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Health and Human Services Committee
February 02, 2012

[LB926 LB1062 LB1149 LB1150]

The Committee on Health and Human Services met at 1:30 p.m. on Thursday, February 2, 2012, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB926, LB1062, LB1149, and LB1150. Senators present: Kathy Campbell, Chairperson; Mike Gloor, Vice Chairperson; Dave Bloomfield; Tanya Cook; Gwen Howard; and R. Paul Lambert. Senators absent: Bob Krist.

SENATOR CAMPBELL: Good afternoon, everyone. We are trying to ensure that everyone has a chair, and I think Lois has done a good job of trying to find everybody a chair, so we want to welcome you to the hearings for the Health and Human Services Committee. I'm Kathy Campbell, and I represent District 25, which is east Lincoln and northern Lancaster County. I want to go through the instructions, but before we do that, we usually do self introductions in the committee, so we will start on my far right.

SENATOR LAMBERT: Good afternoon. I'm Senator Paul Lambert from District 2. I serve part of Otoe, part of Sarpy County, and all of Cass County.

SENATOR BLOOMFIELD: Dave Bloomfield, District 17, made up of Wayne, Thurston and Dakota Counties in the northeast corner of the state.

SENATOR COOK: I'm Tanya Cook. I represent the 13th Legislative District. That's in northeast Omaha and Douglas County.

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

MICHELLE CHAFFEE: I'm Michelle Chaffee, I serve as legal counsel to the committee.

SENATOR HOWARD: Senator Gwen Howard, District 9 in Omaha.

DIANE JOHNSON: Diane Johnson, the committee clerk.

SENATOR CAMPBELL: And today our pages are Phoebe, who's from Lexington, and Michael, who's from Columbus. So if you need assistance, they can help you. The instructions of the day, please turn off your cell phones or put them on silent. It's very disconcerting when you're testifying and hearing a phone ringing. If you have a handout, we would like 12 copies. It's not required in this committee to have a handout. If you do not have that number, the pages will be glad to help you. Each witness appearing before the committee must sign in using the fluorescent orange forms provided at the entrance to the hearing room, and please print very legibly. And as you come forward, you can give your handouts and that orange form to the clerk. And she is checking, needs your name spelled correctly, because she's entering it into her computer so that she can follow and make sure that testimony is there. If you will not be testifying, you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

could certainly leave I am in favor, I am opposed, or I'm in a neutral position on a notation on the white sheets that are also at the tables. As you come forward, we have the light system here. And I want to know how many people are here to testify on LB926. I think what we'll try to do today is, we'll go to 4 minutes, okay? Because what we're trying to do is get through all four hearings today, and we know that there are a number of people who want to testify on the other three bills. As you come forward to testify, you are allotted then four minutes, and it will be green, and when it goes to yellow, it means you have one minute left, and when it goes to red, we would like you to wrap it up, mainly to be fair to everyone who comes behind you. Today, I may be a little bit more strict, we'll use that word, about the time allotment. And I want to explain something, because a lot of people go, well, I've already filled out the orange sheet. Why do I have to come forward and say, my name is Kathy Campbell, K-a-t-h-y, and spell it? The reason you have to spell it is that the transcribers who listen need to be able to hear you spell your name. So once for the clerk, and once for the transcriber, okay. So be sure you say your name and spell it, and I think that's all the instructions, so with that, we will open the hearing on LB926, Senator Dubas' bill to provide for minimum base rate for foster care payments. Thank you, Senator Dubas, and I do want to note that we appreciate Senator Dubas introducing this, as it was a part of the LR37 report, so thank you.

SENATOR DUBAS: Well, thank you very much, Senator Campbell and members of the Health Committee. My name is Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s, and I represent Legislative District 34. Last year, I appeared before this committee to introduce LB199. That was a bill to address the delayed and reduced payments that our foster families were experiencing. The occurrences that led to instability and frustration on the part of our foster families were not isolated, but systemic. And I would like to thank Senator Campbell and this committee for including my interim study resolution to look at how foster care payments were determined into your LR37 study. I truly appreciate your attention and the recommendations that came out of that report. So this year, I bring to you LB926 as a result of the work done during the interim. Your report confirmed what we already knew about foster families and their need for adequate resources to take care of their kids. Your report acknowledged that foster families are the frontline providers of care and safety for these very vulnerable children who are often in very scary situations. These families are often the only constant in the children's lives. Because foster families are such an integral part of the child welfare process, we must address their legitimate concerns when it comes to providing needed resources to take care of the physical needs of the children. As I met with dozens of families over the past year, almost invariably, they started the conversation apologizing to me for asking for money. They have nothing to apologize for and should expect fair and just compensation while they help the state meet these children's needs. If we want child welfare reform to succeed, we must recognize the value of foster parents as the hub of this service wheel. As stated in your report, foster care payments are inconsistent. There is no statewide standard that establishes a base rate. This rate needs to take into

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

account the cost of food, shelter, daily supervision, school supplies, personal incidentals, and travel for visitations. LB926 recognizes that Nebraska foster care rates are among the lowest in the nation. The bill calls for a minimum base rate to be made directly to the foster family for the child's benefit and not to a lead agency or subcontractor. Now I've had some very constructive conversations with lead agencies and subcontractors who have raised some concerns with this language, and I have told them that I would continue to work with them as well as with this committee after the hearing to ensure that we have a standard base rate without adversely impacting the financial resources of the agencies and subcontractors. These agencies have built relationships with their families and not only provide financial support, but administrative, educational, and emotional support. Their involvement in the provision of foster care services is vital, and it was not my intent to cut them out of the process. We also recognize that kinship placements are the preferred option for children. Children in relative placements are often less likely to reenter the system after reunification with their parents and also report that they feel more loved and less stigmatized when they are able to stay with a relative. For that reason, I believe relative placements deserve the same compensation as any other foster home placement. I will continue to work with the committee to ensure this legislation does not limit the additional payments to foster parents who take on responsibilities caring for children with special needs. The fiscal note uses the information presented in the MARC Report, and I do have a copy of that report with me, and should any members of the committee like to see that, I believe we can get that to you either in electronic fashion or otherwise. This report looks at each state and analyzes the real costs of providing care. It is based on expenditures that are allowed under Title IV-E foster care maintenance program of the federal Social Security Act, and these payments are based on, as I mentioned before, food, clothing, shelter, daily supervision, school supplies, personal incidentals, travel and insurance...and travel for visits with the biological family. But also as noted in the fiscal note, the state of Nebraska does provide liability insurance for foster children, and the fiscal note does take that into consideration. I believe this bill will provide a consistent method of calculating foster care payments that will allow the individual needs of each child to be met. I pledge to work with the vested partners and the committee to work on this legislation so that we can create a standard rate in a manner that will serve the children as well as the agencies who seek to provide a stable environment in the lives of foster families. I hope it will go a long way in helping us recruit and retain the caring and compassionate foster families that I have been privileged to meet. They truly are the glue that will help us hold this fragmented child welfare system together. So I'd be happy to try to answer any questions you may have, but I know there's one or two people behind me who probably have much more up-close-and-personal understanding of this situation. [LB926]

SENATOR CAMPBELL: Any questions from the senators? Senator Howard. [LB926]

SENATOR HOWARD: Thank you, Senator Campbell. Senator Dubas, we received a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

letter from KVC supporting your bill and urging an increase in payment for foster parents. But do you know of any reason why KVC, the private agency, couldn't increase payments to foster parents on their own? And I ask that especially in the light that I've been contacted by many foster parents who used to be with the state system and now say they're paid less through the...or they receive less reimbursement through the private agency. [LB926]

SENATOR DUBAS: It's my understanding that the agencies probably have that latitude to set the type of payments that they want to have. And again, when we don't have that standard methodology where it would cross all of the agencies, that's where the inconsistencies have come into play. And then as the lead agencies may be subcontracting with other contractors, and as the money would filter down, then that would become less resources available for the foster families. So again, I think that's what they...the question you have raised shows why we need that standard rate. That's just the minimum. That's just where do we start so that we can build up to address... [LB926]

SENATOR HOWARD: Sounds like trickling down through bureaucratic systems is costing foster parents. [LB926]

SENATOR DUBAS: It has. [LB926]

SENATOR HOWARD: And then the second question that I have, and again, in KVC's letter, one of the unintended consequences of rate increases we have seen is that foster parents express, because the adoption guardianship subsidy is lower, they cannot afford to provide permanency for children they foster. That's simply not true. The adoption subsidy is supposed to be one dollar lower than the foster care payment. If they're negotiating another rate, it's entirely up to them, just for information purposes. [LB926]

SENATOR DUBAS: And I was aware of that point also. You know, that's what, this bill isn't intended to address that, but I think we need to make sure that everybody understands what the reality of it is. And if that is not the case, and if we have people who are saying that they would be willing to do adoption or guardianship but they're fearful of what they would lose, we need to make sure everybody understands that's not the case. [LB926]

SENATOR HOWARD: Absolutely. Thank you for your interest in this. [LB926]

SENATOR DUBAS: You bet. [LB926]

SENATOR CAMPBELL: Any other questions? Thank you, Senator Dubas. Our first proponent for LB926, those who are in favor of the bill. Good afternoon. [LB926]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

SARAH FORREST: (Exhibit 1) Good afternoon, Senator Campbell and members of the committee. My name is Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I'm the policy coordinator for child welfare and juvenile justice at Voices for Children in Nebraska. We're here today in support of LB926 as an important way to improve out-of-home care for Nebraska kids. For about the past 20 years, over 8,000 children a year in Nebraska live in out-of-home care at some point during the year, and that makes improving their out-of-home experience really important. LB926 does this in two main ways. It makes care less traumatic for children by really looking at that fair payment for foster parents, which can go towards retaining quality foster homes. We know that retention and the ability to meet children's needs with fair payment can increase placement stability which is beneficial for children and also is part of the CFSR federal quality review, so will impact how Nebraska's child welfare system is assessed. The other point that we're especially grateful for Senator Dubas having included is that it encourages quality relative placements by including kinship care in fair payment and providing a path towards licensure with payment, the kin placements will get the training and support they need. They'll also have payment and resources to provide for children. I spoke to you on a bill last week where there was some studies that show that kin placements often have fewer resources even than foster families to provide for children, so this is an extremely important inclusion, especially as our number of child-specific placements in Nebraska continues to grow. In summary, LB926 is an important way to promote stable and quality placements for children while they are in out-of-home care and we urge you to advance it. I'd be happy to answer any questions. [LB926]

SENATOR CAMPBELL: Questions from the senators? Thank you, Sarah. I just want to note that you are, and maybe you've always done this, and I just missed it, but I really appreciate noting all the sources that you have obtained information from. I'm beginning to pay a lot more attention to that as we prepare for some of the information that goes to the floor of the Legislature. [LB926]

SARAH FORREST: Certainly, and if you need help tracking down any of the sources I footnoted, I'd be happy to send you a copy. [LB926]

SENATOR CAMPBELL: And we may need that. [LB926]

SARAH FORREST: Yes, I would be happy to. [LB926]

SENATOR CAMPBELL: Thank you, Miss Forrest, very much. Our next proponent. Welcome. [LB926]

KAREN AUTHIER: (Exhibit 2) Good afternoon. My name is Karen Authier, A-u-t-h-i-e-r, and I am executive director of Nebraska Children's Home Society and Vice President of the Children and Family Coalition of Nebraska, CAFCON as many of you know of it, and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

I'm testifying this afternoon on behalf of CAFCON in support of the intent of LB926 to establish a minimum base rate for foster and relative care payments in Nebraska. The establishment of a minimum base rate is a very important step in achieving fairness and equity for foster parents across the state, regardless of whether their primary relationship is with HHS, a lead agency, or a private-sector foster care agency. Our member organizations recruit, train, complete licensing home studies, and provide a safety net of support for foster parents across the state. Agencies now also are beginning to take responsibility for training, licensing, and providing supports for relative placements. Because of the strong relationship that develops between the foster parents and the private agencies with which they provide care, CAFCON member agencies have met with Senator Dubas and look forward to working with her to amend the bill to allow agencies with foster care contracts to continue their responsibility for making payments directly to the foster parents. It's important that the payment to the agencies also recognize that significant expenses to the agency are involved in recruiting, training, licensing and supporting those foster parents in addition to the direct payments that we make to foster parents. Payments from HHS or a lead agency to a foster care agency take into account the child's difficulty of care. So for children with physical or behavioral health conditions that require amounts of care that are above the norm, the agency payment is higher because of the level of care and the support required, and the payments to foster parents are adjusted accordingly. The agency worker and the foster parents work together to address the emotional, physical, and cognitive needs of the child. CAFCON members believe that the contracts with the private foster care agencies are value-added service. It's important to note that the foster parents survey that was conducted by the Ombudsman's Office as part of LR37 process found that the level of satisfaction expressed by foster parents was consistently and often substantially higher for the foster care agencies than for HHS or lead agencies. When two of the lead agencies did default on their payments to foster parents, CAFCON agencies with subcontracts for foster care continued to pay foster parents even when we were not receiving payments ourselves. Our commitment was to serve as a buffer between the chaos in the system and the foster parents and children in their homes. Many of us have been playing that role since the 1880s. The listing of the CAFCON agencies is on the back, so I won't take your time to go through all of those. [LB926]

SENATOR CAMPBELL: Okay. Questions for Ms. Authier? Ms. Authier, I just have one question, and that is, in your discussions with Senator Dubas and talking about the lead agencies, the foster agencies I should say, receiving payment for the services that are provided. Was it looked at as a sum or a percentage or...? [LB926]

KAREN AUTHIER: We didn't get that far in the discussion. [LB926]

SENATOR CAMPBELL: Okay. [LB926]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

KAREN AUTHIER: The agreement was that after the hearings, we would come back together to discuss what would work. My experience is that most of the agencies tend to be at about the same rates they pay foster care parents. And as I said, there's not one standard rate. It's based on difficulty of care, so it's complicated. And each of the three...each of the three entities, the two...the two leads and the state all have different rate schedules, so it...we need to talk about that, yeah. [LB926]

SENATOR CAMPBELL: Okay. Do you know whether the MARC study gives a guideline on that? And perhaps Senator Dubas does, but I thought you might know from your experience whether that study gives some guideline for us. [LB926]

KAREN AUTHIER: And I don't remember that there was a guideline. I think that our agency, I'm not going to speak for the other agencies. The lowest payment that we make to a foster parent would be \$15 a day, and that would be for a very traditional level child, and then goes on up to probably the highest would be \$32 to \$46, in our case, it would be a medically fragile child that had very high needs. [LB926]

SENATOR CAMPBELL: Thank you for your help on that question. Oh, Senator Howard. Sorry. [LB926]

SENATOR HOWARD: Thank you. Hi, Karen. It's so good to see you. Thanks for coming down today. I see in your letter that you noted training, licensing and providing support for relative placements. [LB926]

KAREN AUTHIER: Yes. [LB926]

SENATOR HOWARD: Do you feel it's important that relative or kinship or whatever we want... [LB926]

KAREN AUTHIER: Yes. [LB926]

SENATOR HOWARD: ...agencies choose to call those placements, receive training and licensing? [LB926]

KAREN AUTHIER: I was so pleased that relatives were included in this bill, because about the maximum that relatives are receiving, and you probably already know this, but it's about \$10 would be about the maximum, and so until they get licensed, it may be appropriate for there to be a lower rate, and there should be an encouragement to go with a licensing that may need to be specially tailored, some of the training specially tailored for the relative families, but we believe there are real benefits, and what we're finding with some of the work we're doing with the relative placements is that they have not received the support. The children have been placed there, but many of these are very high-need situations so that we're seeing perhaps a sibling set of five children

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

being placed in a family, and there simply are no beds, there are no car seats. And so our agencies are stepping in and buying that, so because these are foster families who are often just barely...their relative placements are often just barely making it before the children are added to the...other children are added to the home. [LB926]

SENATOR HOWARD: So you see the training and the licensing as a way to kind of promote that, maybe an incentive to, for a higher payment after they're licensed. [LB926]

KAREN AUTHIER: Yes. [LB926]

SENATOR HOWARD: Okay, okay. [LB926]

KAREN AUTHIER: That would be the hope. There are some families who are...it may not be possible for them to get licensed because of the licensing standards... [LB926]

SENATOR HOWARD: Sure, sure. [LB926]

KAREN AUTHIER: ...being higher than their home or their history would allow. [LB926]

SENATOR HOWARD: Right, right. You and I have both seen those situations. And then, is there any device or any tool? We used to have the FCPs. I'm sure you're real familiar with that, both of us are, the checklist. Is there anything like that that's being used to determine? [LB926]

KAREN AUTHIER: Yes. That's still being used by HHS. It's being used by the leads. They're all a little different, so it makes it complicated. [LB926]

SENATOR HOWARD: Okay. [LB926]

KAREN AUTHIER: But the payment coming from us helps with that, because sometimes because it's complicated, the foster parent, the rate...the check that comes may not be exactly right, and if we get that and can sort that out, then the foster parents don't have to deal with the hassle of sorting out payments that aren't accurate. [LB926]

SENATOR HOWARD: Okay. Thanks for all you do. [LB926]

KAREN AUTHIER: Thank you. [LB926]

SENATOR CAMPBELL: Thank you very much. Our next proponent. All the proponents sat in the back today. (Laughter). Good afternoon. [LB926]

NICK JULIANO: (Exhibit 3) Good afternoon Senator Campbell, Senator Dubas, and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

members of the Health & Human Services Committee. My name is Nick Juliano, N-i-c-k J-u-l-i-a-n-o. Excuse me, I have a cold today. And I'm the director of business development for Boys Town. As most of you know, Boys Town currently contracts with NFC, KVC, and Health and Human Services in the central and eastern regions to provide foster care, and in 2011, we served over 200 children and youth, and supported 122 foster families. We also had the pleasure of being part of the CAFCON group, as we are a member that had a very productive conversation with Senator Dubas prior today. And so in the interest of time, I will not rehash some of the support areas that have already been covered, but we're obviously here in support of LB926 and to offer suggestions that we believe will support the intent of the bill and also minimize some potential unintended consequences. So I'm going to move to page two of my testimony. And you know, regarding payment to foster parents, we do not dispute the results of the study cited in LB926, and we strongly agree that equitable payments for foster parents should be examined and implemented. Placing the payment responsibility back on the state, as LB926 suggests in its current form, would be burdensome and likely cause complications and errors. Our experience is that foster care agencies and leads are more knowledgeable about the specific rates, which we've already discussed, and can more easily monitor the process and lessen the chance for potential errors to ensure that foster parents are paid the rate that is agreed upon based on the assessment of the child they're serving. We obviously, in that supporting rates for foster parents that cover the cost for each child, we do want to note that foster families associated with agencies actually receive a higher payment than families that historically have been fostering for the state. And similar to what Karen mentioned currently, Boys Town families receive a range of payment from \$15 to \$32 per child, so \$15 is the lowest rate methodology that we are currently using. These higher rates, along with the ongoing support and guidance provided by our agency, do help us to retain foster parents as well as help ensure that the children and youth in our program do receive the safe and humane care and treatment that we are all concerned about. So when faced with additional expenses like clothing and transportation, Boys Town and other foster care agencies do work with foster parents and leads to identify community supports and also seek donations to ensure the youth in our care have what they need to be successful. As noted, we also support increased compensation for relative caregivers, and Boys Town and several other NFC subcontractors are actually currently working with relatives to assist them in becoming licensed so they are eligible to receive the support they need and the compensation that they deserve. It is important to emphasize with our support position that any rate increase to foster parents and relatives would need to be supported by an increase in funding to HHS and the lead agencies. Otherwise, foster care agencies like Boys Town will not be able to maintain the level of support that families need and that was highlighted by Senator Dubas and described in her opening testimony. So in conclusion, I appreciate your time and attention today and the ongoing commitment and priority placed on system reform, and I'm glad to answer any questions that you have. [LB926]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR CAMPBELL: Are there any questions or comments? I'm looking...I'm going to look first and Senator Howard and make sure I don't leave her out this time. (Laughter). Any other? I do want to say that, in compliment, Joselyn from Senator Dubas' office, she was extremely helpful to us when we put this whole section in LR37 together, and she also put a memo together to the legal counsel spelling out the issues of the conversation that you had with Senator Dubas. So we'll make sure that all the committee members also have that memo and so we're all up to speed about that, so she's just done a great job to enhance the communication here. So I want to compliment her for sure. Thank you so much for your testimony today. [LB926]

NICK JULIANO: Thank you. [LB926]

SENATOR CAMPBELL: Okay. The next proponent. I'm always so impressed with the politeness of everyone. You go first, no you go first. It makes it all work. Good afternoon. [LB926]

TAMI SOPER: Good afternoon, Senator Campbell and members of the Committee. I am, for the record, Tami Soper, that's T-a-m-i S-o-p-e-r. I am the director of public affairs for KVC Behavioral HealthCare. I did not intend to testify on this bill, because I submitted a letter of support, as indicated, but I wanted to clarify, because Senator Howard did ask a question. My understanding is that the lead agencies do have the opportunity to set their own rates. Since KVC came to Nebraska, I believe there's not another organization that pays at the level that we do for the traditional rates. I think that there are some higher levels for some of the enhanced pay, a few dollars higher. We did provide a rate study to Senator Dubas' office. And if you all have not seen that as members of the committee, I would offer to have that information forwarded to you all as well. I can get that where we looked at our rates that we pay directly to our parents for the levels of care that we have parents associated with as well as the rates that we pay to the subcontractor providers and the subsequent pay there. So we can provide you with that information. But our family level care rate is \$20 a day, then we have a specialized level which is \$30 a day, and then \$40 for enhanced specialized. We also have a new level of care for some of our highest needs, which is \$50 a day. We also feel strongly that kinship care should be supported. We have, in addition to the foster care specialists that support our foster care homes, we also have a separate division of just foster...or I'm sorry, kinship support staff that are dedicated specifically to the support of kinship homes. That's something that we just learned through trial and error. Those families have not traditionally been supported, I think, in the same way; but we have found that oftentimes they need more support because they're unfamiliar with the system. And particularly where we've seen the greatest impact is working with diverse populations where there are language and cultural barriers. Having those kinship specialists to support those homes has been a tremendous benefit for children from diverse backgrounds that are with family and friends. So...and then the subsidy issue, again, that's one of those things where I think because as a part of the public-private

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

partnership, you're seeing higher rates than have traditionally been paid for by the state, and the state negotiates the adoption and guardianship subsidies. There's a little bit of push back there; and so my understanding from adoptive parents is that they are not able to successfully negotiate the same level of subsidy support to be with children, you know, with highest needs, reflective maybe of some of the stories that you heard yesterday in the hearing. Oh, and we do have a child needs assessment, so it's not an FC pay, but it's a child needs assessment that assesses all the needs and strengths of the child, and that's how we determine a level of pay for the family, level of care. [LB926]

SENATOR CAMPBELL: Senator Howard. [LB926]

SENATOR HOWARD: Thank you, Senator Campbell. We just saw a contract yesterday afternoon that an adoptive parent brought in with her when she testified, and the adoption agreement subsidy amount was under \$300 a month for kinship, which you got 30 days in a month, would be, we can all do the math. That's a very low amount. [LB926]

TAMI SOPER: Correct. [LB926]

SENATOR HOWARD: That's a very low subsidy, and this child had a lot of problems. I think we'd all say this child has a lot of needs. So when you look at this, what's your base pay? Where do you start at kinship care? [LB926]

TAMI SOPER: For kinship care, for foster...what would be just a kinship placement, we pay kinship homes \$10 a day if they're not licensed. Once they're licensed, they are paid at the same level of all of our other licensed homes. [LB926]

SENATOR HOWARD: And how many homes, how many of your kinship care homes have you licensed? What's the percentage or...? [LB926]

TAMI SOPER: We try to encourage all of them to become licensed, but unfortunately, there are some, as you know, that we do...we're able to make some exceptions in kinship homes that we're not able to make for our licensed homes. And so if they're not able to meet the licensure criteria, then they're not able to become licensed. I don't know the percentage that end up becoming licensed, but I could certainly check into that. [LB926]

SENATOR HOWARD: Forty percent of your homes right now are kinship care. [LB926]

TAMI SOPER: Um-hum, correct. [LB926]

SENATOR HOWARD: So how many of that 40 percent are licensed? [LB926]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

TAMI SOPER: If they are considered a kinship home, then they are not licensed. Because if they were...they may have started out a kinship home, but once they become licensed, we transition them to our traditional foster care, and they're paid as licensed homes. [LB926]

SENATOR HOWARD: So then it's safe to assume that 40 percent, the kinship care number, are not licensed and may be paid at \$10 a day. [LB926]

TAMI SOPER: That's correct, that's correct. [LB926]

SENATOR HOWARD: Does that include clothing? [LB926]

TAMI SOPER: Clothing...we provide clothing for gosh, we have a contract with the Foster Care Closet in both the southeast service area, and now fortunately, in the eastern service area now that Foster Care Closet has expanded their efforts. And as a part of that, our children receive twice a year the seven new outfits that they used to receive through the system; but they are all new clothes, because the Foster Care Closet was able to utilize those contract dollars to really negotiate, I mean, Leigh Esau is a tough negotiator with some of these retailers. And she was able to get winter coats, for example, this last year, for all our kids for \$3. [LB926]

SENATOR HOWARD: So your clothing resource really is the Foster Care Closet. So does the \$10 a day include transportation if the child has medical needs? [LB926]

TAMI SOPER: It does...well, we provide transportation on an as-needed basis. If the family can't meet their needs, regardless of whether it's counseling or doctor's appointment or education or whatever the issue is that they need transportation support, we do try to provide that. There is an expectation, just as there was the department, that some of that transportation be provided. [LB926]

SENATOR HOWARD: With the department, it was the first 100 miles were provided; but we didn't pay \$10 a day, we paid a bit more than that. And then in addition to the first 100 miles, the foster parent kept a log, a journal, and was reimbursed for any mileage over 100 miles. Do you do that? [LB926]

TAMI SOPER: You know, I don't know the answer to the mileage reimbursement question. I know that we do compensate, like we've offered gas cards for parents who had to do excessive travel and those sorts of things, but I don't know what the standard of practice is there, so I can check. [LB926]

SENATOR HOWARD: But that's usually for visitation if there's a distance. [LB926]

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Health and Human Services Committee
February 02, 2012

TAMI SOPER: Sometimes it's for school, too; or something, you know, or if someone has to have like a medical treatment that's an ongoing for a persistent health issue, so I can certainly look into that. [LB926]

SENATOR HOWARD: Okay. Well, just so I clearly understand, I'm going to just wrap it up here with this. Forty percent of your foster parents are considered doing some form of kinship care, and the kinship rate is generally \$10 a day. [LB926]

TAMI SOPER: Correct, and those are for unlicensed homes. [LB926]

SENATOR HOWARD: Thank you. [LB926]

TAMI SOPER: Um-hum. [LB926]

SENATOR CAMPBELL: Other questions? Ms. Soper, and I probably will get back to the other testifiers at some point, or I'm sure Senator Dubas would, too. There's a chart, I think, in the state Auditor's report about what was paid, and so what we may also want to double-check is that the figures, and they are accurate. [LB926]

TAMI SOPER: Okay. [LB926]

SENATOR CAMPBELL: And so you don't have to answer today, but at some point, we will probably take a look at that, and you may want to review that. [LB926]

TAMI SOPER: Okay, and I... [LB926]

SENATOR CAMPBELL: I just thought of that, because I remember looking at that quite extensively, but it was much earlier this summer. [LB926]

TAMI SOPER: And that may be our rate schedule. We used to have that posted on our Web site, and we've made some updates to it, so I don't think we have anyone posted on there, but it may be reflective of that. And then just quickly, I just want to clarify of Senator Howard, KVC does not negotiate the adoption or guardianship subsidies. That's still done by the department, so. [LB926]

SENATOR HOWARD: Good. Thank you. [LB926]

SENATOR CAMPBELL: (Exhibits 12 and 13) Thank you very much for your testimony today. Next. And while Ms. Harriott is making her way to the front, we'll note for the record that yes, we did receive a letter of support from KVC Behavioral HealthCare and also from the National Association of Social Workers Nebraska Chapter. Good afternoon. [LB926]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

PEG HARRIOTT: (Exhibit 4) Good afternoon. Peg Harriott, P-e-g H-a-r-r-i-o-t-t. I am the CEO and president of Child Saving Institute. My letter is almost ditto to what you've heard from Karen Authier and Nick Juliano. Just as a point of reference, Child Saving Institute supports approximately 100 foster parents and 200 foster youth annually. The same points that have been previously made are the same ones that I would make, so in the interest of time, I'm open to questions. I would also support what was previously said. When I talk to my workers about this, their concern is the subsidy rate and wanting to make sure that we support and incentivize permanency as much as possible. And our experience also has been that the state is setting the subsidy rate. And when I pulled it up on the Internet, when I was just studying this issue, the rate started at \$222, so that's low. [LB926]

SENATOR CAMPBELL: Senator Howard. [LB926]

SENATOR HOWARD: Thank you, Senator Campbell. It's as if you knew. (Laughter). [LB926]

SENATOR CAMPBELL: Well, I'm trying to pay attention (laughter), because I'm always looking right, and I neglect you, and I'm sorry. [LB926]

SENATOR HOWARD: Two hundred and twenty dollars is the ADC rate, and the TANF as we know it now. I am wondering if you have the same policy as KVC. What's the rate that you pay for your kinship-care homes? The daily... [LB926]

PEG HARRIOTT: CSI doesn't pay kinship-care homes. We're just beginning to work in support with kinship care. [LB926]

SENATOR HOWARD: Right, so you don't...your homes are all licensed. [LB926]

PEG HARRIOTT: Right. [LB926]

SENATOR HOWARD: Okay. [LB926]

PEG HARRIOTT: So I can only speak to that side. [LB926]

SENATOR HOWARD: So what's a base rate for your homes then? [LB926]

PEG HARRIOTT: I think we do start at the \$10, but then we go up as high as the other folks have. [LB926]

SENATOR HOWARD: Even though you have licensed homes, you start them at \$10? [LB926]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

PEG HARRIOTT: I need to go back and look, but I am concerned that it's more at that \$10. I'm going to go back and take a look at that. [LB926]

SENATOR HOWARD: Maybe you could let me know. [LB926]

PEG HARRIOTT: I will. [LB926]

SENATOR HOWARD: Thank you. [LB926]

SENATOR CAMPBELL: Any other questions for Ms. Harriott? Thank you so much. [LB926]

PEG HARRIOTT: Um-hum. [LB926]

SENATOR CAMPBELL: Our next proponent. You're all doing just swell on the four minutes. We may have to rethink this, Senator Gloor. Good afternoon. [LB926]

BEVERLY EBY: (Exhibit 5) Hi there. My name is Beverly Eby. It's spelled B-e-v-e-r-l-y E-b-y. I was a foster parent from July 16, 2007, to February 5, 2008. Although I had no idea at the time we got the call to take care of our two great nephews what the pay would be, I must say it was certainly not enough to cover the costs associated with taking care of a four-and-a-half-month-old baby and a three-year-old toddler. What we were paid was \$236 per month per child. And when you are expected to buy baby formula, diapers for the baby, and pull ups for a toddler in addition to providing 24/7 care, supervision, clothing, shelter, transportation costs to transport the boys to doctor's appointments from Beatrice to Lincoln and Omaha, you come out on the short end of the stick pretty quick. The caseworker was trying to tell us that we could go to WIC and different churches to get stuff we needed, but my response to that was, no. If the state is going to come in and remove the children from their homes, a home where all their needs were being met, then the state had better darn well be ready to provide any and all food, clothing, and medical needs that those kids need while they are state wards. When we came to Lincoln to pick up the boys in July, 2007, the individual from HHS told us we would be reimbursed for transportation costs. However, when it came time to collect, we were told no, we would not be getting any reimbursement. Little did I know that was our welcome to the system. Those boys should have never been removed from their home, and I have great problems with the fact that just one person has the say to remove children without a thorough investigation and no signed judge's order. They can just make a statement that the children are living in a dangerous home without any documented proof that anyone in that home inflicted any kind of injury. And they can sweep in and take them in the blink of an eye, and as a parent and citizen, you have no choice. Then it is welcome to the system, you don't get out until we say you get out. The saying of innocent until proven guilty does not apply in juvenile court. Even the idea of a speedy trial does not apply in juvenile court. Ours lasted from September to

December. Then after that, there was a reunification period. There are a lot of people that earn a lot of money off of cases like this, but the foster parent is not one of them. The boys' mother was receiving child support from the father, but the state went in and took control of those funds. The funds were diverted to the state of Nebraska. I like to use the term embezzled. In my opinion, that money should follow who has physical custody of the children. The father was paying those funds for the support and benefit of his children, not to support the state of Nebraska. The state should not be allowed to capture those funds unless the mother has been found guilty in a court of law of child abuse, and not before. My niece received the luxury of seeing her children for six hours of supervised visitation each day. One day I was getting ready to leave the house, and this was three weeks after the boys had come to stay with us, and visitation for the day had started. And in my driveway pulled up two girls from HHS, and their words to me were that they were here to pick up my three-year old great nephew and take him to Lincoln to be interrogated by the Lincoln Police Department. No phone call or paperwork explaining this was going to happen. The lady...they wouldn't let any of us go with Noah to that interrogation, and that included the lady from Pathfinders. Where was his court-appointed attorney, his guardian ad litem that day, the person who was appointed to look out for his legal rights? I'll tell you this. Not once during our 14-month ordeal did Hazel personally meet with her clients. Whatever the state paid her, you got ripped off. That day I decided that taking care of the boys was going to be the easy part. Dealing with the system was going to be the difficult part. The tape of that interrogation was never shown in court. Towards the end of our ordeal, that same lady who supervised most of our visits was going to be taking another job with the same company, but she would be training parents how to be better parents. She needed to have her Sundays off so that she could go out to Kearney to visit her son who was at the time incarcerated at the Youth Development Center. [LB926]

SENATOR CAMPBELL: Mrs. Eby, we're at the point, and I don't want you...I don't want you to stop necessarily; but can you just kind of summarize, because we have all, and we will read them all. Trust me. [LB926]

BEVERLY EBY: Okay. [LB926]

SENATOR CAMPBELL: We read all the testimony that comes to us, but I do want to give you the chance to summarize for you. [LB926]

BEVERLY EBY: Okay. [LB926]

SENATOR CAMPBELL: Because you're telling an important story. [LB926]

BEVERLY EBY: Okay. A buzzword you always hear is transparency. Let me tell you it only works one way. I don't know what an appropriate amount should be, but \$500 per month per child wouldn't be out of line in my opinion. Nebraska is responsible for

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

removing too many kids from their homes. I have to ask, is that some kind of bounty that the federal government pays to the state that this is their incentive to remove as many kids as they can? I hear the term follow the money. Is that the case here? Why is Nebraska one of the states at the top of the list for removal of children from their home? Just because you're not rich doesn't mean you can't take care of your children. The only two things to come out of this whole ordeal is that we have become very close with two great nephews, and I have had the title of mom for seven months, even if...even if it had the word foster included in the title. Being a mom was the best job I ever had. Even though I never had any children of my own, plus I got paid to do this, exactly 32 cents an hour. Thank you for your time. [LB926]

SENATOR CAMPBELL: Mrs. Eby, I wanted to leave time to ask a question, a couple questions, and the other senators may have questions too. But could you tell us the end of the story? Are you still being the mom to these two boys? [LB926]

BEVERLY EBY: No. They went home after seven months. I was only a foster mom for seven months. [LB926]

SENATOR CAMPBELL: And they are still at home? [LB926]

BEVERLY EBY: Oh, yes. [LB926]

SENATOR CAMPBELL: Okay, good. Do you get to see them very often? [LB926]

BEVERLY EBY: Oh, absolutely. Last two weekends. (Laugh). [LB926]

SENATOR CAMPBELL: I can tell from that smile that that means a lot to you... [LB926]

BEVERLY EBY: Yep. [LB926]

SENATOR CAMPBELL: ...to see them. We'll go to other questions. Senator Bloomfield. [LB926]

SENATOR BLOOMFIELD: Thank you, Senator Campbell. You said your...the child's father was paying child support. [LB926]

BEVERLY EBY: Yes. [LB926]

SENATOR BLOOMFIELD: How did the amount he was paying compare to the amount you were being paid by the state? [LB926]

BEVERLY EBY: I was paid \$236, and I think what he was paying in child support was \$400 a month for the two boys, which is a small amount in child support terms, but that's

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

what they agreed to. [LB926]

SENATOR BLOOMFIELD: But the state was still making a little money. [LB926]

BEVERLY EBY: Oh yeah. [LB926]

SENATOR BLOOMFIELD: Okay, thank you. [LB926]

SENATOR CAMPBELL: Senator Howard. [LB926]

SENATOR HOWARD: Thank you, Senator Campbell. I just wanted to comment, I appreciate your last sentence regarding never shake a baby. That was an issue that I dealt with last session and increased the penalty for that, so thank you. [LB926]

BEVERLY EBY: Way to go. [LB926]

SENATOR CAMPBELL: If I could ask Senator Howard. What does happen to the child support payment there? Is that an issue? [LB926]

SENATOR HOWARD: It goes into, it's collected like all other child support payments and goes into the general funds in the state. [LB926]

SENATOR CAMPBELL: Okay. We may want to take a look at that. Thank you for raising that important issue with us, Ms. Eby. [LB926]

BEVERLY EBY: Yep. [LB926]

SENATOR CAMPBELL: Our next proponent. Good afternoon. [LB926]

KATHY MOORE: (Exhibit 6) Good afternoon. Senators, I'm Kathy Bigsby Moore, that's K-a-t-h-y B-i-g-s-b-y M-o-o-r-e, and I'm interim executive director of the Foster Care Review Board. I'll make my remarks brief. I don't need to be repetitive, but I'll just give you a couple of facts that I don't think have been touched on. The Foster Care Review Board is in strong support of this. They have looked at the issue of foster care payments and relative payments for several years, and in 2010, they reported that approximately 50 foster parents over a few months period of time had reported directly to the Foster Care Review Board that they would be discontinuing as foster parents and gave as their top two reasons, first of all, a lack of financial reimbursement or adequate reimbursement. And secondly, finding the foster care system difficult to work with. I think we've heard that today and throughout the last couple of weeks. Additionally, I know there has been such a tendency to want to place with relatives, and I would agree for all of the reasons that we are all aware of, I think Karen Authier pointed out very clearly, as many of us have felt for a long time, that in some respects that relatives need

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

more than non-relative caregivers, both in the way of training and resources. Often, they may be of low income or, as was pointed out, have no knowledge of the system, so they may need more support. They may be dealing also with difficult family situations. I think that the Foster Care Review Board first of all has brought this issue to the Legislature frequently. And particularly in 2009 when reform was rolling out, they pointed out that we did not have an adequate supply of foster homes at that time and needed to do everything in our power to increase the number of foster homes. Sadly, at the bottom of my second page, you will see that from 2009 until January of 2011, we actually lost foster homes and are continuing to do so. So I encourage advancement of this bill. The review board would be happy to continue providing any information, and I'd be glad to answer any questions. [LB926]

SENATOR CAMPBELL: Questions for Ms. Moore? Senator Howard. [LB926]

SENATOR HOWARD: Thank you, Senator Campbell. Just a quick question, Kathy. When you call child caring, which homes is that supposed to be capturing? You've got licensed homes, approved homes and then child caring. [LB926]

KATHY MOORE: It is the overall number of facilities. I'll have to look into that. I did not notice the... [LB926]

SENATOR HOWARD: Well, you've got 62, 53... [LB926]

KATHY MOORE: Oh, I think it is...excuse me for interrupting. [LB926]

SENATOR HOWARD: No, no, no. [LB926]

KATHY MOORE: I think it is group-level homes, but I'm not sure. [LB926]

SENATOR HOWARD: They wouldn't come under our state payment schedule though. (Laugh). [LB926]

KATHY MOORE: No, they shouldn't, so I will look into that and get back to you. [LB926]

SENATOR HOWARD: Thank you. [LB926]

KATHY MOORE: That's a great question. Thanks for catching that...yep, I don't know. That's a great question. I'll e-mail everybody once I get the answer to that. [LB926]

SENATOR HOWARD: Thank you. [LB926]

KATHY MOORE: Anything else? [LB926]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR CAMPBELL: Thank you, Ms. Moore, and yeah, that clarification, because we're all kind of looking at each other going. [LB926]

KATHY MOORE: Exactly. No, I am sorry. [LB926]

SENATOR CAMPBELL: We'd be glad to help you out, but... [LB926]

KATHY MOORE: (Laugh) Thank you. Now we'll all know soon. Thank you. [LB926]

SENATOR CAMPBELL: (Laugh) Exactly. Our next proponent. Hi. [LB926]

SARAH HELVEY: (Exhibit 7) 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. We support LB926, because we believe that children who must be in out-of-home care should receive adequate support during that time. We supported the rate set forth in the bill under the MARC study appropriately takes into account the cost of covering the child's basic needs as is required by federal law under Title IV-E of the Social Security Act, and we're particularly concerned about the inconsistency in foster care rates that was shown from Senator Dubas' interim study. Both in rates across the state and also the inconsistency in foster care rates offered by different private contractors, and we have some concerns that that may pose potential liability for the state, so we think it's important that this bill would address that inconsistency. We're also concerned that the contract between the state and the lead agencies does not specifically require them to provide an adequate rate that covers the cost of the child's basic needs as required by federal law, nor does it provide oversight to ensure that all subcontracting agencies are doing so. With regard to the provision of the bill that requires foster care payments be made directly to the foster parent for the benefit of the child, while we support that that provision would eliminate extra administrative costs among subcontractors and contractors, which we think is a significant concern, we believe it's important to ensure the necessary funding for the recruitment, training, and support of foster parents is retained. Finally, we just want to say, as others have mentioned, that we strongly support the provision that recognizes the value of placing children with their relatives. Research strongly supports that children who are placed with their relatives or someone previously known to them tend to have better outcomes than children placed with strangers, and that placement with relatives tends to be more stable than non-relative placements. And then in conclusion, while we believe it's important that children receive adequate support as required by federal law when they are in out-of-home care, we think it's critical that the same effort is redoubled to prevent children from being placed in out-of-home care in the first place. Therefore, we support this bill and see it, as I think the committee does as well, as part of a larger package of reforms that must focus on investing in wraparound services to support families. So again, we thank the committee for all your hard work as part of LR37, and I'm happy to take any questions. [LB926]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR CAMPBELL: Senator Gloor. [LB926]

SENATOR GLOOR: Thank you, Senator Campbell. Sarah, since you have a J.D. behind your name, maybe you can help with this. I'm intrigued by the fact, and concerned by the fact that courts can require child support payments, but the actual payments the state then makes, and the child support payments then go to the state once those children are wards of the state. Is there no way that those dollars can be redirected, especially with kinship care. Can't family members intervene in some way to pressure the courts or plead to the courts that those dollars should be redirected to the family? [LB926]

SARAH HELVEY: You know, I think that could be done legislatively. That's an issue that's been on Appleseed's radar screen and I think would be an important one for the committee to take a look at. [LB926]

SENATOR GLOOR: Is that, your guess would be that's probably in regs as opposed to something that is spoken to in statute? [LB926]

SARAH HELVEY: I...I'm sorry. I don't know the answer to that question. [LB926]

SENATOR GLOOR: Yeah, yeah. [LB926]

SARAH HELVEY: My organization might, and I can get back to you on that. [LB926]

SENATOR GLOOR: Okay. I would like to know. [LB926]

SARAH HELVEY: Thank you. I will do that. [LB926]

SENATOR CAMPBELL: That would be great. My question was the same. Senator Howard. [LB926]

SENATOR HOWARD: Just a quick question. What do you define as kinship care? [LB926]

SARAH HELVEY: Placing a child with a relative. I don't know if it's broader than that. Technically, it's a good question. I think in my testimony, I mentioned a relative or someone known to the child, so I think we would be in support of having a broader definition of that. You know, I know for example, in some tribal and some Native American communities, that's a broader definition. And so I'm just not sure legally what that definition is, but I think we would be supportive of a broader concept of relatives and people known to the child. [LB926]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR HOWARD: But I would assume, you tell me. Would you also be in support of that, the same rate of pay to those people, people known to the child, as to other foster parents? [LB926]

SARAH HELVEY: Yes. [LB926]

SENATOR HOWARD: Okay, thanks. [LB926]

SENATOR CAMPBELL: Any other questions? Thank you, Ms. Helvey. [LB926]

SARAH HELVEY: Thank you. [LB926]

SENATOR CAMPBELL: Our next proponent for the bill. It is true. All the proponents are in the back row today. (Laughter). Good afternoon. [LB926]

LEIGH ESAU: Good afternoon, Senators. My name is Leigh L-e-i-g-h, Esau E-s-a-u. Foster care has been on unequal ground since my husband and I have been doing foster care. This is not about paying foster parents. Rather, it is about making sure that children's basic needs are covered. It is about supporting the child, not a paycheck for foster parents. As we all know, there are basic needs that any child must have in order to survive. Food, water, shelter and clothing. When you are working with children who have been placed into foster care, the needs such as visits, doctor's appointments become part of the picture. If you are working with older children, there may also be therapy appointments for both individual and family counseling. You get the picture. It costs something, whether it's time or money or both, it costs. This is what the child must have in order to have a fighting chance of success. As you consider LB926, I think it's important that we think outside the box. I know the natural questions will be, where do we get the money to do this? We just don't have it in the budget to do this kind of thing, and I beg to differ. If you do not take the time now to look at making sure that we are developing a sound foundation to build on to make sure that we are first and foremost meeting the financial obligation of what it takes to meet the child's basic needs, then you will pay for it later. Spending twice is easy to do in the foster care system. Emergency placements receive a larger daily stipend than an ongoing placement, so a family may take in the emergency placement and do fine meeting the basic needs the first two months. Then in month three when the payment may drop by over \$15 per day for the same child, they are struggling to maintain the additional supports. Finally, in month four, they can't keep taking from their own personal budget to maintain the expenses, so they give notice. The child is moved into another emergency placement, and the cycle continues. I believe that if we can build a foundation that meets the basic needs of the child from day one, that we would see more stable placements, more continuity, and a higher quality of foster parents. We could also ease the burden of many relative placements endure. And just on the hitting the MARC report that was done in 2007 for the state of Nebraska, it said that the minimum for a two-year-old child was \$636 a

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

month. So taking those numbers and the numbers that have been shared here today, for a relative placement for a foster family receiving \$10, that means they are paying over \$4,032 a year to continue to maintain that placement. For a \$15 a day stipend, it's \$2,232, and for a \$20 stipend, it's \$432 a year. So even at \$20, we are not meeting the basic needs of a two-year old in our foster care system. [LB926]

SENATOR CAMPBELL: Thank you, Ms. Esau. Senator Howard. [LB926]

SENATOR HOWARD: Just a quick question. Do you know if our foster care, if the current foster care payments that are being made include respite? [LB926]

LEIGH ESAU: I am not currently, I don't have a current placement. When I had a placement as of last April, yes, that was included with the agency we were with. Again, that varies from agency to agency. [LB926]

SENATOR HOWARD: And it would be hard to envision a respite payment in a \$10 a day payment. Thanks. [LB926]

LEIGH ESAU: Yep. [LB926]

SENATOR CAMPBELL: Senator Gloor. [LB926]

SENATOR GLOOR: Thank you, Senator Campbell. Thanks for your testimony, Ms. Esau. I, it was very well laid out and presented very nicely. Do you know, are one of us your state senator? [LB926]

LEIGH ESAU: No. (Laugh). [LB926]

SENATOR GLOOR: Good, good. (Laughter). That's even better. Because to a large extent, given as much time as this committee and these members have spent working on this, you are, as they say, preaching to the choir. It's helpful to have this information. But my plea to you is be sure and share that information with your senator. Because the more senators who can hear well-presented information like yours, the easier it becomes for us as we try and carry these issues forward. So my request would be, be sure and corner your state senator and share that information. [LB926]

LEIGH ESAU: Yes, and I would ask the same of you guys as you speak with your colleagues, because we are talking about dollars, and I know that it's going to be very difficult to get them to get on board with spending money. Maybe that's pulling from a project they have. But if we don't start paying attention to this, we will be in dire straits down the road. [LB926]

SENATOR CAMPBELL: You know, Ms. Esau, I want to make a couple of comments

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

and hope that all the people in the audience realize that you are a representative of a group of people all across the state who make such a difference every day for kids. And so often, I don't think we say thank you enough, so we do that. The second thing I want to say is that the committee was very struck by two things. One, by the testimony of foster parents as we went to five public hearings. It was some of the best testimony and raised the awareness of all of us about the cost, and then we were able to link up with Senator Dubas. So you've, the second way you made a difference. The third thing that I want to put into the record is that in the LR37 report, it's very clear with the survey that was done by the Ombudsman's Office that the number one concern out of foster parents wasn't that they weren't being paid enough. It was that they didn't have respect and communication. And we were struck by the dedication of people who, you know, wouldn't put themselves first, but certainly were putting the children first that they cared for. So as a representative of all those people, we thank you. [LB926]

LEIGH ESAU: Thank you. [LB926]

SENATOR CAMPBELL: Our next proponent. Ladies first. Very chivalrous there. Welcome. [LB926]

JESSYCA VANDERCOY: Hello. My name is Jessyca Vandercoy, and I'm here to testify on behalf of myself as a foster parent. I wasn't intending on testifying. However, hearing the testimony of others, specifically from other agencies and sort of explaining the circumstance, I would like to give a real live perspective as to what my circumstance has been. Do you want me to spell my name? [LB926]

SENATOR CAMPBELL: Yes, please. [LB926]

JESSYCA VANDERCOY: J-e-s-s-y-c-a V-a-n-d-e-r-c-o-y. I became a foster parent in September of 2006, and I made the decision actually in December of 2010 that I was no longer going to be a foster parent, not because I didn't have a passion or commitment to serving children who needed a home, and I felt like my family provided an excellent place for children to grow, and my extended family is very supportive of that. In January of 2011, a young girl who we have known for four years who is now eleven years old needed a place to go, and we made the decision to continue our role as a foster parent in January of 2011, despite really feeling like it was time to end our role. My license was to expire in December of 2011, so at the end of that year. This young girl came to live with us, and as the agency that had licensed me was preparing to renew my license prior to December of 2011, which was in, this was in September, I made the decision to not renew my license, so I told the agency that I was not going to continue my role. We would like to continue to be a care provider for this young girl until we could see her either home or into an adoptive placement. That happened on a Saturday, and the following Monday, the...my reimbursement rate had dropped \$15 a day. That was with no notice, with no awareness, with nothing. I called...well, I got a call saying that

because you're not going to relicense and go through our process, you will become what we call a child-specific placement or a kinship placement, and that is because you are known to this child, and the reason you're her foster parent is because you are known to her, which is actually the truth. My commitment to her was because we had known her for four years, and I felt like we were the best place for her to be. I had written a letter to the agency requesting a meeting and to discuss that. I had asked for information as to how that decision could be made. My license, in fact, did not expire until in December, the end of that year. And I was told that the \$10 a day rate for the eleven-year-old that was in my home that needed extreme supervision around my six-year-olds because of her behaviors and all of her other physical needs, that there was no negotiating as a kinship home. I'm a licensed clinical social worker. I had been a foster parent for five years. I work in the system and feel like I'm...and I've also gone through foster parent training. I'm well prepared to be a foster parent. So that \$10 a day rate was not meeting her physical needs. And then wrote a letter saying this does not meet her physical needs or allow us to be able to do that, and I was again told too bad, and then they offered to remove her from my home if I was not happy with the \$10 a day. That was back in September. That obviously was not a decision we were going to make, because as a foster family, relationships come first. As the person testified prior to me, foster care, it's not about money or having a big check come at some parent. Foster care, on some level, is a business. You cannot spend more than you bring in. And so if your intention is to not have children re-neglected when they are brought into foster care, which is what you've removed them from, you need to make sure that the people caring for them are able to do so. And so I thought it was important to share my personal story because of how I was treated throughout the process, and for that, we are unfortunately ending our role as foster parents, and that is it. [LB926]

SENATOR CAMPBELL: Thank you for your service, very much. Any questions from the senators? Thank you for coming today. Our next proponent I believe is the gentleman in the back in the room who has been so chivalrous (laughter). Good afternoon. [LB926]

GREGG NICKLAS: (Exhibit 8) Good afternoon, Senators. My name is Gregg Nicklas, G-r-e-g-g N-i-c-k-l-a-s. In 1980, my wife Lisa and I became foster parents to teenage youth. The same year, we founded Christian Heritage, which is a nonprofit, faith-based organization that today is COA accredited and licensed by the Department of Health and Human Services as a child-placing agency. We are a member of CAFCON, and I've had the opportunity to visit with Senator Dubas in her office on more than one occasion about this legislation. Our staff team is privileged to work with over 100 foster families, and together, we serve over 120 children daily in three service areas. I'd like to make three specific points. First, we support the minimum base rate for foster parents. Secondly, we would ask that the payment to foster parents continue to be made by the child-placing agencies that are supporting the families. And third, we would ask that you obtain the additional appropriation for the increased payments and not require that the funds be allocated from the current compensation provided to the lead agencies or child

Health and Human Services Committee
February 02, 2012

placing agencies. Again, we support this legislation that would provide a minimum base rate for foster parents. We support the payment of this minimum base rate to relatives who are providing foster care, and we support the intent of this bill to encourage relatives who are providing foster care to pursue licensure. Having served literally thousands of Nebraska state wards over the last 31 years, we're acutely aware of the sacrifices that are made by foster parents to care for these children. Families that in many cases are spending more to care for the children than they are receiving. The vast majority of these foster parents are caring for children because of their compassion and commitment to making a difference in the lives of the children. A minimum base rate would provide more equitable compensation and should also assist in the recruitment and retention of foster families. Secondly, I would propose allowing the licensed child-placing agencies who are currently supporting and currently paying foster families to continue to perform this administrative function. We have regular contact with the families. We're supporting them in the provision of care, and we would like to continue to compensate them. When the department terminated the contract with Boys and Girls, we had 43 children placed in foster homes in the central service area. Even though we've only received a small percentage of the funds that were owed to us for these services, we paid every foster parent for every child on time. Lastly, if a determination is made to provide increased payment to foster families, a decision we fully support, we would ask you to please secure the appropriation to cover the nearly \$4.5 million proposed expense, and that you assure that these funds are not deducted from the compensation currently provided to the child-placing agencies. In a recent article in the Lincoln Journal, it was reported that some 22 programs have closed their doors since the implementation of the child welfare reform two years ago. If this legislation moves forward without additional funding, I believe that you will see more providers closing their doors, because they cannot assume this additional expense. [LB926]

SENATOR CAMPBELL: Thank you, Mr. Nicklas. Are there questions? Thank you for coming today. Our next proponent. Welcome. [LB926]

TERESA AERNIE: Good afternoon. My name is Teresa Aernie, T-e-r-e-s-a A-e-r-n-i-e, and my husband and I have been foster parents for just over five years, and we've had numerous, numerous kids. We started with teens, did them for quite a few years, and then we started getting younger kids. The first baby we got, we got \$200 a month for, didn't even cover her diapers. But we didn't do it for the money, although it is nice to have the money to pay for what these children need. My main concern, and we are a CEDARS family, and we get awesome support through CEDARS. Middle of the night, anything we need, they're there. The three kids we have now we're in the process of adopting. Instead of retiring (laugh), we've decided to adopt and become a family again. (Laughter). I had to threaten going to the Governor's door to get this baby a heart surgery, because not CEDARS, because our children came through a different agency, but we are a CEDARS home. I threatened to go to the Governor's door the day before the child's surgery, because the agency these children came from would not respond to

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Health and Human Services Committee
February 02, 2012

the hospital, nor my phone calls, nor their lawyer's phone calls to get this baby surgery. And I'm not talking about a, you know, oh, she's got an ear infection. She had a hole in her heart. She was born early. She was small. She needed the surgery. Two hours before surgery, that agency finally called because they told me I was not allowed to call HHS and talk to their worker, and that's what I've been told, and I just wanted to let you know that. And my husband and I love doing foster care, although it would be nice to be paid equally across the board. Every agency should be paid the same. We don't do it for the money. These kids come to our home, and they stay with us until they go home or the three kids we have now are going to become our children. I just wanted to let you know that. Thank you. [LB926]

SENATOR CAMPBELL: Thank you very much on behalf of those three children.
Senator Howard. [LB926]

SENATOR HOWARD: Wow, and congratulations on becoming a mom again.
(Laughter). [LB926]

TERESA AERNIE: Thank you. (Laughter). [LB926]

SENATOR HOWARD: And I have to ask you. You know, I have to ask you. What agency was it that these children are through? [LB926]

TERESA AERNIE: KVC. [LB926]

SENATOR HOWARD: Okay, thank you. [LB926]

SENATOR CAMPBELL: Senator Gloor. [LB926]

SENATOR GLOOR: Thank you, Senator Campbell. And I certainly hope you didn't get into it as a business, because you have bad judgment if (laughter) that were the case.
(Laughter). [LB926]

TERESA AERNIE: No, we did not. It was something that was on my heart for a long time, and I met my husband nine years ago when I moved here, and the opportunity arose after all of our six kids are grown and out of the house. It's just what we want to do. [LB926]

SENATOR GLOOR: Well, thank you for your service for kids. [LB926]

TERESA AERNIE: Thank you. [LB926]

SENATOR GLOOR: Let me ask you. Was the baby diagnosed before you got the baby, or did that diagnosis come while you were caring for the baby? [LB926]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

TERESA AERNIE: She was diagnosed, she was born at 33 weeks, and she went home to her parents maybe two weeks and was removed. KVC knew it from the very beginning that this baby had to have heart surgery, and the only reason it was postponed was because she was so sick, and we had to wait until we got her healthier, so they did know the surgery was coming. [LB926]

SENATOR GLOOR: How long after you received the child before the surgery was done? [LB926]

TERESA AERNIE: Four weeks. [LB926]

SENATOR GLOOR: Okay. How many doctor's visits did you have, or other visits related to the pending surgery did you have prior during that four weeks, do you know? [LB926]

TERESA AERNIE: I couldn't even tell you. We're still ongoing with her, and I had to fight. I was getting paid...KVC was paying us through CEDARS, because KVC pays CEDARS, and then CEDARS pays us. They were paying us \$226 a day (sic), and I had to fight for six months to get them to raise my rate just to pay for me to take her to Omaha for the heart surgery, to pay for the hotel because she had to be there overnight or early in the morning. She has numerous appointments. I mean, still we're going three to four a month, and I fought KVC six months to raise that rate. [LB926]

SENATOR GLOOR: Yeah. That...I mean, that really addresses my line of questioning which is that's not a procedure that's done but in one hospital that I know of. [LB926]

TERESA AERNIE: No. [LB926]

SENATOR GLOOR: And that's Children's Hospital in Omaha. [LB926]

TERESA AERNIE: Yes. [LB926]

SENATOR GLOOR: So you were running up to Omaha lots of times during that period of time at your own expense. [LB926]

TERESA AERNIE: Right, and we still are, because she still has other medical issues, and we're still going back and forth to Omaha, but that's what you do. (Laugh). [LB926]

SENATOR GLOOR: Okay. Lucky little baby to have you. [LB926]

TERESA AERNIE: Thank you. [LB926]

SENATOR CAMPBELL: Is she doing well now? [LB926]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

TERESA AERNIE: She is doing awesome. She's been released from one doctor because she's gone from the size of a three-month-old at one year old. She is now two, and she weighs 20 pounds finally. (Laugh). So she's doing very, very well. Thank you. [LB926]

SENATOR CAMPBELL: Well, at some point, would you send us a picture? [LB926]

TERESA AERNIE: I will. I will, thank you. [LB926]

SENATOR CAMPBELL: All right. Thank you. Our next testifier. Good afternoon. [LB926]

JOAN KINSEY: (Exhibit 9) Good afternoon, Senators. My name is Joan Kinsey, J-o-a-n K-i-n-s-e-y. My husband and I have been foster parents for over 20 years. Imagine on Monday you go to work at your job for a salary of \$20 an hour. You return to work on Tuesday, and you find out that your job now pays you \$10 an hour. You continue all of your responsibilities, provide your own transportation, supplies, and have all the responsibilities of your position. Now imagine you are a foster parent, and your maintenance payments went from \$20 per day to \$10 a day to provide food, lodging, supplies, transportation, and 24/7 supervision having the responsibility of caring for and supporting the child. In relative placements, this becomes even more concerning when many of those families are on fixed incomes. Our system has become a one-stop shop often placing children in the first available \$10 bed, regardless of the needs of the child. With fewer higher-level placement facilities available today, children with high needs are too often being placed in newly-trained foster homes without full disclosure of information regarding the child's behavioral and mental health needs. Foster parents are much more than baby-sitters. Seasoned foster parents have an understanding of issues faced by our children in out-of-home placement that goes beyond the typical agency trainings. The skill set of the family a child is being placed with is important for both the welfare of the child and the continuity of that placement. Additionally, informal support systems form when foster and biological families are able to work together and last long after the professionals have gone. The incentive for this continuing connection is often the bond with or the attachment of the child by the two families. In cases when this connection happens, the children fare better, have less disruption, and in some cases, the cycle of foster care is broken. The current payment system is subjective and minimizes concerns and knowledge of foster family. Payment is calculated by the need of the child. It is concerning when an agency that is paying for service does not fully disclose all relevant information prior to placement when that information is readily available. Often there is a lack of basic understanding by persons outside of the foster home regarding the challenges of parenting other people's children from a background of abuse and neglect. Foster parents experience a wider range and variety of behaviors displayed by the child than persons outside of the home who spend minimal time with that child. If the reported child's behaviors are not taken seriously, then that child may

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

go without necessary support and services needed to be successful. In a society that often measures personal success and importance by financial wealth, the payment that support our foster children speaks volumes about a population that has no political voice. Thank you. [LB926]

SENATOR CAMPBELL: Any questions? Thank you for coming and for your testimony today. [LB926]

JOAN KINSEY: Um-hum. [LB926]

SENATOR CAMPBELL: Our next proponent. Anyone else in the hearing...I'm sorry, I thought she was going to testify. Anyone else in the room that wishes to provide testimony as a proponent? Okay. Those in the room who wish to testify in opposition to the bill? And also, she is. Okay. Good afternoon. [LB926]

MELANIE WILLIAMS-SMOTHERMAN: (Exhibits 10 and 11) Good afternoon. It's up to me to shake things up, isn't it? Good afternoon, Senators. My name is Melanie Williams-Smotherman, M-e-l-a-n-i-e W-i-l-l-i-a-m-s - S-m-o-t-h-e-r-m-a-n. I'm the executive director of the family advocacy movement, which has as its primary focus advocating for birth families whose children have been unnecessarily taken or kept from their own homes. KVC has posted up billboards around cities that show healthy, smiling children and that read, children grow best in families. The billboards are obviously a tool to recruit more people into providing foster care for children removed from their homes. As a birth parent whose own family was seriously harmed by Nebraska's overzealous practice of intervening at the drop of a hat and assuming control over the lives of our children, and as an advocate for many more families and youth who have experienced the same system abuses, these billboards are viewed as crude and cruel. You've heard me quote statistics in every testimony I deliver that year after year, Nebraska destabilizes more families and traumatizes more children in the name of saving them than almost any other state in our country. Until Nebraska sincerely shifts its practice away from that which clearly prioritizes the foster care industry above the healthier, more humane, and less expensive practice of keeping children united with their loved ones, I must continue to remind this committee of the shameful outcomes. Of course, there are legitimate situations where a child must be removed to save him or her from imminent harm. But statistically, only one in five children removed from their families could be deemed justifiable with better scrutiny. Once it is acknowledged that children suffer great harm from being taken by strangers and dumped into the hands of more strangers. I continue to raise this issue because the solution to these preventable harms to children and their families won't come from parents or kids doing anything different, because that's not where the problem originates. It originates in a system that has taken advantage of financial incentives which prioritize the destruction of families above their preservation. It originates in a system that is made up of layers and layers of professionals who are entrenched and supportive of that status quo, and whose own

careers have come to benefit from the foster...it may be an offensive term, but it has come to be known as the foster care industrial complex. It originates with the promotion of misleading statistics about the actual rates and trends of child abuse and neglect as well as the actual makeup of the foster care system that traps thousands of children who are already loved by their parents in their own homes but who live in poverty, and therefore have become the victims of an overbroad state definition of what constitutes a type of neglect that is deemed worthy of using the law to create yet another orphan. The family advocacy movement is not against compensating skilled, accountable professionals, caregivers, who choose to provide their homes and services to children who are removed as an absolute last option in order to save them from certain imminent harm. We would be for \$1,000 per child a month if it were reserved for these cases and these foster parents were highly skilled professionals who know that this has to be a temporary situation. Here is what else \$3.6 million, which is what we thought this would increase for appropriations, can do. It can provide \$600 a month rent subsidies for 500 families for a year so their children aren't taken away because of lack of housing. This subsidy that might be needed for funding this increase could provide \$100 a week day-care subsidies for 692 families so their children aren't taken on lack of supervision charges. And by the way, the NFPA study includes reimbursing the foster parents for all day-care and baby-sitting expenses so that under this bill, a child can be taken from impoverished birth parents because they can't afford day care and then handed over to middle class foster parents whose day-care expenses would be fully reimbursed by Nebraska taxpayers. [LB926]

SENATOR CAMPBELL: And Ms. Smotherman, we are at the end here. [LB926]

MELANIE WILLIAMS-SMOTHERMAN: I'll just read the last two short suggestions and then close. Provide intensive family preservation services and interventions for 480 families who would otherwise be at risk of losing their children to the system, and it could provide inpatient drug treatment at a family treatment center for 144 families where children can stay with their parents. So there is more in my testimony, and I will just end with this. Foster parents often say that they aren't in it for the money, because there isn't enough money to put up with the dysfunction that they witness and experience. And for the overwhelming majority of foster parents, it is true. But if this bill passes, we're concerned that it will attract a lot of the wrong kinds of people for foster parenting. The whole bill raises a fundamental question. What is our social contract with foster parents? If foster parents really are in it for the right reasons, including the good feeling it gives them to help children in need, why is it unreasonable that reimbursement not quite cover every possible expense for children who, after all, foster parents say they love as their own. And I agree with that analysis, and the KVC billboards should be remade to say that children grow best in their own families. [LB926]

SENATOR CAMPBELL: Thank you, Ms. Smotherman. Are there questions from the senators? Comments? Thank you for your testimony, and we certainly will read it all.

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

[LB926]

MELANIE WILLIAMS-SMOTHERMAN: Thank you, thanks. [LB926]

SENATOR CAMPBELL: Others who wish to oppose the bill? Okay. Those who wish to provide neutral testimony. Director Adams, I saw you over there. I knew you were going to speak. [LB926]

SCOT ADAMS: Yes, it's a Kodak moment. I'm not here opposing a bill. (Laugh). [LB926]

SENATOR CAMPBELL: We try to take those Kodak moments. [LB926]

SCOT ADAMS: Good afternoon. My name is Scot Adams, S-c-o-t A-d-a-m-s. I serve as the interim director for the Division of Children and Family Services for the Department of Health and Human Services. And I am here to testify in a neutral capacity to the bill here before you. We had originally come with concern for the lead agencies and other foster agencies and their involvement in the system, and I was very happy to hear Senator Dubas acknowledge the potential issues and the willingness to work through those with agencies. So I think that that's positive, and we look forward to that resolution. We think that that system in place works well and do not want to mess that up. I would also draw your attention to a couple of technical issues that we would draw your attention to. One is in Section 3 of the bill with regard to what is included as relative for purposes of the bill and does not include relative as that has been defined federally or through DHHS policies. The federal Fostering Connections Act indicates notice of placement to relatives includes adult grandparents and other adult relatives. So, I urge you to consider that. A second item would be that the MARC study minimum rates include foster parent insurance, and therefore, it changed Nebraska Revised Statute 43-1320 should be considered, as that requires our payment of that resource for parents. Finally, a third item is that there was a question with regard to the child support enforcement question. I would encourage you to look at statute 43-512.07 in the code of federal register at 302.52 which gives direction concerning that particular issue. With that, thank you for your attention. I'd be happy to respond to any questions. [LB926]

SENATOR CAMPBELL: Director Adams, just quickly, does the money go to the General Fund? Is that what is in the statute? [LB926]

SCOT ADAMS: Just quickly, though it is, of course (laugh), not that simple, but yes. The short version is that the payment due from the noncustodial payment...noncustodial parent comes to the department. The department's arrangement for foster care services and payments then is with the foster parent. There are a host of mitigating factors that go into that, but yes, that's true. [LB926]

SENATOR CAMPBELL: Okay, and we may want to sit down and get more detail to that.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

[LB926]

SCOT ADAMS: Yes, by virtue of statute and federal regulation. [LB926]

SENATOR CAMPBELL: My second question is, has the department had a chance to review the fiscal note, because I note that there's not, I don't think there's anything from the department unless I'm missing it in the file. [LB926]

SCOT ADAMS: We did, I believe, provide a fiscal note. We know that, I think that the...yeah. [LB926]

SENATOR CAMPBELL: Okay, there is, and I'll take a look at it. [LB926]

SCOT ADAMS: We have ours, and I believe it's about the same in terms of about \$4.4 million. [LB926]

SENATOR CAMPBELL: Okay, I just wanted to double-check that. Senator Howard, I see you. [LB926]

SENATOR HOWARD: Well, yeah. When we talk about the child support, that leads to a very obvious question. One of the first resources that should be explored is the noncustodial parent who's making support payments. Obviously, we know where that person is. All we have to do is consult child support. They'll give us the address. [LB926]

SCOT ADAMS: Sure. And often, we're involved in that relationship. Happy to work with you on change of that statute if that's the will of the Unicameral. [LB926]

SENATOR HOWARD: I think that needs to clearly spell out the obligation of whether it's the department, or if you sublet that obligation to the private agencies, but that has to be explored right at the beginning of a case. [LB926]

SCOT ADAMS: Yes, we follow the statute as it's written today. [LB926]

SENATOR CAMPBELL: Other questions? Senator Bloomfield. [LB926]

SENATOR BLOOMFIELD: I need to proceed a little further down that line. The noncustodial parent is paying child support. Why, unless in case of mayhem or something like that, is not that noncustodial parent made the foster parent? [LB926]

SCOT ADAMS: That would vary in a variety of circumstances and reasons for that. In some cases, certainly, they are an option of choice. Perhaps Senator Howard, that was to your reference. But they are considered as a resource as a family and that kind of thing. [LB926]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR BLOOMFIELD: And in that case where, and I'm going to assume a father here, is paying child support, and he becomes the foster child...or the foster parent, does he then continue to pay the child support to the state and only receive half of it back? [LB926]

SCOT ADAMS: You know, that's an interesting question. [LB926]

SENATOR BLOOMFIELD: Yes, it is. [LB926]

SCOT ADAMS: I do not know the answer to that one, Senator. (Laughter). You got me stumped on that one. [LB926]

SENATOR BLOOMFIELD: Would you let me know? [LB926]

SCOT ADAMS: Yeah, yeah. I'll look into that one. [LB926]

SENATOR CAMPBELL: Senator Howard, you have an answer? [LB926]

SENATOR HOWARD: Thank you. Well, I have a point of clarification. You know ideally, and we like to think this is always done, that absent parent is located and consulted and assessed and do a plan if that's a viable option. But it wasn't that long ago a front-page story in the newspaper that said that this parent had no idea for years that his child was in foster care. So that's an area that needs to be...need to do better. [LB926]

SCOT ADAMS: Thank you. [LB926]

SENATOR CAMPBELL: One of the things that we tend to forget here is that LB177 was passed last year, and it does have certain requirements in it with regard to how long the department has to find a kinship, because the bill obviously supports that philosophy that kinship is a preferred placement if it can work out. But we did put into statute a certain time frame that the department has to find that parent, so I'm sure that the department's looking at that and, I mean, we wrote LB177 in consultation certainly with the department to make sure it was a practical approach. [LB926]

SCOT ADAMS: I think that was done jointly as I recall, yes. [LB926]

SENATOR CAMPBELL: Uh-huh, exactly. Any other questions? Thank you, Director Adams. [LB926]

SCOT ADAMS: Thank you very much. [LB926]

SENATOR CAMPBELL: Anyone else who wishes to provide neutral testimony? Okay,

Senator Dubas, would you like to close on your bill? [LB926]

SENATOR DUBAS: Again, thank you to the committee. I am greatly encouraged by having neutral testimony from the department. (Laughter). I think that proves that we have an opportunity here to make something happen that will come out with some very positive results, and so I am very encouraged by that and eager to hit the ground running with what kinds of changes we can make in this bill. I also, you know, Ms. Smotherman who testified, I can't disagree with a lot of the things that she said. And if we put some of our money maybe up front more, we would be dealing with a lot less of these types of situations down the road where it ultimately does cost us more money. But unfortunately, my bill is one small component of a much bigger picture, but I think the points she raised are very, very valid points. And I certainly do know that it's not about the money for these families, but it doesn't diminish the fact that they still have very real needs that they have to provide these children with, and especially for those kinship placements. I mean, if you're talking about a grandparent who's on fixed income or maybe an aunt or uncle or brother or sister who may have children of their own, and then you're adding additional children on top of it, they are providing an incredible service to the state. And so I have never been able to quite make that connection as to why we would pay them anything less. It's okay, maybe they don't have the training that foster families have, but they do have other things that they bring to the table. And I don't think that we should dismiss what those things are. And in the bill, it states licensure or minimum requirements. I mean obviously, if you're going to do a kinship placement, they need to meet certain requirements. You don't want to put the children into another dysfunctional setting, hopefully. So you know, I think again, the services that kinship placements offer us are invaluable, and so to treat these people as providing any less of a service to the children, I just don't quite comprehend that train of thought. I also would like to note, I know we've heard today that we're losing foster families. But I've talked with some of the agencies, some of the contractors who actually, their recruitment is increasing, and I think it's because of the support. Not the financial support as much, but the other types of support services that they have to offer these families that allow them to attract. So I think we need to look at what's working out there as far as recruiting and retaining foster families and make sure that we're supporting those efforts. I guess a final point is that we often hear that the private sector needs to step up to the plate, that this shouldn't be the state's full and sole obligation. And I wouldn't disagree with that, but I hope you saw today the same thing that I saw, and the private sector is stepping up big time. People like Leigh Esau who are going above and beyond the call of duty to help our children and their foster families. They open their homes, and more importantly, they open their hearts to these families. The state would be in a world of hurt if we did not have people like that who, in spite of the lack of money that the state is able to provide for them, still go forward in making sure that these children's needs are being met and that they feel they have someone in the world that cares about them. So I am very committed to begin working immediately at the close of this committee hearing to see what we need to do to come up with an

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

amendment. I hope to work with Michelle and the other stakeholders to have a very good amendment to bring forward to you for your consideration to advance to the full floor for their consideration. [LB926]

SENATOR CAMPBELL: And we'll look forward to working with you. Any other comments or questions from the senators? Senator Dubas, once again, thank you for your partnership with this committee. And your commitment's gone a long way, and particularly, on LB603 Committee. Thanks a lot. [LB926]

SENATOR DUBAS: Well, I appreciate all the work that you've put into it also. Thank you. [LB926]

SENATOR CAMPBELL: With that, we will conclude the hearing to LB926. If you are departing, please do so as quietly as you can and take all conversations to the hall. If those who are visiting who are on this side of the room would like to spread out, you certainly can. It looks like we have sort of a lopsided room here. Okay, pardon? They're right. Okay, we will open our second hearing for the afternoon, which is LB1062. Senator Nordquist brings this bill to change provisions relating to adoption assistance, and welcome, Senator Nordquist. [LB926]

SENATOR NORDQUIST: Thank you, Senator Campbell and members of the committee. For the record, my name is Jeremy Nordquist. I represent District 7 which covers downtown and south Omaha. LB1062 would simply allow the adoption assistance to follow the child in cases of death of an adoptive parent or parents. It's my belief that this will prevent a child from reentering the foster care system in the case that there is a family ready and willing...there is a family member ready and willing to care for such children or a family. Recently, the Right Turn program has encountered situations with families where the death of an adoptive parent occurred, and the adoption assistance agreement was immediately terminated. This left the adopted child without medical insurance, left the new guardians without significant and immediate child care expenses, prescription drug costs, and therapeutic services expenses that they were forced to pay out of their own pocket. This can prove to be extremely costly for families, and they could be potentially faced with no other option but to put the child back into the Division of Child and Family Services in order to receive the needed services. According to the department's rules and regulations, it says that the subsidized adoption amount "ensures that financial barriers or costs associated with helping a child's special needs do not prevent adoption. The subsidy is to meet the child's needs by helping the parent meet their responsibilities. There are three kinds of adoption subsidies, state, federal, and in a federal subsidy with the state supplement. But very generally, a child is eligible for an adoption subsidy based on the following criteria: The child must have special needs documented by a qualified professional. Those needs may be physical, emotional, behavioral, and mental; the child cannot or should not be returned to the biological parents; reasonable efforts to place the child

without a subsidy have been made; the child must be a ward of the state at the time the adoption petition is filed; and consideration of the family's financial resources must be taken into account. A family is expected to make budgetary adjustments to absorb as much of the child's costs as possible, as they would if a child was born to the family. We spend a significant amount of state and federal dollars trying to meet or address the special needs of foster children while they are in the state's care. And while we know that the love of adoptive parents is tremendous, there is nothing magical that occurs the moment the child is adopted that removes those special needs that existed when the child was in foster care. This is why we provide an adoption subsidy, to help families who want to provide a loving home to our most vulnerable children and help meet the needs of those children. In the same way, there is nothing magical that happens in the traumatic case of the death of an adoptive parent that removes those special needs, and the state recognize, recognized, I'm sorry...and that the state recognized existed when the adoption was finalized. These special needs will remain after the death of an adoptive parent or parents. This bill would simply allow the subsidy provided in the first place to meet the needs of the child to follow the child into the care of another guardian to continue to meet the needs of the child in an effort to prevent the child from further traumatization by reentering the care of the state. This bill has no fiscal impact, because when an adoption subsidy agreement is made, it is assumed that the subsidy will continue for the length of the agreement, generally until the child turns 19. We don't currently assume the death of an adoptive parent into the budget for this program, so really continuing the subsidy just maintains the anticipated expenditure outlook. As I said, as the department's rules and regulations state, the subsidy is to meet the child's needs by helping the parent meet their responsibilities. In the tragic case of the death of an adoptive parent, the children still need, the needs still remain, and the new caregivers should have the support to meet the needs of each child. I'd like to note that the adoption subsidies are statutorily allowed to follow the child in the states of Minnesota and New York at this time, and in some cases where a child is eligible for federal adoption assistance, meaning that they are IV-E eligible. Testifiers following me will speak to greater detail about the application of the assistance and how this bill could impact the families and children that they serve. Thank you. [LB1062]

SENATOR CAMPBELL: Thank you, Senator Nordquist. Questions? Senator Gloor. [LB1062]

SENATOR GLOOR: Thank you, Senator Campbell. Thank you, Senator Nordquist. As you pointed out, this can't happen, we hope, very often. [LB1062]

SENATOR NORDQUIST: Yeah. [LB1062]

SENATOR GLOOR: But did it come to your attention because you had an experience within your constituency about this? [LB1062]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR NORDQUIST: The Right Turn organization, which provides postadoption assistance, is the one that brought it to me. I've been serving on their advisory board...my staff has been attending several of their meetings. So they're the ones who highlighted this with the specific case that they can maybe speak to. But we did ask the department for a number, and basically the department really doesn't have any tracking of it. It is very minimal, the number of times that this would happen. [LB1062]

SENATOR GLOOR: Okay, thank you. [LB1062]

SENATOR CAMPBELL: Any other questions or comments? Senator Nordquist, just so we note, and if you want to make comment about it, on the fiscal note on the bottom, the department has indicated, did you have a chance to see that note? [LB1062]

SENATOR NORDQUIST: Yeah. I think the intention of the bill, and maybe we need to just clarify the language a little bit, was for the state adoption assistance. It wouldn't impact the federal adoption assistance. So if we need to clarify that... [LB1062]

SENATOR CAMPBELL: Okay. [LB1062]

SENATOR NORDQUIST: ...this provision of the money following the child is only for our state subsidies, then I think that should resolve the department's concern. [LB1062]

SENATOR CAMPBELL: Okay. Just for the audience so that you know what Senator Nordquist and I are talking about, the department wrote that a possible conflict with federal requirements, if not resolved, passage could result in a state-only program financed with general funds. And I think Senator Nordquist is clarifying that statement, so thank you. [LB1062]

SENATOR NORDQUIST: Yeah, yeah. Thank you. [LB1062]

SENATOR CAMPBELL: Thank you very much. We will take our first proponent for LB1062. Good afternoon. [LB1062]

JESSYCA VANDERCOY: (Exhibit 14) Hello, My name is Jessyca Vandercoy J-e-s-s-y-c-a, Vandercoy V-a-n-d-e-r-c-o-y. I am here to testify in support of the passing of LB1062. I'm the program director for Right Turn, a postadoption and guardianship support program for families who have adopted or become legal guardians for children previously in Nebraska foster care. Right Turn has served over 400 families involving over 1,000 children. Right Turn began serving families in January 2010, and during the last two years, we've experienced the death of adoptive parents and been witness to what happens to adopted children when their parent passes away. About a year ago, a 10-year-old girl from central Nebraska lost her mother. This mother called Right Turn on a Friday and stated she was terminally ill and needed support in making arrangements

Health and Human Services Committee
February 02, 2012

for her daughter who she had adopted several years prior. Soon after the mother called Right Turn, she passed away. In fact, it was about four days after she had called Right Turn. The family who was left to care for the child with special needs was unable to do so, as this child abruptly lost health insurance, day-care benefits, and a monthly subsidy intended to assist with her extraordinary or special needs. Due to this child's special needs, the lack of resources available in this family's community, and the lack of financial resources this family had, the family was unable to continue to care for her. And soon after her mother passed away, she was placed in a youth shelter and made a ward of the state of Nebraska. Unfortunately, Right Turn has experienced this devastation on more than one occasion in the last few years. Adoption subsidies make it possible for children with special needs to be adopted and grow in homes. These children have elevated risks for developmental issues due to adverse life experience, neglect, inadequate nurture, prenatal drug exposure, abuse, and multiple placements. This brings problems that add significant stress to even the most well functioning of families, including financial stress, emotional stress, breakdown of family relationships, and sometimes physical health of the parent. Federal law recognizes that subsidies are essential. The federal law assistance program was designed to ensure that children with special needs were not deprived a home because of their special needs or because of the financial circumstances of the family. Currently in Nebraska, when the adoptive parent passes away prior to the adopted child turning 19 years of age, the adoption subsidy ends. The passing of LB1062 would allow for godparents, relatives, identified guardians to care for these special-needs adopted children in the event the child's adoptive parent passes. Adoption subsidies actually save money. I know I'm not sure what the fiscal note says, but according to a study by the Evan B. Donaldson Adoption Institute, and the information is in your folder, each child in foster care costs the state and federal governments an estimated of \$127,000 a year compared to the cost of a monthly adoption subsidy which can range from \$300 to \$1,200 a month, the day care assistance that's provided, and then the Medicaid costs. Evan B. Donaldson also estimates that successful adoptions where a child's physical and emotional needs are met, the state saves an estimate of \$300,000 per successful adoption in expenses to future human services expenses or the legal system. If the special-needs adoption subsidy follows the child and remains available to the child's caregiver, the child has a greater chance of remaining in the family home and not returning to foster care. Ultimately, this provides a cost savings to the state of Nebraska and allows for families to care for each other in the event of untimely death of a parent. I would also go on to say there's circumstances when the parent has not passed away, but the adoptive parent, like all of us who would have biological children, may choose another parent or caregiver to care for that child. If I'm having trouble with my son and I decide that my sister is going to be able to best meet my son's needs and keep my son in our family, there would be some great benefits to being able to allow my sister or that subsidy to follow my son and allow her to have medical insurance for him, day care, or the subsidy. So I would ask that the committee look at potentially adding that as an addition, because there's definitely circumstances where there's someone, where families want

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

to take care of the children that are in that home and are able to do so if the resources and support are there for these special needs children and ultimately avoid a child returning to foster care. [LB1062]

SENATOR CAMPBELL: Questions? Senator Howard. [LB1062]

SENATOR HOWARD: Thank you. Thank you, Senator Campbell. I don't want to come across as negative. I've signed onto this bill; but I think there's, you should explore with the family the option of applying for survivor's benefits Social Security. Because that child is adopted, that child is eligible. [LB1062]

JESSYCA VANDERCOY: Right, and we've looked into that, and there are testifiers who will talk about how that actually works, and along with losing the health insurance benefits it is a big thing if your child's on psychotropic medication and having other needs, specifically mental health needs, that are not able to be met or covered by someone's insurance until the child is... [LB1062]

SENATOR HOWARD: Well then again, I'll have to add that, keep in mind that with an adoption, the parent's insurance is first payee, so if the parent's insurance didn't cover the psychotropic medication for whatever reason or exceeded what they would pay for, then that's when the Medicaid kicks in. [LB1062]

JESSYCA VANDERCOY: Well, I would like instruction then on how to do that, because we've had several families who have struggled with this in being able to meet the needs of these special needs kids. [LB1062]

SENATOR HOWARD: Well, they wouldn't be eligible to use their own insurance for this child if they had no relationship to the child. But in an adoption, I just want you to keep that in mind, that the way it's worded in the adoption agreement, it's real clear with an adoptive parent, their insurance becomes first payee, and then the state's insurance kicks in after that. [LB1062]

JESSYCA VANDERCOY: Right, but if the parent passes away and the subsidy goes away, the parent's insurance goes away, the Medicaid coverage goes away, has been our experience. [LB1062]

SENATOR HOWARD: Yes, that's exactly right; but you have to figure out how much was covered by the parent's insurance first, and then the remainder is what would have been picked up by the state. I know that's complicated, and I'll be glad to explain that to you at any time. [LB1062]

JESSYCA VANDERCOY: Okay. [LB1062]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR CAMPBELL: Okay. [LB1062]

JESSYCA VANDERCOY: Any other questions? [LB1062]

SENATOR CAMPBELL: I do want the senators to know that we have on the LB603 Committee been enlightened a number of times by Ms. Vandercoy's enthusiasm for Right Turn and the agencies that support it, but certainly her enthusiasm and leadership has been a key. [LB1062]

JESSYCA VANDERCOY: It is a personal goal of mine that everybody's energized, and I don't want anybody to feel sleepy when I'm talking, so I get up here with lots of energy for hoping that way. In your folders also, there are copies of the information that I had used in my testimony and where they came from, some additional information on the benefits or the value of adoption subsidies. [LB1062]

SENATOR CAMPBELL: Thanks, Miss Vandercoy. Always good to see you. [LB1062]

JESSYCA VANDERCOY: Thank you. [LB1062]

SENATOR CAMPBELL: Our next proponent for LB1062. [LB1062]

JANE CORKILL: (Exhibit 15) Good afternoon. My name is Jane Corkill, J-a-n-e, C-o-r-k-i-l-l, and I have written a letter here, but before I read it, I'd like to just comment on the adoption process that you were talking about. The children that we have in our care are so violent and so destructive that our lawyer suggested that we not adopt at this time...sorry, I'm so nervous...just remain guardians, because should they burn down a building or create some...they're quite capable of doing this...create some type of huge disaster somewhere, should we have adopted, we would be liable and legally responsible for replacement or whatever. So just having said that, that is why at this time we are not looking to adopt, which would have helped money wise in the short term, but should they actually do some horrible crime, then it would not have been to our benefit. Okay. My dear friend Heidi Vontz was a CASA volunteer and a foster mother in Omaha, Nebraska for several years when Andrew and Analiese were placed with her at the age of 11 months for emergency placement. When they were two years old, Heidi, as a single mother, adopted them. She moved to Virginia when the twins were six years old, and shortly after discovered her breast cancer. On and off for two years, I went up to help her through chemo treatments, surgeries, etcetera. During that time, Andrew was diagnosed with ADHD and put on Concerta. This helped him immensely, and his temper and behavior became more manageable. This bright, beautiful child was able to live a more normal life. Heidi and the twins were given an Angel Flight back home to Nebraska on March 24, 2011, and she died on March 29, 2011. The twins moved in with me, my husband, and 13-year-old son on March 29, 2011, per our agreement with Heidi and in accordance with her last will and testament.

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

Andrew and Analiese were removed from their home, left their friends and school, moved in with us, watched their mother die, buried her, and started a new school all within seven days. Andrew needed a new prescription for Concerta which we now had no way of getting, since a doctor must see him before they will write a prescription. Our insurance would not cover Andrew because he was not an adopted child or a foster child. When I called the state of Nebraska for information on what was available for the children, I was told the agreement between Heidi Vontz and the state ended upon her death, and the children were not eligible for assistance. It was suggested we put the children into the foster care system and hope we get them back, and then we could get the resources needed to help them. Since they receive too much in Social Security, they were only eligible for a share of cost for \$956.00. Andrew and Analiese both have behavior issues that encouraged us to seek immediate help. They would go after each other with knives, blunt instruments, fingernails, etcetera. Within two weeks of them moving in with us, Andrew broke my foot, and both of the children would try to kick my foot to see who could make it hurt the worst. We found Behaven to be our best hope. Behaven costs us \$78 per child per day for a total of \$1,560.00 per month. Thus, after the share cost of leaving us with nothing to raise them with each month. In fact, we spend \$212 per child of our own money each month just to keep them in the center. My husband's insurance will not cover them because...and all the insurance companies I spoke with would not give insurance just for them. They had to be on a policy with an adult. Through my retirement with the Air Force, I had TRICARE Standard, and I was not eligible...and I was not eligible to be on three insurance policies. Although TRICARE finally allowed us to pick up the children as guardianship, they do not cover the cost of outpatient medical treatment facilities. Thus, the Behaven care center would have to come out of our own pocket. After attending for the past eight months, both children are now living much more normal lives. They both are dealing with depression, anger, and sadness from dealing with the memories of watching their mother die before their eyes. I had to enroll in the dental program to ensure the children were covered costing us an extra \$110.00 a month through the dental military program. This \$110 is coming out of our own savings. Although they are both seeing a psychiatrist, they will now need to see a psychologist to help them process the grieving that they are now currently and will continue to experience. Both are on medication to help them control their anger. We take them to Charlie Brown's Kids classes, an organization to help children grieve healthfully, and attempt to take them to everything available to help them get through the loss of their beloved mother. It was during the times when Andrew's mother was alone with the children while going through chemo treatment that she was so ill she could not lift her head off the pillow that Andrew was unsupervised. He spent quite a bit of time on the computer watching YouTube and accessing pornographic sites. He has admitted to watching hours of pornography of the most violent kind. I had just arrived to help them out and caught him shrinking down a window and bringing up SpongeBob when he confessed to what he had been doing. This experience has caused all kinds of problems with inappropriate behaviors towards his sister and peers. It was not uncommon for him to expose himself to anyone on the street, in the store, etc. Although

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

Behaven has given him the tools to help him cope with his desires to misbehave and act out his frustrations, he still needs help to understand and process what he saw while accessing the porn sites. He told me he can't see a girl with her cleavage showing without pictures on the computer running through his mind. We are currently seeking a psychologist that TRICARE will cover and help us with the cost to ensure Andrew has the best chance of leading a normal life. Analiese never left her mother's side from the time she was 11 months old. They shared a bed each night, and Analiese literally watched cancer take her mother day by day. She has nightmares and has not slept well since she arrived. She also needs counseling to help deal with the mourning process, and although Behaven has provided her tools to help with her behaviors when she is scared and frustrated, we are currently seeking help for her too. When I called the state help line, I felt so alone and lost on how to help these children. [LB1062]

SENATOR CAMPBELL: We do need to...because we want to get to a point where we can ask questions. [LB1062]

JANE CORKILL: Okay, I'll buzz up here. The state people were very, very kind, but their hands were tied. They could not help us legally any way. But when I got a hold of Right Turn, they were able to help us, serve us without billing through a partnership postadoption program with Nebraska Children's Home Society. Sarah, who came to our home, helped in the form of reading material, classes, and home visits that gave us a glimmer of hope that we could keep the children and keep our sanity too. Without her guidance and support, I would not have had the confidence to believe that these children would truly be better off here than in the system, perhaps moving from home to home. After spending time with Sarah, I felt that not only would the children be better off staying with us, but the state is saving money by not having two more children in an already overcrowded system. These children are extremely challenging, even with their new coping skills, but we believe God has intended to have them live with us, and we are just asking for some help and guidance in the future to help us with the challenges that they are continuing and will continue to bring into our lives. I believe that if the passing of LB1062 would greatly provide other families in the event of an adoptive parent. I know that that's very rare, but when it happens, it is significant change to a family environment. I believe that this would help, if nothing else, just the resources to help us when the children need more help, some guidance in where to go and something available for us to turn to. [LB1062]

SENATOR CAMPBELL: Thank you, Ms. Corkill. Questions from the senators? I'm sure it's also been difficult because you lost a very close friend. [LB1062]

JANE CORKILL: Yeah. [LB1062]

SENATOR CAMPBELL: Thank you for coming today and for telling your story to us. Okay, the next testifier? Oh, no one's coming forward. (Laughter). I'm sorry. Those who

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

wish to testify in opposition to LB1062? Okay. Those who wish to testify in a neutral position to LB1062? Seeing no one, Senator Nordquist, would you like to close on the bill? I'm sorry. I thought there were lots of people to testify. [LB1062]

SENATOR NORDQUIST: (See also Exhibits 16 and 17) That's all right. I'll get you guys out of here early. Just to be brief, I think you know the point of this is it doesn't happen very often. It would have no fiscal impact, and it's rare, but there are situations where these families need these services to continue on upon the death of an adoptive parent. Otherwise, the likelihood of those kids falling back into the system increases dramatically, so I hope we can figure out a way to work together and get this moving along. Thank you. [LB1062]

SENATOR CAMPBELL: Any questions for Senator Nordquist to follow up? Thank you very much for bringing the bill forward. [LB1062]

SENATOR NORDQUIST: Thank you. Yep. [LB1062]

SENATOR CAMPBELL: With that, we'll close the public hearing on LB1062 and we will proceed to LB1149. And I know Senator McGill is here. Good afternoon. [LB1062]

SENATOR MCGILL: We're all done in Judiciary already. (Laugh). Hello, I'm Amanda McGill. I represent District 26 in northeast Lincoln. Good afternoon, Health and Human Services Committee. I'm here to introduce LB1149, a bill related to child welfare. Casey Family Programs recently named Judge James W. Payne, Director of the Indiana Department of Child Services, among the winners of the annual Casey Excellence for Children Awards. The foundation gives the awards to recognize outstanding individuals who have demonstrated distinguished work, exceptional leadership, and relentless dedication in improving the child welfare system. In one of his recent publications, Judge Payne wrote, ultimately, ensuring that a case manager has a sufficiently low caseload so that she or he can adequately implement the agency's practice model will be the greatest contributor to success or failure of an agency leader. Do not underestimate or downplay this as a priority. Nothing is more important than ensuring that case managers have the ability to perform their required tasks. LB1149 provides that child welfare worker and child welfare supervisor caseloads will be in compliance with national best practice standards. Child welfare caseloads in Nebraska are currently measured by number of cases or families on a caseload. Nationally recognized best practice standards advise that caseloads should be measured by the number of children on the caseload and not by the number of families. All child welfare workers have a direct supervisor, and these supervisors have huge responsibilities to consult with the child welfare workers and oversee the work done with the families. Supervisors cannot provide meaningful support and assistance to workers if these supervisors have an unmanageable workload. I know we took some of this language from a previous bill Senator Howard has introduced, actually. In terms of other parts of the bill, also provide

Health and Human Services Committee
February 02, 2012

that when a child is made a ward of the state, the child shall be subject to the guardianship of the Nebraska Department of Health and Human Services or that department's designee. The intent of this provision is to eliminate the duplication of work and inefficiencies present in the current child welfare case management scheme. Simply put, whoever does this work, whether it is a state worker or a contracted worker, that worker should have the authority to carry out all necessary duties related to case management. State oversight of the contracted workers can be provided in a variety of ways. I contend that assigning a CFOM to each family is not the most efficient or effective way to provide this oversight. I also contend that a case manager service coordinator scheme is not the most efficient or effective way to do this work. Families need and want one point of contact as they navigate through this complex system. And finally, LB1149 also creates a child welfare caseload estimating committee. This committee will use data provided by the Division of Children and Family Services regarding how many families were served by the division and the cost to provide these services for the most recent fiscal year to determine division funding for the following two years. By estimating the number of children and families to be served by tracking historic numbers, the Governor, DHHS, and legislators would not only be in a better position to budget for the child welfare system as a whole, but also monitor emerging trends and address challenges being faced by families and communities across Nebraska. The child welfare caseload estimating committee should increase financial accountability and should serve the children and taxpayers of Nebraska by creating a transparent system of child welfare funding. I appreciate your time, and I would be happy to answer questions. But I also would like to say that I'm going to be followed by my Legislative Aide, Amy Williams, to share some of her personal experiences in our current system and the system before it changed as we've been working together on these ideas. [LB1149]

SENATOR CAMPBELL: Okay. Are there questions? Senator Gloor. [LB1149]

SENATOR GLOOR: Thank you, Senator Campbell. Thank you, Senator McGill. A lot of good things about this bill, but I note that if we don't get the report on time, we relieve the chief executive officer of the department with no pay. (Laughter). [LB1149]

SENATOR MCGILL: That was originally part of language that was in some legislation Senator Howard had worked on. Whether that stays in there or not you know (laugh), we can negotiate, but we went ahead and put language in that Senator Howard had originally put in there. [LB1149]

SENATOR GLOOR: I just wonder if we're exacerbating... [LB1149]

SENATOR MCGILL: A little bit too far. Yeah, that's something that is obviously negotiable. [LB1149]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR GLOOR: If we were on a cruise ship and then stormy seas, and we were unhappy with the captain, would we take them out of the wheelhouse at that time until we got the report, so I just... [LB1149]

SENATOR MCGILL: I can appreciate that. [LB1149]

SENATOR GLOOR: I'm glad to hear that that's something that you're not hanging your hat on very strongly. [LB1149]

SENATOR MCGILL: Yeah. [LB1149]

SENATOR GLOOR: Thank you. [LB1149]

SENATOR CAMPBELL: Senator McGill, in the bill as the designee, are we then relieving the state of their responsibility? [LB1149]

SENATOR MCGILL: Well, we would still need oversight, but this...my intention is to have that if we have some children kept and managed by the state and some contracted out, that that person who's contracted would be the person that appears in court and has that level of responsibility as well, so that is my intention. [LB1149]

SENATOR CAMPBELL: And they would then have legal standing in court. [LB1149]

SENATOR MCGILL: Yes. [LB1149]

SENATOR CAMPBELL: And the liability. [LB1149]

SENATOR MCGILL: Yes. [LB1149]

SENATOR CAMPBELL: All right. Thank you. [LB1149]

SENATOR MCGILL: All right, thanks. [LB1149]

SENATOR CAMPBELL: Our first proponent. [LB1149]

AMY WILLIAMS: Good afternoon. [LB1149]

SENATOR CAMPBELL: Good afternoon. [LB1149]

AMY WILLIAMS: I realize this is a little unusual. My name is Amy Williams, A-m-y W-i-l-l-i-a-m-s, and I am the legislative aide to Senator Amanda McGill, but I'm here today testifying in my capacity as somebody that has experience within the child welfare system. And I would like to share my support for LB1149, specifically the provision that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

relates to caseload size and to delegation of authority. I am very happy to be here today, and I appreciate your taking the time to listen to me. I have worked in the child welfare system since 2002. I was a caseworker for the Omaha ICCU. I was a trainer for caseworkers working for the university. When I graduated from law school in 2009, I clerked with an attorney that was representing parents involved in Douglas County and Sarpy County Juvenile Court. In 2009, I started a nonprofit organization that provides volunteer advocates and volunteer attorneys for families navigating all kinds of systems, including the child welfare system. And then finally, I've also been a caseworker for a private contracted agency in Omaha. I do support the provision regarding delegation of authority, and the reason is really quite simple. I've done the work preprivatization and postprivatization, and I've seen what both of those schemes look like. I think that the foster parent that testified earlier, she was talking about the child with the hole in the heart, and she was waiting until the last minute to get, I think consent for treatment is what it sounded like. And that is something that I think we run into a lot with the current scheme. You're waiting on a decision from somebody, a CFOM, that may be responsible for a huge number of families. They don't know those families. They don't have the type of responsibility that the contracted worker does. If they're signing releases of information and consents to treat, they don't know who they're signing for. They don't have time to get to those people in a timely fashion, and it creates situations like I'm guessing the one that the foster parent was talking about earlier. I don't feel like that's an efficient way to go about that oversight. I also support the provision regarding caseload size. It's hard for me to (laugh) express to you why because of the confidential nature of the work. But I do want to share some of the general observations that I've had throughout the years. When I was training workers, when they left training, they would go to various units. Some would go to initial assessment. Some would go to OJS. Some would go to an adoption unit, because there was still one then, and some would go to the ICCU. And for those of you that don't know, those were units that existed throughout the state that were specialized, and they had lower caseloads. They had caseloads of 10 families. Now not surprisingly, as I'm going out and I'm helping all these workers get settled, the ones that were in the ICCU with the lower caseloads fared much better. They were still scared, they were still overwhelmed, they were still working late. They were still feeling inadequate in a lot of areas, but they knew that they would have time to at least get the basics done, and maybe more. Those workers that were in the other units, that was not the case, not even close. I think the best way to reduce caseload size is to obviously decrease the number of families that we have in our system. There are a lot of factors that need to play into that, and I can answer questions on that if you like. I know that the time is running short. But I think the point is, we can't wait to make this right. Workers that are overtaxed and don't have a manageable workload will not be able to move the families through the system in a timely fashion. So it's a chicken and the egg situation. I realize what we need to do to reduce the caseloads, but we can't wait to do it either. With that amount of time, I can answer any questions that you have. [LB1149]

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Health and Human Services Committee
February 02, 2012

SENATOR CAMPBELL: Question? Senator Howard. [LB1149]

SENATOR HOWARD: I feel I should ask you a few questions. And I know the answer to this already, but did you see a high rate of turnover? [LB1149]

AMY WILLIAMS: Yes. [LB1149]

SENATOR HOWARD: Simple enough, thanks. [LB1149]

AMY WILLIAMS: I could actually...I have a brief story. [LB1149]

SENATOR HOWARD: Go ahead and share that with us. (Laughter). [LB1149]

AMY WILLIAMS: I will. (Laugh). I do recall one particular worker, and I think this illustrates the problem. One particular worker that left training and was assigned to an OJS unit, and I went to go help him get settled in. And I remember we were there late one evening, we were looking through a list of his cases. And I remember I stopped counting at 50. And at that point, I went to his supervisor, and I said, you know, this individual cannot handle this workload. No individual could handle this workload. Shortly thereafter, a child on his caseload was shot and killed, and then that worker was immediately fired. So, turnover in a lot of ways I guess would be the answer to your question. [LB1149]

SENATOR HOWARD: When you talk about respect, I mean we've heard that foster care payment is important, but it's also important to be regarded and respected, and I think that's one place where the department is really falling short for their own employees. [LB1149]

AMY WILLIAMS: And I think at least in...I can only speak to Omaha. You know, Douglas County Juvenile Court is also a very difficult place for workers to be, and I think that culture shift, if that could happen, would help with turnover a lot too. [LB1149]

SENATOR HOWARD: Thanks for coming in. [LB1149]

SENATOR CAMPBELL: Senator Gloor. [LB1149]

SENATOR GLOOR: Thank you, Senator Campbell. Amy, in order for us to do this correctly, we have to have some degree of accountability as the state. Do we have the ability currently to do the tracking necessary for that accountability to be in place? [LB1149]

AMY WILLIAMS: Does the state have the ability? [LB1149]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR GLOOR: Yeah. [LB1149]

AMY WILLIAMS: Under the current scheme? [LB1149]

SENATOR GLOOR: Under the current scheme with the current information systems we have in place. I have suspicion that information brought to us by lead agencies, as an example, is their information. But our ability from an accountability standpoint to verify that information is one of my concerns. Who do we count on to bring us information that shows that the numbers we're looking at are real numbers? [LB1149]

AMY WILLIAMS: I'd say talk to caseworkers. [LB1149]

SENATOR GLOOR: Okay. Okay, thank you. [LB1149]

SENATOR CAMPBELL: Questions? Ms. Williams, part of the questions that we've been asking ourselves that we've asked a lot of times, and certainly in some of the hearings we've had, is what happens when the designee leaves then to the bill? Would it revert back to the state? I mean, if the agency that has the...because at this point, that agency would have the legal standing in court, which they currently do not have, and so what would happen then? Would it revert back or...? [LB1149]

AMY WILLIAMS: If you, by leaving, do you mean if they quit their position or go bankrupt or what? [LB1149]

SENATOR CAMPBELL: No. The agency left that the designee works for. [LB1149]

AMY WILLIAMS: Okay. [LB1149]

SENATOR CAMPBELL: You're saying that it can be the state or their designee. So part of the concern that we've had, it's certainly been on the front page of the paper, what happens if an agent...that agency leaves? Then does it revert...does it revert back to the state? [LB1149]

AMY WILLIAMS: Well, I mean, I think it would have to. And then if you didn't have anybody there to take over, obviously, that would be a problem. In the (laugh)... [LB1149]

SENATOR GLOOR: Correct. (Laughter). [LB1149]

AMY WILLIAMS: In the unit that I worked in, in Omaha, I worked in ICCU. I was a state worker like Senator Howard was. But I worked right alongside workers that were contracted through Region VI Behavioral Health Services. We did the same jobs. Our duties were not split. We were in the same building. We were accountable for the same

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

things. We had the same rights. So maybe under a scheme like that, our language would work. I mean, who knows if this is even the right way under the law to do it, but I guess more important is the concept that the splitting of the duties is what's not working. [LB1149]

SENATOR CAMPBELL: Right, and I appreciate your comments, because I think something that certainly over the past year I've struggled with is this whole issue of who has legal standing in court. And at one point, I was asked whether I would sponsor a bill to have the lead agencies have legal standing. And I said, you know, I need to think about that. And I still, I have to say I'm still working through that issue in my own mind because of the importance of the response of who ultimately has that responsibility. So I appreciate your reflections from your experience. Senator Howard. [LB1149]

SENATOR HOWARD: Thank you, Senator Campbell. Just a brief comment. I know that you handled a lot when you were with the department, and I don't think this maybe will make you feel any better, but I had 60 kids on my adoption caseload when I left. And you know, when you stop and think the recommended caseload size is 15, you're doing triage if you're doing that. [LB1149]

AMY WILLIAMS: Yeah, and I think...well, that's a recipe for turnover as well. Of course, you know. [LB1149]

SENATOR HOWARD: Yeah. I lasted longer than (laugh). [LB1149]

AMY WILLIAMS: Some of us that stayed there awhile, we paid a price. It takes its toll. [LB1149]

SENATOR HOWARD: Well, thanks for giving it your all. [LB1149]

SENATOR CAMPBELL: Any other questions? Thanks, Ms. Williams, for your perspective. Our next proponent. [LB1149]

TAMI SOPER: Good afternoon, again. (Laugh) [LB1149]

SENATOR CAMPBELL: Again, absolutely. [LB1149]

TAMI SOPER: I am Tami Soper, director of public affairs for KVC Behavioral Health. For the record, the spelling of my name again is T-a-m-i S-o-p-e-r. I am excited to be here today on behalf of KVC to testify in support of LB1149. I want to thank Senator McGill's office for bringing this bill forward. As we interpret the bill, there are four components, and KVC supports the following concepts as outlined in the bill. First, the addition of designee language would allow but not require any authorized designee of the department who is responsible for the care of state wards to make reasonable

decisions in the best interest of those children. The caseload standards language in this bill mandates that the department be required to meet, not simply consider, nationally recommended workload standards when establishing caseloads for all children in their care. And thirdly, the consensus caseload process would establish a proactive process for projecting the number of children served by the department and developing a cost allocation formula for children and family services funding based upon that projected number of children in the system, and we think that's a more realistic way of looking at the funding. I will mention that since you brought it up, Senator Gloor, that fourth component is the component that we are not (laugh) here to support... [LB1149]

SENATOR GLOOR: Smart political move. [LB1149]

TAMI SOPER: (Laugh). Thank you. Well, we just felt like it was different than language in other bills that require reports of agencies, that there would need to be consistency one way or the other, so. The LR37 report does imply that contracting case management services by the department is outsourcing of their statutorily mandated responsibility, and we believe that this bill would clarify that concern by allowing but not requiring the department to enumerate specific decisions that an authorized designee could make in the best interest of children. We believe that it would eliminate many of the challenges that have been illustrated or illuminated in testimonies here in front of this committee, and I could not give a better example than the one that was given earlier today. We have heard about situations not as dire as the need for heart surgery, but things as simple as a child needing to have dental care because they had a toothache and couldn't get a dentist appointment or things like routine medical care, or if there's an accident and there's an emergency situation. Currently, the case managers at the lead agencies do not have the authority to make determination to authorize medical care, and that is a challenge that we will be working to overlook...or to overcome, and we think the designee language will help with that. It should be noted, though, that LB1149 does not change any of the current responsibilities that are retained by the department, and we think those three key responsibilities are really important. Initial assessment, initial safety assessment and determination is retained by the department, and they maintain final determination on placements and final determination on case closures, so they retain those responsibilities. Also, we believe that it ensures that the caseload language...oh, I'm sorry, Senator Campbell, we support the caseload language. I want to say that, but I want to respond to your question about the designee. What happens if a designee leaves? I think we've seen what happens when a designee leaves. In the three areas of the state where there was only one lead agency, there were challenges when the designee left; but ultimately, the department was able to assume those cases back and be responsible for those. In the eastern service area, when the designee left, the remaining agencies, the department included, were able to step up and assume care for those children. And in the southeast service area, when two of those agencies left, those designated agencies, the remaining lead agency did step up and assume those responsibilities. So there is a model for that, and I can say we didn't initially...KVC

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

come into this process expecting to be serving all of the southeast service area. That was as a result of a designee, two designees stepping out of that process. So we have seen that you can write into contract language and plan for those types of contingencies with that designee language and that things can move pretty smoothly into transitioning from one provider to another without a lot of disruption in families. We did manage to transition a lot of the personnel. And so some of those families that came, many of those families that came were able to stay with their same caseworkers or foster care specialist when they transitioned from one agency to the other. So, and I recognize that we're at the end here. [LB1149]

SENATOR CAMPBELL: We're kind of at the red light here. [LB1149]

TAMI SOPER: I apologize. I do want to say the consensus caseload is probably the most important part for us for this bill. There's been a lot of talk through LR37 and in other places about the dollars, the increase in dollars with the public-private partnership. This would allow for a transparent process that's based on the number of kids in the system. It's not just based on what we want to pay, as if we're at an auction and bidding on the health of these children. We actually would look at the number of children we're anticipating and say, okay, how do we want to serve them, and how best do we do that and make the dollars available based on that number. [LB1149]

SENATOR CAMPBELL: Right. Thank you. We need to go to questions. Questions? Senator Gloor, do you want (inaudible) Ms. Soper was sort of talking? [LB1149]

SENATOR GLOOR: No. [LB1149]

SENATOR CAMPBELL: One of the things that we did see, however, when the agencies left is at that point they did not have the case management. They didn't have the responsibility in court. And I do have to say that in one state that we looked at the designee did have the standing in court. But then what happened is the designee said to the legislature, we're willing to have that standing in court, but we want you to remove the liability. We want you to hold us...have an immunity like the state. And that became a real issue for that legislature. [LB1149]

TAMI SOPER: I can understand that. [LB1149]

SENATOR CAMPBELL: Yeah. So it's like following all the consequences down the line to make sure. So thank you very much for your testimony today. [LB1149]

TAMI SOPER: Thank you. [LB1149]

SENATOR CAMPBELL: Our next testifier in support of LB1149. [LB1149]

SARAH WITTMANN: (Exhibit 18) Good afternoon. Good to see all of you again this week. And I appreciate your listening again. And my name is Sarah Wittmann, S-a-r-a-h W-i-t-t-m-a-n-n, and I live here in Nebraska and I'm here in support of LB1149. I really appreciate the flexibility that's in LB1149. Since the Department of Health and Human Services or its designee, this will allow the central, western and northern service areas to be served by the state of Nebraska, and the eastern and southwestern service areas to be served by the current lead agencies. Because I believe private agencies have the freedom to be more creative in their approach in serving families, I'm also excited that LB1149 would give the state of Nebraska the ability to have a lead agency serve the central, western and northern services areas in the future if they found the right fit. I believe LB1149 fits perfectly with what I stated last week. This will help streamline the process, improve communications, and reduce the number of different workers serving each family. Smaller caseloads will be valued as case managers will be empowered to expedite the provision of services with less confusion. Streamline the process and improve communications: While serving and training foster parents at KVC, I had the opportunity to just walk right across the office and if foster parents had questions or concerns or they didn't feel like their voice was being heard, I could go talk to the case managers in person. And that's a great way in order to help solve communication struggles. Reduce the number of different workers serving each family: Instead of having a service coordinator at the lead agency and a case manager at the state, it would be melded into one position and there would be one person working with that family in order to implement their case plan. Smaller caseloads will be valued: I, personally, agree with Amy Williams that as I've worked with different caseworkers and just seen their high caseloads, that's when they get stressed out and not able to provide the needs for the families. And so I really see by vowing smaller caseloads, this will help case managers know their families better, have time to communicate more effectively and get all the necessary details done to enrich and enhance their lives. Case managers will be empowered to expedite the provision of services with less confusion: And LB1149 states the Department of Health and Human Services or its designee shall have authority, by and with the assent of the court, to determine the care, placement, medical services, psychiatric services, training and expenditures on behalf of each juvenile committed to it. Strengthening partnerships and structured decision-making, evidence-based practices, accountability and continual assessments will all help lead agencies seek safety, permanency and well-being for Nebraska's children while empowering Nebraska's families to be successful and self-sufficient. I truly believe if everyone works together, the public-private partnership has the resources and flexibility to be creative in meeting all of the various needs of Nebraska's children and families. And that's why I support LB1149. So if you have any questions... [LB1149]

SENATOR CAMPBELL: Questions for Ms. Wittmann? Senator Howard. [LB1149]

SENATOR HOWARD: Thank you, Senator Campbell. I should have asked you this last week. And I thought of it later, after you had left. Where do you work? [LB1149]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SARAH WITTMANN: I do work at KVC. [LB1149]

SENATOR HOWARD: Are you here representing yourself or... [LB1149]

SARAH WITTMANN: I'm here representing myself. And last week I stated that I took vacation. And I am taking vacation. [LB1149]

SENATOR HOWARD: So you're taking vacation time... [LB1149]

SARAH WITTMANN: Yes, in order to be here, yes. [LB1149]

SENATOR HOWARD: ...this afternoon? [LB1149]

SARAH WITTMANN: Yes. And I did last week too. [LB1149]

SENATOR HOWARD: It's always good to put that in the record, so that's clear. [LB1149]

SARAH WITTMANN: Okay, I did last week in my statement. And I could put that on the record again this week. So I'm sorry I didn't write it down in there. [LB1149]

SENATOR HOWARD: I think that's important. [LB1149]

SENATOR CAMPBELL: Any other questions? Thank you, Ms. Wittman, for coming today and for your testimony. [LB1149]

SARAH WITTMANN: Thank you. [LB1149]

SENATOR CAMPBELL: Other proponents for LB1149. Good afternoon again. [LB1149]

SARAH FORREST: (Exhibit 19) Good afternoon, yes. Again, my name is Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I'm the policy coordinator for child welfare and juvenile justice at Voices for Children in Nebraska. We're here today to testify in support of the caseload standards contained in LB1149. Caseloads and workloads directly impact vulnerable children and families and this is perhaps the single most important recommendation to come out of the LR37 process. Like you, Voices for Children in Nebraska traveled the state and we went to your hearings and listened to the powerful testimony. It's a statewide struggle. And while we've always had problems with this in Nebraska, in the past two years, with increasing turnover and instability, we know that caseloads have soared. At one meeting with a gentleman who is a caseworker in western Nebraska, he told me that the average caseload, number of families his office was serving, was 30 families a caseworker. It's simply not possible to serve children and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

families in a meaningful way when caseloads are so high. This is an issue that spans privatized and nonprivatized parts of our state alike. Caseload standards contained in LB1149 meet national best practices and will go a long way to stabilizing our child welfare system, improving outcomes for children and families, and allowing implementation of best practices, like family team meetings, which are very time intensive, and the relationship building that's required to really achieve the best permanency outcomes for children. Caseload standards also save the state the possibility of facing litigation, which is why many other states (laugh) around the country have established national best practice caseloads. At the end of the day, the time a caseworker can spend with the children and families who they want to serve is crucial to the success of Nebraska's child welfare reform efforts. And it's so important for vulnerable kids and families to have that stable person in their lives. We think LB1149 goes a long way to addressing that and I appreciate all of your hard work. And we're open to any questions. [LB1149]

SENATOR CAMPBELL: Questions for Ms. Forrest? Ms. Forrest, I'm going to go back to the questions that I've addressed to several others. And that is that you would favor the designee having standing in court? [LB1149]

SARAH FORREST: We're here exclusively for the caseload standards. [LB1149]

SENATOR CAMPBELL: Okay. [LB1149]

SARAH FORREST: The reason we decided to come in support of this bill, specifically that caseload standard, is because we feel it's so important that right off the bat Nebraska establish national best practice caseload standards, whatever the decision of this committee and the body is. We do favor looking for ways to improve outcomes for kids, make things less challenging and confusing for them, but whether that's a designee or not, that's something that we're not weighing in on. [LB1149]

SENATOR CAMPBELL: Okay. I'm just trying to clarify that. [LB1149]

SARAH FORREST: Yeah, for the record, I understand. [LB1149]

SENATOR CAMPBELL: All right. Any other questions? Thank you, Ms. Forrest. [LB1149]

SARAH FORREST: Thank you. [LB1149]

SENATOR CAMPBELL: The next proponent to LB1149. Okay. We will move to those who oppose LB1149. Anyone in opposition? Okay. Seeing no one, those who wish to testify in a neutral position. Good afternoon again. [LB1149]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

MELANIE WILLIAMS-SMOTHERMAN: Good afternoon again. My name is Melanie Williams-Smotherman, M-e-l-a-n-i-e Williams, hyphen, S-m-o-t-h-e-r-m-a-n, executive director of the Family Advocacy Movement. Any bill that requires lower caseloads would be something that the Family Advocacy Movement and birth families would support. The only problem that we might see with a bill that would do that would be the assumption that the only way to accomplish this would be to hire more caseworkers. And, you know, again, my testimony is going to be very short. I don't have written testimony for this bill. But it is very important. It's one of our...the cornerstones of what we talk about all the time, and that's why I appreciated very much Amy Williams mentioning first that the number one way, the best way to accomplish this is by decreasing the number of families in the system. The Fiscal Analyst comes up with its estimate, it seems, of the cost of this bill in the way of hiring more caseworkers. And that's my concern, that's the concern that I have with the bill. The analyst assumes, it seems, that everyone...everything else at DHHS will be business as usual. And we believe strongly that caseloads can be lowered by putting the millions of dollars that it might cost to hire more caseworkers into services for families instead. And that way these families will not be accused of maltreatment in the first place or, if they are, their children will be diverted from the foster care system. And that will reduce caseloads and be a big improvement for children in our state. [LB1149]

SENATOR CAMPBELL: Thank you. Are there any questions? Thanks for your testimony today. [LB1149]

MELANIE WILLIAMS-SMOTHERMAN: Thank you. [LB1149]

SENATOR CAMPBELL: Anyone else in a neutral position? Good afternoon. [LB1149]

VICKY WEISZ: (Exhibit 20) Good afternoon, Senators. And all of you, I do want to just take a personal moment to thank you for the quantity and the quality of all of the work that you're doing on these interlocking, complicated issues. My name is Vicky Weisz, V-i-c-k-y W-e-i-s-z. I'm the director of the Nebraska Court Improvement Project, which is a federally funded project through our Supreme Court that addresses the court's work with abused and neglected children and children in foster care. Many of you have heard of the Through the Eyes of the Child Initiative, which is part of our program. I'm also a research professor of psychology at the UNL Center on Children, Families and the Law. I'm here today to address the caseload standards part of LB1149. I've begun my own investigation into the Child Welfare League of America caseload standards several years ago when there seemed to be a discrepancy between judges and attorneys reporting overwhelmed caseworkers, and HHS reports of caseloads being just a little over the CWLA standards. That's continued. KVC last week, but in other meetings and materials I've seen from them, have been reporting that they're just a little bit over the CWLA standards, while judges and attorneys are reporting that the caseworkers apparently do not have the time to do their critical work and seem very overwhelmed. I

think the confusion lies in the definition of a case. And Amy talked about this, but I just want to repeat it because I think it's sort of central for you all to understand this. CWLA defines cases differently if children are in out-of-home placement, in foster care or if they remain in their family home. HHS has not made that distinction. They count cases as families. And I believe that continues into the contracts that they've made with the other agencies. I think the caseload standards in their contracts with lead agencies count cases as families. I've attached a copy of the CWLA standards for you so that you can see that there are caseloads for initial assessments and ongoing cases are counted by family. But you'll also see near the bottom of the page that family foster care services, which is what we in Nebraska call out-of-home placement, is counted by individual child. LB1149 includes these distinctions. And they also provide a way to count cases in the typical situations where workers' caseloads involve both in-home and out-of-home cases, which is standard, some of the kids will be home and some will be out, so that there is...each worker would have a caseload limit and the Senator chose 17, which is a little bit above the CWLA. But I think for purposes of simplicity they chose that number so everyone would have a caseload of 17. And if they were children at home a case would be a family, and if they were out-of-home every child out-of-home would be counted separately as an individual case as CWLA states. As you know, judges and attorneys have been frustrated with the quality of casework. They are also very sympathetic to the challenges that caseworkers face with overwhelming caseloads. Manageable caseloads are essential for case managers to do all that we expect them to do. I did want to make one, brief comment. I looked at the fiscal note as I ran from my office over here earlier, and I don't remember the exact numbers. But I think they were saying 90 new caseworkers, and now there's like 450 or something like that. And that doesn't seem...that seems fuzzy math, kind of. If, you know, it seems, and I'm not...I have no idea what the actual numbers are. But that at least if you switch from counting by...to counting by children it would at least be double the number of caseworkers we have now. So I guess that fiscal note didn't sound like it actually would account for what was in the bill in my opinion. [LB1149]

SENATOR CAMPBELL: Questions? Senator Gloor. [LB1149]

SENATOR GLOOR: Thank you, Senator Campbell. Dr. Weisz, I'm going to have a little fun with this for a minute, but I will get serious in just a second. I notice, and you probably noticed in reading the bill, that it says the Health and Human Services Committee of the Legislature shall annually review the caseload standards of the Child Welfare League of America or its successor to determine whether to recommend the Legislature change its standards set out. And so when Senator McGill came up here I was going to ask if she would entertain an amendment that said that we would suspend the legal counsel for the committee without pay for a period of time until we got that accomplished. (Laughter) Now I bring it up only in that to get serious about this, are we the best entity? I mean this takes something that's very, very important and assigns it basically to this committee, which means this committee, in terms of that kind of work,

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

that work falls on the shoulders of counsel for the committee usually. And I, you know, I'm trying to decide, maybe it's as easy as flipping to those standards to look at or maybe it's as...a more appropriate thing that we use your services. I mean, give me a little help on understanding how we could effectively do that every year. If I'm reading the proposed legislation, the bill, correctly, how do we effectively do that every year as a committee? [LB1149]

VICKY WEISZ: Well, and I am speaking to the actual black letter of how the caseloads are defined, not necessarily to what would be the operating oversight. [LB1149]

SENATOR GLOOR: I understand, yes. But I am asking you about how we "operationalize" that. [LB1149]

VICKY WEISZ: Well, you know, I think there would be a start if the definition was very clear and you all, as the policymakers, that's why you get paid the big bucks, is to provide those definitions. And if a case is defined clearly in statute that it is a family only when the children are in the home, and it is otherwise counted by an individual child. Amy referenced Judge Payne, and I know in Indiana, and he recommends having 17 individuals. So you could make it easier and just count it by children. But that would be, you know, another couple hundred caseworkers to do that. I think that one of the things that has been frustrating over the years is that there hasn't been clarity in what you all expect in your annual reports or whatever as to how do you count these cases. So the CWLA standards, I mean, they have a lot more written about them. But it's pretty...it's all on those two pages. Basically, they have a lot of other language that talks about how you take other things into consideration that would actually lower an appropriate caseload. Like if it's a very large family that might count as two cases. But I guess I'm babbling and I don't think I've been responsive to your question. [LB1149]

SENATOR GLOOR: Well, and some of this is to give Senator McGill some time to decide, if she was going to close, if not we can visit later. But are we talking about two different issues here? One is getting clear with our definitions... [LB1149]

VICKY WEISZ: Right. [LB1149]

SENATOR GLOOR: ...so that we count correctly. The other is then on a yearly basis when it comes back to us, deciding whether it should change or not. And I have no doubt we could do a good job coming up with definitions. I'm more worried about the process... [LB1149]

VICKY WEISZ: Okay. [LB1149]

SENATOR GLOOR: ...we go through on an annual basis to make sure... [LB1149]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

VICKY WEISZ: And maybe I'm...maybe now I'm understanding and I don't want to speak for Senator McGill because I have no...I wasn't part of any of that part of it. But I think that what Senator McGill may have been addressing is the fact that the CWLA could change its standards. And these standards have been in place for a decade or a dozen years. And that most years the committee would just basically look at the standards and see whether they've changed it and now it's probably just going on the Internet, and Googling CWLA caseload standards and see if there are new ones. And I think she just probably wanted it to be flexible enough that if...with further research and science, I mean, CWLA did quite a bit of work to come up with these a number of years ago. And if they do it again that there would be a way to address that. [LB1149]

SENATOR GLOOR: But does the bill say we use the CWLA? See that? [LB1149]

SENATOR CAMPBELL: LR37 does. [LB1149]

SENATOR GLOOR: Does it? Okay. That's part of my question also. [LB1149]

VICKY WEISZ: Okay. [LB1149]

SENATOR GLOOR: I'll let you...I mean, thank you. [LB1149]

VICKY WEISZ: You're welcome. [LB1149]

SENATOR GLOOR: You've helped and we'll get a chance probably to talk about it a little further when Senator McGill gets back up here. Thank you. [LB1149]

SENATOR CAMPBELL: Before Director Weisz leaves, I just want to make a note that the LR37 report does reference CWLA standards. And, you know, we have taken a look at that. The second thing is that the department is right now required to report annually on caseloads. And in fact, it just came, what, last week or the week before and it's on my to-do list this weekend is to go through there and to look at and see how does that report compare to what we looked at in LR37 and in our data section. And part of our...in another bill in another...and I can't remember the number, we're trying to say to the department we want all these reports and we want them all by a particular date so that the Health and Human Services Committee and whoever else we may ask to help, not that the legal counsel couldn't analyze all the reports for us, but whoever we might ask in our many departments for the Legislature, we've asked to see them all at once so that we get a total picture, because part of our problem is that these reports are coming in piecemeal. Well, now I have the caseload report, but then that might have been really helpful if I would have seen it in conjunction with another. So I think that's part of the consternation that's in another bill that we're trying to change. But I certainly do appreciate the fact of your testimony, of saying that we need to pay attention to the definitions and how we look at that. I think that is a really critical point that we've heard

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

this afternoon. So I appreciate the handout. Yes. [LB1149]

MICHELLE CHAFFEE: Just to clarify, the information that Senator Campbell is talking about that she just recently got was an update of the December caseload report. So I just... [LB1149]

SENATOR CAMPBELL: Oh, sorry. We want to make sure that the department gets credit for putting in an update. (Laugh) Okay. Thank you very much. [LB1149]

VICKY WEISZ: Thank you. [LB1149]

SENATOR CAMPBELL: (Exhibit 21) Anyone else who wishes to testify in a neutral position? Okay. As Senator McGill is making her way up, we want to note for the record that we received a letter from Appleseed in a neutral position. So, Senator McGill. [LB1149]

SENATOR MCGILL: Yeah. I will go ahead and close. And, yes, it was our intention to just go to that Web site and look at the standards and have that flexibility in there. So that was what we intended. I will just add that my biggest concern right now with what we're doing, looking at reform, is that we're paying so much attention to who has control over case management that we're not going to end up making any changes that really impact the service to the children, which is why I brought you a bill that, you know, mandates a smaller caseload, a bill that streamlines who's actually working directly with the children, because, I mean, you've heard me say it before and during the interim that to me I don't think it matters if it's the state or a contracted agency, it's about the service we're actually providing to the kids and how it's structured. And I'm very concerned that we're going to shift back. And I know we're trying to make some specific changes so it doesn't go back to exactly the way it was before. But I'm really afraid we're not going to go far enough or, you know, I appreciate that we want to put...we need better databases and data collection, you know, services so we can see better information. But we know that we need smaller caseloads. We know that having a two-tiered person system is confusing parents and courts. And we should be addressing some of those parts of the problem as well as the overall management and to do it now while we're restructuring in general, which is why I bring you the next bill as well, since we're talking about child welfare reform in general. (Laugh) If it's okay if I open on...or other questions? [LB1149]

SENATOR CAMPBELL: Well, are there any other questions for Senator McGill? Okay, we will close the hearing on LB1149 and open the hearing on LB1150. And Senator McGill is bringing this bill to adopt the Young Adult Voluntary Foster Care Services Act. [LB1149]

SENATOR MCGILL: (Exhibit 22) Yes, I know Senator Campbell and I were at a permanency summit last year where this issue was one of the many things that was

discussed dealing with how to best help our youth transition out of foster care and the drastic and devastating gaps that are in the system right now. And I won't go too far into that, so I'll just use most of my time describing what this bill does in and of itself. Again, I'm Senator Amanda McGill from District 26. The federal Fostering Connections Act of 2008 gave states the option to extend their Title IV-E eligibility for foster youth up to age 21. This bill provides that wards of the state of Nebraska can voluntarily stay in foster care until age 21. Approximately 300,000 youth age out of foster care each year in the U.S., and these individuals face significant challenges in meeting their needs for healthcare, education, employment, housing, and emotional support. Although all states provide independent living services, including ours, that try to ease this critical transition, an increasing number of states allow youth to remain in or return to foster care after they've reached the age of majority. For instance, at that permanency summit, we were hearing about how an agency may only have one or two folks who are there for independent living and that transition. There were kids aging out of the system who thought they were going to qualify for aid to go to college who didn't. You know, because either their caseworker, who's overloaded, didn't give them the proper information or didn't give them the information at all. There are significant (laugh) issues there. Research indicates that youth that continue to receive services during this transition period have improved chances of success when they transition from care and that providing these services also saves money in the long run yielding an approximately two to one return on the investment. LB1150 would allow eligible youth to enter into a voluntary foster care agreement with DHHS for extended service which include continued Medicaid, placement in a foster home, institution, or independent living, or continued guardianship, adoption assistance payments, assistance for postsecondary education, and case management to help access other supports. Many of the things that all of us, or most of us were fortunate enough to have parents help us with in our twenties. Heck, my parents were helping me until I was 25 with different bills and little things here and there. And certainly, with advice even today. I've been lucky enough to have input and assistance from Project Everlast on this bill. So the youth that reviewed the bill and suggested revisions are actually here to testify today. I'm thankful that they've held out for this multi-hour hearing to still be here. And I want to note that some of the changes they actually recommended didn't get into the green copy of the bill, so I have an amendment here that is almost perfect. We found one more typo still in there, so if the committee were to so choose to move on this bill, then there would be a different amendment. But this includes all the changes from those youths who have lived through the foster care system and have aged out, and explores some of the difficulties and revisions that they see in the system. So I thank you for your consideration and would take any questions that you see fit. Otherwise, we have lots of folks here to testify. [LB1150]

SENATOR CAMPBELL: Senator Bloomfield. [LB1150]

SENATOR BLOOMFIELD: Thank you. Does this do anything more than kick the can

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

down the road two years? [LB1150]

SENATOR MCGILL: You know, it doesn't per se kick the can down the road, because, I mean, when you think about a youth who is 18 years old right now and the development that goes on between 18 and 21 in terms of, you know, I mean, many of these youth, it's going to a community college, potentially. Or maybe they're not prepared. Maybe they're a single mom who's not prepared to go right to school and is trying to, you know, make their way during those early years. I think, and then studies are showing that allowing them to stay on some sort of aid voluntarily for those three years does make a difference in their long-term stability and ability to be successful. [LB1150]

SENATOR CAMPBELL: Any other questions for now? Thank you, Senator McGill. We'll take the first proponent for LB1150. [LB1150]

SARAH HELVEY: (Exhibit 23) Good afternoon again. [LB1150]

SENATOR CAMPBELL: Again. [LB1150]

SARAH HELVEY: 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 I'm really excited about this bill and to have the opportunity to testify, most of all because of the young people who are here today and you will have an opportunity to hear from. I think it's so important that the young people who have lived through the system are engaged in this issue and taking leadership on it, so it's really an honor to be here with them today. LB1150 is an opportunity for the state to support young people who age out of the foster care system and to invest in their success as an adult. As Senator McGill indicated, it does so by seizing a relatively new option under federal law to draw down federal matching funds and extend services to 21 for young people who age out of the foster care system at the age of majority, those who are adopted or "guardianshiped," and those who are adopted or "guardianshiped" at or after the age of 16. I didn't realize that that was a verb, but it is, "guardianshiped," and it's kind of handy, so long as those young people are enrolled in secondary or postsecondary education, are working or participating in a work activity or unable to do so due to a medical condition. With our testimony, we provided a fact sheet that lays out some background of the Fostering Connections Act. Legislation in Nebraska that has laid the groundwork for this bill, including LB177 introduced by Senator McGill, advanced by this committee, and passed last year regarding transition planning. And also an interim study by Senator Mello to look at some of the gaps in services for children aging out of the system, and I know some of the Senators and your legislative staff were able to attend a listening session involving those young people in November. So again, we think that sort of laid the groundwork for this bill. And the fact sheet also goes over some of the main provisions of the bill. Some of the details of the bills, including provisions for court oversight and case reviews, as well as some specific time lines,

while there is some flexibility, are required in order to, for the program to be eligible to receive federal matching funds. The rest of the bill, though, reflects best practices nationally, and again, most importantly, the direct input of people, young people who have had personal experiences in the system. I want to just mention two things about the bill that we think are important. One is that participation in the program is voluntary for young people. We've heard from some young people that they were eager to exit the system when they reached the age of majority, so this bill seeks to respect that and allow young people to opt out with notice of what they are giving up when they do that, but then come back later into the system voluntarily if they find themselves in need of the services that the bill would provide. The bill also seeks to create a structure of support for eligible young adults between the ages of 19 to 21 that is structured differently and that looks different than the under-19 system. So all aspects of LB1150 are youth-led and intended to respect the autonomy of the young adult. I see I'm already on yellow, so I want to just skip and mention one point about the fiscal note. One assumption of the fiscal note is that the state's Title IV-E penetration rate, or the percentage of kids who would be eligible for federal funding under 19 would be the same...sorry, for the 19 to 21 population is the same as we currently have for the 19 and under population, and as I mentioned, on the IV-E waiver bill, Nebraska has one of the lowest rates of IV-E drawdown in the country. However, there is a specific provision in this bill that would require a redetermination of eligibility for IV-E when the young person ages out of the system so that income eligibility would be based off of the young person's own income rather than the family's income. And so other states that have done that have found much higher IV-E eligibility. And so I think that that has a potential to reduce significantly the general fund expenditure estimate in the fiscal note. Boy, that time went quick. (Laughter). I'm excited for you to hear from young people, but just want to reiterate that we think it's vitally important that Nebraskans, all of us, invest in young people's future, and thank you for your interest in this bill. Questions? [LB1150]

SENATOR CAMPBELL: Thank you, Ms. Helvey. Questions from the Senators? And thanks for providing the supplemental information. Do you need a break? Okay. Thank you very much. We will proceed to the next proponent for the bill in favor. Good afternoon and welcome back. I had a great conversation with you on LR37, so. [LB1150]

JANTEICE HOLSTON: Yes, actually, it was a good one. [LB1150]

SENATOR CAMPBELL: It was. [LB1150]

JANTEICE HOLSTON: (Exhibit 24) Good afternoon, everyone. My name is Janteice Holston, that's J-a-n-t-e-i-c-e H-o-l-s-t-o-n. I'm 20 years old, and I spent 17 years in Nebraska's foster care system, and I'm here to testify personally in support of LB1150. I entered care in September of 1992 and was dismissed in February of 2010, two months before my 19th birthday. Not only did this come as a shock, it was unwanted. At the

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

time, I was just starting my second semester of college. I was working full-time and trying to figure out my life as best as possible. My foster parents and I were not on the best terms, and I was struggling to maintain my studies while working, trying to please everyone in my life. And having my case dismissed without warning was the final blow. I ended up dropping out of school to work more. I became depressed and lost most, if not all of my confidence. It's been almost two years since my case was dismissed, and I still struggle. I still lack support, and I work two jobs to survive, and I'm still without health insurance. Dealing with these things continue to make it hard to attend classes again, find and value myself, and build relationships with the people around me. I feel LB1150 has the potential to change the lives of the young adults in care currently and in the future. Not only would they be able to sigh a breath of relief at the end of the day, they wouldn't feel the need to focus so much on where they're going to live tomorrow, or what they're going to eat, or how to pay the electric bill. The focus would be more on studying, building the necessary relationships, having their self growth, and so much more. The list of benefits this bill provides could go on, but my biggest hope is that it provides further opportunity to achieve their permanence and enhance their self esteem. Foster care to me is no longer just making sure children are safe. It's about ensuring their safety and allowing them to grow, thrive, and become the successful adults they all have the potential to be, and I feel LB1150 would provide this opportunity. Thank you for your time, and I'm open for questions. [LB1150]

SENATOR CAMPBELL: Questions from...Senator Howard. [LB1150]

SENATOR HOWARD: Thank you, Senator Campbell. You were, what did you say, two months shy of being 19? [LB1150]

JANTEICE HOLSTON: Yes. [LB1150]

SENATOR HOWARD: And you were still a foster child, you were in the foster care system. [LB1150]

JANTEICE HOLSTON: Yes, and my case was dismissed in February, and my birthday was in April. [LB1150]

SENATOR HOWARD: Did your worker tell you about the former state ward program? [LB1150]

JANTEICE HOLSTON: I didn't know about former wards until after my case was dismissed. [LB1150]

SENATOR HOWARD: But you know about it now. [LB1150]

JANTEICE HOLSTON: I do know about it now, yes. [LB1150]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR HOWARD: Of course, it won't do you any good now (laughter), but if you would have known about it, it's available here in Nebraska for state wards past age 19. [LB1150]

JANTEICE HOLSTON: (Laugh). It would have been useful, but then with my case being dismissed and all, just the emotional struggles and trying to work, I would have lost it anyway, because I wasn't able to stay in school. [LB1150]

SENATOR HOWARD: So you don't think it would have benefited you in the long run? [LB1150]

JANTEICE HOLSTON: I think it would have been beneficial up until the point of I ended up leaving school. [LB1150]

SENATOR HOWARD: Well, you would have still had medical coverage, and you would have been able to stay in school. [LB1150]

JANTEICE HOLSTON: I think it could have been beneficial, yes. [LB1150]

SENATOR HOWARD: Okay, well, that's good. It's really a shame that nobody talked to you about that. Did you get any independent living education? [LB1150]

JANTEICE HOLSTON: Not really. I was always the kid that, you know, knew what I wanted to do, how to do it, paid attention a lot and, you know, knew the basics of life. [LB1150]

SENATOR HOWARD: But you didn't get any...after age 16, you're supposed to receive independent living. [LB1150]

JANTEICE HOLSTON: Nobody actually, you know, came to me and taught me how to do it, no. [LB1150]

SENATOR HOWARD: Okay. So they didn't tell you about former state ward, and you didn't get independent living. You kind of got shortchanged. [LB1150]

JANTEICE HOLSTON: My caseworker actually never had anybody graduate high school and go to college, so she had no idea what to do. [LB1150]

SENATOR HOWARD: Well, that's not really a good excuse for not telling you about it. Thanks. [LB1150]

JANTEICE HOLSTON: (Laugh). Yep. [LB1150]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR CAMPBELL: Any other questions? You know, one of the aspects of the proposed national healthcare that I thought should have received a whole lot more attention was that foster kids, and they didn't have to currently be in the system, but anyone who had ever been would be covered until age 26. And I was always sorry that that had not received more attention, because it does get at some of the true problems that we heard from you all when you came to see us. And I still remember, you were the one who talked about the broken leg. Am I right? [LB1150]

JANTEICE HOLSTON: I had knee surgery, yes. [LB1150]

SENATOR CAMPBELL: I remember that correctly. Well, thank you, as always, for your articulate testimony. [LB1150]

JANTEICE HOLSTON: Well, thank you. [LB1150]

SENATOR CAMPBELL: Our next proponent? Good afternoon, and welcome. [LB1150]

OSCAR DELGADO: Good afternoon, Senators. My name is Oscar Delgado, O-s-c-a-r D-e-l-g-a-d-o. I'm just your average teenager, 19 years old, I go to school, besides the fact that I was a foster kid at the age of 11 up until my 19th birthday on June 23, 2011. I still graduated high school. I actually graduated at 16 years old, and at that time, there wasn't any talk about me aging out or case plans or anything like that for a ward or anything like that. So I was "guardianshiped," because that seemed like the best solution to ending my case. About seven months before I turned 19, my guardianship was dissolved, I had a caseworker, and I was back in the system. About two months prior to turning 19, I filled out...or I applied for former ward. I qualified for it, and then two weeks after 19, I was told I wasn't qualified for it anymore. So that really confused me, and it confused a lot of the people that actually helped me out, you know, with the whole process of everything. Now this, I'm actually here, you know, to testify that this is a positive, a pro, that it should be passed. I had the opportunity to meet other foster youth through the Jim Casey Youth Opportunities Initiative, and Maine has this down to like, it's down to the point of fine print, everything, and they call it Title IX. And Hawaii is actually in the process of turning 21 to 25. So I'm here to just tell you that this can actually be very beneficial. It would have been beneficial for me right now, because I'm only 19. I live on my own. You know, I don't have a job, but I do a lot of odd jobs and things to make steady income, pay for my bills. So I mean, that's basically it. This would be very beneficial. I don't have health insurance. Yeah, that's it. [LB1150]

SENATOR CAMPBELL: Questions? Did they ever tell you why you didn't qualify? [LB1150]

OSCAR DELGADO: The e-mail said I wasn't placed outside of my guardianship home

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

before I aged out, and I guess that really is just it. I wasn't outside of my guardianship home before I turned 19. [LB1150]

SENATOR HOWARD: I have to disagree with that finding. Thank you, Senator Council (sic). If you're a state ward, if you're in the system, you're eligible. There's not a criteria regarding where you're placed. As long as guardianship wasn't in place at the time that you were a state ward. [LB1150]

OSCAR DELGADO: Well, I mean, I e-mailed several people, and actually Project Everlast too, you know, they had a lot of questions about it. I even e-mailed Todd Reckling when he was still involved with all of HHS. [LB1150]

SENATOR HOWARD: Good for you. Good for you. [LB1150]

OSCAR DELGADO: And nobody really seemed to know what it meant. It just, you weren't placed outside of your guardianship home before you turned 19. [LB1150]

SENATOR HOWARD: No, no, it's...I'm sure your guardianship at that point was considered to be your foster parent. [LB1150]

OSCAR DELGADO: Um-hum. [LB1150]

SENATOR HOWARD: Okay. Thanks for coming in. [LB1150]

OSCAR DELGADO: Oh yeah, no problem. [LB1150]

SENATOR CAMPBELL: At any point, did anyone suggest to you that you might want to talk to the Ombudsman's Office and see if they could intervene? And it's okay if you say no, no one ever did. I'm just curious. [LB1150]

OSCAR DELGADO: Well, I mean nobody really told me. I had a specialist, independent living specialist at the time of my 19th birthday, so they helped me out with a lot of the things, but nothing really came up about going back and asking for another go. [LB1150]

SENATOR CAMPBELL: Okay, thank you very much. I guess I believe you testified once before too. [LB1150]

OSCAR DELGADO: I did at the TAC building in Omaha. [LB1150]

SENATOR CAMPBELL: Yes, absolutely. [LB1150]

SENATOR MCGILL: I'm going to come up real quick to clarify that. This is Senator

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

McGill again. This is unusual, but Amy was just telling me there is HHS policy that says you have to be placed. And so it may not be in our statues, but apparently, there is a policy. [LB1150]

SENATOR HOWARD: Placed where? [LB1150]

SENATOR MCGILL: Within, well...outside of the home. [LB1150]

SENATOR HOWARD: Outside your biological home, right, but this was a guardianship that dissolved. [LB1150]

SENATOR MCGILL: Anyway, sorry. [LB1150]

SENATOR CAMPBELL: We have difficulty here, because the recording will not pick up Miss Williams' comments, so maybe we can come back later and pick that up. [LB1150]

SENATOR MCGILL: Okay. [LB1150]

SENATOR CAMPBELL: Because we'll get a little... [LB1150]

SENATOR HOWARD: Confused. [LB1150]

SENATOR CAMPBELL: ...well, what are we doing, because it's not on the tape, and that kind of thing. (Laughter). Okay. The next proponent. Good afternoon. [LB1150]

NADIA DRAPER: Good evening. My name is Nadia Draper, N-a-d-i-a D-r-a-p-e-r. I am 21 years old, and I entered foster care when I was 17. I aged out when I was 19, so I was there for three years. I am a pro, a supporter of LB1150. And when I aged out, I did have former ward, so yay me. I got full amount and medical care, so my CASA worker helped me with that, so I didn't know anything about it. But it helped me a lot, because I was able to stay healthy, maintain my health and dental every six months, and my checks. I was able to save half and half even though I didn't really have much bills. But the other thing that was with me, I didn't have a stable home. I was adopted when I was 12 and then entered foster care when I was 17, so I was with my adoptive parents for six years, me and my sister. So after I aged out, I had nowhere else to live, because I was adopted from Russia. So what ended up happening, I was living with a friend, then a CASA even, a youth pastor, and other different places. The only thing was I wish I had not just money coming, because you need help; but maybe someone that would help me to find a good home, stable home instead of jumping up everywhere and just make right decisions than I did. [LB1150]

SENATOR CAMPBELL: Thank you for sharing that information. Any questions?
Senator Cook. [LB1150]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR COOK: Nadia, did your sister do the same thing? Is your sister still with your adoptive parents? [LB1150]

NADIA DRAPER: No, she's still in foster care. [LB1150]

SENATOR COOK: Okay, and she's younger than you are? [LB1150]

NADIA DRAPER: Yes, she is 18 actually. [LB1150]

SENATOR COOK: Okay, thank you. [LB1150]

SENATOR CAMPBELL: Other questions? Thank you for coming and telling us your story today. [LB1150]

NADIA DRAPER: Thank you. [LB1150]

SENATOR CAMPBELL: Our next proponent. Good afternoon. [LB1150]

ASHLEY GUSTAFSON: (Exhibit 25) Hello. Good afternoon, Senators. And my name is Ashley Gustafson, A-s-h-l-e-y G-u-s-t-a-f-s-o-n, and I am here to testify personally in support of LB50, or LB1150. I support this bill because I actually was in care in Missouri until from the age of 15, and I aged out at 21. So you're looking at somebody who has lived it who understands what the details of this is and what it means for foster youth aging out of the foster care system, and the difference between aging out at 19 and aging out at 21. I actually have a twin sister who I went through care with from 15 to 21 as well, so I have both of our stories a little bit. My twin sister and I were put in foster care at 15. It was due to abuse and neglect. I was abused and neglected since some of my earliest memories as being a child, and I was just taught to lie. At 15, we were investigated again, kind of not something I wasn't, or wasn't not used to, but we were investigated again, and I was tired of lying. I wanted to tell the truth, and the truth really set us free. And foster care was not an easy thing, necessarily. It wasn't, you know, all of the problems weren't solved, but it was really what truly saved my life and was, gave me the ability to become a successful adult, and it really helped me break that mold. And so my sister and I were in two different placements while we were in foster care. And what foster care gave us was structure, support, and hope. Structure and support to get through high school and the teenage years and hope, hope that we could really break the mold and break the cycle that had been habitual through my family, if you look back through some of our family history. I graduated high school and went to college in Springfield, Missouri, just after my 19th birthday. If I were let go and given no resources at that moment, I know I would have not made it through one semester of college. The financial burden would have forced me to get a full-time job not allowing me to study and acclimate myself appropriately to college like all the other college students are able

to. I lived on campus, so I would have essentially been homeless, been forced back to move with my biological mother. Failing out of college and moving back into a negative situation would have taken all of that hope I had built over the last four years, and given...and everything would have been ripped away from me and lead me to believe that I was destined to be just like my mother. Luckily, my sister and I were not that case. We were given the chance just as...we were given just as many resources as we had been, as the first day that we were put in foster care. The financial support was given directly to me, and I moved, and the medical support was great. But the great thing that I received that really helped me become a successful adult is I had that caseworker who, the same caseworker that had been there since the beginning, she was there for me at all times. And when I aged out at 21, just before my junior year of college, I was much more mature and had prepared myself to not rely on those resources that were crucial just two years prior. I was very involved in college, on track to graduate, and had a couple of part-time jobs so I could provide for my own needs. I graduated from college in four years at the age of 23. I currently work at an organization here in Nebraska that connects youth aging out of the foster care system to resources that will help them to successfully transition into adulthood. My college education and background have given me a career that I am proud of. I got married just after college. Almost three years later, my husband and I introduced to the world our first child, that was just back in August. My sister, my twin sister that I referred to, received her undergraduate degree and is currently working on her Ph.D. in occupational therapy and is expected to graduate in August. She and her husband both live in Nashville, Tennessee, where she's working on her degree. I am most proud of the fact that I can officially say I have, my sister and I have broken the cycle. The cycle will not continue with us. Why should all foster youth not have the same opportunity to say that? LB1150 gives all youth aging out of foster care those resources, and the ones who are adopted and "guardianshiped" after 18 the opportunity to receive the crucial resources that will help them succeed. I have lived this bill, and I know it will work. Any questions? [LB1150]

SENATOR CAMPBELL: Thank you for your testimony. Questions? Senator Bloomfield. [LB1150]

SENATOR BLOOMFIELD: Thank you, Senator Campbell. Had you aged out at 19 as in Nebraska, you said you wouldn't have been able to go to college. Aging out at 21 down there, where did you stay through the summer when college wasn't going on, and how did that work? [LB1150]

ASHLEY GUSTAFSON: Absolutely. Actually, what I did for my summers is the first summer in between...I lived on campus, so I didn't have any housing. I actually worked with an organization called Campus Crusade for Christ, and I spent 10 weeks in Myrtle Beach doing evangelism-type stuff. So my housing was, it was in a rundown hotel, but we were across from the beach. (Laughter). [LB1150]

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Health and Human Services Committee
February 02, 2012

SENATOR BLOOMFIELD: That's not bad. (Laughter). [LB1150]

ASHLEY GUSTAFSON: Not too bad, right? And then my sophomore year, I was a camp counselor at a camp called Camp Catchups, not Camp Catchups, sorry. Kamp Kanakuk in Branson, Missouri, and so my housing was there. And any times that I didn't, I was able, like holidays and things, I had a good enough relationship with my last foster parents that I could go back to their house and stay for a week. Or maybe if one of their kids lived in Springfield, I could stay with them for a night, but I kind of just had to figure it out on my own. [LB1150]

SENATOR BLOOMFIELD: That's what I was kind of wondering, if your last foster family helped you along a little bit. [LB1150]

ASHLEY GUSTAFSON: They actually did, yeah. I attribute my success to foster care, but I do recognize and say that there were a lot of people in my life that were able to help me get to where I am. And I do recognize those people as well. [LB1150]

SENATOR BLOOMFIELD: Okay, thank you. [LB1150]

ASHLEY GUSTAFSON: Any other questions? [LB1150]

SENATOR CAMPBELL: Thank you for your testimony today, and best of luck. [LB1150]

ASHLEY GUSTAFSON: Yes. Thank you so much for listening. Thank you very much. [LB1150]

SENATOR CAMPBELL: And particularly with that new child. [LB1150]

ASHLEY GUSTAFSON: I know. She is fun. She turned six months on Sunday. [LB1150]

SENATOR CAMPBELL: Super. Good afternoon. [LB1150]

MARY JO PANKOKE: Good afternoon. [LB1150]

SENATOR CAMPBELL: Go right ahead anytime. [LB1150]

MARY JO PANKOKE: (Exhibit 26) My name is Mary Jo Pankoke, M-a-r-y J-o P-a-n-k-o-k-e, and I'm president of the Nebraska Children and Families Foundation. The Nebraska Children and Families Foundation or NCFE has advocated for young people aging out of foster care for over 10 years. Since 2003, NCFE has been the home of the Nebraska Foster Youth Council, which works to provide a voice and opportunities for young people in foster care. The initiative, which is now called Project Everlast, has

Health and Human Services Committee
February 02, 2012

since grown into a public-private partnership involving over 50 partners. Project Everlast is working across the state to create communities that enable at-risk youth to establish the necessary connections and supports for a successful transition to adulthood. I want to thank Senator McGill for introducing LB1150. We are in support of extending care to age 21 as proposed by LB1150, but we believe that further dialogue would be helpful and need time to further investigate the program design that will work for youth in Nebraska as a transition out of care. On February 14, NCFE is convening a meeting to discuss how best to structure and fund an extended care program and what supports and services should be offered. We have invited young people, senators, Department of Health and Human Services, judges, child advocacy groups, service providers, Jim Casey Youth Opportunities Initiative, and private partners to discuss a program design that will work best for young people in Nebraska. And I should mention that we had this meeting planned before Senator McGill introduced her bill, and we decided that it would be worthwhile to go ahead with the meeting to have further dialogue. We hope the recommendations that come out of the February 14 meeting will be taken into consideration by this committee before further action is taken on LB1150. We want to recognize and appreciate the efforts of Appleseed and Senator McGill to get input and testimony from youth involved in Project Everlast. Everything we do with Project Everlast is youth driven and based on what the youths say they need. What we know from talking to the young people and from other states that have extended care to age 21 is that the program should look nothing like foster care. Nineteen and twenty-year-olds are at a different developmental stage than younger youth and should be treated differently. And I very much support the amendment that Senator McGill introduced this afternoon related to case management. Because if we really want the system to look differently, we should think about how to handle case management differently for this age group. The program should be voluntary and directed by young adults. The supports and services that are offered need to focus on both permanent connections while supporting their goals to be successful adults. In your packet, I provided some resource documents that I just want to highlight them now. The first is a data sheet with some national-level data, state-level data, and some data that we've collected in Omaha. Just to highlight a few, while the total number of children in foster care nationally has decreased every year for more than a decade, the number of youth aging out of foster care has continued to grow. And I see I'm running out of time, so I won't go through the other things in your packet. You can look, review them yourself. But just in closing, I want to say that I personally have been a strong advocate for youth aging out of foster care dating back to when I started as a caseworker more years ago than I care to admit. And at that time, the age of majority in Nebraska was 21, so youth were in state custody until their 21st birthday. So we were able to provide case management and other supports and services, but I never felt that what we were able to provide was enough, and I always felt strongly that the young people deserved more than we were able to provide. We have an opportunity with the federal Fostering Connections Act to expand formal supports and services for older youth in foster care and to increase their chances for success in careers, in relationships, and being

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Health and Human Services Committee
February 02, 2012

productive members of their community, and when the time comes, to be successful as parents. The young people I have met through Project Everlast have great potential. I hope we can use this opportunity to help them reach their full potential. It will be a loss for our state if we do not. And as the research shows, we will pay in other ways. I appreciate this opportunity, and thank you for your consideration. [LB1150]

SENATOR CAMPBELL: Questions from the senators? Miss Pankoke, I was privileged to be at that conference and spent a day and actually met some of the young people who have testified. [LB1150]

MARY JO PANKOKE: Um-hum. [LB1150]

SENATOR CAMPBELL: It was a very impressive day and impacted my thoughts more than you could imagine. [LB1150]

MARY JO PANKOKE: How? [LB1150]

SENATOR CAMPBELL: In the sense that I particularly paid attention to the video. [LB1150]

MARY JO PANKOKE: Oh, Mark Courtney. [LB1150]

SENATOR CAMPBELL: Thank you. Who has done the research... [LB1150]

MARY JO PANKOKE: Yes. [LB1150]

SENATOR CAMPBELL: ...on young people aging out. And one of the things that I have talked about with a lot of people was his research that talked about, and I believe it was four different levels of young people. You know, some are ready to go. [LB1150]

MARY JO PANKOKE: Yes.. [LB1150]

SENATOR CAMPBELL: And then the next...and his data would show many of them then have children of their own, and those children are in the system, and I was so struck by that. At the meeting that you're going to have on the 14th, is there any idea that you would look at the different levels and what might be needed of them? Because I was...his whole point was that some are very ready to go. [LB1150]

MARY JO PANKOKE: Yes. The meeting on the 14th will be facilitated by people from Jim Casey Youth Opportunities and Mainspring Consulting, who are very up on the research, and we can talk to them about how to use that, and they may already be planning to use it. [LB1150]

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR CAMPBELL: Right. [LB1150]

MARY JO PANKOKE: During the day, I think that's an excellent point. [LB1150]

SENATOR CAMPBELL: And I would hope that any of the research or the materials that you might have would be, you would be able to share with the Health Committee. [LB1150]

MARY JO PANKOKE: Oh, absolutely, absolutely. [LB1150]

SENATOR CAMPBELL: Okay. [LB1150]

MARY JO PANKOKE: I know Senator McGill is planning to attend, and I hope other senators do as well, at least part of the day on the 14th. I know you can't take out a half day out of your schedules during the session, but... [LB1150]

SENATOR CAMPBELL: It kind of depends on where we are in the hearing situation. [LB1150]

MARY JO PANKOKE: Okay, okay. [LB1150]

SENATOR CAMPBELL: And since we're shuffling hearings now because of the weather. So thank you very much for your testimony and the resource materials for us. [LB1150]

MARY JO PANKOKE: Okay, sure. [LB1150]

SENATOR CAMPBELL: Our next proponent. [LB1150]

SARAH FORREST: (Exhibit 27) Good afternoon again, Senator Campbell and members of the committee. Again, Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I'm the policy coordinator for child welfare and juvenile justice of Voices for Children in Nebraska. My work on a daily basis brings me into contact with the challenges that young adults face in transitioning to adulthood frequently in both the child welfare and the juvenile justice systems. One thing that research tells us is that adolescence is an especially crucial time in the lives of young people. Their brains are still developing until about the age of 25. The latest research shows that it's an important time to provide proper supports and services to youth because it's helping them form connections in their brain that really help them to succeed: impulse control, forming proper relationships, learning what to do. So it's not just, you know, hey, they look like adults, they're probably ready to go out into the world. There's a lot more going on. In the past 10 years, brain research has really validated that. We think that LB1150 is a wonderful opportunity to help young adults transition successfully to adulthood, and it also

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

provides a lot of ways for efficiency and improvement in our own child welfare system allowing for more child-focused services. Specifically, we will be able to access more federal child welfare funds with LB1150. It will provide supports for at-risk youth, and Senator Campbell, you spoke to Dr. Courtney's research. And we know the outcomes for youth who are aging out of the foster care system can be really dismal, and so providing those extra supports can make a positive impact. And finally, just again touching on those developmentally appropriate services, youth-driven taking into consideration what we've learned in the past 10 years and coming up with a system of supports that really works to make these young adults successful as they transition out of care, especially given their past experiences which may have contributed to extra needs and trauma. So again, we're very supportive of LB1150, and we thank the committee for their consideration. I welcome any questions. [LB1150]

SENATOR CAMPBELL: Questions? Thank you for coming and your testimony. [LB1150]

SARAH FORREST: Thank you so much. [LB1150]

SENATOR CAMPBELL: Next proponent. And once again. [LB1150]

PEG HARRIOTT: (Exhibit 28) Hello again. Peg Harriott, P-e-g H-a-r-r-i-o-t-t, president and CEO of Child Saving Institute. We're...I'm here in support of LB1150. I would say this is the most exciting legislation that our kids have seen, and they're talking about it. Staff, volunteers, and even our board got really excited about this, because we have long been talking about what's going on with kids that are aging out of the system. As a point of reference, we see these kids every single day. We provide agency-based foster care and emergency shelter. We provide an independent living program for youth who are aging out of the foster care system. It's a community-based program and includes case management, skill-based classes, and mentoring. This program is funded in part by NCFE, but also by private corporations and family foundations. CSI provides programming for young parents, some who have been former foster youth. And I also disclose that we're an active partner of Project Everlast. The bill addresses a great need of young adults aging out of the foster care system and the need of our communities to effectively launch teenagers towards productive and successful adulthood. I do question the need for continued court involvement, and I would think that some of the kids that are coming through, they want the courts out of their lives. And if that could be possible, we love the voluntary part of the program. I have personally encountered foster youth within our programs that at age 19 are in crisis, scared, ill prepared and isolated from supportive social networks. And there's a memory in my brain that is sticking and does not get out. A young man who said, "What is to become of me? At least in jail, I'll be fed and have a bed." He was desperate. He didn't know what he was going to do. We see the kids coming into our shelter at age eighteen and a half with a plan of age them out. They are not ready. They need continued support and help. Our society has changed in

the regards to the age of true emancipation from one's family, but Nebraska's practice of aging out foster youth on the 19th birthday has remained static. In the 1970s, it was possible to secure a job with a living wage and rent an apartment without a high school diploma. That is not the case in 2012. If you ask anyone about, well, how did your kids age out? Did they age out at 18? Did they leave the home? Most everyone will say no, I'm lucky if they're able to leave at 25. What do we see? We see foster youth not completing high school before aging out, foster youth aging out of shelters. I've now fully understood the term of couch surfing, because that's what they're doing, that's where they're living. Foster youth aging out with multiple barriers, former foster youth showing up in the criminal justice system and the adult shelters. Unfortunately, we've seen foster former youth bombing out of their first semester of postsecondary school, like many young adults, but they're losing the former ward benefits when that happens. LB1150 does not answer the problems of reducing the number of foster kids in the system. That is still our problem and our responsibility. It does not relieve us of the responsibility to assure kids in the foster care system reach permanency much earlier than age 19. It does not relieve us of the responsibility to intervene earlier and safely serve more children and families in their home, and it does not relieve us of the responsibility of supporting all young adults in our community towards successful independence, but it's a start. I realize that LB1150 will carry a heavy price tag. My hope is it gets supported and approved; but if not, if we can advance it a little bit and just keep inching away at it. [LB1150]

SENATOR CAMPBELL: Thank you, Miss Harriott. Questions or comments that you might have? Do you think that the requirement for aftercare that was put into the contracts has helped the aging out? [LB1150]

PEG HARRIOTT: Yeah, I think it's helped, but not enough. We're starting to see the folks follow through with aftercare, but it doesn't come with some of the financial resources at the level that it could. [LB1150]

SENATOR CAMPBELL: That you might need. [LB1150]

PEG HARRIOTT: But I think it's helping some. [LB1150]

SENATOR CAMPBELL: I saw an agency in Lincoln put down for the transition plan out, go to the People's City Mission. [LB1150]

PEG HARRIOTT: Yes. [LB1150]

SENATOR CAMPBELL: So I'm sympathetic. [LB1150]

PEG HARRIOTT: Unfortunately, that happens where the message is just drive them to the adult shelter. [LB1150]

SENATOR CAMPBELL: Exactly. Thank you for your testimony today. The next proponent for LB1150. [LB1150]

GWEN HURST-ANDERSON: Good afternoon. [LB1150]

SENATOR CAMPBELL: Yes, good afternoon. [LB1150]

GWEN HURST-ANDERSON: (Exhibit 29) I'm Gwen Hurst-Anderson, G-w-e-n H-u-r-s-t - A-n-d-e-r-s-o-n. I serve as the executive director of the Nebraska CASA Association. Thank you, Senator Campbell and other Senators on this committee, especially for your attention to child welfare issues this session, and especially this LB1150 and its focus on older youth. As you may know, CASA stands for court-appointed special advocates who are volunteers who are appointed by judges to speak in court for the safety and well-being of abused and neglected children. CASA volunteers work with one to two cases at a time. They're required to see their CASA children at least once a month. They stay with a case until it is closed, and sometimes they choose to stay with it beyond. And they spend the bulk of their volunteer time in direct contact with their CASA children. In other words, CASA volunteers know foster children. It is because of that CASA knowledge and experience that I testify in support of LB1150 providing that wards of the state of Nebraska can voluntarily stay in foster care until age 21. In June of 2008, 22 delegates from Nebraska participated with CASA delegates across the country in CASA Meets Congress in Washington, D.C. Among the very important topics that we discussed with our elected officials was our support of the federal Fostering Connections Act, the act that opened the door for LB1150. As a CASA network, both statewide and nationally, it was our conviction that older youth benefit greatly from the benefits...or from the provisions of the Fostering Connections Act, especially and including the provision that allows states to extend benefits to foster youth to at least age 21. Extended support is so vital for young adults that our National CASA Association has developed a program for older youth called Fostering Futures. It includes a training component for our CASA volunteers and valuable resources and tools for our older youth. The curriculum was developed in partnership with older youth who identified needs in the areas of advocacy, permanency and transition planning, consistent connections or relationships with adults who serve as resources or support, and positive outcomes as they transition out of care. Our Nebraska CASA network believes wholeheartedly in the benefits of extended support for older youth. As a result, we have one of our local programs, CASA of South Central Nebraska has partnered with Project Everlast and the Nebraska Children and Families Foundation to pilot a program for older youth. That project is in its infancy, but we do expect that it will serve as a model program for our other programs across the state. What we've learned nationally and in our state is that youth in care consistently identify the value of having an advocate involved in their case to speak up for their needs in court, in the child welfare system, and in the community. In Nebraska, the youth involved with Project

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

Everlast have identified as one of their goals having a CASA volunteer for every youth in care, and the Governor's Youth Advisory Council has partnered with them to make that a reality. One portion of LB1150 allows the court discretion to appoint or continue the appointment of a CASA volunteer. That provision reinforces the role of the CASA volunteer in transitioning from advocating for the youth to helping the youth develop self-advocacy skills. There's a list there of some of the things that a court-appointed special advocate, or any adult actually, presence in a life would provide. I want to skip to what a CASA youth has said about what having a CASA volunteer has meant for her as she has aged out of the system. She says, my CASA volunteer empowered me. She helped me to put into words my thoughts regarding my best interest. Through her encouragement and persistence, she showed me that I was worth something. I started to fight for myself. She helped me to find my voice, and now instead of her speaking for me, I speak for myself. I speak, and I know that she's always standing beside me to encourage and support me. All of our foster youth deserve that opportunity. They stand a better chance of experiencing it if they have the benefits provided through LB1150. I thank you, and I welcome any questions or concerns you may have. [LB1150]

SENATOR CAMPBELL: Any questions? We also want to thank you for your participation in all the public hearings with the local CASA person. That was very helpful. [LB1150]

GWEN HURST-ANDERSON: And we appreciated being invited and involved in those. Those CASA volunteers have great things to say. [LB1150]

SENATOR CAMPBELL: Absolutely. Thank you for coming and your testimony. [LB1150]

GWEN HURST-ANDERSON: Thank you. [LB1150]

SENATOR CAMPBELL: Our next proponent. Is there anyone in the hearing room who wishes to testify in opposition to LB1150? Anyone in a neutral position? Seeing no one, Senator McGill, would you like to close? [LB1150]

SENATOR MCGILL: Thank you all for listening to this hearing, and thank you to the youth for showing up and sharing our stories...or their stories with us, just like they did at that summit. I'd like to see, you know, with this bill, if we don't move forward wholeheartedly with opening it up to 21, that we at least still try to address some of the issues, like what happened with the young man in terms of how you qualify for aftercare. Or even opening the door to, if someone isn't prepared right after they age out, that there be some other form of application process later if six months down the line they decide, I'm ready to go to school now, I want to make this investment. They come from such different backgrounds. The cases are so different that some people just aren't ready off the get go, or there's a little loophole like happened to that young man.

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Transcriber's Office

Health and Human Services Committee
February 02, 2012

Or in many cases, as Senator Campbell and I heard, a caseworker hasn't told them about aftercare, hasn't given them the right information to apply. And so there are a lot of kids that fall through the cracks that would want to go through that but aren't being informed well enough by their caseworkers. I was impressed that young woman from Missouri actually had the same caseworker her whole time. (Laugh). Here in Nebraska, that doesn't happen. But how do we make sure that those kids are getting that information? And if they don't, that there's still a path for them to pursue. Or I mean, obviously, I would love this whole bill (laugh); but you know, I feel like there are things that should be considered this session as we're going through with an overhaul of child welfare. [LB1150]

SENATOR CAMPBELL: Questions. Senator Bloomfield. [LB1150]

SENATOR BLOOMFIELD: Thank you. Senator McGill, I don't know if you've been here often enough to realize that we have a young visitor that comes in on a regular basis named Andy Campbell (laughter). [LB1150]

SENATOR MCGILL: Yes. I am familiar. I've been mixed up with him before. (Laugh). [LB1150]

SENATOR BLOOMFIELD: I would like to introduce you today to Bobbie Bloomfield. Male or female, your choice. [LB1150]

SENATOR MCGILL: Oh, interesting. [LB1150]

SENATOR BLOOMFIELD: Bobbie comes out of the home, a consistent family home, not real happy with mom and dad, wants to get away. [LB1150]

SENATOR MCGILL: A consistent foster home, so Bobbie's in foster care? [LB1150]

SENATOR BLOOMFIELD: No, a regular home, birth home. Not real pleased with mom and dad. At 18, he or she is out of there. [LB1150]

SENATOR MCGILL: Yep. [LB1150]

SENATOR BLOOMFIELD: Is there anything in here that allows them to access any of this to go to school for the next three years to help them along? [LB1150]

SENATOR MCGILL: No, no. [LB1150]

SENATOR BLOOMFIELD: Okay. Thank you. [LB1150]

SENATOR MCGILL: I can appreciate that concern. [LB1150]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 02, 2012

SENATOR BLOOMFIELD: Yeah. [LB1150]

SENATOR CAMPBELL: Bobbie Bloomfield may be eligible for a Pell Grant to help with the education. We have a number of...I've worked with donors who want to help with going back to school. And what we have found in a lot of cases is that the Pell Grant will cover a lot of those expenses, so that may help. [LB1150]

SENATOR BLOOMFIELD: Okay. Would not the foster child also be available? [LB1150]

SENATOR CAMPBELL: For a Pell Grant? [LB1150]

SENATOR BLOOMFIELD: Yes. [LB1150]

SENATOR CAMPBELL: Yes, absolutely. [LB1150]

SENATOR BLOOMFIELD: Okay, thank you. [LB1150]

SENATOR MCGILL: I hope Bobbie Bloomfield and Andy Campbell create some more trouble for us in the future. (Laughter). [LB1150]

SENATOR CAMPBELL: We do want to note for the record that we received a letter from Carolyn Miller and Greg Emmel, who are directors of Building Bright Futures at the D2 Center, and I'm probably not saying that right, in support of the bill. [LB1150]

SENATOR MCGILL: Thank you, Senator Campbell, and Committee. [LB1150]

SENATOR CAMPBELL: (See also Exhibit 30) Thank you, and with that, we'll close the hearing for LB1150 and the hearings for the evening. [LB1150]