

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

Executive Board Committee
January 22, 2016

[LB954]

The Executive Board of the Legislative Council met at 12:00 p.m. on Friday, January 22, 2016, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB954. Senators present: Bob Krist, Chairperson; Dan Watermeier, Vice Chairperson; Kathy Campbell; Ernie Chambers; Colby Coash; Galen Hadley; Dan Hughes; Heath Mello; and John Murante. Senators absent: Tyson Larson.

SENATOR KRIST: Good afternoon, all of you, and welcome to the Exec Board for a committee hearing today. We'll be hearing LB954. If you're going to come up and testify, please make sure that you've signed in. When you come up, please state your name and spell it for the Transcribers. If you have something that makes noise, make sure it doesn't make noise during the committee hearing if you would, please. And just a warning that we've got a new speaker system thanks to Chuck, and it's very, very sensitive. So if you don't want to go on the record, you might want to keep your conversations low or take them outside the room itself. And I would like to discourage any other noises from happening during the hearing (taps pencil on table) which would interfere with the transcription process. So thank you very much. And, Senator Watermeier, you've got it.

SENATOR WATERMEIER: Thank you, Senator Krist. We will open the hearing for LB954, Senator Krist to open. Do you want to introduce members? Let's go ahead and introduce the members starting to my far left, Senator Hughes.

SENATOR KRIST: Oh, I forgot that; thank you.

SENATOR HUGHES: Senator Hughes, District 44, ten counties in southwest Nebraska.

SENATOR COASH: Senator Coash, District 27, southwest Lincoln.

SENATOR MURANTE: John Murante, District 49, Gretna, northwest Sarpy County.

SENATOR CAMPBELL: Kathy Campbell, District 25, east Lincoln.

BETH DINNEEN: Beth Dinneen, committee clerk.

JANICE SATRA: Janice Satra, committee counsel.

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SENATOR WATERMEIER: I'm Dan Watermeier from Syracuse.

SENATOR CHAMBERS: Ernie Chambers, citizen of the world.

SENATOR WATERMEIER: Well documented. All right. Senator Krist, you may begin.

SENATOR KRIST: Good afternoon, Vice Chairman Watermeier and fellow members of the Executive Board. For the record, my name is Bob Krist, B-o-b K-r-i-s-t. I represent the 10th Legislative District, northwest Omaha along with north-central portions of Douglas County, which includes the city of Bennington. And I appear before you today in introduction and support of LB954. From my heart I will thank the folks who were involved with the negotiations that went on over the last five or six months. As many of you know, there were some questions and some debate over judicial independence and the separation of powers based upon our constitution and function of the legislative branch, judicial branch, and the executive branch for that matter. There were several meetings, as many of you know. One was chaired by the Governor. The Governor, Chief Justice, the Speaker, and many of us were in those meetings initially. And it was determined that there were two courses of action that could happen. One was the removal of a program that was in the judicial branch or two that we may have had some judicial independence and some constitutional separation problems with in moving it someplace. And the other option was to negotiate, sit down, and come to a conclusion. And I want to thank my legal counsel, Janice Satra; the OIG, Julie Rogers, who I think you'll hear from; and the administrator of the court, Mr. Corey Steel; and in particular, the Chief Justice for his cooperation; and several other justices. I also want to thank for the record and I will do this in the introduction of the bill, Senator Williams and his input, along with others with local judges to help frame this effort out and to get us to the point that we're at right now. My intention is to, once we finish this, is to Exec. Assuming that the Exec turns out the way I hope it will, we'll get it out and report it out; and my intention on the floor is to put an e-clause on it, move it quickly, get it to the Governor's desk for signature and get this thing behind us and get back on the road. I will say that just the thought of having to do anything more than what we are doing right now was a disruptive process for children and families across the state, and we don't need more disruption in those services. So with that, I'll serve that as my introduction and I'll stick around to close. [LB954]

SENATOR WATERMEIER: Thank you, Senator Krist. Hold on, Senator Krist. Questions from the committee? Senator Coash. [LB954]

SENATOR COASH: Thank you, Senator Watermeier. Senator Krist, thank you for putting this together. I know it got worse before it got better on this particular issue. I'm still not...I hope to become satisfied with this outcome, but I have to stick up for our branch of government here. I'm

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not sure it was...we are getting what we need. But I want to speak to the language on page 3 dealing with a court order. We've now put into statute that court orders are going to be needed for the Inspector General to get the records; has to submit a written request and upon a court order then we'll get the records to the Inspector General. Why do we need this court order to get that? [LB954]

SENATOR KRIST: Well, I'm going to comment and then I'm going to ask you to ask the same question of both our IG, Julie Rogers, and also Mr. Steel because in the negotiation...in the negotiation process, this was determined to be the best course of action. This is not a court order by court order individually. This is a boilerplate that becomes a court order so that if she makes...if the IG makes a recommendation or needs the information that the local jurisdiction, because of the court order being in place, must respond. I hope you do become satisfied with the outcome. I am. And a good negotiation or a good outcome of this kind of thing is that nobody is really 100 percent happy with the outcome. So it is indeed an agreement that that is the case. But I would remind all of us that essentially we passed a law, the Governor signed it into law, and there was a total neglect of following the statute in the law in jurisdictions around the state. So in order to get that in place, this template or boilerplate for a court order would require each judge, each jurisdiction to do things a certain way. It's that fine line between judicial independence--can't tell a judge what to do--but setting up a process where the feedback and the information can be provided. I don't know that that's an adequate explanation for you, but I do think that both of them will be able to add to that equation. [LB954]

SENATOR COASH: Senator Krist, will this language mandate a judge to give that information over? [LB954]

SENATOR KRIST: As much as you can tell a judge what to do, yes, sir, it will. [LB954]

SENATOR COASH: So we could, even with this language, we could have a judge say, no, you're not getting the information. [LB954]

SENATOR KRIST: And there's recourse involved with that as well within the judicial branch. And again, I'd bring that question directly to Mr. Steel. [LB954]

SENATOR COASH: All right. Thank you. [LB954]

SENATOR KRIST: Thank you, Senator Coash. [LB954]

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SENATOR WATERMEIER: Thank you, Senator Coash. Other questions? Senator Campbell. [LB954]

SENATOR CAMPBELL: I want to thank Senator Krist. Thank you, Mr. Vice Chair. I want to thank Senator Krist for the effort that he's put in to get us to this point. One of the questions that I do think is important for the record is--and I'm going to follow up on Senator Coash's--why is the process not outlined in the bill? How do we...you know, we read so far that there will be a process, what is that and why did we not put it in the bill? I'm one of those people that believes in the Mack truck theory, and that is people...all of us can go away. We are. Some of us are going away. How do we know that the people who follow Corey and follow Julie will understand what that process should be and follow it? And I'll ask both of them this question too. [LB954]

SENATOR KRIST: And I believe that both of them can more adequately answer. In my estimation, we have an act. We opened up the act. We took away the restrictions or the objections to judicial independence and we took away the constitutional separation of powers argument from the act itself as it applies to the judicial branch. And by putting the court order there and in this change allowing the IG to make those requests and get the information from the system. I do believe that the process is in place. There isn't very...there's very little ambiguity around the fact that there will be a court order in place on all of these actions and that those court orders will be, if you will, executed at the request of the IG. [LB954]

SENATOR CAMPBELL: Okay. And I'll ask both of them. Thank you. [LB954]

SENATOR KRIST: Thank you. [LB954]

SENATOR WATERMEIER: Thank you, Senator Campbell. Any other questions of Senator Krist? Thank you, Senator Krist. At this time, I'd like to invite Inspector General Rogers up. Welcome. [LB954]

JULIE ROGERS: (Exhibit 1) Thank you. Good afternoon, members of the Executive Board. My name is Julie, J-u-l-i-e, Rogers, R-o-g-e-r-s. I'm the Inspector General of Nebraska Child Welfare. In your packets I have included my written testimony as well as our last annual report from September 15 of last year, which includes the entirety of the Office of the Inspector General of Nebraska Child Welfare Act. The Office of the Inspector General of Nebraska's Child Welfare or OIG is charged with providing legislative oversight, ensuring accountability, and identifying systemic issues in Nebraska's child welfare and juvenile justice systems. Like all Inspectors General, the OIG is expected and committed to holding government systems accountable for efficient, cost-effective operations, integrity, and high performance. Broadly, the OIG helps ensure that the dollars being spent on Nebraska's system-involved children and

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families achieve the best possible outcomes. In 2015, the Legislature passed LB347 which expanded the OIG's jurisdiction to juvenile justice complaints. And since then, we have been trying to gain access to case file information and administrative records from Probation to investigate complaints and critical incidents received relating to information pursuant to our act. We have encountered obstacles which I will address later. Specifically, the OIG investigates death or serious injury of system-involved youth and complaints of wrongdoing to children and families being served by or through our child welfare or juvenile justice systems. The OIG provides accountability and legislative oversight of Nebraska's child-serving systems by tracking themes and issues. System improvement recommendations are made both informally and formally. Charged with investigating problems in Nebraska's child welfare system, the OIG not only uncovers wrongdoing or serious oversight; but in every instance looks for systemwide implications. The OIG strives to provide a system perspective which can guide lawmakers, advocates, administrators, and other stakeholders in efforts to improve Nebraska's child-serving systems. The office deals primarily in narratives: the statements, opinions, and accounts of individuals across the state. We review, evaluate, and investigate based on interviews, record review, data analysis when data is available. Let me emphasize the critical importance of Inspectors General having timely and unfettered access to records and information. The Association of Inspectors General, of which I'm statutorily required to gain certification through, has among its basic standards that Inspectors General have "access to all records maintained by or available to any governmental entity relating in any way to the OIG's duties and responsibilities." It is not only best practice but a foundational principle upon which all effective Inspectors General rely. The OIG has a unique perspective. It is granted access to all relevant persons and documentation. Because the office is not responsible for any aspect of service provision, it is free from the sorts of biases that affect almost all other players with access to confidential information. Every agency and service provider has a natural incentive to place their work in the best possible light. Due to the sensitive nature of its work, the OIG takes great care when investigating case or systems issue to weigh the available evidence, solicit all relevant perspectives, and remain objective. In addition, the OIG is tasked with and committed to keeping the individual records it reviews and case-specific information it gathers confidential. Protecting the identity of those who complain as well as those of the children and families involved in cases of concern. It is my belief that the Legislature and the public expect the OIG to be honest and straightforward about the issues facing Nebraska's child-serving systems and in its work. As with all Inspectors General, the OIG is not out to win popularity contests. Its job is to ask tough questions and highlight issues and concerns that others might rather ignore. As stated earlier, I want to expand on some of the progress as well as some of the problems we have encountered in the past year and a half trying to do the job which the Legislature charged. First, we work through getting information related to death and serious injuries and that information from juvenile probation since the passage of LB561 in 2013. That process is and has been functioning since the fall of 2015. We've also asked for their rules and regulations and the like. In the Probation system, they are known as policies, procedures, and protocols. Our request was denied

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at the beginning of September of 2015. Since then, juvenile probation's policies and procedures were made public on their Web site. This occurred about two weeks ago. We are starting to get protocols. We are very thankful for all the information that has been shared, and we remain hopeful that this openness and transparency will continue. With the passage of...in 2015 with the passage of LB347, which expanded our purview to investigating juvenile justice complaints, we have had difficulties getting probation records pertaining to those juvenile justice inquiries. We were refused on-line access to juvenile probation's case management system. Probation informed us that they would not release information without court orders. Although they offered to work with judges to obtain court orders on the OIG's behalf, OIG standards deem this process inappropriate in order to ensure objective investigative standards are maintained. After letting Probation know concerns we had, we filed requests with local courts. Some court orders were granted, some were not. Some court hearings...some courts set hearings, some did not. Because of several concerns; namely, the confidentiality of our office looking into a particular case and court orders being very public, we stopped making those requests at the end of October. Except for those records we've received pursuant to signed orders, our office has not been able to process complaints related to juvenile probation. At the very least, this puts us in violation of our own act, which requires us to decide whether we open a full investigation on a case within 14 days. At most, we may be missing something significant in a youth's case where a timely response is needed. The Court Administrator, Senator Krist, and myself have been meeting since Thanksgiving; and we've agreed to a process that will give us the information we need to obtain from Probation to do what the Legislature has tasked us to do. Instead of filing requests with individual courts after a complaint comes in, we have agreed that orders will be entered as a standard of practice in every juvenile justice court order. The court order would allow our office to receive Probation records if there is a death or serious injury or if a complaint comes to our office pursuant to our act. Upon receiving a complaint, we would contact the Probation Administration, and as long as that court order language appears, they will produce the records within five days. The Court Administrator and I have already worked on court order language and are putting the finishing touches on that language so we are able to start this process as soon as possible. The past 18 months have been challenging, but the past 6 months have been most difficult. I am anxious to get this process started to be in a place where we are able to do the work with which we've been charged. Thank you for your time and attention. I'm happy to answer any questions. [LB954]

SENATOR WATERMEIER: Thank you, Inspector General. Questions? Senator Coash. [LB954]

SENATOR COASH: Thank you, Senator Watermeier. Julie, when all this kind of came to a head, there was a lot of, in my opinion, misunderstanding about what you were trying to do and what people thought you were trying to do. Are you trying to investigate judges? [LB954]

JULIE ROGERS: No. [LB954]

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SENATOR COASH: Are you trying to investigate attorneys? [LB954]

JULIE ROGERS: No. [LB954]

SENATOR COASH: Who are you trying to investigate? [LB954]

JULIE ROGERS: So we investigate...there's specific language in our act. We are investigating the adults in systems that deal with kids. So that could be in HHS side, case managers; on the juvenile justice side, Probation and how they've treated kids. But it's the programs. We're not...we have no jurisdiction in second guessing judges or attorneys. That is not our jurisdiction. We are looking at juvenile probation, HHS, placements, foster care, private providers. [LB954]

SENATOR COASH: Are you looking at outcomes for children? [LB954]

JULIE ROGERS: Yes. Our full investigations usually do...we are looking for systemic problems in every investigation, and that's what our recommendations try to address. [LB954]

SENATOR COASH: Following up on a question I asked Senator Krist and Senator Campbell also asked--this standard of practice with regard to getting the information that you need, is that specifically outlined in this bill? [LB954]

JULIE ROGERS: It...the bill...there is a provision in the bill that outlines that if there's a court order and we ask Probation for the information, it will be provided to us within five days. [LB954]

SENATOR COASH: If there's a court order, but... [LB954]

JULIE ROGERS: Yes. [LB954]

SENATOR COASH: ...there may be a case where a judge says, no, I won't issue that court order and then you don't have the information you need. [LB954]

JULIE ROGERS: That's right. [LB954]

SENATOR COASH: But the process we're trying to put in place is making it standard that there will be a court order as a part of every case. But judges aren't going to be bound to follow that. Am I right? [LB954]

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JULIE ROGERS: Judges can... [LB954]

SENATOR COASH: They can decide not to issue the court order. [LB954]

JULIE ROGERS: They can decide...yes. [LB954]

SENATOR COASH: And apparently they can decide not to do anything the Legislature tells them to do because they didn't follow LB347 that we enacted last year, but you don't have to answer that. Thank you. No more questions. [LB954]

SENATOR WATERMEIER: Thank you, Senator. Any questions? Senator Campbell. [LB954]

SENATOR CAMPBELL: And I...thank you very much. I want to follow up too. Should there be additional language in this when you're not there or Corey is not there? [LB954]

JULIE ROGERS: Well, we cannot...you can't tell a judge what specifically to put in a court order. So we have to...so the Court Administrator and I have agreed that certain language will be presented to every single judge to be in a court order. I don't know. This has been part of our discussions for the last month and a half. [LB954]

SENATOR CAMPBELL: Let's follow up. Will each of those look the same? In other words, is this...you're going to develop a boilerplate and then it's sort of like a stamp so every time that's exactly what that language is going to look like in front of a judge. [LB954]

JULIE ROGERS: That is my understanding and that's the intent of our agreement is that there would be standard language if the court chooses to put that in their order. [LB954]

SENATOR CAMPBELL: Okay. Can that language then be changed from time to time? [LB954]

JULIE ROGERS: It could be. [LB954]

SENATOR CAMPBELL: It could be. [LB954]

JULIE ROGERS: And since September when we started requesting information, with our request we had, I mean, we drafted orders and some judges would just sign the orders. I had a couple judges call me just to run by language that might be better so it was a learning process.

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But they didn't have any standard language that they could check to say, yes, we're going to put this in the order. [LB954]

SENATOR CAMPBELL: And so at this point, you're not advocating that there be standard language. [LB954]

JULIE ROGERS: I am. [LB954]

SENATOR CAMPBELL: Oh. [LB954]

JULIE ROGERS: I would, I mean, I don't think you can put a...I'm not sure that you can put it in statute, but that is the agreement that the Court Administrator and I have is that he and I are agreeing on standard language that we would ask the judges to put in every juvenile justice court order. [LB954]

SENATOR CAMPBELL: And while we were going through this whole process, we did have some judges who denied, right? [LB954]

JULIE ROGERS: Yes. [LB954]

SENATOR CAMPBELL: And at that point, there's just no recourse, I mean, you just didn't get the information. [LB954]

JULIE ROGERS: Well, that...there might be recourse in litigating, but we did not litigate. [LB954]

SENATOR CAMPBELL: Okay. I want to ask about another part of the legislation and that is we are clarifying in Section 2 what happens if as you are reviewing all of this you come upon an employee of which there's been possible misconduct. And I just want to make sure that if you come upon misconduct as you're looking at the child welfare side, and I'm going to use an agency that I used to work for so I'm going to say if you run upon misconduct of an employee at CEDARS, what do you do now? [LB954]

JULIE ROGERS: So our practice is that anytime if even...if we have any question when we're looking into a case that someone else's employee has done something wrong, we will informally let them know right away. So depending on the seriousness of it, either a phone call, e-mail, or set up a meeting to explain... [LB954]

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SENATOR CAMPBELL: Okay. [LB954]

JULIE ROGERS: ...because our full investigations take a really long time. And if there is somewhat an employee of another agency, I mean, we have no...we're not supervising anybody. We're just looking to see what has happened to the child or family. So it is my judgment that that wrongdoing needs to be told to that agency as soon as possible so if the employee is acting inappropriately, at the very least, that can be corrected as soon as possible so other kids and families aren't harmed. [LB954]

SENATOR CAMPBELL: So we are treating the judicial... [LB954]

JULIE ROGERS: So... [LB954]

SENATOR CAMPBELL: ...side of this any more harshly than we would... [LB954]

JULIE ROGERS: Right, well... [LB954]

SENATOR CAMPBELL: We're keeping them the same. [LB954]

JULIE ROGERS: Right. So this is in response to a concern that I would be or our office would be looking into personnel matters of a different branch of government. [LB954]

SENATOR CAMPBELL: Okay. [LB954]

JULIE ROGERS: And so in our talks of explaining what our office does, I have...and so this is codifying that I would have a duty then to tell Probation Administration as soon as I find that misconduct, if we do. [LB954]

SENATOR CAMPBELL: Okay. I have one last question. Part of my concern in the fall as we went through all of this, and I much appreciate all of the effort to get us to this stage and to move on the pathway. I just want to make sure that the legislation is there no matter who sits in the chairs and has to carry it out. My last question is this fall I was very concerned about the court orders that if a complaint came in on Andy Campbell's family and all of a sudden it was public then knowledge in a court order that Andy Campbell's family was looked at. What...will we still see that Andy Campbell will be...and people will know that you're looking at Andy Campbell's family? [LB954]

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JULIE ROGERS: No. And that is I guess the beauty of a standardized process. The order is made before anyone knows whether something bad will happen or has happened. And so the idea of this process that I'm very hopeful will work is that these orders will be there before anything comes to our office or before there's a death or serious injury. So then once that happens, we can very quickly ask for the information, they check to see if there's a court order, and then we get the information. [LB954]

SENATOR CAMPBELL: Because at this point on the opposite side on the other ledger in the child welfare section no one would ever know... [LB954]

JULIE ROGERS: No. [LB954]

SENATOR CAMPBELL: ...that you were looking at Andy Campbell's family. [LB954]

JULIE ROGERS: No. And the way we've been operating since our office opened in 2012, we have access to the Health and Human Services on-line system called N-FOCUS. If a complaint comes in, we look on the JUSTICE some and on N-FOCUS to get a really solid idea of what's going on with that family and do a review and we staff the case. We decide within that 14-day time period whether that particular case gets elevated to a full investigation. [LB954]

SENATOR CAMPBELL: Thank you. [LB954]

SENATOR WATERMEIER: Thank you, Senator Campbell. Senator Coash. [LB954]

SENATOR COASH: Thank you, Senator Watermeier. Julie, with respect to the duty provided in this bill that you would notify the Probation Administration about personnel matters, do you have this same duty with regard to child welfare? [LB954]

JULIE ROGERS: No. It's just something that we do. We... [LB954]

SENATOR COASH: So you just... [LB954]

JULIE ROGERS: Right. But we don't...there's not a statutory. [LB954]

SENATOR COASH: So on the other side of the ledger with child welfare, it's agreed upon this is what you do; but for some reason, we have to mandate that you do that in this bill. [LB954]

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JULIE ROGERS: Can I just... [LB954]

SENATOR COASH: Should we then mandate that you do the same thing under child welfare? My question is, do we need this mandate? [LB954]

JULIE ROGERS: Well, I will do this. It was an agreement. It was not...first, it was not an agreement with the Department of Health and Human Services. It was based on us realizing that they're not going to know about something bad happening until months and months and months potentially when we get a full investigation. It is up to the Legislature whether...I mean, I work for you so I will do what you mandate me to do. But that's my practice that I...that's how the office operates. [LB954]

SENATOR COASH: Okay. Thank you. [LB954]

SENATOR WATERMEIER: Thank you, Senator Coash. Senator Mello. [LB954]

SENATOR MELLO: Thank you, Vice Chairman Watermeier, and thank you, Julie, for testifying. Thank you for your work with our colleague, Senator Krist, and Administrator Steel to try to develop a compromise to a very difficult situation we've all gone through this past fall. You mention in your testimony in regards to kind of to some extent an issue that kind of raised some of ours ire in regards to the requesting of rules and regulations from the Office of Probation. Your testimony said you were denied. Could you just generally explain to some of us why you asked for it in the first place? [LB954]

JULIE ROGERS: Well, first on page 5 of the bill it's one of our most operative statutes that we go to and it says we shall investigate certain things, which includes "Allegations or incidents of possible misconduct, misfeasance, malfeasance, or violations of statutes or of rules or regulations" and then who that is to. So in order for us to do our job, we need to ask what are the rules and regulations. When I met with the Probation Administrator before LB347 went into effect, I asked for those. In addition, just knowing how a program works that I am supposed to be kind of analyzing and reporting about, I am well aware in terms of juvenile justice what national practices are. But it didn't feel like I knew exactly what's happening in Nebraska. So I asked for whatever rules and regulations they have. They don't have those. They have policies and procedures and protocols and I think she said blueprints and strategic plans. So...but she couldn't allow me to have those. I had to send a formal request, which I did, and then that was denied. [LB954]

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SENATOR MELLO: You were denied. And you mention in your testimony since then the court has made... [LB954]

JULIE ROGERS: Yes. [LB954]

SENATOR MELLO: ...their "rules and regulations" public, put them on-line. Are they required to do that by statute, do you know? Are they just--and I'll ask Corey that, too, or he can give feedback when he testifies--is that something that just is recent? [LB954]

JULIE ROGERS: Yes. It's very recent, I think in the last two weeks, maybe three. I think...I don't...I know there might be, and I could get back to you, there might be areas in statute where Probation is required statutorily to promulgate rules and regulations, which are their policies and procedures, but I would have to do some analysis to know. But I think they have been open very recently in their policies and procedures, and we're starting to get some protocols and training materials. [LB954]

SENATOR MELLO: And maybe it's just more for the record's sake, is that request of the rules and regulations back in late summer, early fall is then what precipitated the September 10 letter from the Supreme Court... [LB954]

JULIE ROGERS: Yes, that's exactly... [LB954]

SENATOR MELLO: ...to you... [LB954]

JULIE ROGERS: Yes. [LB954]

SENATOR MELLO: ...ultimately to Senator Krist representing the Legislature that addressed the separation of powers concern that was raised by the Supreme Court in regards to the Legislature's role or belief or lack thereof in regards to the involvement in regards to the entire issue surrounding our investigative matters and/or oversight matters? [LB954]

JULIE ROGERS: Yes. That was the letter that denied the request. [LB954]

SENATOR MELLO: Thank you. [LB954]

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SENATOR WATERMEIER: Thank you, Senator Mello. Any questions for Inspector General? I would just like to publicly thank you, too, for the welfare of the children of our state that we're heading in the right direction. So thank you, Inspector General. [LB954]

JULIE ROGERS: Thank you. [LB954]

SENATOR WATERMEIER: All right. At this time we'd like to invite up Administrator Corey Steel. Welcome. [LB954]

COREY STEEL: Again, my name is Corey Steel, C-o-r-e-y S-t-e-e-l, and I am the State Court Administrator for the judicial branch. I also want to publicly thank Senator Krist, Julie Rogers, and Chief Justice Heavican for the work that's been done over the past few months. We've, to say the least, put a lot of time in, a lot of thoughtfulness, and tried to move this forward in a manner where both branches of government can come to an agreement in order to not affect the children and families that we serve because that's at the utmost important of what we do. I'm here as a proponent for LB954. As I said, we've worked on the language, the intent. Are we both happy? I can...think I can say and mimic Senator Krist that we're probably not both 100 percent happy, at least from our branch's perspective. But it's something that as I talk with the Supreme Court and staff attorneys that we can live with and we can make sure that we fulfill the requirements of what's laid out in the statute. So I know there's a lot of questions so we might as well get to those questions. I'm happy to answer any questions that the committee may have. Thank you. [LB954]

SENATOR WATERMEIER: Thank you, Administrator. Are there questions from the committee? Senator Coash. [LB954]

SENATOR COASH: Thank you, Senator Watermeier. Corey, thanks for coming today. I just wanted to clarify from the court's perspective, although you've got this process where court orders will be part of kind of the template where they be part...kind of standing order. A judge could say, that won't be part of any of my standing orders. That's possible, is that... [LB954]

COREY STEEL: That is correct. [LB954]

SENATOR COASH: ...your understanding? [LB954]

COREY STEEL: That is correct. [LB954]

SENATOR COASH: So of their own volition, a judge could just say, nope, I don't want the Inspector General looking at any of these records on any of my cases so I don't have to so I'm not

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going to make this part of any template regardless of what the two of you have worked out. Is that accurate? [LB954]

COREY STEEL: That's accurate. Senator Coash, maybe if I could lay out the process so that there's understanding of what we've done in the past and what we've had success with and how we will treat this type of court order language. It would be template language. And Julie and I have been passing back language back and forth. We would have anybody review that and see if that fits for this case in order to release information. Let me give you a couple examples of how we've done this in the past in certain areas. If we go back about six, seven years ago where we started the pilot program in Omaha on juvenile justice, there was specific court order language that was needed in every court order to allow for those juveniles to be on juvenile probation and utilize Department of Health and Human Services dollars. That was at the time it was the pilot. It was two branches of government that came together in order to use those funds. We worked with all of the judges in Douglas County in order to get that language placed in all of the court orders to allow that access. So that was on a very particular issue in that county. What we've done statewide is there's two different things that we've done statewide for juvenile justice in court order language. One is the IV-E drawdown. On child welfare cases, there must be standard federal language in court orders to allow for us to draw down federal IV-E fund. And what we've done is there's a process put in place where this is the approved language. We have three types of court orders or types of court orders that are created within our system. One is we have really template court orders in our JUSTICE system that a judge can go in and click the boxes and print that order out. That standard language isn't one of those that they can click on or off. It's in that court order. And so that's a template. They'll click the orders. That would print out for their signature. So that's one way we produce court orders across the state. The second is jurisdictions have come up with their own template orders. And the judges within those jurisdictions would use those template orders as well. We work with them to get that language in their own personal template orders. And then we have some judges that on every single case create their own very own court orders. Them and their staff will create their own court orders. We've worked with their support staff to be able to make sure that that language is in there for the IV-E drawdown. We've also done that on another example here recently last year or two years ago with the passage of some Foster Care Review Office standards. Now that Probation has kids in foster care, there is the need for Foster Care to have oversight of those kids in out-of-home care. We've worked with Kim Hawecotte. With standard language that was agreed upon that goes into court orders that any kid is placed in an out-of-home facility that that language goes in that court order. Then there's a notification that goes out to her and her staff that this kid is placed in out-of-home and allows for that...those Probation records to be released for her review for her staff and then they go to the Foster Care Review Office Board. I will tell you in those three examples we have had high success to the point of I can't think of any court that has not implemented those three template languages in their court order. We are going to treat this as the same way internal process. I will have this language to juvenile justice status offense court orders in our JUSTICE

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system so it would be in there. It would be part of that court order language so when it's printed out it's there, that it would allow for upon any investigation of serious death or injury or report of misconduct that Probation records would be released to the Inspector General and have some statutory citations in there. And Julie and I are making sure that that fits so that she can get what she needs. So that language would then be put in those JUSTICE orders so that would take care of the JUSTICE order. We would then work with and primarily it's the Separate Juvenile Courts that the jurisdiction creates template orders. We will work with them as we have in the other venues to get that court order language within their court orders. And then the third is we know which individual judges create their own court orders. We'll work with them to include that language within there. I think that we will have high success in getting that language within those court orders upon myself and the Chief Justice educating the judiciary on the importance of this language, letting them know that we're in support of this endeavor, and that we will work with them to make sure that this language is put in there. So that's part of this whole process of getting that language within those court orders. [LB954]

SENATOR COASH: I appreciate that. And I...if this becomes law, I have confidence that more times than not that we'll have this court order. But I am concerned about one particular judge in one particular jurisdiction thumbing her nose at the issue. But she is a judge. She has judicial independence so. [LB954]

COREY STEEL: I'll tell you if we come across an individual judge that does that, the Chief and I together will work with that judge to make sure that they understand the importance of. [LB954]

SENATOR COASH: I'll just say this. I wish the court would just comply with the bill we passed last year. And I'm still...I'm going to spend some time with this because I'm still really struggling to find what in this bill has to be in law when it just seems like it's an agreement between two branches, which I'm--don't get me wrong--I'm happy that we're here at this point. I'm just struggling with...I'm just struggling. I'll leave it at that. [LB954]

COREY STEEL: If I could expound and kind of... [LB954]

SENATOR COASH: Please. [LB954]

COREY STEEL: ...maybe hopefully answer that question, there's a couple of things in the prior legislation that raise the flag for the court. And one of those were release of court file information. Those are...there's things in those files and in the court file itself that the judge has that is not open to the public for certain reasons. So that was one thing where the judiciary felt that that was overreaching, that it was looking at specific judicial parts of our system. The

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second was, as you had brought up I believe, of the potential personnel issues, that that would be part of our issue to deal with. Not that the Inspector General wouldn't notify us or what have you, but we wanted that codified to say if there's a personnel issue we want to address it as well because the last thing we want is somebody out there that has been doing potentially something wrong or illegal with the juveniles that we're supervising and we not know about it and can't address it right away. So that's something that we took as we wanted that added so that we could address those issues right away immediately and address those. So those were the major concerns. The third is court records. I think there's a lot of education that needs to take place as far as who's the owner of court records. The Supreme Court does not own trial court judges' records. The Administrative Office of the Courts, who has the JUSTICE system--we function the JUSTICE system where all that information is put in--that's a tool to help judges. We don't own those records. The owner of that individual record is the trial court judge, which would be the juvenile court judge or the county court judge on those cases or if we're in adult court, the district or the county court judge. They individually own those records, and that record includes the Probation record because statute how it was written years ago is that's kind of the record of jurisdiction. We've now moved and I've talked with...if I haven't talked with every judge, county or separate juvenile court judge in the last six months, I would be surprised. I think if I tallied it, I've talked to all of them and let them know that we've been able to compromise on our compromising work that the court record that if there was needed further information specific to the court record that the judge...that is the judge's sealed record portion of that, Julie could petition the court and ask for that stuff. If it's the Probation file record, which still would include all of the information from the Probation officer, all their chrono notes, evaluations, how they're doing in treatment, how they're doing in a facility, reports that come back to Probation, that's the information that we're saying is the Probation record that would be released. Julie would also have access to the JUSTICE system which would be public information, which would be any type of court order so she could track the case and the court orders and the motions that were filed. So that's where we had a couple of issues concerning the prior legislation. [LB954]

SENATOR COASH: Here's my last question, Corey. With this template that you've worked out, how does setting a hearing fit into that? Because I know in the past sometimes the judge, when the Inspector General would ask for the orders, some judges were setting it for hearing as a matter of course; some were case by case; some never did. How is the setting...is setting that request for hearing part of this template that you've worked out? [LB954]

COREY STEEL: That's a great question. How the process would work is that would be standard language in every court order that juvenile justice. At the time that the hearing is ending, the court would then or could then say, just so we're all on the same page, this information could be released upon serious death or injury or if there's an investigation by the Inspector General at that time so that all parties are aware that that potential could happen. And so that's a way that that information...and that's what we'll talk to the judges about. We think that it's important to inform

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all parties that that information. If there's objection by an attorney, then the court could take that under advisement or could have that hearing right there and take in evidence as to why some party would object to that information and then they would determine so forth. So that could potentially happen at that time. [LB954]

SENATOR COASH: All right. Thank you. [LB954]

SENATOR WATERMEIER: Thank you, Senator. Any further...Senator Mello. Oh, excuse me, Senator Campbell. [LB954]

SENATOR CAMPBELL: Oh. Corey, I'm going to ask the same question of you and that is, is there any part of this process that should be in statute that is not, that when you're not there and Julie is not there that we know that that process will go on? And that's really my concern about the statute. Do we need something? From your view, what do you think? [LB954]

COREY STEEL: Well, we talked a lot about that. We had several discussions as Janice was with us as well. We walked down that road and what that would look like. At the end of the day, the request comes into us. It's up to Probation to help facilitate, get that court order. And so it's an internal process. We're going to "policize" that these are the steps that take place in order for that. So the request would come into Probation. We would then...all the information that would be needed for Julie--and we're going to sit down and outline here are the things--and we've already kind of informally done that. We haven't formally done that--that she would need and we would gather that information. If by chance there is not a court order, the benefit for us to continue to be in the judicial branch is we can go to that judge. And we can say, Judge, we have a request that this information be released which we routinely do in a lot of matters. So if an evaluation was done and this juvenile (sic) recommends intensive outpatient treatment, this provider x now, it's a different provider, says I need a copy of that evaluation to perform that treatment. We can independently go to the judiciary and say, we need that information released so we can start treatment; and the judges will cut an order (inaudible). So we think that it's an internal process of getting that information in a court order and that it doesn't need to be codified in law. And we will put that, and we will "policize" that similar to how we have done it with the other standard court languages that we have in court orders. [LB954]

SENATOR CAMPBELL: So there will be some somewhere that this will be written down as to what the process is so that anybody can say to the court, can you explain the process. [LB954]

COREY STEEL: Yes. [LB954]

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SENATOR CAMPBELL: So even though it's not in statute, it's going to be written somewhere. [LB954]

COREY STEEL: Correct. We would "policize" that. [LB954]

SENATOR CAMPBELL: Okay. And the last question also for you to comment if you want to, does the language in the section with regard to the employee, does that fit with what you are looking at also? [LB954]

COREY STEEL: Absolutely. I mean all of that language and those changes we've worked on together. [LB954]

SENATOR CAMPBELL: Okay. [LB954]

COREY STEEL: And so there's nothing in there that we don't know about and Senator Krist, Janice, and Julie don't know about either. So we've sat at the table together and so that's what we would like to have in that statute. [LB954]

SENATOR CAMPBELL: Okay. Thank you, Senator Watermeier. [LB954]

SENATOR WATERMEIER: Thank you, Senator Campbell. Senator Mello. [LB954]

SENATOR MELLO: Thank you, Senator Watermeier. And thank you, Corey, for being here. I know it's been a long fall for some of us. You heard the Inspector General discuss the issue surrounding the request for rules and regulations for Probation that kind of started this process down the path that we're at today. Do you think it would be appropriate for the judicial branch to start to follow the Administrative Procedure Act that would help alleviate this moving forward? [LB954]

COREY STEEL: Without having reviewed fully that act, I couldn't comment because I'd have to definitely look into that act to make sure that all those things are, you know...I can't answer that I guess without reviewing that. [LB954]

SENATOR MELLO: The way...I can respect that. The way that Office of Probation now does the rules and regulations, is that a public process? [LB954]

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COREY STEEL: Public process in bringing outside entities in to write policy and procedure? [LB954]

SENATOR MELLO: Administrative Procedure Act generally process follows that an agency drafts the rule and regulation, makes it public, and the public can weigh in on those rules and regulations to give feedback, suggested changes, concerns, positive comments. That's the public process I'm talking about. Does the court follow that similar process through the Office of Probation when you do rules and regulations? [LB954]

COREY STEEL: How we do our policies and procedures is we don't send them out to the public, but we do talk with different entities that will give us feedback. For an example, as we were creating some policies and procedures regarding the fee for service system, we did request the behavioral health regional administrators, we did request the providers, and others to provide feedback on those policies and procedures on how that would work. So we would routinely go out and ask for additional comments, not just in the same fashion you've outlined. [LB954]

SENATOR MELLO: And Julie mentioned in her testimony that you recently made your rules and regulations available on-line recently the last couple of weeks. Are you required to do that under statute? [LB954]

COREY STEEL: To my knowledge, we're not required to do that under statute. It's something that internally we made the determination that it was best to do that. [LB954]

SENATOR MELLO: Is that a decision essentially, I think to maybe to follow up on Senator Campbell, is that a decision that you were able to make as the current Court Administrator? Is that something that we need to consider moving forward to require the court administration to publish that on-line, knowing that you may not be there forever? [LB954]

COREY STEEL: That was something that myself, Chief Justice Heavican, and Ellen Brokofsky sat down and decided and determined that there's nothing there that we should be concerned about as far as...you know, the work that we do in Probation is very difficult because we are working with people. And we are working especially a little more on the adult side with some individuals that could cause some harm. So there was some concern regarding putting policy and procedure on-line that somebody can read that and potentially be in working or in meetings with their adult probation officer or could be their juvenile probation officer, could set them up for some type of issue. And so that was our concern. I think we've eliminated that concern and we've said that we think it's best practice, and I'm working towards more transparency in order to do that. And so that's what the determination was. It's best to put those policies and procedures on-line, have everybody informed on them, and what have you. To go even a step further on that

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transparency, I talked with Julie quite a bit about we are now compiling all of our training documentation for her and her staff. We've invited her to some specific juvenile justice trainings. I've talked to her about if she goes...going down the road of investigation with the IG and her purview, I think it's best practice that she be well informed about the Probation system and understand the Probation system, even talked about if she can spare 18 weeks that she could go through new probation officer training so she could fully understand what it is to be a probation officer and the form and function of what they've done. Now I understand that Julie said the same thing--I don't have a spare 18 minutes let alone 18 weeks to go through new probation officer training. But we are going to continue to work with her and her staff to answer questions, to provide information needed, and to help assist her during her investigations. [LB954]

SENATOR MELLO: Are there ever any juvenile records that are confidential in nature that you guys as an agency give out to another individual, person, an entity without order? [LB954]

COREY STEEL: No. [LB954]

SENATOR MELLO: So every time you give out confidential information regarding juvenile justice records, there's a court order to give that information out. [LB954]

COREY STEEL: Correct. [LB954]

SENATOR MELLO: Okay. The last thing and to some extent, as I mentioned earlier, I'm appreciative of the work you and Julie and Senator Krist did to fashion a solution to address what we know are some lingering issues regarding that September 10 letter that you know I'm not a big fan of. What did you give up? What did the courts give up and what do you think the Inspector General; i.e., the Legislature gave up in this process to get to here? [LB954]

COREY STEEL: That's a great question because I've been asked that as well as by numerous entities. What we've given up is truly if we had our take on this, we wouldn't have any of that oversight. So the court firmly believes that the oversights shouldn't be there, that we're a third branch of government and the Chief Justice of the Supreme Court have the oversight over the branch. It was difficult for the system to hear that the work that's been done over the past couple of years...the hard work that's been done over the past couple of years was overshadowed by the fact of oversight. And so that was a difficult thing that we did internally as well to let staff know this isn't because we had an issue. This isn't because we had a huge fine. This isn't because there was something that happened that sparked all of this. It's a simple fact of the way we do business now. And so it's my job as the Court Administrator to not only the staff but also work with the judiciary to have them understand that this is where we are in today's world. This is where we are and we need to be able to prove up what we do. And so this is part of that proving up. In my

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mind in what I tell the staff of the juvenile services division and in my conversations with Ellen, we have nothing to hide. We feel that we do a magnificent job in serving the juveniles that we have and the adults that we have, whether it be the Office of Public Guardian, adult probation or juvenile probation, that we have nothing to hide that we do and we do our job well and we take pride in what we do. So that was probably the most difficult question that I got asked is what are we getting? It feels like from the branch's perspective that we were making all the concessions and the Legislature wasn't. So I had to educate as well. That's where the conversation came in that judicial records were going to stay outside of this realm. That was a big piece of this to educate the judges that this isn't--I think that you had said, Senator Coash--to have oversight over judges and judicial decisions and judicial discretion, so continue to educate and inform. That was a big piece right there as that's the independence of the judiciary. We say that's the foundation of the judiciary. So that was one of those that I think was conceded on both sides that Julie would need to now go in if she wanted something that was confidential in the court's file to petition the court on. And so I think there was give and take on both sides. It is a little more lengthier process for her to get the information, make the request to us and we go get that information. But I think that making those steps will get the information to her in a way that people aren't going to be notified there's an investigation as we talked about and that the judicial branch is, again that line, Senator Krist said that line of judicial discretion that the court is ordering that that information be (inaudible). [LB954]

SENATOR MELLO: Okay. Thank you. [LB954]

SENATOR WATERMEIER: Thank you, Senator Mello. Any other questions? I'd just like to publicly thank you, too, Administrator Steel, and the work you've done for the children in the state and the welfare of the state. Very good, thank you. [LB954]

COREY STEEL: Thank you. [LB954]

SENATOR WATERMEIER: Are there additional proponents to LB954? Welcome. [LB954]

KIM HAWEKOTTE: Good afternoon, Vice Chair Watermeier and members of the Executive Committee. My name is Kim Hawekotte. It's K-i-m H-a-w-e-k-o-t-t-e, and I'm the executive director of the Foster Care Review Office. The Foster Care Review Office is an independent state agency, and we are charged with oversight of all children that are placed in out-of-home care in the state of Nebraska. Under LB347, we were given the authority by each of you to also review Probation youth that are placed in out-of-home care. We do on an average probably 350 individual case file reviews every month of children in out-of-home care, and that does also include Probation youth. Currently under our statutes, just as it affects the Inspector General, we have to get individual court orders on each one of those youth on probation that we need to

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review. So that is why we are included under LB954 because we go through the same process. We have worked very hard with Probation since September 1 that what we do is for our case assignment we say these are the youth that we are going to review. We get that list to Probation. Probation, within about three to five days, has been very good about going in themselves and getting those individual court orders on those cases. After that happens, then they do send us documentation. I have requested that we have access to their on-line computer system just because that's what we use for N-FOCUS and we have been told, no, that is not going to happen. So we make requests for certain documentation, it is copied off, and it is sent to us within three to five days. So I don't want people to get the impression that Probation is not getting us the information. They are. It is right now a paper-type process. Compared to what we do with HHS where we have full access to the N-FOCUS computer system and my staff can sit in their office and do it and do those types of reviews. We also, Senator Mello, made a request for the rules and regulations because reality is I have to train 16 different staff that do these file reviews on what to look for on these cases. What do you need to look for? We also got a letter and were refused that and now have been made aware that that is available. Probation did do a training for some of my staff saying what their processes were. Because if we're going to look at cases, I need to know what the requirements are. What are they doing? What are they to be looking at in cases? I do feel the provisions of LB954 do help protect the Foster Care Review Office to ensure that we get the documentation that we need. But I just want to make it clear with everybody that we do have to still go through that court order process. In my perfect world, I will be working with Mr. Steel to ensure that when that form language is done it includes the Foster Care Review Office along with the Inspector General so if something in the bill needs to be looked at to ensure that that happens, to me that's the easiest way for the entire system to work instead of judges having to look at two different orders. Senator Coash, to go to your question, so far since we've started doing reviews October 1, we have had one judge refuse. And the reason for the refusal of our review was because it was preadjudication rather than postadjudication. I did have conversations with the judge and said I don't read the statute that way. And he was more than willing to set it for hearing and we just decided at that point we were not going to proceed because we would have, under our statutes, the ability to go into court and to dispute that situation. We decided at that time it was not worth it and we would instead work on getting the form orders done. Thank you very much for your time and your consideration of this important issue, and I'm here for any questions. [LB954]

SENATOR WATERMEIER: Thank you, Ms. Hawekotte, very good. Are there questions from the committee? [LB954]

KIM HAWEKOTTE: Thank you. [LB954]

SENATOR WATERMEIER: Thank you. Are there further testimony as proponents of LB954?
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TOM McBRIDE: (Exhibit 2) Good afternoon. My name is Tom McBride, T-o-m M-c-B-r-i-d-e, and I'm representing Nebraska Juvenile Justice Association. I'm providing testimony today not as a legal expert but rather as someone who has been involved in the justice system around the state of Nebraska for close to 40 years and associated with NJJA. I see LB954 as a process to continue the work begun in 2014, and I applaud the efforts to communication and collaboration accomplished by each entity involved in making LB954 what it is today. Senator Krist, I've involved...you know, really appreciated the conversations that you and I have had in the past regarding this. We should never be afraid of talking about addressing issues that can make the juvenile justice system better. And I'm proud to know that there are so many of you who embrace that, not only in talking about them, but making the system better without falling prey to system upheaval. We can't ignore the fact that situations existed prior to LB954 that caused a great deal of angst to those involved in our juvenile justice system. LB954 demonstrates that give and take, statesmanship, respect and concern for the greater good is an effective course of action. As we proceed in our efforts to create the very best juvenile justice system in the country, we must realize that issues and concerns will arise, some more impactful than others. We must also continue to realize that each entity involved is trying and believes in doing their very best to promote this system. LB954 illustrates how this can be accomplished in an appropriate fashion. I understand the issues raised by Senator Coash and Senator Campbell. And I believe the ethic and integrity of Inspector Rogers and Administrator Steel that they'll work to continue the work necessary, you know, in resolving those issues. I believe in oversight. I always have except for maybe a few years, you know, in my teen years where oversight wasn't perhaps, you know...and that didn't prove out well. So I do believe in oversight and what's the result from that. In our current system, we need to celebrate the successes more diligently to overcome areas that are not performing as we would desire. From the court system, the Office of Inspector General, Legislature, Probation Administration, providers, and those tirelessly providing the day-to-day services, we need to respect, recognize, and thank them for all that you have done to get us to this point. And at the beginning of the day, the end of the day, it's all about the youth of Nebraska and our families and our communities. And I want to thank you for your work in providing it to our kids. [LB954]

SENATOR WATERMEIER: Thank you, Mr. McBride. Are there questions? Senator Krist, go ahead. [LB954]

SENATOR KRIST: I can't ask a question, but I just want to say thank you for all your service to the kids and families and to this country. [LB954]

TOM McBRIDE: Thank you. [LB954]

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SENATOR WATERMEIER: (Exhibit 3) Thank you, Mr. McBride. Are there further testimony in proponents of LB954? Seeing none, I do have a letter here from Voices for Children, a letter of support, put that in the record. Is there anyone here today to testify in opposition to LB954? Anyone here in neutral capacity for LB954? Senator Krist. [LB954]

SENATOR KRIST: First of all, in addition to the bill and you heard some of the background, the noise that happened during this negotiation; and I would remind you that that's as important to codify where we are as what's written on paper. An example of that is we have an annual report that's due. What we didn't codify was exactly what should be in that report. So now we have an understanding between Probation and the IG what kind of report are we going to write and what information is required. And that happened as a result of this process. The second thing I will say is that it was my intention to Senator Coash and to Senator Campbell's questions that we would codify in law in LB374 what was required. And I was angry, frustrated, dumb-founded, hurt that the judicial branch, and particularly a judge, would completely disregard the law and not follow what we had put into law and the Governor had signed. And I'd be remiss if I didn't recognize that today. However, the negotiation that we went through have led us to a point where we now have, I think, in addition to what was codified in LB374, put into as much as we can into law what needs to happen. I want to thank Janice Walker and Corey Steel for all the work that's been done up to this time. And I assure you that when we were working with that process and Mr. Steel was in Probation there were and there will continue to be now much better relationships in terms of what happens in Probation. I think if Corey were still there we might not have the issues that we are having today. And publicly I'm just going to say that I really appreciate what he has done to rein in the process. The letter from Mr. Steel was a catalyst for many things to happen. There will be...I am drafting a letter back to Mr. Steel and citing some of the things and making sure that we cover that as a matter of legislative record. And that will be entered into the record, and I'll send it to him and send a copy to each one of my colleagues. We have retained outside counsel because constitutionally we needed to have that counsel. And I will promise each of you, those that will not be here for the next couple of years and I will be, that if we do have a situation again, I will not hesitate to litigate to make sure that a judge follows through. That is our only recourse at this point. But I don't think we're there. I think the understanding that we have, the negotiation that's gone on, what's contained in LB954 and particularly what Kim Hawekotte has brought forward is a reasonable expectation for all concerned in this process. And I want to thank you for your attention. [LB954]

SENATOR WATERMEIER: Thank you, Chairman Krist. I appreciate the comments, and I would like to publicly state, too, I know that was quite a process that went through and you put your heart and your soul into it so thank you, Senator Krist. With that, we will close the hearing on LB954. [LB954]