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Health and Human Services Committee
January 21, 2016

[LB690 LB698 LB746]

The Committee on Health and Human Services met at 1:30 p.m. on Thursday, January 21, 2016, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB690, LB698, and LB746. Senators present: Kathy Campbell, Chairperson; Sara Howard, Vice Chairperson; Roy Baker; Sue Crawford; Nicole Fox; Mark Kolterman; and Merv Riepe. Senators absent: None.

SENATOR CAMPBELL: Good afternoon. I am Kathy Campbell, and I serve as the Chair of the Health and Human Services Committee, representing District 25 in Lincoln. And I want to welcome you to our afternoon hearings for the Health and Human Services Committee. I am going to remind you to turn off your cell phones or silence them or any device that may make noise. We do not require handouts in the committee, but if you do have handouts, we would like 15 copies. If you need help with that, the pages, who are to my far left, will be glad to help you with that. If you are testifying today, you need to complete one of the forms that is on either side...I think they're bright orange...and complete those as legibly as you can. And you will turn that form in to Elice, the clerk, when you come up to testify. We do use the light system in the committee, and we have five minutes. And it will be green for what seems like forever, and you'll be doing just fine. And then, all of a sudden, it'll go to yellow, and you only have one minute left. And then it goes to red, and I'll be trying to get your attention. We use the lights here so that the first hearing and the last hearing and all the people who have to testify have the equal time. I think I've covered everything. I do want to make a comment. I'm sorry to have missed yesterday. And I've been hearing that things went so well that the question was whether I needed to come back today (laughter). I guess there was no people in opposition yesterday. So I must have stopped it at the highway; I don't know what it was. In any case, we will have self-introductions, and then we'll start. So Senator Baker, you want to start us off?

SENATOR BAKER: Senator Roy Baker, District 30.

SENATOR HOWARD: Senator Sara Howard, I represent District 9 in mid-town Omaha.

JOSELYN LUEDTKE: Joselyn Luedtke, committee counsel.

SENATOR CRAWFORD: Good afternoon. Senator Sue Crawford, I represent District 45, which is eastern Sarpy County, Bellevue, Offutt.

SENATOR RIEPE: Merve Riepe, and I represent Omaha, Millard, and Ralston.

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SENATOR CAMPBELL: Caitlyn, you want to introduce yourself?

CAITLYN WELTY: Oh, yeah. Hi, I'm Caitlyn Welty. I'm from Omaha, Nebraska, and I'm a page.

SENATOR CAMPBELL: And your major is?

CAITLYN WELTY: Oh, I'm studying political science at Nebraska Wesleyan University.

SENATOR CAMPBELL: Welcome, Caitlyn. And we have a visitor today.

JANICE FOSTER: I'm Jan Foster. I'm the committee clerk for the Banking, Commerce and Insurance Committee.

SENATOR CAMPBELL: Who is visiting today with us. And Elice, would you like to introduce yourself?

ELICE HUBBERT: I'm Elice Hubbert; I'm the committee clerk.

SENATOR CAMPBELL: And I do want to add that yesterday was Elice's first time, and it went exceptionally well, she said. And I want to thank Senator Howard for taking over the Chair duties and I know maintained a time record and everything else (laughter). I've heard all about this. Okay, we'll open today with the first bill is LB690, Senator Morfeld's bill, to change provisions relating to eligibility for Supplemental Nutrition Assistance Program, better known to a lot of us as SNAP. So welcome, Senator Morfeld.

SENATOR MORFELD: Thank you, Senator Campbell. I guess I should have come yesterday with this bill (laughter). In any case, I shouldn't push my luck. Senator Campbell, members of the Health and Human Services Committee, my name is Adam Morfeld, that's A-d-a-m M-o-r-f-e-l-d, and I represent the fighting 46th Legislative District, here today to introduce LB690. LB690 eliminates the ban on eligibility for food assistance for those with past drug felonies. This bill removes a barrier to successful reintegration while also reducing hunger for individuals and their families that are affected. Currently, federal law allows states to disallow those with felony drug convictions from participating in the Supplemental Nutrition Assistance Program, otherwise known as SNAP. However, states can opt out altogether or modify their programs. Nebraska has previously modified the ban to create a small exception for persons who have two or fewer felonies for use or possession and have completed a state-certified treatment program. A full ban remains for those with felonies for distribution. Please note that this ban does not affect

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persons convicted of other felonies. Currently, 43 states have opted out of, or modified, similar bans with 15 states opting out entirely, including our surrounding states of Iowa, Kansas, and South Dakota. I introduced this legislation because access to food is foundational to meeting a person's most basic needs. And denying a stable food source for those reentering the community after being convicted of a drug felony and serving their time to society is counterproductive and creates life-long punishment beyond what the law requires for the crime committed. Studies also show that women and children are disproportionately impacted by this ban, as almost twice as many women as men are on SNAP, and because of higher numbers of women that are being convicted of drug charges than men. Also, SNAP benefits are short term. The average individual utilizes SNAP an average of about nine months. The rules also require that able-bodied persons are working in order to receive benefits for longer than three months. Further, before going to college, I worked as a grocery manager after high school for two years full time. And I can tell you that, firsthand, that people who utilize SNAP benefits are hardworking individuals who are often just down on their luck and need a bit of assistance to get back on their feet. In addition, as a child that was raised in a single-mother household that utilized SNAP and WIC benefits, these types of benefits were critical to my brother, sister, and my well-being and development. We lived in a household with three different dads, some that paid child support, and others that did not. While domestic and violence and substance abuse issues were prevalent for some time in my home as a child, I did not have to worry about where my next meal was coming from because of these critical programs. We should not punish children for the mistakes and trials of their mothers and fathers. And our current law does exactly that in many circumstances. That is why I introduce LB690. Senators, LB690 would eliminate the ban on eligibility for drug felons in Nebraska, reduce barriers in reentry, further streamline the SNAP application process, and help families meet their most basic needs. I urge your favorable consideration of this bill. And there are people that will follow me that have expertise on this issue, including representatives from the food banks and others that can give you details on why this change is so important. Thank you. [LB690]

SENATOR CAMPBELL: Thank you, Senator Morfeld. Questions from the senators? Senator Howard? [LB690]

SENATOR HOWARD: Thank you, Senator Campbell. Thank you, Senator Morfeld. I just wanted to clarify...right now in Nebraska, it's two or less felonies you are still eligible? [LB690]

SENATOR MORFELD: I believe so. [LB690]

SENATOR HOWARD: Okay. [LB690]

SENATOR MORFELD: Yep. Somebody can confirm that right behind me, too. [LB690]

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SENATOR HOWARD: Okay. And then 15 states have fully opted out of this ban, and 43 states still have something in place? [LB690]

SENATOR MORFELD: Yes. [LB690]

SENATOR HOWARD: Okay. [LB690]

SENATOR MORFELD: Something in place...the federal government leaves up a decent amount of leeway to modify. [LB690]

SENATOR HOWARD: Thank you. [LB690]

SENATOR MORFELD: Yep. [LB690]

SENATOR CAMPBELL: You have a question, Senator Riepe? [LB690]

SENATOR RIEPE: Thank you, Senator Campbell. Thank you, Senator Morfeld. I just want to go back on it...was the key word "distribution?" [LB690]

SENATOR MORFELD: Um-hum. [LB690]

SENATOR RIEPE: Was that...those were the felons, not the users, but the distributors? [LB690]

SENATOR MORFELD: Yep. [LB690]

SENATOR RIEPE: That was the...okay, I just...thanks for that clarification. [LB690]

SENATOR MORFELD: Yep. Absolutely. [LB690]

SENATOR CAMPBELL: Any other questions? Senator Morfeld, will you be staying? [LB690]

SENATOR MORFELD: Yes, I will. [LB690]

SENATOR CAMPBELL: Excellent. All right. [LB690]

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SENATOR MORFELD: Thank you. [LB690]

SENATOR CAMPBELL: We will proceed; thank you much. We will take the first testifier as a proponent for the bill, in favor of the bill. [LB690]

RONALD TILLMAN: (Inaudible), I'll be first. [LB690]

SENATOR CAMPBELL: Somebody has to be first (laughter). [LB690]

RONALD TILLMAN: Get this (inaudible) and go home. [LB690]

SENATOR CAMPBELL: Good afternoon. [LB690]

RONALD TILLMAN: Good afternoon, ma'am. [LB690]

SENATOR CAMPBELL: And then, I'm going to start with one instruction I forgot, and that is, when you sit down, state your name for the record and spell it for us. [LB690]

RONALD TILLMAN: Yes, ma'am. Ronald Tillman, R-o-n-a-l-d T-i-l-l-m-a-n. [LB690]

SENATOR CAMPBELL: Go right ahead. [LB690]

RONALD TILLMAN: First of all, I want to thank the committee for allowing me to come forward today to talk about this important issue. I grew up in Omaha. My father was a career air force grunt, and my mother was the director of GOCA during the seventies. Now please remember that, during this time, anything dealing with mental health was not spoken. The seventies...we did not speak of anything mental health. Your family was taboo; you were, you know, "eighty-sixed" and all that. And...but between the ages of 9 and 16, I grew up in St. Joe's Center for Mental Health. I had a lot of behavior health problems growing up and was kept hidden from a lot of the people. At 16, I went to YDC; I was returned back home 18 months later for my parents to kick me out on my 18th birthday with nothing to go to. At 18, I ended up at the Open Door Mission. This was a long struggle for me. For the next 15-20 years, I moved around from town to town doing anything I could do just to get along, all the time, you know, looking for that love of a family that I never had and never really knew. I went into the Navy and I got honorably discharged due to some behavioral problems...enjoyed...enveloped into making my own family with destructive results by getting married and having two children. When I was once again evaluated, I was found to have bipolar disorder. Doctors told me that I'd had this

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disorder all my life, and this was probably the main cause of all my problems since I was a child. I needed to find help. In the early 2000's, I moved down to Houston, and I spent five years living on the streets down there so that I could get my disability. Up here Nebraska wasn't allowing that, and the weather changed too much. After...I found a job working for a carnival for four months a year, while they were in Houston. And while in Houston, I started receiving SSI and finally medical care that I returned back here, home to Nebraska, with. While working in Houston, I was a victim of a traffic accident while I...where I was thrown from a vehicle and landed in the middle of I-45. Now my body is destroyed, I suffer several spinal injuries, and now I can't do any labor jobs that I have done all my life. When I returned to Nebraska, my doctor referred me to a pain management doctor that changed my meds from Texas to morphine. Within a few months I was so addicted to morphine that I was being prescribed 240 milligrams a day, with 15-milligram tablets to take whenever needed. I always desired to have this love of a family, and I met a friend, or I thought was a friend, at the doctor's office one day. And we became good friends. One day he came by my house and asked me if he could borrow a couple of my tablets because he'd missed his appointment that day. I knew he went to the same doctor, I knew we both (inaudible,) so I didn't see any problem with it. Next thing I know, I was being arrested for distribution. My lawyer tells me that giving my medication away of any sort is against the law. It says it right on the bottom of the prescription. Many of us have never paid attention to that. I wasn't certified to prescribe that medication in any way. So I pleaded "no contest" to distribution, I served three years within the Nebraska Department of Corrections, and before my release in 2013, a social worker helped me get housing set up at the People's City Mission, my mental healthcare through CenterPointe, and I applied for SSI and anything else I was qualified for. I applied for SNAP and was approved. A few days later, I received a denial letter because I didn't take treatment. My therapist wrote a letter, stating I was in treatment, I had been in treatment since I was released from prison. That got (inaudible)...the woman I submitted to said I was approved, only to receive a letter a few days later saying I was denied because I had a distribution charge. This is a criminal charge. I've already been punished. I served three years in prison for doing this. I was an addict at the time; I've been clean now for six years. I'm doing good. I have a budget. I have an apartment. I pay utilities. I try to pay my phone bill...all that. But it's hard to do on \$733 a month. It can't be done. And without the food banks, I don't eat. This provision is set up for people that need to have it, at that time...the food bank's are...not constantly. The food stamp program is set up to help people that are under this poverty level that need the food. And I just...I'm one of them; I need the food. I'm sorry, you know, I've served my time, I've done my gate, you know. Why am I still being punished? Thank you. [LB690]

SENATOR CAMPBELL: Thank you for your testimony. You want to just wait for just a minute? Any questions from the senators? Thank you for coming forward and telling your story. [LB690]

RONALD TILLMAN: Thank you. [LB690]

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SENATOR CAMPBELL: It's always the hardest to tell our personal stories, so we very much appreciate it. [LB690]

RONALD TILLMAN: Well, I've done this...while I was in prison, I had to do this to my treatment program and everything. And my original family, or my original history...it was 24 pages long; I'm sure you all didn't...would...didn't appreciate the 40 pages... [LB690]

SENATOR CAMPBELL: I think it's probably a good thing we had the abbreviated version (laughter). [LB690]

RONALD TILLMAN: Well, when I read it to Trisha from Appleseed the other day, she said: can you shorten it up a little bit? And it was 7 pages at that time. [LB690]

SENATOR CAMPBELL: Well, thank you very much for coming. [LB690]

RONALD TILLMAN: Thank you for hearing me. I never thought I'd get to do this. [LB690]

SENATOR CAMPBELL: Well, you did a great job; thank you. Our next testifier? Good afternoon. [LB690]

SARAH COMER: (Exhibits 1-2) Good afternoon, Senators. Thank you for allowing me to be here. My name is Sarah, S-a-r-a-h, Comer, C-o-m-e-r, and, in addition to my testimony, I also brought a letter of support from the Food Bank for the Heartland in Omaha. So I have the two things for you there. And I'm just...as an aside, I also brought this plate. We collect stories from clients that we serve. And Mr. Tillman is a client that I often see at the mission. And one of our clients said that they ate better in prison than they did when they were out after they had, after they had left prison. So thank you for the opportunity to address you today in support of LB690. My name is Sarah Comer, and I am the SNAP Outreach and Partner Relations Manager with the Food Bank of Lincoln. The mission of the Food Bank of Lincoln is to eliminate hunger in Nebraska. In order to complete that mission, the Food Bank of Lincoln provides SNAP application assistance, education, case management, and SNAP support for those in need across the state. Our scope of work and clients that we engage with is varied. We come across homeless individuals, families, seniors, those with disabilities, students, working people, and everything in between. One issue that continues to come up is those with felony drug convictions being turned away. Food is vital to self-support, sustainability, and successful integration into the society. Access to food is essential for sustaining life and being able to live well and productively. Denying a stable food source to those reentering the community after committing a drug felony is counterproductive. It creates a significant challenge for those trying to get on their feet and be

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productive. And it creates a barrier to preventing recidivism. This law is enacted in 1996 during the war against drugs only, after only a few minutes of debate, and states can opt out through legislation. Most of our neighboring states have removed this barrier, including Iowa, Kansas, and South Dakota. Just a clarification...if you have two felonies, you can receive benefits only if you've gone through state-accredited treatment. And that's only if you have possession. If it's distribution or any other charge, hard ban. Seven states have banned entirely. We have a staff member at the Food Bank of Lincoln who is a great asset to our team. He is hard working, reliable, kind, giving, and is vital to the daily working of the Food Bank. Because of his past, if something was to happen, and he lost his job, he would be unable to get SNAP, even many years after his conviction. Individuals and families are still getting punished based on a completely arbitrary, outdated, and limiting rule. Those that are denied food stamps are often going to pantries and soup kitchens more often, and, regularly, those have restrictions of use or access. Someone who is hungry might only have access to one pantry a month, which is only enough food for a few weeks. SNAP helps people get through that gap. We also see families affected by this roadblock; a family might not get the full amount of assistance they need to cross the bridge out of poverty. They are unable to make ends meet, just because the money in the budget, especially for food, is still just too tight. By removing the current barriers, we'd also cut down on the work DHHS has to do by not having them track down and process verification of treatment, conviction charge, and other legal information. While it might add a few more cases, overall casework and processing will be less time-consuming for our hardworking DHHS staff. LB690 would provide stability, options, freedom, self-sufficiency, and hope for some of our most overlooked community members. Our SNAP outreach team helps people apply on a daily basis. And we are asking the drug felony question regularly, and we are screening people out. This is how we are (inaudible), are seeing this on a daily basis. In the last week, we prescreened four clients who were trying to apply and would have qualified for SNAP. And they were not able to apply, because they were convicted of drug felonies. Ultimately, LB690 would reduce barriers to reentry, streamline the SNAP application process, help families meet their most basic needs and would create more opportunities for success. Thank you. [LB690]

SENATOR CAMPBELL: Thank you, Ms. Comer. Are there questions from the senators? Senator Riepe? [LB690]

SENATOR RIEPE: Thank you, Senator Campbell. Thank you for being here. [LB690]

SARAH COMER: Um-hum. [LB690]

SENATOR RIEPE: One of...I have a couple questions here. One is... [LB690]

SARAH COMER: Sure. [LB690]

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SENATOR RIEPE: ...your distribution goes beyond simply SNAP recipients. Is that correct? [LB690]

SARAH COMER: Yes. So the Food Bank does all of their normal food-banking activities, pantries, local pantries, agency stuff. I...my team, myself and my team focus on SNAP. So the Food Bank sees SNAP as a way to shorten the line systemically. So my specific focus is helping people receive SNAP benefits. We help them apply; we help them navigate through the process. So we see this on a daily basis. [LB690]

SENATOR RIEPE: So if someone was a distributor, quote unquote, they might still be able to be eligible for food. [LB690]

SARAH COMER: But not food stamps. And even if they... [LB690]

SENATOR RIEPE: No, but, but... [LB690]

SARAH COMER: Yeah. [LB690]

SENATOR RIEPE: ...they could get food and such...is that correct? [LB690]

SARAH COMER: Like from a, just like a food pantry? [LB690]

SENATOR RIEPE: From a...well, from the...I thought maybe...educate me here, because I thought the Food Bank was like a pantry. [LB690]

SARAH COMER: Yes. Well, we distribute our...we kind of distribute the food out, so we have agency partners like the Salvation Army, Open Door Mission, places like that. And they distribute the food. So most likely, they would be able to still get food from a pantry. They just cannot receive SNAP. But often, the amount of food that they get for the pantry is so small that it only lasts a few weeks. [LB690]

SENATOR RIEPE: Okay. [LB690]

SARAH COMER: And a lot of pantries have rules; they can only come, you know, once a month or once every two months or once every six months. So they're really limited in the amount of food they can get from that pantry. [LB690]

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SENATOR RIEPE: So you're like a wholesaler to, maybe, the Open Door Mission or other places like that? [LB690]

SARAH COMER: Essentially, yeah. [LB690]

SENATOR RIEPE: Okay, okay. But you don't have a pantry, a walk-in pantry, per se? [LB690]

SARAH COMER: No. The Food Bank...yeah, we don't have clients come to the Food Bank to receive food. [LB690]

SENATOR RIEPE: Okay. [LB690]

SARAH COMER: We just receive it and send it out, and then the agencies give it to the clients. [LB690]

SENATOR RIEPE: With your permission, Chairman. [LB690]

SENATOR CAMPBELL: Sure, go ahead. [LB690]

SENATOR RIEPE: I have one follow-up quote. Are your policies dictated by the SNAP policies, I mean are the...? [LB690]

SARAH COMER: Yes. [LB690]

SENATOR RIEPE: Okay. [LB690]

SARAH COMER: The SNAP, the SNAP policies we follow... [LB690]

SENATOR RIEPE: So you're like the subcontractor to the state for doing this. You're part of the state's distribution of SNAP benefits, is that correct? [LB690]

SARAH COMER: We...no. We, we contract with the state. We oversee the state SNAP Outreach Plan. [LB690]

SENATOR RIEPE: All of it? [LB690]

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SARAH COMER: Yes. [LB690]

SENATOR RIEPE: Okay. [LB690]

SARAH COMER: So DHHS has contracted with us to oversee all of our partners with that. So we handle all of our partners across the state that help with SNAP applications. And in return, we kind of funnel that up to DHHS. So we kind of have that relationship with DHHS. So we help apply and help clients apply. We help educate people across the state. We are not, I am not employed by DHHS. I'm just kind of a subcontractor of DHHS to help get SNAP out in the community a little bit easier, since we have staff on the ground. [LB690]

SENATOR RIEPE: That was very educational for me, and I thank you. [LB690]

SARAH COMER: Sure, absolutely. It's my pleasure. [LB690]

SENATOR CAMPBELL: Other questions, Senators? Just to clarify, you don't determine someone's eligibility that the... [LB690]

SARAH COMER: No. Correct. [LB690]

SENATOR CAMPBELL: That's the role of the department. [LB690]

SARAH COMER: Yes. We only prescreen clients. We ask them their income because of the income limits, and we ask them if they've had a felony drug conviction. If they fall outside of the guidelines for any of those, then we prescreen them and say, unfortunately, you're not eligible. We help apply; that's about it. Ultimately, the decision lies with DHHS. Once we send the application off, we have nothing to do with it; it's all in the hands of DHHS. [LB690]

SENATOR RIEPE: Senator, may I ask a follow-up question? [LB690]

SENATOR CAMPBELL: Sure. [LB690]

SENATOR RIEPE: Thank you. My question is, what percentage...what, half? Or on the distribution piece, is it a big number? Or is it a little number? [LB690]

SARAH COMER: Of clients that are being turned away because of the distribution charge?
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SENATOR RIEPE: Yes, exactly. [LB690]

SARAH COMER: Because of the way the law is currently set up, if you...any charge like distribution, other than possession, automatically disbands you. So if it's distribution, manufacturing, anything like that. I would say the majority of the clients that we see that have drug felonies fall into that category of distribution, manufacturing, essentially any other charge other than possession. [LB690]

SENATOR RIEPE: What would be the absolute number, instead of percentage? [LB690]

SARAH COMER: See, and that's, that's the hard thing to do... [LB690]

SENATOR RIEPE: I mean like in a month, would it be... [LB690]

SARAH COMER: Yeah. [LB690]

SENATOR RIEPE: ...50? 100? 200? [LB690]

SARAH COMER: I would say probably, and that's one thing that's hard to capture is, we haven't...since we prescreen so thoroughly, we don't always capture that data. But I would say, just based on my experience, it's...if we see, you know, 20 people in a month that have drug felonies, I would say 15 of them would have distribution, manufacturing, any other charge. [LB690]

SENATOR RIEPE: Okay. [LB690]

SARAH COMER: It's, it's pretty heavy on that side of people that are hard-banned for life. [LB690]

SENATOR RIEPE: Okay, thank you. [LB690]

SENATOR CAMPBELL: But you're not the only agency for which someone would be coming. [LB690]

SARAH COMER: Right, yes. [LB690]

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SENATOR CAMPBELL: I mean, while you do the education and outreach statewide, there would be people coming in to the Lincoln Food Bank... [LB690]

SARAH COMER: Yes, yes. [LB690]

SENATOR CAMPBELL: ...from all across the state of Nebraska. [LB690]

SARAH COMER: Absolutely. We have partners across the state in Scottsbluff and Columbus and Gering and North Platte and Hastings. [LB690]

SENATOR CAMPBELL: Right. [LB690]

SARAH COMER: So we're just only one section. We have a team of eight people, but we also have partners all across the state that do application and provide assistance that way, too. [LB690]

SENATOR CAMPBELL: So someone may be walking into those areas. [LB690]

SARAH COMER: Right. [LB690]

SENATOR CAMPBELL: You're not the only entryway. [LB690]

SARAH COMER: Yes, correct. This is only one snapshot of what we see. [LB690]

SENATOR CAMPBELL: Thank you very much. [LB690]

SARAH COMER: Yes, absolutely. Thank you. [LB690]

SENATOR CAMPBELL: Our next proponent? Good afternoon. [LB690]

DESTENIE COMMUSO: Hi. My name is Destenie Commuso, D-e-s-t-e-n-i-e C-o-m-m-u-s-o. I want to talk a little bit on personal, but then the work I do now. July 28, 2006, Nebraska State Patrol drug crimes came out with a 25-person, 2-year investigation drug bust. I was one of the last seven people to be arrested in that drug bust for manufacturing, delivering, and possession with intent to deliver methamphetamines. I did...luckily, I did get adult drug court, and I was able to...I had worked with some behavioral health providers. And they did assist me in signing up for

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food stamps, because I do want to tell you, yes, I was a drug dealer. Did I want to be? No. Did I want to be addicted to drugs? No. It's just something that I fell into as a youth. And I wanted to be sober very, very badly. But once you get into a life like that, it's really hard to get out. So when, when I, you know, when the state did help me out of that situation, I did sign up for food stamps. And I did receive...I believe it was, it was well less than \$200 a month in food stamps. I did have a job. But, you know, I went from making \$2,000-\$3,000 a day to making \$200-\$300 every two weeks. So you're looking at \$500-\$600 a month. Do you know what you can do with that? You can maybe pay your rent. So if it wasn't for SNAP benefits, I wouldn't have been able to eat. And that would have meant that I would have had to be in some sort of survival mode. And what I do when I'm in survival mode is do what I did before, you know. We go back to the things that, you know, aren't healthy for us and probably are not legal. Moving forward to today, I utilized SNAP benefits for about six months, until I could get going good on drug court, you know, get a better job, get into treatment, you know, get my mind right, because at that time, I was so all over the place that, you know, I really didn't know what to do because I didn't know how to live like a normal person who went to bed every night and who woke up every morning and went to work. Those are things that I had to learn. But that's a process, right? So it took a little bit of time. So I utilized them for about six months. I have been fully, full-time employed since I graduated in 2008. I have been working in recovery since I graduated. I do have two children now. They have never seen a Medicaid dollar; they have never seen a food stamp. I have raised them by myself with my own money. I do currently pay almost \$1,000 a month in taxes. So I did...there's a myth, you know, that people think that we just want to suck the system and, you know, live off it. That's not true. You know, we want to be, we want to be just as successful as anybody else. But some of us have a little bit of a harder time with that. Today I do work for the Mental Health Association of Nebraska. I've worked for them for a little over six years. Today I'm the reentry coordinator, and we assist individuals with behavioral health issues, which includes addiction. And a lot of those people coming out did distribute, or they have other felonies that prevent them from collecting SNAP benefits. So we provide a short housing stay for them in one of our homes. We provide supported employment. And we provide outreach. What we're finding now is that it's really hard for people like us to get someone to hire us. It's really hard for people like us to get someone to rent to us. It should not be really hard for us to be able to eat. You know, I agree that we shouldn't probably live off the system forever. But there's got to be somewhat of a bridge, you know. If recovery and success is really what, what we're pushing for, then we should be able to provide the resources to these individuals. (Inaudible). [LB690]

SENATOR CAMPBELL: Thank you for your testimony. Questions? Senator Kolterman?
[LB690]

SENATOR KOLTERMAN: How are you? [LB690]

DESTENIE COMMUSO: Good. How are you? [LB690]

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SENATOR KOLTERMAN: We've met before. [LB690]

DESTENIE COMMUSO: We have. [LB690]

SENATOR KOLTERMAN: First of all, I want to thank you for your testimony. I've been to your home... [LB690]

DESTENIE COMMUSO: You have. [LB690]

SENATOR KOLTERMAN: ...that you work at. You're doing great things. [LB690]

DESTENIE COMMUSO: Thank you. [LB690]

SENATOR KOLTERMAN: And it's important that we get this passed. So thank you for coming. I've seen what you're doing, and I admire you for that. [LB690]

DESTENIE COMMUSO: Thank you. [LB690]

SENATOR CAMPBELL: Other questions or comments from the senators? Thank you very much. And congratulations on making your life very productive and healthful for your two children. [LB690]

DESTENIE COMMUSO: Thank you. [LB690]

SENATOR CAMPBELL: Our next proponent? Good afternoon. [LB690]

PATRICK NEWTON: How you doing? [LB690]

SENATOR CAMPBELL: Very well. [LB690]

PATRICK NEWTON: Good. I appreciate being here. My name is Patrick Newton, P-a-t-r-i-c-k. I'm another individual like Destenie who had an unfortunate upbringing in life. My mother was a selfish drug addict. She took advantage of her things from the system, far as food stamps, growing up. And I went without...you know, I was forced to get involved in some stuff growing up. Come from north Omaha, got involved in drugs and gangs. Had to sell dope to buy nice clothes, eat, stuff like that. When I was 18, I caught a case and got me 25 years in prison. I

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served 11 straight. So I worked hard; I do what I...trying to do what I got to get out. As I was in prison, I was told...I was blinded by people saying when you get out, you're going to have so much opportunity, so many things to do to change your life. You just got to work for it. And I believed that. So I gave in the work. I gave in...did what I had to do to get out...11 years. I've been out since September 25, 2015. I think that's no longer than 120 days. And if it wasn't for the people I'm working with now at the Mental Health Association, I wouldn't have no place to go. I'd probably still be incarcerated. No family...most of my friends are dead. Since I've been out, I've been, I've been...I was charged with the use of a firearm and drugs. So when I've gotten out, it's been hard for me to get a job. It's hard for me to get food stamps. I'm only making \$700 a month where I'm working at. I'm putting in all the hours I can. Like I said, if it wasn't for the house that embraced me and became friends and family, I'd be forced to go back to what I was doing, not because I want to, because I'm forced to eat, survive. And there's a lot of people in my situation. And it's unfortunate that some people do take advantage of the opportunities that the system gives them far as food stamps. But there's also people out there who's trying to make it and keep going back from the environment they came from. And you know we are focused on drug, drug cases and stuff like that. But another thing they keep bringing up when I try to apply for food stamps is my gun charge. Now I gave 11 years to the system on paying my debts to society. I was 18; I'm 30 years old now. And I've only, I've only been transitioned back into society for 120 days. And I've been having to jump obstacles I can't even jump over. And I got the mind of stating to get up and keep fighting. And it's difficult when you only making \$700 a month, and you having to buy necessities of life, you having to save it for a place. And now I'm having to worry about eating. And I just don't think it is fair. I think it's...there's nothing like pain, but there's more, you know, when it comes to hunger pains. That's one of the worst feelings you can feel. And it's stress, and you focus on how you going to eat and constantly giving out money. You can't save money if you constantly spending money. And some people are limited to what the time they have to get on their feet because, to be on parole, you have to have a place to stay. You got to be situated in life or...because if you don't have a place to go, they will lock you back up, not because you want to. You just...okay, you got to have a place to go. You got to have money. You got to have food. You got to have stuff going for yourself. And for people like me who's out here waking up every day with the ambition and the drive to prove to the people who told me I was a failure, a loser, a criminal, you know, and a lot of stuff. I got a lot of cards playing against me. And it's hard to win when you sit at the table and you can't win at it. I just feel like, you know, we should just focus on not just drugs, but all cases. Once you pay your debt to society, you should be...who is you to tell us that we can't eat, that we got to starve? You know, I feel like that's very important. And just take one little struggle away from somebody, make a lot of things easier, you know. [LB690]

SENATOR CAMPBELL: Patrick, would you do me a favor and spell your last name for us again? [LB690]

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PATRICK NEWTON: N-e-w-t-o-n. [LB690]

SENATOR CAMPBELL: Okay, thank you. Questions from the senators? Thank you very much. And let me tell you, coming to testify for us...you've got a good start on making it. [LB690]

PATRICK NEWTON: Thank you, appreciate it. [LB690]

SENATOR CAMPBELL: Good luck. Our next testifier? Any other proponents? Oh, okay. [LB690]

KATRINA THOMAS: (Inaudible). Sorry. [LB690]

SENATOR CAMPBELL: Hi. [LB690]

KATRINA THOMAS: (Exhibit 3) I'm Katrina Thomas, K-a-t-r-i-n-a T-h-o-m-a-s. First of all, I would like to thank Adam for bringing this bill forward; I'm very passionate about it. And also the committee. I work for ResCare Workforce Services. So we're contracted through DHHS. We do all the case management for those that receive public assistance. So I deal with this on the front lines. Let's see...we also have...we just got a contract through the Department of Corrections. So we now teach employment classes for those that either are on probation or parole. So I help teach those classes, so both sides, I get (inaudible). I've done extensive research on female incarceration and reintegration and the collateral consequences of felony convictions. While I was attending Wesleyan, I received a criminal justice minor and a bachelor's in social work after I was released from prison. Just a little bit about me...prior to incarceration, a snapshot of my life was a reflection common amongst female prisoners, a victim of childhood abuse and domestic violence with a continuation of abusive adulthood relationships, thereby masking the emotional mental torment through drugs and alcohol. I have lived with the collateral consequences of my felony conviction for over a decade and understand how difficult and challenging reintegration can be. For me, successful reintegration was possible with the help from my family, my friends, community members, and resources: therapy treatment, medication, and public assistance and financial aid. I was fortunate because my conviction was not a drug conviction. It very well could have been. But...so I didn't have those difficult...I was still able to...I'm a single mom...I was still able to, when I got out, have my...get my son back, get three degrees after that while I was receiving public assistance. But look at where I'm at now, through that. So ResCare also has a program; it's called work experience. So since I was going to work...or going to school for social work, they gave me this work experience program, because you have to be doing so many hours if you receive public assistance. I mean, it's not easy. So, and then they realized how I impressed them and, you know, so they hired me on. So this is just an example of...you can use those struggles, and as long as you have the resources, you can make

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things happen. But like I was saying, I'm...I was fortunate because I was able to get financial aid. I was able to get SNAP while I went to college. Now, believe me, my financial, my debts are out of control. But you got to do what you got to do. And hopefully, eventually I'll pay them back; we'll see. So on the handout that I gave you...I don't know if she was able to pass those out yet, it's really good. People do not realize women are the fastest-growing population within the prison system. Two thirds of them are mothers of minor children. Before they go in, they're pretty much in poverty. Seventy-seven percent...I could throw stats at you...77 percent are in poverty before they go in. Then they want to...you want to kill a fast...a woman faster than anything, or get her back to prison, take away her kids. And if you can't feed your kids, you're probably, you know...you got to figure out resources, or else they go back into the system. And just...there's really good facts on here, but to, just to draw your attention to the bottom where it talks about...women are most, you know, are the primary responsible caretakers before and after incarceration. Another thing to realize with women...people focus on men a lot more. Women have completely different issues. The major reasons they go into prison: property crime and drug offenses, which, and they know that since you go through so much abuse, there's over 80 percent of women that admit that they had been abused throughout their lives. So if you haven't gotten help, you continue this cycle. Well, so most of the women...that happens with these crimes. They are doing this to take care of their children or because their partner has influenced them to take the rap for them when they have a drug conviction. So that happens all too often. And since I've been in prison, believe me, I've heard plenty of these stories over and over. So, let's see. Basically, if you just take a look at this, I just really wanted to focus on the women part, because I think we need to realize we're not only just affecting people that have felony convictions, but our children, as well. [LB690]

SENATOR CAMPBELL: Okay. Thank you very much, Ms. Thomas. [LB690]

KATRINA THOMAS: You're welcome. [LB690]

SENATOR CAMPBELL: Questions from the senators? Senator Riepe? [LB690]

SENATOR RIEPE: Senator Campbell, thank you. I have one that's not so much with the SNAP program. But you had commented...and let's see if I get this right...that you are now teaching those on parole in anticipation of parole. Or is it, once they are on parole? This is more of an incarceration, Curious George question. I'm just curious. If they're coming up for parole, is that when you give them this training, not after they've gone out on parole? Or how's that? [LB690]

KATRINA THOMAS: We work with probation and parole and especially now that we might not let people jam out anymore. So we're getting more and more contracts. Plus, we have six different centers right now all around Nebraska. So we have reporting centers where we can help

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as many people as possible. But...so the probation officer...they refer them to us. It's about a ten-week course. You learn employment skills, vocational training, things like that. [LB690]

SENATOR RIEPE: But this happens after they're out on probation, not with the likelihood that they're going to get probation. [LB690]

KATRINA THOMAS: Well, so it's... [LB690]

SENATOR RIEPE: I'm trying to figure out which side of the... [LB690]

KATRINA THOMAS: Sure. [LB690]

SENATOR RIEPE: ...of the, the, you know, the facility that it's going on. [LB690]

KATRINA THOMAS: So we're at Trabert Hall. Let me see if I answer your question correctly...at Trabert Hall. So say somebody got probation, the parole officer will say you need to come to that class and complete it. Or else you're going to be in trouble. And then if they...a parole office could also require them to come to our class. [LB690]

SENATOR RIEPE: Okay, thank you. [LB690]

KATRINA THOMAS: Um-hum. [LB690]

SENATOR CAMPBELL: Okay. Any other questions? Thank you very much for your testimony and for the information. Okay. [LB690]

KATRINA THOMAS: And I forgot to say, I'm on behalf of the Nebraska Association of Social Workers and also the Reentry Alliance of Nebraska, okay? [LB690]

SENATOR CAMPBELL: Thank you. [LB690]

KATRINA THOMAS: Thank you. [LB690]

SENATOR CAMPBELL: Our next testifier? How many more proponents do we have? One, okay. Can I see the hands of those who will be opposing this bill? One. Okay. Good afternoon. [LB690]

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AMIE JACKSON: Good afternoon. My name is Amie Jackson, A-m-i-e J-a-c-k-s-o-n. I want to tell you first that two years ago, I was an inmate of the Department of Correctional Services here in Nebraska. I do have a drug convicted felony. I spent a majority of my life addicted to drugs and committing crime. I was released from prison in 2014. I had a job here in Lincoln, paying \$8.00 an hour, minimum wage. I was unable to get SNAP benefits. I did not get SNAP benefits, so I was forced to rely on food nets all over town. And the food at the food nets are already expired when they get there. So by the time you get them home and you have them in your fridge for two days, they rot. I was...I now work for the Mental Health Association of Nebraska. I work at one of our newly-opened homes for people coming out of corrections, reintegrating into society. And what my role is, as a peer support specialist, is to provide hope for those people coming out to change their lives, to become better citizens. And what I have found, in doing that, is so many barriers for these people. Like, like Patrick said, he did his time. He did 11 years. I've worked with people who have done 22 years. They come out; they don't know how to run a cell phone. They don't even know how to work a microwave. And we're not allowing them to eat. I feel like it's not providing hope when that's already a barrier. That's the first barrier when they come out, is telling them they're not allowed to eat, because of their drug-convicted felony. There's other barriers...housing. Nobody wants to rent to these convicted felons, you know. So I think that all of these barriers that are up is putting hope by the wayside. And what we are here to do is to provide hope to those people to become better citizens. [LB690]

SENATOR CAMPBELL: Thank you, Ms. Jackson. Questions or comments from the senators? See, you always want to kind of be last, because we run out of questions (laughter). [LB690]

AMIE JACKSON: Okay. [LB690]

SENATOR CAMPBELL: Thank you, Ms. Jackson, for telling us your story. Our next proponent? [LB690]

JOHN KREJCI: Good afternoon, Senator. Good afternoon, (inaudible). [LB690]

SENATOR CAMPBELL: Good afternoon. I think they're going to be looking for the orange sheet. Did you complete a...we'll get one for you. So you go right ahead with your testimony. And then... [LB690]

JOHN KREJCI: Okay, I didn't. Is there someone who can pass these out? [LB690]

SENATOR CAMPBELL: Sure. [LB690]

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JOHN KREJCI: (Exhibit 4) My name is John Krejci, K-r-e-j-c-i. I come in support of LB690. I'm a board member RAN, the Reentry Alliance of Nebraska. It's a coalition of about 30 individuals, organizations, state agencies, and individuals who work with ex-offenders so that they can successfully reintegrate. And I see we've had a number of them here that have had credibility and reintegrated. There's a number of us that are working for that, and the resources are slim. I'm also a member of a bunch of other organizations that I work with inmates and prison reform quite a bit. I won't take a lot of time, because I know that you know that when you get out of prison, housing, employment, psychological support, drug and alcohol support are very much needed. And, as you saw, these people are struggling, and there's a lot of them come out, I think something like...I don't know if the senator asked that...70 or 75 percent of the people in prison have some kind of a substance abuse problem...not that they went there for that reason, but it's very, very high. If we help get food to these people, they're less likely to go back to prison. And we know we have an overcrowding problem, and there's always a high recidivism rate. And a point that I don't make in my paper, but my wife said, it's safer for the community; it's good for the community. As a...I'm an activist involved with prison reform. And the more people we get involved in working with this...and people say, well, you put them away and then you forget about them...but 2.7 year or two, they...everyone...average...get out. So, you know, it's to our advantage to be helpful. So finances is always a problem. And they made that so clear. The laws in 1996...you know, it was get tough on crime, drug wars...that was really...we know now that that was not a very good idea. But, you know, if you, if you committed a crime in 1995, you can get SNAP benefits; in 1997, you can't. Anyway, it's a small step to help people who reenter, survive. And I'd just like to support Senator Morfeld's bill and ask you to, you know, vote it out of committee. And let's...it's just that the states around here do that, something like 39 or 40 states waive the federal restriction. So thank you very much. I appreciate the opportunity. [LB690]

SENATOR CAMPBELL: Any questions for Dr. Krejci? Thank you very much for your testimony... [LB690]

JOHN KREJCI: Thank you. [LB690]

SENATOR CAMPBELL: ...and the organizations you work for. Any other proponents? Okay. Opponents? Good afternoon. [LB690]

DOUG WEINBERG: (Exhibit 5) Good afternoon, Senator Campbell and members of the Health and Human Services Committee. My name is Doug Weinberg, D-o-u-g W-e-i-n-b-e-r-g. I am the director of the Division of Children and Family Services of the Department of Health and Human Services. I am here to testify in opposition of LB690. Currently in Nebraska, a person can have up to two felony convictions for possession or use of a controlled substance and have

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participated in or completed treatment and continue to be eligible for SNAP benefits. The Department is supportive of those citizens who strive to overcome drug addiction and meet eligibility standards for assistance, again, by allowing a person to have up to two felony convictions for possession or use of a controlled substance and remain eligible for SNAP benefits. This bill also eliminates the exclusionary criterion of a felony conviction for the sale or distribution of a controlled substance or the intent to sell or distribute a controlled substance. LB690 proposes to remove this language, making all offenders eligible, regardless of felony drug use or felony drug distribution. The potential inability to participate in the SNAP program will no longer serve as an incentive to participate in or complete treatment and a disincentive to dealing illegal substances. As director at the Health and Human Services, I have a stewardship for tax dollars earned by the hard work of our neighbors. The Department cannot support a bill with the potential consequence of the use of tax dollars to support those who choose to sell and distribute addictive drugs to children and families. In addition, the increase in recipients would require additional department resources to determine and process eligibility. LB690 would increase the number of SNAP recipients by an estimated number of 777 individuals, resulting in the need for additional case managers. I am happy to answer any questions you may have. [LB690]

SENATOR CAMPBELL: Thank you, Director. Questions from the senators? Senator Riepe? [LB690]

SENATOR RIEPE: Chairman Campbell, thank you. Thank you for being with us today. It notes in here, and I'm trying to read through this. It says a person can have up to two felony convictions. It doesn't talk about distribution. [LB690]

DOUG WEINBERG: That is true. There's an outright disqualification. [LB690]

SENATOR RIEPE: So the distribution still plays. So that's... [LB690]

DOUG WEINBERG: Single felony. [LB690]

SENATOR RIEPE: ...kind of the key word that we're playing with here? [LB690]

DOUG WEINBERG: Um-hum. [LB690]

SENATOR RIEPE: Okay. Thank you. [LB690]

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SENATOR CAMPBELL: Director, one of the questions I have, and it's probably because I haven't served on the special committees on corrections yet, but having read the stories and some of the reports, don't we have a problem in terms of providing enough programming for people, because one of the stipulations, I believe, is that they go through a program? What kind of a program? I mean, is that the program inside the correctional facility? [LB690]

DOUG WEINBERG: I don't think necessarily. We can give you the details on the programming that's available. But I believe it's also community treatment. [LB690]

SENATOR CAMPBELL: Okay. I think that would be helpful... [LB690]

DOUG WEINBERG: Sure. [LB690]

SENATOR CAMPBELL: ...because part of what we're hearing, as state senators, is that there's not enough programming, not only in the correctional facilities, but in communities. And if we continue to say, well, you have to have a program...I mean, that's part of what we saw in the reports, because inmates would say, well, that's great. But the programs are closed, because there's not enough of them. I can't even get a program. So I would appreciate some help on that. [LB690]

DOUG WEINBERG: We will definitely look into that issue and make sure there's capacity available. [LB690]

SENATOR CAMPBELL: Are you saying through your testimony that if there wasn't a distribution involved, that you'd support opening it up to that extent? [LB690]

DOUG WEINBERG: I think if the Legislature was to propose an amendment to the bill, we would definitely reconsider our position. [LB690]

SENATOR CAMPBELL: Okay. I just want to make...clarify that for the record. Any other questions, Senators? Okay. Thank you, Director. [LB690]

DOUG WEINBERG: Oh. [LB690]

SENATOR CAMPBELL: Anyone else in the hearing room who wishes to testify in opposition? In a neutral position? Senator, we are back to you if you'd like to close. [LB690]

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SENATOR MORFELD: Thank you, Senator Campbell. Thank you for all of the courageous people that came up and told their story today. I know that's tough. I suppose I'll just reply to a few different remarks by the director of Children and Family Services. You know, I guess I...it's tough not to find it ironic that the director of Children and Family Services came up and testified in opposition to this today, when we've seen so many people who have children and have families come up and tell us how important it is that they have these benefits to be successful. And as member of the LR34 investigative committee, one of our biggest problems has been getting the state to implement effective programs so that people can get the treatment that they need to get back to being productive. And so it's a little bit of a chicken and the egg argument. In terms of stewardship and use of tax dollars, I can tell you that this \$54,000 fiscal note is nothing, compared to how much we spend in sending people back to jail every year...\$34,000 to \$36,000 per year per inmate, and that's not including some of the services and other things that we have to provide those inmates while they're in prison. So if \$54,000 is too much, then I don't know how much smaller the fiscal note has to get to be able to show that keeping people out of jail by making sure that they're successful and have food, and, albeit short-term, SNAP benefits are largely short-term benefits. But I'll tell you that one of the toughest things that I see is people that are just getting out of prison, trying to be successful and get back up on their feet, that three to six, that nine months. And that's a critical time, because if they don't have a home, if they're not successful, and they don't have a job, then they're sometimes back in jail again. So I think it's important to put this into context and to think about the fact that...I guess I always try to step back. And I try to think, what is the policy rationale? And what is the goal that we're trying to achieve? And I'll tell you that serving on the Judiciary Committee, after people have served their time in jail, and for many of them, they should have served their time in jail, the policy goal should be to make sure that they are successful in society, that they are reintegrated, that they are productive citizens paying taxes, able to take care of their children. And in order to do that, some people just need a little bit of a leg up just for a few months. That's what this provides. In addition, the director seems to assume that if former inmates are not forced into these programs, they simply just won't go into these programs, to be able to get the treatment and things that they need. I think we have a few people behind us today that showed you don't need to be forced in a program to be able to go do it, even the ones that are completely ineligible because of distribution charges. These are folks that are trying to go into programs and trying to get services. And we need to make sure that we're providing minimal assistance. This is not, this is not a ton of assistance, but minimal assistance that's so incredibly important to making sure that people are reintegrated into our society, that they're successful, and that they don't recommit crimes. It's about keeping our streets safe. And it's about being smart on crime. It's really easy to go off here, come up here and be tough on crime. We did that for 10 or 15 years; it didn't turn out so well. And LB605, which many of us voted for last session, took a lot of hard work and a long look at ourselves. And we're on that road to being smart on crime, not just tough. It's important to be a little tough; I think there should be consequences for people's actions. But we also have to

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be smart. And with that, I'd be more than happy to answer any questions that you may have.
[LB690]

SENATOR CAMPBELL: Any questions, Senators? Senator Riepe? [LB690]

SENATOR RIEPE: Senator Campbell. Senator, I admire your energy that you bring to everything that you do. (Inaudible). [LB690]

SENATOR MORFELD: Not everybody does, Senator Riepe (laughter). [LB690]

SENATOR RIEPE: Well, I do. [LB690]

SENATOR MORFELD: So I'm glad that you do. [LB690]

SENATOR RIEPE: My question is this: Are...would you be... [LB690]

SENATOR MORFELD: Yeah. [LB690]

SENATOR RIEPE: ...open to an amendment that...it sounded like this Department of Health and Human Services' concern is that they have some carrot, if you will, to get even those that are distributing to participate in the programs that they... [LB690]

SENATOR MORFELD: Um-hum. [LB690]

SENATOR RIEPE: ...so I don't...my question would be...I'm not sure what that amendment would be... [LB690]

SENATOR MORFELD: Yeah. [LB690]

SENATOR RIEPE: ...would you be friendly to at least entertaining that or looking at that?
[LB690]

SENATOR MORFELD: I would be open to...my door is always open. It's...you know, this job is about the art of compromise. And, and I'd be willing to look at that and potentially accept a friendly amendment. That being said, I do want to note that, you know, I've heard reports. I've not applied myself, obviously, but I've heard reports that when you apply, it's not even something

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that's red-flagged on the application for benefits. So what happens, and I think we heard some anecdotal evidence here, that you apply and then you're, you're accepted automatically, then you're rejected a few days later. So I think that: (1), we need to have more funding for the programs and they need to be actually implemented, and then (2), we need to have a process at the Department of Health and Human Services and that, you know, indicates to people what's expected of them, because sometimes those processes can take a while. And when you're out of jail, and you don't have a job yet, and you're hungry...I mean, there's not a lot of time. So to answer your question, Senator, I mean, I'm more than happy to look at some other solutions and sit down. [LB690]

SENATOR RIEPE: I know in some situations in healthcare, people will be taken care of regardless, and then come back and follow-up care is maybe something that they can't access. So... [LB690]

SENATOR MORFELD: Certainly. [LB690]

SENATOR RIEPE: ...conceivably, they get that initial food regardless. [LB690]

SENATOR MORFELD: Yeah. [LB690]

SENATOR RIEPE: And then...but with a caveat that they may not be eligible going forward. [LB690]

SENATOR MORFELD: Yeah. [LB690]

SENATOR RIEPE: I, I don't know. We're not going to solve that here today. [LB690]

SENATOR MORFELD: Well, and, and yeah. And Senator, I think one of the dangers that we do have with creating exceptions and things, and this is something we can talk off the mike, is that it makes the program more cumbersome and much tougher to administer. And so then, instead of looking at a \$54,000 fiscal note, which is about a prisoner and a half each year, which is pretty...just a drop in the bucket,... [LB690]

SENATOR RIEPE: Um-hum. [LB690]

SENATOR MORFELD: ...we might be looking at, you know, a much higher administrative overhead. [LB690]

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SENATOR RIEPE: And the threats of... [LB690]

SENATOR MORFELD: But...more than willing to talk to you, Senator. [LB690]

SENATOR RIEPE: ...threats of subjectivity. [LB690]

SENATOR MORFELD: Absolutely. [LB690]

SENATOR RIEPE: Okay, thank you. [LB690]

SENATOR CAMPBELL: Senator Morfeld, having served on that committee, do you know...one of the things that, that we talked a lot about on the floor last year was the transition plan... [LB690]

SENATOR MORFELD: Um-hum. [LB690]

SENATOR CAMPBELL: ...to make sure that people have that. Do you know whether that current Corrections Department provides information on a transition plan about that offense and the stipulations on eligibility? [LB690]

SENATOR MORFELD: Um-hum. I'm not aware, but I'll look into that and get back to you, Senator. [LB690]

SENATOR CAMPBELL: Would you...because I think that's an important discussion for us as a follow-up to everything we heard on the floor last year, because I know some of the states have a very aggressive transition program. [LB690]

SENATOR MORFELD: Yeah. [LB690]

SENATOR CAMPBELL: And they're preparing those inmates. And they go through quite a bit of what they're eligible for before they step out of prison. [LB690]

SENATOR MORFELD: Or what they need to do to be eligible. [LB690]

SENATOR CAMPBELL: Correct. [LB690]

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SENATOR MORFELD: Correct. [LB690]

SENATOR CAMPBELL: Correct. [LB690]

SENATOR MORFELD: Yeah. I'll look into that, Senator. [LB690]

SENATOR CAMPBELL: That would be super. Anything else? Thank you, Senator Morfeld. [LB690]

SENATOR MORFELD: Thank you. [LB690]

SENATOR CAMPBELL: I saw Senator Mello step in once. Okay, they're getting him. [LB690]

ELICE HUBBERT: Senator Campbell? [LB690]

SENATOR CAMPBELL: Yes. [LB690]

ELICE HUBBERT: Items for the record? [LB690]

SENATOR CAMPBELL: Items for the record. Oh, Senator Howard is not here to remind me. Thanks. We have items for the record? [LB690]

ELICE HUBBERT: We do. [LB690]

SENATOR CAMPBELL: Okay. [LB690]

ELICE HUBBERT: (Exhibits 6-10) We have a letter from the Office of Inspector General of Corrections. We have a letter of support from the Center for People in Need. We have a letter of support from Nebraska Appleseed. We have a letter of support from Voices for Children. [LB690]

SENATOR CAMPBELL: Okay. Are they all...are we able to access all those on Google Docs? [LB690]

ELICE HUBBERT: A couple of them just came in. [LB690]

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SENATOR CAMPBELL: Okay. But they will be, so we can take a look at them. Excellent. All right. Senator Mello, go ahead and be...take a chair and we'll get all my papers straight here in the right pile. All right. We're going to proceed with the hearings this afternoon, and...before the Health and Human Services Committee. And next up will be LB698, Senator Mello's bill to adopt the Home Care Consumer Bill of Rights Act for which this committee greatly owes you. I know you're not going to bring that up right away, but... [LB690]

SENATOR MELLO: We'll get into that in a little bit. I think it'll be later. [LB698]

SENATOR CAMPBELL: We'll get into it. [LB698]

SENATOR MELLO: Good afternoon, Chairwoman Campbell, members of the Health and Human Services Committee. My name is Heath Mello, H-e-a-t-h M-e-l-l-o, and I represent the 5th Legislative District in south Omaha. LB698 is a bill that creates the Home Care Consumer Bill of Rights. It was drafted in response to one of the key recommendations from the legislative-led Aging Nebraskans Task Force. Last year I brought LB607 to this committee that also would have created a home care consumer bill of rights. LB607 last year received no opposition at the hearing and made it to General File with a speaker priority. When the bill was on General File, however, the decision was made to repurpose LB607 to accommodate a compromise between Senator Campbell and the Governor's office relating to Aid to Dependent Children. In 2014, the Legislature passed LB690, establishing the Aging Nebraskans Task Force. And over the interim, members of the Legislature, along with representatives from the judicial and executive branches and community stakeholders, assessed the needs of the growing aging population in Nebraska. One of those growing needs with our aging population is more consumer protection when utilizing home care services. LB698 establishes reasonable and responsible consumer protection requirements similar to those implemented in other states across the country and would provide increased clarity of responsibilities moving forward for both consumers and for service providers. The Home Care Consumer Bill of Rights, as drafted, would provide consumers the right to participate in the approval of services and any changes to service, the right to refuse service, information on rights and responsibilities in the agreement between the consumer and the provider of services, freedom of choice of service providers, and freedom from explanation...or exploitation. One significant protection LB698 highlights is the transparency of the employment status of home care workers. Traditionally there are two different models that are used by home care service companies, one being your traditional W-2 employee/employer model and the other being a 1099 contract employee relationship. Through the work done by the Aging Nebraskans Task Force, we learned that oftentimes seniors are not notified of the 1099 contractor status of a person providing these services, thus creating considerable risks for the consumer, such as worker compensation and other workplace liabilities. The Home Care Consumer Bill of Rights will require businesses that provide in-home care services to disclose to the consumer as to what status, what is the status of their employees and/or the status of the

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person that will be in the consumer's home prior to beginning the agreed-upon services. Others behind me will testify to the specific differences of these two models and will speak to the specific risks taken on by a consumer if they enter into an agreement with a 1099-contracted employee. The committee should have received a letter from Director Calder Lynch in the Department of Health and Human Services, providing some recommendations to improve the language in the bill and an option to eliminate the General Fund fiscal note. In light of the department's recommendation, I have had, also, conversations with the Attorney General's office, and we are working on an amendment to provide the committee to make the necessary changes that will address the definitional changes of HHS and eliminate the General Fund fiscal note. My goal with LB698, as it was with LB607 last year, is to ensure that the rights of Nebraska's vulnerable populations, such as the elderly and people with disabilities, are protected when they have the assistance of someone else in their home. The committee should have received letters of support from Leading Age Nebraska, the League of Human Dignity, the Nebraska Home Care Association, and The Arc of Nebraska. There are others here today who will testify of the importance of having these important consumer protections in state statute. I'd be happy to answer any questions the committee may have. [LB698]

SENATOR CAMPBELL: Are there any questions from the senators? Senator Mello, this bill is essentially the same as last year, correct? [LB698]

SENATOR MELLO: Yes, it is essentially the same bill. What we did do is, we drafted the bill with the committee amendment that was included last year as the green copy of the bill. And discussions, though...I appreciate Director Lynch connecting with us in regards to helping try to improve some definitional changes in the bill, in regards to the department having a little bit more time to look over the bill, as well as clarifying what we need to do to eliminate the fiscal note, which will essentially take out the long-term care ombudsman as well as the state agent, the State Unit on Aging. We would take them out of the bill, in regards to the actual enforcement of the Home Care Consumer Bill of Rights and, instead, exclusively rely upon the Attorney General's office for the enforcement of the Home Care Consumer Bill of Rights. The fiscal note, as you see from the Attorney General's office and with what the legislative fiscal office states, is that it would simply be a cash-funded appropriation to the Attorney General, since their consumer protection division is a cash-funded division of the agency. [LB698]

SENATOR CAMPBELL: Got it. Questions? Senator Crawford? [LB698]

SENATOR CRAWFORD: Thank you, Chairwoman Campbell, and thank you, Senator Mello. So just to clarify those changes then, would the enforcement be a complaint-based enforcement? Is that what you mean? [LB698]

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SENATOR MELLO: Yes, yes. [LB698]

SENATOR CRAWFORD: Okay. [LB698]

SENATOR MELLO: Similar to what we did...the process would not change from what we discussed last year; it's still a complaint-driven process. And the Attorney General...what was in the bill last year, as well, but they would be the exclusive entity where complaints would be filed, since they are the main entity in the state that deals with consumer protection violations. [LB698]

SENATOR CRAWFORD: Thank you. [LB698]

SENATOR CAMPBELL: Senator Riepe? [LB698]

SENATOR RIEPE: Thank you, Senator Campbell. Senator Mello, good to see you. [LB698]

SENATOR MELLO: You, as well. [LB698]

SENATOR RIEPE: Thanks for being here. We have in front of us the letter from DHHS. [LB698]

SENATOR MELLO: Um-hum. [LB698]

SENATOR RIEPE: I think you addressed that you said that you, with Calder Lynch... [LB698]

SENATOR MELLO: Um-hum. [LB698]

SENATOR RIEPE: ...you've addressed those issues. And I guess I was just skim reading it here and saw a few in there. But... [LB698]

SENATOR MELLO: We will be providing the committee an amendment to the bill, in regards to the definitional changes that the department would essentially like to see, in light of clarifying some components in the bill more than anything else. The fiscal notes component we've already talked through. That will also be part of the amendment, but that's a generally, mutually-agreed-upon course of action that we knew we were going to have to take prior to...the definitions are the main important thing that we've got to fix. [LB698]

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SENATOR RIEPE: Okay. You always do your work. [LB698]

SENATOR MELLO: I try. [LB698]

SENATOR RIEPE: Thank you. [LB698]

SENATOR CAMPBELL: Senator Baker? [LB698]

SENATOR BAKER: Thank you. Senator Mello, I've read the bill. But tell me, if I am a home care consumer, I'm 70 years old or more, how is this going to change my life? [LB698]

SENATOR MELLO: More importantly, if anything else, Senator Baker, the rights that are described in this bill, I think, would change your life as a consumer in regards to giving you some necessary protections in regards to a very-growing industry. And most importantly, and you may remember this from last year's hearing, the biggest issue, as we've come to identify through the Aging Nebraskans Task Force, is not just the information that is provided to consumers to know when they can take services, when they want their services changed, and having legal rights to be able to do that and have that clearly explained, knowing that we're talking about a population that may be disabled, may be senior in age, and want to make sure that we're being forthright with consumers. The biggest issue, though, really comes down to the relationship of the employee in regards to the contractual agreement they have with a company and/or if they're a 1099 contractor. And we heard pretty extensively last year's hearing of some of the testifiers in support of the bill walking through the concerns, that they have had clients come to them in regards to the 1099 contractor model. That puts a considerable amount of burden onto you, the home care consumer, by not telling you up front that you're responsible for workers' compensation by having them in your home. In comparison, too, we'll have...Home Instead Senior Care will come testify in support of the bill. They have run a W-2 model, where it's an employee/employer relationship where the company is liable for all of those expenses and doesn't put that responsibility onto the consumer. That, probably more so than anything else, that's spelled out in the bill. And that is clearly the main concern we heard from a consumer perspective of not knowing what they were really getting themselves into, so to speak, with that relationship with a home care company or a provider. This spells it out very clear. And if those individuals don't clarify that when they do provide the services, that is why we have a civil penalty as part of the bill, in which you, the consumer, then can file a complaint with the Attorney General's office against that provider who did not provide you the information where they may put you at financial risk if they don't do so. [LB698]

SENATOR CAMPBELL: Any other questions? Thank you, Senator Mello. Are you staying? [LB698]

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SENATOR MELLO: I'm going to waive closing. [LB698]

SENATOR CAMPBELL: Okay. [LB698]

SENATOR MELLO: Thank you. [LB698]

SENATOR CAMPBELL: Thank you. If we have any questions, we'll get back to you. All right, our first proponent for LB698? Good afternoon. [LB698]

MARK INTERMILL: (Exhibit 1) Good afternoon, Senator Campbell and members of the committee. I will be brief. We do support LB698. My name is Mark Intermill, M-a-r-k I-n-t-e-r-m-i-l-l, here representing AARP. We do support LB698; we think the addition of a Home Care Consumers Bill of Rights is important. I do have a recommendation for your consideration, in terms of the language of the bill. And it has to do, ultimately, with the civil penalties. One of the things that I think would improve the bill would be to add a definition of a provider of home care services. We have home care services that are being provided fairly informally, particularly in rural areas of the state, where a neighbor may be providing some assistance to an individual who needs some help and may be paid a small amount to do that. My understanding is the intent of the civil penalty is not to address those individuals, but more the...if there is a referral that's being made, if there is an agency that is providing a referral to somebody and it's not clear whether it's an employee relationship or a 990 relationship. That's really what we're trying to make sure that we avoid. So on the second page, I've just recommending the addition of a definition of the term "provider of home care services," which is used primarily in relationship to the levying of civil penalties to indicate that it is an agency that provides or arranges the provision of home care services that are purchased by a home care consumer. I think adding the "purchased" also makes clear that these are formal services. These are not voluntary services. And also that...the addition of the term "agency" indicates that this is a third party either that's directly providing the service or helping to make a referral to the individual, and that it's their responsibility to make clear what those relationships are, rather than an individual home care provider who may be making a low wage, who may not completely understand the tax implications or the employment law implications of the relationship they're entering into. I also have some language related to just maybe cleaning up some of the guardianship language, making sure that we are providing people who have a guardian, to make sure that their guardian is the individual who exercises the rights and just clarify that a little bit. That's adding to the section where we talk about minor children and their...that the parent or guardian is responsible for enforcing the Home Care Bill of Rights for them. So that's...I think this is a great idea. I think we need to proceed with it. But I just would ask you to give some consideration to maybe taking a look at adding a definition of "home care services provider." [LB698]

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SENATOR CAMPBELL: Okay. Follow-up questions for Mr. Intermill? Have you provided this language to Senator Mello? [LB698]

MARK INTERMILL: We have talked to staff about it. [LB698]

SENATOR CAMPBELL: Okay. Good. [LB698]

MARK INTERMILL: But it came too late to really include it in testimony. [LB698]

SENATOR CAMPBELL: The only other thing that if...I know Senator Mello...staff is here...also may want to have the Public Guardian review that language. [LB698]

MARK INTERMILL: Okay. [LB698]

SENATOR CAMPBELL: We're very familiar with the Public Guardian here. [LB698]

MARK INTERMILL: Yes. [LB698]

SENATOR CAMPBELL: And I know that there is some language that she's been reviewing for other agencies. So that might be helpful. [LB698]

MARK INTERMILL: Very good. [LB698]

SENATOR CAMPBELL: It was interesting. Senator Mello and I met with a number of providers in Omaha a couple summers ago. And, I mean, I had no idea that there were people...and I think that's more from the broker system, that goes back to Senator Baker's question where the person who is...someone is coming in their home, and they have absolutely no idea how much liability they're taking on by that system. [LB698]

MARK INTERMILL: Um-hum. [LB698]

SENATOR CAMPBELL: And if this can help, you know, give some education and prevent some hardships, it would be worth it. [LB698]

MARK INTERMILL: Yeah, and I think we...both the private referral agencies, but I think this could also apply to an area agency on aging that makes a...through the care management

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program recommends a provider, I think it's incumbent upon them to make sure that the consumer understands that the nature of that employment relationship, as well, if indeed, it's a contractual one. [LB698]

SENATOR CAMPBELL: Right. Anything else? Thank you, Mr. Intermill. [LB698]

MARK INTERMILL: Thank you. [LB698]

SENATOR CAMPBELL: Our next proponent, please. Good afternoon. [LB698]

MICHAELA VALENTIN: Good afternoon, Chairperson Campbell and members of the Health and Human Services Committee. My name is Michaela Valentin, spelled M-i-c-h-a-e-l-a V-a-l-e-n-t-i-n, and I am the registered lobbyist for Home Instead Senior Care. Home Instead Senior Care is the global leader in providing in-home, personal care to seniors and those with disabilities. We provide over 50 million care hours annually, and we employ over 65,000 caregivers worldwide. We are a member of the Aging Nebraskans Task Force, and we support LB698 for the protection of those who receive in-home care services. One of the biggest issues that clients who receive in-home personal care face is confusion around the home care service provider and whether that person is in an employer/employee relationship or in a model that is commonly referred to as the registry model. The registry model does not W-2 their employees; they're all independent contractors. And the registry model is similar to a temporary staffing agency that places caregivers in the home. In some cases, the registry model of home care service does not notify the client, who would be the senior or their family members, that the client is actually the employer of that hired caregiver to provide in-home care. So the client or the senior doesn't recognize that they're responsible for such things as handling taxes from hiring the caregiver, for the caregiver's payroll, and for scheduling. And there's no employer recourse in these situations for theft or injury or property damage, as well. In the agency model, that's also known as the W-2 model, the client would be able to go back to the employer to handle those issues. In the registry model, as you've heard before, the client is oftentimes on his own to handle it. Home Instead is interested in protecting seniors and those with disabilities who may need in-home personal care services from having to learn the hard way what the difference is between an agency model and a registry model. It's important for a client and the client's family to know what type of employer will be providing that in-home care and what the employer does to ensure that the client is well protected, as well as protecting the care giver in the home. For example, under the agency model, also known as the W-2 model, agencies such as Home Instead provide training, quality assurance, background checks, drug screening, and we have workers' compensation insurance. In many cases, the registry model does not provide any of those items. Home Instead believes that those who are using in-home, personal care services should know

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their rights when a caregiver comes into their home. And we support LB698. I'm happy to take any questions. [LB698]

SENATOR CAMPBELL: Are there any questions from the senators? I don't have any either, so. Oh, Senator Riepe, I'm sorry I missed you. [LB698]

SENATOR RIEPE: Senator Campbell, I have a quick question. In your testimony, you referred several times to seniors. Do you...maybe you said...do you do others than just seniors, or is it all Medicare? [LB698]

MICHAELA VALENTIN: Yeah. No, we don't do...we do very little Medicaid, Medicare. We're private pay. And we do seniors and those with disabilities, but not much with public programs. [LB698]

SENATOR RIEPE: And you don't get into younger groups? Or... [LB698]

MICHAELA VALENTIN: We can. I mean, if they want our services, definitely. But predominantly, who we serve are people over 60 and a lot of people closer to 80 years old who just need some help in their home or maybe they're in early stages of dementia or Alzheimer's. That's our, that's most of our population base. [LB698]

SENATOR RIEPE: Okay, thank you very much. [LB698]

MICHAELA VALENTIN: Um-hum. [LB698]

SENATOR CAMPBELL: Any other questions? Thank you very much. [LB698]

MICHAELA VALENTIN: Thank you. [LB698]

SENATOR CRAWFORD: Our next proponent. Anyone else who wishes to testify in favor of LB698? Okay. Those who are in opposition to LB698? Anyone in a neutral position? I think that concludes our hearing. Would you have letters for the record? [LB698]

ELICE HUBBERT: (Exhibits 2-7) We have a letter from Calder Lynch. We have a letter of support from Leading Age Nebraska, a letter of support from Nebraska Home Care Association, a letter of support from The Arc, a letter of support from the League of Human Dignity. [LB698]

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SENATOR CAMPBELL: Okay. Anybody have anything else? All right. We will take a brief five-minute break. And I'll sit there. And, Senator Crawford, I'm going to ask you to conduct the hearing for LB746, if you will, if that's okay. [LB698]

SENATOR CRAWFORD: Oh, okay. I will. I will. [LB698]

BREAK

SENATOR CRAWFORD: We will now open the hearing for LB746, Senator Campbell's bill. Thank you. [LB746]

SENATOR CAMPBELL: Thank you. In September of 2014...oh, I should state for the record. Kathy Campbell, K-a-t-h-y C-a-m-p-b-e-l-l. You can tell we're all out of practice here. In September of 2014, Congress unanimously, and I want to emphasize unanimously...it's hard to believe that they came together unanimously for anything, but...passed, and the President signed, the Preventing Sex Trafficking and Strengthening Families Act. Much of the impetus for the legislation was the increasing number of foster youth who were sex-trafficked. This Attorney General and the Judiciary Committee of our Legislature are addressing the sex trafficking. So it is the role of the Health and Human Services Committee to address Title I, Subtitle B of the act, "Improving Opportunities for Children in Foster Care and Supporting Permanency." Subtitle B of the federal regulation requires states to develop a reasonable and prudent parent standard, to limit and place additional requirements when youth receive another planned permanent living arrangement, often referred to as APPLA and known in Nebraska as independent living, as a court-ordered permanency goal, gives youth age 14 and older certain rights and requires that the case plan be developed in consultation with the youth age 14 and above, and lastly, requires case reviews to assure youth age 18 and over are not discharged without a copy of certain records and information. This past summer, over 300 young people and stakeholders came together to discuss how to implement the Strengthening Families Act in Nebraska. Coordinated by Appleseed and the Nebraska Children and Families Foundation, the group presented a report with recommendations to this committee at the LR248 hearing. From this report, LB746 sets forth the Nebraska implementation plan of the federal act. Major principles of this bill are: (1) Emphasizing normalcy for foster care youth. Normalcy is about "letting kids be kids," to participate in developmentally-appropriate, extracurricular enrichment, culture, and social activities. And some of the examples of that would be to enable them to go to a summer camp or participate in sports, debate, music, sleepovers with friends, finding a job, getting a driver's license, having senior pictures, and many other examples. (2) Establishing the prudent parent standard. To allow foster parents to use their best judgment in making day-to-day decisions, including what activities foster youth can participate in. The bill encourages involvement by the bio parents throughout the components of all this implementation. (3) Starting at age 14, to

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involve the youth in the transition planning for life after foster care. (4) Providing notice of the rights of youth, as well as ensuring they understand those rights. (5) Ensuring youth has packet of important documents when he or she ages out of foster care. And you think about this, and you begin to realize how important it is to have these documents, that they have a copy of their birth certificate, that they have a Social Security card, that they have medical and school records, that they have a driver's license or state-approved ID. As parents of our own children, we take it for granted. We make sure that our kids have all those. This is so important to a foster youth as they age out. (6) Setting forth guidelines for the court to review with the youth pertinent aspects of the transition plan, notice of rights, and so forth. In other words, the bill calls for, on a periodic basis as the case is reviewed, that the judge would say to the youth: How is it going with the transition plan? In other words, checking back with them. And last, creating the Normalcy Task Force under the auspices of the Nebraska Children's Commission. Over the past few years, the Legislature has taken significant steps to strengthen our foster care system, notably providing language from the federal Fostering Connections Act into Nebraska statute, establishing the Bridges to Independence project, as well as a number of other initiatives. I would like to say that the department visited with me briefly before the hearing, and they're proposing what will be an amendment, but we will work cooperatively with them. And there are two things that they want. They want to change the section on the language regarding credit and checking credit to ensure that it falls in line with the federal guidelines. And (2) is they would like, rather than the emergency clause, they would like an operative July 1 of 2016. And I checked briefly with Ms. Helvey from Appleseed, who I've worked with extensively, and we think that's fine. So they did not stay to testify. They are in support of the bill, Director Weinberg indicated, and they testified to that same in the hearing this summer on LR248. And with that, Senator Crawford, I will conclude my opening. [LB746]

SENATOR CRAWFORD: Excellent. Thank you, Senator Campbell. Are there any questions from the committee members? Seeing none, thank you. [LB746]

SENATOR CAMPBELL: Okay. I'll let the number of people behind me talk. [LB746]

SENATOR CRAWFORD: So we will now open for testimony in support, proponents of LB746. Welcome. [LB746]

SARAH HELVEY: (Exhibit 1) Thank you. Good afternoon. My name is Sarah Helvey, that's S-a-r-a-h, last name H-e-l-v-e-y, and I'm a staff attorney and director of the child welfare program at Nebraska Appleseed. And we strongly support LB746, because it implements best practices in recent federal law and reconciles Nebraska statute to be in compliance with federal law, and it reflects the input of more than 200 youth and other stakeholders through meetings, surveys, and focus groups, as part of LR248. In my testimony today, I'll outline the key provisions and

mention where they track with federal requirements and where they reflect stakeholder recommendations and best practices. There is a handout in your materials that's a chart that kind of gives a little deeper than I will about the federal versus the stakeholder recommendations. But first, LB746 implements the federal Strengthening Families Act's Reasonable and Prudent Parent Standard to allow caregivers, and under federal law, that includes both foster parents and designated individuals at group homes, to use their best judgment in determining at what age and which age-and-developmentally-appropriate activities youth in their care may participate. Also consistent with federal requirements, the bill puts into place requirements that HHS document and juvenile courts review to make sure that's happening and for HHS to adopt regulations regarding training for foster parents. It also implements liability protections for caregivers acting within the standard. And that's all part of federal law. The bill also reflects strong stakeholder consensus to include factors for caregivers to consider when applying the standard and to be clear that the standard does not impact the constitutional and other existing rights of biological parents. Second, the bill implements the federal law's requirement that to provide youth ages 14 and older, as Senator Campbell said, with a document that describes their rights that are explained to them in a developmentally-appropriate way. Again, that's federal law. As a result of input from youth, the bill also requires the document to include some other rights, including the right to understand the system in which the child is involved and to have their voices heard in their case. And through focus groups, and in working with young people as advocacy partners over the years and intakes to our office, this is something we've heard repeatedly, that too many young people just don't understand the system and the process. And so both the federal law and the bill are intended to address this and prevent the disempowerment and disengagement that that can create. Third, the bill implements the federal requirement that transition planning begin at age 14 instead of age 16, under previous federal law, and that the plan is developed in consultation with the youth. Again, that's federal law. The bill also reflects strong youth and stakeholder input that HHS should offer opportunities from youth of all ages, not just 14 and older, the opportunity, in an age-appropriate way, to be consulted in the development of their case plan. And stakeholders understand that very young children may not be able to participate in their case plan, but that some youth younger than 14 can do that. And so HHS should try, when they can do that, to offer opportunities for children to be involved in their own case plan. And then fourth, the bill implements the federal requirement that HHS provide youth leaving foster care with vital documents, as Senator Campbell outlined. And then the bill also reflects stakeholder recommendations that the youth be provided with a little more comprehensive discharge packet, including some additional pieces of information, like information on siblings and relatives, aftercare services, etcetera. And then fifth, the bill implements the federal SFA requirement to eliminate the use of APPLA, or independent living, for youths under age 16 and then additionally puts into place the mechanisms to ensure that those permanent connections and supports are still pursued for youth over age 16, as for those young people that are transitioning from foster care to adulthood. And then finally, the bill has a couple of oversight pieces. First, it tasks guardians ad litem with making recommendations, making sure that some of these things

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happen for youth by having them include in their guardian ad litem report some pieces of this bill. And then, as Senator Campbell said, it also statutorily establishes the Normalcy Task Force. That's something that grew out of the stakeholder group and was recently formalized under the Nebraska Children's Commission. But this would establish it in statute to monitor and make recommendations regarding the implementation of the Nebraska Strengthening Families Act and normalcy for children and youth in foster care and, also, related populations. There were some areas that had been identified for further discussions; the task force can help to carry that work forward. My written testimony...I've worn the lawyer hat and given you a lot of the legal requirements. What's most important is why these provisions are so important. So there's folks after me that can speak to that. I am someone who can answer any technical questions you may have. But we want to thank Senator Campbell for her leadership on this and so many issues over the years and respectfully request that you vote to advance this bill. [LB746]

SENATOR CRAWFORD: Thank you, Ms. Helvey. Questions by committee members? I wonder if you could tell us, just for the record, who was in the stakeholder group that you helped to pull together to have these discussions. [LB746]

SARAH HELVEY: Sure. [LB746]

SENATOR CRAWFORD: Or if it's in your testimony, to refer us to that. [LB746]

SARAH HELVEY: I believe it is in the report, but I can try to summarize for the record. But the report from LR248 is included in your materials. But young people at the forefront, that was the most important thing. So Project Everlast, through the Nebraska Children and Families Foundation, were a key partner. The Department of Health and Human Services was involved in that. The Court Improvement Project, the Nebraska Foster and Adoptive Parent Association, parent advocate groups, providers, advocates. And we're still working to identify; one of most recent meetings was talking about what other stakeholders need to be involved in that process. But that was the stakeholder group. There was also a survey that was sent out to a broad range of individuals. And so from that we got a lot of input from attorneys and judges, folks in the juvenile justice side, as well. [LB746]

SENATOR CRAWFORD: Thank you. Well, I appreciate putting that on the record. And I appreciate your hard work to bring all of those stakeholders together and bring those perspectives to us, regarding this bill, and suggestions for the bill. I appreciate that. [LB746]

SARAH HELVEY: Thank you, Senator. [LB746]

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SENATOR CRAWFORD: Any other questions by committee members? Thank you. Thank you. Other support, proponents of LB746? Welcome. [LB746]

RAEVIN BIGELOW: (Exhibit 2) Thank you. My name is Raevin Bigelow, R-a-e-v-i-n B-i-g-e-l-o-w. Testifying once just didn't seem to be satisfying enough for me. So here I am again, but this time to discuss LB746. "Thank you" is, again, an understatement. But I would like to thank you for the opportunity to speak again. I speak to you as an alumni of the child welfare system, as well as an advocate for youth who are currently in the system. When you spend time in foster care, you're reminded plenty of times that your life is different than other kids. Even if your foster parents do everything they can to make sure you are healthy, safe, happy, and loved, there are some things that the foster system just doesn't let foster kids do easily. I experienced this firsthand during my seven years in foster care. After aging out of the system shortly before my 19th birthday and struggling to find my voice and place as an independent adult without any of the supports other young adults enjoyed, I want better for those currently fighting to be a teenager while also navigating the foster care system. LB746 is an opportunity for Nebraska to do better. LB746 makes a step by Nebraska's Legislature to make life in foster care a bit more normal. This bill would put a number of important pieces of the federal Preventing Human Trafficking and Strengthening Family Act, passed in September, 2014, into place for Nebraska foster youth. Specifically, three key things would be: Youth would be given a voice in planning what services, supports, goals should be part of their transition from foster care and get to include two key personal supports. Youth would leave foster care with essential documents, such as medical records, family information, and their birth certificate. And finding a permanent home via reunification with biological family, guardianship, adoption, would have to remain a priority until at least age 16 for youth in foster and ensure that finding connections and support are prioritized for youth over age 16 who will likely age out of the system. For five years I fought with every adult in my case that returning me home would not be successful in my situation. Every time I was returned home, I was back in the system within two to three months, going through the court process on finding me a new placement. I would go through the same process in that six- to eight-month period in my new placement to be right back in the same situation...returning home, an unhealthy, failure situation. My voice wasn't heard; I felt my feelings didn't matter. My reactions and the planning of everyone in my case was focused on the present moment without my future being taken into consideration. Adolescence is about learning to make decisions and dreaming about college or a career, with adults providing guidance. For me, it was going wherever I was told, when I was told, and worrying about where I'd be from day to day and while feeling powerless. At 17 years old, I was five months pregnant, and my caseworker suggested that it was time to try something different. That's when my voice became a factor to my future. While I was glad to finally feel heard, I had just over a year to prepare to age out and be independent. I didn't know how to write a check, open a bank account, establish credit, prepare for an interview or any number of important adult skills. I share my experience not to cast blame. In fact, as I became an advocate, I've had many great opportunities to partner

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with DHHS and many other foster care services. Everyone wants you to be successful in and after foster care. Instead, I write this to emphasize how LB746 would ensure that the work of all the advocates and dedicated workers is supported by law from now on. This bill will allow youth, who are experiencing the same thing I did, use their voice to help plan their future...to find success, thanks to foster care rather than in spite of it. This bill will allow the youth to have a support system helping them become successful rather than a team who is making all the decisions for them. It allows them to voice their opinion and make decisions to their future. It will also give them that feeling of simply being normal, with support from the outside world, their personal advisers, instead of people who are just assigned to the case. Essentially, it encourages foster care to do what all parents do...prepare their children for adulthood. I hope you remember my story as you make your decision about LB746, because there are hundreds of youth like me in the foster care in Nebraska today. This bill gives them a chance to take control of their goals and needs, have access to essential documents, and build lifelong connections before they are on their own at 19 and clueless. My request is simply give all youth in foster care the opportunity and support you want for your own teen. Thank you for your opportunity to speak. And I'm welcome for any questions. [LB746]

SENATOR CRAWFORD: Thank you, Ms. Bigelow. [LB746]

RAEVIN BIGELOW: You're welcome. [LB746]

SENATOR CRAWFORD: And we appreciate that you did come and testify again and share your story. I know you've shared your story at some of our other information sessions, and I appreciate that. Questions from committee members? I have one question for you. Were you involved in the stakeholder discussions, as well, that helped to shape this bill? [LB746]

RAEVIN BIGELOW: Yes. [LB746]

SENATOR CRAWFORD: Yes. Thank you. [LB746]

RAEVIN BIGELOW: Thank you. [LB746]

SENATOR CRAWFORD: Next proponent of LB746. Welcome. [LB746]

CASSY BLAKELY: (Exhibit 3) Good afternoon. My name is Cassy, C-a-s-s-y, Blakely, B-l-a-k-e-l-y, and I thank you for the opportunity to speak today. I come before you on behalf of the Nebraska Children and Families Foundation, in support of LB746, the Nebraska Strengthening Families Act. Throughout this hearing, you'll hear testimony parsing out details, and that is

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important conversation. However, I ask you to step back and consider the larger picture that this bill sends. [LB746]

SENATOR CRAWFORD: Can I interrupt you for just a moment and have you spell your name. I'm sorry. [LB746]

CASSY BLAKELY: Absolutely. Sure. C-a-s-s-y B-l-a-k-e-l-y. [LB746]

SENATOR CRAWFORD: Thank you. [LB746]

CASSY BLAKELY: Absolutely. I ask that we step back and take a look at the larger picture that this bill sends, that of a shift from a system of foster care to foster care as a relationship between caregivers...foster parents, bio parents, workers, judges, and children. Unfortunately, many current systems are procedural, cold, and standardized. They leave little room for nurturing, voice, or risk-taking, factors that we all relied on in our transition to adulthood and that we pull on in parenting our own children. And let's be real, while state systems were never intended to raise children, they do, for however long or short that child is in the state's custody. This act supports a shift towards a system mindful of that responsibility and provides youth or a child with a family while they're in the state's care. It will never replace that family, but rather extends it and encourages everyone who cares for that youth to work collaboratively with the young adult towards shared goals. I have been blessed, during my near decade at Nebraska Children, to work almost exclusively with Project Everlast. I've actually sat in this room a number of times and cheered on probably a number of young people who have been inspired to speak. And I'm honored to be able to follow in their footsteps. This bill aims to embed their mantra of "nothing for us without us" into the system at all levels. It fundamentally changes our approach. Quite simply, implementation of this bill could have been the drafting of a few new DHHS policies. Instead, as Ms. Helvey spoke, a stakeholder process was convened to really do it right, to get at the intent. And that stakeholder process included a great number of people and really showed Nebraska's commitment to inclusive, to promoting normalcy on a higher level by providing opportunities for youth to have a voice and practice essential life skills in their case, placement, and communities. To explore the passage of LB746 and how it facilitates the opportunity for young adults to grow in more normative ways, we will return to the three essential qualities I mentioned earlier: nurturing, voice, and risk-taking. And let's begin with the scariest of the three, risk-taking. A 2014 Jim Casey Youth Opportunities Initiative paper applies adolescent brain development research to youth in foster care. It describes how chemical changes in the adolescent brain that prime teens for risk-taking also create the capacity for young people to practice adult roles and responsibilities while in a supported environment. This moves foster care placements towards an environment like this by allowing youth to experience responsibility and trust. Access to normal activities, increased understanding of one's rights while in care, and an

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explanation of essential life documents equip youth with the knowledge and opportunities to take smarter, more calculated risks that are a natural part of becoming an adult. Additionally, the Nebraska Strengthening Families Act inclusion of youth in their own case promotes trust. A focus group participant stated: trust is a two-way street. Youth want to be trusted; they want to trust their caregivers. However, this demands honest communication, another common theme among focus group participants. Throughout my time at Project Everlast, I've heard youth share that they often feel talked about rather than talked with. They doubt what they're told and rely on partial information. Thus, risk-taking becomes about control, rather than exploring abilities and building skills. Placing youth in a prominent position at the table for all conversations concerning their case provides opportunities for youth to ask questions, take an active role, and identify opportunities for supported risk-taking. Again, this bill shifts foster care from a system that promotes process to one that promotes family. And as I see the yellow light come on, I'll let you read the rest of what's written in here, as we dig more into those. I do want to highlight a 2015 Harvard study that really looked at resiliency and the most important component of that being the support of relationships. And that's something that isn't talked about a lot with the Strengthening Families Act. We hear about the access to normal activities, the ability to have sleepovers and to all the other things that we did at 16 and that we let our children do. What isn't often talked about is the intentionality of connecting young people with supportive people in their lives while in care and after they leave care. And I'll leave you with an anecdote before I close. We have a statewide leadership team that convenes representatives of all the Project Everlast, the youth councils from across the state, and they had a meeting in November. And they met at this beautiful lodge in western Nebraska. They cooked their meals together, were taught by one of our youth advisers how to cook. And there was a young lady who, while we were sitting at the dinner table...she'd been in care for seven years and out for two. She looks at me, looks down the table at her friends laughing, joking, and says: I want to cry; I haven't sat at a dinner table with my family in I don't remember how long. The Strengthening Family Act allows foster parents and group homes and the system to help young people develop their family so that we don't have young people that spent seven years in care, and two years after, without an opportunity to sit at a table with a family. And that's what I hope you remember when you consider this bill. And we, at Nebraska Children, strongly encourage you to vote in favor. And I would entertain any questions. [LB746]

SENATOR CRAWFORD: Thank you. Thank you. Any questions by committee members? Thank you, appreciate that testimony. [LB746]

CASSY BLAKELY: Thank you. [LB746]

SENATOR CRAWFORD: Other proponents of LB746? Welcome. [LB746]

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KERI ROCKWELL: (Exhibit 4) Hi. A brief background on me, Keri Rockwell, K-e-r-i R-o-c-k-w-e-l-l. I was in foster care as a baby. On my document, it read: hard to place because of Negroid features. I was adopted after spending 11 months or so in foster care. I moved on and lived my life, having two girls. I have always identified myself as adopted, but not as a foster child. So in my forties I looked up my past, and I mulled over being a single, black foster parent. Would they even want me? The answer, yes. I have just recently renewed my license, and I'm now an ICWA certified foster home; that's a Native foster home through the state. And I can gladly testify on another date, if you so choose. Chairwoman Campbell and members of the Health and Human Service Committee, I want to thank you today for taking the time to listen to my testimony in support of LB746, the Nebraska Strengthening Families Act. I have been a foster parent, on and off, for close to five years, not in the honeymoon period but by no means seasoned. So I will speak on my experiences, hopes, wishes, and joys. What is normalcy? It's giving a child a chance. Once you enter into foster care, the cards are stacked against you; statistically, it's a fact. What normalcy does is mitigate those factors. It gives kids dignity and a fighting chance. Being in care can be awkward. Things like a simple, overnight with a friend, trying to get a job...helping kids with obtaining a food handler's permit, a barrier for teens trying to find a job, the big thing is going on-line, getting the permit, and paying the \$20 with a credit card...getting the driver's ed book and taking driver's ed classes; getting the different forms of ID and pieces of mail needed to get a learner's permit can be tricky and confusing. Things like being a cheerleader...making schools part of this conversation to better accommodate children in care, as they would any child with a special need...I personally saw a teen get kicked out of cheer for missing days because of visitation. Why punish her for things out of her control? Instead, encourage and understand. Being a cheerleader, it meant so much to her, and to lose that broke her heart and mine. Shame on them. Being in foster care is having a special need or circumstance. Schools need to do more to accommodate the needs of these children by having an IEP or at least a 504 plan. I digress. I introduce the children in my care to multiple activities if they are not already involved, so they can find ones they like, such as dance or drama, swimming, art at the Lux, going to powwows, or other school activities. I even encourage the older kids in my care to volunteer. I've also taken a younger child in my care to the play group at the Ager Play Center; it's like a kind of a therapeutic play group. Just being able to play at a friend's home or have them come over to play is huge. What I didn't do was take a 4-year-old on a family vacation for seven days in the mountains. When he was first placed in my home, I informed the caseworker of the trip and the following two caseworkers, within six months. People were willing to be fingerprinted and do whatever to make it happen; it didn't. I was ignored, never responded to, after multiple requests. Just think of the experience he could have had in the mountains. Think how he felt, wondering if we were coming back or not, and the trust lost...for no reason. He no longer had visitation, so that was not the issue. In closing, sleepovers, family vacation, team sports, learning to drive, getting a job, hanging with your friends, getting a haircut or colored...it's all part of young person's human experience, regardless of their circumstance. Simply, I do for them what I have done and do for my own kids and

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grandchild...no different. I ask you to do the same. By passing LB746, you make kids safe, enrich and empower children and youth to lead productive, capable, and meaningful lives, while strengthening families in the process. Normalcy gives kids dignity. Thank you for just letting kids be kids. [LB746]

SENATOR CRAWFORD: Thank you, Ms. Rockwell. Thank you for your testimony, and thank you, also, for being a foster parent for our kids. Thank you. Any questions, committee members? Thank you; I appreciate the personal story and examples. That's very helpful. [LB746]

KERI ROCKWELL: Thank you. Sure. [LB746]

SENATOR CRAWFORD: Other proponents of LB746? [LB746]

TOM McBRIDE: Good afternoon. [LB746]

SENATOR CRAWFORD: Good afternoon. Welcome. [LB746]

TOM McBRIDE: (Exhibit 5) My name is Tom McBride. I'm the...excuse me, it's T-o-m M-c-B-r-i-d-e. I'm the executive director of the Nebraska Juvenile Justice Association. And I'd like to thank Senator Campbell for introducing LB746 and for your tireless efforts on behalf of children and families. I'm not a fan of federally-mandated laws, but in my experiences in Nebraska and nationally, I think this legislation was due. The bill has important safeguards included as it relates to the rights of children in foster care. It provides guidance to caregivers, the inclusion of birth parents in decision making and planning processes, and assisting youth as they move to aging out of the system. Now many of these things we've talked about for a lot of years, and it's best practice to do that. But sometimes that just, it just doesn't happen. And so, you know, with this being enacted now, that's something that has to be followed. Juvenile Justice's interest in this is that we have children within the juvenile justice system; they're placed in institutions, foster cares. And we're also seeing an increased number of kids in what we call crossover programs, children that were in juvenile justice and now are in, also, the child welfare system, and vice versa...children that are in child welfare and now end up as a, you know, in the juvenile justice system. This act provides the Reasonable and Prudent Parent Standard as a guide for caregivers in helping youth to participate in such things as educational, social, extracurricular activities, which are tremendously important in the development of any child. It doesn't require, however, and there are elements in there that excuse a child from participating in activities, but if they don't want to or can't. There are a couple of areas of consideration that I really would like to note. I'm going to put on my, before I retire, my provider hat of services to children and families of almost 30 years. Historically, a young person in a childcaring agency, in an institution, if they were involved in extracurricular activities in the school or community or whatever, the funding

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entity, under the reasoning that if that child is doing well enough to be participating in those activities is doing well enough to be discharged, disregarding the fact that the stability or the programming being provided in that institution might well be the reason that that youngster is being successful at that time. I think a more positive collaboration understanding in those instances and situations has to be developed between the entities. If a child decides to participate in something such as band or cheerleading, are there funds available or programs in place that can help pay for those additional costs to the institution or the family, you know, to pay for the tuba or...I had all boys, so I never had to pay for a cheerleading costume, but I understand those aren't...or uniform...those aren't cheap. But those items typically aren't covered under a per diem or a contract item. Then, when a child is about to be aging out, I think that it's really important that those documents that they're going to need in their future are provided for them...birth certificate, Social Security card, education records, you know, that kind of thing. I don't know how to do it, but perhaps we ought to think of some kind of a repository where those children that are aging out might be able to hold those records and have those available to them, because that youth might be very mobile, might be, you know, not having a record-keeping system themselves for vital documents like that. Eliminating the use of Another Planned Permanent Living Arrangement is another positive of this bill. I think that that was way too often used as an easy out in the past. I guess in closing, I would like to say that introduction of the bill alone doesn't mean the work is over. In fact, I think a lot of it is just really going to be beginning. But I can tell you that the Nebraska Juvenile Justice Association will work in harmony to ensure the elements of LB746 are effected. Are there any questions? [LB746]

SENATOR CRAWFORD: Thank you, Mr. McBride. Any questions? I have one clarifying question. So in the testimony, you indicate, you support the elimination of Another Planned Permanent Living Arrangement being removed, just discussed that. Now are you...you mentioned that as a caveat. So are you concerned that the existing language doesn't go far enough on that? [LB746]

TOM McBRIDE: Oh, I...no. [LB746]

SENATOR CRAWFORD: Or are you...okay. [LB746]

TOM McBRIDE: I am sorry. You know, eliminating that as an opportunity to be used is very good. [LB746]

SENATOR CRAWFORD: Okay, okay, okay. [LB746]

TOM McBRIDE: Far too often, that was just the easy way out. This didn't work; this didn't work. Or, you know, so we'll just write this down as the permanency plan. [LB746]

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SENATOR CRAWFORD: And you believe the current bill goes in the right direction on that. [LB746]

TOM McBRIDE: Yes, ma'am. [LB746]

SENATOR CRAWFORD: Yes, thank you. Thank you. [LB746]

TOM McBRIDE: Thank you. [LB746]

SENATOR CRAWFORD: Good, thank you. Other proponents of LB746. [LB746]

MANDI SOLIE: (Exhibit 6) Good afternoon, Chairman Campbell and members of Health and Human Services Committee. My name is Mandi Solie, M-a-n-d-i S-o-l-i-e. Thank you for taking the time today to hear why I support LB746, the Nebraska Strengthening Families Act. In 2008, my children became wards of the state after my husband and I began using methamphetamines and illegal substances. Immediately upon my family's entering the child welfare system, my family's normalcy no longer existed. Our normal changed in the following ways: They had to change schools, their doctors changed, their daily routines, their family meals. The barriers my family faced were: My two younger children who were placed in traditional foster homes were no longer allowed to have regular contact with their brother, older brother, who was placed with his biological father. My children were no longer allowed to have contact with their stepfather, who they identified as the only father they have ever known. They are also no longer allowed to have contact with their extended family. I was no longer allowed to engage in my children's education. I was not allowed to attend parent-teacher conferences, sign my children up for school activities and clubs, or help with homework. My children were no longer allowed to attend (inaudible) play dates or birthday parties. I was no longer allowed to attend sporting games, practices, or banquets with my children. I want to thank you again for allowing me to share my story. It is my sincere hope that you will vote yes to LB746, so that all children of Nebraska will have some kind of normalcy. [LB746]

SENATOR CRAWFORD: Thank you, Ms. Solie. We really appreciate your personal story and just sharing what some of those components are that were lack of normalcy for your kids. Appreciate that in the testimony. Questions by committee members? Thank you again for sharing your story. [LB746]

MANDI SOLIE: Thank you. [LB746]

SENATOR CRAWFORD: Other proponents of LB746. Welcome. [LB746]

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KIM HAWEKOTTE: (Exhibit 7) Welcome. Good afternoon, members of the Health and Human Services Committee. My name is Kim Hawekotte, K-i-m H-a-w-e-k-o-t-t-e, and I'm the executive director at the Foster Care Review Office. And, needless to say, we are here in strong support of LB746 because we see every day, my staff do, the results of not having normalcy for foster kids. I really wanted to just take this time, a second, to paint a picture and looking at some of the data and the impact that the importance of this bill on the data. So on June 30, 2015, we know that there were over 3,000 kids in out-of-home care. We also know during fiscal year 2014/15, there was over 5,600 kids in out-of-home care. This bill would impact each and every one of those kids. We know that 46 percent of these youth were from the Eastern Service Area. We know that 62 percent of them were age 6 to 18. They're school-age; that's where school activities come in, the impact of them. We know that 53 percent of these children were out-of-home for 12 months or less. But we also know, on the sad note, that 35 percent of them were out-of-home for 2 to 4 years, some even longer than that. That's a long time period. We also know, and when we talked to you previously, the impact that out-of-home care has on the education of our youth, our out-of-home youth. When we did our case file review process, only 52 percent of the children we reviewed were academically on target. We also know that the graduation rate for state wards is below 50 percent. There is no question that, through LB746, positive youth development is so imperative to that educational needs. I wanted to just spend a couple of seconds, just talking about research. And what research really shows with regards to youth is a positive use of development. For all of us here, including myself included, we included our children in any and every type of extracurricular, outside interest we can do, because we all know the more that they were involved, the less likely they were to have issues or problems or get into trouble. Why we have not provided that for our children in foster care, who are our most vulnerable and most at risk, has never made sense. This bill will allow it to happen. In my testimony, I do point out the developmental scientists, who really talk...they talk a lot about the 5 Cs, the 5 Cs we as parents always want to do. We want to make our children competent, confident, that they have connections, that they have character, and they have caring and compassion. Through LB746, we will ensure that happens. I am not going to go through the specific provisions of the bill. That's also in my testimony. But we really do believe, as an agency, that LB746 lays a foundation for hallmark and significant changes that need to be done for these children. And we'd want to thank Senator Campbell for bringing forward the bill, but also all the stakeholders. And we were involved in many of the stakeholder's groups, also, that have worked hard over the past year to give you a quality product to really look at for the benefit of these children. And I'm available for any questions, if you have them. [LB746]

SENATOR CRAWFORD: Thank you. Questions by committee members? Thank you so much. [LB746]

KIM HAWEKOTTE: Thank you. [LB746]

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SENATOR CRAWFORD: Any other proponents of LB746? One? Welcome. [LB746]

KATIE McLEESE STEPHENSON: (Exhibit 8) Thank you. Good afternoon, Senators. Thank you for the opportunity to testify. And thank you, Senator Campbell, for introducing LB746. My name is Katie McLeese Stephenson, and that's spelled K-a-t-i-e M-c-L-e-e-s-e, separate word, no hyphen, Stephenson, S-t-e-p-h-e-n-s-o-n. I'm the director of the Nebraska Court Improvement Project, under the direction of the Administrative Office of the Courts. However, today I'm testifying in the capacity of an ex officio member of the Nebraska Children's Commission, or commonly referred to as the Commission, and the cochair of the Commission's Strengthening Families Act Taskforce. I'll be limiting my testimony today to Section 19 of LB746, which creates the Normalcy Task Force, an advisory group intended to monitor and make recommendations regarding the implementation of the federal Preventing Sex Trafficking and Strengthening Families Act. LB746 tasks the Commission with appointing members and chairpersons to the task force. I'd like to take this opportunity to update you on the Commission's creation of a task force to accomplish the intent of LB746. At the November 17, 2015, Children's Commission meeting, Sarah Helvey presented information to the Commission about an existing stakeholder group created to gather input on DHHS policy and discussed the potential role of the Commission in regards to ongoing monitoring and implementation. The Commission created a Strengthening Families Act Taskforce and appointed Sarah Helvey and me as the cochairs. Since that time, there has been an additional meeting of the stakeholder group and a meeting of the Strengthening Families Act Taskforce steering committee to create a work plan to monitor the implementation of the Strengthening Families Act. This work plan includes transitioning the existing stakeholder group to form the Normalcy Task Force and the creation of subcommittees to examine and support the following issues surrounding Strengthening Families Act implementation. Those include: community and family voice, normalcy, grievance process, training, availability of resources, youth bill of rights, and APPLA, which stands for Another Planned Permanent Living Arrangement. The Nebraska Children's Commission welcomes this additional task and looks forward to taking an active role to support, monitor, and move forward the work done toward the implementation of the Strengthening Families Act in Nebraska. On behalf of the Commission and Strengthening Families Act Taskforce, we thank Senator Campbell for introducing this bill. And I'd be happy to respond to any questions you might have. [LB746]

SENATOR CRAWFORD: Thank you for the update, and thank you for your service on that commission and task force. Questions by committee members? Thank you. Others wishing to testify in support of LB746? Welcome. [LB746]

JULIA TSE: (Exhibit 9) Good afternoon. My name is Julia Tse, J-u-l-i-a T-s-e, and I am here on behalf of Voices for Children in Nebraska, to voice our strong support for LB746. Like Senator Campbell mentioned, when this first passed in 2014 with unanimous bipartisan support, we were

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really excited. And I think that some of the work that has been done already reflects our Nebraska way of moving forward with the child welfare system. We believe that all children need opportunities to participate in experiences that teach them about others and about themselves. Second only to parental relationships are those that children have with their peers and other trusted adults that they can learn from so that they can develop coping strategies, manage their emotions, and ultimately learn to become an adult. These relationships are especially important for our children in foster care, many of whom have already been exposed to traumatic experiences. In that same vein, this bill would also strengthen the process by which we provide foster youth the tools that they need to transition into adulthood if they have no family to return home to. On average, independent living accounts for 8 percent of our exits in the foster care system, which has maintained at a pretty steady percentage over the years. So that amounts to about 178 youth...that was last year. And so it's our duty, as a state, to make sure that these youth, however small the percentage is, have all the tools that they need to succeed if they don't have a family to support them through adulthood. So I don't want to belabor some of the benefits of this bill. So as a final point, I want to say that we fully support the creation of the Normalcy Task Force through the Children's Commission. As we have often seen in our child welfare system, there's always more work to be done, and we're lucky that there are a lot of stakeholders and policymakers that are ready to lead that front. So finally, we want to thank Senator Campbell for her relentless leadership in advancing changes to our child welfare system and for the work of this committee. And I would welcome any questions. [LB746]

SENATOR CRAWFORD: Thank you. Questions? Thank you for your testimony. [LB746]

JULIA TSE: Thanks. [LB746]

SENATOR CRAWFORD: Anyone else wishing to testify in support of LB746? [LB746]

LAURA McCORMICK: May I fill out the worksheet after I testify? [LB746]

SENATOR CRAWFORD: Yes. [LB746]

LAURA McCORMICK: I wasn't certain if I would make any comments or not. [LB746]

SENATOR CRAWFORD: Okay. All right. [LB746]

LAURA McCORMICK: I didn't want to bore you with repetitiveness. My name is Laura McCormick, and it's L-a-u-r-a M-c-C-o-r-m-i-c-k. Just one sec, okay? I am...again, my name is Laura McCormick. I'm a frequent observer of the juvenile courts, and I'm working on creating an

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all-volunteer courtroom observation program in Lancaster and Douglas County. I guess I would like to begin by saying I have qualified support for this bill, but I think that there needs to be additional work in terms of a grievance process and how this will be implemented in group home and residential settings, because, as I understand it, and I'm not an attorney or any expert, but I believe the concepts of normalcy and reasonable and prudent parenting are going to transition into those same facilities. And I'm not certain I know how that would work. Let me, though, begin with my comments. I support the idea that children need a variety of experiences in order to help them grow and develop into productive citizens. That said, we have historically relied on individual families to make decisions about what is normal, reasonable, and essential for the growth and development of a particular child. In days gone by, parents embraced their right and attendant responsibility to make decisions about their children. As I understand the federal law, the idea of normalcy for children is a core concept upon which the rest of the legislation is constructed. Now a sidebar...and I left my copy of the bill back at my seat. I don't believe the bill defines the term "normalcy." How will we determine what normalcy means in group homes and residential treatment facilities? And I might add that in thinking about what I might say today, I came across some testimony that foster youth in Texas gave to the Texas legislature. And that was his very point. What is, how do you create normalcy in an environment that, by its virtue, is not normal. And I think that that's something that is worth a great deal of thought and consideration. I assure you that I am not meanspirited, and I would never want any child to miss out on experiences essential to their growth and well-being. Things like sleepovers, haircuts, getting a first driver's license are important to any child. However, the idea that children have a state-defined right to participate in age- and developmentally-appropriate, extracurricular activities is very expansive and, I believe, potentially expensive. Parents of many system-involved children may have intact parental rights. And I have seen firsthand, in observing some of the family team meetings, the difficulty of weighing opposing points of view of biological and not only foster parents, but also situations that would be going on in group homes and for-profit residential treatment facilities. I think it's important to point out that often foster parents have access to financial resources that far surpass those that biological parents can provide. Children in Douglas County are removed simply by virtue of the fact that parents are poor. Maybe they can't keep the electricity on, the heat on. And certainly money that might be available for an extracurricular activity...I don't know how a family would afford something like that. Children in these types of situations may pit biological parents against foster parents in an effort to obtain things that the biological parent cannot afford or does not approve of. The fiscal note to this bill does not address how the age-appropriate activities will be paid for. As the debate over comprehensive sex education in OPS illustrates, many in our community have very divergent attitudes about what is age-appropriate, reasonable, and prudent for growing children. And I'm uncertain as to how this law will impact that. My final comments, though, will be focused on GAL. It's a topic that I'm very interested in. Deficiencies in the conduct of GALs and the reporting that is produced by GAL, while mandated by Supreme Court rule and also the law, these problems have been documented for decades, not only via Foster Care Review Office, State

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Auditor Foley's report, the NACC. And so, in reviewing this bill, I am concerned about the portion of the bill that relates to 43-272.01, which I believe starts on page 8...but again, my handout is at the back, which is the portion of Nebraska state statute that applies to guardian ad litem. The proposed changes to this portion of statute include substantial modification of the requirement (f), which is stipulated as part of the guardian ad litem duties. The guardian ad litem would be required to document via her court report that she determined whether the child had access to developmentally-appropriate activities, a discussion about the child's rights, and inclusion in case planning, efforts to prepare the child to participate in court, if desired, as well as verification that a transitional plan has been developed. I anticipate that implementation of this law will result in increased cost, not only in the time it takes to visit with children and write mandated reports, but also to potentially litigate over failure to provide age-appropriate, extracurricular activities to a particular child. I presume there might also be litigation over potential violations to the rights of a foster child. And I wondered if any of Nebraska's 93 counties had been consulted about the potential increase, if any, to GAL costs that would be associated with this aspect of legislation, because they're the ones who pay those costs. In closing, I recently toured a residential treatment facility, a for-profit facility, and noticed the California Bill of Rights taped to the wall of the facility. The two young men who were guiding me on that tour that day happened to be from California. When I asked these men if they were allowed to exercise their rights that were stipulated on this bill of rights, they laughed and shook their heads no. And they said to me: our lives are completely controlled by the staff of the facility. Some in the facility have been beaten, isolated, and secluded. And we heard testimony about some of these issues yesterday in the Judiciary Committee, and there's nothing we can do when this happens. The piece of paper that describes the California Bill of Rights says we can call a lawyer or our family to report this type of treatment, but the practical reality is that we are only allowed to do what staff permits us. And I'm asking, in all sincerity, what good are laws that promote rights with no mechanisms for grievance or enforcement? [LB746]

SENATOR CRAWFORD: Thank you. Thank you for your testimony. [LB746]

LAURA McCORMICK: Yeah. [LB746]

SENATOR CRAWFORD: Questions from committee members? Thank you. [LB746]

LAURA McCORMICK: Um-hum. [LB746]

SENATOR CRAWFORD: Anyone else wishing to testify as a proponent of LB746? Anyone wishing to testify in opposition to LB746? Anyone wishing to testify in a neutral capacity on LB746? Are there any items for the record? [LB746]

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ELICE HUBBERT: (Exhibits 10-14) Yes. There's a letter of support from the Nebraska Chapter of the National Association of Social Workers, a letter of support from the Nebraska Association of Behavioral Health Organizations, a letter of support from the Nebraska Child Health and Education Alliance, and a letter from Doug Weinberg, director of Division of Children and Family Services. [LB746]

SENATOR CRAWFORD: Thank you. Senator Campbell, would you like to close? [LB746]

SENATOR CAMPBELL: I'll just waive closing. [LB746]

SENATOR CRAWFORD: Senator Campbell waives closing. So that will end our public hearing on LB746. Thank you. [LB746]