and looking at the reduction in recidivism rates and the rest of what we're seeing, that's the important thing. We need to go forward. [LB561]

SENATOR ASHFORD: And I think you agree with me that though there will be much discussion in the future about implementation, this is the year when these changes must be made in a substantive manner. [LB561]

SENATOR KRIST: Yes, sir. [LB561]

SENATOR ASHFORD: Thank you. [LB561]

SENATOR KRIST: Thank you. Thanks. [LB561]

SENATOR LATHROP: Thanks, Bob. We have a few folks that we're going to call up, probably about eight, and then we'll open it up to proponents. That's not to say the rest of the proponents won't testify, but we do have some folks that have some expertise and quite a bit of involvement. So we'll start with Dr. Terry Lee who will be our next witness. If you would come forward. After that, we'll have Ellen, Judge Turnbull, Sarah Forrest, John Cavanaugh, Liz Neeley, Monica Miles-Steffens, and Kelli from Hall County. After we get through Kelli from Hall County, then we'll take proponents. Okay. Thank you. [LB561]

SENATOR ASHFORD: Mr. Vice Chair, Dr. Lee has come here from Seattle. If it's all right with you... [LB561]

SENATOR LATHROP: You want to give him more than three minutes? [LB561]

SENATOR ASHFORD: ...give him a little bit more time. [LB561]

SENATOR LATHROP: We do have a little bit of some leeway or an exception to the rule and that's for people who have traveled from Seattle. So (laughter) with that, Dr. Lee, welcome to the Judiciary Committee. [LB561]

TERRY LEE: (Exhibit 3) Okay. Well, thank you very much, Mr. Chairman, Mr. Vice Chair, Senators. My name is Terry Lee, T-e-r-r-y L-e-e. I'm a child and adolescent psychiatrist. I'm on faculty at the University of Washington in Seattle. I'm part of the School of Medicine Department of Psychiatry. I'm under a division called Public Behavioral Health and Justice Policy. My colleagues and I are interested in helping children, especially high-needs children who tend to be involved with multiple systems, be they child welfare, juvenile justice, mental health, substance abuse treatment, or special education. I'm going to go over some material, but I do want to say my wife tells

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me that sometimes when I talk I don't make sense. So if you have any questions as I'm talking just (laughter) let me know and I can clarify for you. Okay. So I was asked by some folks in the state of Nebraska to take a look at the juvenile justice system here and make some recommendations. I've talked to many people, many stakeholders, but I haven't talked to as many as I need to. I need to travel more around the state and get more input from people that are interested in these important topics. I also want to commend the state of Nebraska for proactively addressing the juvenile justice issues. Some states and jurisdictions only consider a forum when there's some type of external pressure that may actually take control away from the state of Nebraska or whatever the jurisdiction is. So by addressing this proactively, you'll be able to retain control and you'll be able to do it in a manner that you want to do it and you will save resources by doing so. So I've travelled around, talked to some people--kids, families, advocates, judges, prosecutors, defenders, treatment providers. And I would say that Nebraska is very fortunate to have a lot of people who are working very hard to do the right thing for kids. Everyone really wants the best for kids and everyone I was talking to really wanted to know what I thought about what would be the best. And of course I can make some recommendations but it's up to Nebraskans to decide how to proceed. There are also a number of assets in Nebraska in the public sector, the private sector, state agencies, county agencies. And I recommend that you partner with these agencies and try to make use of all the strengths that are available to you. That all being said, I would suggest that Nebraska develop a juvenile justice continuum of care and further develop the range of services that you have. This means creating a range of services from diversion to outpatient services, intensive outpatient services, therapeutic foster homes, group homes, residential treatment facilities, and long-term secure detention. As Senator Krist indicated and highlighted, there will always be a need for long-term secure detention. I believe that Nebraska would benefit greatly from developing more intensive community-based services. These would occur in home. They would occur in a manner such that families are able to make use of the service, that is like after typical work hours and the therapist would be free to go wherever in the community they need to go to help the youth and family. The most effective treatments do emphasize treating kids in their natural ecology, meaning home and community. I work in a state facility. I also work in intensive outpatient services as I'm describing. And there's a need for all of those things, but you're much more able to assess the effectiveness of the treatment if the kid is living at home with their family where their problems need to be addressed. Nebraska should develop criteria for out-of-home placement. These criteria should be supported by stakeholder education, court improvement efforts, and juvenile justice outcome research. Only the most high-risk youth should be placed in out-of-home treatments. It's recommended that Nebraska incorporated evidence-based juvenile justice treatments and programs when possible. Now I'm a big proponent of evidence-based treatments and I'm going to talk about what that is in a minute. But it's clear that we don't have enough evidence-based treatments and they don't work as well as they should. So we're still developing more effective services. But when there is a problem for which we have a treatment that works better than some of the other

treatments, we should be using the most effective treatment. And there have been a lot of reviews of evidence-based treatments and they may differ a little bit as to what the strength of the evidence is, but there's a lot of overlap among these different reviews. In addition to being effective as far as helping the youth and family functioning, youth suffering disruptive behavior, law violations, many of these treatments are also cost-effective. So, let's see, I have some handouts here for the senators. If you could start on this side, it says the estimated effect on criminal recidivism for different types of programs--so it looks like this with the different bars. It's a confusing slide. This is actually an old slide and we have new data to inform this, but you see it's a hard slide to make so I haven't gotten around to making a new one. Did you get one? Oh, actually I have a few more. So, again, it's a busy slide but the idea on this slide is to be on the left. The programs on the left are what have been shown to decrease recidivism, it's just looking at the rate of arrest. Okay. So you see you have something called multidimensional treatment foster care. It's estimated that this decreases recidivism by about 37 percent. The two in parenthesis means that this is based on two studies. Again, this is an old slide, that there are many more studies since this slide was made showing that multidimensional treatment foster care decreases recidivism. Okay. Then, again just another example, you have something called aggression replacement training just above multidimensional treatment foster care, again, this decreases recidivism by about 18 percent. You have functional family therapy above that, minus 25 percent; multisystemic therapy, minus 31 percent. So these would be the most effective treatments for juvenile justice issues. So this is just looking at the rates of arrest and rearrest. Again, this isn't to say like they wouldn't help the kid graduate from school or decrease substance use or improve family function; this is just looking at arrest. You also have these other programs on the right. So you have scared straight. That seems to increase recidivism by about 13 percent. Juvenile boot camps increases recidivism by about 10 percent. Okay. So again if you were doing these things, you wouldn't really want to continue to do that. Then if flip over, these are now cost estimates. And, again, the idea is to be on the right. So you see multisystemic therapy, again, this should be modified. There are new numbers, but essentially the programs that are cost-effective are still cost-effective, but the bars have moved a little. So you see that for multisystemic therapy--that's the bar that again goes furthest to right--it's estimated that for each kid who gets multisystemic therapy, and keeping in mind that not every kid and family will respond, so this includes the so-called treatment failures--that's not the term we use, but just for simplicity sake--that these are the families and kids that the therapists were not able to help the family change their behavior. It's including those outcomes at the time that this slide was made, it's estimated that it saves the system--this is taxpayers and crime victims--\$40,000 to \$80,000. Okay. And, again, you have treatment foster care, the first one, multidimensional treatment foster care from the other side, functional family therapy, and aggression replacement training as being both cost-effective and effective treatments for kids and families involved with the juvenile justice system. [LB561]

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SENATOR LATHROP: You invited us to ask questions so I'm going to ask you a question if I can. [LB561]

TERRY LEE: Yes. Absolutely. [LB561]

SENATOR LATHROP: Did you say that what we see, the bars here on the right, that that's a savings or that's the cost of the program? [LB561]

TERRY LEE: That's the savings including the cost of the program. So including the cost of delivering the treatment and including all the youth and families that don't respond to treatment. [LB561]

SENATOR LATHROP: Okay. So I'm going to ask you under multisystemic therapy, that appears to be a significant cost-savings. [LB561]

TERRY LEE: Correct. [LB561]

SENATOR LATHROP: Can you describe how that...and it also appears to be very effective. [LB561]

TERRY LEE: Yes. [LB561]

SENATOR LATHROP: Can you describe how you calculate the savings or what are you comparing that to? Locking somebody up or... [LB561]

TERRY LEE: Yeah. So I'm not an expert...I'm not an economist and these cost-savings were developed by economists. I can give the reference for that. [LB561]

SENATOR LATHROP: But you understand the general theory behind it. [LB561]

TERRY LEE: Yes, yes, yes. [LB561]

SENATOR LATHROP: Can you describe how you calculate the savings? [LB561]

TERRY LEE: Sure. So you can look at the costs, again you've been talking about costs the last few days and weeks, so there's a cost to incarcerating a youth or placing a youth in long-term secure detention. So for instance I understand...these are not official numbers from Nebraska, but I understand the budget of the YRTC's is about \$25 million a year, give or take. And their capacity...I was out at Kearney a few weeks ago and there were some staff from Geneva, and there were about 250 kids there. So from that you would calculate that it costs about \$100,000 a year to keep a kid in the YRTC. Now most of the kids don't stay there that long, so I was told that the boys stay at Kearney approximately six months. So you could say for each kid on average that goes to

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Kearney the state is spending \$50,000. So that's part of the cost. But then the economist who developed this model also look at things like what's the cost of having a juvenile detention and maintaining that. So, again, there are high costs with keeping kids in detention, the kind of detention centers that you have. And then there's a cost, you guys were talking about adding judges, so you have to pay the judges, you have to pay the prosecutors, you have to pay the public defenders. So all of those costs, probation officers, all those things. So if you can keep a kid from going to Kearney for a year or for six months, then you would save the system \$50,000. And then whatever cost, you know, there would be the other cost associated with that. Then they've also developed a model looking at when there's a crime committed, how often is there a victim. And then when there was a victim, how often is that person...what are the costs to the victim. How often are they hurt and have to seek medical attention? How often are they traumatized and have to seek psychological help? How often do they have to take the day off from work to go testify in court. You know, if they're injured, maybe they'll miss time from work or if they're psychologically traumatized, maybe they'll miss time from work as well. So those are the type of things that they're looking into as far as cost savings. [LB561]

SENATOR LATHROP: So these are net numbers. What we spend with that particular type of treatment subtracted from what we'd spend if we sent them to a detention facility and the associated costs. [LB561]

TERRY LEE: Yeah. It's... [LB561]

SENATOR LATHROP: And we realize the number, and these numbers on the right-hand side are the savings per youth. [LB561]

TERRY LEE: Correct. Correct. So like by preventing another crime, then you get all the savings. And then by preventing another conviction, then you get all the savings, I'll just say it with that. [LB561]

SENATOR LATHROP: Okay. I think I understand. Senator Coash. [LB561]

SENATOR COASH: Thank you. Since we're just talking about the multisystemic therapy, can you briefly just... [LB561]

TERRY LEE: Describe what it is? Sure. [LB561]

SENATOR COASH: Yeah, just describe...I mean, we're kind of landing on this because this is the biggest line that's the furthest right, so... [LB561]

TERRY LEE: Yeah. And... [LB561]

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SENATOR COASH: ...it'd be helpful to kind of know just in general what that means, where the...what does that mean? [LB561]

TERRY LEE: Right. So actually multisystemic therapy is available in Nebraska in Buffalo and Hall Counties and apparently in parts of Lancaster County. So I would leave it to, you know, any citizens, you know, any families that might have experienced it to also offer their view. But, you know, I can talk about multisystemic therapy. I am trained as an MST consultant. It is a service that we provide in Washington that my division oversees. So what this is, is a very intensive community-based treatment. And the therapists receive a lot of training. There's a lot of oversight. So there's a therapist with a very low caseload relative to other mental health settings, so the therapist will have about four to six families that they're working with. Okay. And then there's a supervisor who oversees that therapist. There are four to six therapists per team. The supervisor will supervise four to six therapists, and that's a half-time position. And then above the supervisor is a consultant. Okay. And the therapist is the main contact with the families, and this is where the therapist will work with the family to change the behavior. It does focus a lot on parents. The main focus is actually on parent behavior. There are some modifications of this that I'm also involved with where we also emphasize more heavily skills training for the kid, like anger management skills training and good problem solving and things like that. But an MST typically will look at the parent behavior, will look at who the kid is hanging out with and how the kid is doing in school. Okay. So by having high levels of parent monitoring, increasing the warmth between the parent and the child, by having the peer associate, having the youth associate with other kids who don't break the law and don't use drugs, by improving the family's communication with the school and having the youth attend school everyday, you can improve outcomes. You can get the kid to stop using drugs, attend school, and stop breaking the law, these type of things. Okay. So if there are questions about that... [LB561]

SENATOR COASH: It's fairly...it's with a one to six therapist to family ratio... [LB561]

TERRY LEE: Yes. [LB561]

SENATOR COASH: ...it's fairly intense. [LB561]

TERRY LEE: Yes. [LB561]

SENATOR COASH: So we're talking 10 to 15 hours a week of intervention. [LB561]

TERRY LEE: Well, it's not always how many hours you spend because this is also I should say a time-limited treatment, so it lasts for about three to six months, four to six months. So it's expensive. But part of how the treatment also works is you're increasing the skill level of the parent and the idea is that by increasing the skill level of the parent, you can step away from the treatment. Again, sort of like teaching someone to fish

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versus giving the fish. Right. So it's an expensive treatment, and so by increasing the skill level, you can step back. And this again has contrasted with other treatments that may not be effective but the family continues in this ineffective treatment for years. [LB561]

SENATOR COASH: Would the...in Nebraska we have licensed mental health practitioners, and we have many good ones across the state, are our...I'm worried about our capacity. With...and my question is, with regard to, if you understand, the qualifications of our LMHPs, are they qualified to provide this multisystemic therapy or would we as a state need to tool up our providers to be able to provide this? [LB561]

TERRY LEE: Again, this is being done in Buffalo and Hall Counties. I believe they are using LMHPs. MST does a lot of its own training. So we will take someone and train people as to how to do these things that we're talking about. How do you increase parent monitoring? How do you extract a peer from a negative peer group or a drug using peer group? Okay. And so these...this is just based on principles that have been out in the literature. These are things that other evidence-based treatments make use of. And this research has been around 25 years. Now there's another aspect of MST that I want to emphasize, and that is accountability. Okay. So there's a lot of supervision. One of the founders of MST, Scott Henggeler, as he was putting this together with some of the other developers, they noticed that when there is success in a case, in a child and family case, often the therapist takes credit, and when there's a negative outcome, the family gets blamed. In MST, this is switched around. Okay. So if there's a good outcome, we praise the family and if there's a negative outcome, the supervisor is held accountable, but even more so, the...I'm sorry, the therapist is held accountable but even more so the supervisor is held accountable, and then the consultant is held accountable. So saying things like the family is resistant or they're aren't ready for a change, that's not part of the MST approach. Okay. [LB561]

SENATOR COASH: Thank you. [LB561]

TERRY LEE: And then other parts about this. So again we were talking about people, we were talking about measuring outcomes. So MST will measure at the end of treatment then how many kids were living at home, how many were going to school full time, how many were rearrested, this type of thing. And so the therapist outcomes are compared with other therapists working with the same population. So again you can compare which therapists are more effective, which therapists need more help and support. Then there's something else called the therapist adherence measure. So once a month someone not involved with the treatment calls the family and says: Do you believe that your...do you feel that your therapist understands your family's problems? Do you understand what you're supposed to be doing everyday to change the behavior that you want to see changed? Okay. So there's something called therapist adherence measure based on parent report. And these things correlate the closer the therapist

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adheres to the model. So, for instance one of the items I just mentioned, you know, do you understand, has your therapist helped you to understand what you should be doing differently every day to help you with the problems that you're trying to work on. Okay. If the parents says yes, that actually correlates very strongly with positive outcomes. Okay. So this is a level of accountability that happens with MST. So it's not just decrease in caseload but really holding the treatment team accountable for what happens. [LB561]

SENATOR COASH: Thank you. [LB561]

SENATOR LATHROP: Very good. We'll have you keep going so you can get through your presentation. [LB561]

TERRY LEE: Okay. I was at this part of...what I was talking about... [LB561]

SENATOR ASHFORD: Well, let me ask you this if I could. [LB561]

TERRY LEE: Sure. [LB561]

SENATOR ASHFORD: And maybe then we can move on a bit. You had a chance to look...visit with Kearney YRTC. [LB561]

TERRY LEE: Yes, yes. [LB561]

SENATOR ASHFORD: And we've had conversations about this and I've been out there and we know that it has a dormitory, it's a dormitory-based facility. [LB561]

TERRY LEE: Yes. [LB561]

SENATOR ASHFORD: And you had an opportunity to observe what was going on there. What would you, if it was a conclusion of this effort that Kearney would remain a treatment facility, how would you change it? What modifications would you see...would you recommend, realizing you haven't made your final recommendation? But based on what you've seen so far, what sort of changes would you suggest not only on the physical plant but the treatment regimen? [LB561]

TERRY LEE: Right. So starting with the physical plant, the dormitory settings don't lend themselves to effective treatment. So if Kearney is to remain open, then an investment should be made into upgrading the physical plant to provide individual rooms for the youth at Kearney. Okay. Other parts, I think even... [LB561]

SENATOR ASHFORD: Any why is that, Doctor? Why is the...are the individual rooms an optimum? [LB561]

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TERRY LEE: Oh. So it's helpful for the kids to each have their own space. They can make use of self-time-outs in their rooms. It can be a place that they can personalize and feel comfortable in. It will...by taking time-outs, it will decrease seclusion. It will also allow the youth to have some space among each other. So when I was at Kearney, and again I think you've heard, that there are a number of fights among the youth at Kearney. I think having, you know, many kids, tens of kids in a large room lends itself to fighting, whereas if you're in your own room, then that would decrease the access to victims of fighting. [LB561]

SENATOR ASHFORD: And would you...how about the populations? Did you have a chance to... [LB561]

TERRY LEE: Right. So again regardless of whether Kearney is kept open or not, the rest of my comments really refer to programming. So as I said earlier, I'd recommend that Nebraska set up criteria for which youth need the most high-intensity service, the long-term secure detention, the kids currently going to Kearney and Geneva. So only the youth that are threats to the community should be incarcerated or placed in such settings. And as I was saying, then you develop a range of services. So again there's still going to be a need for group homes, therapeutic foster homes, treatment facilities, but then you have these intensive in-home services like MST. You have outpatient services and you would have diversion. And I recommend that you develop, further develop the tools that you have to correctly assign or more efficiently assign youth to the most appropriate level of care. And then again, regardless of whether these kids are kept at Kearney or some other place, I would recommend intensifying the treatment that goes on there. Okay. So this would involve skills training for the youth in a variety of areas. So in the facility that I work in, we use dialectical behavior therapy. This isn't the only treatment that you should use, but I'll just give you an idea again of what's possible. In dialectical behavior therapy, there are four areas that kids learn skills. One is mindfulness. So being aware of what you're feeling inside, and then eventually being able to use words to express your feelings. Okay. Being also able to slow down and even think about what am I thinking and feeling at this moment. Okay. Another area has to do with emotional regulation. So youth who are very reactive or very emotional go up and down with their moods, they can learn how to better manage that. Another module is interpersonal effectiveness. And this is just old-fashioned assertiveness skills training. So this has to do with asking for things in an effective way, again, using words. You may have a point, but if you're yelling at someone, you know, they may not listen to you. And so what's the best way to ask for things or what's the best way to stay true to you own values. And then another...the last module has to do with distress tolerance. So you're feeling distressed, how can you manage this? Okay. So the youth at the facility where I work, they have individual sessions and group sessions, but really the critical areas are all the coaching and support that go along with that. So I may be working on anger management, but it's not just working one-on-one. It's every waking hour I may practice,

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I may role play, I may be incentivized to use my anger management skills as the situation arises. So there's also a lot of support for the staff. So the same thing. The staff have certain educational qualifications but you can train up the staff to be able to deliver this type of therapy. So we have a weekly, at least weekly, and again staff get much more coaching than just weekly, but there's a formal meeting once a week with the staff. And then the supervisors and program managers get together every other week and they receive training. And this may involve like video taping themselves and getting feedback on being videotaped. And then our state juvenile justice organization has invested in staff from headquarters going out to each facility observing the staff for adherence to the treatment model. So what they do is they look at the tone of voice with which the staff are speaking to the youth. They look at how often is positive behavior being reinforced, how often is there coaching around the skills that the kids are learning. Okay. And so again this will help direct which staff need more help in delivering the treatment model. And so this is one type of intense residential treatment that has been adopted by other states. [LB561]

SENATOR ASHFORD: When there is...and then my last question, Mr. Vice Chair, is that without having individual rooms, a place to go, what I hear from families that that is an issue and that the juveniles feel afraid or fearful and they actually ask to be secluded or ask to be put somewhere else because they are fearful of the mixing that goes on, which again is not the fault of the people who do the work everyday because these individuals are placed at Kearney by the courts or by OJS or by some other place. They have to take care of the situation. But that to me seems very difficult to provide this kind of therapy if you have no place. So if somebody acts out during the day, you can't put them any...they have no room to be put into because they don't have an individual room. The only option is to put them in some sort of seclusion and which forced seclusion where you're really away from everybody. You're in another building. My sense is that that could be harmful as well. [LB561]

TERRY LEE: Sure. If kids don't feel safe, then it's hard to do any kind of treatment. And seclusion by itself is associated with worse outcomes. So... [LB561]

SENATOR ASHFORD: That's all I have. I don't know if any other... [LB561]

SENATOR LATHROP: Okay. Senator Coash. [LB561]

SENATOR COASH: You don't have to go into any great detail, but I wanted to ask you about the out-of-home criteria. And one of the first things you said is you recommend that Nebraska develop some criteria that says this is when you're at the point where out-of-home placement is necessary. Is there some...is there a template? I mean, is there research that says here's the best ten things that ought to be included with regard to out of home? [LB561]

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TERRY LEE: Yeah. So some general principles. So for juvenile justice, of course, long-term secure detention would be for those youth that are a danger to the community. So you want the kids who go to the most intense treatment, you know, the locked, the secure treatments, you'd want them to be a danger to the community, all right, and not something less than that. And then as far as out-of-home placement, for instance, other guidelines are: it's unsafe to maintain the kid at home and either unsafe for the kid or for the parent or for the other people in the home that that would be one criteria. You'd need to refine that in some way. Also, you could specify like failing the most intensive in-home treatment. For instance, some states choose to say you must try the intensive in-home treatment until, you know...unless there is an immediate safety concern, you should try the intensive in-home treatment before you try the out-of-home placement. [LB561]

SENATOR COASH: Is there...can you provide the committee with the research that lists out those criteria? I mean, is...I'm trying to... [LB561]

TERRY LEE: I would say it's... [LB561]

SENATOR COASH: ...if Nebraska needs to do this, we need some direction on best evidence-based practice on setting these criteria and we certainly would want to take advantage of what the science tells us is the best. [LB561]

TERRY LEE: Yeah. I would say this isn't as well developed scientifically as much as what communities say, sit around and say, well, who do we want taken out of the home. I mean, if a kid wasn't a danger to his family, why wouldn't...or her family, why wouldn't we want that person to receive treatment at home? You know, it's kind of based more on how do we want to use our resources. And most choose to do it in the most efficient manner, meaning you don't want to overtreat a problem. You certainly want to address the safety problem, but you don't want to overtreat a problem. And so...well, the other piece of it is there are evidenced-based evaluation tools that can also direct level of care. Yeah. [LB561]

SENATOR COASH: The reason I ask is because I think we have...one of the problems we have is both with the judiciary but also with the state. I think families get highly frustrated and anxiety just goes through the roof when they're dealing with a child in their family that is just really struggling. And so by the time they get the opportunity for help, they're ready to send the kid out. You know, families will tell us, I just want my son out because I...you know, he's ripped apart our family. [LB561]

TERRY LEE: Right. [LB561]

SENATOR COASH: And so sometimes judges listen to that. [LB561]

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TERRY LEE: Right. [LB561]

SENATOR COASH: And then judges say, yeah, now you've got to go. So... [LB561]

TERRY LEE: Right. So you would want to try to stop that. If the family hasn't had a chance at some of these in-home services, intensive in-home services, then assuming there's no safety concern, then most communities would choose to offer that family the in-home service before removing the child. [LB561]

SENATOR COASH: Thank you, Doctor. [LB561]

SENATOR LATHROP: We appreciate your involvement and your interest in our system and your recommendations and thoughts. And so going forward, is it...what do you see your role or how...what involvement are you going to have with us as a committee or this group as we try to make the appropriate or suitable reforms? [LB561]

TERRY LEE: Well, at this point I'm contracted to do an evaluation and make some recommendations and write a report. Now I don't want to be one of these consultants that creates work for himself and just say you need more of it. [LB561]

SENATOR LATHROP: Right. [LB561]

TERRY LEE: On the other hand, you know, I am...I do often get involved with the system reform and trying to... [LB561]

SENATOR LATHROP: Okay. And what's the time line for your report or when can we expect a conclusion? [LB561]

TERRY LEE: Oh, right now it's April 1. Is that right? Yes, so... [LB561]

SENATOR LATHROP: Okay. Do you need to get out of here? (Laughter) No, that sounds like a short time line. [LB561]

TERRY LEE: Yeah. It's been a very short time line, so the report will be relatively short. And we emphasize the positive things that Nebraska can do. [LB561]

SENATOR LATHROP: Okay. We'll look forward to that. Are there any other questions for Dr. Lee? Senator Seiler. [LB561]

SENATOR SEILER: Thank you, Mr. Vice Chairman. Would it be fair to summarize your testimony as saying that you start with the least restrictive and work up to the most restrictive? [LB561]

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TERRY LEE: As far as offering services to youth? [LB561]

SENATOR SEILER: Right. [LB561]

TERRY LEE: Yes, yes. Again, unless there was a safety concern. [LB561]

SENATOR SEILER: Yeah, but the safety would push you up quicker up the ladder. [LB561]

TERRY LEE: Right, right. Absolutely. [LB561]

SENATOR SEILER: Okay. Thank you. [LB561]

SENATOR ASHFORD: And then lastly, just this family intensive therapy, and I had the opportunity to go out to Seattle and look at your...at the Echo Glen treatment center and it is quite something to see. But there was a great deal of folks on family intensive therapy both at the least restrictive levels before the option of out of home is determined to be appropriate. But then on the back end when these youth are then returned home, there is a premium placed on family intensive therapy or FIT programs. [LB561]

TERRY LEE: Right. [LB561]

SENATOR ASHFORD: Something we really don't have at least comprehensively or in a coordinated fashion across the state. And you see that as a...as very, very important, do you not? [LB561]

TERRY LEE: Yeah. So again I'm emphasizing things like early intervention prevention, but then there are the youth that are...break the law, are a danger to the community and end up being placed in the most restrictive settings. However, they will need to go home or at least be released at some point. And so these are very high-risk youth, very much at risk to be arrested and get into the adult court system and the adult correction system. So we have another program that is based on MST but also incorporates the dialectical behavior therapy. So the idea again would be if you learn something in long-term detention, that helps. It would be nice to continue that when you leave. And we also incorporate relapse prevention and motivational interviewing. [LB561]

SENATOR ASHFORD: Because I think what we're seeing in Nebraska clearly with the number of youth that are in the correction system have been in the youth YRTC's, have gone out of the YRTC's. Oftentimes they're removed from the YRTC's because there's a capacity issue and then they're removed. There's not the kind of coordinated family therapy. And even though they may not come back to the YRTC, they may very well be going...well, they are going back into the...going into the adult system and even to the...one of the...what I observed was that, and we've seen in this committee with cases

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where juveniles have been prosecuted as...in the adult system while at the YRTC's for, you know, physical assaults of other juveniles and/or staff. So it just...they're... [LB561]

TERRY LEE: Right. So once you've been... [LB561]

SENATOR ASHFORD: ...they're not better. They may not be going back to the YRTC but they are in the adult system. So I think you've already answered that and I've prolonged the conversation, Mr. Vice Chair. But I just wanted to get that comment out. [LB561]

SENATOR LATHROP: No, you're fine, you're fine. [LB561]

SENATOR ASHFORD: Okay. [LB561]

TERRY LEE: So just along those lines, you see on this chart looking at economic estimates that they're also prevention programs and adult offender programs. And so again the idea is to be on the right. So Washington State implemented these programs over time, not all at once but over time for more than ten years. And recently one of the economists who does these type of estimates testified before the legislature that by implementing these programs, Washington State was able to build one less prison. Okay. So I understand you have overcrowding. I understand that there was requests for more funds to address the overcrowding that this... [LB561]

SENATOR ASHFORD: Well, we're in a place where we're asking for \$5 million for more prison space. Something is terribly broken. But anyway, thank you. [LB561]

TERRY LEE: Sure. [LB561]

SENATOR LATHROP: Thanks so much, Doctor. We'll look forward to your report and your recommendations. [LB561]

TERRY LEE: Thank you. [LB561]

SENATOR LATHROP: Next we'll hear from Ellen. And it just says "Ellen." That's who I thought. [LB561]

ELLEN BROKOFSKY: (Exhibit 4) Oh, good afternoon. I was just thinking in 1975, I was a juvenile probation officer and now I'm speaking to the Judiciary Committee. And I certainly can't put 38 years into three minutes but I'm going to give a shot here. Chairman Ashford and members of the Judiciary Committee, my name is Ellen Fabian Brokofsky, B-r-o-k-o-f-s-k-y. I am the state probation administrator and employed by the Nebraska Supreme Court. I testify today in support of LB561. I want to first thank Senator Ashford and the Judiciary Committee for their incredible leadership in juvenile

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justice over the past several years. I, too, also want to thank Senators Kathy Campbell, Bob Krist, and the Health and Human Services Committee for their diligence and dedication to improving the delivery of programs and services to Nebraska's juvenile justice and child welfare systems. I make special mention of the passage of LB985 in 2012. Senator Ashford, Senator Krist, and others enhanced and solidified a juvenile probation project that is proving good case management combined with access to appropriate community-based services keep youth out of long-term expensive care. This project, the Nebraska Juvenile Services Delivery Project is currently offered in Omaha and in the judicial districts serving Scottsbluff/Gering and North Platte/Lexington. LB561 represents the next major step in juvenile justice reform. While it is impossible to adequately speak to every facet of LB561 in the time allotted, I would like to focus on and express support for two major topics it addresses, namely statewide expansion of the Nebraska Juvenile Services Delivery Project and juvenile diversion and detention alternatives. The Nebraska Juvenile Services Delivery Project was created initially as a pilot project through the leadership of Nebraska's Chief Justice and State Court Administrator working with the CEO of the Department of Health and Human Services. LB561 intends to expand the project statewide so more youth can be served. This will allow Probation to continue to match a juvenile with the most appropriate evidence-based treatment service or program in their home community while eliminating the need for the juvenile to become a state ward solely to access services. We have already seen some promising outcomes from the project. For example, the majority of the youth have been served while residing at home, and more juveniles are successfully complying with their court order and not reoffending. Although there has been positive support for the project, there are issues that require resolution. One issue, for instance, is that county-operated detention facilities have voiced concern they are losing or will lose revenue by virtue of juveniles in detention not becoming state wards and, thus, ineligible for state reimbursement for detention costs. I bring this up but this is beyond the scope of Probation. LB561 also intends to create an Office of Juvenile Diversion Programs and Detention Alternatives. Diversion is the first door to the juvenile justice system. I believe this initiative will strengthen our current diversion programs; assist counties desiring to implement a diversion program; and potentially reduce court caseloads by working with juveniles and their families whose likelihood of recidivating is really low. In addition, I support the need to introduce evidence-based approaches to detention alternatives. Currently these approaches are being explored through the Juvenile Detention Alternatives Initiative through the Anne E. Casey Foundation called JDAI, which this new office could continue to implement. [LB561]

SENATOR LATHROP: Ellen, we need to have you wrap...we have to have you summarize. [LB561]

ELLEN BROKOFSKY: I will close... [LB561]

SENATOR LATHROP: All right. [LB561]

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ELLEN FABIAN BROKOFESKY: ...by saying that I can emphatically state, Nebraska has identified over and over again what youth in Nebraska's court system need to not reoffend. Case in point, in 2002, Dr. Denise Herz prepared a report for the Nebraska Coalition of Juvenile Justice entitled "Assessing the Needs for and Availability of Mental Health Services for Juvenile Offenders". This report recommended that Nebraska work to improve access to a continuum of treatment services; integrate accountability and behavioral health treatment; allow funding to follow the child and child's need for services; create a coordinated approach to system change. Don't these 2002 recommendations sound like the current preliminary recommendations you just heard from Dr. Terry Lee in 2013? [LB561]

SENATOR LATHROP: Very good. Thank you. Thank you. Any questions for Ellen? I see none. Thank you for coming down. We appreciate hearing from you. [LB561]

ELLEN FABIAN BROKOFESKY: Thank you. [LB561]

SENATOR LATHROP: Judge, before you get up, we're going to have Thomas Pristow from the HHS, and then we'll take...somebody added somebody to my sheet. Forgive me, Judge. [LB561]

SENATOR ASHFORD: It's that Stacey again. [LB561]

SENATOR LATHROP: And I'm always careful making judges sit down. Welcome. [LB561]

THOMAS PRISTOW: (Exhibit 5) Mr. Vice Chair, Mr. Chairman. [LB561]

SENATOR LATHROP: Did we cover the lights before we started? [LB561]

SENATOR ASHFORD: Yeah. [LB561]

SENATOR LATHROP: The lights, you get a green light for two minutes, a yellow light for one, and when it turns red, we just ask you to, like one breath, summarize what you have to say so we get to as many people today as we can, otherwise if we keep letting people go over, then we're not going to get to a lot folks and that isn't fair. You may start. Thank you. [LB561]

THOMAS PRISTOW: Good afternoon. My name is Thomas Pristow, T-h-o-m-a-s P-r-i-s-t-o-w, and I am the Director of Children and Family Services for DHHS and I'm here to support LB561. My testimony today relates to the creation of the Office of Juvenile Assistance within the judicial branch of state government. I see this as an opportunity to create a seamless juvenile justice system by creating the means to

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provide community-based services to juveniles in the early stages of court involvement and enabling the juvenile's needs to be met in the least intrusive and least restrictive manner. I commend the committee for recognizing the importance of developing a uniform and consistent juvenile justice system in the state of Nebraska. As we move forward, the department will continue to work collaboratively with the Legislature and Office of Probation to eliminate barriers to juveniles receiving a program and services that are in their best interest and to ensure that safety of the communities of Nebraska. Thank you and I am ready for any questions you may have. [LB561]

SENATOR LATHROP: Senator Coash. [LB561]

SENATOR COASH: Thank you, Senator Lathrop. Director Pristow, if LB561 goes forward as currently written and we close Geneva and Kearney which this bill proposes to do in its current form, is it true that most of the kids out there are state wards? [LB561]

THOMAS PRISTOW: Yes. [LB561]

SENATOR COASH: Which is the responsibility of your department. [LB561]

THOMAS PRISTOW: Yes. [LB561]

SENATOR COASH: So if we create the OJA, those kids are still going to state wards. [LB561]

THOMAS PRISTOW: That's correct. [LB561]

SENATOR COASH: So it doesn't take you out of the picture, does it? [LB561]

THOMAS PRISTOW: I think that there's a lot of opportunity for being a liaison and working with Probation on this...or however this plays out and working collaboratively together. [LB561]

SENATOR COASH: Okay. All right. Thank you. [LB561]

SENATOR LATHROP: I see no other questions. Thank you for coming down and for your brevity. [LB561]

THOMAS PRISTOW: Thank you, sir. [LB561]

SENATOR LATHROP: Now we'll take Judge Turnbull. [LB561]

SENATOR ASHFORD: Let me ask, let must just clarify this for the record. So Thomas,

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would you come back? (Laughter) Because I think Colby asked the right...the absolute correct question here on this issue is, they're state wards now because they're in the OJS system. They've been made wards. They've been adjudicated. [LB561]

THOMAS PRISTOW: Adjudicated, yes. [LB561]

SENATOR ASHFORD: And they they're state wards. Under the, at least, one of the ways of addressing this issue going forward would be that they would in fact not be state wards. [LB561]

THOMAS PRISTOW: That would be a great way to go, Senator. We obviously support that. [LB561]

SENATOR ASHFORD: Right. So they would in fact, they would...basically this, I mean if Kearney is there but it's changed a bit. And so you go to the highest risk level of offenders in the juvenile system. They're adjudicated. The disposition is that they be placed at Kearney in the treatment facility at Kearney. And that theoretically they will have gone, hopefully gone through these other options and this is the last option. [LB561]

THOMAS PRISTOW: Right. [LB561]

SENATOR ASHFORD: So if Kearney is a treatment facility, they go to that facility. The actual cost of that would be under the LB561 or at least one way LB561 could be implemented is that they will...they have not gone into the OJS system. [LB561]

THOMAS PRISTOW: That's how I understand it if that's how it plays out. [LB561]

SENATOR ASHFORD: Okay. So how would you see...how do you see, just very briefly, if that be the case, how would that flow? How would those...that juvenile would go to Kearney. The judge would in effect... [LB561]

THOMAS PRISTOW: The judge would make the adjudication. But I would want just echo what Dr. Lee said that we have to have some criteria and standards on the admission. We really don't have that now for the YRTCs at all and that is sorely missing. [LB561]

SENATOR ASHFORD: Right. And I think this is a key point because what happens is they just go there and without any criteria. And so...and they leave there... [LB561]

THOMAS PRISTOW: Well, and they can be pushed out depending on capacity issues. And we really, we either sometimes have a treatment or sometimes we have warehousing kids because we don't really have a standard treatment protocol because

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we have no ability to control our entry or our exits. And I think having some sort of criteria and standards and then pushing the services to the community, which for a lot of those kids out at YRTC's, they can be serviced in a community... [LB561]

SENATOR ASHFORD: Right. [LB561]

THOMAS PRISTOW: ...will help defray the stress in the system. [LB561]

SENATOR ASHFORD: Right. And you'll have less mixing because you'll have these other levels hopefully, less mixing of populations. And if these buildings are remodelled so that you have single rooms and other treatment regimens there for the higher risk kids... [LB561]

THOMAS PRISTOW: I absolutely agree with the single room... [LB561]

SENATOR ASHFORD: Okay. [LB561]

THOMAS PRISTOW: ...model that the bays and the squad-bay type of effect... [LB561]

SENATOR ASHFORD: Okay. [LB561]

THOMAS PRISTOW: ...leads to all sorts of issues as Dr. Lee had testified to. [LB561]

SENATOR ASHFORD: Okay. [LB561]

SENATOR COASH: Thank you, Senator Ashford. [LB561]

SENATOR LATHROP: Senator Seiler. Oh, I'm sorry. (Laughter) [LB561]

SENATOR COASH: He called on me though. Go ahead, Les. [LB561]

SENATOR LATHROP: That's...okay. Go ahead. Go ahead, Senator Coash. [LB561]

SENATOR COASH: All right. Thank you. Can you describe...there's a couple of different ways that a kid can make it to find him or herself living at the YRTC's. What's the typical way a kid finds himself there? [LB561]

THOMAS PRISTOW: Well, there's two ways. On the first admission, the only way a youth can get there is through adjudication. [LB561]

SENATOR COASH: Okay. [LB561]

THOMAS PRISTOW: If a youth is there and he is paroled out and then violates parole,

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then DHHS can put the youth back in. [LB561]

SENATOR COASH: Okay. So it's through adjudication. [LB561]

THOMAS PRISTOW: That's correct. [LB561]

SENATOR COASH: Is that the same to say as a judge says you're... [LB561]

THOMAS PRISTOW: Yes, that's a judge's ruling. [LB561]

SENATOR COASH: Okay. And that's how all the kids have found themselves... [LB561]

THOMAS PRISTOW: Yes, for first-timers, first-time youth entering YRTC is through adjudication. [LB561]

SENATOR COASH: Okay. So there's never a...is there a time when the department says, you know, they're working with a state ward, maybe foster care isn't working, and is there ever that time... [LB561]

THOMAS PRISTOW: No, only through parole. [LB561]

SENATOR COASH: ...is there ever a time when the department says, you know what, I think YRTC is a good place for you? [LB561]

THOMAS PRISTOW: Not in my knowledge, no. [LB561]

SENATOR COASH: Okay. Thank you. [LB561]

SENATOR LATHROP: Senator Seiler. [LB561]

SENATOR SEILER: Did I misunderstand you or did you basically say there are no standards at this time? [LB561]

THOMAS PRISTOW: There's no criteria as we have no statewide criteria for admission to the YRTCs. A judge can use any... [LB561]

SENATOR SEILER: And we've had this program in fact since I was a kid and nobody's bothered about setting up a standard? [LB561]

THOMAS PRISTOW: It's kind of interesting, sir. I don't know what to tell you. [LB561]

SENATOR ASHFORD: And you haven't been there that long, so we can't hardly... [LB561]

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THOMAS PRISTOW: I've been... [LB561]

SENATOR ASHFORD: ...we can't blame you, Thomas, I guess. [LB561]

THOMAS PRISTOW: It's not me. [LB561]

SENATOR LATHROP: Part of that's a function of...in Omaha there may be or in Douglas County judges in the juvenile court may look at it and say that's for the worst of the worst and for public safety. [LB561]

THOMAS PRISTOW: Right. [LB561]

SENATOR LATHROP: A judge out in western Nebraska or in the middle of the state may say, I have no programs. [LB561]

THOMAS PRISTOW: Right. That's the key, sir. Okay. [LB561]

SENATOR LATHROP: There's nothing offered for somebody who isn't that bad, so I'm going to send him to Kearney because I don't have another choice. [LB561]

THOMAS PRISTOW: You're absolutely correct. And the key for that, Senator, is developing options for county attorneys and judges so that they can do community-based services. And again I'll echo what Dr. Lee had said that the key function for us to be more successful with outcomes for youth is to develop these community-based services for these lower level kids so that we can develop better outcomes. [LB561]

SENATOR LATHROP: Okay. Are we doing that right now? [LB561]

THOMAS PRISTOW: No. [LB561]

SENATOR LATHROP: Are you waiting on us? [LB561]

THOMAS PRISTOW: No, I'm not...well, (laughter). [LB561]

SENATOR ASHFORD: I think the answer is you're waiting on us. [LB561]

THOMAS PRISTOW: I'm waiting on you. [LB561]

SENATOR ASHFORD: No, no, no. [LB561]

THOMAS PRISTOW: Look, I... [LB561]

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SENATOR LATHROP: It's interesting that you acknowledge this, that you recognize that the problem is we don't have the programs. That's why we're here and we're looking at the YRTC, and you sit down and tell us it's because we don't have the programs and nor are we doing anything about it, so. [LB561]

THOMAS PRISTOW: Well, I wouldn't say we're not doing anything about it. What I will tell you is that in my experience from different states, Nebraska has a very unique way of handling their youth. And in my operational plan, again working with Senator Ashford and knowing what his plans are, we're in alignment of what we want to do. I mean, the YRTCs need to be modified. We have to move. I mean, if you look at my IV-E waiver application for child welfare, it's about moving money to the front end. It's not about doing business the way we've done before. It's not working. I mean, this is not rocket science here. [LB561]

SENATOR LATHROP: All right. [LB561]

THOMAS PRISTOW: What we have done has not been able to establish better outcomes for kids. And we either continue to do the same thing and wonder why after, you know, a lot of years that we aren't getting different results or we kind of shifted up a little bit. [LB561]

SENATOR LATHROP: Okay. Okay. [LB561]

SENATOR ASHFORD: And I commend you, Thomas, on your efforts on the IV-E waiver. We...I don't know how many years we've asked about the IV-E waiver, and having more flexibility to utilize those funds for these less...the earlier stage... [LB561]

THOMAS PRISTOW: Right. Absolutely. [LB561]

SENATOR ASHFORD: ...intervention project. It's not, I mean, when you look at the...what we've had to work with, it isn't...and the system being as broken as it is, it's not surprising that we see the situations we see at Kearney or...where there has been just this incredible mixing of populations. I don't know, you'd have to be superhuman to be able to figure out a way to manage that situation. [LB561]

THOMAS PRISTOW: Senator, I just wanted to just...look, in my short...in my almost a year here, what I've discovered in Nebraska is there's no lacking of passion for children and families... [LB561]

SENATOR ASHFORD: Right. [LB561]

THOMAS PRISTOW: ...and that everybody in every capacity across the state working

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with children and families are doing the best they can and working as hard as they can. The issue is alignment and system structure, and that has got to be corrected or else we are going to just be at the margins. [LB561]

SENATOR ASHFORD: Okay. [LB561]

SENATOR LATHROP: And we're going to do that. [LB561]

THOMAS PRISTOW: We are going to do that. [LB561]

SENATOR LATHROP: All right. I said "we" like the Legislature is going to do that. [LB561]

THOMAS PRISTOW: And I meant, like, "we" as all of us. (Laughter) [LB561]

SENATOR LATHROP: Okay, thank you. [LB561]

THOMAS PRISTOW: You're welcome. [LB561]

SENATOR ASHFORD: That is...you know, in all my years, my 15 years here, that's the first time I've heard anything like that said: We're all going to do this together. [LB561]

SENATOR LATHROP: Okay. [LB561]

SENATOR ASHFORD: That's...thank you, Tom. [LB561]

SENATOR LATHROP: That remains to be seen,... [LB561]

SENATOR ASHFORD: Yeah, I'm optimistic. [LB561]

SENATOR LATHROP: ...who the "we" is. [LB561]

SENATOR ASHFORD: We're optimistic. [LB561]

SENATOR LATHROP: But, Judge Turnbull,... [LB561]

KENT TURNBULL: It's okay to come up? [LB561]

SENATOR LATHROP: It now is. [LB561]

KENT TURNBULL: (Inaudible) thank you. My name is Kent Turnbull, T-u-r-n-b-u-l-l. I'm a judge in the 11th Judicial District County Court with juvenile court jurisdiction. I'm here in support of LB561. I'm not going to address the issues of the YRTC's because I think

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the county courts are concerned with that. However, I think with the comments by Senators Ashford and Krist, that's not...the closing is not an issue but maybe modification. So I'm going to address my comments primarily to the continuation of LB985, which this committee supported. And my personal thanks to you on the pilot project, to Senator Krist, Ashford, McGill, Campbell, and Howard and others. I can't tell you how much that meant to us out in western Nebraska due to the total devastation of services provided in the last three to five years by the attempt at privatization. By this passage of this bill you've then transferred items to Probation that we've been able to use. And finally, for the first time, I think, in the 30 years I've been involved in criminal justice, we're seeing actual ability to have kids in alcohol-based evaluations on probation and to pay for services. And the reason why I think this is so important and should continue in LB561 is that Probation never had the money before, but now it does, for juveniles placed on probation. It allows youth to stay in the community and not be state wards. Number two is I think it's the mind-set of the Probation Department as versus maybe the DNA of Health and Human Services, at least my experience would be that. And what I mean by that is this: Probation officers, I think, do a lot with less, and have so for so very long, they're very efficient in the process, and I will tell you why. They are trained specifically to first look at family insurance before project monies, then Medicaid, and after that, then project dollars. And I think for the taxpayer and everybody else, that's a real important consideration. And also in this, I think clearly we're working well with the local people in Health and Human Services. And I want to tell you about that; I want to give you some facts with regard to that. We...and I've got a yellow light. But just in my district we now have 88 kids through the project, and we have the highest success rate on probation--86 percent success of complete--and also only four, only four, out-of-home placements. [LB561]

SENATOR ASHFORD: Wow. [LB561]

KENT TURNBULL: And that won't include the transition from Health and Human Services which were, I think, at 22 just in my jurisdiction. I've talked to every judge in the 11th and 12th Judicial District, and we are behind this initiative. Now I'm not going to address the YRTC's unless you ask me questions, but that's where we're at. Thank you so much for that LB and for this one too. [LB561]

SENATOR LATHROP: Very good. Thank you for your testimony. Senator Coash. [LB561]

SENATOR COASH: Thank you, Senator Lathrop. Judge, can you speak to your experience prior to the pilot, or even now, with regard to your utilization of the YRTC? [LB561]

KENT TURNBULL: You are absolutely correct, what was said earlier. And, by the way, OJS evals have to be ordered in order for someone to go to the YRTC and, we're told,

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within a year. So what we do is order the Office of Juvenile Services eval, which comes back with a recommendation of YRTC or something else. Ninety-nine percent of the time as a judge I'll follow the OJS eval. Now you are correct. And when I heard the doctor testify, where did the family-intensive services end? Buffalo County. See what we see all the time? We don't exist, in some respects, west of Buffalo County. But we do, and the results are we don't have the options available to us. And I think this bill will provide it because it's going to be based upon their need, not the available resources. So, Senator, I don't want to send a kid to YRTC. I don't know of any judge that wants to because...and I will tell you something else. Personally, I dislike losing control of them once they go to YRTC because I want them back in front of me because they're in my community. But they go to a parole system. I'd prefer, actually, that kid come back to me or never go at all because I know that kid will come back and see me. And I attempt, even through the adult court, to try to do the things that I can to make sure that young person is successful. And I've got to tell you the judiciary has changed some degree, Senator. When I became a county attorney I said, wow, how did you get to be a judge, you know, with some of the things I've seen, okay, to be real truthful about it. But I've seen the change in the judiciary in the last 15 years that has been...I think you have even people out in western Nebraska that care deeply about juveniles, professional, competent, and know what they're doing. They're more interested in that than their golf game, to be real truthful. [LB561]

SENATOR COASH: Thank you, Judge. So I want to follow up on something you said, because you have to order an OJS eval. [LB561]

KENT TURNBULL: That's correct. [LB561]

SENATOR COASH: And I had a bill yesterday on that, so I'm familiar on that...with that eval. When...and then you said that you tend to follow the recommendation that the eval gives you. [LB561]

KENT TURNBULL: That's correct. [LB561]

SENATOR COASH: Now I'm not familiar with exactly the process of generating those. But is it...would it be your experience that the...if, you know, the person doing that eval looks at this kid and their history and everything that's going on and going, well, I can only put what's an option for me and we're at Kearney, so there you go, Judge, even if it's not...I mean, when you look at those, do you get, well, this would be great but here's our choice, given the community? [LB561]

KENT TURNBULL: Yeah, that's...yeah. [LB561]

SENATOR COASH: Or do you just get, since this is our only choice, now it's your only choice? [LB561]

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KENT TURNBULL: Yeah, and I...and it's a team approach. It's a team recommendation from the various groups that are invested in the program. But you're right. For example, Sarpy County has a reporting center. I believe Lincoln does too. And I know because, just so you know, I sit on the Juvenile Justice Coalition, and I purposely got on the grant committee. Yes, I read grants. And one thing I know is what eastern Nebraska does have, which we could use, is some of those options available. Like the reporting center in Lancaster County, since having one you're 53 percent more increase in that and a decrease in detention. [LB561]

SENATOR ASHFORD: Right. [LB561]

KENT TURNBULL: So if you have the ability to do other things, judges do those other things. Graduated sanctions are not something I oppose. But, you know, out there, you don't have a lot. And so we try everything that we can before YRTC. I will tell you, Senator, I don't like sending young people...and, by the way, I reviewed the testimony of Dr. Pope before I came today for last year. Seventy percent of all those young people in juvenile justice are not second-time or third-time offenders. They're low risk. And of that remaining 30 percent, 25 percent are moderate risks. That leaves you 5 percent. Five percent? You know, so I know I don't send that many kids, or I don't want to. [LB561]

SENATOR COASH: Well, what are your options for the kids that meet that safety threshold, the kid who can't safely be kept at home? What are your options? [LB561]

KENT TURNBULL: Well, and up until July now, I don't have...now Health and Human Services has decided to close our ability to have, I guess, shelter, so I don't know what we're going to do. But you are absolutely right: Parents sometimes say, we need a break. And shelter placements sometimes are those breaks because foster families aren't going to take that kid when he's acting up, not when they're led out of the high school with handcuffs because they're just out of control. So as a result, I don't have many options. It's the shelter, detention, and then I'm limited on detention. And there's another problem that you'll have to solve is what do you do with 3Bs? You know, what do you do with... [LB561]

SENATOR COASH: The abused kids or the delinquent? [LB561]

KENT TURNBULL: Under the juvenile code...yeah, that are 3Bs, like truancy. [LB561]

SENATOR ASHFORD: The status offenders. [LB561]

SENATOR COASH: Truancy, status offenders. [LB561]

KENT TURNBULL: Status offenders, correct, in the transition from Health and Human

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Services to Probation. I will tell you, I think I have some ideas. And I hope, in the transition period, since I also serve on the evidence-based practice committee for the Supreme Court, also on the Juvenile Justice Coalition, that maybe some of us out in western Nebraska would like some input. It doesn't necessarily have to be me. We have some wonderful judges out there and great Probation Department personnel. And, you know what, I'm going to tell you something. I even like the OJS workers, okay? They're great. And, you know what, we have Through the Eyes of the Child and we meet monthly, and they're all invited and we talk. That's the beauty of western Nebraska, Senator, is that we actually communicate. [LB561]

SENATOR COASH: Thanks, Judge. [LB561]

KENT TURNBULL: Thank you. [LB561]

SENATOR ASHFORD: Judge, though, I just...if I could, just briefly, I mean, we...the pilot, or the...which would...now will be the way we do all of these cases, hopefully, with the passage of LB561. And I went out to visit you. [LB561]

KENT TURNBULL: Um-hum. [LB561]

SENATOR ASHFORD: And you told me how...what was really going on and really worthy inspiration, partially, to the enactment of the pilot. And it just makes so much sense. It's so much common sense involved in how...in having Probation engaged in this process. [LB561]

KENT TURNBULL: Yeah. [LB561]

SENATOR ASHFORD: And so I'm glad it's working because those are amazing numbers. I mean, you're at 88, what did you say, 88 percent or... [LB561]

KENT TURNBULL: 86. [LB561]

SENATOR ASHFORD: Eighty-six percent is...I don't know what it was before, but I'm guessing it was probably 30 percent increase to 40 percent. [LB561]

KENT TURNBULL: Yeah, and, Senator, I thank you. I've never had an Omaha senator come out to North Platte and visit with me before, by the way, so you're all invited, be glad to have you. So thank you, Senator, for doing that. [LB561]

SENATOR ASHFORD: Well, I love North Platte. [LB561]

KENT TURNBULL: Oh. (Laugh) And, hey, I do, too, and I love...and I've chosen to live in western Nebraska, growing up in Kearney, Nebraska, all my life; and I appreciate this

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body, in all sincerity, with making the effort to include western Nebraska. I haven't always seen that, and it's been difficult. But it was a breath of fresh air, Senator. [LB561]

SENATOR ASHFORD: Thank you, Senator--or Judge. [LB561]

SENATOR LATHROP: Okay, very good. Thanks, Judge. [LB561]

KENT TURNBULL: Thank you. [LB561]

SENATOR LATHROP: Sarah Forrest, next up, and after that we'll hear from John Cavanaugh. [LB561]

SARAH FORREST: (Exhibits 6-8) Good afternoon, Senator Lathrop, members of the Judiciary Committee. My name is Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I'm the policy coordinator for child welfare and juvenile justice at Voices for Children in Nebraska. In Nebraska we take family values seriously. We believe in protecting our children and strengthening our families so that all of our children have the opportunity to become healthy, productive adults. When a young person breaks the law, that means we must respond in a thoughtful way that ensures their best chance at future success as well as community safety. This committee is no stranger to the ways in which we fall short. Here's what we know about our juvenile justice system as it stands. We lock youth away at the third-highest rate in the nation. We are one of only six states where youth incarceration has risen in the past 13 years. Most youth who are sent to our YRTC's and detention centers pose no threat to public safety. They simply don't belong there. The risks of detention and incarceration are enormous for youth. Study after study has shown that youth who are incarcerated are less likely to finish school, more likely to struggle with mental and behavioral health challenges, with finding gainful employment, and more likely to commit future crimes. And really, is it any wonder? We separate youth from their schools, families, and communities. We warehouse them with other youth, exposing them to new and risky behaviors. We offer them few services while they are there, fewer when they return home. We do not address family issues or needs despite the strong correlation between juvenile delinquency and a child's previous exposure to abuse, neglect, and other family stressors. I have painted a bleak picture of the reality facing Nebraska's youth, but that's not the whole story. We know what works when it comes to these youth. And here in Nebraska we already have a number of initiatives that are making progress, and we have to build upon them. Juvenile diversion programs across our state are keeping kids out of the court system and on a path to success. The Juvenile Detention Alternatives Initiative is in place in two of our counties, and stakeholders are working together to reduce the unnecessary use of this practice. We have the Juvenile Services Delivery Project, which Ellen and Judge Turnbull spoke so eloquently about. LB561 is the right approach for Nebraska because it builds on these local successes, allows for a careful planning over a two-year period, and it goes a step further: It invests in community-based care in a significant way. For

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years in Nebraska we have given only \$1.5 million to all of our counties combined. It creates a single juvenile justice agency that can effectively advance needed reform. With all our dollars in one place, we can make the most meaningful and tie them to outcomes and research-informed practices. It shuts two facilities that aren't working for kids and are monopolizing all of our state's juvenile justice funding. We spend \$22 million a year on just short of 1,600 kids and with little success. Most of these dollars and these kids belong elsewhere in our communities. We can do this. We are building off the successes we have in Nebraska and knowledge gained from effective reform in other states. We have compassion for kids and know-how in this state and the interest in better government so we can fix our juvenile justice system. I'd like to thank Senator Ashford and this committee for their passion for improving the systems that serve our children and youth. This bill is undoubtedly a crucial part of that effort. We urge you to advance it, and I would welcome any questions. Thank you. [LB561]

SENATOR LATHROP: Thanks, Sarah. I see no questions. [LB561]

SARAH FORREST: Okay. [LB561]

SENATOR LATHROP: So from Sarah we will go to John Cavanaugh and, after that, Liz. [LB561]

JOHN CAVANAUGH: Mr. Chairman, members of the committee, my name is John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h, 1004 Farnam Street, Omaha, Nebraska. I'm the executive director of Building Bright Futures, and I'm pleased to be here this afternoon in support of LB561, truly a landmark piece of legislation for the state of Nebraska. I want to commend Senator Ashford and Senator Krist and Senator Campbell and McGill for their introduction, and our Chief Justice, Chief Justice Heavican, for his leadership throughout in moving this extremely important issue to the forefront. You know you're doing something good when you can fill a hearing room, and something good will come of it when this many Nebraskans come together. Building Bright Futures is a private, not-for-profit in Omaha focused on the metropolitan Omaha area and improving outcomes for at-risk children, of which we have about 35,000 in our metropolitan area. We engage in support for a wide range of programs, from birth through 12th grade, all directed at improving academic outcomes, increasing graduation rates. And we have a heavy investment in the first three years, in early childhood services, in supporting teen parents, and we have invested in six school-based health centers in the metropolitan area in order to improve access to healthcare. We support expansion and improvement, strengthening of after-school programming for high-risk children in need of additional academic support. We support the Midlands Mentoring Partnership, and we are supporting a reengagement center for those students who have dropped out of school and need assistance and support to reengage and to complete their high school education. All of this is directed at improving academic outcomes. A keystone of that program has been our school attendance program with the legislation that Senator

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Ashford led in this committee. It has had a transformative effect not only in Omaha but across the state, in terms of improving school attendance. This bill--and I would just refer to you to what I think is the heart and soul of the bill--is designed to address the crisis that we have in juvenile justice in this state today. For those students who are failing and continuing to fail, we are failing them in reengaging them and having them come from the juvenile justice system better than they went in. We were a leader in this country in establishing our juvenile courts designed to serve the best interest of the children. We have drifted from that primarily because we have abandoned community services. Most of the people in this room have the capability to meet the needs of these children if we have the resources and devote the resources. I would like, as you address LB561 going forward, to keep at the center of it Section 2(3)(a), which reads, collaborating with the courts, juvenile justice entities, and providers to transform the juvenile justice system into a system that identifies the needs of juveniles and seeks to treat and rehabilitate rather than to detain and...such juveniles. That's the essence of what you're about here. We would simply encourage you to keep your eye on that ball and transform our state once again from one that is not leading in incarceration of youth, but it is leading in the success of those youth and reengaging them. Thank you very much, Mr. Chairman. We are... [LB561]

SENATOR LATHROP: Very good. [LB561]

JOHN CAVANAUGH: Yeah. [LB561]

SENATOR LATHROP: Thanks, John. [LB561]

JOHN CAVANAUGH: Thanks. [LB561]

SENATOR LATHROP: We always appreciate hearing from you, and I don't see any questions. [LB561]

SENATOR ASHFORD: Except were you here... [LB561]

SENATOR LATHROP: Oh, wait. [LB561]

SENATOR ASHFORD: Were you actually...when they passed the original, were you here at that time, or was that before your... [LB561]

JOHN CAVANAUGH: That was even before me. I think... [LB561]

SENATOR ASHFORD: That's hard to believe. [LB561]

JOHN CAVANAUGH: I think Senator Chambers was here. It was here before me. [LB561]

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SENATOR ASHFORD: Well, it was here before you but only a couple years before you. [LB561]

JOHN CAVANAUGH: Yeah. [LB561]

SENATOR LATHROP: Very good. [LB561]

JOHN CAVANAUGH: So get us back there. Thank you, Mr. Chairman. [LB561]

SENATOR LATHROP: Thanks, John. Liz Neeley, please. [LB561]

ANNE HOBBS: I was asked to step in for Liz? Is that okay? [LB561]

SENATOR LATHROP: Okay, sure. [LB561]

ANNE HOBBS: (Exhibit 9) I'm not Dr. Liz Neeley. I'm Dr. Anne Hobbs. Good afternoon, members of the Judiciary Committee. My name is spelled A-n-n-e H-o-b-b-s. I'm here to testify in support of the diversion portion of LB561, and I'd like to specifically address access to diversion as well as the need for assessment. As you'll note from the map that's coming around, only about half of Nebraska counties currently operate a diversion program. The language in LB561 proposes expanding juvenile diversion so that every youth has access to diversion. It is a matter of equity that youth be given equal access when they commit a minor law violation. As it currently stands, whether youth has their case diverted depends largely on the resources available to that county and the size of the county. The smaller counties often end up with an...in the smaller counties a youth can end up with an adult criminal record not because of the type of offense they committed, but simply because the option isn't available to go to a diversion program. The increase in funding and availability of services proposed in this bill would provide the resources necessary for those counties. Secondly, I'd like to talk a little bit about assessment. Developmental experts know that part of a youth's healthy development is risk taking, so testing boundaries and learning from that process. When we criminalize normal juvenile behaviors we end up with young people who are filed on in adult court, filling our detention centers, using government funds. A great deal of research now documents that unnecessary involvement with the juvenile justice system involves...results in long-term negative outcomes. So without an assessment instrument, however, it's impossible to determine which youth need which level of care. So I would like to make one recommendation, however, in the language of the bill. It currently refers to using an assessment to determine eligibility. This should really be revised to state than an assessment should direct the type of services that a juvenile needs. Right now county attorneys generally refer a youth, and they do this based on more objective measures like the type of law violation and whether they have any prior offenses. The assessment tool should really be used to help inform the diversion

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program or diversion services on what type of program a youth needs. One final note: Reliable assessment tools can actually help juvenile justice professionals direct resources and direct youth out of the system. In 2010, I was called upon to evaluate a program that screened youth out, and I was really skeptical of the program because it proposed to not provide services. And after a lifetime of providing services for juveniles, I couldn't see how that might be more effective. What we found, after following 800 Nebraska youth, is...we followed them for a period of years, over two years after they completed a program. And sometimes the youth that are screened out and don't need services after their first minor law violation had better outcomes than the youth who were sent to diversion programs and other types of services. So thank you very much for your time, and I'd be happy to answer any questions. [LB561]

SENATOR LATHROP: All right. Thank you, Dr. Hobbs. I see no questions. Thank you. [LB561]

ANNE HOBBS: Okay. [LB561]

SENATOR LATHROP: Next we'll hear from Monica Miles-Steffens. [LB561]

MONICA MILES-STEFFENS: (Exhibit 10) All right. Good afternoon, Senator Lathrop and members of the committee. Thank you for this opportunity to talk to you this afternoon. My name is Monica Miles-Steffens, M-o-n-i-c-a M-i-l-e-s-S-t-e-f-f-e-n-s. I am a criminal juvenile justice consultant working with communities across the state, and I'm here today to testify in support of the pieces of LB561 that deal with detention alternatives. Currently, one of the projects I work on is with State Probation and helping coordinate the statewide initiative for JDAI, as both Ellen and Sarah have already mentioned. That stands for Juvenile Detention Alternatives Initiative and is a 20-year initiative funded by the Annie E. Casey Foundation with 20 years of research to back it up. Sites from across the country show that inappropriate use of secure detention leads to poorer outcomes for youth, including higher rates of substance abuse, dropping out of school, deeper penetration into the juvenile justice system, and even posttraumatic stress. We're fortunate in Nebraska that we have Nebraska Jail Standards that guides the management of our secure detention facilities. They're well-run, clean facilities with well-trained staff. The point of JDAI is that we should only house the right kids, the highest-risk kids, for the least amount of time necessary and focus our resources on developing less-restrictive, community-based alternatives that will provide services to youth and families while still ensuring accountability and public safety. There's four primary--or five primary--objectives of JDAI in any site in any state: to eliminate inappropriate or unnecessary use of secure detention; to minimize failures to appear and incidence of delinquent behavior; redirect public finances to successful reform strategies; improve conditions in secure detention facilities; and reduce racial and ethnic disparity. These objectives are accomplished by forming a collaborative of people, a community structure, and implementing JDAI through eight core strategies, the primary

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ones being data-driven decision making, implementing alternatives to detention, objective admissions, and examining case processing. We have two sites in Nebraska currently, one in Douglas County and one in Sarpy, that are doing excellent work already and seeing already good improvements in what they've been doing with kids. Nebraska is about to take a delegation of people to New Jersey--it's the leadership of the Administrative Office of the Courts and Probation and Senator Krist--to find out how to expand JDAI statewide in our jurisdiction. We've struggled for years in our communities, not knowing where to start or having the resources. The reason LB561 is so important is it creates the Office of Juvenile Assistance that has infrastructure and sustainability for these positions. Currently, JDAI in Nebraska is funded by dwindling federal grant resources, and we need that long-term sustainability. It also invests the \$10 million back into the communities to develop the alternatives to detention needed, such as diversion, electronic monitoring, tracking, all different kinds of community-based things that work well for kids. So I appreciate the opportunity to talk to you today. If you have any questions, I would be happy to answer them. [LB561]

SENATOR LATHROP: Thanks, Monica. I see no questions. [LB561]

MONICA MILES-STEFFENS: Okay, thank you. [LB561]

SENATOR LATHROP: Thank you for your testimony. I think we have gone through everyone who was on the list, so we will now go to just folks that want to come up and be heard as proponents. And maybe can we start with a show of hands of how many people, additional folks, care to testify in support of this bill? Oh, one. All right, why don't you come on up? And then while you're approaching, we'll...by a show of hands, how many people are here in opposition. Okay, and how many folks in a neutral capacity? All right. Come on up, Dennis. Dennis is going to testify, then we'll go to opponents. Those of you who are opponents... [LB561]

SENATOR COASH: Senator Lathrop,... [LB561]

SENATOR SEILER: Senator,... [LB561]

SENATOR COASH: ...you had another proponent. [LB561]

SENATOR SEILER: ...a gentleman right here. [LB561]

SENATOR LATHROP: Oh, I'm sorry. [LB561]

_____ : It's possible there are people in the overflow room as well. [LB561]

SENATOR LATHROP: Okay, okay. Well, then we'll listen to Dennis and see who else cares to testify in support. [LB561]

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DENNIS MARKS: Vice Chairman, Senators, my name is Dennis Marks, M-a-r-k-s. I'm with the public defender's office in Sarpy County. I've been there for about 16.5 years representing juveniles. [LB561]

SENATOR LATHROP: Can you speak up just a little bit, Dennis? [LB561]

DENNIS MARKS: I'll certainly try. As I reviewed LB561, I guess the phrase that kept coming to mind was wow. You are talking about some serious change, all very impressive. But if it's going to be successful, the key is going to be having some community-based resources. Senator Seiler, you asked earlier about the criteria for commitment to Kearney, and I would suggest, although not in writing, that there are two criteria. One is nonamenability of the juvenile to services being offered, and the other is, is it in that child's best interest, because some kids get terminated unsuccessfully rather than committed to the YRTC because it is not in their best interest. And that is strictly a decision the judge makes. The kids who do get committed to the YRTCs are the ones who are obviously not amenable. And a full array of community-based services are generally put in place before that occurs. So if this bill is going to be successful, I think there is going to have to be some community-based services located and created and relied upon because Douglas County, and Sarpy County right now, uses the YRTCs simply as a last basis, a last choice. And I think they do out west as well, but it may occur quicker because there's fewer resources. And I think, Senator Lathrop, I think you hit upon that earlier. That's really all I have. [LB561]

SENATOR LATHROP: Okay. Dennis, thank you for coming. We appreciate the commitment of the Sarpy County Public Defender's Office to come down here on so many bills and give us their thoughts. [LB561]

DENNIS MARKS: You're welcome. [LB561]

SENATOR LATHROP: So thanks for coming down today. [LB561]

DENNIS MARKS: Thanks, Senator. [LB561]

SENATOR LATHROP: Other proponents. [LB561]

DICK SHEA: (Exhibit 11) Hello. Excuse me. My name is Dick Shea, S-h-e-a, and the Sarpy County Sheriff's Department is in complete support of LB561. I just want to make two points. I have a handout there, and you can read through that. We are involved with the JDAI initiative. And one of the things that we've found out, because data is critical, in 2011 we had 10 commitments to Kearney and Geneva. Well, and we've worked with each one of those youngsters. If we had some other options, there would be no need to send those kids to Kearney and Geneva. So I'm happy that there's going to be some

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funds coming in, but we need to make sure that those funds are coming to the local communities so we can have the resources. The judge that spoke from western Nebraska--first time I met him was today--I think he says it quite well. The answers are in this room. You have people committed that want to work with the kids. We have these solutions, and I would hope that, with this bill, that you would incorporate some of the people that actually work in the trenches. And I include the judges on that because I think together we--and I like the word "we"--can solve this issue. And I would echo what Dennis says: This is wow. When I read this thing, this is going in the right direction. That's all that I really have to say, and I thank you for your commitment. [LB561]

SENATOR LATHROP: Thanks. Can I ask you one question though, before you get away? [LB561]

DICK SHEA: Yes, sir. [LB561]

SENATOR LATHROP: For Sarpy County to only send ten people last year to...given their population, seems to be below, maybe, the average. And you've suggested that you might not even have sent them if you had the proper resources. Is there a resource that could be available, or a program, that would have prevented some or all of those ten not going up? [LB561]

DICK SHEA: I believe... [LB561]

SENATOR LATHROP: In other words, do you have a suggestion? [LB561]

DICK SHEA: Okay, I believe that if we look at why those kids were sent and what the issue is, we could develop the program. But it takes money, okay, and that's where we ran out of it. We have done a lot without nothing. The judge talked about the ERC program. The person that started it for Sarpy is sitting here in this room, and she started it with no funds. We went and asked volunteers to help us out with that. Truancy and going to school is so important. That is critical, and we're doing some things in that area. So money is the thing. We could get some things going if we had the funds. And I'm glad that Probation is going to oversee this because there are some things that we could do, but we need some assistance in that, so. [LB561]

SENATOR LATHROP: Okay, good. Thanks. [LB561]

DICK SHEA: And I hope that answers it. [LB561]

SENATOR LATHROP: Yeah, that was helpful. Thanks, Dick. [LB561]

DICK SHEA: Okay, thank you. [LB561]

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SENATOR LATHROP: I see no other questions. Other proponents. And I appreciate there's an overflow room, so we'll wait just a couple of seconds to see if somebody from down the hall is trucking down here to be a proponent, and then we'll take opponents momentarily. Okay, looks like we're on to opponents, so those who wish to testify in opposition to LB561 will be heard next. [LB561]

SHAWN EATHERTON: Vice Chair, members of the committee, I'm Shawn Eatherton, E-a-t-h-e-r-t-o-n. I'm the Buffalo County Attorney out in Kearney. And I'm here also in part, with respect to the closing of the YRTC's, representing the County Attorneys Association. I don't want to belabor. I, frankly, in hearing some statements today, I'm not sure exactly where the concept of the YRTC's is going. But I know what bill is in front of us, and that's why I'm still going to address my comments to that. You know, the reality is that I've been prosecuting for 14 years, and before that I worked for legal services here in Lincoln, which is now Legal Aid, so I have had my hands on thousands of juvenile cases. And we are one of those locations. I talked about the MST. We do that in Buffalo County. We do...we have advanced diversion. We have truancy in the schools. I mean, I...we don't want to place kids anywhere, but sometimes you have to. And I'm going to be the most unpopular person in the room pointing out that there are actually victims to a lot of these things these youth do, and our communities have...we have responsibility to them as well. And so there is a point in time when we need to put these youth into a facility. Now we need deal with them, and we need to make sure that they're getting treatment, and we need to do everything we can to put them in the...into a situation where they can be successful when they get out. But I think it's painful to think that we closed two facilities where people have really given their lives in an effort to work with these youth. Now we decide we're just going to close them. I don't think that's appropriate. I think we can work within our system, I think we can work with the people at Geneva and Kearney, and I think we can have a multisystemic attack on our juvenile issues. There's always going to be a need, as Dr. Lee said. There's always a need for these facilities. We just have to make sure we are delivering the best services we can. And quickly I'll use an example. I...it's shocking. And I say, who should we blame? The...when this bill came out, I checked, and there were, at the...there is a drug and alcohol treatment program, inpatient, at Hastings for youth, and there were 11 beds that were filled. But there are multiple kids at the YRTC and in our system that have been evaluated that need that treatment, but they...but it won't be paid for by the state because of Magellan. That's not right. We are not delivering the services that need to be delivered, whether it's at the YRTC's or within the system. So with that, I just ask that, with respect to the...I just cannot support the bill, and we are in opposition due to the closure of the YRTC's. As prosecutors, as people in the court system, we need those. [LB561]

SENATOR LATHROP: Okay. Senator Coash. [LB561]

SENATOR COASH: Thank you, Senator Lathrop. I appreciate one of the comments you

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made that we have a responsibility to the victims, in some cases, and to the community. Do you view the YRTC as part of administering justice because of that? [LB561]

SHAWN EATHERTON: Oh, and...well, I think, yes, administering justice, but not as a straight punitive measure. That's not what our juvenile system is. A judge cannot say...and I sit here and I've listened today, and it's clear that there is some confusion and people...as to how people get to the YRTC. A judge cannot say, you're hereby ordered to go to the YRTC for a period of 30 days like he can in a criminal court, which...as a punitive aspect. Our juvenile system is set up to where they should be committed to address their issues, fix the issues so that they can get out and be productive members of society. I would also point out with the bill there is a good idea. They are left kind of standing there holding the bag when they are released from the YRTC because we do need more services to integrate them back into their communities, and I do appreciate that. But, no, is it part of our...I mean, yes, but not... [LB561]

SENATOR COASH: I mean, the reason ask is...and I understand where you're coming from. You're advocating to keep these facilities open and tied that to the statement that we need an element of justice because some of these kids have committed crimes and there are victims, and that's part of the system as well. I'm just wondering if what we need is more corrections or more treatment. I mean, I think one of the problems with these YRTCs is that we're trying to serve two masters, right? We're trying to treat these kids, but then we're trying to find a safe place for them. And those two things aren't always compatible, and it's not getting as good of outcomes for the kids. Kids coming out of the...or not every kid coming out of the YRTC is in a better situation when he comes out than when he went in. [LB561]

SHAWN EATHERTON: Yeah, and I... [LB561]

SENATOR COASH: And that's not every kid. [LB561]

SHAWN EATHERTON: True. [LB561]

SENATOR COASH: But I'll leave it at that. I just kind of wanted to explore that idea of corrections a little bit. [LB561]

SHAWN EATHERTON: Well, and I think, as far as the punitive nature, by the time a youth is sent to the YRTC, and I can't speak for every jurisdiction, but they have usually been on probation or they've been with OJS, placed with one of the two, been in out-of-home placements, been in multiple different locations prior to...because the standard is--there actually is a test--the standard is the least-restrictive alternative. That's the standard that a judge is supposed to consider. So there is, as a general rule, they've been on multiple different levels prior to finding themselves at the YRTC,

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including things such as community service and those type of things that are far more punitive in nature. [LB561]

SENATOR COASH: But I think, when you say the standard is least restrictive alternative, it's not really the least restrictive. It's sometimes the only. [LB561]

SHAWN EATHERTON: That is true. [LB561]

SENATOR COASH: So I get it. All right, thank you. [LB561]

SENATOR LATHROP: Senator Seiler. [LB561]

SENATOR SEILER: When you mentioned you have alcohol treatment children still over at the center,... [LB561]

SHAWN EATHERTON: Yes. [LB561]

SENATOR SEILER: ...how many would your estimate serve? [LB561]

SHAWN EATHERTON: Well, I know that when I checked, when this bill came out, there were 11. [LB561]

SENATOR SEILER: 11? [LB561]

SHAWN EATHERTON: And I think it's a 35... [LB561]

SENATOR SEILER: And they couldn't come to Hastings because there's not enough beds? [LB561]

SHAWN EATHERTON: No, there were enough. But there were...I believe it's a 30- to 40-bed facility. It's that Magellan would not...or that they would not be paid for. [LB561]

SENATOR SEILER: Okay. [LB561]

SHAWN EATHERTON: They just...it...the funds were not available to send them. I mean, there's an evaluation process. Even if a child is recommended, that's what they need or a youth is recommended, there's still a question of the payment of that sort of thing. [LB561]

SENATOR SEILER: So we've got the beds available, we just don't have the resources. [LB561]

SHAWN EATHERTON: That is correct. [LB561]

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SENATOR SEILER: Would you write a letter to the Appropriations Committee? Because they just took out \$3.3 million for that project. [LB561]

SENATOR LATHROP: Yeah, it's not that there isn't...it isn't even necessarily that there aren't the resources. It's the gatekeeper who says, these kids aren't getting in. [LB561]

SHAWN EATHERTON: Exactly, Magellan, the gatekeeper, correct. [LB561]

SENATOR SEILER: Yeah. [LB561]

SENATOR LATHROP: Okay, thanks, Shawn. We appreciate your thoughts. [LB561]

SHAWN EATHERTON: Thank you for your efforts. [LB561]

SENATOR LATHROP: Next opponent. Welcome. [LB561]

MARK YOUNG: Good afternoon, Senator Lathrop, members of the committee. I'm Mark Young, Hall County Attorney. Young is spelled Y-o-u-n-g. I'd first comment very quickly that the MST program in Hall County is extremely limited. In fact, I wasn't sure it was even going. I had to step out and check. I'd be happy to answer any questions about our experience with that. There's a lot to like in this bill, but I am speaking in opposition because of some specific concerns. As someone recently said here, the words have consequences, and sometimes those consequences are unintended. And I am here to address possible unintentional financial and policy consequences of LB561. LB561 in the...ultimately places financial responsibility for paying for services for youth on the counties, and it's my proposition today that, if we want a uniform system, which we all agree we should have, with uniform positive results, which is all our goal, we need to make sure there are uniform services available everywhere. And we need to make sure those services are available not based on the caprice or the decision making of any grantor through a grant process. My concern is that the system is already occasionally gamed. In other words, the filing decisions are delayed; law enforcement may choose to leave a child who really is in need of help to protect others in a home; judges may not order certain types of placement because of the cost. And under LB561, as I read it, my concern is going to be that the availability of treatment, there's going to be pressure on county attorneys and on judges, because of lid limits and, frankly, the political woe of the specific jurisdiction, to avoid ordering necessary treatment, particularly in places like Grand Island where services are very thin on the ground. It's important to keep in mind that some of these kids, even at a pretty young age, are pretty dangerous, particularly to their siblings and to other kids in the school, so we need to make sure that treatment is available before we take some of the other steps involved here. The policy ideas embodied in LB561 are wonderful and important, and I'm supportive of the general theories behind this bill. You're going to hear from my diversion coordinator in a neutral

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capacity because we're already working towards some of these things. But I keep thinking back to my days in the construction trades where our motto was always "measure twice, cut once," and there have been some times over the last few years where, as a state, we've charged in on other types of juvenile issues and then found out later on that maybe a little more time should have been taken. I'm happy to work with any aspect of this that I can help, and I know the rest of the county attorneys are as well. Thank you. [LB561]

SENATOR LATHROP: Good. Thanks, Mark. We always learn something when you sit in that chair. [LB561]

MARK YOUNG: Thank you. [LB561]

SENATOR LATHROP: I appreciate your testimony. Senator Coash. [LB561]

SENATOR COASH: Thank you, Senator Lathrop. Mark, you mentioned that you've got some limited experience at the MST program in Hall County. [LB561]

MARK YOUNG: Yeah. [LB561]

SENATOR COASH: And when you say limited, you just mean that you just...it's small because the resources are small, not...it's not a large program; it's probably hitting a few kids. [LB561]

MARK YOUNG: Yeah, and it... [LB561]

SENATOR COASH: Is that your experience? [LB561]

MARK YOUNG: And, Senator, in fact, I was surprised we still had that. I hadn't run...covered a case recently where it was used, so I ran out. I was only able to talk to Marty (phonetic) Klein, one of the attorneys who handles these kind of cases. He told me that it's not being ordered routinely as part of any kind of probation or dispositional order. Primarily, we're using it through the truancy program we have going. And then, if those truancy kids end up in law-violator country, then they're on the MST. His take on the MST was it works wonderfully if the parents are committed. [LB561]

SENATOR COASH: Okay. [LB561]

MARK YOUNG: If the parents are committed to the program, it's working well; if the parents aren't committed, it's not working very well. And the other thing is we just don't have the resources. You know, there aren't that many therapists doing that. [LB561]

SENATOR COASH: Right. Well, I...you answered the second part of my question,

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which was, when we do use it, is it being effective? And I'm sure you heard Dr. Lee say that if it's not...if the parents aren't engaged, they're...the model puts it on the therapist,... [LB561]

MARK YOUNG: Yeah. [LB561]

SENATOR COASH: ...not on the family or the success of the model. So would you advocate for more of that kind of approach, more resources to be able to do more of that? [LB561]

MARK YOUNG: Yeah. I think there's...I don't think anyone would ever disagree with the idea that community-based services are a good idea. And if we had more resources, if we had a reporting center, things like that, it would be very helpful. You know, the reality is, of course, I've always said that what we actually need in 43-247 is a (3)(d): kids messed up because parents are a complete mess. [LB561]

SENATOR ASHFORD: Um-hum. [LB561]

MARK YOUNG: And, you know, we've got to have services that can get to both sides of the problem, you know. [LB561]

SENATOR COASH: Would it be fair, Mr. Young, to just...to say that...I mean, you're just pretty complimentary to the policy pieces of...in this legislation. [LB561]

MARK YOUNG: Yeah. Yeah, I... [LB561]

SENATOR COASH: And nobody wants to sit here and say that people want...nobody is in it to do harm to kids. But is it fair to just say that, because of the experience you've had, the state has had, over the past couple of years in dealing with all things child related that you're just kind of nervous about making a change? [LB561]

MARK YOUNG: That's very fair. (Laughter) And if I could elaborate for just a second? [LB561]

SENATOR COASH: Yeah. [LB561]

MARK YOUNG: My primary concern is that I think it's really important to have a clearer plan in the bill about how stuff is getting paid for to make sure every county has reasonable access to those services. You know, I know Judge Turnbull thinks the world ends at Buffalo County. I tell him it ends at Salt Creek. (Laughter) You know, we're all in the same boat, and I'm sure in Omaha you're thinking, why, we need more up here. But I really think that's a lot of people's concern is we've got to make sure those services are going to be available before we jump. [LB561]

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SENATOR COASH: Because we kind of have been down this road before. [LB561]

MARK YOUNG: Yeah, yeah. [LB561]

SENATOR COASH: So here...your skepticism and cautiousness to the community...to the committee here is well-founded. And the distrust that's out there with regard to can government make things better for kids or are we just going to make it worse, it...that is a well-founded feeling. It...I wouldn't tell you not to feel that way. But we've got to figure out...we can't just...it's not going to fix itself. [LB561]

MARK YOUNG: Oh, absolutely. [LB561]

SENATOR COASH: So here's the approach, so thank you. [LB561]

SENATOR ASHFORD: Yeah, and if...Mark, just hopefully, with the...if I might, Senator Lathrop? [LB561]

SENATOR LATHROP: Oh, no, go ahead. [LB561]

SENATOR ASHFORD: If I...and Hall County will now come into the juvenile probation project under this bill, which will provide different approaches which should address, hopefully, some of those concerns. [LB561]

MARK YOUNG: Yeah. [LB561]

SENATOR ASHFORD: And I certainly...I don't know where in the bill. And we need to clarify the funding flows, but it's not intended to give the counties more, additional responsibilities. It's intended to give the counties more money to develop more community-based services. But there's still...there still will...well, there will be the project statewide. [LB561]

MARK YOUNG: Right. [LB561]

SENATOR ASHFORD: And there will be funds that...moving over from OJS. The question...the issue really is, yes, we have to set forth the flow of funds accurately. The other...but we also...what we have been lacking is a coordinated continuum approach, I think. I mean, you, if anybody, have said that to us for six years, I mean. [LB561]

MARK YOUNG: Yeah. [LB561]

SENATOR ASHFORD: And so I think, you know, this...and at the...in its essence, what this bill is all about is a coordinated, collaborative kind of an approach that is intended to

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keep kids out of detention or incarceration, you know, unnecessarily, keep them out of there if there are other options. We have to build those options back into the system. I... [LB561]

MARK YOUNG: I wholeheartedly agree, you know. [LB561]

SENATOR ASHFORD: Yeah, so...and, you know, if Kearney or Geneva or wherever it is for the more secure detention level is necessary, then it is necessary. It's just how do we fund it, and...yeah. [LB561]

MARK YOUNG: Yeah, thank you. I... [LB561]

SENATOR ASHFORD: Well, I mean, you were the first to do the truancy initiative. [LB561]

MARK YOUNG: Yeah. [LB561]

SENATOR ASHFORD: And of anybody in the state, you're the first city to do a career academy, and you have 500 kids ready to go into a career academy to find jobs for kids who don't necessarily want to go on to college but want to have a job. So, I mean, Grand Island has sort of been on the cutting edge and...of a lot of these things, and I think, as Senator Lathrop suggests and Senator Coash, I mean, having your input into making this...clarifying those issues in this bill is extremely important to us, so. [LB561]

MARK YOUNG: Thank you. [LB561]

SENATOR LATHROP: Thanks, Mark. Next opponent. [LB561]

NICOLE GOALEY: Good afternoon, Senators. Nicole Goaley from Deputy Douglas County Attorney, N-i-c-o-l-e G-o-a-l-e-y. On behalf of the Nebraska County Attorneys Association, our concerns have already been stated by the two speakers right before me. I agree with the comments that they made. Our concerns are, if there were a closing of the YRTC's at Kearney and Geneva, that that would eliminate the judges' only options to actually commit a juvenile somewhere. All of the other placements that are available to us, both in state and out of state, those placements have to accept applications for that specific juvenile, and so, again, it would put us in a situation where the judge, after the case is adjudicated and after we have those Office of Juvenile Services evaluations, wouldn't be able to say, this is the ultimate finding of the court. With regards to who is committed from Douglas County to Kearney or Geneva, I don't have the numbers. But I can say that, generally speaking, as has been testified to today, first they...we try probation at home. Next, you generally see the judges ordering, even after probation is revoked, another opportunity at probation with community services at home. Only after that is sometimes a local group home placement. You do

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see a lot of Douglas County juveniles that have to be placed out of state for serious gang issues. We're seeing a tremendous amount of sexualized behavior issues. And I've often wondered, instead of have them go to the out-of-state placements, if we could develop within our state... [LB561]

SENATOR ASHFORD: I think that's what we're talking about, Nicole. [LB561]

NICOLE GOALEY: Right. That would... [LB561]

SENATOR ASHFORD: Yeah. [LB561]

NICOLE GOALEY: ...have that here. So, in terms of that, it wouldn't necessarily be able to occur in the community for all of these kids for the serious offenders, but no disagreement that we definitely have needs that continue with these juveniles. I wanted to indicate that, at the front line, we're trying to, in the community, staff these cases, and we've talked about this before, the multidisciplinary staffings, even at the beginning of some of these juveniles' cases, to try to make sure that the therapy is in place, the intensive outpatient treatment is in place, and that in the community these things are happening. But we do often see that they are unsuccessfully terminated from those programs within the community, and that leaves the judges with then having to look at the out-of-home placements and then, when they're unsuccessfully terminated from those out-of-home placements, having to look at the YRTC's. But I am in full support of whatever ideas and community resources, efforts that we can get in that the judges can order for the juveniles locally, while in their home, that they're ordered as soon as they become available. If those resources are there, they're being ordered. [LB561]

SENATOR ASHFORD: And that's what the probation project is all about, and I think...but obviously, I mean, you would...would you agree with me that we...it's not...yes, you have to have a secure facility for very highly at-risk youth who are at risk to themselves and to the public. No question we all agree with that. The...I...this...what we need to do here in this bill now, this year, and not wait another year to talk about this again,... [LB561]

NICOLE GOALEY: Right. [LB561]

SENATOR ASHFORD: ...because we continue to talk about it over and over again, is to find what that secure facility should look like. [LB561]

NICOLE GOALEY: Right. [LB561]

SENATOR ASHFORD: And so even though we're taking very high-risk kids...and I think you're right. I mean, I think we actually send, from Douglas County, fewer kids to the YRTC's than Lancaster County, which is interesting. So we really do try, I think, to keep

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them in the community. I agree with that. But then we need to find...if Kearney is going to be a boys treatment facility in the future, we've got to find ways to make sure that we're not...other children who... [LB561]

NICOLE GOALEY: Right. [LB561]

SENATOR ASHFORD: ...other juveniles who are maybe not at that high-risk level... [LB561]

NICOLE GOALEY: Right. [LB561]

SENATOR ASHFORD: ...are not placed in a situation where they could be worse off just by the physical situation and not using evidence-based treatment. You're not arguing that. [LB561]

NICOLE GOALEY: Absolutely agree, right. [LB561]

SENATOR ASHFORD: You're just saying we've got to have a place to put... [LB561]

NICOLE GOALEY: Right. [LB561]

SENATOR ASHFORD: Okay, and I...yeah. [LB561]

SENATOR LATHROP: Okay, thanks, Nicole. [LB561]

NICOLE GOALEY: Thank you. [LB561]

SENATOR LATHROP: Next opponent. [LB561]

ALICIA HENDERSON: (Exhibits 12 and 13) Good afternoon. My name is Alicia Henderson. I'm the chief deputy of the juvenile division of the Lancaster County Attorney's Office, and I'm actually here speaking on behalf of the Nebraska County Attorneys Association also. The thing I want to talk about today is the diversion aspect of this bill because I think it's important to know that the County Attorneys Association is very supportive of more information about best practices, implementation assistance, networking among programs, adding possible additional funds for programs. Those are all really good things. And we had a...I had a conversation with Liz Neeley just yesterday about our...the County Attorneys Association's concern about the bill, and we had a very good chat, you know, about the fact that we're very supportive of...and, actually, the information that I'm giving you is a project that we were doing in Lancaster County that Dr. Anne Hobbs actually talked about that she evaluated our process. And our process was not an evidence-based practice. And I want to emphasize that, that we started something because we thought it might work, but it was not yet evidence based.

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And Anne Hobbs worked with us to do this study to determine whether or not it is evidence based or not. So I just caution you that, if you use evidence-based words, you've got to also allow for flexibility. But it ended up reducing the number of filings. It's actually provided for greater long-term...well, excuse me. Children are less likely to be back in the system recidivating if they are not dealt with at all than if they go to diversion, so we actually found out that diverting some kids is actually causing them or is correlated with them committing further offenses. So I provided you with the study, and of course I did the lawyer thing. I highlighted in pink the important part, which is on the second and third page of it, so you'd be able to get the gist of it. But I just wanted to let you know about that. Anyway, the concern with the bill as it's written is really more of a separation of powers issue. The notion that the judiciary is responsible for Probation, Probation would be responsible for the Office of Juvenile Assistance, the Office of Juvenile Assistance would be responsible for diversion, you are then taking the executive function of diversion and giving...and having money be provided to it by the judiciary, having the programs and the eligibility requirements being determined by the judiciary. The County Attorneys Association has a real problem with that, and we would like to work with this...with you, Senator Ashford, to perhaps house this somewhere else because we think that the idea of having a coordinator is a great idea. It's very helpful. But we also think that there has to be some real care taken about where it's housed. People say, when you come here, give us a solution. Well, you may not like my solution, but at least it's a solution. It is that if you could house that sort of thing within the Crime Commission, that may be a place to put it. [LB561]

SENATOR ASHFORD: Well, we actually thought about that, so that's a good suggestion. [LB561]

ALICIA HENDERSON: Yeah, I mean, that may be a place to put it that would solve the problem, so. [LB561]

SENATOR ASHFORD: Yeah, yeah. [LB561]

SENATOR LATHROP: Okay. [LB561]

ALICIA HENDERSON: Anybody have anything else? Thank you. [LB561]

SENATOR LATHROP: I see no other questions. Thanks for coming. [LB561]

ALICIA HENDERSON: Thank you. [LB561]

SENATOR LATHROP: Next opponent. For the rest of you, while she's getting seated, if you want to signify your opposition by just signing the sheet and indicating, I oppose, and turn in the sheet, and you can do that as well. You can...in other words, you can register your opposition without being...not actually speaking it, if you want to elect to do

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that. So with that, we'll go to our next testifier. [LB561]

ARACELI MORALES: Okay, my name is Araceli Morales, A-r-a-c-e-l-i, Morales, M-o-r-a-l-e-s. If you guys wanted proof that the YRTC systems work, I'm here today, so. I was a troubled youth. I went through the probation system. I went through the foster home, through the group homes, through every routine that you guys had mentioned here today, and it did not work. I ended up at YRTC for...since '99 to 2003. It gave me the opportunity to graduate, something I wouldn't have done--excuse me, I'm nervous--without YRTC. By age 16 I had already dropped out of school and had joined a gang, done drugs, done alcohol, pretty much was addicted to it. I think closing it would be a really big mistake, or even considering limiting its income or whatever situation. It does help. It's...there...I'm friends with some of the group members that I had there, and they even said it, that it helps. It...they oppose to it. I think Geneva was my lifesaving place, to be honest with you, so I don't...I think with them I would have either ended up dead or in prison. Some of the things that were mentioned is...I guess when...you guys should probably think...is you guys are thinking about placing them in the same situation which did not help them before. The reason why they're probably acting up or the reason why they're doing drugs or something, it has to do...it involves something else behind their use, behind their attitude, and YRTC actually goes beyond that. And then, once they've figured out why you started doing this, that's when they start helping you with your problems, instead of just telling them, oh, hey, you're three years' probation. I mean, just because they're not caught doing high crimes at the first time that you guys put them on probation doesn't mean it's not going to escalate to that. It...everything starts low, everything starts small, so it just might...I guess just put a stop to it before they even go to prison. I think the income that you guys are worried about saving before you guys put them in the facilities would probably be the income you end up paying when they go into the adult system. So why not give them the chance to actually graduate or get a GED and actually give them a chance to become good citizens? So I think that's all I had to say. I had more to argue, but I forgot. (Laughter) [LB561]

SENATOR LATHROP: That's okay. It's important we hear from you. [LB561]

ARACELI MORALES: Okay. [LB561]

SENATOR LATHROP: What county were you...did you come from before you were sent to the YRTC in Geneva? [LB561]

ARACELI MORALES: Dawson. [LB561]

SENATOR LATHROP: Pardon me? [LB561]

ARACELI MORALES: Dawson. [LB561]

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SENATOR LATHROP: Dawson? [LB561]

ARACELI MORALES: Um-hum. [LB561]

SENATOR LATHROP: Okay. Senator Coash. [LB561]

SENATOR COASH: Thank you, Araceli. I had a similar question: What town? [LB561]

ARACELI MORALES: Lexington. [LB561]

SENATOR COASH: Lexington? [LB561]

ARACELI MORALES: Um-hum. [LB561]

SENATOR COASH: So you were at least, what, an hour and a half away from your family? [LB561]

ARACELI MORALES: Yeah. I think it's two and a half. [LB561]

SENATOR COASH: Two-and-a-half hours away from your family? [LB561]

ARACELI MORALES: Um-hum. [LB561]

SENATOR COASH: And did I hear you right? You were there for four years? [LB561]

ARACELI MORALES: Yeah. Yeah, I... [LB561]

SENATOR COASH: You went in and didn't come out for four years? [LB561]

ARACELI MORALES: Yeah. I was there, and I went on furlough and I decided to run away and again got placed in a place where I wasn't supposed to be. And I came back and decided to actually try it, to actually put my desire to change, so... [LB561]

SENATOR COASH: Okay. So there was a little break in there? [LB561]

ARACELI MORALES: Yeah, like three weeks. [LB561]

SENATOR COASH: Three weeks. But other than that, you had four birthdays... [LB561]

ARACELI MORALES: Yeah. [LB561]

SENATOR COASH: ...in Geneva? [LB561]

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ARACELI MORALES: Yeah. [LB561]

SENATOR COASH: And I'm going to ask you, because you lived there for four years, is that a long time? I mean, you had to have seen a lot of girls come and go in your time. [LB561]

ARACELI MORALES: Yes. [LB561]

SENATOR COASH: Was four years a...would you consider that a long stay when you looked at your peers that were there? [LB561]

ARACELI MORALES: Yeah, but it was my fault. Staff tried. I pushed them away. I got mad. I told them every word in the book. But they still tried, and I finally understood, hey, they're going to stick, so might as well try it. [LB561]

SENATOR COASH: How long did the...if you can guess, how long did most girls stay there? [LB561]

ARACELI MORALES: I'd say maybe about 7 to 12 months. [LB561]

SENATOR COASH: So, okay, so you...kind of a long term? [LB561]

ARACELI MORALES: Yeah, I went through quite a few groups. [LB561]

SENATOR COASH: Okay, thank you for sharing your story. [LB561]

ARACELI MORALES: Yeah. [LB561]

SENATOR COASH: It's important that you came here. Thank you. [LB561]

SENATOR LATHROP: Senator Davis. [LB561]

SENATOR DAVIS: And when you were there, tell me what kind of help you got to address the problems that you had. [LB561]

ARACELI MORALES: Like I said, they went to the root to try to figure out why I was doing what I was doing. And after that, I started receiving help with my drug and alcohol along with my self-esteem and counseling, so. [LB561]

SENATOR DAVIS: How intensive was the counseling? [LB561]

ARACELI MORALES: As needed. I mean, we would have group every day, and individual is as needed, as I requested it, so. [LB561]

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SENATOR DAVIS: Was part of it a marking time kind of process or was...were you working on growth every day you were there? [LB561]

ARACELI MORALES: I was growing on growth every day pretty much. That time, we would journal, so...and staff...or our group leader would read it, and she would ask...if there was something in great concern, she would ask us and be like, you know, talk to us about it. [LB561]

SENATOR DAVIS: And of the other girls that were there, do you have any idea how many of them had had extensive treatment before they got there? Or were a lot of them just starting in there? [LB561]

ARACELI MORALES: All of them. [LB561]

SENATOR DAVIS: All of them had had treatment prior to that? [LB561]

ARACELI MORALES: All of them had been through probation, through group homes, through foster homes, counseling, everything, so. [LB561]

SENATOR DAVIS: And just one more time, can you kind of go through what happened before you went there with us? [LB561]

ARACELI MORALES: Like what I would... [LB561]

SENATOR DAVIS: I mean the steps that were taken before you ended up in Geneva. [LB561]

ARACELI MORALES: Oh. I was...first, when I got into the first trouble, I got placed back home. Obviously, that didn't help. And then I got placed on probation and it still didn't, so I got placed in a foster home. I...that didn't work and got placed in group home. That didn't work, and finally got placed back home. I think they were kind of getting tired of me. And then that didn't work, so the next step was YRTC and it's what happened. My father said, you know what, take her, I can't anymore, so. [LB561]

SENATOR DAVIS: And so during that whole process, was there treatment that was going on, or was it just a court appearance and then you were being shipped? [LB561]

ARACELI MORALES: I think there was counseling once a month. [LB561]

SENATOR DAVIS: Once a month. [LB561]

ARACELI MORALES: Um-hum. [LB561]

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SENATOR DAVIS: Well, I wanted to tell you, I congratulate you on this way you've turned your life around. I think it's marvelous. [LB561]

ARACELI MORALES: Thank you. If I didn't believe in this...I used to hate it, so...and now, for me to defend it, it's kind of (laughter)...it should say a lot about the system. [LB561]

SENATOR DAVIS: Thank you. [LB561]

ARACELI MORALES: Thank you. [LB561]

SENATOR COASH: I have one more question. [LB561]

SENATOR LATHROP: Senator Coash. [LB561]

SENATOR COASH: When you were there, was part of your treatment, part of your experience staying connected with your family? [LB561]

ARACELI MORALES: Yeah. [LB561]

SENATOR COASH: Or was that even a possibility for you? [LB561]

ARACELI MORALES: Yes, they encouraged it. But due to both of my parents working and low income, they weren't able to make it all the time. [LB561]

SENATOR COASH: It was a challenge, but...and the reason I ask that is because we often hear that if a kid goes two-and-a-half hours away from his family, her family, a support, that treatment is just less effective unless you find ways to connect that kid with their family. I just wanted to know if that was part of your...I mean, there were challenges. But was it part of the...because did you end up going back to Lexington after you left Kearney--or Geneva? [LB561]

ARACELI MORALES: Yeah, yeah. [LB561]

SENATOR COASH: You did? [LB561]

ARACELI MORALES: Um-hum. [LB561]

SENATOR COASH: So you went right back with family and...? [LB561]

ARACELI MORALES: Um-hum, but I was mature. By the time I got out of there, I had matured enough, and they had switched my mind already that I wasn't going to get into

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trouble, so. And what helps that YRTC programs is volunteer programs. You know, they take you out until you...they take you out, and it's a great program, also, where they help, so. [LB561]

SENATOR COASH: All right. Thank you for your insight. [LB561]

SENATOR LATHROP: Thank you very much for coming down,... [LB561]

ARACELI MORALES: Thanks. [LB561]

SENATOR LATHROP: ...having the courage to testify about that stuff. Next opponent. [LB561]

JULIE DAKE ABEL: (Exhibit 14) Thank you, Vice Chairman Lathrop and members of the committee. My name is Julie Dake Abel, J-u-l-i-e D-a-k-e A-b-e-l, and I'm here today to testify in opposition to LB561 and the closure of the YRTCs. I'm the executive director of the Nebraska Association of Public Employees, NAPE/AFSCME Local 61. We are the union that represents the frontline staff at both the Kearney and Geneva YRTCs. We believe that LB561 as written would destabilize a system that's already in place. The closure of both YRTCs by January 2015 would further destabilize an already unstable system. This further destabilization will lead to higher staff attrition, fewer applicants and, thus, increase the likelihood of higher inadequacies of care and increased violence within the facilities, which we are already seeing in Kearney since the bill's introduction. For instance, during the month of January, in Kearney they had a very high rate of assaults. In fact...and I think that Director Pristow stepped out, which is unfortunate. But when Director Pristow and Dr. Lee were recently at Kearney to visit, where there had been an assault on staff that took place the night before, those and the other youth were then quickly moved out of Dickson, where the seclusion unit is, right before the doctor and the director came to visit. While we know that the Legislature has made some really good attempts at improving the conditions at the YRTC and have been looking at juvenile justice, which we greatly appreciate, such as some limited staffing increases last summer...also, LB981, introduced by Senators Ashford and Hadley, for renovations to the YRTC in Kearney was also introduced last session but ultimately was indefinitely postponed. But we do appreciate some of the efforts that have been made. We have concerns about, certainly, the closure of facility, which would cut roughly 300 total positions in both Kearney and Geneva. Those are valued positions where we believe that quality, long-term employment can be difficult to obtain. Additionally, if those facilities and, thus, the staff--of course, as the bill is written--are moved over to report to the Supreme Court, those staff there will lose their collective bargaining rights and will almost immediately be stripped of all their union and contractual rights. LB561, we believe, impacts more than meets the eye. According to correspondence I received from HHS, they do not believe that OJS workers that work in child welfare are included in the fiscal note in this bill. We believe there are roughly about 50 of those workers across the

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state that do both OJS and child welfare work. We have requested that information from HHS almost six weeks ago to identify those workers. But they don't believe those workers are included in the fiscal note, so they would not give us any information. And I'll try to wrap this up very quickly. We also believe that LB561 in its form does not give enough time to establish a community-based program. Unfortunately, this is not the first time in front of this committee talking about the YRTCs. And we would also like to say that one of the points here is that we do think there are great things that can be done with the facilities, and one of the things is to manage those facilities adequately, which is much more of a concern at Kearney than it is to Geneva to us. And I see I'm out of time, so I'll just wrap it up with one more thing, if I could? LB561 does not seem to garner input from workers most familiar with the system, so I would hope, and as there are probably going to be more conversations and work done on this, that we could involve more of the frontline workers with the intricacies and needs of the juvenile justice system. [LB561]

SENATOR LATHROP: Very good. Thanks, Julie. I see no questions. [LB561]

JULIE DAKE ABEL: There will be a couple of other employees from the facilities that will be testifying too. [LB561]

SENATOR LATHROP: Okay. [LB561]

JULIE DAKE ABEL: Thank you. [LB561]

SENATOR LATHROP: Thank you. Next--pardon me--opponent. Welcome to the Judiciary Committee. [LB561]

SHARON KENNEL: Thank you. My name is Sharon Kennel, S-h-a-r-o-n K-e-n-n-e-l, and I speak to you from my 31 years of experience as a member of the Community Advisory Board out at the facility at Geneva YRTC. The advisory board meets once a month during the school year and eats supper with the girls. And then, as we visit with them, we check in with them, see how things are going, ask them, you know, what needs to change or what are your good thoughts about YRTC. And then we take those comments back to our advisory board. We, by doing that, have become very well acquainted with the programs and with the girls who come there. We have witnessed the importance of the YRTC-Geneva and have become deeply committed to the cause of the girls and the very important treatment they receive while in our circle of care. It is a goal of the YRTC to provide a safe, secure, and nurturing environment for the girls and staff, which is essential for learning and treatment to be effective. There are clear expectations for behavior and a system of accountability for girls and staff that promote mutual respect, self-discipline, and order. The physical safety and well-being of the girls and staff is a priority. We often ask the girls and staff if they feel safe, and seldom do they say they don't feel safe. Meaningful opportunities for service and study are

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provided to the girls to improve their education and vocational competence, thus, preparing them to live responsibly in the community. The community has been very accepting of the facility, its purpose, and the girls who come there. Girls are given opportunity to volunteer in the Geneva community. There are some words that have been used to describe YRTCs, and I'm speaking specifically for Geneva, words like "antiquated." The center has been there a long time, but programs are constantly being updated and critiqued by accrediting agencies. If you look at the programs...we would invite all of you to come and visit, take a tour of the campus, and hear our story of all the successes that we have been experiencing there. We have...we feel that if we don't hear our youth and hear their pain, we will feel their violence. Another word that's been used is "unnecessary." One girl commented that if it wasn't for YRTC she wouldn't be here today. There is a motto at the gate of YRTC that says, "I come here to find myself; it is so easy to get lost in the world." The Youth Rehabilitation and Treatment Center in Geneva has been helping girls find themselves and go on to be productive citizens for 121 years. Closing this facility would be a significant loss for our state and for the youth who have been given another chance to find their best purpose in the world. [LB561]

SENATOR LATHROP: Very good. Thank you for your thoughts, Ms. Kennel. I see no questions. The next opponent. [LB561]

RICHARD WEHLAND: Committee, my name is Richard Wehland, W-e-h-l-a-n-d. I recently retired from employment at the Youth Rehabilitation and Treatment Center after nearly 44 years. I spent nearly 40 of those as principal of the school in the system. So I could easily speak for the three minutes just about the school, but there's a lot more to the success stories. You have heard one success story. Araceli did graduate from our school. And just quickly explain the school system within the YRTC is accredited by the Department of Education. We issue our own diplomas, and they read, "Geneva North School." Many years ago we were the first school in the state to be accredited as a special-purpose school, and that was the result of looking at the special population that we serve. We were able to negotiate with the State Board of Education and receive that level of accreditation quickly followed by Kearney West at Kearney, the state's own schools for the blind and the deaf, and also university correspondence (inaudible). So that was important to us to meet the needs of the students that we were serving. We've also recently attained accreditation as an advanced education school, which formerly was known as North Central Accreditation. We graduate approximately 20 to 25 percent of the students with a high-school diploma while they're at the facility, and there are usually two or three more that will complete a GED during the time that they are at the institution. As principal, I receive requests from schools, students requesting school information, which indicates to me that these students are going out and being successful. I also receive requests from personnel at the Nebraska Center for Women in York on a much infrequent basis. I seldom would get that. I have also personally had the occasion many, many times to visit that campus. Yes, I might see a student or two, but not very often. Nebraska does not track students out of the juvenile system into the

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adult, so you can't give absolute estimates. I feel the percentage is relatively small. And I do want to just make one comment. We look at all these different reports; we talk about success rate; we talk about recidivism. Juvenile services are always judged by recidivism, which is a failure rate, and we recognize that. But a failure rate of...recidivism rate of 9 percent indicates a success rate of 91. That's pretty good. That's pretty good. So thank you. [LB561]

SENATOR LATHROP: Thank you for your testimony, for educating all those young ladies that were out there over all the years you were there. And I just can't help but make this comment because I've had about three or four people tell me one of the shortcomings of our tracking is we only track them for one year after they leave the YRTC. So they could become...a lot of things could happen after one year. [LB561]

RICHARD WEHLAND: That's true, that's true. [LB561]

SENATOR LATHROP: Okay. [LB561]

RICHARD WEHLAND: But in my situation I've seen requests that came in for information, and that's outside of a tracking system. [LB561]

SENATOR LATHROP: And encouraging. [LB561]

RICHARD WEHLAND: Yes, very. [LB561]

SENATOR LATHROP: Okay, terrific. Thanks, Mr. Wehland. Next opponent. [LB561]

SENATOR SEILER: Would you drive down and pick them, Frank? [LB561]

FRANK HEINISCH: (Exhibits 15-17) Absolutely. We believe in paperless now. (Laugh) My name is Frank Heinisch, F-r-a-n-k, Heinisch, H-e-i-n-i-s-c-h. I'm a lawyer in Geneva, Nebraska. I am here to speak in opposition of LB561. I have served on the advisory board for, I think, about 35 years. I've done this where I've met with the girls and the administration over the years, eat dinner with them at least ten months out of the year. I have a pretty good layman's understanding of what's going on. Professionally, I'm not into the juvenile justice system anymore. I was a county attorney, or deputy county attorney, for 18 years, but been out of that a couple decades. I am active as the chairman of CASA in our community, and I do work with the boys in a group home, the Heartland Boys Home, so I have been active with youth over my career. I want to emphasize just a simple story with Geneva is that we have a success. We are a rehabilitation center, and we have successfully worked as a rehabilitation center. We talk about detention centers. Geneva is where the girls end up when there's no other place to go. Our experience has been these girls that have been to Geneva have been through all sorts of different programs. We advocate those programs. We think the

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community-based programs are essential. But there is a certain point where you have to take care of the girls that come in. Now once we are taking care of these girls, they have gang issues, they have mental issues, they have behavioral issues. It's amazing what they bring in and the product that they put out with a success of someplace in the 90 percent/91 percent. I talk to the girls about feeling safe. They feel safe. I have talked to the girls about is this what they expect. It's much better than they expect. Do we have individual counseling? Yes. All of these mass group statistics that we're getting just do not relate to Geneva. We talk about the Hagen. We are in the...we were in the top five finalists out of 110 facilities as far as being as successful. We had an employee that, on the mothers with children, that was the best of the best in the country that was recognized. We have a 70...about 60 to 70 volunteers of our community that come in and work. We have a lot of individuals that are well acquainted with how do you work with these young ladies. To think that you can put these failures, the ones that have gone through the system and failed, and now put them out into someplace else, it just will not work. We need a place for ultimately where these kids go. With that, I'm the fourth and the last one from Geneva, so I'll give you a breath of relief on that and open this up to questions. [LB561]

SENATOR LATHROP: Great, Frank, good to see you. [LB561]

FRANK HEINISCH: Yes, sir, yeah. [LB561]

SENATOR LATHROP: I see no other...I see no questions, actually. You must have been crystal-clear. [LB561]

FRANK HEINISCH: Absolutely. Well, I anticipated an abbreviated time piece, so I have written my comments and thoughts down. [LB561]

SENATOR LATHROP: Okay. [LB561]

FRANK HEINISCH: I have provided the annual report of the Geneva YRTC, which has a lot of the facts and statistics. [LB561]

SENATOR LATHROP: And, you know, we should recognize the work that you and the others on the advisory board have done for the YRTC at Geneva because it is a...and, you know, it's getting a lot of support because it's done a lot of good, and you guys have all been an important part of that. So thank you for what you've done. [LB561]

FRANK HEINISCH: You're quite welcome. Thank you. And I just feel there's a mission that we are kind...the state is kind enough to bring these kids out to us that have a problem, and we'd like to see if we can add to their quality of their life. That's really what it's about out there, and it's a lot of people in Geneva. It's well recognized that there's a mission that we...well, we enjoy taking...a lot of people take the kids into their homes.

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They work in the community, volunteer. It works out neat. [LB561]

SENATOR LATHROP: Good. Thanks, Frank. [LB561]

FRANK HEINISCH: Thank you. [LB561]

SENATOR LATHROP: Next opponent. And, while he's having a seat, how many people still want to or still intend to testify in opposition? Okay, good, good. All right, we're moving right along. Welcome. [LB561]

ARRON ADAMS: (Exhibit 18) Chairman Ashford and members of the Judiciary Committee, my name is Arron Adams. That's spelled A-r-r-o-n A-d-a-m-s. Of nearly seven years working at the YRTC I have seen many ups and downs, more ups than downs. I'd like to start by saying I oppose LB561, although I do agree that changes are needed among the juvenile justice system in Nebraska. I will begin by stating that these are my personal opinions on LB561. I personally feel the people of this state are uneducated on what the purpose of YRTCs are. Although recent incidents have been publicized by the media, the image and stereotypes of other facilities have been used to make the employees of YRTCs look like prison guards, and it does not show the therapeutic and rehabilitative aspects of the facilities. Recently the media has shown pictures of youth in shackles and chains, which rarely happens. And when they are used, they're for protection of the youth and employees. Programming changes at YRTC have met some resistance due to it being more challenging for the youth. They are now expected to look at their cognitive thinking rather than focusing on their behavior. The program stresses the principles of daily living. Every day each youth participates in a mutual help meeting in which the group and a youth counselor meet and offer structured and individualized help. The youth also participates in EQUIP meetings twice a week while learning anger management, social skills, and social decision making. The youth all attend an accredited school for seven hours daily. This resistance is in part to the youth knowing that they are at a point where they must learn to change, and they can't get kicked out of a program or their school. Some youth have even compared YRTC to a boarding school. As I mentioned before, the perception of our purpose is not clear. You could ask the majority of the youth who are at YRTC and they would agree: They don't necessarily like it, but they understand why they are there. Some youth laughed at the fact that they were on probation and it was not followed up with. Many of the youth have sold drugs outside of an NA or AA meeting, and it was enough money to provide for their families. It's also noted in LB561 that youth are committed for nonviolent crimes. There is some...this has some truth due to the fact that oftentimes the youth committing offenses was...the final straw was a minor probation violation. What needs to be looked at is the number of assaults and weapons violations that led to probation. Now I've got a yellow light, so I'm going to move to the final part of my statement here. The open dormitories seem to be a major concern for a lot of people. I've worked up there for seven years. We have one facility...or one building on

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the facility that has individual rooms, and there has been problems with that. There's been sexual assaults; there's been physical assaults; there's been contraband hidden in those rooms. The open dormitories are a safer place because the staff members on duty can see everybody. They can observe the entire, open unit. And it should also be noted, as far as the open dormitories goes, there's more assaults that happen outside of the facility, the buildings. There's no fence, and more assaults happen outside of that dormitory than in the dormitory. [LB561]

SENATOR LATHROP: Good. [LB561]

ARRON ADAMS: Thank you for your time. [LB561]

SENATOR LATHROP: Thank you, Arron, for your testimony. I see no questions. [LB561]

ARRON ADAMS: All right. Thank you. [LB561]

SENATOR LATHROP: Next opponent. Welcome. [LB561]

ROBIN SMITH: (Exhibits 19 and 20) Good afternoon. I'm also sending out a letter from the employees of YRTC that's signed by 45 people in opposition to this bill. [LB561]

SENATOR LATHROP: Okay. [LB561]

ROBIN SMITH: My name Robin Smith, that is spelled R-o-b-i-n S-m-i-t-h. I am an employee at the YRTC in Kearney and I'm here to testify...here testifying on my own behalf or on my own time on behalf of NAPE/AFSCME Local 61, the union that represents most of the employees at the YRTCs at both Kearney and Geneva. I'll be testifying in opposition of LB561. I have many concerns with the bill. These concerns include the projected closure of both Nebraska Youth Rehabilitation and Treatment Centers by January 2015 immediately destabilizes an already unstable system. When the regional centers were greatly downsized some years ago, many of those youth with mental health needs ended up at the YRTCs because there was no place for them. We cannot make the same mistake and close more facilities for the youth only to have them be returned to their communities where there's a lack of resources and services for them or worse have these youth wind in prison. This hearing has a familiar ring to me. Fifteen years ago, I was here and listened as then-HHS-administrator Jessie Rasmussen told that committee that the community-based services were established and here to stay. In fact, she said we were over the hump when it came to availability of these services and that the YRTCs would be gone in ten years. I also heard somebody use the word seamless system. She used something similar to that word. YRTC-Kearney's youth population has increased dramatically a couple of years after that, those statements. Now 15 years later, a committee is again going to make

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promises of community-based services which Nebraska has a bleak history of maintaining, promises that probably won't be kept. Such an imminent closure date will lead to higher rates of staff attrition and fewer applicants, and this will undoubtedly lead to more violence at the facility, both in juvenile-on-staff assaults and juvenile-on-juvenile assaults, as we have already seen since the announcement of the bills close at the YRTC's. The kids think they get to go home. They're reading it in the paper. We need to fix these things first. LB561 fails to address or value frontline staff currently serving the Office of Juvenile Services. The closure of the facilities in Geneva and Kearney will cut roughly 300 positions. In rural areas, such as Geneva and Kearney, quality, long-term employment is difficult to obtain and such cuts will strain those rural area's economies if provisions are not made for current staff to stay employed. What we need to do is this: Use the existing facilities and staff to make the system better for the youth and all involved. With good training and improved structure and leadership, we can make a more positive difference in the youth, but we must be given the tools and resources so we can actually provide rehabilitation for the youth, as it should be. In closing, I would ask that you support the YRTC's with the increased staff, training, and give us the tools to try to make the centers at Kearney and Geneva work how they were intended to. So let's not throw the baby out with the bath water. [LB561]

SENATOR LATHROP: Okay. Thanks, Robin. I see no questions. So we will, with that--thank you--take the next opponent. Good afternoon. [LB561]

NANCY LYON: Good afternoon. My name is Nancy Lyon. I am a teacher at YRTC. Lyon is spelled L-y-o-n. And I've been there for 28 years and working with the boys, and I've been one that's been called every name in the book and threatened and everything else, but I'm still there. I personally oppose LB561 on so many different levels. I'll be the first to say we're not without our problems, but it can be fixed. I understand the need to get them near their family. But in real honestly, sometimes family is the problem, the neighborhood is the problem, the schools are the problem, people in the schools, and there are the victims there. Some of our kids have done tremendous amount of damage and hurt so many different people. Or the fact remains it did they did commit a crime in the state of Nebraska. YRTC is not their first rodeo. I mean, they work at beating the systems and they're really good at it. But the bottom line is they're not following directions from teachers, parents, JSO, caseworkers, anybody. They're out of control. What we do at YRTC is that we stabilize them. We eliminate the clutter out of their lives so they can work on their own issues. They're taken out of their comfort zone. And you know that many times when you're out of your comfort zone, that's when we get the most personal growth and see the changes. Dr. Lee talked about the different therapy skills and things. We do that at YRTC, only we call it the EQUIP program. It's basically the same thing, he talked out it. It's the EQUIP program and it is evidence-based. YRTC is not a cookie-cutter approach. Everything is individualized down to what math they work on, what school they go through, whether they get their GED. But they also have the opportunity to work in a group and sometimes they need to learn how to get along

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with other people that are different races, different ethnic groups, different thoughts. Now the city of Kearney embraces YRTC kids. They love it when they come out for community service. They're treated with dignity and respect. We do walking the dogs for the humane society, Salvation Army, Head Start, local schools, Habitat for Humanity. And the adult volunteers work right with the youth. They're not barking orders at them. They work right with them. And with agricultural, some of the kids in the east have never seen a cow or pig up close. This gives them an opportunity to ask questions about it. Well, what do you do? What do you...how does this all work? And then it's fun to sit back and watch because those volunteers will start sharing with them about how they were troubled as teenagers and how they turned their lives around and doing things like that. Not only do they do the volunteer, but then they can go to the career ed classes and they can put it on their resume to say this is what I did for job experiences for later on. Another thing is with the volunteer, these kids come back and they say to me, you know, I took my mom and dad out and we showed them the Habitat for Humanity house that we laid sod on. They'll take them to the agricultural thing and go there and watch them sell the pigs or whatever and say, here, we did this. And they go through Kearney and show them all the things. This provides the families a safe place to start reconnecting and something to talk about. And so they start rebuilding lives. You know, I've been there for 28 years and I wouldn't trade a minute of it, and the kids do need to take responsibility for their own actions and sometimes I think they're, you know, let off the hook because, well, you poor little thing. They know very well what they've done. [LB561]

SENATOR LATHROP: Good. I see no questions, Nancy. Thanks for coming down though. We appreciate hearing from you. Next opponent. [LB561]

SUE BOKENKAMP: Good afternoon. [LB561]

SENATOR LATHROP: Good afternoon. [LB561]

SUE BOKENKAMP: (Exhibits 21 and 22) Chairman Ashford and members of the Judiciary Committee, my name is Sue Bokenkamp, spelled S-u-e B-o-k-e-n-k-a-m-p. Yeah, I was sitting here last year, too, so (laugh) I'm back this year. I am a teacher at YRTC and I am here testifying on my own behalf and on behalf of the State Code Agency Teacher Association that represent all the teachers at Kearney and most of the teachers at Geneva. I am testifying in opposition of LB561. I've spent the last 28 years teaching the young men who enter YRTC and attend West Kearney High School. And I've heard a lot of testimony today and I've never really thought of our facility as a place where we lock someone up and throw the key away. I've always thought of it as a treatment facility and modality. The young men that come through our doors are hardly first-timers. And, has been testified by other people here today, you have to look beyond what the initial assessment might be or what they've been doing before. The youth we work with generally have been through numerous programs, such as diversion

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programs, alternative schools, counselling, and many other programs without the needed results. We have seen numerous community-based organizations and adolescent services closed in the past five years. This is a huge concern for me. I gave you a list of 17 programs serving youth that have closed or were suspended since November of 2008. All of these services have the same goal and that was to service...to help youth. YRTC at Kearney has implemented a new program and many new services to meet the needs of the youth that are being sent to YRTC. I feel we are meeting many of the needs that the community-based organizations used to meet. We had kids sent to us that didn't meet our criteria necessarily and we're forced to provide those programs and I think we've stepped up to the plate. Psychiatric services, psychological services, we have a mental health department, we've added five new licensed mental health professionals to the already existing four. We have an excellent school system. And I'm going to skip a bunch because I have a yellow light. But I will tell you that I believe that the youth come...the reason, a lot of the reasons for LB561 was so that each community could serve the needs of the youth. And I don't disagree with that. I think that's important for them to do that and I think they've had opportunities to do that and I would like them to continue to have those. But I also believe that the youth come across Nebraska to YRTC are given the opportunity to get out of an environment that may not be the best environment for them. And they will have an opportunity to make the changes necessary to be successful without the outside influences that have influenced them and sent them to YRTC. Now in closing, I'm going to speak on both my husband and myself as a taxpayer. And I'd like you to consider the cost of proposed LB561. Closing down two existing facilities only to replace them or rebuild them or relocate them in other cities would be an added cost to the taxpayers. Keeping the current facilities and utilizing this existing staff would appear to be a lot more economical and would provide the same outcome. If you are actually considering not closing them down and utilizing them to put the high-risk youth there, then I would highly, highly ask you to consider the structure, the tools, and the leadership you put in that facility to run that facility if that's the case. I also would expect and encourage you to use the frontline staff to help you plan and implement that structure if you plan to do that. Thank you for your time. I'll take questions if you have them. [LB561]

SENATOR LATHROP: Thanks, Sue. I see no questions. [LB561]

SUE BOKENKAMP: Okay. [LB561]

SENATOR LATHROP: Thanks for your testimony. [LB561]

SUE BOKENKAMP: Yep. You're welcome. [LB561]

SENATOR LATHROP: Next opponent. I'm thinking I'm about done with opponents, is that right, or do I have more? Okay. Our last opponent. And then by a show of hands of neutral testimony. I'm looking at one, two, three, four, five, six. Okay. Welcome. [LB561]

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BILL WILLIAMS: Thank you. My name Bill Williams, spelled B-i-l-l W-i-l-l-i-a-m-s. I am the director of program operations for a community-based program called Compass based out of Kearney, Nebraska, and I'm also on the advisory board at YRTC in Kearney. I spent the last 23 years working with at-risk juvenile population in group homes, youth shelters, and other treatment facilities, out-of-home care. I've worked with kids as they come out of detention facilities and I've worked with those kids as they're working their way towards them. And I understand the need for community-based programs. In fact, I left as director of a residential program to start a brand new community-based work to address the needs of at-risk teens. And so I applaud you for trying to take steps to bring community-based programs to our communities. I saw the need for the services at the local level and I sought to meet it when I cofounded Compass six years ago. The closing of YRTCs would likely help my current work. I'm have more work to do. We'll have more families to serve. It'll bring my organization growth. But I don't want that. I don't want it at the expense of losing the YRTCs. I've seen the faces of these kids coming out of a YRTC and I've had the privilege of opening my home personally to several of the youth. Six kids coming out of YRTC have...had no place to go have called my home their own. I've opened my home to them and I wish these kids never had to go to YRTC, but they did and there was a reason for it. I wish that YRTC wasn't necessary but it is. We need change and I appreciate that you're addressing that. And I hear some good things that I heard today, but we need to be realistic. Closing YRTCs come at a cost. Are we prepared and willing to pay that cost? How much is it going to cost our communities? I heard a gentleman speak earlier about the lack of programs and services in Sarpy County. Well, if they're not there, where are they everywhere else? Can we meet those costs? Are those services available? MST is great. IFP is great. IOP is great. But they have limitations and those services aren't readily available. Closing YRTCs will not solve the youth offender crisis any more than closing our hospitals will make us healthier. We shouldn't look at YRTC as if it's the cause of the crisis. They're needed because of the issues in the local communities. We should seek to make them effective centers to meet the needs of a small number of kids that can't be served in their home communities. They're not the problem. They should be seen as a solution. Proponents to close YRTC throw out phrases like evidence-based treatment, more education, home-based services. This sounds attractive, but it's more like a slick salesman pitching on late-night television because it's an oversimplification of a complicated issue. I can make the same argument for closing local fire departments so we can eliminate 90 percent of all house fires if we have better education and exercise safety. So instead of a fire department five miles away with expensive buildings and million-dollar equipment and costly manpower, we can replace it all with smoke detectors, fire extinguishers in the home. (Laughter) No. When my house is burning down, I need the fire department. We don't need a fire department when we burn a casserole on the stove, but when the flames are shooting out the building. In the same way, and let me just close, in the same way, we need YRTC not because of overdue library books, but we need YRTC to deal with serious offenders,

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criminal behavior, violent juveniles, and those things until they can be served in their communities. Thank you. [LB561]

SENATOR LATHROP: Okay. Thanks, Bill. [LB561]

SENATOR ASHFORD: Let me just...can I just ask... [LB561]

SENATOR LATHROP: Yes. [LB561]

SENATOR ASHFORD: The population of YRTC Kearney is about 500 annually, and by everybody's assessment that...we've worked on this issue now for five years, so we've looked at the population, we've looked at where these kids go after they leave. [LB561]

BILL WILLIAMS: Right. [LB561]

SENATOR ASHFORD: And by anybody's definition it appears as if about half of that group of 500 are what we call high-risk offenders that need to be in a secure environment and about half are not. Okay. [LB561]

BILL WILLIAMS: Okay. [LB561]

SENATOR ASHFORD: And do you...well, so if that is correct and it may not be absolutely correct, but should that be correct, if we're spending what we're spending on the 250 youth that don't have to be there... [LB561]

BILL WILLIAMS: Sure. [LB561]

SENATOR ASHFORD: ...and should be in other sort of...other options, doesn't that make sense to you? I mean, you're...if we're paying those kinds of dollars... [LB561]

BILL WILLIAMS: Right. [LB561]

SENATOR ASHFORD: I mean, I think that's a lot of what we're trying to say here. [LB561]

BILL WILLIAMS: No, absolutely. [LB561]

SENATOR ASHFORD: Okay. [LB561]

BILL WILLIAMS: And the cost of caring for children, caring for kids in out-of-home care is extremely expensive. That's... [LB561]

SENATOR ASHFORD: Right. And if they go outside the state and they go into...

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[LB561]

BILL WILLIAMS: Absolutely. [LB561]

SENATOR ASHFORD: ...oftentimes into not juvenile treatment center...juvenile detention centers but in treatment centers that it doubles, triples. The cost even goes up more than that. So... [LB561]

BILL WILLIAMS: That's right, but... [LB561]

SENATOR ASHFORD: So here's my question. [LB561]

BILL WILLIAMS: Okay. Yes. [LB561]

SENATOR ASHFORD: So I agree with you that...and I agree with everybody that's been here today talking about Kearney and Geneva that are providing a necessary service to the state--no question. My concern though in bringing this and obviously if we talk about closing a facility, it's going to get a reaction. That's not why I did it that way, but it was clear to me that the...that some sort of dramatic, you know, effort was needed to get to bottom of this problem. If half the kids there don't need to be there, and maybe it's fewer at Geneva than Kearney, but...and the cost is what it is, and those dollars could be reallocated for community-based care or for providing additional care at Kearney, doesn't that make sense? [LB561]

BILL WILLIAMS: It may make sense to a degree. But here's the thing--here's the thing--the number of residential beds that we have in Nebraska continues to decline. We had group home IIs. We got rid of group home IIs. [LB561]

SENATOR ASHFORD: Right. [LB561]

BILL WILLIAMS: Group home Is, they went away. And we needed less kids in care. That's why we...that's why I left the residential arena... [LB561]

SENATOR ASHFORD: Okay. [LB561]

BILL WILLIAMS: ...because we need less kids at that level. But we're down to the point where there's not...if we have... [LB561]

SENATOR ASHFORD: Yeah, but what you're doing I get that. I get that. The point that was made by the teacher, and I remember we talked to Kearney one time and she's done a great job, and everybody's done a great job. But what I...here's what I'm getting at here. And then we can go on to the neutral testifiers. We've been here a long day. But it seems to...a long time, but it seems to me that if we better define those youth who

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need that level of care, okay, we better define them because there's no standard in the statutes now. [LB561]

BILL WILLIAMS: Right. [LB561]

SENATOR ASHFORD: I mean, it's just a crapshoot. I mean, it depends on what capacity is available in a particular community. It depends to the...a point has been made about the number of times a juvenile is before that particular judge and there gets to be just totally fed up. Or you get into the OJS situation where you have an evaluation. The evaluation is the same evaluation for every kid, recommends, you know, residential care. Boom! Kearney is the only option. That's not a way to run a railroad. It seems to me that we have to have a much more specific criteria... [LB561]

BILL WILLIAMS: Absolutely. [LB561]

SENATOR ASHFORD: ...about who goes there. And then once they're there, and yes we need residential care, obviously we do, once they're there, number one--number one--we have to make sure that it's the highest level of care, that that care is appropriate. But then we need to follow those kids after they leave. And we are not doing that as a state. That's not the fault of Kearney. [LB561]

BILL WILLIAMS: Right. [LB561]

SENATOR ASHFORD: But we're not doing that. And so what I'm looking at, at least, and then I'll stop making a speech because that's not fair, but what I'm looking at, I'm looking at a continuum of care that says let's do a better job at that early stage. And I thought the comment, I hope I got it, it's Ms. Morales--is that correct name--okay. She's absolutely right. I mean, that she went through all sorts of situations before she ever got there. What I'm worried about is that case. There's go to be a better way--there's got to be a better way--for her and for people in her situation to have the kind of care earlier in the process... [LB561]

BILL WILLIAMS: Absolutely. [LB561]

SENATOR ASHFORD: ...and the diagnosis made there at that early stage so that she didn't have to spend four years in Geneva. And thank God she had the care she did and she's okay and she's doing a great job. There was a great article in the newspaper about her over the weekend. That's terrific. I think what I'm getting at, at least, and what the committee has been struggling with for five years or six years on this is this continuum. [LB561]

BILL WILLIAMS: Absolutely. [LB561]

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SENATOR ASHFORD: Okay. [LB561]

BILL WILLIAMS: Can I just say this? [LB561]

SENATOR ASHFORD: Yeah, and go ahead and answer me. But I don't think it's some bludgeoning of...I mean we're not trying to say that...we're not trying to suggest that there's not a need for this kind of situation to exist in Nebraska, to have that kind of facility. [LB561]

BILL WILLIAMS: Right. I guess my concern, even outside of that, even if we accept everything that you just said, the concern that I continue to hear--and this is where I work right now, it's what we started--is the community-based services still have a limitation. And the limitation is their only as successful as the level of participation that we receive from the kids in our care and the kids that we care for and the families that we invest in. [LB561]

SENATOR ASHFORD: And what I...and... [LB561]

BILL WILLIAMS: And if we don't get that investment, we...they fail. [LB561]

SENATOR ASHFORD: I agree, I agree. And what...I agree, I agree. But then what's...I agree with that, and I think that's...and then what then it seems to me we need to do through this, whether we call it...no matter what we call it--we're calling it the Office of Juvenile Assistance here--we need to have a way of evaluating statewide what's needed, what's out there, what levels of care are appropriate at certain...in the continuum so there isn't this problem in one town, in another town, that we need to have a clear understanding where these kids are in the continuum. And what I'm suggesting is that Kearney can survive as a facility without 500 kids a year. I mean, that can happen. And I've heard from the employees there--while I was out there, I've heard from gentleman here and others--I get it. They've had different kinds of...OJS has been a terrible manager and they have had so many different ways of dealing with these juveniles foisted upon them. They change every year, and then it's impossible. This is not a good system. It's not that Kearney isn't a good place; it's that the system is broken. So that's what I'm trying to do here. And by suggesting in the bill that these facilities both close I think hopefully is getting everybody's attention to say if we do close them, then what. Well, then what, there's no residential...I mean, then there's no...so let's come up with a system that really gets at this so we don't have to come back again and again and again. [LB561]

BILL WILLIAMS: Absolutely. [LB561]

SENATOR ASHFORD: And I'm sorry I used you as the (laughter)... [LB561]

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BILL WILLIAMS: No. I would just challenge you to not think...to not get caught in the idea that all these community-based systems and if you just put somebody in the home 20 hours a week or you go in that school, then I'll tell you because I'm doing it every single day and we're... [LB561]

SENATOR ASHFORD: I get it. [LB561]

BILL WILLIAMS: ...and it is effective but only as effective as those families and kids are and we have a lot of them messing up. [LB561]

SENATOR ASHFORD: I get it. But we got to keep trying and we got to keep those... [LB561]

BILL WILLIAMS: We do, but don't throw everything away and just put it all in there. Don't put all your eggs in that basket because it will not work. [LB561]

SENATOR LATHROP: All right. Senator Coash. [LB561]

SENATOR COASH: Thank you, Senator Lathrop. Mr. Williams, I want to ask you a question since you know these kids, right? [LB561]

BILL WILLIAMS: Yeah. [LB561]

SENATOR COASH: You've worked with them? [LB561]

BILL WILLIAMS: I've lived with these kids. [LB561]

SENATOR COASH: Yeah, they're in your home. Okay. So you've come into contact with hundreds. [LB561]

BILL WILLIAMS: Absolutely. [LB561]

SENATOR COASH: I don't know. How many kids have you met? [LB561]

BILL WILLIAMS: Well, over a thousand I've worked with at least. [LB561]

SENATOR COASH: That have come...oh, from Kearney? [LB561]

BILL WILLIAMS: Oh, from YRTC. No, no, no. [LB561]

SENATOR COASH: Okay. [LB561]

BILL WILLIAMS: I've had contact with...I've volunteered out there before, hundreds, but

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I've had six in my home live with me. [LB561]

SENATOR COASH: Okay. Out of all the kids that you've come into contact with who have spent time at our...in Kearney, does every kid need that level of care that's there right now that you've seen? [LB561]

BILL WILLIAMS: You know, I don't know. I don't know. I do think that every kid I talk to really knows that it's a safe haven for them. It gets them out of their environment. It protects them from those factors that were causing them problems before and sometimes removal needs to, and it protects and keeps the community safe at the same time. So it does serve its purpose. And I've seen kids go from my house there and I'm seen them come from there to my home. And they're not always...the kids that are there aren't...the ones that I've worked with, weren't ready not to be there. [LB561]

SENATOR COASH: Okay. Thank you. [LB561]

SENATOR LATHROP: Very good. Thank you for your testimony and your insight. [LB561]

BILL WILLIAMS: Thank you. [LB561]

SENATOR LATHROP: We will now move to neutral testimony. [LB561]

JOANNA LINDBERG: (Exhibit 23) Hello. My name is Joanna Lindberg. I am the community education director at Heartland Family Service in Omaha, Nebraska. Thank you, Senator Ashford and members of the Judiciary Committee for your vision and leadership to enhance community-based services for the justice system. Heartland Family Service would like to encourage you to include the concept of restorative justice and its guiding principles into the approach you adopt. Restorative justice is a victim-centered response to crime that provides opportunities for those most directly affected by crime, the victim, the offender, their families, and representatives of the community to be directly involved in responding to the harm caused by the crime. Restorative justice is based upon values which emphasize the importance of providing opportunities for more active involvement in the process of offering support and assistance to crime victims; holding offenders directly accountable to the people and communities that they have violated; restoring the emotional and material losses of victims to the degree possible; proving a wide range of opportunities for dialogue and problem solving among interested crime victims, offenders, families, and other support groups; offering offenders opportunities for competency development and reintegration into productive community life with some of the other services you're proposing; and strengthening public safety through community building. Research has found restorative justice programs to have high levels of victim and offender satisfaction with the process and outcome, greater likelihood of successful restitution completion by the offender,

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reduced fear among victim, and reduced frequency and severity of further crime involvement. Since 2006, Heartland Family Service has provided victim empathy classes and victim offender meetings. We have served over 1,200 youth in classes with 95 percent of youth successfully completing the classes and performing over 2,200 hours of community service. Eight-eight percent of these youth remain crime free six months after class completion. And we also were able to do 50...we were able to do...work with 56 youth referred to victim offender meetings, and 53 percent of the victims agreed to meet with them. Out of those youth that signed a restitution contract, 85 percent of these offenders remained crime free six months after the meeting. We've built expertise in the area and we have established relationships with national experts in restorative justice. We would welcome the opportunity to help you further explore how this model can be integrated into the planned changes. Thank you. [LB561]

SENATOR LATHROP: Great. Thank you. Thank you. [LB561]

SENATOR ASHFORD: I agree. And the nice thing about...I think about this whole discussion is that every one of these ideas like restorative justice and mediation, victim mediation, which is part of what you're talking about, is...we can start to implement these things now because we'll have something in place that allows us to do that. I think you're absolutely right, Joanna. It's a good to see you again. (Laugh) [LB561]

JOANNA LINDBERG: Thank you. Thank you. [LB561]

SENATOR LATHROP: Thanks. Next neutral. [LB561]

KELLY SCHADWINKEL: (Exhibit 24) Good afternoon or almost evening. [LB561]

SENATOR ASHFORD: We're two minutes away from official... [LB561]

SENATOR LATHROP: We're closing in on it. [LB561]

SENATOR ASHFORD: ...from official evening. [LB561]

SENATOR LATHROP: Hadn't even noticed. [LB561]

KELLI SCHADWINKEL: My name is Kelli Schadwinkel. Schadwinkel is S-c-h-a-d-w-i-n-k-e-l. I am the director of Hall County Juvenile Services and I'm here to testify in a neutral capacity for the bill and provide you with some thoughts about the diversion portions of the bill. Although Hall County developed a pretrial diversion program in 1996, I was hired in May of 2012 to evaluate the overall effectiveness of the program and develop and implement an evidence-based assessment process. In this capacity, I have spent the last ten months researching the state of juvenile diversion programs across Nebraska as well as researching national best practice for operating

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effective juvenile diversion programs. When operated according to best practice, pretrial diversion programs not only hold youth accountable but they provide a more immediate response to the offense than the juvenile court process, provide restitution to victims, and link youth and families with appropriate services. Investing in the appropriate intervention strategies early on can both reduce recidivism and prevent youth from further penetrating the juvenile justice system. Juvenile diversion is currently operated at the county level with no statewide coordination or support. Because of this, there is no uniformity across the programs. There are no standards, guidelines, or best practices in place to guide our work. There are few training opportunities. And we are required to collect some data measures but we have no guidance or experience with building data-based...driven programs. We could greatly benefit from guidance on how to coordinate with existing service providers, schools, mental health providers, and working with non-English speaking populations. As some people who...as someone who has spent the better part of ten months working to establish a model diversion program, I can tell you firsthand that the statewide coordination infrastructure, the added support, and the funding proposed in this bill would be greatly welcomed. The proposed diversion director position will strengthen diversion programs in Nebraska by providing statewide program guidelines grounded in the best practice research, assisting counties with juvenile justice planning, identifying and capturing benchmark and evaluation data, offering training opportunities, and increasing grant support statewide. In closing, Hall County as well as many other counties is...are already moving in the direction of the proposed bill, therefore, we do find benefits within the diversion components of this bill. We would encourage you to take measures to ensure that this bill acts as a support mechanism to existing and new programs as opposed to crippling some counties, keeping in mind that not one...that one size does not fit all. We would also like to suggest that strong consideration be applied to ensuring uniform resources for uniform practices, dispersing funding resources as well as supportive services equally across the state for such things as the added expense of purchasing evidence-based assessments and the added staff time to conduct such assessments. [LB561]

SENATOR LATHROP: Wow! [LB561]

SENATOR ASHFORD: There's (laughter), you know, I'm going to say... [LB561]

SENATOR LATHROP: I know we're getting late so everybody is reading those things so fast that... [LB561]

SENATOR ASHFORD: I just want to say this. There's something... [LB561]

SENATOR LATHROP: But thank you, Kelli. [LB561]

SENATOR ASHFORD: There's something in the water in Grand Island because (laughter) they have done every...all the other towns are great, too, but Grand Island

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has (laughter) Grand Island has... [LB561]

SENATOR LATHROP: They're innovating. [LB561]

SENATOR ASHFORD: ...they have everything. Mark, I don't know how you do all this, but you've got everything there--career academies, diversion. It's amazing. [LB561]

SENATOR LATHROP: Yeah. Thanks, Kelli. [LB561]

KELLI SCHADWINKEL: We're lucky. Thanks. [LB561]

SENATOR LATHROP: Yep. Next. [LB561]

JENNIFER PIATT: My name is Jennifer Piatt, P-i-a-t-t. I'm an attorney in Omaha. I'm a mother and I'm a lifelong Nebraskan, and I'm testifying in neutral today because I oppose closing Geneva but I agree that Nebraska incarcerates too many children. I think the numbers show that. That's not in dispute. And I think I'm a perfect example of that. I had the pleasure of touring our state's juvenile justice system and actually surviving. I've been foster care, group homes, Geneva twice, the Douglas County Youth Center twice. Pardon me, I've never actually talked about this in public before. Been on diversion, probation. I've ridden in the dog pound a number of times. Been on juvenile parole and I had the pleasure of wearing an ankle bracelet for quite some time. So you have to ask yourself after I tell you all this, what did I do. I mean, it sounds terrible. I must have murdered a baby. My committing offenses were shoplifting a \$9.99 ring, violating probation, and smoking marijuana one time. But saying all that, I can play a mean hand of spades (laughter) and after all that I actually, I do credit Geneva with my success. In particular, I credit the staff of Geneva, Ms. Betty Maddocks (phonetic), my juvenile parole officer Todd Enger wherever he is, and the girls that I spent time with. They had a profound impact on the direction of my life. I've never seen so many women subject to sexual violence. I didn't understand the impact of race. And I've never seen poverty like I did when I was there. Apologize. I feel that my heart is racing. I have watched the news systematically since I got out and I can tell you how many girls I saw on TV. They were arrested for prostitution for drugs for money. I don't know how many girls ended up like me. I was successfully able to graduate my bachelor's degree with honors and I went to Creighton Law School. I've got three great kids. But I can tell you that not many people ended up like me. And I went to law school because of going to Geneva and having the experiences that I did. I hear a lot of people talk about kids like me and I've heard it sitting here today that I must be some kind of violent criminal, and that's really not the case. And that's why I'm here today. I'm sick of hearing about it. I'm sick of hearing people tell me that I must be violent. I just want to run through why...how my process, how I ended up in Geneva. First, I was on diversion. I violated diversion by running away because my house situation was terrible. Nobody took the time to ask me about what was going on. Then I was put on probation. I violated probation again. Then

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I got stuck in Geneva for the first time for 30 days. After I get out of Geneva, somebody finally realizes I might need some counselling and that's when I get counselling. I violate the terms of my probation again for running away. At one point, I was arrested for under a gram of marijuana, which also violated my probation. I was sent back to Geneva. Was in Geneva for over nine months. And I'm just going to keep talking because you guys took four years of my life, so I'm going to finish what I have to say. (Laughter) After that, I was on parole and spent some time after parole. Then I got stuck in a group home because my parole officer finally listened to me about my house. And then after that I was in foster home. So I just, I don't know. I just, I hear all you guys talking about this and I just want to say that I believe in Geneva and I don't think that Geneva should be closed. I think that Kearney is different from Geneva and I think that most of the girls and boys that are sitting in DCYC and sitting in Geneva and Kearney know that, that Kearney is a lot different. Kearney is where the problems are. I'm sorry. I know that people don't want to hear that, but that's the truth. Geneva was absolutely a lifesaver for me. It was Geneva that saved me. So skipping all the rest of the things I wanted to say, I just want to say that I'm testifying neutral because that I believe Geneva should remain open. I also know in very, very real terms that Nebraska has a serious problem. And I think, I support the philosophy of kids keeping closer to home, but I do think that we really need to look at that if we're just going to say every kid should be around their home. That wasn't the best situation for me and that's how I got there. And I think, I support using alternative means to help children. I don't think that we should have a one-size-fits-all system and I would be leery of moving towards that. But I encourage that Geneva should be analyzed separately from Kearney and it should be conceptually different when you look the two. And you can hear that today by the people who were testifying. They're two very different facilities. And with that, I will stop. Thank you. [LB561]

SENATOR LATHROP: Thanks, Jennifer. I appreciate your testimony too. [LB561]

JENNIFER PIATT: Yes. [LB561]

SENATOR LATHROP: The committee, you know, it didn't happen without a lot of resolve on your part. [LB561]

JENNIFER PIATT: And people who finally believe me. [LB561]

SENATOR LATHROP: Right. [LB561]

JENNIFER PIATT: And that only came at Geneva. [LB561]

SENATOR LATHROP: Okay. [LB561]

JENNIFER PIATT: Thank you. [LB561]

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SENATOR LATHROP: Good. Thanks, Jennifer. Appreciate your testimony. Next neutral I guess. [LB561]

MICHELLE SCHINDLER: (Exhibit 25) I'll try to be brief. My name is Michelle Schindler, M-i-c-h-e-l-l-e, Schindler, S-c-h-i-n-d-l-e-r. And you're getting a letter in a neutral capacity on behalf of Lancaster County Board. And I'm going to kind of go through briefly five specific areas we've identified that we think you might want to think about. They're just some thoughts that we have. First off, we encourage the committee to include language that clearly states that youth under the supervision of this newly-created office will be automatically eligible for Medicaid, as they currently are when they're committed to HHS-OJS. On page five at (n), there is language that indicates DHHS will maximize access to Medicaid. If the youth are not eligible for Medicaid under this new office, the cost may fall on counties when families are unable to cover the cost of care. So we encourage you to look at that. Secondly, we encourage the committee to carefully consider working with providers in the community to ensure that there is an increased capacity that would be necessary under the new Office of Juvenile Assistance along with adequate funding. I can tell you that this past fiscal year, what we do is when a kid is committed to HHS-OJS and there's not a facility available, we bill HHS-OJS. And this past fiscal year, there was one stay for 194 days in our facility while a youth was waiting for treatment. And so we billed HHS-OJS a total of \$45,784 for that one youth while he was waiting for placement. Third, we encourage the committee to work to refine the language on page 4 at (f) where it states, "work with counties to ensure that the detention centers adopt an evidence-based treatment model for secure confinement," we are requesting that you define what treatment means. Depending upon that definition, there may be additional costs. Fourth, we encourage you to refine the language on page 5(l) where it states, "work with counties to develop plans to access Community-Based Juvenile Services Aid," we believe that the counties are best able to make the decisions on the funding for services. And, fifth, we encourage the committee to refine and clarify the scope, mission, and purpose of the proposed Office of Detention Alternatives. [LB561]

SENATOR LATHROP: Okay. I see no questions. [LB561]

MICHELLE SCHINDLER: Okay. [LB561]

SENATOR LATHROP: Thanks. [LB561]

LAURA McCORMICK: Senators, my name is Laura McCormick. I live at 336 Beverly Drive. [LB561]

SENATOR LATHROP: Can you speak up just a little bit so we can hear you, please? [LB561]

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LAURA McCORMICK: Yeah. Omaha, Nebraska. I'll keep my comments brief. My concerns stem from the fiscal effects of what's going to come down here. Now Senator Ashford has talked about, well, maybe we're not going to close the two facilities in outstate Nebraska and we're going to have community-based care. Am I sitting too close to the mike? It sounds funny. If we expand community-based care and we eliminate these facilities in outstate Nebraska, I don't...that's not the only place, at least in Douglas County, where we're sending kids. We don't only send kids to Geneva and Kearney. We're sending kids to Arizona, Tennessee, Missouri. We spent \$2 million sending children from Douglas County to Clarinda Academy. Now, we didn't have...in Douglas County as I learned about our relationship at that county level with this entity, we have not contract, no signed contract. In fact, I was the first person who was making any kinds of inquiries about, well, gee, what is this animal. Why do kids go to Clarinda Academy? How long do they stay there? Who monitors what goes on at this facility? I find that shocking! I don't understand how we can develop any kind of realistic cost of this when we don't fully have our arms around where we're sending all the kids. Now I am certain that this system is broken. I do believe that. And if we don't have adequate resources in Omaha, Nebraska, I can't imagine what it must be like in the Sandhills or further outstate. But it makes no sense at all to me to be sending children to Arizona, Tennessee, and there's no limit to the judicial discretion. It seems to me, Senator Ashford, you made reference to the broad state statute. Where is the limitation in terms of where judges can send these children? If we build a community center in every county in the state, there is nothing by statute that mandates those judges have to send those kids to those facilities. We could still be looking at dollars that are going to be coming out of county budgets where we're shipping kids off to these facilities. I would ask you to consider that. And before this bill is passed, if it is passed, that there is a serious attempt to put your arms around what it's really going to cost the taxpayers. What will the benefits be? If the program is transitioned away from DHHS, how will citizens be able to ensure that anything is monitored? The Supreme Court, all of the court systems are exempt from being audited by the State Auditor, by the Legislative Audit function. How will we know if what we're doing even works? Does it work? Those are my comments. [LB561]

SENATOR LATHROP: Okay. I see no questions. Thank you for your testimony, Ms. McCormick. Next. [LB561]

CRYSTAL RHOADES: Hello. My name is Crystal Rhoades, C-r-y-s-t-a-l R-h-o-a-d-e-s. I'm here on behalf of Douglas County. The Douglas County Board of Commissioners has not taken a position, but they are monitoring this bill because they have questions about the impact that it will have on operations and budgets. We would ask that whatever the Legislature prescribes, you be mindful of the difficulties counties will have paying for services without the financial support of the Legislature. This applies both to implementation and long-term sustainability of any juvenile justice reform efforts. The

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board and the department heads recognize that the bill is a work in progress, but because the intention and the implementation details remain unclear, I have been asked to submit the following questions for your consideration. When you consider revisions to the diversion and detention alternative provisions to ensure that the county retains the ability to serve our unique population and retain local control to ensure the responsiveness to the children that we serve in Douglas County, will this bill provide funding to the counties to assist with the compliance of new rules and to provide for programming for the juvenile justice operations? Will there be regular and adequate allocations of state aid to fund the programming this bill seeks to create? Will you consider amending the bill to ensure that counties won't be excluded from the funding in favor of a community-based service? Is it the intent of the bill to provide treatment at detention centers and, if so, will the state help to fund the programming mandated in the legislation? Will you please carefully consider the need for inpatient and outpatient mental health services and the funding required to provide those services adequately, including a facility that doesn't turn away sick children. Currently, the children who have been unsuccessful on probation or have been rejected by community-based services are kids that are sent to the YRTC's, and there is grave concern that there will be no placements once those YRTC's are closed. There is a significant shortage of adequate placements and providers in Douglas County and this causes extended delays in moving children from the detention centers to placement. Counties have no control over who enters or exits detention under the current law. And under the current law, OJS helps to offset the expensive detention. However, one of the unintended consequences of the juvenile delivery service project was that the law didn't include a provision that would allow to help pay for those detentions, and as a result it became an unfunded mandate to the counties. We would ask that the Legislature carefully consider who will pay for the services this bill prescribes and be mindful of any potential unintended consequences as you move forward. These questions are just a sampling of the details that we are looking forward to working with you to resolve. We want to thank you for your consideration and leadership on this important issue, and we're very excited to work cooperatively to build a better system for the rehabilitation of the children of Nebraska. Are there any questions? [LB561]

SENATOR LATHROP: I see none. [LB561]

CRYSTAL RHOADES: Thank you. [LB561]

JULIE ROGERS: (Exhibit 41) Good evening. My name is Julie Rogers, R-o-g-e-r-s. I'm the Inspector General of Nebraska Children Welfare. I am here to testify in a neutral position. Since my position is a relatively newly-created legislative office, I will give you an overview of the office and discuss it as it relates to LB561. The Office of the Inspector General of Nebraska Child Welfare was enacted during the 2012 legislative session. The act sets forth that the office is to provide increased accountability and legislative oversight of the Nebraska Child Welfare system, assist in improving

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operations of Health and Human Services and the system for children, provide an independent form of inquiry for concerns, provide a process for investigation of review...and review, to determine whether individual complaints and issues inquiry reveal a system problem which may necessitate legislative action, and conduct investigations and other reviews of the system. The act's intent is to strengthen legislative oversight of Nebraska children in the system. My office is within the Ombudsman's Office under the Legislature. Meetings and case staffings occur regularly between myself, the Ombudsman, deputy Ombudsman for public welfare, and assistant Ombudsman who care public welfare caseloads. We also meet regularly to talk about any trends and complaints the office receives regarding children and families. Processes have been established with the Department of Health and Human Services. My office receives notice of any death or serious injury of children who are state wards that would necessitate a full investigation. This includes the Office of Juvenile Services or OJS. Since beginning my position at the end of July, I have toured and visited both YRTC's, worked with Ombudsman's staff to investigate complaints regarding issues falling under the current Office of Juvenile Services and opened investigations pertaining to children within the OJS system. LB561 transfers jurisdiction of children who are currently under the jurisdiction of OJS within HHS to the Office of Probation Administration under the judicial branch of government. LB561 makes no changes to the Office of Inspector General of Nebraska Child Welfare Act. So my office would not have jurisdiction over the children that fall into that system. Furthermore, the Office of Public Counsel or Ombudsman would lose jurisdiction of the same. I am happy to answer any questions. [LB561]

SENATOR ASHFORD: I'm sure we can reinstate that jurisdictional issue. Thank you. [LB561]

JULIE ROGERS: Sure. [LB561]

SENATOR ASHFORD: You can say thank you. [LB561]

SENATOR LATHROP: Thank you. (Laughter) Okay. [LB561]

ELAINE MENZEL: Am I the last one? [LB561]

SENATOR LATHROP: I don't know the answer to that. Maybe we'll see. Is there anyone else here to testify other than the brief testimony of the county officials? I see none. [LB561]

ELAINE MENZEL: (Exhibits 42 and 43) It will be brief, upon your recommendation. [LB561]

SENATOR LATHROP: It always is. Thank you. [LB561]

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ELAINE MENZEL: For the record, my name is Elaine Menzel, and it's M-e-n-z-e-l, here on behalf of the Nebraska Association of County Officials. We are appearing here in a neutral capacity on LB521 (sic--LB561). I'm providing you with a copy of a letter that you should have already received from Scotts Bluff County and it's in opposition. But, as I said, we're here in a neutral capacity. The NACO voted to take a neutral position on the bill because this legislation presents the opportunity for discussion and addressing juvenile justice related issues and potentially making improvements to the system. Additionally, the bill would potentially provide additional resources for JDAI and a diversion framework and community-based services. The concern prior to Senator Ashford recommending that the YRTCs in Geneva and Kearney not be closed was that the community-based systems would have to absorb the youth from those facilities and whether that \$10 million was a sufficient amount to do so. I won't go into the additional detail but just point you to the correspondence that I've had handed out on my...that I've written. If you have any questions, I'll certainly be glad to attempt to answer them. [LB561]

SENATOR LATHROP: I see no questions. [LB561]

ELAINE MENZEL: Okay. Thank you. [LB561]

SENATOR LATHROP: But thanks for coming. [LB561]

ELAINE MENZEL: Thank you. [LB561]

SENATOR LATHROP: And for being patient and waiting. And we'll hear Senator Ashford close. [LB561]

SENATOR ASHFORD: Just very briefly please, Mr. Vice Chair. Thank you, and most especially thank you to everyone who's come here today and offered their views. Let me just make a couple of points. First of all, Frank Heinisch, thank you for being a CASA volunteer. I think the testimony today reinforces what we all know I think about ourselves. And as Nebraskans, we're very self-effacing. We don't...we think that, you know, we're just sort of here and people drive through on the way to some other place. We don't give ourselves the credit we deserve. But I think what we...but we do deserve credit. We are a place that cares for not only children but for the elderly, and as my good friend Senator Lathrop has been able to establish, for the developmentally disabled. When we see a problem I think this Legislature, this committee, has stood up to those problems and has taken, you know, bold steps to address issues. And I think the testimony by Mrs. Morales, by Jennifer who has left, I think just underlines why we are all here. We're not...I'm not here and I know my colleagues in the Legislature are not here to punish Kearney or to punish Geneva, and I'm certainly not here for that purpose. But what I am telling you and what I promise and especially to my good friends in the

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county officials and their representatives that we have heard, I have heard for seven years and for the eight years I was here before, but certainly the last seven years about how this doesn't work, that doesn't work, it's a matter of money, don't do this, don't do that. I understand that. I understand that we have to come up here and represent the interests that we are assigned to represent. But what is compelling to me are the citizens of this state that have come in here today and come here all the time on extremely difficult issues. Jennifer was talking about prostitution and sexual abuse. We've had many hearings on human trafficking in Nebraska. And Senator McGill is not here today, but or was here earlier and had to leave, but she's actually a nationally recognized leader in trying to stop human trafficking and trying to find a way for young women to exit the slavery of trafficking. And so let me just conclude by saying this. We're going to fix this system this year. This is not just a discussion bill. This is a bill that will, hopefully will be a priority bill. It will go on the floor of the Legislature as a priority bill. There will be action steps taken. We will take into consideration all of the points that have been made today. It is not my intent to close a facility as the end result of this. It is my intent to develop a continuum of care that works, that's well-coordinated, and that's well-funded. And it starts with the very first instance of a behavioral issue or other related issue. And Jennifer did a great job of explaining her life story. We want a system that doesn't have...that addresses the problems of Jennifer. We don't want Jennifer to have to go through what she had to go through in her journey or Mrs. Morales to go through what she's gone through. We can find a way to make Kearney work. But I'll tell you candidly, it's going to be a challenge. It's going to be a challenge to make Kearney work. But we're going try to do it. We're going to try to do it. Geneva is a different situation. It has a different physical plant. It has different kinds of cases. The mental illness that is dealt with at Geneva is significant, very significant. The challenges are significant. The challenges at Kearney are significant with the increase in gang members that are placed in Kearney and mixed in with offenders who are at no where near that level of activity. So I will pledge to you, we will try to make it work so that both facilities can continue. But there's got to be willingness to change and to accept change and to do so in the spirit of taking care of these kids. And, yes, we need to find the money. Yes, we have to figure out where the counties fit in. Yes, we...but it is clear to me that the problem is the system not the people. And when you have communities like Kearney and Geneva that have opened their arms to these kids, that's an incredible story and it's a reason why we should try to find a way to keep these facilities there. But they need to be viable. They need to address the needs of those children and in a way that is up to date, that is a way that addresses their needs with the best possible solutions we can find and not be afraid of that change. Employees at Kearney and Geneva are going to be challenged. They're going to be challenged to learn more about therapy. They're going to be challenged to better understand the issues that these children have. We're going to ask them to get more training. We're going to ask them to do more to learn how to take care of these kids. We're not going to have a system anymore at Kearney where someone goes to Kearney and six months later so they're...you know, there's a need for a space, so they kids goes back to their

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community without any kind of follow-up care. We're going to deal with families. And I have heard today how hard it is to deal with families. I know it's hard to deal with families. I get it. But we can't not do it. We can't not do it. So we're going to work together on this. We're going to try to keep these facilities open. They're not going to be exactly the same as they are now. We're going to be challenged to do better. We're going to ask our employees to do more. We're going to ask our employees to be more aware of the...of what's going on in the world of mental health and therapy. And in return, in return, this Legislature hopefully will provide the funding and resources that are necessary and the sustainability of these programs so they don't...there's nothing worse than having these hearings every year on what's going to happen in Kearney next year. That's doesn't help the employees. I get that. It doesn't help the kids, and I understand that too. But this year is the last year we have discussions about whether or not we need change. This year in my view the decision is: yes we need change; yes we need to challenge ourselves to do better; yes we need a continuum of care that focusses on mental health; yes we have to play our strengths; we have to ask people to do more. And if we do that together, we'll be successful. I thank everybody for coming. This has been an extremely helpful day. And with that, Mr. Vice Chairman, appreciate your time and time of the committee. [LB561]

SENATOR LATHROP: (See also Exhibits 26-40 and 44-50.) Very good. Thank you all for coming. That will conclude our hearings. [LB561]