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Health and Human Services Committee
February 23, 2017

[LB179 LB297 LB298]

The Committee on Health and Human Services met at 1:30 p.m. on Thursday, February 23, 2017, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB297, LB298, and LB179. Senators present: Merv Riepe, Chairperson; Steve Erdman, Vice Chairperson; Sue Crawford; Mark Kolterman; Lou Ann Linehan; and Matt Williams. Senators absent: Sara Howard.

SENATOR RIEPE: We're going to go ahead and get started. This is the Health and Human Services Committee. We welcome all of you here. I'm Merv Riepe. I'm the Chairman of the Depart...of the committee. I about called it a department. (Laughter) That will make Courtney Phillips nervous. I represent District 12, which is Omaha, Millard, and Ralston. And we have committee members. Some are here today and some will be joining us. I'm going to have them do self-introductions. If they come in later, I will announce and identify them or ask them to do that. At times, some of our members will be coming and going because they do have other committees that they are either testifying at or they will be introducing some of their own bills at. So that said, I am going to start off here with Senator Erdman and have him start, then I'll ask legal to follow.

SENATOR ERDMAN: Hi. I'm Steve Erdman, District 47, which involves ten counties in the Nebraska Panhandle.

KRISTEN STIFFLER: Kristen Stiffler, legal counsel.

SENATOR WILLIAMS: Matt Williams, District 36: Dawson, Custer, and the north part of Buffalo Counties.

SENATOR LINEHAN: Lou Ann Linehan: Douglas County, western Douglas County, Elkhorn, Waterloo, Valley.

TYLER MAHOOD: Tyler Mahood, committee clerk.

SENATOR RIEPE: Thank you very much. And with us as our pages today we are privileged to have Brianne Hellstrom, who is from Simi Valley, California; along with Jordan Snader, who is from Oakland, Nebraska. They're both students here at the University of Nebraska at Lincoln and we're pleased to have them. The committee will take up bills. This is your opportunity to get engaged with the democratic process and we encourage that. You will also see some members who will be using laptops and we encourage that as well. Much of the information that some of

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us have in files they have on their laptops. Rules of engagement: We ask you to please silence or turn off your cell phones. If you are going to testify or if you're introducing, we ask you to move to the chairs in the front. That helps us move the process along. The order for testifying is, first, the individual, the senator who is introducing the bill, will give introductory remarks. There is no time limit on that. Then we will follow with proponents, followed by opponents. We will ask anyone that is testifying in the neutral capacity to do so. I will then ask Tyler, our committee clerk, to read any letters that may have come in. And with that, then we afford the introducing senator an opportunity to come back on what we call the closing. The...if you're coming up to testify, while I said that the introducer gets the unlimited time, if you're coming up as an opponent or proponent, we go on to the clock and that is we have a five-minute clock in Health and Human Services Committee. You'll see a green light that goes for four minutes, then it goes to the amber for a minute, and then it will go to the red. When it gets to the red, we ask you to try to, in an orderly way, summarize your remarks. And if it runs substantially beyond that, I will be asking you to pull it to a conclusion best you can. We just have to keep the committee moving. In that sense, we also ask you to be concise. If other items or subjects have been covered, we'd ask you to be respectful of that as well. We have Senator Crawford who's now joining us and we appreciate that. There's also a piece that I want to read into the record. If you will not be testifying at the microphone but want to go on record as having a position on a bill being heard today, there are white sign-in sheets at each entrance where you may leave your name and other pertinent information. These sign-in sheets will become exhibits in the permanent record at the end of today's hearing. Written materials may be distributed to committee members as exhibits only while testimony is being offered. Hand them to a page for distribution to the committee and staff when you come up to testify. We will need ten copies. If you don't happen to have your copies then please notify the pages. They have been very good, very helpful in terms of making sure that we can get those needed ten copies. Today we are going to be looking at three different bills and we are honored and pleased to have our first bill, is LB297. Senator McCollister. So the microphone is yours, sir. [LB297]

SENATOR MCCOLLISTER: (Exhibit 1) Good afternoon, Chairman Riepe and members of the committee. I'm John, J-o-h-n, McCollister, M-c-C-o-l-l-i-s-t-e-r, and I represent the 20th Legislative District in Omaha, Nebraska. Today I'm presenting LB297. As introduced, this bill would reestablish a pilot project known as the Children and Juveniles Data Pilot Project. The project would be administered by the Foster Care Review Office. There is no fiscal impact for this bill. The original out-of-home data project was created in 2015 as a part of LB265. It allowed data collection across multiple agencies to be compiled and compared to allow analysis and oversight of Nebraska youth placed in out-of-home care. The pilot project advisory group made recommendations regarding the structure of the project, including suggestions on how to focus future efforts. The 2015 pilot project advisory group determined that a data warehouse would be a useful tool worth pursuing. The group identified two major challenges to creating and managing such a warehouse. They were: number one, the technical challenges of comparing data

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across different platforms; two, the legal restrictions related to sharing information about youth. The advisory group recommended establishing two separate subcommittees, each with the expertise to address one of the challenges. LB265's sunset date on January 1, 2017, brought the first phase of this project to an end. LB297 would continue the work started in 2015 and include the structural composition and strategies recommended by the 2015 advisory group. The new title of Children and Juveniles Data Pilot Project would signify it to be of greatest benefit. Analysis of youth placed in out-of-home care necessarily requires thorough reviews of events before and after out-of-home placement is made and it must be compared to analysis of youth who were not placed in out-of-home care. LB297 would establish the subcommittees recommended by the 2015 group and specifically identify the agencies and areas of expertise they would need to be to participate. To encourage meaningful participation, the bill would require that the data warehouse be created by July 1, 2019. The Children and Juveniles Data Project would be required to establish the technical and legal framework to fulfill the statutory requirement. The work of LB297 advisory group and the Data Steering and Information-Sharing Committees would terminate on December 31, 2019. In response to a recent request from the Department of Health and Human Services and a suggestion in Speaker Scheer's February 22 letter to this committee and my office, I am offering AM365 for your consideration. The amendment will become the bill. The amendment will become the bill. The Children and Juveniles Data Pilot Project would be redefined as the Children and Juveniles Data Feasibility Study. The objectives of continuing this work performed under LB265, enabling advisory group members to bring their agency's data to the table to serve as the basis for creation of the data warehouse, would remain unchanged. In (2) on page 1, the director of the University of Nebraska at Omaha Juvenile Justice Institute or his or her designee would be eliminated from the advisory group. Again in (2) on page 1, the chief executive officer of the Health and Human Services or his or her designee would replace the four DHHS division directors, currently named as advisory group members. In (e) on page 2, the phrase, inclusion of recommended statutory changes, would be removed and new language would be added to clarify that the results of the feasibility study shall not be binding on any agency. I know this committee is familiar with the fine work of the Foster Care Review Office. Director Hawekotte will follow to explain the continuing work proposed in LB297. Thank you. [LB297]

SENATOR RIEPE: Thank you, Senator. One of the quick questions I had was on page 1 it talks about feasibility study. Will that add a fiscal note to it or... [LB297]

SENATOR McCOLLISTER: No, it will not. [LB297]

SENATOR RIEPE: That's out of the university, is it? [LB297]

SENATOR McCOLLISTER: No. There's no fiscal note... [LB297]

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SENATOR RIEPE: Oh, okay. [LB297]

SENATOR McCOLLISTER: ...as revised. [LB297]

SENATOR RIEPE: Okay. Thank you. Other questions? Senator Williams. [LB297]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, Senator McCollister. I just want to be sure between reading the bill and the amendment, the group that participates in the advisory committee has been reduced in number primarily, right? [LB297]

SENATOR McCOLLISTER: Yes, sir. [LB297]

SENATOR WILLIAMS: And then your second major change was on that the feasibility study will not be binding... [LB297]

SENATOR McCOLLISTER: Right. [LB297]

SENATOR WILLIAMS: ...in the agency. If it's not going to be binding, will it serve any significant purpose? [LB297]

SENATOR McCOLLISTER: I think so. The people that will be involved in this take the work seriously and I think they invest the time. They'll take the recommendation seriously. [LB297]

SENATOR WILLIAMS: Thank you. [LB297]

SENATOR RIEPE: Senator, I noticed that you note here on page 2 it says, "shall meet regularly." I'm just curious what your... [LB297]

SENATOR McCOLLISTER: It's whatever they decide. [LB297]

SENATOR RIEPE: Whatever they decide. Okay. Thank you. Other questions? Senator Crawford. [LB297]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Senator McCollister, for bringing this forward. It discusses a data warehouse component. It also talks about information sharing. Is part of the intention also to...is the sharing just in terms of we're storing our data

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somewhere, or is this also an initiative to try to improve communication and access to data across those agencies? [LB297]

SENATOR McCOLLISTER: The latter. [LB297]

SENATOR CRAWFORD: Okay. [LB297]

SENATOR McCOLLISTER: Yeah. It's not simply a warehouse. And I know they intend to use the information for a positive result. [LB297]

SENATOR CRAWFORD: Right. Thank you. [LB297]

SENATOR RIEPE: Okay. Very good. Are there any other questions from the committee? Hearing none, we thank you. And will you be staying for closing? [LB297]

SENATOR McCOLLISTER: I don't think I'll be here long. I think we only have a couple of proponents and we don't anticipate any opponents. So I will stay. [LB297]

SENATOR RIEPE: Okay. Thank you. Proponents, please. [LB297]

KIM HAWEKOTTE: (Exhibit 2) Good afternoon, Chairman Riepe and members of the Health and Human Services 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 for the Foster Care Review Office. It's great to see you again being it was just yesterday. And I'm here today to speak as a strong proponent of LB297 and to really thank Senator McCollister and his staff for offering it and in doing all the hard work that we've done on this in the last six months. In my written testimony again I did clarify the Foster Care Review Office, just to be clear, is an independent state agency. We are not an executive agency. We are an independent state agency. We're not affiliated with Health and Human Services, the courts, or any child welfare entity. We serve under our own board of directors that runs our agency. And as we talked about yesterday, our role is to really do two things: do that individual case file review level but then also to collect data and to be able to analyze the data on the reviews that we do, do. For example, I tried to come up with some examples as we are thinking about that. So consider, for example, what we might learn about how to keep children safe and succeed if we could combine poverty data from Health and Human Services along with child characteristics and outcome data from the Foster Care Review Office, along with educational data on how that youth is doing in school. Right now we have no ability as a state to combine all those great data points together, but we could really get a more whole picture as to what are those key indicators that go on in a child's life that ensures success as they get older. And in

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order to really do this or do any type of project like that, we have to consider how we would move that child welfare system forward. And I know we had some discussions yesterday and Senator Kolterman asked some questions. In order to move the system forward we need good data. We need to know what works and what doesn't work. And if we don't develop a system and take the time to develop a good system, we will never figure it out. So on the second page I really gave you some ideas that what we could maybe figure out with some type of data warehouse or the ability to share this data. You know, are children better off as a result of out-of-home placement? We don't really know that. We would like to believe as a system that when we remove a child from their home that they will be better off, and when we return them to the home they are better off. We need the ability to do that. What are the key indicators for successful outcomes? What are the key services that work for that child or for that particular issue? We don't right now have any type of warehouse system, data system, that allows us to do that type of data mining to get to it. One of the questions that I know has been proposed to our office that we cannot answer but what adults in the correctional system were involved in child welfare and our juvenile justice? I mean, we know based upon national research there's a huge correlation there, but we can't tell you from our state level because, again, those data sets do not talk to each other or be combined. So to create this type of system and to understand these questions, as Senator McCollister said, back in 2015 this committee did go forward with and the floor did bring into session LB265, which became codified in 43-1322. We did work on this project for two years and I have attached to our testimony a copy of the report that was completed that shows the great work that was begun. But then it sunset. So this bill really is to keep it forward. What the report back in January 8 of 2016 with regards to the pilot said that I think is so important, that if we don't go forward with this feasibility study we really run three risks. The first is we're going to have continued dependency on singular agencies, so you'll hear each of us agencies report our particular data but not how it all interfaces together. We're going to open ourselves to more frequent resort to criticisms between agencies. It's much easier to criticize other agencies when you don't have to share information. And perhaps an ever-increasing role in the anecdotal-type inklings driving our public policy, so we become, as we talk about in our agency, the magic wand or the shiny object that's out there instead of really looking at what the whole area is. We really believe it would be a proactive use of effective data analysis via data warehouse would help us mitigate these type of risks. So first question is, what is a data warehouse? That is defined in the statute as to what it is. One of the things that I did explain in my testimony, and I know I'm on the amber light and I want to give time for questions, is there's a difference between a transactional data integration and applied data integration. We have great transitional data integration systems. We have N-FOCUS. We have NCJIS with the Crime Commission. We have Foster Care Review Office. We have JUSTICE. They're great for doing that transaction. But we don't have any data integration efforts which put those systems together so that we can combine all that information into one. So that's really the object of LB297 is to create this advisory group so we can sit down and start talking about those two levels. First, we

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have to talk about from a technology standpoint, can these systems talk together and what would it take and what would it cost to do that. Sorry, may I finish? [LB297]

SENATOR RIEPE: Please do. [LB297]

KIM HAWEKOTTE: And second is to then also look at, with the attorneys and legal people around the table, is what are the impediments to sharing information? We all know as a system we have HIPAA rules, we have FERPA rules, we have our own state laws. We need to sit down as an advisory group and figure out which laws are really causing the impediment to sharing information. So it's our goal to have LB297 go forward from this committee. We would greatly appreciate it because we'd like to continue with the hard work that we have done. I will gladly try to answer any questions. [LB297]

SENATOR RIEPE: Thank you, Ms. Hawekotte. Senator Crawford, please. [LB297]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Ms. Hawekotte, for being here. So as I...I think what I'm hearing you say is the function of the data sharing would be...really be to pull these data systems together for analysis. [LB297]

KIM HAWEKOTTE: Correct. [LB297]

SENATOR CRAWFORD: So this is really a bill to allow us to have the data in one place so that we can do analysis and put variables from different systems in the same... [LB297]

KIM HAWEKOTTE: Correct. [LB297]

SENATOR CRAWFORD: ...analysis. [LB297]

KIM HAWEKOTTE: To determine the feasibility of that and determine how that would occur. There are other states out there that have done this and have found it to be much more effective, because then you can get to a lot deeper questions and do a lot more research with regards to all the different indicators and variables that now you can put together that right now we can't, not without a lot of manpower. [LB297]

SENATOR CRAWFORD: Right. All right. Are you concerned at all about the lack of mandatory language that was mentioned earlier? [LB297]

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KIM HAWEKOTTE: At this point, no. [LB297]

SENATOR CRAWFORD: Okay. [LB297]

KIM HAWEKOTTE: Everybody that sat around the table for the last two years is very willing and wants to go forward with this. We did run into impediments, especially from a legal standpoint,... [LB297]

SENATOR CRAWFORD: Uh-huh. [LB297]

KIM HAWEKOTTE: ...and that's why the recommendation of the group previously was we really need the two groups working on the two different sets. Because, to be very frank, I don't understand the technology piece. They talk a different language. But one of the issues they dealt with is when youth in Department of Education has one number and in HHS system they have a different number and Probation they have a different number, we have no uniform number for each child in this state so you would have to develop the technology in order to make sure that Johnny in each of those systems was the exact same person. That's a lot of the items they were working on. And then the second group really dealt with more what can we share, and that project started many years ago with the Georgetown project and it just hasn't gone forward and we want to make sure that it continues forward. [LB297]

SENATOR CRAWFORD: Thank you. [LB297]

SENATOR RIEPE: Senator Williams, then I'll go to Senator Linehan. [LB297]

SENATOR WILLIAMS: Go ahead. [LB297]

SENATOR LINEHAN: No, go ahead. [LB297]

SENATOR WILLIAMS: Thanks, Director Hawekotte, for being here. With your legal background and that concern, I just want to probe that just a little bit more about the HIPAA regulations and others that are we walking down a path where we have different agencies and different groups that would have access and eyes on this information that could cross those legal... [LB297]

KIM HAWEKOTTE: That's what the concern was. [LB297]

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SENATOR WILLIAMS: ...confidentiality laws? [LB297]

KIM HAWEKOTTE: Right. You're correct, Senator, and that's what the concern was in the previous years and why we really felt we needed a special group to work on that issue. Other states have tackled that issue and been able to solve that problem, especially through the use of memorandums of understanding. And for each agency when you put it into that data warehouse you can only get back out the information that legally you should be able to get back out so that you're not crossing it. They've used a lot of memorandums of understanding based around the HIPAA, FERPA, and all the other laws that are out there. [LB297]

SENATOR WILLIAMS: The data that we are talking about, I'm assuming that most of this data is available already. It's just not put into the warehouse concept. [LB297]

KIM HAWEKOTTE: Correct. [LB297]

SENATOR WILLIAMS: Okay. If other states have done this--and you said you were not the techie, and neither am I--but is the software available that can handle these kind of things... [LB297]

KIM HAWEKOTTE: Yes. [LB297]

SENATOR WILLIAMS: ...without a significant cost to the state of Nebraska? [LB297]

KIM HAWEKOTTE: Well, that was part of and that's part of LB297 is really to go that next step to start looking at what would it cost, because we have found that group did find certain programs that are available that would have the ability to, like, do the comparison that Johnny is the same across all systems and that would have the ability to integrate all the data. That technology is out there. We never did get to the point of determining what would it cost. And that's part of why we need this to continue so we can determine what would the cost be so that when we come back to this committee in two years we all know what the costs would be per agency and also to set up this warehouse. Some states, Senator, have set up a warehouse as a separate state agency and that just becomes the warehouse for the data. Other states are affiliated with universities and it's the universities that house the data warehouse. There's two or three different models out there that the hope is that this group would then really look at and determine which is the best way to go. [LB297]

SENATOR WILLIAMS: I guess the last question I have is when considering, and for those of us that have worked with data storage and the confidentiality issues at the same time, cybersecurity

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is number one on our minds. And I would assume that your group would be addressing those potential risks with this information. [LB297]

KIM HAWEKOTTE: Very much, Senator, and that's why we wanted to ensure that the CIO's Office continues to be involved so that we can ensure this is all state agency information at this point, that it remains state agency information, and that it isn't an outside information source. So, yes. [LB297]

SENATOR WILLIAMS: Thank you. [LB297]

SENATOR RIEPE: Senator Mark Kolterman has joined us from...he's from Seward, Nebraska. [LB297]

KIM HAWEKOTTE: Hi, Senator. [LB297]

SENATOR RIEPE: And with that, then I'm going to switch over to Senator Linehan for a question. [LB297]

SENATOR LINEHAN: Just...thank you, Mr. Chairman. I do have a question. I'm just going to question something you just said. Didn't you say education records, too? So that wouldn't be state data, or is that considered state data? [LB297]

KIM HAWEKOTTE: Well, the State Department of Education also has records that the schools send in to the State Department of Education. [LB297]

SENATOR LINEHAN: Okay. So that's how it would become. [LB297]

KIM HAWEKOTTE: Uh-huh. [LB297]

SENATOR LINEHAN: Okay. Who owns this when it...if you...that you set up this database, then who owns it and who gets to use it and what are the rules? [LB297]

KIM HAWEKOTTE: I think that's the whole object of LB297 is to figure that out, Senator, is who would own it. I think each agency has to own their own data. It's our data. We own it. And the way some states have set it up, Iowa as an example, Iowa does have a data warehouse in their juvenile justice area where each agency continues to own their data. There is a memorandum of

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understanding that they're sharing certain pieces of their data into the data warehouse. But then only certain other people can access it within that warehouse so there's a control over it. [LB297]

SENATOR LINEHAN: So what are the states that have done this using the data to do? Give me an example of how this would be hugely helpful and you could do what? [LB297]

KIM HAWEKOTTE: I think what I started out with, Senator, was a prime example, because what some states have done is taken a lot of their child welfare data and integrated it with their poverty data and see...and state information across the state to see is there an impact between poverty and the child welfare system. Because, as we discussed yesterday, we talked about how children are going into out-of-home care due to neglect; that they're coming in from...to out-of-home care because of neglect. Is that because of a poverty issue that we can maybe solve in a different fashion rather than using state funding for out-of-home? Another key piece to me when I talked yesterday about the educational piece, we talked about, if you'll remember, children changing placement and then changing schools... [LB297]

SENATOR LINEHAN: Uh-huh. [LB297]

KIM HAWEKOTTE: ...and they're getting so behind academically. [LB297]

SENATOR LINEHAN: Uh-huh. [LB297]

KIM HAWEKOTTE: By combining the child welfare and the educational data, can we see what the impact of that truly is long term? Right now, we don't have an ability to do that. Our instinct says, well, yes, it has to be that, but we can't do the actual research. For me, it really is getting to that next step, too, Senator, to be able to answer what are the key services that we need for these children in out-of-home care based upon what the issues were that they came in for. If we can't start to answer those questions, how do we develop appropriate services to know that's going to improve the situation? That's what a lot of states have used it for, to really look at their service arrays and determine are those services impacting the right children or youth to get the results and the outcome that they want. And if they're not, then they change the services. [LB297]

SENATOR LINEHAN: So could you provide the committee with an example from a couple of states that have already done this and how they're using it? [LB297]

KIM HAWEKOTTE: Off the top of my head, maybe not, but I'll gladly get that back to you and give you some examples. Because when you look at the state of Oregon and Washington, they have done some major research projects based upon their data warehouse and I can get you some

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examples and will gladly send it out to each of you as to some examples and research that you could find on it. [LB297]

SENATOR LINEHAN: Okay. That would be everything. Thank you very much for being here. Thank you. Thank you, Mr. Chairman. [LB297]

SENATOR RIEPE: Thank you. Are there additional questions? Seeing none, thank you very much. [LB297]

KIM HAWEKOTTE: Thank you. [LB297]

SENATOR RIEPE: And we will take additional proponents. Welcome. If you will state your name and spell it, we would be glad to have you start. [LB297]

BETH BAXTER: (Exhibit 3) Good afternoon, Chairman Riepe and members of the Health and Human Services Committee. My name is Beth Baxter, B-e-t-h B-a-x-t-e-r, and I'm testifying in my capacity as the chairperson of the Nebraska Children's Commission in support of LB297. The Nebraska Children's Commission is a high-level leadership body that was created by the Legislature to reform juvenile justice and the child welfare systems, and has consistently made recommendations supporting the creation of a unified database to collect and share data across systems. I'm here today to just share these recommendations and provide some insight into why the Children's Commission came to recommend the data warehouse as an essential element of the child welfare and juvenile justice systems. The commission has made it a goal to utilize technological solutions to information exchange and ensure measured results across the system of care back in 2012, and we've moved those forward. The vision for achievement of this goal includes that all systems communicate openly and effectively, a shared information system exists, and information is used to connect families and children with the resources they need at the community level. The commission has engaged in in-depth research and consideration of a number of technological solutions to achieve this vision and goal, including a data warehouse, predictive analytics software, and case management software platforms. While there's a number of potential solutions to the need for information exchange, data warehouses have consistently emerged as a beneficial solution. And you've heard Ms. Hawekotte talk about those benefits. Agencies across the state of Nebraska maintain their own systems for collecting data because we know that many of the children touch and cross over into multiple systems. Instead of a large-scale change to agencies' existing data collection systems, this pilot project would determine a way to bring together the data that is already being collected and enhance agencies' responses to the Nebraskans that they serve. The commission recognizes a singular data repository as a component of a seamless system of care. A recommendation adopted by the Children's Commission in 2015 identified the need for a data warehouse as a solution to what we often see

as silos across agencies and across services. Decisions throughout all levels of the child welfare system must be made based on timely and accurate information. The system needs mechanisms that allow for the gathering, tracking, analyzing, and sharing these essential information points across the system. Children and families in the child welfare system are often involved in other systems that have knowledge and responsibility for one aspect of that child and that family's life. Shared data repositories may also allow for better decision making at the public policy level because more comprehensive information is available to various people across the system. This is essential for the responsible and effective allocation of resource and sometimes they are the scarce resources, and so we want to make sure that we allocate those effectively. A thorough understanding of what resources that a youth uses and the outcomes the youth experience provides the information needed for policymakers, decision makers around how do we distribute those resources in an equitable and effective manner. While this proposed database is statewide, it will have important benefits for communities in determining how to develop services in need. In 2015 the commission recognized the Out-of-Home Data Pilot Advisory Committee, which was created by LB265. And I think there's been a definition and some background provided to you earlier today about LB265. The Children's Commission recommends that the data repository must include data from all systems that a child may be involved in: the courts, Probation, Medicaid, Developmental Disabilities, Behavioral Health, and education. This ensures that agencies have a holistic view of the population that they serve and the needs at the community level. To create this data warehouse, all agencies must be represented and engaged in the designing of the system, and we've outlined a mechanism to do that, to bring those, the experts and the leadership from those systems, into this process. So in conclusion, thank you, Senator McCollister, for introducing this bill and thank you to the committee for your consideration. I'm happy to answer any questions that you might have but I might add that I'm not a technological guru either. (Laughter) Okay. [LB297]

SENATOR RIEPE: Thank you very much for being here. [LB297]

BETH BAXTER: Thank you. [LB297]

SENATOR RIEPE: I have a quick question. I think in your testimony you talked about the pilot project. Is that...the feasibility study, are you... [LB297]

BETH BAXTER: Right. Yes. [LB297]

SENATOR RIEPE: ...is that interchangeable? [LB297]

BETH BAXTER: Uh-huh. [LB297]

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SENATOR RIEPE: Okay. I just wanted to make sure we were working on the same terms. Are there questions from the committee? Senator Williams. [LB297]

SENATOR WILLIAMS: I have one. And thank you, Ms. Baxter, for being here, and you might not be the right one to ask this question of, so other people that are listening back there, especially the lawyer back there. This information as we're seeing it from what you just requested crosses branches of government. Do we have any separation of powers issued with information from one branch going into a data warehouse with information from another branch of government? [LB297]

BETH BAXTER: And I don't know the answer to that. And maybe Ms. Hawekotte... [LB297]

SENATOR WILLIAMS: I know Ms. Hawekotte is back there listening and she's going to talk to me later about that, right? (Laughter) [LB297]

BETH BAXTER: Okay. I think that's a great question and one of those... [LB297]

SENATOR WILLIAMS: Thank you. [LB297]

BETH BAXTER: ...probably one of those areas that need to be kind of fleshed out and talked about. And you know, sometimes working with data in these type of technological solutions really helps us kind of push ourselves to look at new ways of doing business in effective ways. And I can't.... [LB297]

SENATOR WILLIAMS: Yep. [LB297]

BETH BAXTER: ...help but think that this project will help us do that. [LB297]

SENATOR RIEPE: Okay. Senator Crawford, and then Senator Linehan. [LB297]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Ms. Baxter, for being here and for your work on the Children's Commission. I wondered if you could help us understand perhaps a question or puzzle that's been before the Nebraska Children's Commission that access to this kind of data would help you to address. [LB297]

BETH BAXTER: Well, I think it allows for a collaborative process so that, you know, sometimes it may be...there may be, for whatever reason, some challenges in sharing data across systems.

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So I think what this provides is that collaborative process that brings people together in the creation, talking about those challenges, those issues, those barriers that may be in one system that's maybe not perceived in another system or across those branches of government. So I think that in itself will be very helpful, to be able to work through those challenges, talk them through, understand, you know, the mandates and the responsibilities across those systems. [LB297]

SENATOR CRAWFORD: And you'll be able to, I guess hopefully, even examine differences in different jurisdictions, different regions,... [LB297]

BETH BAXTER: Right. Uh-huh. [LB297]

SENATOR CRAWFORD: ...maybe the effectiveness of a regional outreach program... [LB297]

BETH BAXTER: Exactly. [LB297]

SENATOR CRAWFORD: ...to youth or a prevention program to be able to see if it makes a difference. [LB297]

BETH BAXTER: Right. And, you know, and I believe it will enrich those of us who come before you on a regular basis to share information or to share challenges across the system. We will be able to bring information that's much richer, that's much fuller. You know in my work in behavioral health, I can bring you that kind of data but I may not be able to access data for maybe that same child who is in the child welfare system or somewhere else. So it's not only going to make it easier for me and provide a way to make better decisions; I'm going to be able to bring better information when we present information to you. [LB297]

SENATOR CRAWFORD: Thank you. [LB297]

SENATOR RIEPE: Senator Linehan. [LB297]

SENATOR LINEHAN: Thank you, Mr. Chairman. Thank you very much for being here, Ms. Baxter. I'm a little...from your testimony, it sounds--and maybe I'm misunderstanding something here--your testimony, it sounds as if you see this as a system that you would use on a daily basis so we avoid silos. And it's based on timely and accurate information and so you could work together and use it in real time versus whether it's a research...or maybe it's both? [LB297]

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BETH BAXTER: I would say it's both. And in the work of the Children's Commission, I mean it will help us because, well, we get regular reports on a variety of issues and mandates and charges that the commission has been given by the Legislature. So we will have access to, and those who work on the various committees and task forces will have access to, that information that's not in a siloed fashion. [LB297]

SENATOR LINEHAN: So would you see this system as if you're working a juvenile case, let's say Johnny, as the woman who testified before you said that there are different numbers. You get all the same number and all the information. So it would be a real-time situation where if you were working that case you could pull up the information from all the agencies and also, since you have all the information together, you could also do research. You see it as both, filling both? [LB297]

BETH BAXTER: I would say so. And probably in the process of, you know, this is an exploratory process as well and so in that process I think those types of uses for the data, the benefits from it, will be looked at and examined and will have a much broader and clearer picture of that. [LB297]

SENATOR LINEHAN: Okay. Thank you very much. [LB297]

SENATOR RIEPE: Okay. Thank you. There any additional questions? If not, thank you very much. We will take additional proponents. Any additional proponents? Any opponents? Anyone speaking in opposition? Seeing none, are there any in... [LB297]

LARRY STORER: I'm an opponent. [LB297]

SENATOR RIEPE: Are you an opponent? [LB297]

LARRY STORER: I'm an opponent. [LB297]

SENATOR RIEPE: Okay. Please come forward. [LB297]

LARRY STORER: I've got about seven years' worth of documents and things, but thank you. [LB297]

SENATOR RIEPE: Okay. Thank you. [LB297]

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LARRY STORER: My name is Larry Storer, S-t-o-r-e-r,... [LB297]

SENATOR RIEPE: We'll give you five minutes to do seven years. [LB297]

LARRY STORER: ...5015 Lafayette Avenue. I want to thank you all for the work that you are doing, but again I want to reiterate that you have a totally different viewpoint than a grandparent would have, particularly a grandparent that wants to be involved, has tried to be involved, and who has met many roadblocks. And I'll reiterate once more that a lot of that is due to the privacy laws and how they're interpreted, both by the people applying it but also misapplication of it. Going back to about 2009 when I started gathering all this information from various organizations and professionals, one thing stood out, was that if I'm a team member that I'm entitled to information and share information and request information, except for personal psychotherapy notes. But in practice, over all these years, the school systems in Nebraska, the state agencies, the out-of-home care agencies, the DD agencies, the senators, the Ombudsman, maybe even the Attorney General all refuse to talk about what their understanding of that law is, such as the IDEA, HIPAA, FERPA. And federal government documents imply that a person that...family members may not be just a parent. It might also be an interested grandparent or an interested neighbor that's highly involved, that is invited. They are then a team member. So I say, all the work that you're doing is important. But I can also say that having gone to a lot of board meetings in Omaha that this data collection topic that we're on...well, first of all, are we talking only juvenile justice, because I hear Mr. McCollister refer to out-of-home care? Out-of-home care might also involve what, DD services or a temporary community home placement? Well, where are we going to draw the line? Can you do all of this that you're talking about for a juvenile that's into the juvenile justice system and only under court order, then only under a judge's thing? I think not, because all of these agencies and yourselves are now talking about we're going to collect data. Well, I was a computer programmer. You can't collect data without input. How do you get statistics to come and ask me for tax dollars when you don't talk to the people that need the services, first of all? You know, are all children able to give you accurate data? I doubt it. Do they know what you're doing? I doubt it. Do the people asking the questions of the kids you're gathering data on know the kid? I doubt it. So you're input, to start with, is rather bad. Douglas County, I think they're escaping from under the TerraLuna contract that they had. Spent a lot of taxpayer dollars and what do they come out of with? Well, you have a lot of disparity in your juvenile services, particularly juvenile court. And the reason you have it is because of disparity--there's too many poor people and too many blacks. I didn't mention Hispanics. But here's the data and here's what we want you to do. We want you to spend some more money on an education program specifically for the juvenile, detained juveniles. Well, are you excluding those that are in DD service homes, temporary child-care homes? Probably. I don't know how you can do that. So I'm against the bill because of those type of things. I'm for a good bill--don't get me wrong--and I'm for the agencies. But I can tell you, because they don't like to talk to me--they think they don't have to, the law says you don't have to--they interpret,

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even the disability rights advocates say, they don't have to. But every law that I've ever read and every organization I've gone to for training, including the PTI organization, which is taxpayer funded, tells us we need to be involved. We need to be inclusive. You people in your things say we need to be inclusive, and that's trying...you're trying to build that in. But how can you be inclusive if you don't talk to us? I've been refused I don't know how many times, all the way up the line, and it's not going to work for anybody when they're not invited. You can't base the decision solely on that psychotherapist or solely on the child because the child probably has problems to start with, and maybe the parent has problems. You're trying to develop money for-- I'll be done here in a second--Family Find. Well, I went to the UNO conference on that and I like the theory of it, to find family to help prevent kids from going to out-of-home care. But how are you going to do that without sharing information? Aren't you violating proper...somebody's rights because you have to ask questions if you're going to have a good servicer, don't you? [LB297]

SENATOR RIEPE: Okay. Can you kind of wrap it up (inaudible). [LB297]

LARRY STORER: And then finally...and then finally, those things have to be voted into the bill somehow, because I can tell you, your agencies are not inclusive. Therefore, your data is probably going to be wrong. And we all know how many World-Herald articles there have been about the Health and Human Services. And I know you're trying to fix it. But you have to have input from people like me, the guy that lives next door that takes those kids out on trips. [LB297]

SENATOR RIEPE: Okay. [LB297]

LARRY STORER: Okay? [LB297]

SENATOR RIEPE: Now hold on just a second. We may have some questions. I know I have a couple on this. [LB297]

LARRY STORER: Yeah. [LB297]

SENATOR RIEPE: Is your issue here, in part, with the scope of the feasibility study? [LB297]

LARRY STORER: The whole scope, yes. [LB297]

SENATOR RIEPE: And also, are you asking that maybe in that feasibility study that prior to its initiation or as it gets initiated are you asking for goals and intent of the feasibility so that we get what we want to get at the end? [LB297]

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LARRY STORER: Yeah. [LB297]

SENATOR RIEPE: And then some... [LB297]

LARRY STORER: Yes. [LB297]

SENATOR RIEPE: ...public hearings maybe along the way? Is that... [LB297]

LARRY STORER: Yes. [LB297]

SENATOR RIEPE: ...is that your kind of general consideration? [LB297]

LARRY STORER: Yes. Now I see from some of this that you're maybe doing away with the contract for Family Find, maybe to save yourself money. I don't know. The idea behind it is fine and I know that they were called in by the state. So the point being, the proof is that obviously there were problems enough that the state people that I thought sure were doing a good job on all of this should have known what they're doing and shouldn't be paying a lot of money to an outside organization who doesn't know how to input that IBM card. They don't know the people,... [LB297]

SENATOR RIEPE: Okay. [LB297]

LARRY STORER: ...so they're gathering the wrong information to start with. I think the people of Nebraska should do this, not outside people. [LB297]

SENATOR RIEPE: Okay. [LB297]

LARRY STORER: Okay? [LB297]

SENATOR RIEPE: I think right now we're talking about another bill, which is LB334. [LB297]

LARRY STORER: Yes. [LB297]

SENATOR RIEPE: But let me ask...see if there are other, other than my questions. Are there any questions from the committee? We appreciate your input. [LB297]

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SENATOR CRAWFORD: Thank you. [LB297]

LARRY STORER: Well, I thank you for that much time. Three minutes last night seemed to go awful fast; five minutes does too. (Laughter) [LB297]

SENATOR RIEPE: Well, you had a lot to say. [LB297]

LARRY STORER: When you're blowing off steam. But I don't know, I may testify on the others; I may not. It depends on what I hear. [LB297]

SENATOR RIEPE: Okay. [LB297]

LARRY STORER: Well, thank you for your questions. [LB297]

SENATOR RIEPE: Okay. Thank you. Are there other opponents? Any testifying in opposition? If not, are there any testifying in a neutral capacity? Seeing none, I'll ask Tyler, do we have any letters of support or opposition? [LB297]

TYLER MAHOOD: (Exhibits 4, 5, 6, 7, 8, and 9) Yes, I have a letter signed by Kristin Mayleben-Flott of the Nebraska Planning Council on Developmental Disabilities in support; a letter signed by Sarah Helvey of Nebraska Appleseed in support; a letter signed by Peg Harriott, the Children and Family Coalition of Nebraska, in support; a letter signed by John Else in support; a letter signed by Nathan Leach in a neutral position; and a letter signed by Doug Weinberg or Director Doug Weinberg, Director Courtney Miller, Director Calder Lynch, and Director Sheri Dawson of the Department of Health and Human Services in neutral. [LB297]

SENATOR RIEPE: Okay. That said, Senator McCollister, we have closing opportunities for you. [LB297]

SENATOR McCOLLISTER: Thank you, members of the Health Committee. I think this is a good project. I think it's incumbent upon us to move forward with this to better integrate information that we...from various departments. So I appreciate your attention and I would hope that you would advance the bill. [LB297]

SENATOR RIEPE: Thank you. I do have a quick question. My question, Senator, would be is do you have a target date for the feasibility study's completion? [LB297]

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SENATOR McCOLLISTER: I think it's end of the year, 2019. [LB297]

SENATOR RIEPE: 2019. Okay. Very good. Other? Senator Crawford. [LB297]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Senator McCollister. Have you seen the department...the DHHS letter? [LB297]

SENATOR McCOLLISTER: I have not. [LB297]

SENATOR CRAWFORD: Okay. But you're willing to follow up with them to talk about their concerns? [LB297]

SENATOR McCOLLISTER: Well, we addressed their concerns in the amendment. [LB297]

SENATOR CRAWFORD: Okay. Okay. [LB297]

SENATOR McCOLLISTER: And that was the composition of the committee and I think we renamed the project at their request. So was there a second letter that I'm not familiar with? [LB297]

SENATOR CRAWFORD: The letter is dated February 23. [LB297]

SENATOR McCOLLISTER: Which would be...(laughter). Yeah, I think we received the letter and the amendment was generated fairly quickly to accommodate their concerns, not much lead time. [LB297]

SENATOR CRAWFORD: You're responsive. [LB297]

SENATOR McCOLLISTER: Yes, indeed. [LB297]

SENATOR CRAWFORD: Thank you, sir. [LB297]

SENATOR RIEPE: Okay. I think we're good. Are there any other questions before we...? [LB297]

SENATOR McCOLLISTER: Thank you so much. [LB297]

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SENATOR RIEPE: Thank you, Senator McCollister. We appreciate it. This concludes the hearing on LB297 as amended in AM365. So thank you all very much. We will now go to our second hearing which is LB298 and that is Senator Roy Baker. Senator Baker. [LB297 LB298]

SENATOR BAKER: (Exhibit 1) Good afternoon, Chairman Riepe and members of the committee. Two thousand sixteen, our Legislature passed LB746 by Senator Kathy Campbell to establish normalcy for children in foster care. The Nebraska Strengthening Families Act codified the federal Preventing Sex Trafficking and Strengthening Families Act. Law established a reasonable and prudent parent standard to allow foster parents, individuals at child-care institutions to use their best judgment making day-to-day decisions regarding to what is age and developmentally appropriate extracurricular, enrichment, cultural, social activities youth in care may participate. As you know, this Legislature has been focusing for the past few years on improving the juvenile justice system. LB298 would apply certain provisions of this act to children placed in the juvenile justice system and require certain bodies to develop written normalcy plans and annual normalcy reports. Bill also permits and requires the department to establish a procedure for public dissemination of a picture of and information about a child missing from a foster or out-of-home placement subject to state and federal confidentiality laws. LB298 would rename the Normalcy Task Force to the Nebraska Strengthening Families Act Committee under the Nebraska Children's Commission and adds a representative from a juvenile facility to the committee; requires Department of Human Health (sic--Health and Human) Services to develop rules and regulations to carry out this act. To refresh your memory, some of the things that were talked about in LB746 as far as normalcy, normalcy is about ensuring youth have access to age or developmentally appropriate activities, associate caregivers to have the authority to make those day-to-day decisions using a reasonable and prudent parent standard, and that bill required that all juvenile...this bill required all juvenile facilities that are licensed by or contracted with Department of Health and Human Services or the Office of Probation to create a normalcy plan and report annualized compliance with the plan to ensure all youth have access to normalcy. Normalcy plan talks about things like efforts for youth to have relationships with their family; access to information on healthcare; procedure on youth access to age and developmentally appropriate activities, ever address any barriers to normalcy when placed in juvenile facility; policy on staffing permission and consent to normalcy activities consistent with the reasonable and prudent parent standard; a list of activities the juvenile facility provides on-site in the community. So those are some of the provisions. Today there have been some issues raised by stakeholders regarding some aspects of the bill and we passed out a letter from HHS. We will work with those groups to address their concerns. There be other things that you find or others that follow behind me may address, so I'll be here at the end and if there's things that...problems you still see with this, I'll be happy to take those down and address those. I'm perfectly willing at this point to answer the why of this. As to the how to, it will wait till we hear the people behind me and see if they answer any of your questions. [LB298]

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SENATOR RIEPE: Okay. Thank you, Senator Baker. It seems like this is our second hearing for the day and our second renaming of some committee. So... [LB298]

SENATOR BAKER: Yes. [LB298]

SENATOR RIEPE: ...that may be one of our major accomplishments. [LB298]

SENATOR BAKER: You want to go for three for three later? I don't know. (Laughter) [LB298]

SENATOR RIEPE: Are there any other questions of Senator Baker before we let him go? [LB298]

SENATOR WILLIAMS: Not yet. [LB298]

SENATOR CRAWFORD: Not yet. [LB298]

SENATOR RIEPE: Okay. [LB298]

SENATOR CRAWFORD: We'll save them. [LB298]

SENATOR RIEPE: Thank you, Senator. We'll now go to proponents. Welcome. [LB298]

SARAH HELVEY: (Exhibits 2 and 3) Thank you. Good afternoon, Senators. My name is Sarah Helvey, it'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. I also currently serve as the cochair of the Normalcy Task Force under the Nebraska Children's Commission. But I'm testifying today solely on behalf of Nebraska Appleseed. Nebraska Appleseed strongly supports LB298 because it represents the input and recommendations of over 150 stakeholders over the course of nearly two years and would give youth with juvenile justice experience the opportunity for normalcy. Normalcy is all about letting kids in the system be kids. Research has shown us that many of the normal everyday experiences that kids have growing up, like getting a driver's license, sleeping over at a friend's house, or having a part-time job, are actually very important to their social development. It turns out that being allowed to be a kid is very important to becoming a healthy adult. But for years many kids in the system had faced bureaucratic or other barriers to these growing up experiences, so even if their foster parents or their group homes wanted to let them, wanted them to, they faced a lot of red tape to do things like go on a class field trip or go to prom. However, with the passage of the federal Preventing Sex Trafficking and Strengthening Families Act in

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2014, many of these barriers were removed for children in foster care making it easier for them to do things that other that...the same things as other kids, that teach them how to form relationships, be responsible, and learn to be an adult. However, currently these same opportunities don't exist for youth in the juvenile justice system. LB298 builds on the foundation of LB746, or the Nebraska Strengthening Families Act, which this committee prioritized and the Legislature passed last year in 2016. As Senator Baker noted, LB746 reconciled Nebraska statutes to be in compliance with the federal law and implemented an initial set of stakeholder recommendations, including implementing the so-called reasonable and prudent parent standard, to allow caregivers--that's the term for foster parents or designated individuals at group homes--to use their best judgment in determining what age and developmentally appropriate extracurricular, enrichment, cultural, and social activities youth in their care may participate. We support LB298 because it would be the standard applicable to youth in the juvenile justice system as well as the foster care system, so they have access to skills and experiences to help them successfully transition to adulthood. Specifically, we support that LB298 would promote normalcy within juvenile facilities by requiring the Office of Probation to ensure that those facilities have a designated individual, basically a point person, at each facility that has received training and is authorized to make some of those normalcy decisions, to provide notice to youth of the process to request to participate in activities, and to develop a written normalcy plan and annual report. We also support that LB298 would establish a review process to check in on normalcy activities by including in periodic court reviews documentation by the Office of Probation on normalcy efforts. And importantly we support that LB298 would respect the rights and the role of biological parents in the juvenile justice system and require parents to be consulted about the child's participation in normalcy activities to the extent possible. Together these provisions would ensure that all kids in out-of-home placement have best efforts for normalcy and they permit juvenile facilities and providers the opportunity to propose a plan for how they would offer normalcy experiences to youth in their care instead of a top-down approach. And I just want to reiterate that the intention of this bill is not in any way to create any additional administrative burdens on the Office of Probation or on providers but to implement a strong stakeholder recommendation to recognize that youth in the juvenile justice system deserve and can benefit from normalcy and to incorporate those values into such placements and to encourage them and get them and the system really thinking about how they can do that. And we look forward to continuing to work with the Office of Probation and providers, as we have been, on doing that. So in conclusion, LB298 is about providing opportunities for prosocial experiences and positive peer and adult connections for youth in the juvenile justice system. It's about the little things that can make a big difference. And so, with that, I just want to thank Senator Baker for introducing the bill and to this committee for your important and ongoing work to improve the system that serve youth in our state. And we respectfully request that the committee vote to advance the bill. [LB298]

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SENATOR RIEPE: Thank you very much. It's my understanding that at the last session this was Senator Campbell's personal priority. [LB298]

SARAH HELVEY: I believe that's right. I was trying to recall if it was her personal priority or the committee priority, but I thought you were...I believe it's her... [LB298]

SENATOR RIEPE: So I'm told it was her personal one. [LB298]

SARAH HELVEY: ...personal priority. Yeah. [LB298]

SENATOR RIEPE: So that shows the importance that she had for it. [LB298]

SARAH HELVEY: That's right. [LB298]

SENATOR RIEPE: Are there questions of the committee? Senator Crawford. [LB298]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Ms. Havalee (phonetically) Helvey. Sorry. (Laugh) It's afternoon. I can't pronounce. See if I can ask a question. I have a couple questions. So, first of all to start, the bill sometimes talks about a normalcy plan and sometimes talks about a normalcy report. Can you just clarify what those two things are? [LB298]

SARAH HELVEY: Yes. So a normalcy plan is...and this is part of a recommendation that came out of a specific subcommittee of the Normalcy Task Force of the Children's Commission. Think I got all my lingo correct there. And again, the idea was that the providers are the ones that should say how they can offer normalcy in their placement setting. And so the plan is where the provider, the placement setting, would kind of go through that list of how they propose to offer normalcy in their placement setting. And then their report is something that they would provide annually as to how that's working. [LB298]

SENATOR CRAWFORD: So it's a per provider, not per child. [LB298]

SARAH HELVEY: Correct. [LB298]

SENATOR CRAWFORD: Okay. [LB298]

SARAH HELVEY: Yes. [LB298]

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SENATOR CRAWFORD: Okay. [LB298]

SARAH HELVEY: That's a great clarification. [LB298]

SENATOR CRAWFORD: Okay. And...one? [LB298]

SENATOR RIEPE: No. Please, go ahead. [LB298]

SENATOR CRAWFORD: So also the discussion about normalcy efforts talks about including relationships with family and I wondered if you had an interpretation of what family means in that sense. You know, does that include grandparents? Does that include, in some other bills we've talked about, people who have significant relationships with a child? So I wondered if you had any insight of what you had in mind or what we were using in terms of normalcy for our foster care children on that front. [LB298]

SARAH HELVEY: Yeah. So I think that's a great point and I'm not sure the bill...the bill does not have a definition of family. [LB298]

SENATOR CRAWFORD: Does not define it. Right. Yes. [LB298]

SARAH HELVEY: But there is, as you know, there's other places in the juvenile code where we talk about kinship placement and that has a broader meaning. That can be individuals that are known to the child, not just those that have a biological or other legal connection with a child. And so I would interpret this to, the normalcy, to we know that normalcy is not just about people that are family in the traditional sense but any supportive adult connection that young people can have can be very helpful to them. And so normalcy efforts should be about connecting young people with positive, supportive, adult connections. [LB298]

SENATOR CRAWFORD: Uh-huh. Thank you. [LB298]

SENATOR RIEPE: Okay. Thank you. Any additional questions? Senator Williams. [LB298]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, Ms. Helvey, for being here and thank you for your involvement with this project. I've got a couple of questions, and maybe there will be somebody from the Office of Probation that's going to testify that could also look at this, but you've been involved with this. On page 10, starting with line 22 is where it starts listing the report shall include all of these things. And it's, as Senator Baker listed in his

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opening, there's a lot of things in that. And yet we come back to a fiscal note that appears to not have any cost but then has a real interesting caveat in it that the fiscal impact can really not be determined because it's what is the responsibility of the Office of Probation in this and whether that's just to see that a report is filed or whether it's to evaluate and ensure compliance with the reporting requirements. What would you see the role of the Office of Probation in looking at these reports? [LB298]

SARAH HELVEY: I would see the role of Probation in these reports to...there's a requirement they ensure that the providers that they are contracting with or that are licensed, children that they supervise that are the placements in which they are placed have provided these reports. And then they'll come in to the Office of Probation annually. And so I think their obligation would be to review those reports. There is also a provision... [LB298]

SENATOR WILLIAMS: I can't imagine a report being required that somebody is not going to review and say, you're either measuring up or you're not, and making some judgment and then asking for a different level of compliance. Would you agree with that? [LB298]

SARAH HELVEY: I would say that if the Office of Probation is receiving a report and there is deficiency, that they are not making reasonable efforts, if you will, toward providing the types of normalcy that's set forth in the bill, then that would be a red flag and that the Office of Probation should follow up with it. But I think what the intention of the normalcy plan is really just to get providers sort of thinking about and articulating normalcy and how they can provide that in their...in the placement setting as appropriate. And so I really see it as an opportunity for providers to say how they can do it and to have some accountability to report on that and to have some transparency not only for the Office of Probation but also for other stakeholders to see how that's working. And then I would see it more from a systemic or big-picture perspective, if we're seeing that it isn't happening, taking a look at how that can be improved from a systemic perspective. [LB298]

SENATOR WILLIAMS: So in that analysis that you just gave, somebody in the Office of Probation is going to have to really dig in and look at that report and make some judgments about that or else there can be no accountability. You see what I'm asking? [LB298]

SARAH HELVEY: I'm not sure. [LB298]

SENATOR WILLIAMS: Okay. (Laugh) We're requiring a fairly significant and detailed report with the language that's in LB298 and we're saying that that report is going to have no fiscal cost. And I'm missing the point, because if that does not generate some cost on the part of the Office of Probation that means they took this report from this hand and stuck it in this file and we don't

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do anything with it. And if that's what we're going to do with it, let's not do it to start with. But if it's going to be a report that's going to be analyzed, reviewed, which it should be in my judgment,... [LB298]

SARAH HELVEY: Uh-huh, I agree. [LB298]

SENATOR WILLIAMS: ...and then holding the people accountable to, if you say you are doing this, are you doing this, there's going to be a cost associated with that that's not demonstrated on the fiscal note. [LB298]

SARAH HELVEY: Uh-huh. So... [LB298]

SENATOR WILLIAMS: And maybe someone from, like I said, someone from the Office of Probation may be testifying (inaudible). [LB298]

SARAH HELVEY: Yeah. So maybe we could flesh it out a little bit. There would be a time burden to review the report. There would be a time burden to make sure the report actually got in, right, to check off that all of the providers provided the report, right? And then if the given provider, when you're reading the report you're recognizing they're not doing anything, right, to do some...perhaps some follow-up or some sort of follow through, if they're saying... [LB298]

SENATOR WILLIAMS: Uh-huh. [LB298]

SARAH HELVEY: ...that they're not meeting the requirements of normalcy. That's, I guess, what I would see as being the cost, if you will, in terms of time and follow-up. [LB298]

SENATOR WILLIAMS: Thank you. [LB298]

SARAH HELVEY: Yep. [LB298]

SENATOR RIEPE: Senator Linehan, please. [LB298]

SENATOR LINEHAN: Thank you, Mr. Chairman. Thank you for being here. So I think at the beginning you said that the federal law had been changed so they could provide normalcy. And that's what we're trying to do here with the state law is so they can. But to Senator Williams' point, it goes further than just saying they can. It says you will do this now. So are we like

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completely flipping here from where you can't do any of these things and now you must do these things? [LB298]

SARAH HELVEY: Yeah, I think that that change, I think that the federal law and LB746 last year required states to implement a reasonable and prudent parent standard on the foster care side. This bill would make sure we're applying that on the juvenile justice side. [LB298]

SENATOR LINEHAN: So it's not following the federal. We're just doing...I guess I'm confused. It sounded, from some of the testimony, that they weren't able to let a kid get a driver's license or go to the prom. There was some prohibitions against it. Is that true, there were prohibitions? [LB298]

SARAH HELVEY: Yeah. Prior to the federal law in 2014 that we implemented in LB746 last year. [LB298]

SENATOR LINEHAN: So now there are no prohibitions. [LB298]

SARAH HELVEY: On the foster care side, right. And so I guess to give a little bit of an example, the classic example that we talked about a lot when the federal law passed and with LB746 is we used to require on the foster care side that if a foster child wanted to go to a sleepover we would have to do background checks of all the individuals. And when the federal law changed in 2014, that said a foster parent can use a reasonable and prudent parent standard judgment to allow those kind of activities without doing that sort of red tape background checks, as just an example that everyone can understand. So that changed with the federal law on the foster care side, and this is looking at extending that to the juvenile justice population. [LB298]

SENATOR LINEHAN: But here's my question. Are we letting them do it or making them do it? [LB298]

SARAH HELVEY: We're requiring that they use a reasonable and prudent parent standard in the scenarios that are defined if it's a... [LB298]

SENATOR LINEHAN: Okay. [LB298]

SARAH HELVEY: Yeah. [LB298]

SENATOR LINEHAN: That's what I'm asking. Thank you very much. [LB298]

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SARAH HELVEY: Uh-huh. [LB298]

SENATOR RIEPE: Does it become significantly more complicated if they're taking the child out of state, say on a, quote unquote, family vacation? [LB298]

SARAH HELVEY: Yeah, that's a good example. Yeah, sort of I'd put that in the category of another classic example, like the sleepover. We heard from a lot of foster parents that they would want to take their family on a family vacation, but it would be much more difficult if they had a foster child or a child under the supervision of the Office of Probation to take them out of state. And those experiences can be really valuable for kids in the system. So it's a great example of one of the barriers that this is intended to remove. [LB298]

SENATOR RIEPE: Senator Crawford, did you have a question? [LB298]

SENATOR CRAWFORD: Yes, I did. Thank you. So in...on page 10 it talks about if we are entering a contract with a placement, then we're going to require a normalcy plan and a report. [LB298]

SARAH HELVEY: Uh-huh. [LB298]

SENATOR CRAWFORD: That I understand. But then on page 12 there's language about requiring normalcy plans and reports "from contracting and licensed child-care institutions and juvenile facilities." So what I want us to make sure that we do is make sure that we're only requiring this from those people who are entering contracts for these kids, not somehow accidentally put this requirement on all of our child-care facilities, (laugh) just to make sure that we're not doing something that inadvertently creates some requirement for all of our other child-care providers and that would not be necessary. So just want to make sure we check that language very carefully. I think it says, I just saw "contracting and licensed," so I think it's okay, but when I first read it I didn't see that. I was just wanting to make sure we're careful (inaudible). [LB298]

SARAH HELVEY: Yes. In the definition section it includes the definition of child-care institution, juvenile facility, and that was pretty carefully drafted, but we can take a look at that. And it is required as a condition of contract and also licensure, as you said. [LB298]

SENATOR CRAWFORD: Right. [LB298]

SENATOR RIEPE: Please, go. [LB298]

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SENATOR CRAWFORD: And it's in your...what you handed us but just so it's on the record and people who are listening can hear, the prudent...reasonable and prudent parent standard is asking the person providing this care for our juveniles to think as a prudent parent would think. If a prudent parent would not give this person...allow this person to get a driver's license, you don't need to give them a driver's license. If a prudent parent would say, no, you need to stay home and not go out tonight, the juvenile provider is free to do that. So we're not saying that they have to give the juveniles anything they want. We're saying they are treating like a prudent parent would do so, correct? [LB298]

SARAH HELVEY: Yes, correct. Thanks for that clarification. We've had a lot of conversations in the Normalcy Task Force and among stakeholders and even nationally. A reasonable and prudent parent standard doesn't mean always saying yes as a parent. [LB298]

SENATOR CRAWFORD: Right. [LB298]

SARAH HELVEY: I say no plenty. [LB298]

SENATOR CRAWFORD: Right. [LB298]

SARAH HELVEY: Lots of...all reasonable and prudent parent, that standard, does require a judgment about whether that's appropriate, reasonable, and prudent. And that can mean saying no to prom or driver's license or any activity for an individual child. [LB298]

SENATOR CRAWFORD: And can you clarify it also indicates there's still protections for the parents' rights as well? Can you clarify that? Between the prudent parent standard that our providers use in deciding whether you can get a driver's license or go to the prom, and then what is the parent's right in that choice or interaction? [LB298]

SARAH HELVEY: Yeah. Yes, thank you for raising that. And just to...for the record and to ensure the committee, that's on page 13 of the bill, starting at line 15 through 24. And this...most of this language was from...is in the existing statute but there are some amendments...sorry. I'm using the statute from LB746 and some amendments as part of LB298. But it is very clear, starting in line 15, that nothing in the Nebraska Strengthening Families Act or the application of the reasonable and prudent parent standard shall affect the parental rights of a parent whose parental rights have not been terminated with respect to his or her child. And then it goes on to say that, to the extent possible, a parent should be consulted. That's important across the board on the foster care side but especially so on the juvenile justice side. And we've had lots of conversations about that among stakeholders and also with the Office of Probation. We want to

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continue to talk with the Office of Probation because the role of parents on the juvenile justice side is a little bit different. Their parental rights are intact and their rights there and their role and the role of the Office of Probation are different in many respects on the juvenile justice side. And so that...this is really...I think the bill is clear, but if there's further clarifications that are needed there, there are still some day-to-day decisions that caretakers, when children in out-of-home care on the juvenile justice side as well as the foster care side, they need to make some day-to-day decisions about normalcy. But whenever possible, those decisions should be made in consultation, though should be made by the parent, or in consultation with the biological parent. [LB298]

SENATOR CRAWFORD: Maybe a reasonable and prudent aunt standard. (Laughter) [LB298]

SARAH HELVEY: Yeah. Yeah. [LB298]

SENATOR CRAWFORD: Thank you. [LB298]

SENATOR RIEPE: Okay. Thank you. Are there additional questions? Thank you very much. [LB298]

SARAH HELVEY: Thank you. [LB298]

SENATOR RIEPE: You did a nice job. Are there additional proponents? Welcome. [LB298]

BETH BAXTER: (Exhibit 4) Chairperson Riepe and members of the Health and Human Services Committee, my name is Beth Baxter, B-e-t-h B-a-x-t-e-r, and I'm testifying in my capacity as chairperson of the Nebraska Children's Commission in support of LB298. LB298 represents an important continuation of the improvements made by the Nebraska Strengthening Families Act to provide normalcy for youth in out-of-home placements. The Normalcy Task Force of the Nebraska Children's Commission, which was involved in the creation of this bill, the task force undertook a collaborative process involving significant research and community and stakeholder feedback to create the recommendations that are reflected in this bill. The Nebraska Children's Commission was created in 2012 and I've outlined that in my previous testimony, and we've been charged with looking at a variety of aspects of a child and a family's life and how we can apply those to improve the lives of both children who are in the child welfare system and to apply those same types of benefits and opportunities to children who are in the juvenile justice system. The Normalcy Task Force is comprised of representatives from the three branches of government, young adults formerly in foster care, the Foster Care Review Office, advocacy organizations, service providers, child-care institutions, foster parents, and field

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workers such as caseworkers and guardians ad litem. Together, this task force created five subcommittees to perform in-depth research, feedback gathering, and consensus building to create a comprehensive set of recommendations that support normalcy for all youth in out-of-home placements. This bill reflects many of these recommendations. The first significant aspect of this bill creates...comes from the Strengthening Families Act and is one of the strongest recommendations to come out of the Normalcy Task Force and supports the commission's commitment to making juvenile justice a priority for Nebraska. This legislation helps juvenile justice youth use normalcy to address the barriers they face. Normalcy is more than just access to activities, I think, as Sarah outlined earlier. It is an essential opportunity for youth to cultivate positive relationships and acquire academic, social, and life skills. In a survey taken by the Normalcy Task Force, youth who had been involved in the juvenile justice system consistently responded that they needed to begin to learn life skills as soon as possible and would struggle with recidivism without these types of skills. The entire community benefits when youth get the experiences they need to grow into productive and healthy adults. The second significant aspect of this bill is the requirement that child-care institutions and juvenile facilities create a plan to support youth access to normalcy and report annually regarding that implementation. The reporting requirement allows for the Legislature and the Children's Commission to monitor the implementation, while addressing barriers and supporting child-care institutions and juvenile facilities as they care for Nebraska's children. So it provides a mechanism to learn what works, to learn what the barriers may be, and then in a systemic manner to be able to address those barriers, improve the process, and address any gaps that may arise. The third and final significant aspect of this bill incorporates recommendations to protect youth in out-of-home placements from becoming victims of sex or labor trafficking. This bill contains provisions for the dissemination of information when youth go missing from care based on recommendations from the Trafficking Subcommittee of the Normalcy Task Force. Youth who have gone missing from care are at high risk of becoming victims of sex or labor trafficking. This bill provides the Department of Health and Human Services and the Administrative Office of Probation with the tools needed to swiftly and effectively respond to a missing youth while reducing that risk of trafficking. A requirement for foster care parent training related to recognizing the signs, symptoms, those that put the youth at risk, provides people who care for youth on a daily basis with the knowledge they need to protect them. In conclusion, we support LB298 and look forward to working with system partners, including the Office of Administrative Probation, to implement the intent of the state and federal Strengthening Families Act, extend normalcy to all children and youth in Nebraska, and support the prevention of trafficking among youth in out-of-home placements. Thank you, Senator Baker, for your leadership on this issue, and members of the Health and Human Services Committee, for your time and consideration today. I'm happy to answer any questions that you might have. [LB298]

SENATOR RIEPE: Thank you very much. Are there questions? Hearing none,... [LB298]

BETH BAXTER: Thank you. [LB298]

SENATOR RIEPE: ...thank you very much. Additional proponents, please. [LB298]

PAYNE ACKERMAN: (Exhibit 5) Hi. Thank you, Senators, for allowing me this opportunity to speak on an issue that is on my heart. My name is Payne Ackerman, spelled P-a-y-n-e A-c-k-e-r-m-a-n, and I am here as an alum to the juvenile justice and currently sitting on the Normalcy Task Force. I'm speaking in support of LB298, introduced by Senator Baker. LB298 extends the reasonable, prudent parenting standard to juvenile justice placements and requires that placements create a normalcy plan that ensures youth in their care have access to normalcy activities. For two reasons, I support this bill. Normalcy activities, like enrichment, social, cultural, and extracurricular activities, promote youth rights. And the right to employment and job growth opportunities, and development of life skills/independent living skills help prepare youth for adulthood. I believe that as an alumni to the juvenile justice system that if a youth is allowed the right to enrichment, including work, volunteer, job shadows, and internship activities; cultural, including exploration in honoring the youth's practices; social activities, including going to the park, going to arcades, restaurants, out for ice cream, and etcetera; and extracurricular activities, like clubs, sports, concerts, and community activities, that this would help them become a productive and contributing member of society while also allowing them to know and understand positive activities instead of violating public laws and safety. This will allow them to be like any other youth, even though they violated laws, to grow and possibly prevent them from violating laws in their adult lives. If we begin to rehabilitate and provide opportunities like normalcy this could reduce relapses and raise our youth to be great and productive generation. The second reason I support LB298 is the right to normal employment/job growth opportunities and development of life skills/independent skills. I have heard from other youth and strongly believe that if a youth is allowed access to employment and job search opportunities that they will become a productive and contributing member of society in the future. If they are also given the opportunities to learn about being a hard worker and their personal interests when it comes to future employment, opportunity to job shadow/intern, and volunteer in those fields, then they will learn that work is structure and it can be fun, and they will do their jobs instead of violating public safety and laws. If a youth is also allowed to develop independent living skills then they will not violate laws to provide for themselves and family. They will know how to pay taxes, budget, cook, and many other skills that provide for their needs and wants, that promote productive, promotive, and protective qualities. Another piece of LB298 that I feel is important is the dissemination of a missing/runaway youth photo to the public and social media. By doing this we can protect our youth from human trafficking, sexual crimes, kidnapping, and many other illegal activities. This also makes sure that our youth aren't victimized and left with little chance of being brought to safety. This would also let law enforcement and responsible parties identify issues to why the youth run away or how they become missing by talking to them after they are found. Thank you for listening to why I feel

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this bill would be a great asset to our current generations of juvenile justice youth. Any questions? [LB298]

SENATOR RIEPE: Thank you for being here. [LB298]

PAYNE ACKERMAN: Yeah. [LB298]

SENATOR RIEPE: I do see one here. Senator Crawford. [LB298]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Mr. Ackerman, for being here. I appreciate it. [LB298]

PAYNE ACKERMAN: You're welcome. [LB298]

SENATOR CRAWFORD: And nice to see you again. [LB298]

PAYNE ACKERMAN: Yes. [LB298]

SENATOR CRAWFORD: I wondered if you would mind sharing with us an example of some activity or experience that you would not have had access to when you were in the juvenile justice system that if we put this bill in place another juvenile would be able to experience. [LB298]

PAYNE ACKERMAN: When I was in the YRTC-Kearney for truancy, I've seen youth that...other youth were allowed to go--let's say in a group home or in a JDC facility--they were allowed to go out in the community, do job shadows and stuff like that. Unfortunately for me, I was not allowed that option. And so I feel like while you're learning if you have, like, for example, when I was in Career Ed, I was looking into what I wanted to do when I grew up. And I'd ask my teachers, I was like, you know, hey, can I job shadow, can I do any of those? They were like, no, because you're on YRTC property. You're not allowed to do that. And so that didn't give me the opportunity to go and figure out, you know, where I fit in life, you know? Today, I am now going to school and learning all that. But at the time, I wish that if I was given that opportunity, it definitely would have probably kept me from being homeless for three and a half years. It would have probably kept...probably allowed me to start school and figure out what I wanted to do sooner instead of sitting here at 22, trying to figure it all out and living life, so. I mean I think if given those opportunities at an earlier age, we can just promote growth and I think we can make better citizens and better juveniles when they age out of the system. They can be productive members of society. [LB298]

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SENATOR CRAWFORD: Thank you. I appreciate you sharing that. [LB298]

PAYNE ACKERMAN: You're welcome. [LB298]

SENATOR RIEPE: Are there additional questions? Senator Kolterman. [LB298]

SENATOR KOLTERMAN: Thank you, Senator Riepe. Payne, you've been here before. You were here last year, weren't you? [LB298]

PAYNE ACKERMAN: Uh-huh. Yes. [LB298]

SENATOR KOLTERMAN: I thought you were. So the experiences that you've had, got you to age 22. How long were you in the system and how have you gotten to where you are today? [LB298]

PAYNE ACKERMAN: Well, I started in the foster care system at 14 and a half. When I had just had my 17th birthday when a judge out of Seward County thought that it was necessary that I go to Kearney for truancy. I was in Kearney for six months before...well, three months before I aged out, someone had threatened me, to stab me, and so that was...they put me on PC. But the reason I...so when they had stabbed me, I ran away because I was scared. I didn't know what to do. I kept telling staff. Well, they didn't do anything so I was on a three-month hold at the YRTC and then I, you know, I went up on release about three months later. I got out. I was on parole for about I think a week. Then I went back to live with my mom and then I became homeless for three and a half years. And I now live with my mom and take care of her because she's disabled. But what got me through those experiences was just all the supports that I strive to get and the people that never looked at my past and just kept saying, you know, you have a future, you're a survivor, you're not...I mean, you're survivor, you're not a victim, you can make it. And they just kept helping me get to that stage. And today I'm very happy at where I am. I mean I know there's still a lot more to go and some day I do want to sit in your guys' place and become a senator and make laws. That is actually my dream. But today I think that if I didn't have those people and I didn't have those supports and I didn't have like Opportunity Passport or PALS or Project Everlast, I'm kind of scared of where I would be, to be honest with you. I don't know where I would be. And so I just think that with all the people that gave me those opportunities and kept letting me grow and just helping me learn how to budget, you know, what it's like to do taxes and all that, I think that has made me a better person today than I was a couple years ago. So I hope that answered your question. [LB298]

SENATOR KOLTERMAN: Can I continue on? [LB298]

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SENATOR RIEPE: Absolutely. [LB298]

SENATOR KOLTERMAN: Yeah, that does answer many of my questions. So what are you doing today? Obviously, I applaud you for taking care of your mother. Are you doing other work or going to school or...? [LB298]

PAYNE ACKERMAN: Right now I'm a year into my religious degree, so I have one more year until I graduate with my associate's and I'm still not exactly sure what I want to do with my bachelor's. I have three options. I either want to go into social work, finish my pastoral, or possibly political science. Right now I don't work because I go to school and I take care of my mom, but I do a lot of Project Everlast stuff. I sit on the Normalcy Task Force, the SOC implementation team, and then the Olmstead Planning Committee. And so I'm more of an advocate, but I would like to find a job that would maybe help me to just become stronger in what I believe, so. [LB298]

SENATOR KOLTERMAN: Well, I'd like to thank you for testifying and telling us your personal story. [LB298]

PAYNE ACKERMAN: Thank you. [LB298]

SENATOR KOLTERMAN: And obviously something that we've done is working and hopefully we can continue to have more kids turn out like you're turning out. [LB298]

PAYNE ACKERMAN: Thank you. [LB298]

SENATOR RIEPE: I'm intrigued that someone would pursue political science and religion all at the same time. (Laughter) [LB298]

PAYNE ACKERMAN: Yeah. [LB298]

SENATOR RIEPE: Well, anyway, thank you very much. Would you tell me just a little bit about your Kearney experience? I think you said you were there for six months. [LB298]

PAYNE ACKERMAN: I was there for six months. When I first went in, I was very, very scared. I had never been in that situation. Before I went in, I had...I was just about to graduate, halfway through my senior year. With the accreditation at Kearney, I had to do 40 more credits, which I did get accomplished in about two months. And I met a lot of good people in Kearney. I know

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when we had the children's summit, I went up there and did a tour of the facility and the assistant director or something up there, he had asked me to come back and be a motivational speaker to those youth, so that was kind of exciting. You know, Kearney is a great facility for youth that need the rehabilitation. The only thing that I feared at the time and I still fear is that we're inappropriately putting youth in there that don't need to be in there instead of, you know, giving them community resources that can help them to understand that they don't have to act out and that there is positive things. But otherwise, I had an overall good experience. I guess maybe I just made myself feel like I had a good experience even though it was partly bad. I always try to look at every situation as a positive side to it because I feel like all too often if we look at it negative it's not going to help us and it's not going to help anybody else. But if we can learn from our experiences, we can help others go through those situations a lot easier. And so that's my opinion. I know there's a lot more to it than that, but. [LB298]

SENATOR RIEPE: You have a good attitude. [LB298]

PAYNE ACKERMAN: Yeah. [LB298]

SENATOR RIEPE: Thank you for being with us. Are there any questions? Again, thank you. [LB298]

PAYNE ACKERMAN: Thank you, guys. [LB298]

SENATOR RIEPE: Again, other proponents? [LB298]

TOM McBRIDE: (Exhibit 6) Thank you, Mr. Chairman, members of the committee, for allowing me to testify in support of LB298. My name is Tom McBride, T-o-m M-c-B-r-i-d-e, and I'm presenting testimony from my almost 40 years of human services work, although I'm now retired at 26 years as a provider of services to youth and in my capacity as the cochair of the Normalcy Subcommittee of the task force. The subcommittee was made up of a diverse group of people, including providers, HHS, Probation employees, foster parents, former system-involved youth, just to name a few. I think LB298 supports the efforts of ensuring the children in out-of-home care are valued and supported. It retains the rights of parents who still maintain legal custody, their right to have a voice in their child's care and treatment. And at the same time allows caregivers the opportunity to act on behalf of the child's best interests, utilizing that reasonable parent/prudent parent standard. I'm going to take you way back when. As providers, we generally saw us as being the experts and the child came to us. We defined virtually every aspect of their life while they were with us. We valued our own education and experience over everything else. Thus, we created artificial barriers to ensure the youth remained in a structured environment, as we defined it. Thankfully those days are past and any provider of services worth

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their staff now recognize the value of parental, family input into service delivery and, as much as possible, normalizing the social, cultural, and educational activities of those youth in care. One of the beautiful aspects of this bill is that it does not mandate to a caregiver what activities they will look at. It only guarantees...it only guides the process by saying that a caregiver must plan and identify in what manner they will support their youth in participating. In doing so, it encourages increased participation and involvement from those youth who wish to participate, recognizing that some youth won't participate in some activities. For years and years the agency that I administered, we supported and encouraged our youth into various community and school activities. We had youth in the band, one-act plays, the track team. We mainstreamed into educational opportunities. They attended the county fair and oftentimes met entries into some of the fair categories. They went to homecoming dances and movies, had friends over, had a voice in their treatment planning. And at times, as caregivers, we had to say no. It wasn't appropriate for a youth that perhaps had brittle diabetes to be...to want to go out for the football team, and we had to have those kind of considerations. It has to be realized that not every youth will have the same opportunities as every other youth. Safety must be considered and the specific needs of the particular level of care will dictate some opportunities. Youth in a detention center are going to have different opportunities than youth in a traditional foster home in the community, but in these instances it remains the caregiver and parent identifying what they can and cannot provide, given those restrictions or those needs. This is done through that case and care planning process. The age and developmental stages of the youth are involved. Positive, continued contact with the youth's family can't be overstated. This contact should never be a privilege to be earned or used as a disciplinary process. Parent, family contact must be supported and if contact needs to be restricted it must be done due to an identified treatment, safety issue that is well documented and defined. LB298 has many more elements within it than those that I have addressed. I am addressing things just based from my cochair on the Normalcy Subcommittee. It was my intent to address issues of parental, family contact as well as the ability of those youth to utilize social, cultural involvement and how to support the best interests of the youth. LB298, in my opinion, does not place any form of hardship on or create any additional significant amount of extra work on the out-of-home caregivers. Other elements of this bill have been addressed by others. And with the anticipated amendment removing the section involving interim program schools and IEPs in Section 7, I would wholeheartedly support LB298 and ask that you move this very important piece of legislation forward. And with that, I thank you, thank Senator Baker for bringing this forward, and if there's any questions, respond. [LB298]

SENATOR RIEPE: Thank you very much for being here. Let's see if we have some questions from the committee. You must have done an exceptional job. [LB298]

SENATOR WILLIAMS: I do have one question. [LB298]

SENATOR RIEPE: Oh, you have a question. Senator Williams. [LB298]

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SENATOR WILLIAMS: Thank you. I'm sorry. You made me think about it. Thank you, Chairman Riepe. And thank you for being here. I want to go back, and I know you were listening to my questions before. We have pushed a lot of additional burden on the Office of Probation over the last few years, not just with juvenile justice but with LB605 and, you know, the presumption of probation on some sentencing and postrelease supervision. And you have representation, I think, on your task force from Probation. [LB298]

TOM McBRIDE: Uh-huh. [LB298]

SENATOR WILLIAMS: Are you feeling comfortable that they can handle the requirements that would be put to them with LB298? [LB298]

TOM McBRIDE: I do, because I think that, you know, in listening to one of your questions previously about who's going to oversee this, who's going to take...I think the...it starts basically with that individual's probation officer in ensuring that in meeting with the youth, meeting during those visitations, those treatment team meetings and stuff that, you know, if the youth is eligible for these, the agency says that these are the kinds of things we can support and this youth is interested in those, are they having the opportunity to do that? Is there...you know, so it starts at that very basic parole officer responsibility. And then it, you know, is kind of reported up. And there might be some extra legwork involved in, you know, at the departmental level, but I think that it can be coalesced without a tremendous burden, quite honestly. [LB298]

SENATOR WILLIAMS: Thank you. [LB298]

TOM McBRIDE: That's my opinion. [LB298]

SENATOR WILLIAMS: Thank you, Mr. McBride. And thank you for not fully retiring. [LB298]

SENATOR RIEPE: Thank you very much. Any other questions? Seeing none, thank you. Additional proponents. [LB298]

JULIET SUMMERS: (Exhibit 7) Good afternoon, Chairman Riepe and members of the committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s, and I'm here on behalf of Voices for Children in Nebraska to support LB298. When the state intervenes in a child's life, we should ensure that our system response is tailored to ensure the best possible outcome for the youth, family, and the broader community. We support LB298 because it will ensure that youth removed from their homes due to juvenile justice system involvement will still be able to

reasonably access the extracurricular socio-cultural, and religious activities that are strong foundations for positive development. As a member organization of the task force led by Mr. McBride and then the larger task force through the Children's Commission led by Ms. Helvey, I don't speak in that capacity but my organization and I believe that this bill reflects a strong stakeholder consensus that youth on probation in Nebraska deserve and would benefit from these protections in the law. All youth need normal childhood experiences that can teach them how to manage emotions and stress, develop coping strategies, and navigate their way through life. And promoting such opportunities is especially important for youth in our juvenile justice system because participation in prosocial extracurricular, cultural, enrichment, and religious activities builds on positive strengths and can serve as a bulwark against recidivism. Promoting normalcy, I can also tell you, is already a value supported by juvenile court practice and probation practice. So as a former lawyer representing youth, well, a lawyer but formerly representing youth in the classroom...or in the courtroom, I can tell you that participation in a prosocial activity was a standard part of the court order and the probation contract. I don't think I ever saw a case where a youth wasn't ordered to participate in some form of prosocial activity. And this is a pragmatic approach because normalcy works. The teens that I represented who did the best on probation were those who found something they were passionate about that was a positive thing they could engage with. Making the football team can be more effective than any punishment to curb marijuana use or to encourage school attendance. I have seen it work better than outpatient therapy in the occasional case. However, participation in such activities can sometimes be a challenge for youth when they are removed from their home and placed in foster care, detention, or a group home or even higher level of care. So in 2014 the Nebraska Legislature bifurcated the way that our juvenile court system would serve youth: child welfare or foster care cases would remain with the Department of Health and Human Services, and juvenile justice cases would be exclusively served by the Administrative Office of Probation. And the result is that since that bifurcation even though juvenile probation makes every effort to keep children in their homes and communities where they can best access those normal activities supervised by their own parents and families, there are going to be times when youth in our juvenile justice system are removed from their homes. They are put into placements and they aren't made wards of the state through DHHS. They remain under the care and placement supervision of Probation. So, hence, these youth are not covered by the protections that this committee extended last year in LB746 or the federal Strengthening Families Act even though in many cases they're actually going to be in the same residential placements or foster care setting as youth who have been placed by DHHS. So we support LB298 because we believe that youth in care on the juvenile justice docket would deserve and benefit no less from these protections than youth who are placed in the same level of care through a DHHS docket. We also believe, as has been noted by other testifiers, that this bill strikes a sound balance between protecting parental rights, which are intact on the juvenile justice side of things, and protecting that parental decision-making authority while also allowing caregivers and placement facilities flexibility to identify a reasonable normalcy plan, what that should look like at their level of care generally, and then what it should look like as a reasonable

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caregiver for that individual child. I'd like to thank Senator Baker for bringing this important legislation and, as always, this committee for your time and attention. I'd be very happy to answer any questions. [LB298]

SENATOR RIEPE: Thank you very much. Are there questions? Seeing none, thank you very much. [LB298]

JULIET SUMMERS: Thank you. And I just wanted to say that as a political science, religion double major, I am worried that someone behind me is coming for my job. (Laughter) [LB298]

SENATOR RIEPE: Thank you. Are there additional proponents? Seeing none, are there any speaking in opposition, opponents? [LB298]

LARRY STORER: Thank you again. Larry Storer, S-t-o-r-e-r, Omaha, Nebraska. After that first young man spoke, I thought about something else. As I look around the room, I don't see any of the people that we're talking about here today. He's graduated, I guess. He's out of the...he transitioned out maybe and he's successful. But how many are? We don't have any staff members here, do we? The worker bees are missing, the ones that provide the in-home care or the out-of-home care. We don't have any testimony from them. We don't know what it's like to care for kids out of home. I take it, it's out of home. I'm reading through the documents here and juvenile usually refers to detention. But, however, do laws basically include out-of-home care for DD services or just behavior problems? I can tell you from starting back in probably 2005 or '06, when problems at school start and you start getting into the special education system, what kind of happens is the experts do the evaluations. It kind of gets taken out of parents' hands. And the parents, because they work, they don't have money, they rely on whatever the education system says is the problem. And more often than not, that ends up being ADHD because it's easy. Behavior, everything is behavior. I can tell you from being a person that was a bee worker at Boys Town when I had young kids of my own that you do get burned out and you don't understand everything. You're not trained on everything. You can't possibly be. Every situation is different. So you need input from the bee workers. You need to know what helps burn those people out, what the problems are from their point of view but also from the other members of the family. Strengthening families, well, what does that mean? You can't strengthen that family if family, other than the custodial parent, is excluded. And I can tell you that most of the input over all those years is more or less denied by the system. I'll give you three very good examples and I hope it doesn't turn out badly. But as involved as I was, I even had copies of an MRI and, at my insistence, I'm only a grandparent, mind you, but I'm part of that team under law. At my insistence they scheduled more evaluation appointments with a pediatric neurologist three different times. One time he said it's, well, it's just behavior. I can tell you that it's not. There's a brain problem, for example, that causes behavior. But they don't want to talk about what causes

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the behavior. Two other pediatric neurologist appointments on Medicaid dollars, which you guys pay, specifically to talk about the MRI and help develop an IEP plan because of what the missing structures mean, oh, we don't have to look at that and I'm not going to and we're not going to talk to you about it. Mom is sitting over here, grandson is sitting over here, and these doctors, these experts refuse. Whose money, time, and mental capacity was wasted? Everybody. Twice that happened. And then another time, trying to get them to consider what causes the behavior, when I finally insisted, let's talk about the medicines. You guys don't want to hear about what experts with best practices, I think we heard the term earlier, you don't want to talk about what other experts say about this specific type of condition, such as autism or autism spectrum, but you don't want to talk about what the side effects of those medicines are. They act like there are no side effects. We all know different, don't we? But people like me are not entitled to convince you of that. But how many kids, for example, have been in and out of the system and they end up committing suicide or whatever? How many kids in the system, we hear in the newspaper now, 30, 40 have been sexually abused? Maybe it's because of lack of staff, lack of...maybe they get burned out. Maybe it's lack of proper screening, lack of training. Who knows? I'm only saying I'm against the bill because those considerations are not even talked about. There are no people here that experience it. So maybe your bill needs to be amended for some things and get some other input. [LB298]

SENATOR RIEPE: Thank you. [LB298]

LARRY STORER: Thank you. [LB298]

SENATOR RIEPE: All...we have...we're going to have some questions here. [LB298]

LARRY STORER: Yeah. [LB298]

SENATOR RIEPE: I wanted to say, you know, your grandson is fortunate to have you engaged in his life, to be his health (inaudible) his champion. So... [LB298]

LARRY STORER: Yeah, and... [LB298]

SENATOR RIEPE: ...bully for you. [LB298]

LARRY STORER: ...we're not disclosing, you know, technical notes here. [LB298]

SENATOR RIEPE: No, we're not. [LB298]

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LARRY STORER: And I'm, you know, I understand that I can't ask anybody for their psychiatric notes, but you can't keep a kid in the system this many years simply on the behavior, it's a behavior problem. You have to discuss it. [LB298]

SENATOR RIEPE: Okay. I think we have some other questions. [LB298]

LARRY STORER: Yeah. [LB298]

SENATOR RIEPE: Senator Crawford, I think has a question. [LB298]

LARRY STORER: Yes. [LB298]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you for being here and sharing your personal experiences. It would be great if we had some of the front-line workers here. I mean we...it is...it has been great over the past years to see several of our youth who are in or have been in our foster system and juvenile system here testifying, and that's been very helpful to hear their stories. [LB298]

LARRY STORER: And this isn't just foster care. As I understand it... [LB298]

SENATOR CRAWFORD: This is our kids that are in the juvenile system. So it is the case on page 5 and 6, it talks about the people who are on this committee that help to shape these policies and also look at these reports. So...and that does include some of the kids who are in the system and some of those front-line workers, just so you know. [LB298]

LARRY STORER: Yes, ma'am. [LB298]

SENATOR CRAWFORD: So they are helping to shape these recommendations that we'll then see. They may not have time to come here on a hearing day... [LB298]

LARRY STORER: I understand. [LB298]

SENATOR CRAWFORD: ...but they would be...they're in that process. So we are trying to include them so we can hear from them. [LB298]

LARRY STORER: I understand that but I've gone to lots of committee meetings... [LB298]

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SENATOR CRAWFORD: Uh-huh. [LB298]

LARRY STORER: ...other than this, people that provide services, that have a kid. That's what I'm trying to do is advocate for a better system... [LB298]

SENATOR CRAWFORD: Right. Absolutely. [LB298]

LARRY STORER: ...of strengthening families. But you can't do it if...let's say the staff doesn't really...they're so busy they don't have time to listen to the bee worker. The bee worker doesn't feel comfortable, risk the job, complainer, whatever. This has been discussed at team meetings and, oh, we don't want to go there. Well, you need to go there. I can tell you horror stories but I'm not going to disclose that,... [LB298]

SENATOR CRAWFORD: All right. [LB298]

LARRY STORER: ...but I can tell you many observances. I had kids. I can sense things and I can see things. But whenever I've tried to bring it up to improve the system, I'm denied. And I'm the bad guy. And holy hell starts raising and everybody thinks there's a lawsuit. I don't intend any lawsuits and I'm tired of being told that. I'm tired of being threatened with I'm going to sue you because you disclosed information. That's wrong. [LB298]

SENATOR RIEPE: We appreciate your perseverance... [LB298]

SENATOR CRAWFORD: Thank you. [LB298]

LARRY STORER: And... [LB298]

SENATOR RIEPE: ...and thank you. [LB298]

LARRY STORER: Just one final thing: I want them to under...every one of those agencies I've told that to. This is a systemic problem I'm talking about. I'm not talking about my grandson particularly. This is systemic. Okay? [LB298]

SENATOR RIEPE: Okay. [LB298]

SENATOR CRAWFORD: Thank you. [LB298]

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LARRY STORER: Thank you. [LB298]

SENATOR RIEPE: Thank you very much. Are there any other opponents? Seeing none, are there any that want to testify in a neutral capacity? Welcome. If you'd... [LB298]

JEANNE BRANDNER: Thank you very much. [LB298]

SENATOR RIEPE: ...state your name and spell it, please. [LB298]

JEANNE BRANDNER: (Exhibit 8) Good afternoon, Chairperson Riepe and members of the Health and Human Services Committee. My name is Jeanne Brandner, J-e-a-n-n-e B-r-a-n-d-n-e-r, and I am employed by the Nebraska Supreme Court, the Administrative Office of the Courts and Probation, as the deputy administrator overseeing juvenile services. I'm here today to provide testimony for LB298 in a neutral capacity. Probation supports the federal Preventing Sex Trafficking and Strengthening Families Act and the value of normalcy. The work of the Normalcy Task Force in development of the standards is also much appreciated. As many have already talked about today, it was in September of 2014 that President Obama signed into law the Preventing Sex Trafficking and Strengthening Families Act. This law took important steps forward in protecting and preventing children and youth from becoming victims of trafficking and made important improvements to the child welfare system for the purpose of improving outcomes for children and youth in foster care. While the concept of broadening normalcy is very well intended, there are a few areas that require some further revision, and I will highlight that today. Subsection (9) of Section 1 states that the immediate public dissemination of a current picture and information about a child who is missing from care, including posting that information on social media, is an exemption to the confidentiality of probation records. This is a direct conflict with current confidentiality provisions and precedence in previous legislative changes whereby the release of probation records and information requires a court order. When a law that is intended for child welfare is applied to juvenile justice populations, there can be a very specific disconnect in that our roles are significantly different. The department places youth out of home for safety and permanency issues. Those placements can be longer term. Probation does not have custody of youth but provides supervision for those youth that are temporarily placed out of their home. These youth have every right to be returned to their parental home. Parents with intact rights need protection to direct the upbringing of their children, including normalcy experiences such as many of the items that we've talked about here today: after-school clubs, sports, sleepovers, social media, employment, driver's license, education, cultural experience, religion, and etcetera. The federal legislation only applies to child welfare populations for these very reasons. The facilities that are required to provide normalcy activities here in this legislation today have been broadened to those that are shorter term in nature and those that do not have a goal of permanency. As written, not all Nebraska youth would be

captured in these provisions. There are youth who are placed within kinship homes that are not licensed nor is there a contractual relationship that would include them. Additionally, it may be difficult to obtain compliance for out-of-state facilities when youth are placed there on a single case agreement. Not here today just to talk about some of those barriers but also very interested in continuing to work with Senator Baker's office as well as Nebraska Appleseed in coming up with some resolutions to continue to move this bill forward. So it is recommended that Probation be removed from sections as they currently exist. There could then be a new section added that would apply solely to youth being supervised by Probation. As many have mentioned today, the youth that we supervise have parents that have parental rights. This section could then address the family engagement and parental rights as it relates to those normalcy activities. As currently written, sections of LB298 require providers to develop policies, plans, and complete training, as well as submit annual reports to both the department and Probation. Many of our providers are the exact same providers. Amending the bill to use a single point of contact through the licensure division of the department and jail standards of the Nebraska Crime Commission would significantly reduce duplication. Those required reports and plans only serve as a template, as Senator Crawford pointed out earlier, and do not give an indication of what happens on an individual child level, and this is really what's most important so this needs to be further examined. Attached to my testimony I have provided a handout from the Capacity Building Center for States that highlights normalcy as it relates to child welfare youth who lack permanency. It provides a great illustration of the activities that parents and families should be facilitating. After all, and we've heard much testimony here today, states don't raise children well. Let's empower parents to take an active role with their youth. This is part of the reason why, as testifiers ahead of me have mentioned, the bifurcation of the child welfare and juvenile justice system previously. And I see my time is up so I'm happy to answer any further questions that you might have. [LB298]

SENATOR RIEPE: Okay. Thank you. Are there questions from the committee? Senator Crawford. [LB298]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Ms. Brandner, for being here today. I really appreciate it. It's really valuable when our agencies that are in the bills and departments that are in the bills come to our hearing so that we can ask questions and understand what it looks like as you'll be carrying out. So I really appreciate you being here today. And I appreciate the many helpful suggestions that you have in your testimony. I wanted to go to the question about the picture and, as I understand it, that's in the bill in terms of trying to help in situations where there are youth that leave and you're worried about them becoming possible victims of trafficking. So are you...one thing, one suggestion that I heard you say is that it would require a court order to release their photo. Is that what you were saying? [LB298]

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JEANNE BRANDNER: That is correct, Senator. It would require a court order. But another piece of that, again, hand in hand is if we are working with the parental engagement piece, we would hope that through conversations that the parent has that authority to make those decisions and release that information. So it would be our hope that prior to that the parent would take that initiative and we would be able to help facilitate that. Additionally, as I mentioned prior legislative precedence, we do have court orders for specific entities, and the Office of Inspector General is one of them, that we have a template language within court order. So this could even be a consideration to say it could be added to the template language to say if this occurs then this could happen, so it wouldn't be like we would have to wait for a court order. So there are several different steps that we could look at to work through that. [LB298]

SENATOR CRAWFORD: Great. Would we need something in statute for that template? [LB298]

JEANNE BRANDNER: Well, not necessarily. How that transpired on other bills is it was just put into statute saying there would be a court order and then we worked through that with, at that time, it was the Office of Inspector General, but we would be able to work through that either with the senator's office or with Appleseed or whoever might be the proper individual to look at that template and see if it would meet the standards. [LB298]

SENATOR CRAWFORD: Right. Thank you. Is there anything else that comes to mind in terms of this issue of protecting these youth in this very vulnerable time that we might want to consider in that part of the bill? [LB298]

JEANNE BRANDNER: Not that I can think of off the top of my head. [LB298]

SENATOR CRAWFORD: So primarily court order emphasis and the parental piece. [LB298]

JEANNE BRANDNER: Yes. [LB298]

SENATOR CRAWFORD: So the two pieces that you would see missing from that part. [LB298]

JEANNE BRANDNER: Yes. Yes. [LB298]

SENATOR CRAWFORD: Thank you. [LB298]

SENATOR RIEPE: Okay. Any other questions? Senator Williams. [LB298]

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SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you for being here. And I'm sure you heard my questions earlier about the Office of Probation and the ability to handle the responsibilities that are coming your way with all the other things that have been thrown your way. Can you respond to that? [LB298]

JEANNE BRANDNER: Absolutely. And we met with a representative from Senator Baker's office yesterday as well as Nebraska Appleseed to ask some of the very questions, Senator Williams, that you highlighted here today about the administrative responsibilities. And so there definitely is somewhat of a disconnect between, as Senator Crawford pointed out, the genericness of coming up with a plan and saying are you in compliance with the plan, as opposed to, as you mentioned, the monitoring and, if you're not in compliance, coming up to par. And then getting back to the individual child piece. Because one of the other items, as Sarah Helvey has pointed out--we've had several conversations surrounding this--is that thinking outside the box, if we're really truly looking to impact this, is there a mechanism maybe that cases where a youth and/or family or whoever might say, hey, I don't believe I'm being allowed normalcy, could bring that forward as opposed to just coming up with generic plans. So there are several different ways we could look at this. And so the conversation we had yesterday with the senator's office as well as Appleseed at this point was more of that, as Ms. Helvey pointed out earlier, get to know the process, get providers to thinking about it. And so it wasn't presented to us yesterday as a high level of administrative responsibility. But if that would be the case, then that would definitely change the fiscal impact for sure and the role of what the officers would be required to do, something additional, although as talked about here before is the parental piece. Empowerment and normalcy is something we try to look at, at every individual level. But again, we have a different role from the permanency as we're looking at the habilitation of the youth for what brought them into the juvenile justice system and returning them back to their family to provide some of that support. [LB298]

SENATOR WILLIAMS: I feel like we're on the same page with what everybody is trying to accomplish here. [LB298]

JEANNE BRANDNER: Absolutely. [LB298]

SENATOR WILLIAMS: But the intent of some of that underneath is still a little squishy for me. So thank you for your answers. [LB298]

JEANNE BRANDNER: Thank you. [LB298]

SENATOR RIEPE: Okay. Are there other questions? Senator Erdman. [LB298]

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SENATOR ERDMAN: Thank you, Senator Riepe. I'd be remiss if I didn't ask you this. In your comments, and I do appreciate you coming to answer those questions, I guess my question is, and I say this to everyone who comes and testifies neutral, I have a real difficult time understanding what neutral is and why one would come if neutral is their position and suggest certain changes to a bill. And so that happens and so it's very peculiar to me. Neutral to me would seem it would be if the bill passes like it is, fine. We don't have any question with that. But when you come in, you make suggestions of what needs to be done, help me understand how that's neutral and not opposition. [LB298]

JEANNE BRANDNER: Yes, great question, Senator, and something I think that a lot of people grapple with is the neutral versus opposing. And the reason Probation is coming in neutral today is because the concept of normalcy and empowering and strengthening families is definitely a concept that we support. And so as written today, it would actually require some work. But we believe that that work is possible and are committed to working with Nebraska Applesed and the senator's office to continue to move it forward so that the concept is still there. [LB298]

SENATOR ERDMAN: So were you part of the discussion when this bill began to develop? [LB298]

JEANNE BRANDNER: Yes. [LB298]

SENATOR ERDMAN: Were you part of that? [LB298]

JEANNE BRANDNER: Yes. Yes, I was. [LB298]

SENATOR ERDMAN: And they're willing to make the adjustments? [LB298]

JEANNE BRANDNER: We have been in continuous conversation about some of the concerns and about some of the solutions and will continue to talk. We're...I don't know that we're quite to what is the final. [LB298]

SENATOR ERDMAN: Okay. Thank you. [LB298]

JEANNE BRANDNER: Yes. Thank you. [LB298]

SENATOR RIEPE: Okay. Other questions? Hearing none, thank you very much. [LB298]

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JEANNE BRANDNER: Thank you. [LB298]

SENATOR RIEPE: Are there others testifying in a neutral capacity? Seeing none, Tyler, could we have letters? [LB298]

TYLER MAHOOD: (Exhibits 9, 10, 11, 12, and 13) Yes, I have a letter from the Nebraska Chapter of National Association of Social Workers in support, signed by Terry Werner; a letter from the Children and Family Coalition of Nebraska, signed by Peg Harriott, in support; a letter from the Nebraska Children and Families Foundation, signed by Cassandra Blakely, in support; a letter representing herself signed by Sarah Mitchell in support; and a letter signed by Nathan Leach in neutral position. [LB298]

SENATOR RIEPE: Okay. Thank you very much. Senator Baker, would you like to close? [LB298]

SENATOR BAKER: Oh, my leg went to sleep there. I really haven't been drinking. (Laughter) All right. [LB298]

SENATOR WILLIAMS: Well, I hope not alone anyway. (Laughter) [LB298]

SENATOR BAKER: Okay. So anyway, I really appreciate all the good testimony that you heard today. That was good for me too. Thing I'm particularly pleased with, they were able to answer absolutely all your questions. (Laughter) So, unless there is one... [LB298]

SENATOR RIEPE: That said, does the committee want to dig deep and find a new question? Seeing none, thank you very much. [LB298]

SENATOR BAKER: But, as you heard, you know, there's going to be some work done to tie up some loose ends and we'll be getting back to you. [LB298]

SENATOR RIEPE: Okay. We would love to see that before we Exec on it. So thank you very much. [LB298]

SENATOR BAKER: Very good. [LB298]

SENATOR RIEPE: This concludes today's hearing on LB298. Thank you, Senator Baker and everyone that did testify. We will now proceed on. Are we doing okay, everyone, without taking

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a break? Let's try to proceed on. I know Senator Bolz has been patiently waiting and we do appreciate your being here, Senator. So with that, we will turn it over to you. [LB298 LB179]

SENATOR BOLZ: (Exhibits 1 and 2) Good afternoon. I am Senator Kate Bolz, that's K-a-t-e B-o-l-z, and I represent District 29 in south-central Lincoln. I'm here today to introduce LB179. This bill addresses a gap for young people who are involved in the juvenile justice system but do not have a safe home to return to when they reach the age of majority in Nebraska. Two summers ago I was contacted by a colleague in human services field. She was concerned about a young woman who had faced many challenges in her life: disability, unstable home environment, and ultimately placement in a youth rehabilitation and treatment facility. The young woman was about to turn 19 and could not return to her previous home with elderly grandparents. In 2013 Nebraska established a program for young people in foster care who age out--foster care kids in similar circumstances--called Bridge to Independence. This provides rental assistance, case management, and other assistance to that young person as long as they are working at least 80 hours per month or participating in a program designed to improve employment. Unfortunately, the young woman I was trying to help find assistance for was not eligible for the Bridge to Independence Program because she was not in foster care, despite her previous history with the child welfare system. She was also ineligible for services provided by the Department of Corrections for reentry purposes because juvenile services are based on Supreme Court rather than in Corrections. She was also ineligible for developmental disability services because, while she had a low IQ, she did not qualify based on her existing IQ and other circumstances. So my colleague and I did our best to connect the young woman to the right resources, but this was challenging and frustrating because she didn't fit into any of those programs. I serve as a member of the Children's Commission. That commission has a committee dedicated to making recommendations to improve the Bridge to Independence Program. So now one of the recommendations of the Children's Commission is to establish a path for enrollment in the current Department of Health and Human Services facilitated Bridge to Independence Program for youth involved in Nebraska's juvenile justice system. LB179 would put that recommendation into statute. In order to qualify for the program under this bill, the juvenile justice involved young person would have to be in court-ordered, out-of-home placement in the six months prior to turning 19 and a court must find that it would be contrary to the welfare of the juvenile to remain or return to his or her family home. The Office of Juvenile Probation reports that in 2015, 34 youth aged out of the system on their 19th birthday after having been in out-of-home placement for three months or more. Including young people aging out of the most intensive services in the juvenile justice system will fill a gap in our system and add to Nebraska's strategies to promote successful adults and promote public safety. To put that another way, we currently have transition services for kids in the child welfare system through the Bridge to Independence Program. We have reentry services for adults leaving the Department of Correctional Services. We have transitional supports for students, who transition...with developmental disabilities, who transition out of high school as they try to enter the adult

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developmental disability system. We do not have any services that help young people in the juvenile justice system make a successful transition to adulthood. Unfortunately, instead, many of these youth end up seeking assistance in the community human services system. They may need to lean on the general assistance program at the county level. And in some cases they need to turn to adult protective services. I'll make a final note because I imagine it will come up. There is a fiscal note associated with this bill. (Laughter) And I, as a member of the Appropriations Committee, am well aware of our financial circumstances. However, I think in the Appropriations Committee and in this body as a whole there's been a recognition that we need to make significant changes to our correctional institutions and that recognition applies not only to our Department of Correctional (Services) institutions but also to the systems that connect to criminal justice and incarceration in the state. And so that commitment to addressing our Department of Corrections has also applied to Probation and to Parole. And I think now it's time for it to also apply to the juvenile justice system and to the subset of young people who are in the greatest need for our support. I'll be happy to answer any questions. [LB179]

SENATOR RIEPE: Thank you very much. You did talk about the fiscal note. Do you see anything in here that you would challenge in the fiscal note? [LB179]

SENATOR BOLZ: I do think that there are greater opportunities for us to look at our IV-E system which is, you know, one of the ways that we draw down federal funds. If you're interested, I'd be happy to share with this committee the child welfare financing primer and some of the findings that we found related to child welfare financing in my interim study last summer. But one simple takeaway from the primer and from that interim study is that we are not fully leveraging federal funds the way that other states do. And I think that maximizing IV-E funds, including by maximizing the populations that can benefit from IV-E funds, is something that could help us build our fiscal portfolio to serve young people. [LB179]

SENATOR RIEPE: Do you have a number that goes with that leverage (inaudible)? I mean can we double it or can we...? [LB179]

SENATOR BOLZ: (Laugh) You know, I will let the expert from the Annie E. Casey Foundation talk to you about some of the ideas and options that they're working on. [LB179]

SENATOR RIEPE: Okay. I would...Senator Williams. [LB179]

SENATOR WILLIAMS: Thank you, Chairman Riepe. And thank you, Senator Bolz. I want to follow up on the fiscal note because you testified very articulately about the programs and services that we have available for transition now for other people. With your work on the Appropriations Committee, I'm assuming we are paying for those somehow, someday. [LB179]

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SENATOR BOLZ: Do you want me to respond? [LB179]

SENATOR WILLIAMS: Yes. [LB179]

SENATOR BOLZ: You know, all of those...all of those have their own packages, right? [LB179]

SENATOR WILLIAMS: Right. [LB179]

SENATOR BOLZ: So developmental disabilities, there's basically a fifty-fifty state-federal match. Child welfare, I think you're familiar with how the Bridge to Independence Program works. And Department of Correctional Services, some of those are state funded but they have also leveraged philanthropic funds and found local community funds. So I think... [LB179]

SENATOR WILLIAMS: My point is we found a way to pay for the transition. Okay? [LB179]

SENATOR BOLZ: We have. [LB179]

SENATOR WILLIAMS: My question is a little deeper than that because you hinted at the fact that these youth that are in the juvenile justice system that we're trying to transition, we are paying for them now in some form. [LB179]

SENATOR BOLZ: Correct. [LB179]

SENATOR WILLIAMS: Do you have any idea what that cost is that we're currently paying through other methods? [LB179]

SENATOR BOLZ: That's a great question and I can't tell you off the top of my head how much it costs to have a young person at a YRTC, for example. But in the worst-case scenario, and this is never what we want to see happen and I don't want to insinuate that the YRTCs or other institutional (inaudible) care aren't doing a good job of rehabilitation. However, in the worst-case scenario, if a young person doesn't get the support they need, they could end up in the Department of Corrections and an adult in a Department of Correctional (Services) institution can cost up to \$39,000 a year. And so, you know, identifying ways that we can provide rental assistance or medical assistance, ensuring that young people maintain access to their mental health medications, those things can provide preventional strategies to prevent their entry into Corrections, into to the regional center, into crisis, into our hospitals. So you'll hear more about

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how these programs have proven to be effective from some of the other folks that will testify today, but I think we'll get a return on our investment. [LB179]

SENATOR WILLIAMS: Thank you. [LB179]

SENATOR RIEPE: Other questions? Senator Bolz,...I'm sorry. [LB179]

SENATOR ERDMAN: Go ahead. [LB179]

SENATOR RIEPE: Senator Bolz, last year you had a bill. I think it was, what, LB866? Can you tell us the difference between the bills or...? [LB179]

SENATOR BOLZ: Sure. Sure. Last year's bill was aimed at the same population but it was a more streamlined approach. You heard reference in the previous bill testimony to the PALS program, which is sort of a case management supportive system that would help this type of young person. And we worked on that with this committee and I appreciate this committee's work with that. That bill was not prioritized and it didn't...it just didn't find a home last legislative session. What we decided to do this year, rather than that strategy which was more incremental, was to go for it, to go for what we really wanted, what we really thought was best practice policy and what we really thought was going to make a difference for these kids. [LB179]

SENATOR RIEPE: Okay. Thank you. Senator Erdman. [LB179]

SENATOR ERDMAN: Thank you, Senator Riepe. Thank you, Senator Bolz, for coming. There's two sheets here on the fiscal note and, being new as I am, as you know, I'm having a difficult time. Tell me about those two. The front sheet has fiscal year '17-18 at \$1.6 million; '18-19, \$2.5 (million); and then you turn to the second sheet and it's double that. Can you explain that? [LB179]

SENATOR BOLZ: Sure thing. So stop me if I'm telling you more than you're interested in,... [LB179]

SENATOR ERDMAN: Okay. [LB179]

SENATOR BOLZ: ...but so the first sheet is the fiscal note from Liz Hruska, who is the legislative fiscal analyst, and my analysis, as the bill's introducer, is that this fiscal note is most in line with the policy proposed in the bill and that is because she takes into consideration two

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things: the first is that the implementation date isn't until October 1 of 2018 and the second is that she assumes that we'll be able to leverage some federal funds. The second fiscal note is the fiscal note from the Department of Health and Human Services and I'll comb through it again but my impression is that it doesn't necessarily take into the same consideration that delay of the 2018 implementation date, and I think it makes some assumptions about how you would or wouldn't be able to draw down federal funds, both IV-E funds and Medicaid dollars, in a way that results in a higher cost that you see reflected there. I'm sorry if I'm telling you something you already know,... [LB179]

SENATOR ERDMAN: Yeah. Right. [LB179]

SENATOR BOLZ: ...but since you asked the question, the way that the Legislature works is that we generally defer to the legislative fiscal note. [LB179]

SENATOR ERDMAN: Well, on the first page you're barely...you're getting very little federal funds; on the second page it's a significant amount. [LB179]

SENATOR BOLZ: On the second page you can see paragraph one, two, three, it estimates that 36 percent of the youth might be IV-E eligible and covered by Medicaid until the age of 26, and the remaining would not be. And I think some of that relates to costs. And I, you know, I think the other maybe question at hand might be how you...how much you assume kids will participate in this program. As I referenced before, the department of Probation identified 34 young people who have qualified under the basic parameters. The legislative fiscal note references about 100 people. I think that the Health and Human Services fiscal note might estimate a higher number of people, especially in that second year. [LB179]

SENATOR ERDMAN: Thank you. [LB179]

SENATOR RIEPE: Are there additional? Senator Crawford. [LB179]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Senator Bolz, for bringing this bill. As I understand it, the services are entirely voluntary, is that correct, with this program as well? So with the foster... [LB179]

SENATOR BOLZ: Correct. [LB179]

SENATOR CRAWFORD: ...program they're voluntary, so a foster child who ages out and who qualifies decides whether they want to participate or not. [LB179]

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SENATOR BOLZ: Correct. [LB179]

SENATOR CRAWFORD: And in this case our youth who are aging...I don't know if you call it aging out or... [LB179]

SENATOR BOLZ: Sure. [LB179]

SENATOR CRAWFORD: ...okay, aging out of the juvenile system... [LB179]

SENATOR BOLZ: Sure. [LB179]

SENATOR CRAWFORD: ...would also have that choice. Do you happen to know from our experience on the foster care side about what percent of the eligible youth actually participate in the program? [LB179]

SENATOR BOLZ: Uh-huh. It's a good question. I know we can find that answer for you. [LB179]

SENATOR CRAWFORD: Sure. [LB179]

SENATOR BOLZ: But I would just say, if I may, that I don't think we should make the same assumptions... [LB179]

SENATOR CRAWFORD: Okay. [LB179]

SENATOR BOLZ: ...for the probation youth as we are making for the child welfare youth because the probation youth, as a criteria of qualifying for this program, must be in a little bit more difficult circumstances. It must be... [LB179]

SENATOR CRAWFORD: Okay. [LB179]

SENATOR BOLZ: ...that their previous home is not appropriate. It must be that they are found by the court to be in that set of circumstances in which they need our support. And so I would assume a high level of utilization or voluntary participation in this program. [LB179]

SENATOR CRAWFORD: And so... [LB179]

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SENATOR RIEPE: Okay. Oh, I'm sorry. No, please go forward. [LB179]

SENATOR CRAWFORD: And so those youth, would they be youth that are likely they're in a facility or in some placement? [LB179]

SENATOR BOLZ: Right. [LB179]

SENATOR CRAWFORD: And is it the case on their 19th birthday they're out of that placement? Is that correct? [LB179]

SENATOR BOLZ: Right. So like the example I used of the young woman at the Youth Rehabilitation and Treatment Center, the staff there were scrambling to try to figure out what was next for this young woman and, to be frank about it, trying to figure out how they could avoid dropping her off at a homeless shelter. [LB179]

SENATOR CRAWFORD: Right, which there are costs for those options as well. [LB179]

SENATOR BOLZ: Sure. Sure. [LB179]

SENATOR CRAWFORD: That's one of the challenges of our fiscal note is it doesn't reflect those costs that are there for those individuals. [LB179]

SENATOR BOLZ: Right. [LB179]

SENATOR CRAWFORD: Thank you. I appreciate it. [LB179]

SENATOR BOLZ: Certainly. [LB179]

SENATOR RIEPE: Are there additional questions? Seeing none, thank you very much for your opening. [LB179]

SENATOR BOLZ: Oh, I've got, sorry, I've got fact sheets. [LB179]

SENATOR RIEPE: Okay. We love handouts. Are there proponents out there that would want to come forward? [LB179]

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LARRY STORER: I'm sorry? [LB179]

SENATOR RIEPE: Proponents. Seeing none, are there... [LB179]

AUDIENCE: Well, hold on. Hold on. [LB179]

SENATOR RIEPE: Well, then get up here. [LB179]

SENATOR ERDMAN: I mean, let's move on. [LB179]

SENATOR WILLIAMS: You hesitate, we're (laugh)... [LB179]

SENATOR RIEPE: We're on the move here. It's 4:00. [LB179]

BETH BAXTER: I don't blame you for wanting to move along. [LB179]

SENATOR RIEPE: Well, but at the same time we want to be deliberate in our process and we appreciate you being here. [LB179]

BETH BAXTER: (Exhibit 3) Senator Riepe and members of the Health and Human Services Committee, my name is Beth Baxter, in case you've forgotten. It's B-e-t-h B-a-x-t-e-r, and I'm testifying in my capacity as the chairperson of the Nebraska Children's Commission in support of LB179. The Children's Commission receives reports from and works in collaboration with the Bridge to Independence Advisory Committee. Each year this advisory committee provides a report to the commission related to the ongoing implementation of the Bridge to Independence Program. The advisory committee has been tasked by the Nebraska Legislature to make recommendations to expand the Bridge to Independence Program to youth in the juvenile justice system. A stakeholder group that includes representation from the Department of Health and Human Services, Division of Children and Family Services; the Administrative Office of Probation; and advocacy groups created these recommendations. The group sought the professional consultation from MindSpring Consulting and Jim Casey Youth Opportunities Initiative to create a comprehensive set of cost-conscious recommendations, which have been adopted by the Children's Commission and included in this bill. The Children's Commission has recommended for the past two years that there is a need for transition programs for youth, who age out of the juvenile justice system, to prevent recidivism and ensure that the youth has access to employment and education opportunities. While in the juvenile justice system, these youth receive supports through the Administrative Office of Probation. When youth age out of the juvenile justice system and out-of-home placements, it's essential that these youth receive

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supports and prevent...to prevent recidivism and to help them acquire those necessary life skills. Youth in the juvenile justice system often face the same types of transitioning challenges going into adulthood as youth exiting from the child welfare system. Some estimates indicate that approximately 60 percent of the juvenile justice youth have previously been adjudicated in the child welfare system. The commission strongly affirms the recommendation that youth transitioning out of the juvenile justice system also needs access to these timely supports. This recommendation reflects an ongoing culture change in juvenile justice reform undertaken in Nebraska in the past four years. The commission recognizes that the focus of juvenile justice is rehabilitation, treatment, prevention of recidivism, and supports. They shift away from a more punitive type of focus. This bill reflects this important cultural change and provides youth an opportunity to access the supports that they need to successfully transition into productive adulthood without recidivating and becoming involved in the adult correctional system. This recommendation is further supported by a survey completed by the Community and Family Voice Subcommittee of the Normalcy Task Force, a group created by statute to monitor and make recommendations regarding the implementation of the Strengthening Families Act. Many youth who had previously been in out-of-home placements and involved in the juvenile justice system identified acquiring life skills at an earlier age as a key element that helps them successfully transition to adulthood. It's clear that young adults want to make healthy choices and reach their goals, but some youth may lack the supportive relationships that can nurture these skills. Youth in need of connection, relationships, and supports exist both in the child welfare system, the juvenile justice system, and just life at large. The criteria identified in this bill for eligibility effectively captures the population of juvenile justice youth who will benefit from this, and Senator Bolz identified those areas. Parents retain their legal rights when their child is in the...under the supervision and support of the Office of Probation. We understand that. But we also know that there are times that parents may not have the resources or the means to provide the types of support and activities that may be helpful to their child. So this allows for the proper engagement and the effective engagement of families and parents in this process. This criteria also places the decision for eligibility in the hands of the court. The judge will have the necessary facts, evidence, and familiarity with the youth and family to make this determination. The judge's independent finding of fact, combined with the criteria, ensures that the youth who truly need the supports will have access to them. In conclusion, I just want to reiterate that we support LB179 and its recommendations. We look forward to working with stakeholders additionally, and with the office of the Administrative Office of Probation. I want to thank Senator Bolz for her leadership, her ongoing leadership, and your time in listening to our considerations and recommendations, and certainly would answer any questions that you might have. [LB179]

SENATOR RIEPE: Thank you very much. Are there questions from the committee? Seeing none, thank you very much for being here. Additional proponents. [LB179]

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SARAH MITCHELL: (Exhibit 4) Good afternoon, Senators. Thank you for giving me the opportunity to share my voice on LB179. My name is Sarah Mitchell, S-a-r-a-h M-i-t-c-h-e-l-l, and I live in Lincoln, Nebraska, but I'm from Norfolk. I'm here to offer my support on LB179 and to provide the perspective of a young adult with past juvenile justice experience. As many of us know, the support in one's life can be crucial to the future they seek. Feeling lost can be terrible to any youth, even worse for one who goes through the justice system for many years with support surrounding them and then losing it all due to a birthday. Not having the support after leaving care, walking the troubled road I did, and eventually being lucky enough to receive support from family along the way have all played a significant part in who I am today. Extending support and services to youth aging out of the juvenile justice can possibly prevent the loss of those whom say they are going to stay around. As a youth in the system, many of the support people youth build relationships with are prone to leave. When aging out of the system, I was given an independent living worker to help guide and support me in going to college. My worker was there for guidance and someone to help when needed. Being a freshman in college and finally having the feeling of freedom, I did not reach out to her when I should have. As a result, I lost her as my worker and the support I needed as a 19-year-old. After some time, I began losing hope in myself and who I was becoming. My grades slowly started dropping and once again I felt as if I lost someone I had put my trust into. What I needed at the time was someone who wouldn't give up on me, who saw hope when I couldn't see it for myself. Having her reach out to contact me would have been ideal in my case. If she would have never backed away, as I myself as a teenager did, I would have possibly been more successful in my early stages of college life. As I stated before, extending support in my personal situation would have been very beneficial as I would have more guidance in my life. I do not blame the system for what I have been through, nor would I ever. I have made some poor decisions. However, I have always been a strong believer in knowing that my past does not define my future. I do believe it would have been different with support. I went down a very rough path after aging out, which caused me to create some very unhealthy relationships, become homeless, and eventually become incarcerated. I felt alone and lost at times in not knowing how to become a young adult. Many times I was impulsive and truly did not care what the outcome would bring. I was just trying to live and create a life, which I had not done before. Having the extended support after aging out of the system could have given me a person whom I felt was going...who was not going to give up on me when I gave up on myself. The troubled past I created for myself also resulted in some lost relationships within my family. I learned how to mend these relationships so I could receive the support system I had so eagerly searched for when first aging out. My family was there but I had burned bridges due to the poor choices I made. After being incarcerated, I was given a choice by close family members to either attend a program for troubled youth, which was very high in cost, or to lose all support they had once tried to give me. With thought, I agreed to attend and was given the financial support needed to do so from my family. After completing the program, I was able to mend those relationships. My relationships with my family had always been there but with my choices pushed them away. I feel that if I

would have had the support I needed from my youth support worker I may have not failed my first year at college nor pushed away those who loved and cared for me. That relationship would have helped me build...helped to build confidence and understand trust and given me guidance. Support in a youth's life can make a difference even when it's not realized. Knowing someone is there, as my family is now, has made me see that it is okay to trust others. With guidance in making the changes I have for myself, it has allowed me to become more successful today. Many youth in the justice system, as we all know, do not have the luxury of family to fall back on and are left alone to figure out life for themselves. In conclusion, we have all seen the damages it can cause to not have a support system in the early stages of adulthood. With the passing of this bill, we can ensure that youth in the justice system have the support they had received prior to aging out. I do hope that you all join me in supporting LB179 and I, once again, thank you for the time that you have given me today to speak on why it is beneficial to future young adults. If you guys have any questions about the juvenile justice system or my experience, I'd be glad to answer them right now for you. [LB179]

SENATOR RIEPE: Thank you very much. Are there questions from the committee? Seeing none, thank you very much for being here. [LB179]

SARAH MITCHELL: Thank you. [LB179]

SENATOR RIEPE: Again, additional proponents. [LB179]

JEANNE BRANDNER: (Exhibit 5) Good afternoon again, Chairperson Riepe and members of the Health and Human Services Committee. My name is Jeanne Brandner, J-e-a-n-n-e B-r-a-n-d-n-e-r. I'm employed by the Nebraska Supreme Court, Administrative Office of the Courts and Probation, as the deputy administrator overseeing juvenile services. I am here today to provide testimony in support of LB179. A special thank you to Senator Bolz for her commitment to the issue as evidenced by this proposed legislation; the interim study, LR514; and last year's proposed legislation, LB866, aimed at transition services for youth who leave the juvenile justice system. As professionals in the state came together to examine the extended services and supports for juvenile justice youth, it is certainly reassuring to see such great advocacy for Nebraska's youth. It's unfortunate that we are in this position again. As I testified earlier, there is a little bit of a contradiction because the select few youth that we...that are in desperate need of extended supports should be served by an entity that has an expertise in the area of permanence. This work has certainly not transpired without criticism. Individuals often ask how we can consider an entitlement for youth who have done wrong, if you will. I think the testimony that you've heard today from youth formerly involved with the system helped to answer that, but there are essentially two answers to this: It is the right thing to do for Nebraska youth to help them further develop and become productive members of society; and it makes sense in terms of

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dollars and cents to fund prevention, as you've already talked about, as opposed to incarceration or the costs of homelessness that could potentially occur down the road. Without adult leadership these youth may not have a chance for adequate future opportunities. I certainly understand in this fiscal climate allocating additional funds is not a task to be taken lightly. As Senators Bolz, Howard, and Pansing Brooks so eloquently stated earlier this year, Nebraska's economic woes shouldn't stop lawmakers from taking steps to help children. Many youth, as was testified earlier, in the juvenile justice system have a known history of abuse, neglect, or permanency concerns. When a youth enters their years as a teenager there is often a culture that believes they are adult-like and can fend for and protect themselves, which severely limits their opportunity to enter the child welfare system, even if they don't have a stable or safe home to properly address these concerns. For those youth that fall between 18 and 19 years of age, this option is not even available. The youth we are talking about lack positive relationships and family support, as the young lady testified before me, that greatly assists them to successfully transition to adulthood. A legislative effort to address the concern is necessary and I urge you to support this work. Thank you for your time and I'm happy to answer any questions that you might have. [LB179]

SENATOR RIEPE: Thank you very much. Are there questions? Senator Crawford. [LB179]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you again for being here. If a youth is leaving the juvenile justice system when they are 18, would they have access to...are you able to connect them with services because they're not yet 19, or is that gap also really there for 18-year-olds as well, in your experience? [LB179]

JEANNE BRANDNER: When a youth leaves the juvenile justice system, whether they're 18, 19, 14, or any other age in between, there isn't a lot of services that they have access to as being a formerly involved youth with the justice system. Now clearly there is potential for community services, which we always try to connect youth and families with so that if there's hardship they know what to access. But currently right now, juvenile justice youth do not have access to transition services regardless of their age. Once they end with juvenile justice system, there's no further support. [LB179]

SENATOR CRAWFORD: Thank you. [LB179]

SENATOR RIEPE: Any additional questions? Seeing none, thank you very much for being here. [LB179]

JEANNE BRANDNER: Thank you. [LB179]

SENATOR RIEPE: Again, more proponents, please. [LB179]

JULIET SUMMERS: (Exhibit 6) Good afternoon, Chairman Riepe, members of the committee. My name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s, and I'm here representing a coalition of child advocacy organizations that are in support of this bill. For young people exiting our child welfare and juvenile justice systems on the cusp of adulthood, sudden transition from strong structural supports and requirements to complete independence can be a difficult path to navigate safely. As has always been noted, thankfully, Nebraska has an excellent extended foster care program to assist young adults who are leaving our foster care system who haven't achieved permanency in a family setting, Bridge to Independence or B2I, as it's sometimes colloquially referred to. So I'm happy to be here today on behalf of my organization, Voices for Children, Nebraska Appleseed, and the Nebraska Children and Families Foundation to voice our strong support for this bill which would extend that eligibility for the B2I program to a subset of youth who are exiting juvenile probation similarly, without family supports. It's already been noted that this bill represents nearly two years' work and the input of many stakeholders, state experts in both child welfare and juvenile justice, and also substantial national technical assistance, as well as Senator Bolz's personal time and commitment. I won't give you the history that you've already heard from Ms. Baxter about the Bridge to Independence Advisory Committee, but I will tell you that I served as cochair of the task force looking at this and in that process we helped focus groups with youth and stakeholders across the state. We got just a ton of input from people who work with the juvenile justice system in various ways: judges, young folks who have been served by the system, parents, families, providers. In all of the input, the broad consensus supported a voluntary program of extended services for young people who are aging out who don't have family supports to rely on. So it's a very specific subset of the juvenile justice population. And this work of this task force has continued through the advisory committee in 2016 and, as noted, for the past couple years one of the strong recommendations coming from the Children's Commission has been to open up eligibility to this small subset of the juvenile justice population. This recommendation has come out of ongoing and strong evidence that, though they may have come to the attention of the court initially due to their own criminal act or misbehavior, there are youth who are lingering in our court system, in placement, on probation, not because they themselves have failed to rehabilitate or haven't done well in that placement or with their probation contract, but because they lack a home to return to and, due to their age, a child welfare filing, a foster care filing has not been filed against the family, hasn't been initiated. So at the age of 19, when juvenile court jurisdiction automatically runs out, there's really nothing that can be done anymore and these youth may find themselves abruptly homeless. Studies have shown that navigating adulthood without family support for the broader population of young people, of emerging adults, can mean a grim outlook in many areas, including educational attainment, economic well-being, physical and mental health, and criminal justice involvement, and this is particularly true of youth coming out of the juvenile justice system who, without a support system, are at the highest risk to drop out of school, to fail in their vocational plans, and

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to recidivate, thus burdening our adult correctional system. The child advocacy organizations I represent today are unified in supporting LB179 because it is a carefully crafted plan that captures the Children's Commission recommendation. It has the right eligibility parameters, that have been hashed out over two years' hard work, to extend transitional supports to the population who need it most without being overinclusive or underinclusive, so trying to be fiscally conservative in that regard of finding the right group but without leaving out young people who would really need and benefit from this program. And also that it's done in a way that would enable Nebraska to draw down more federal funds to financially support this expansion. And on that note I would like to refer briefly to the fiscal note to follow up on the senator's comments. Because my reading of the two different fiscal notes, one coming from Legislative Fiscal, interpreting the department's fiscal note, Senator, is the department actually estimates greater federal drawdown of IV-E funding and Medicaid for this population. And so there's really not that significant of a difference between state General Fund expenditures between the two fiscal notes. The department's note is estimating a greater access to federal funding and use of those funds for this program, is the way I read that difference. So in short, ooh, I've got all three lights on. I don't know how to read that, (laugh) but I'll stop. (Laughter) [LB179]

SENATOR RIEPE: It's not like a slot machine. You don't win a prize here, but you're...maybe you can finish up if we get into some questions (inaudible). [LB179]

JULIET SUMMERS: All right. Thank you, Senator. [LB179]

SENATOR RIEPE: Are there any questions that anyone want to...? I would give you a question. Is there anything more you'd like to say? [LB179]

JULIET SUMMERS: Just that we believe that providing these supports to young people who would otherwise go from a great deal of structure to being suddenly adrift on their own is not just providing a benefit to young people. It is providing a benefit to the state as a whole and it would be a proactive investment against further expenditures elsewhere. So with that, I thank you again for your time and always happy to answer any follow-up questions. [LB179]

SENATOR RIEPE: We do have a question then. Senator Crawford. [LB179]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you for your testimony. In your testimony, you indicated that you thought the bill was crafted to make sure we were leveraging the IV-E funds. So as we look at the bill or work on the bill, are there particular components that we need to be careful to maintain for the sake of having that leverage? [LB179]

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JULIET SUMMERS: Absolutely. Thank you, Senator. I know more about IV-E funding than I would like to after this process, though I'm not nearly the expert that other people in the room are. I think there's two important pieces to that. The first piece is the bill sets out the date of initiation of this, not in an attempt to delay services for young people who need it now or to avoid the fiscal note for this year but, rather, to give the Department of Health and Human Services and Probation time to work out an interagency agreement, which our reading of federal law covering IV-E suggests that would really be required to ensure that youth coming out of probation, as opposed to being former state wards, would be IV-E eligible. So that piece is really important, we believe, to have that interagency agreement in place saying the Department of Health and Human Services is our state agency that handles and draws down federal IV-E funds and they have worked out an agreement with our other state agency, Administrative Office of Probation, so that certain youth in out-of-home care who otherwise meet IV-E requirements of, you know, reasonable efforts having been made to keep them at home, the judge having made a finding that would be contrary to the reasonable...or contrary to their best interests to remain in the home, that those youth on probation, in out-of-home care, would be able to be IV-E eligible. So I think that's a really important piece: having an interagency agreement and then having the language of eligibility include the concept of contrary to the child's welfare to return to the home. I don't know, did that do it? [LB179]

SENATOR CRAWFORD: Yes. [LB179]

SENATOR RIEPE: Seems so. Any other questions from the committee? Seeing none, thank you very much for being here. [LB179]

JULIET SUMMERS: Thank you. [LB179]

SENATOR RIEPE: Additional proponents, please. [LB179]

SANDRA GASCA-GONZALEZ: (Exhibit 7) Good afternoon, Senators. [LB179]

SENATOR RIEPE: Welcome. [LB179]

SANDRA GASCA-GONZALEZ: Thank you for inviting me to be here today with you. My name is Sandra Gasca-Gonzalez, S-a-n-d-r-a G-a-s-c-a-hyphen-G-o-n-z-a-l-e-z. That's a lot. I serve as the director of the Jim Casey Youth Opportunities Initiative at the Annie E. Casey Foundation. As background, the foundation is named after Annie, the mother of the founder of the United Parcel Services Corporation, Jim Casey. And at UPS, Jim saw how some of his employees struggled in their home life and wanted to do more to help children grow up in

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healthy families and vibrant communities. So today the Casey Foundation is a national philanthropy that works in the areas of child welfare, juvenile justice, economic opportunity, and community change. LB179 is one of those investments that will positively change the trajectory for system-involved youth, which is why I am here today to offer support for this bill. The Jim Casey Initiative has partnerships in 17 states across the nation and we believe there are a number of important factors to ensure strong adulthood for young people, which is why we sponsored the Success Beyond 18 campaign, which leveraged the Fostering Connections Act of 2008 that allowed states to use the Title IV-E funds to expand foster care services from age 18 to 21. And since 2008, the Jim Casey Initiative has partnered with Nebraska to support youth transitioning to adulthood and this work was spurred by the Legislature's enactment of LB216, which extended care to age 21 through the Bridge to Independence Program. Twenty-four states have now extended foster care after the age of 18, and Nebraska was a pioneer in setting the bar for that. There are several research studies that show extending care leads to positive outcomes that I wanted to share with you. Specifically, young people who remain in foster care at age 18 were less likely to be homeless and more likely to be connected to work than their peers who left care. There was also improved educational attainment and greater enrollment in postsecondary education. Today your consideration of LB179 is a critically important continuation of the work. Youth leaving juvenile justice without a permanent family also need a Bridge to Independence. The states of Indiana and California have taken similar steps to those that are being proposed in LB179 and you can read more about those specific programs in my written testimony. But in general, both states include youth in the child welfare and juvenile justice systems to capture both delinquent and dependent youth. And these states responded to research about the adolescent brain development that shows there is a remarkable opportunity to intervene and change the course of young people's lives. The state and policymakers realize that the community will pay for the poor outcomes of these youth in the future in the form of public assistance, criminal justice involvement, and family disruption, and this cost could be avoided by making targeted investments that could have long-term impact and could be defrayed in part by drawing down Title IV-E funds. So today we are committing two things to support Nebraska. First, we will provide consultation by a national expert on IV-E maximization to ensure that the Title IV-E funds are leveraged at the greatest amount possible. And also, too, through conversations with the division director of Children and Family Services, Doug Weinberg, I understand that an assessment of the Bridge to Independence Program could be helpful, and we are prepared to support that as well. The Jim Casey Initiative has learned a lot about investment in extension of care. In 2013 the cost savings of investments like those proposed in the bill and provided by Bridge to Independence, our interest in that was really calculating the costs and potential savings to demonstrate the value of making smart public investments. We learned that major savings are not only achievable; they are possible in the relatively near term. So on average, every young person who ages out of care costs taxpayers and communities \$300,000 in public assistance, incarceration, lost wages to community, and other social costs. Nationally, aging out of care drains almost \$8 billion of resources a year. So we know that investing in the

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success of young people beyond age 18 through expanded resources leads to long-term cost savings by reducing their involvement in other systems and amplifying their connection to prosocial protective factors. I really hope that you will consider the passage of LB179. I look forward to continuing our work with our Nebraska partners to ensure that all young people leaving state systems have what they need to be successful in adulthood. And I really thank you for the opportunity to be here with you today and I'm happy to answer any questions you might have. [LB179]

SENATOR RIEPE: Thank you. We know you traveled a long distance, Baltimore, and so we very much appreciate you being with us today. [LB179]

SANDRA GASCA-GONZALEZ: Thank you. [LB179]

SENATOR RIEPE: And I will, with that, ask if there are questions of the committee members. It seems that there are none right at this time. [LB179]

SANDRA GASCA-GONZALEZ: I left a lot for you to read in the... [LB179]

SENATOR RIEPE: You did. [LB179]

SANDRA GASCA-GONZALEZ: ...four-page letter, so thank you. [LB179]

SENATOR RIEPE: We do, again, appreciate your being here. Thank you very much. [LB179]

SANDRA GASCA-GONZALEZ: Thank you. [LB179]

SENATOR RIEPE: Additional proponents. [LB179]

JODIE AUSTIN: Good evening. [LB179]

SENATOR RIEPE: Welcome. [LB179]

JODIE AUSTIN: (Exhibit 8) Thank you. Good afternoon, Chairperson Riepe and members of the Health and Human Services Committee. For the record, my name is Jodie, J-o-d-i-e, Austin, A-u-s-t-i-n, and I'm the president of KVC Nebraska. I'm here today to testify in support of LB179. Mark, age 16, skipped school with a friend and stole items from a neighborhood garage. He was ticketed and his mother was contacted. Mark's mother told the police she was struggling

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as a single parent, was frustrated with Mark's behavior and was worried that he was being a negative influence on his younger siblings. She had "had it" with Mark and she asked the police for Mark to be placed outside of her home. Mark was put on probation and placed in a group home. Stephen, age 16, skipped school several times and was caught stealing beer from a gas station. The police contacted his parents. Stephen's parents told the police they were having a hard time controlling him and were worried his behavior would get worse. They were at the end of their rope with Stephen and asked he be placed outside of their home. Stephen was placed in foster care and the family was offered services to support reunification. As it turns out, both Mark and Stephen experienced maltreatment prior to their law violations. Mark was sexually abused by a known family member, never treated, and his mother did not believe his story. Stephen's father was an alcoholic who became physically violent toward Stephen and his mother over the course of their lives thus far. Neither boy ever returned home. Stephen was eligible for extra help; Mark was not. We already know that determining which system or intervention is a complicated process. We know the association between child maltreatment and juvenile delinquency is well established. Family risk factors for child maltreatment are similar to family risk factors for delinquency, and we know youth leaving out-of-home placement do not receive adequate preparation and support. They are more likely to be homeless, incarcerated, unemployed, and unskilled. They are also more likely to experience additional physical, developmental, behavioral, and mental health challenges. We also know, as demonstrated by those that went before me, investing in youth now will pay dividends in the future. LB179 will allow youth who are not able to return to their family home to be eligible for the existing Bridge to Independence Program. This will, in general, allow young adults access to a dedicated worker who will provide advice, support, and help to accessing resources, health coverage if they meet eligibility requirements, and a monthly maintenance payment. I thank you for your time and I'm happy to answer any questions. [LB179]

SENATOR RIEPE: Thank you very much. [LB179]

JODIE AUSTIN: Thank you. [LB179]

SENATOR RIEPE: Are there questions from the committee? [LB179]

JODIE AUSTIN: Thank you. [LB179]

SENATOR RIEPE: Okay. Thank you very much. Additional proponents, please. Proponents? Any opponents, opposition? Let's see, hold it just a second. I see an orange sheet. Are you a proponent or opponent? [LB179]

(AUDIENCE): (Inaudible). [LB179]

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SENATOR RIEPE: Oh, okay. You had an orange sheet in your hand. I thought... [LB179]

LARRY STORER: Are we on opponents right now? [LB179]

SENATOR RIEPE: We're on opponents right now. [LB179]

LARRY STORER: Here he comes again. Before my clock starts, are you all acquainted with Snoopy in the cartoons? [LB179]

SENATOR RIEPE: Yes. [LB179]

LARRY STORER: Well, lately he's been reporting to the head beagle and he thinks he's an attorney and I don't want to downplay all attorneys but I thought that was rather funny, that everybody has a head beagle to go to. (Laugh) Thank you. [LB179]

SENATOR RIEPE: Okay. Thank you. [LB179]

LARRY STORER: Let me just start real quick with is Strengthening Families... [LB179]

SENATOR RIEPE: Oh yeah, can you give us your name again for the record? [LB179]

LARRY STORER: Oh, I'm sorry. Larry Storer, S-t-o-r-e-r, 5015 Lafayette Avenue, Omaha, Nebraska. This is out of one of the books published in Nebraska some time ago. Unfortunately, it got me started on this long road. But what is the role of parents and students regarding transition services? Now I don't know whether we were transitioning way back then or not, but it must be based on the interest and preferences of the student. That's an IDEA requirement. And I understand that we still have IDEA. But I understand we have some new federal laws that are changing us, our theories and things, from sheltered workshops to competitive environment...or competitive employment I mean. I get confused at times. But what good does it do to spend all of our resources and time if we're not directing them to what fits? There are some that are not capable of maybe more than pulling staples and crushing boxes, and they can live happily doing that. But there are others that are more capable. Are we spending the time to find out and guide them into? I think not. Yeah, we need more employers. But I want to ask you a question. What is the age in Nebraska? Are we talking of transitioning them out at 18? Federal law is 18 and then I hear 19 is the age of majority. But we're maybe pushing the kid out at 18, giving him a regular diploma, call it a high school diploma, and transferring him into a job skills program, hopefully one that fits and is successful. But I want to tell you another horror story. And I don't know, I'm invited to go to a progress report and sit in, but that's all. However, in listening to things that they

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were describing I decided, well, progress report, well, what are his grades? I haven't heard you talk about grades. Well, we don't have grades. I guess they're just teaching living skills. And, yes, over in the other corner of the gymnasiums there are various employer tables, and that's fine. If it works for a kid, it works. But why give them a regular high school diploma at 18 if all we've been doing is teaching them living skills? Something doesn't fit there. It may not fit for the employers either. But the intent of the laws and the intent of everything you're trying to do is important, but you have to also have common sense, some reasonableness, some good judgment, all the way down the line, and that involves the bee workers again. The word "normalcy" is different for every person. Preferences? I think my grandson is capable of saying preferences for employment and would like to have some help going into something other than pulling staples. Now when I suggest that I know my grandson probably better than they do in terms of what he likes and what he's capable of doing, such as mechanical type work, he's fairly creative. He likes outdoors. He likes hunting and fishing. Can we find an employer even if it's as, what do you call it, an intern at no pay that after three or four months, if he fits in, the employer hires him? Don't put him into Goodwill or whatever. This is one of those kids that are capable of more things. And it's not just my grandson. I'm speaking for others too. So whose strategy is it? If they don't get input from people that know them, might not the strategy be wrong? I get tired of national experts, national statistics. If we're boiled down into statistics, we're not seeing the big picture, are we? Age 24 came up...24 states at age 18. Well, who's...when are they going to tell Nebraska you have to do it at 18? [LB179]

SENATOR RIEPE: Mister, your red light is on. Can you kind of... [LB179]

LARRY STORER: Okay. [LB179]

SENATOR RIEPE: ...pull it together? [LB179]

LARRY STORER: And then what's reasonable in all this, maybe we can do with fewer court orders. Court orders and taking kids out of their home and then maybe shipping him to another state through the juvenile court justice system, as been reported, is wrong. [LB179]

SENATOR RIEPE: Okay. [LB179]

LARRY STORER: Okay? Thank you. [LB179]

SENATOR RIEPE: Thank you. [LB179]

LARRY STORER: Culture change. [LB179]

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SENATOR RIEPE: Are there any questions? [LB179]

LARRY STORER: Yeah. [LB179]

SENATOR RIEPE: Seeing none, thank you very much. [LB179]

LARRY STORER: I'm sorry. Culture change is what we're talking about. [LB179]

SENATOR RIEPE: Thank you. Thank you very much. Are there any other opponents? Are you speaking as an opponent? [LB179]

DOUG WEINBERG: Yes. [LB179]

SENATOR RIEPE: Okay. Mr. Weinberg, please proceed. [LB179]

DOUG WEINBERG: (Exhibit 9) Yes. Good afternoon, Senator Riepe and members of the Health and Human Services Committee. My name is Doug Weinberg, D-o-u-g W-e-i-n-b-e-r-g. I'm the director of the Division of Children and Family Services of Health and Human Services. First, I would like to say that DHHS has a strong and good relationship with the Office of Probation. I respect and appreciate all the work they do, and I value our partnership working with the youth in our state. I am here to respectfully oppose LB179 due to the expansion of current programs that would place an enormous financial burden on the agency in tough budget and economic times. LB179 states that DHHS would need to enter into a Title IV-E interagency agreement for children within the Office of Probation who are placed in out-of-home care; create new eligibility criteria for those entering Bridge to Independence from the Office of Probation; and expand the medical assistance program for those young adults entering Bridge to Independence from the Office of Probation. Since LB216 was passed in 2013 to start the Bridge to Independence Program, the state of Nebraska implemented new foster care rates. The increase in the foster care rates resulted in a considerable increase to the stipend that the young Bridge to Independence adult receives each month, which is over double the amount that was originally indicated in the fiscal note for LB216. Since the inception of Bridge to Independence Program, the IV-E claimable penetration rate has averaged about 15 percent. Of the young adults who are currently eligible for Bridge to Independence, on average 85 percent of those young adults enter the program. The rate of eligibility for federal funding has not been as high as anticipated for this program. DHHS is not in a financial position to enter into an interagency agreement to expand services using Title IV-E funds. DHHS is the only agency approved by the U.S. Administration for Children and Families to utilize Title IV-E funding. DHHS must have approval from ACF on any modifications made to the IV-E state plan before implementation of any changes occur.

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Without ACF approval of the Title IV-E State Plan Amendment, DHHS will be unable to draw down IV-E funds for this population and will have to rely on 100 percent state General Funds. If approval of the SPA is not...is received, Probation will be responsible for providing information as requested by DHHS to determine eligibility in order to draw down Title IV-E funds for this population. This bill also impacts Medicaid by optionally expanding the program, increasing costs and enrollment. Any youth determined eligible under Title IV-E is also automatically Medicaid eligible. Opening up the Title IV-E plan to include youth on probation may also increase the amount of Medicaid enrollees. Youth found eligible for extended benefits under the Bridge to Independence Program who are also IV-E eligible will receive Medicaid while in Bridge to Independence, which would also increase Medicaid enrollees. Youth who are not eligible in Bridge to Independence under Title IV-E could have eligibility determined under a reasonable classification category. These youth much also meet criteria outlined in the bill, starting on page 10, line 28, through page 10 (sic--11), line 2, as well as Medicaid eligibility and income guidelines. A Medicaid State Plan Amendment would be required to create new, optional, reasonable classification category. Extending Title IV-E eligibility to youth in probation would also extend eligibility in the former foster care category to any IV-E eligible youth who ages out of probation. This medical assistance would continue without regard to income until the youth turns age 26. I'd be happy to answer any questions you may have. [LB179]

SENATOR RIEPE: Thank you. Are there questions? Senator Crawford. [LB179]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Director, for being here. I really appreciate you being here to answer questions. [LB179]

DOUG WEINBERG: Sure. [LB179]

SENATOR CRAWFORD: I really appreciate that very much. So just to help us understand, I just want to ask a few questions about IV-E works in relation to this program. [LB179]

DOUG WEINBERG: Uh-huh. [LB179]

SENATOR CRAWFORD: So if we...if someone...if a youth is IV-E eligible, would that cover the stipend and the Medicaid costs for that youth or...entirely or a share of it? [LB179]

DOUG WEINBERG: The federal share. [LB179]

SENATOR CRAWFORD: Okay. Okay. And so they have to be IV-E eligible to have that match. [LB179]

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DOUG WEINBERG: The match, right. Correct. [LB179]

SENATOR CRAWFORD: Otherwise, we are doing it ourself. [LB179]

DOUG WEINBERG: Uh-huh. [LB179]

SENATOR CRAWFORD: So what do you think is a reason why we are at such a low rate in terms of 15 percent? What keeps someone from being IV-E eligible... [LB179]

DOUG WEINBERG: We've been doing eligible... [LB179]

SENATOR CRAWFORD: ...in this population? [LB179]

DOUG WEINBERG: Yeah. We've been doing eligibility redeterminations at the time they enter Bridge to Independence. And because many of our young adults have full-time or part-time jobs, they were not hitting the income requirements for IV-E eligibility. As our compatriots from the Casey organization mentioned earlier, we have engaged them to help us assess our IV-E claiming strategy, working on some alternative options that are allowable under federal law that may, in fact, enhance our penetration rate. [LB179]

SENATOR CRAWFORD: Okay. So there are perhaps opportunities that our youth could still work and be eligible for IV-E that we haven't been able to access or use... [LB179]

DOUG WEINBERG: Possibly,... [LB179]

SENATOR CRAWFORD: ...possibly, right. [LB179]

DOUG WEINBERG: ...and that's being evaluated right now. [LB179]

SENATOR CRAWFORD: Do you have a sense from your work with your peers of how our IV-E eligibility rate compares with other states? Are we at the top end, low end? [LB179]

DOUG WEINBERG: Our penetration rate for all IV-E eligible youth, both Bridge to Independence and just traditional foster care, has tended to be lower than other jurisdictions. [LB179]

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SENATOR CRAWFORD: So we have...so Annie E. Casey work would really help us push that (inaudible). [LB179]

DOUG WEINBERG: And I think a lot of that is just because of the economic situation in Nebraska when compared to other jurisdictions, more than, you know, incorrect claiming or not fully claiming the optimal dollar amount. [LB179]

SENATOR CRAWFORD: So more of our youth are working and... [LB179]

DOUG WEINBERG: Right. [LB179]

SENATOR CRAWFORD: ...having an income that kicks them out perhaps... [LB179]

DOUG WEINBERG: Correct. [LB179]

SENATOR CRAWFORD: ...is one of the...is that one of the factors? [LB179]

DOUG WEINBERG: Yeah. And I think even for traditional foster care. Even families entering the foster care system tend to be making more money than many other jurisdictions. [LB179]

SENATOR CRAWFORD: Okay. Okay. [LB179]

SENATOR RIEPE: Senator Erdman. [LB179]

SENATOR ERDMAN: Thank you, Senator Riepe. Thank you, Director Weinberg. So have you seen the fiscal note on this bill? [LB179]

DOUG WEINBERG: Yes, I have. [LB179]

SENATOR ERDMAN: So there's two different provisions there. Are you in agreement with which one? [LB179]

DOUG WEINBERG: We have cross-walked all three fiscal notes: the independent consultant MainSpring (sic--MindSpring), Legislative Fiscal Office, and DHHS. Approximately 95 percent of the cost difference across all three is due to the assumptions made regarding Medicaid and Medicaid eligibility. [LB179]

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SENATOR ERDMAN: Okay. So your assumption is it's greater than what we've seen on those first two? [LB179]

DOUG WEINBERG: I...yes. I can't speak for Medicaid. It's a sister division of mine. But they did an analysis, you know, based on potential eligibility for youth in probation that become IV-E eligible, both prior to Bridge to Independence as well as post-Bridge to Independence,... [LB179]

SENATOR ERDMAN: Okay. [LB179]

DOUG WEINBERG: ...and they came up with much high enrollment rates tied to this bill. [LB179]

SENATOR ERDMAN: Thank you. [LB179]

SENATOR RIEPE: Senator Linehan. [LB179]

SENATOR LINEHAN: Thank you, Mr. Chairman. I'm trying to find it here. And thank you for being here, Director. You said something about a stipend. [LB179]

DOUG WEINBERG: Uh-huh. [LB179]

SENATOR LINEHAN: Did you say stipend? And you said it was...what is the stipend? [LB179]

DOUG WEINBERG: That is the monthly payment we make to young adults in the Bridge to Independence Program. [LB179]

SENATOR LINEHAN: Is it the same for every one of them then? [LB179]

DOUG WEINBERG: Yes. [LB179]

SENATOR LINEHAN: And how much is it? [LB179]

DOUG WEINBERG: About \$760 I believe. [LB179]

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SENATOR LINEHAN: And then they get that of whether they have a job or not have a job? [LB179]

DOUG WEINBERG: Correct. [LB179]

SENATOR LINEHAN: It's kind of like help from Mom and Dad. Okay. And then is there any effort to get them enrolled, and I know this is a different...but in the national healthcare, I'm trying not to call it Obamacare, ACA? [LB179]

DOUG WEINBERG: Yeah. We work with those youth in a variety of areas including, you know, healthcare benefits if they're not Medicaid eligible, you know, to try to help them meet their financial needs. [LB179]

SENATOR LINEHAN: Okay. [LB179]

DOUG WEINBERG: You know, if they're eligible for any economic assistance programs, we work with them in those areas as well. [LB179]

SENATOR LINEHAN: Okay. Thank you very much. [LB179]

SENATOR RIEPE: Senator Crawford. [LB179]

SENATOR CRAWFORD: Two other questions... [LB179]

SENATOR RIEPE: Sure. [LB179]

SENATOR CRAWFORD: ...just so I can understand how this works and how it works with these programs. So when you...is the stipend, you were talking about the stipend cost and how it increased because we increased our foster care rates. Is the stipend the same amount of money we would pay if they were in foster care? Is that the connection? Or what is the connection between our foster care rates and the stipend? [LB179]

DOUG WEINBERG: Yeah. It's based on our foster care rate. [LB179]

SENATOR CRAWFORD: Okay. So is that a requirement for IV-E or is there room to think about what that stipend could be if we're thinking about costs? [LB179]

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DOUG WEINBERG: IV-E maintenance in general is required to be cost-based, so when we reset our foster care per diems we did a very detailed cost analysis to arrive at those new numbers. So it's probably a logical jump then, if that's what it cost youth under age 19 in terms of foster care maintenance, it's likely what it will cost post age 18. [LB179]

SENATOR CRAWFORD: But if we're using IV-E for an expansion where they're transitioning, does the IV-E rules require that we have a stipend that is the same amount as our foster care rates? [LB179]

DOUG WEINBERG: I don't know if it requires it be the same,... [LB179]

SENATOR CRAWFORD: Okay. [LB179]

DOUG WEINBERG: ...but it requires that there is some cost justification, cost basis for it. [LB179]

SENATOR CRAWFORD: For it. Okay. And then my other question is about the reasonable classification category. [LB179]

DOUG WEINBERG: Uh-huh. [LB179]

SENATOR CRAWFORD: So if they're IV-E eligible, they could be eligible...wait, I'm sorry. If they're IV-E eligible, are they...then we could say...we could determine they're eligible under a new reasonable classification category? Is that correct? Or is the reasonable classification category for people who are not IV-E eligible? [LB179]

DOUG WEINBERG: Yeah, you're going to test my knowledge... [LB179]

SENATOR CRAWFORD: Yeah. [LB179]

DOUG WEINBERG: ...of Nebraska Medicaid here. I know that if they are IV-E eligible, they're automatically entitled to Medicaid eligibility. [LB179]

SENATOR CRAWFORD: Okay. [LB179]

DOUG WEINBERG: Plus, if they're a former foster youth, once they age out, they are categorically eligible for Medicaid till age 26. [LB179]

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SENATOR CRAWFORD: Okay. [LB179]

DOUG WEINBERG: If...I won't be able to really address the special categories. [LB179]

SENATOR CRAWFORD: Okay. Okay. So I think I did read it. [LB179]

DOUG WEINBERG: I have people who can. [LB179]

SENATOR CRAWFORD: I did see a "not" here, so it sounds like the reasonable classification is those who aren't IV-E eligible, like we could create this new category for them. [LB179]

DOUG WEINBERG: I believe that's the case. [LB179]

SENATOR CRAWFORD: Right. Yeah. Okay. Okay. And so your interpretation in your financial analysis is that the people in the reasonable classification category, like our foster care category, would get to stay on until 26. [LB179]

DOUG WEINBERG: Former foster care youth, yeah, who are IV-E eligible automatically receive Medicaid through age 26. [LB179]

SENATOR CRAWFORD: But are these juvenile youth foster youth? [LB179]

DOUG WEINBERG: Bridge to Independence is extended foster care, basically. [LB179]

SENATOR CRAWFORD: Okay. So because the program is a foster care program,... [LB179]

DOUG WEINBERG: Yes. [LB179]

SENATOR CRAWFORD: ...but they're coming in at 19. [LB179]

DOUG WEINBERG: That's true. [LB179]

SENATOR CRAWFORD: All right. They might be... [LB179]

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DOUG WEINBERG: So we basically have, in Nebraska, we extended the age of foster care to age 21. Many of the same rules apply to 19- and 20-year-olds as they do to 9- and 10-year-olds. [LB179]

SENATOR CRAWFORD: Okay. Thank you. [LB179]

SENATOR RIEPE: Senator Linehan. [LB179]

SENATOR LINEHAN: Why 26? [LB179]

DOUG WEINBERG: That was part of ACA. [LB179]

SENATOR LINEHAN: I know it's part of ACA for parents. You can leave them on your insurance until they're out of college. [LB179]

DOUG WEINBERG: The former foster care youth also are eligible for Medicaid until the age of 26. [LB179]

SENATOR LINEHAN: Okay. And that's a federal... [LB179]

DOUG WEINBERG: Federal, yeah, that was a provision of ACA. They provide Medicaid assistance to former foster care youth. [LB179]

SENATOR LINEHAN: What if a child gets a job and has insurance at work? [LB179]

DOUG WEINBERG: I don't know. I'm not familiar with the exact mechanics. We can get that for you. [LB179]

SENATOR LINEHAN: Okay. No, that's all right. I'm just wondering. Okay. Thank you very much. [LB179]

SENATOR RIEPE: Okay. Are there additional questions? Seeing none,... [LB179]

DOUG WEINBERG: Great. Thank you. [LB179]

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SENATOR RIEPE: ...thank you very much. Are there other opponents, those in opposition? None in opposition additional? Then I would go to are there any testifying in a neutral capacity? And seeing none, Tyler... [LB179]

PAYNE ACKERMAN: I'm going to testify in neutral capacity. I know this might be a horrible career move and I'm (inaudible). (Laughter) So...and I'll do the orange sheet and I'll give it to you guys. My name is Payne Ackerman, spelled P-a-y-n-e A-c-k-e-r-m-a-n. As a youth that has been working on the B2I with some groups a while back, this is a great bill and I hope I...and I don't want you guys to think I'm saying everything negative about it because I don't strive to say negative. This bill would be great to pass for the 19 to 21 youth, and I strongly believe that that's great. The thing that I oppose and the thing that I'm kind of neutral about is that when...as a government, this is a great...a huge bill and has a huge fiscal note. I think it's like \$2.4 (million), something like that. And even though that's small in retrospect, I think that the problem with it is are we...is it a program that's going to promote youth growth to the fact that we're not leaving out kids that are 18 that are getting out of the juvenile system and not having those supports? As someone that went through the juvenile system, I got out at 18 and a half. I went home to my family. My mother became homeless. I had no supports. I "seeked" every support I could possibly seek. I tried to go through PALS. I tried to do everything. And yet the only thing that led it to me was being homeless and ending up in the criminal justice system. So even though this bill would be great and I really hope that it does get passed, I would ask that any senator in the future or any senator currently add an amendment that would also explore possible options of moving it from 18 to 22. And I think if we do that, then we can provide every youth that is...that doesn't fall within the 19 to 21 and they're not...you know how they say if you're 19, you age out of the juvenile justice, then you automatically qualify for B2I. If we can move that to 18 to 22, then that is more room for our youth to have more supportive access and we're not just throwing our youth out on the street. We are not a people that are like birds. We don't just throw our kids out of the nest one day and say fly, good luck, hope you live. We are people that when we...when our kids struggle we take them back in, at least that's the hope. Now my mom did it for me. She helped me. But it took three and a half years of me being homeless to do that. And so I guess I would just ask that that amendment be passed and that some day in the future that we look at extending supports to our systems, not just through JJ and not just through foster care; that we are helping our youth as much as we can and we're giving them the most efficient possible normal life that they can so that they can grow and they can be productive and promotive members to society; that we're not just leaving them out there and just saying, well, if you go to homeless then all the taxpayers now have to pay for providing you food and clothing. And it's just not productive to let our youth just go without any supports. And even though there's tons of community resources, in rural areas those fall short. And I know with the Connected Youth Initiative with NCCF, that helps some in that. But I think we as Nebraska need to do more for our youth and for everybody. And so that's what I feel. And if you guys have any questions on how I feel, then I'd totally answer them, but that's just... [LB179]

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SENATOR RIEPE: Thank you very much. We would appreciate if you'd fill out the orange sheet. [LB179]

PAYNE ACKERMAN: Yeah, I will. (Inaudible). [LB179]

SENATOR RIEPE: Okay. Are there any other testifiers in a neutral capacity? [LB179]

PAYNE ACKERMAN: Thank you. [LB179]

SENATOR RIEPE: Seeing none, Tyler, do we have letters? [LB179]

TYLER MAHOOD: (Exhibits 10, 11, and 12) Yes. I have a letter signed by Terry Werner of the Nebraska Chapter of the National Association of Social Workers in support; letter signed by Peg Harriott of the Children and Family Coalition of Nebraska in support; and a letter signed by Nathan Leach, representing himself, in the neutral position. [LB179]

SENATOR RIEPE: Okay. Thank you very much. Senator Bolz, we would welcome you to close. [LB179]

SENATOR BOLZ: Thank you, Mr. Chairman. I just briefly wanted to add a couple of thoughts related to the fiscal note. And I know that with Health and Human Services financing, things can get complicated. And forgive me for oversimplifying a little bit but I think we need to keep our focus on the fiscal note as presented by our Legislative Fiscal Office. That's home base for me when I think about how we appropriate dollars and how expenditures work in our body. And so I think that the fiscal note does appropriately cover the costs that are related to the focus of the bill. You heard from Director Weinberg a concern about how this might result in additional Medicaid eligibility and what I would say to that is that, you know, we have a population, a focused population of young people here between 34 and 100 kids, right? In our deficit budget that we passed earlier this year, we were able to create...to pull costs saving costs excess budget ability of \$22 million for the Medicaid program and \$10 (million) for the CHIP program, and that is because we always address our Medicaid utilization at the projected numbers that we're expecting based on the Legislative Fiscal Office numbers and we always think about that in terms of having more than enough capacity, because the worst-case scenario is if we have to come into a special session to try to put additional Medicaid dollars in to try to address a Medicaid shortfall for an entitlement program. My point is that program is big enough and has enough capacity that we have flex in it any given year and I think it can absorb this small targeted population. Thank you. [LB179]

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SENATOR RIEPE: Okay. Are there questions? Senator Crawford. [LB179]

SENATOR CRAWFORD: Thank you, Chairman Riepe. And thank you, Senator Bolz. The focus on the 19-year-olds that are leaving the system and not including 18-year-olds, is that primarily a fiscal choice? [LB179]

SENATOR BOLZ: I wouldn't say it's primarily a fiscal choice. I think we were trying to be thoughtful and judicious about the targeted population that was in greatest need of these services. In future years, if the future legislators or the wisdom of this future committee decides to expand it, that is their prerogative. My focus, my goal, my bill focuses on the targeted population in greatest need, in my point of view. [LB179]

SENATOR CRAWFORD: And so an 18-year-old has access to things you think that a 19-year-old doesn't or...? [LB179]

SENATOR BOLZ: I mean I guess maybe we need to dig into that further, but if you don't have a safe home to return to at the age of majority, that seems to be the greatest pressure point when you're leaving an institution. My understanding, from talking with some of the folks that work in those institutions, is they're thoughtful, smart people and they know when those young people's birthdays are and so they are doing their best humanly possible to get them set up, to get them independent, to achieve those independence goals, school, home, living with friends, whatever that might constructively possibly be. And so if we believe in those workers the way that I do, I think that those folks who reach the age of majority while in institutional care are the folks that are in the greatest need of public support. [LB179]

SENATOR CRAWFORD: Right. And I appreciate that and I appreciate that's the focus of your bill. I'm asking a couple questions just to lay the record, you know,... [LB179]

SENATOR BOLZ: Sure. [LB179]

SENATOR CRAWFORD: ...for our future as we think about this in future years about what that looks like. [LB179]

SENATOR BOLZ: Sure. [LB179]

SENATOR CRAWFORD: In the foster care side, we learned that a lot of...a lot more kids were leaving at 18 than 19 because of the dynamics of the way that works and their interactions with our judges. And so I don't know the juvenile justice system well enough to know if most...if kids

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are exiting mostly at 19 or if it is the case that we might have this population that does...a big population that exits at 18, that in the future we'll want to look at and consider what that looks like in the future. [LB179]

SENATOR BOLZ: Uh-huh. Yes. Certainly worth further exploration. [LB179]

SENATOR CRAWFORD: Excellent. Thank you. [LB179]

SENATOR RIEPE: Thank you. Are there additional questions? Thank you, Senator Bolz. We know that you've worked hard and worked smart in doing it, so we respect that. This concludes today's hearing on LB179. We thank all of you for being here. We're concluded for the day. [LB179]