

Transcript Prepared by Clerk of the Legislature Transcribers Office
Health and Human Services Committee February 6, 2020

HOWARD: Good afternoon and welcome to the Health and Human Services Committee. My name is Senator Sara Howard, and I represent the 9th Legislative District in Omaha, and I serve as Chair of this committee. I'd like to invite the members of the committee to introduce themselves, starting on my right with Senator Murman.

MURMAN: Hello, I'm Senator Dave Murman, District 38: seven counties south of Kearney, Grand Island, and Hastings.

WALZ: Lynne Walz, District 15: Dodge County, .

ARCH: John Arch. District 14: Sarpy County.

WILLIAMS: Matt Williams from Gothenburg, Legislative District 36: Dawson, Custer, and the north portion of Buffalo Counties.

CAVANAUGH: Excuse me. Machaela Cavanaugh, District 6: west-central Omaha, Douglas County.

HOWARD: Also assisting our-- the committee is our legal counsel, Jennifer Carter, and our committee clerk, Sherry Shaffer. And our committee pages today are Angenita and Nedhal. A few notes about our policies and procedures. Please turn off or silence your cell phones. This afternoon, we'll be hearing five bills, and we'll be taking them in the order on the-- listed on the agenda outside the room. On each of the tables near the doors to the hearing room, you will find green testifier sheets. If you are planning to testify today, please fill one out and hand it to Sherry when you come up to testify. This will help us keep an accurate record of the hearing. If you are not 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. Also, I would note, if you are not testifying but have written testimony to submit, the Legislature's policy is that all letters for the record must be received by the committee by 5:00 p.m. the day prior to the hearing. Any handouts submitted by testifiers will also be included as part of the record, as exhibits. We would ask if you do have any handouts, that you please bring ten copies and give them to a page. We use a light system for testifying. Each testifier will have five minutes to testify. When you begin, the light will be green. When the light turns yellow, that means you have one minute left. And when the light turns red, it's time to end your testimony, and we'll ask you to wrap up your final thoughts. When you come up to

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testify, please begin by stating your name clearly into the microphone, and then please spell both your first and last name. The hearing on each bill will begin with the introducer's opening statement. After the opening statement, we will hear from supporters of the bill, then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements, if they wish to do so. We have a strict no-prop policy in that committee-- in this committee. And with that, we'll begin today's hearing with the gubernatorial appointment of Jillian Chance to the Nebraska Child Abuse Prevention Fund Board. Welcome, Ms. Chance. Good afternoon.

JILLIAN CHANCE: Good afternoon.

HOWARD: So this is a pretty easy process. We're a very nice committee. We're hoping you could tell us a little bit about yourself and your interest in the Child Abuse Prevention Fund Board.

JILLIAN CHANCE: OK. Again, my name is Jillian Chance, and I'm a registered nurse. I'm in school at Creighton University to be a family nurse practitioner. And I work here locally at Lincoln Pediatric Group. I've been a pediatric nurse for more than a decade. I started my career at Children's Hospital in Omaha. And that is why I am interested in child abuse prevention, is from firsthand knowledge of seeing child abuse as a registered nurse, so caring for children that have suffered child abuse. So--

HOWARD: That's wonderful. And so you're still in school to be a nurse? Are you--

JILLIAN CHANCE: No, I'm a registered nurse currently and have been for more than ten years. I'm in school to be a family nurse practitioner.

HOWARD: Oh, a nurse practitioner.

JILLIAN CHANCE: Yeah.

HOWARD: OK.

JILLIAN CHANCE: I'm getting my doctorate from Creighton.

HOWARD: That's wonderful. Oh, that's great. Well, let's see if there are any questions from the committee. Senator Cavanaugh.

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CAVANAUGH: Thank you for being here, and thank you for your willingness to serve. So as a pediatric nurse, you said you have firsthand knowledge. And are you looking at this as an opportunity to bring the lens of what you've seen in the hospital setting to the committee?

JILLIAN CHANCE: I have had the opportunity to sit in on two board meetings already, and there is one other medical professional that's on the board. And so I think I've been able to provide just some insight, from the medical side of things, about prevention of child abuse. Just so some insights, as you know-- of-- yeah, just some, some medical knowledge to the board.

CAVANAUGH: Sure. Thank you.

JILLIAN CHANCE: So just some things that we see. So--

CAVANAUGH: I appreciate that you're willing to give up that time to do this. Thank you.

JILLIAN CHANCE: Thank you.

HOWARD: Other questions? I just have one. You-- in your additional info, you said that you volunteer at People's City Mission and People's Health Center, and you have near-daily dealings with Health and Human Services in regards to families at your office, speaking with field workers. What has your experience been like?

JILLIAN CHANCE: It's, it's mixed. There's been a lot of ups and downs in the last several years with different-- we have, you know, gone through quite a few different agencies and things like that. So, you know, when there's different circumstances surrounding why we talk to, to field workers, whether it's people checking-- you know, we've got field workers checking in on foster cases or we have new reports and things like that. So we've had-- I think we've all probably can say in pediatrics, we've had different experiences. So--

HOWARD: That's very interesting. Do you usually call the hotline? Or how does that work?

JILLIAN CHANCE: Both. I've called it-- called the hotline. Also just called- and for, from different field workers checking in to see whether physicians or providers have concerns about a particular child that may be in services or is not currently in service, but there is a current investigation. And so in my role, I'll be the go-between

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between the physician and the field worker often, about whether there's concerns and then that sort of thing or getting releases of information. So--

HOWARD: That's great. And you've attended two meetings so far?

JILLIAN CHANCE: That's correct.

HOWARD: That's wonderful. What do you think? Or what are you most excited about for the board?

JILLIAN CHANCE: I'm just excited about the opportunity to, you know, apply my knowledge and, and getting to know the state moreso. I-- you know, there's been all kinds of new opportunities or new, new things that I've learned about various parts of the state outside of, you know, the Lincoln-Omaha metropolitan area in, in this area. So that's been interesting. So--

HOWARD: That's wonderful. All right. Let's see if there are any final questions from the committee. Seeing none, we appreciate so much your willingness to serve on this board. We'll meet as a committee, and, and move your confirmation to the floor. And so we'll most likely have a discussion about it on the floor next week.

JILLIAN CHANCE: OK. Thank you.

HOWARD: Thank you. Thank you so much. All right. This will close the gubernatorial hearing for Jillian Chance for the Nebraska Child Abuse Prevention Fund Board, and open the hearing for LB1188, my bill to provide duties for the Office of Juvenile Services, relating to education, and change the definition of interim program school. And I will hand it over to Senator Arch.

ARCH: Welcome, Senator Howard. And you may proceed with LB1188.

HOWARD: Good afternoon, Senator Arch and members of the Health and Human Services Committee. My name is Senator Sara Howard, H-o-w-a-r-d, and I represent District 9 in midtown Omaha. Today, I'm here to present to you LB1188, a bill that provides education requirements for the Office of Juvenile Services. This bill has three components. We're-- it's about the youth rehabilitation and treatment centers, specifically. But I won't do any of the background that I did yesterday, 'cause I think we're all-- we're all up on it and we don't need to take that kind of time today. OK. The three components are: the Office of Juvenile Services, or OJS, shall establish the position

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of superintendent of schools to oversee the education of juveniles committed to the Y RTCs; education provided to youth committed to the Y RTCs must be from a school or a program meeting the requirements of an interim program school, an approved school, or an accredited school; and last, LB1188 adds a Y RTC to the definition of an interim program school. LB1188 is one of the recommendations we put forth in our Y RTC report that was released last month. It's the result of conversation, many conversations with the Department of Education. Because there will now be four different schools where the girls will be receiving education, and those four schools are: West Kearney High School, located at Y RTC-Kearney; Geneva North High School, relocated to Y RTC-Kearney in August 2019; Y RTC-Lincoln School, anticipated to be opened soon at Lancaster County Youth Detention Center; and Y RTC-Geneva School will presumably reopen once girls are moved there. We're looking at four separate schools under the Y RTC system. There have been significant challenges with the education of the girls since they were placed at Y RTC-Kearney. The girls have not been able to attend school for a regular period of time and, therefore, are short on their educational hours. The Department of Health and Human Services has been working collaboratively with the Department of Education to address these challenges. In addition, the committee's conversations with the Commissioner of Education and CEO Dannette Smith have highlighted the ongoing difficulty of requiring DHHS alone to oversee educational programming, when education is not that department's area of expertise. This legislation will allow an individual with education expertise and a certificate to administer schools in Nebraska, to help oversee the educational programming at the Y RTCs. I'm happy to try to answer any questions you may have. We thought this bill would go to Education. I would also state that. So we were all prepared for it to go to the Education Committee and it came to us. So this is, this is our, this is our moment to discuss education here.

ARCH: Are there any questions from the committee? I, I have one.

HOWARD: Yes.

ARCH: Lincoln, Lancaster-- not, not one of the three because of its relationship to-- in education-- to the schools, it was in Lincoln?

HOWARD: So the Lincoln Youth Services Center can-- has a partnership with Lincoln Public Schools. But that's through the county. So if you're in the Youth Services Center, as a county facility, that's separate. Everything in the Youth Services Center is separate. So the

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YRTC will be separate, will presumably have its own teachers and its own educational system, because we can't commingle those two sources of funding,--

ARCH: All right.

HOWARD: --I would think.

ARCH: Thank you.

HOWARD: Thank you.

ARCH: Seeing no other questions, thank you.

HOWARD: Thank you.

ARCH: Are there proponents for this bill?

MATT BLOMSTEDT: So good afternoon, Senator Arch, members of the Health and Human Services Committee. My name is Matt Blomstedt, spelled B-l-o-m-s-t-e-d-t, and I am the Commissioner of Education in the state of Nebraska. And I will tell you, I have our, the state board of Education actually meeting today and tomorrow, so I'm over here, and I appreciate being able to come over quickly and be able to give you a little bit of testimony on LB1188. As I had presented to you back-- I want to say it was in December, I believe in December, where you had that joint hearing with the Judiciary Committee on this particular topic. There are several issues to kind of unwind. And I know you had conversations yesterday. I don't have to go through all of those, but I want to highlight why I think LB1188 is a step in the right direction. It's not the only step that needs to be taken, but a step in the right direction in, in the short term and then in the way that we look at these particular schools. So because you're not the Education Committee, I'll give you a little background. The Department of Education, by rule and reg, accredits public schools in the state of Nebraska. Also, it accredits private parochial schools that choose to be accredited or approves those particular schools, as well. We also approve the education in-- within homeschool situations. YRTCs have become a pretty unique piece of the puzzle, and they actually fit underneath a special purpose agreement within Rule 10, or our accreditation rule. Over the years, as that developed, it was just basically that the requirements looked very different, and could look very different, as it related to YRTCs. And over time, my concern again, watching for years and years, is perhaps this is not really the

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right kind of structural system, from an educational perspective. Every other school in the state of Nebraska, from any accredited school, would have a superintendent, and that's a separate level of administration, with separate requirements and separate ethical requirements and other things, really with the responsibility for a school system. Underneath the YRTCs and the special purpose agreements, all we really had were, essentially, principals. And I-- not, not to downgrade principals, principals are very important, but it is not the normal work that we would do with the school district during accreditation to work with the principal. It actually would be working with a school district superintendent, for the, for the most part. That is how we would do that particular work. And so absent that, our principals are actually left in these instances, in, in YRTCs, without the proper supervision relative to the expectations in every other school's, their circumstance that principals are evaluated by a superintendent, and that superintendents would file various forms with the Department of Education. And we have, would have those types of responsibilities. As this began to unfold, I think last fall, and I continued to have conversations with Department of Health and Human Services, and certainly with you as a committee, and others, I felt it was really important that we start to look at the structure and start taking some steps that would actually make the structure more modern, relative to the expectations that we might have as a state, but also relative the expectations that the profession of education has, relative to proper supervision and direction. And so I believe, in particular, that, that the piece of this bill, that law requiring that a superintendent be in place, is an important one. Now I will tell you, I've had those conversations with HHS, and they are taking steps to actually ensure that they can place a superintendent in this situation. I believe that this legislation would help clarify, number one, some of our responsibilities relative to how rule and reg would work, and that would ensure that a superintendent would be required in these circumstances, regardless of whether I'm in this position or someone else. I think that's an important aspect of this bill. I also think it's an important aspect that a superintendent has a system, kind of, expectation of preparation of how they're prepared and ensure that finance and the proper administrative structures are in place. Special ed, which I know I talked to you before, is among my concerns. I would expect the superintendent would understand how those pieces can come into play. I also think it elevates the executive level decision-making within HHS to ensure that a superintendent is in place. So when I'm having dialogue or the Department of Education is having dialogue, we have expectations of superintendents that are

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different than what we, what we have of principals. There's expectations of reporting. For instance, if they report to us something that's not, not accurate or not, not truthful, we actually, we hold that as an ethical violation. So a superintendent would have an ethics responsibility to report directly to us. I think there's other things that become powers underneath this, that are perhaps really critical for this ongoing conversation. I do appreciate and I'm not going to remember your bill yesterday or the bill number, but I do appreciate us being included in that particular provision, for planning's sake. I don't believe we're in a position where us simply saying we know exactly what ought to happen is where we're at, right? We want to continue to be part of those conversations. And I believe this is a critical step in, in that direction. So I see the yellow light. I never finish before the red light, so I appreciate the time, and I'll try to finish now. So our--

ARCH: Thank you.

MATT BLOMSTEDT: Senator Arch, yeah.

ARCH: Thank you. Questions, Commissioner. Senator Cavanaugh.

CAVANAUGH: Thank you. Thanks for being here, Commissioner. So a couple of things, well, three. Yesterday we heard from the NSEA, about some of the concerns teachers are having. How would that be handled if that were happening in our public school system?

MATT BLOMSTEDT: I-- how would-- I didn't hear, I didn't get to hear the--

CAVANAUGH: Well, so--

MATT BLOMSTEDT: --testimony yesterday, so I do apologize--

CAVANAUGH: So--

MATT BLOMSTEDT: on that, so--

CAVANAUGH: --if teachers are expressing concerns about the conditions of a school, the safety of the students and the safety of the teachers at a school, how is that handled with that?

MATT BLOMSTEDT: Typically, it would be through a superintendent, for instance, right, that certainly they would be reporting things to principals and then up through that, that particular kind of, I'll

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say, chain of command relative to how that might work. I think in a typical setting, we would probably be hearing from administrators about what those concerns were, as well. And I would like to believe that, if we had that structure in place, that it would be made more clear that we should be hearing about those things through kind of that, that regular channel

CAVANAUGH: And then you had mentioned IEPs, and I was wondering-- and you might not know this because it doesn't fall under you currently, but do the students that are at the YRTC's have IEPs?

MATT BLOMSTEDT: I believe some do, identified with the special ed services and particular plans. And I think there was also kind of a belief that, in some cases-- and this is what I, I mentioned before in testimony back in December-- that I believe there's some holes in that particular system that need to be closed. I mean, in addition to that, that I think the responsibilities of a superintendent was to help start closing some of those issues. But when you look at special ed services, that's the responsibility, I would say, not just of a school district, but of the state. And for our particular reasons, we would rely on that kind of administration to bring those things forward.

CAVANAUGH: And I just have one final--

MATT BLOMSTEDT: Sure.

CAVANAUGH: --question. In the public school system in Nebraska, if a student reports to a teacher that they have unsafe, unhealthy living home conditions, what is the process there?

MATT BLOMSTEDT: I probably won't be able to ex, to say it properly, but there is a mandatory reporting provision for abuse and neglect, right? They go through this, through Child Protective Services for other reasons. That will be another topic in the Judiciary Committee, so--

CAVANAUGH: And that doesn't apply-- does that apply to the teachers that are at the YRTC?

MATT BLOMSTEDT: I-- you know, it, it would, in my view, if they're certificated teachers in the state of Nebraska, yes.

CAVANAUGH: OK. Thank you.

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MATT BLOMSTEDT: Um-hum.

ARCH: Other questions? Senator Murman.

MURMAN: Thank you, Senator Arch, and thank you, Commissioner Blomstedt, for being here again. You're testifying in, in, as a proponent, so I assume you are for the school being under the administration or overseen by the Health and Human Services. Would, would you think it would be an advantage for the Department of Education to have more responsibility in overseeing the schools, as compared to Health and Human Services?

MATT BLOMSTEDT: I, I, I-- certainly it's been among those conversations, and I do believe in some additional responsibilities. Spelling all of those out in, probably, the short session that you have, I don't think is probably as reasonable a step as with the bill that you talked about yesterday. But I, I do believe the opportunity, kind of, to lay out what that structure may look like-- I have, actually, concerns just beyond YRTC's. And I don't mean concerns with HHS or concerns, but concerns about students in the state of Nebraska that are underneath our care, from a state ward or in court ward perspective, and how we manage those. I think school districts across the state feel that same kind of pressure as students are moved around in the system from foster care and otherwise. So I believe there's a-- needs to be a deeper conversation, and I would definitely like to have that with you. If I could just lay out exactly what that should be, I would do that for you today. But I, I, I am not opposed to the notion that we would have a greater responsibility in that. I want the responsibility to be properly done and thought through with all the, with all the actors, including you, as the Legislature.

MURMAN: So, so if I could ask another question. So by-- we haven't had a superintendent there before, if I understand correctly, so this would be a step in that direction, to have more involvement with the Department of Education.

MATT BLOMSTEDT: Yeah. To me, it would be a step, very much a step in the right direction as to the-- what we currently hold as expectations of superintendents, right? So when, if I was going to work with any other school district, and I had, I had the types of concerns that we have, maybe, in the case of YRTC's, well, I'd be first going to a superintendent. In this case, I, you know, I think well-intended folks that are working inside of HHS don't know about, necessarily, the responsibilities on education. And so it's not the same level of

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conversation I might have with someone who is actually trained and certified as a superintendent in Nebraska.

ARCH: Other questions? Senator Walz.

WALZ: Thank you for coming today. We talked a little bit about the ethic responsibility of reporting for superintendents. So I'm just curious if you could give me, maybe, a couple examples of-- what would the difference be regarding what components of education or a child's education would there be between the principal and the superintendent? What things would be able to be reported, if we had a superintendent, that are not being able to be reported?

MATT BLOMSTEDT: So, number one would be the performance of principals. And I, and I don't-- we don't have a principal, principal supervisor in the case of YRTCs, so that would be different than what it is currently. So that's, that's one thing. The responsibility to report, typically, in other circumstances, are not reports that would come from principals as administrators. Now I'm going to tell you that the principals that were in this setting, and not just current but past as well, were doing everything that they possibly could, but they were being supervised, not as educators. They were being supervised as employees of Health and Human Services, so if that makes sense, right?

WALZ: Um-hum.

MATT BLOMSTEDT: It's not the same thing. It's not the same expectation. And I think that's why it's important to have that delineation.

WALZ: Very good. Thank you.

ARCH: Other questions? Senator Murman.

MURMAN: Thanks again. I got one more quick question. So there would be four school locations, as we're administrating the YRTCs right now. How much of a challenge is that, compared to, maybe, two locations or one location, you know, one in just Kearney or two locations, one in Kearney, one in Geneva, compared to like four locations?

MATT BLOMSTEDT: In, in-- first of all. I mean, obviously, I think there's more challenges when you have multiple locations and trying to deal with, you know, a relatively small number of students in kind of those terms. But what we're lacking, in my humble opinion, is the proper facilities in any of the locations to do what we need to do.

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And I, you know, I probably will not be quiet about the need to make the, those proper investments. I actually feel like they're trying to identify places that might have proper facilities for giving the students. It would be better that those would be organized in such a fashion that they were in one location. And I say that-- now I know you also have the dynamic of males and females in the same location and a lot of things for you all to consider. But in the end, probably best practices would say to make that look different. But we're-- well, I believe we're actually lacking the proper facilities, in the long run, for the state, and I believe for us to do that-- I would not have a school district in the state of Nebraska that would put up with that. Their local voters would ensure that they had the proper facilities in place. Even in private, parochial school settings, they ensure that they have the proper facilities in place. You know, is it the responsibility of HHS and HHS and the administration to ensure that they have the proper facilities? Maybe you could make that case, but I also feel it ought to be a bit of a broader conversation for the state. And I-- when I look at that, and I would say-- I've, and I've tried to-- since, since this has happened in the fall, I've tried to look around the country and go, are there some best practice models? There probably are. They probably don't look exactly like what we're trying to build, and they certainly don't look like what we had before.

MURMAN: Thank you.

ARCH: Other questions? I have, I have, I have a couple. Is-- right now is-- are these schools or the education programs within the YRTCs, are they considered a school district? You've used that term.

MATT BLOMSTEDT: Yeah. So in Nebraska, it's interesting, they're not a school district, 'cause in the, in the sense that a school district actually has geography and taxing authority. And so our, our, you know, our typical school district has all those things. I mean--and our-- only school districts have all those things. We actually had this kind of dialogue with the U.S. Department of Ed over what YRTCs are. And they're-- it's not unusual that states have some level of provision for educational services in these, in these different settings. It is unusual. It is a public school in Nebraska, if you were to think of it that way, but not a public school district, if that makes sense. I hope I didn't talk around that too much. But that's-- it's not the same thing as a school district.

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ARCH: OK. So then my, my follow-up question-- I'm, I'm assuming the answer is no. But then, if you appoint a superintendent, would it automatically require a school board?

MATT BLOMSTEDT: No. Right. And so, in fact, what, what the law-- or what the proposal actually does, is require someone to be appointed to that position that would have the qualifications of a school superintendent, I believe. So, so it doesn't require a school board. It, it's a great-- it's another great point about the importance of possibly having a governing body over the education of this, and who would be the right ones to have on such a governing body. I think that's--

ARCH: Is it--

MATT BLOMSTEDT: --a reasonable conversation for the future, yes.

ARCH: Who, who the superintendent reports to.

MATT BLOMSTEDT: Right. Right, exactly. And I think that would change. So right now, the way that this is crafted, it's still going to report up through Health and Human Services and to that. And we still potentially have some of those struggles that you, you may-- one might imagine. But I think it's a step in the right direction, at least from my ability to interact or the Department of Education's ability to interact with someone that understands that kind of broader structure. And I would see it as a key position to be able to continue to have those conversations about how we improve the system.

ARCH: OK. All right. Any other questions? All right, thank you very much--

MATT BLOMSTEDT: You let--

ARCH: --for your testimony.

MATT BLOMSTEDT: me off easy. So thank you.

ARCH: Yeah. Other proponents? Are there any opponents? Is there anyone that would like to testify in a neutral capacity? Welcome, Mr. LaBouchardiere.

MARK LaBOUCHARDIERE: [INAUDIBLE], Senator. Good afternoon, Vice Chair Arch and members of the Health and Human Services Committee. My name is Mark LaBouchardiere, M-a-r-k L-a-B-o-u-c-h-a-r-d-i-e-r-e, and I am

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the director of facilities with the Department of Health and Human Services. I'm here to testify on LB1188, which will require the Office of Juvenile Services to establish and hire the position of superintendent of schools to administer the education programs for the youth rehabilitation and treatment centers. In addition, LB1188 addresses the definition of an interim program school. I'm here to testify neutral to LB1188, and offer a technical concern. The YRTC is accredited-- is an accredited Rule 10 school, which is the best option for the youth that we serve. Our technical issue is that Section 3 can be read two ways. It can be harmonizing to allow a YRTC to be a qualified, as meeting requirements, if it drops down to a lower standard, which is a Rule 18 interim program school. Or it could be interpreted to be defining a YRTC as a low-level interim program school because it does not appear to also harmonize YRTCs into statute under the definition of a, of an approved or accredited school, which is Rule 10. Thank you for the opportunity to testify today, and I'd be happy to answer any questions.

ARCH: Questions? Senator Walz.

WALZ: Thank you.

MARK LaBOUCHARDIERE: Yes, ma'am.

WALZ: Can you explain?

MARK LaBOUCHARDIERE: Can I explain?

WALZ: Yeah.

MARK LaBOUCHARDIERE: So essentially, right now the YRTCs are a Rule 10, which means that we can issue diplomas to youth who are at the YRTC. So the past four years, we have issued almost 70 diplomas, high school diplomas, to youth, and twenty GEDs. I think that's a huge benefit of being a Rule 10 school. Youth who come to us-- and as you know, a lot of them who come to us have been-- not really gone to school a whole lot because they've been-- they've gone to so many different group homes or placements. And when they finally come to us to be able to actually leave our facility with a high school diploma in hand, I think it's huge because there's so many other distractions, if you may, once they leave us to continue going to school, whether it's peer pressure or it's just the environment. So I think having that in hand has been-- I've seen huge success with that in both Geneva and Kearney. I mean, we have an actual graduation ceremony. We

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have people who come speak. Youth look forward to it. Parents-- I think it's one of the biggest things I do here-- parents say they appreciate-- is kids who actually do get [INAUDIBLE]. If they don't graduate with a high school diploma, at least they get credits which can, which are transferable, because it is an accredited school right now. So what the bill talks about-- at the first part, it, it talks about how it could be at-- the YRTC's could be an interim program. It could be an accredited or approved school. But later on, in the definitions, it says the YRTC is an interim school. So interim, interim program school, we cannot issue diplomas. Right now we have two facilities: the Hastings Regional Center and Whitehall, which are PRTFs, and those are Rule 18, where they cannot issue diplomas. But, but then again, it's because it's a very short-term program. One is a substance-abuse, chemical-dependency program, and one is a youth sex offender program. So those are shorter-term stays. So that's more suited for that because kids are on-- only there for three to five months. But this would-- but it, but in the YRTC's, on their interim program school, would take away that ability for us to issue diplomas or GEDs.

WALZ: OK. Thank you.

MARK LaBOUCHARDIERE: You're welcome.

ARCH: Other questions? Senator Cavanaugh?

CAVANAUGH: Thank you. Thank you for being here today, Mr. Bush-- Bouchardiere. Am I close?

MARK LaBOUCHARDIERE: Yes, ma'am.

CAVANAUGH: I actually wrote it out phonetically for myself the other day; I'm trying. We're all working on it together. So if that is fixed in Rule-- or Section 3--

MARK LaBOUCHARDIERE: Hmm.

CAVANAUGH: And I'm actually-- I'm looking at Section 3, and it, it looks like it only adds in a date.

MARK LaBOUCHARDIERE: It adds the date of August 21, 2021 [SIC]. But if you look at-- under the definition of the interim program school,--

CAVANAUGH: Um-hum.

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MARK LaBOUCHARDIERE: --it has the YRTC under that.

CAVANAUGH: OK.

MARK LaBOUCHARDIERE: And I don't think that was the intent of it. That's why we are saying that there's a-- maybe a technical--

CAVANAUGH: OK.

MARK LaBOUCHARDIERE: --concern.

CAVANAUGH: So just assuming that that is fixed, then there's not an issue?

MARK LaBOUCHARDIERE: Absolutely not. I think we are-- the department is fully in support of having a superintendent of schools, something like Commissioner Blomstedt talked about. I think that's going to add a whole new layer of having that education oversight.

CAVANAUGH: And have you talked to Commissioner Blomstedt about--

MARK LaBOUCHARDIERE: There's been several discussions with NDE, with how we have been moving forward and planning.

CAVANAUGH: OK, great. Thank you.

MARK LaBOUCHARDIERE: You're welcome.

ARCH: Any more questions? All right. Thank you very much.

MARK LaBOUCHARDIERE: Thank you.

ARCH: Any other people want to testify as neutral? Seeing nothing, Senator Howard.

HOWARD: I'll just state, for the record, that I appreciate the Department of Education's and the Department of Health and Human Services' comments today, I think they were illuminating, and they help us understand that we're going in the right direction with this bill. I'm happy to work with the department to fix any technical issues or clarify and tighten the language to make sure that we're not dropping the school to a lower accreditation standard. With that, I'm happy to try to answer any questions you may have. But I think we're pretty much done here.

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ARCH: Are there any questions for Senator Howard? Seeing none, thank you very much.

HOWARD: Thank you, Senator Arch.

ARCH: And before we close the hearing for LB1188, there were two letters as proponents: Mary Bahney, National Association of Social Workers, the Nebraska Chapter; and Laura Opfer, the Nebraska Children's Commission. And this will close the hearing for LB1188.

HOWARD: All right. This will open the hearing for LB1150, Senator Brandt's bill, to require the youth rehabilitation and treatment centers to be fully operational by July 1, 2021. Welcome, Senator Brandt.

BRANDT: Good afternoon, Chairwoman Howard and the Health and Human Services Committee. I am Senator Tom Brandt, T-o-m B-r-a-n-d-t, and I represent Legislative District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties. Today, I and 23 cosponsors are introducing LB1150, to return Kearney YRTC to a boys-only facility and Geneva YRTC to a girls-only facility. Started March 14, 1892, the Geneva YRTC has been successfully serving girls in the state of Nebraska for 128 years. Two years ago, the facility re, received a 100 percent accreditation, one of the very best in the nation. In August of 2019, the facility had become so dysfunctional that an emergency was declared by DHHS, and the girls were temporarily transferred to the Kearney YRTC for safety reasons. What happened to cause this emergency? Staffing problems, because of poor working conditions and mandatory overtime, made it difficult to recruit new team members to fill open jobs. A lack of programming for the girls created confusion among the girls and staff, a change in facility maintenance from local control to DAS control in Lincoln left areas of the campus unmaintained, and poor overall supervision and training from Lincoln DHHS all contributed to the problems at Geneva. An approximate timeline of meetings with DHHS on Geneva are as follows. On October 2nd, a legislative hearing was held in Geneva on the current state of the YRTCs. CEO of DHHS, Dannette Smith, thought that once the repairs were finished to the LaFlesche facility in October and November, that the girls may be returned in November. She said the girls had been temporarily removed for safety reasons attributed to maintenance conditions in the facilities. On October 20th, a meeting was held at the Geneva YRTC, with CEO Smith, to review repair progress of cottages and the status of the 75 positions at Geneva YRTC. It was stated that the facility would not be ready for girls in November. In

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a November 14th meeting in Geneva, with CEO Smith, the preliminary plan for overall YRTC's was announced, to include a new YRTC in Lincoln and convert Geneva to a final destination YRTC for girls after they started in Kearney. She estimated two to six girls would be back in Geneva on January 6. The LaFlesche Cottage had been repaired and was about ready to go. She announced that 46 employees at Geneva YRTC had had their positions eliminated, and indicated the new Geneva YRTC would only need 18 to 20 employees. In a January 6th meeting with CEO Smith in Lincoln, she discussed mothballing the school, food services, and medical services at Geneva. LaFlesche was ready to go, but no girls would now be placed till the end of January. On February 4th, at the YRTC-Lincoln open house, CEO Smith stated that the first girls should be at Geneva by mid-February. Today, there have been no girls returned to Geneva. From August 2019 until today, the girls have been housed and educated at the Kearney YRTC, which was originally designed and historically used as a boys-only facility. This has led to many problems in the behavior of both boys and girls. A letter you got yesterday, dated February 5, 2020, from NSEA organizational specialist, Rich Wergin, is particularly sobering as it outlines the current deteriorating situation in education for youth at Kearney, because both sexes are on the same campus, and this creates challenges for teachers, staff and students. The report outlines three basic problems: the separation of boys and girls using the same facilities; communication between management and staff since the girls came to Kearney has deteriorated; the facility is short of adequate numbers of trained staff. The recommendation of the letter from the teachers is that the girls be moved back to Geneva as soon as possible, to enable both campuses to focus on more effective learning and treatment programs designed for single-sex campuses. Housing problems at Kearney were aggravated when the girls were moved to a housing unit previously used for at-risk boys. Additional problems have occurred from having both males and females housed in the Dickson security unit. Finally, the simple logistics of running a facility for things like dining and recreation are complicated by the fact that the girls and boys cannot be in contact with each other. There is a fiscal note from DHHS, asking for a new 40-bed facility in Geneva, for \$12 million, to bring the total capacity up to 60 beds, if none of the older facilities are used. The Legislative Fiscal Office shows no fiscal note because of the declining number of girls going to the YRTC program that can be met by the existing facility. Because Geneva was a fully functioning facility when the budget was approved by the Governor and the Legislature last May, HHS would have appropriated adequate funding. In fact, DHHS used the 60 girls-- if in fact, if DHHS used the 60-girl

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figure that they used in the fiscal note, and we only house 24 girls in Kearney, there should be a turnback of excess funds to the state General Fund from the budget. LB1150 requires DHHS to submit a progress report to the Legislature August 1, 2020, and December 1, 2020. LB1150 is simple and straightforward. It states Kearney YRTC will be a boys-only facility, and Geneva will be a girls-only facility. This will happen by a date certain of July 1, 2021. This date would allow DHHS time to modify the statute in the 2021 legislative session, should the need arise. I'd be happy to answer any questions.

HOWARD: Thank you, Senator Brandt. Are there questions? Senator Arch.

ARCH: Thank you. Thank you, Senator Brandt. There's a, there's a phrase that's used in both of these subsections here in Section 1, one for Geneva, one for Kearney. And that phrase is "fully staffed and operational." Could you, could you explain what, what, how you understand that, how you understand that phrase?

BRANDT: How, how I see this bill is simply this: it gives the department a lot of leeway here. It's simply saying Kearney is a boys-only facility, Geneva is a girls-only facility, and we're doing what's best for the kids. And they would have to staff it as such. We aren't an expert in staffing; they are. It's been there 128 years. We used to have 75 positions there. They know, they know what it takes to fully staff the facility. So I would anticipate, if, if they felt that they were going to have 60 or 70 girls there-- that's what that staffing is for-- they would have to staff as such. If they, if they really feel that ongoing, it's going to be these 20 girls that we can house in the existing facility, obviously, the staffing would be less. And they've taken some steps, like we have a food service facility on campus. You know, if you can contract your food service off-site, you know, maybe that's a way where some of the staff could be maybe moved around in a situation like that.

ARCH: But the intention is, Kearney is a boys-only facility, Geneva is a girls-only facility.

BRANDT: Yeah, that would be correct, because I get a lot of letters from people that, that are working in the current situation, and there's a real concern for what's going on in Kearney.

ARCH: Thank you.

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BRANDT: You bet.

HOWARD: Other questions? Senator Williams.

WILLIAMS: Thank you, Senator Howard. And thank you, Senator Brandt, for bringing this. I'd like you to just spend a little bit of time talking about the staffing issues. We have heard comments and testimony, from CEO Smith and others, about that being a portion of the issue that was behind the closing and the problems that happened, and their concern about staffing, going forward. Is that a concern of yours or the community of Geneva?

BRANDT: Well, I think it's a concern everywhere. They had 75 full-time equivalent jobs there. When the facility closed on-- or when the girls got moved on August 19th, they had 57 of those positions filled. And because I'm on Judiciary and I see what's happening in Corrections right now, it's the same thing we're having there. We're, we have corrections officers that load up in a bus every day in Omaha, and they drive to Tecumseh. And they also come here, to Lincoln, to staff those. And what we were seeing in Geneva when Senator Howard and myself, Senator Pansing Brooks, and Senator Lathrop toured the facility in mid-August, some of those people that were working that shift were from Kearney. OK. So I think it ebbs and flows. But what the impression that I got from the tour and talking to those individuals, I talked to a young lady that had worked there for about six weeks and she just felt adrift. She didn't feel she'd been trained properly, and here she was, working two shifts. Those are good jobs, historically. And, you know, I think, if the management of the facility got behind them and the training was there, I, I think the, the, the base is there in our small towns to have a facility like that. I mean, really, Geneva is no different than like a Lexington or a Gothenburg or, or any of these other small towns. The work force is there. A lot of these jobs tend to be farm wives, and they work for the health insurance.

WILLIAMS: Continuing on, and with the experience with Corrections and-- you know, I used to serve there and you're serving there now.

BRANDT: Sure.

WILLIAMS: The issue of low pay, mandatory overtime, and working conditions--

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BRANDT: Um-hum.

WILLIAMS: Are we seeing the same thing in, In the YRTC issue with the hiring people, to some degree, that we see in Corrections?

BRANDT: I, I think we, we are. I think you, you hit it right on the head. My understanding is, Kearney is no different than Geneva. They're having a hard time filling positions there. I, I could be mistaken. You know, we just built a new veterans' home there, and we have like 60 beds in that veterans' home that are empty because we can't hire enough staff. It's not because there is a waiting list to, to get these people there. One thing they could do is, probably, increase the salaries. On the Corrections side, we did that. And another issue that's unique to the YRTCs is, when an officer or an employee of the YRTC gets attacked, they don't, they don't have the same consequences as when a corrections officer or a police officer gets attacked. And that's maybe something we need to look at down the road. I know Senator Lowe had a bill on that last year, and that contributes a little bit maybe to keeping people from applying at the YRTCs.

WILLIAMS: Thank you.

BRANDT: You bet.

HOWARD: Other questions? Senator Cavanaugh.

CAVANAUGH: Thank you, Chairwoman Howard. Thank you, Senator Brandt. When you say keeping people from applying, could you speak to what the process was for that last recruitment fair that they had in Geneva?

BRANDT: Well, my understanding is they-- I didn't see it in the Geneva paper, but that doesn't mean that they didn't put an ad in the Geneva paper. As with most small towns, there's one newspaper for the county; it comes out weekly. And my experience is, everybody subscribes to it because you've got to keep up on what's happening. And I was looking for, for an advertisement in there, as such, and didn't see one. CEO Smith indicated that they had 12 people show up for a job fair and only three of them were eligible or had applied. And I think that's the number that they used. And I asked, at the time, how they had done that. And she'd indicated maybe Facebook or radio, and that could have been, also. But I, I think there's a number of things that you could do, particularly in a small town. It's different than in an urban area that you're from. You just sort of have to know where to post things

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and make sure that, that this-- identify the group that you're going after for recruitment. Sure, there's bodies out there that are willing to work.

CAVANAUGH: Perhaps the department, if they do testify, will be able to expand on that for us.

BRANDT: Possibly. Yes.

CAVANAUGH: Thank you.

HOWARD: Any-- Senator Murman.

MURMAN: Thanks a lot, Senator Howard. And thanks a lot, Senator Brandt, for bringing this. I toured the YRTC at Geneva shortly after you guys did there in August, and then with the committee, toured the YRTC in Kearney a little later, a few weeks later. I don't really want to compare the facilities, but the facilities in Geneva definitely have some advantages over some of the facilities in Kearney. Would you care to expand a little bit on that? I was very impressed by the facilities at Geneva.

BRANDT: Absolutely. Geneva has always been a campus. When a youth gets sent there, we want them to feel that this isn't a prison. And up until 1997, our YRTCs were part of the correctional system. And then the state made a conscious effort that we want to rehabilitate these youth. In talking to some of the girls that have gone through the program successfully-- and I'm sure we're not successful with every girl-- it takes a while to get acclimated. I'm sure if you, if you got moved there from an urban setting, it's just like getting sent to the moon. I mean, you're in, you're in Geneva, of all places. And the city and the people that work there were used to welcoming these girls that, that came from those environments, building up trust. And I can see, on some of the stuff that I've read, some of the other testimonies that I've read, that having a single-sex facility, with just girls there, is a lot better dynamic than having those girls in with the boys, because then the hormones are kicking in. And you're, you're probably going to hear some stories about some of the stuff. You guys all know these stories; I don't need to repeat these stories. But there's a lot of stuff that happens when you get boys and girls in close proximity to each other. And how that facility always used to work was, you had girls, some girls that were ready to get out, then you had the new girls come in, and they could see what the success

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was. You want to show those girls what success looks like. And I think Geneva did a very good job of that.

MURMAN: OK, thank you. Specifically, specifically to facilities, could you speak a little bit about, like, the school, the food preparation facilities, the housing that is there?

BRANDT: Right. And I, I, I guess I'll speak to Geneva. And I have toured Kearney, also. Both facilities were gender specific when they were built. For example, in Geneva, there is only one locker room for girls. There is not a boys' locker room in, in, and I believe, in Kearney-- and I didn't tour the pool-- there is only one locker room for boys. So it was never, never meant to be a dual-sex facility. The school-- you know, I was impressed when we walked through that school building. They've got different classrooms set up, just like a regular school would be. You've got sort of a home ec area, you've got English, you've got science. What's really neat at Geneva is, they took one of the classrooms, and it is a hairstylist. And after the girls have been there for a couple weeks and they earn the right to, to do this, they go in there and they learn some of these skills, and they get their hair made up, and manicures, and stuff like that. So-- and then Geneva also has a nursery. So some of these girls have children already, and when their children come to visit, they have a separate building that they can go to with their family. And that, that-- I don't believe they've got that at Kearney, but I can't speak to that. Specifically, it's just a lot more relaxed, I think, if the girls were there. The Geneva facility always had individual rooms for the girls. Kearney is a dormitory situation, where there's 16 or 17 boys in a barracks-style situation. When the girls moved to Kearney, they took the facility that had the individual rooms. And my understanding is, the Kearney facility used to put the at-risk boys in those, in those, in that dorm, and now they're in the general population.

MURMAN: OK, maybe just to continue a little bit about the gym, the indoor pool, the ball field, the sports [INAUDIBLE].

BRANDT: Well, I mean, it's in great shape.

MURMAN: Um-hum.

BRANDT: I mean, I-- yeah, I would encourage everybody to go out there and look at it. There's nothing extraordinary about the gym. It's like any high school gym in the state of Nebraska. But when you talk to the

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girls for their recreation, that was their outlet. You've got a bunch of teenagers that have to burn off a lot of energy. They enjoyed using the pool, using the gym. They have special games set up. They don't play volleyball; they sort of play a dodgeball/volleyball kind of a thing. I don't remember what they call that. You know, they can they, they, there's some basketball hoops set up outside, I'm sure they can go outside and recreate out there also. So--

WILLIAMS: Thank you very much.

BRANDT: Yeah.

HOWARD: All right. Other questions? Senator Brandt, one of the things that I was concerned about was the-- and you may not feel comfortable commenting on this--

BRANDT: Um-hum.

HOWARD: --was the showers and the bathing at Geneva versus Kearney, because in Geneva, the girls had their own showers and, in Kearney, they had sort of communal showers.

BRANDT: OK.

HOWARD: I don't know if you noticed that or if you've heard of that as being an issue for the girls.

BRANDT: I've, I've gotten a lot of feedback, particularly from people that, that are working out in Kearney that did work in Geneva, and, you know, working with the girls. And there hasn't been too much said about that, but there's been a lot of other stuff said, that they don't feel that the girls are fitting in very well at Kearney. They really feel like second class citizens there. It's like the staff that's there, they, they just don't feel like they're wanted. That's sort of the thrust of a lot of the phone calls and the e-mails that I receive. Specifically the showers, I, I can't say what's going on there, so--

HOWARD: Thank you. Any final questions? Seeing none, will you be staying to close?

BRANDT: Yes, we will.

HOWARD: Thank you.

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BRANDT: Thank you.

HOWARD: Thank you, Senator Brandt. OK, we'll invite our first proponent testifier up for LB1150.

FRANK HEINISCH: I guess I'm not too bashful.

HOWARD: Good afternoon, Mr. Heinisch.

FRANK HEINISCH: Good afternoon. Chairman Howard, members of the committee, my name is Frank Heinisch, H-- F-r-a-n-k, Heinisch, H-e-i-n-i-s-c-h. I'm an attorney in Geneva, Nebraska. I, I've given my story a couple of times before. I never get my material done as to what I'm discussing. We, we're sidetracked too often to try to continue the story and not repeat it too much. I, I handed something out fairly sim, similar to the pink sheets that I handed out this time, and I'm not going to get into the Kearney YRTC. It's more of a place of incarceration rather than a place of rehabilitation. I think the item 2, and what I'm sorry to discuss, is the question that, are we've been cheating our girls, having them out at Kearney YRTC facilities? There are, in theory, a lot of programs that they're trying to get going, and I commend them for their attempts. From the feedback I'm getting, they're, they're not successful with the girls, as much as we have been at Geneva YRTC. The, the whole concept, just sitting back a second, is, is that you need to, the staff needs to bond with the girls, not, not only the teachers, but the staff that are taking care of the kids during the day, spending the nights there. And once you get that bonding going, then you've got a relationship and then you can go with the kids. And until that happens, you really cannot be successful. And that's where we can talk about any fancy program you want, but it's a one-on-one relationship. And once you've established that relationship, then it's marvelous. My example of my daughter that teaches kindergarten, she, she's-- I said: Well, how do you teach these kindergartners how to read? She said: I have all my kindergartners reading by October; latter part of October, I've got them reading. I said: How do you do it? She said: Real simple. When they start calling me mama, it's real easy. And so that's what the same thing is in different terms of the ages of the kids. And so that, that's the emphasis. Education-- I handed out diplomas and that. We had ceremonies and cakes three times a year with education diplomas. The families would come up and they would say: This is the first time any member of our family has gotten a high school diploma. I just would fall over. And we would have, oh, I would say, seldom more-- less than three, two or three would be a minimum, four or five. So we

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would be graduating 12, 15 kids. That's a tremendous thing, to come out and say: I've got a high school diploma. I'm the only one of my family that has one. And it, it's an amazing experience. I've spoken a few diploma, at a few graduations. I've attended them all, handed out diplomas. The specific issue at Kearney is, it's not built for girls. When we started this baby program in Geneva, we were nationally recognized as one of the few places that had a program for the girls who had babies, as to how to help them learn to care for their babies, how to have, actually, overnight visitations with their babies. This is something that was earth shattering in-- or through the country, we had wonderful write-ups on that. Kearney-- I don't think it's even thought of that issue. The question-- Kearney facilities, I, I come up with personal things that come to mind. When I was at the school, a young lady would have to go to the bathroom, OK? She would be barred from going in the halls until the halls were cleared of young men. Now, that's a simple thing. Is it really, though? You know, when you finally get guts enough-- I got to go to the bathroom. It doesn't mean you got to go 20 minutes from now or somebody's got to patrol the halls before you can go out. And I think that is a prime example of the type of lifestyle they're having to lead, where they feel they're second-class citizens. They're not being able to participate equally into the normal type of school experience. We get into arenas of-- well, we've talked enough about they're not getting their full credits, 27 credits rather than 40. They're not going to be able to graduate. They're trying all sorts of programs. I, I don't have anything bad to say to Health and Human Services. They're trying. They've got some major problems. But I don't think they can accomplish it by having the girls at Kearney. We've got Title 9 violations or, or challenges there. You're supposed to have equal opportunities for the girls. I, they-- they're set up. They've got a wonderful shop. Well, I know girls can, just can work in a shop as well, but they're, they're not set up to to service the girls in what they need in their educational opportunities. Boys are really lucky out there. They-- in the library, they've got like six or eight or ten computers. Geneva-- we don't have that. But to my knowledge, girls have not been given the access to the computers or are going to that next step. Recreation is a big challenge. I-- well, we have a gym, we have a swimming pool. The girls out there, they go out to swim outdoors, but some boys are going by. Well, you can't. In the lock-up area, the girls have to go back to their rooms because, if the boys are out there, they can't watch the boys and the boys watch the girls watching the boys. It's just a real difficult thing. I, I've got a red light. It's the story of my life. I would like to-- two things. Girls have a different interest in library

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reading, and I don't think the boys library is set up at all for the type of reading material that the girls have. I don't think that's been remedied. They were trying to move some of the Geneva books out about two or three weeks ago. I don't know where that went. And I would like to have you look up Google-- RA-- R-- YRTC Geneva YouTube. It's the last thing on the pink sheet. And if you have not Googled YRTC Geneva YouTube, that will give you a feel of the campus and what Geneva YRTC has been. And it was about, oh, I don't know, eight, ten years ago, but that-- it, it's 11 minutes long, and that will give you a feel for what we've got in Geneva YRTC. And I think that's the best story I can tell, as to what we can be and what we will be. There was one question, and I'll answer the question before it's asked: and that was staffing. We had a definite problem that I had spoken to earlier, that the girls that were difficult girls, when we lost LaFlesche and we put them into our population, then, then we had a lot more assaults. What-- ten years ago, we were setting records. We'd have one or two assaults a year rather than one or two or three a month. Very difficult recruiting when you're having people being assaulted, very difficult, even more when the assaulting person goes to the-- taken and picked up by the police. And what do the police do? They bring them back to Geneva. Why? That's the only place they can take them. So here we got a staff member that is stuck in a room with a girl that just assaulted her a couple of years ago, and already went through the program,, and came back and is back at Geneva YRTC-- very difficult situation for staffing with that. We have to have answers that the people who are normally there are safe. Excuse me. I'm open to questions.

HOWARD: Let's see if the committee has any questions. Are there questions? Senator Williams.

WILLIAMS: Thank you, Senator Howard, and thank you again for your testimony and your passion about the YRTC program. Senator Brandt's bill does a couple of very simple, straightforward things. And I'd like to ask you, in your opinion of being around the Geneva facility, is it clear to you that young boys and young girls should be on separate campuses?

FRANK HEINISCH: We had young men on the campus of Geneva for several years. We've had that experience. We really didn't have that big of a problem. But you, you have to have the campus and the campus-- they were evaluators. They were there for a short term, a month or two, not so much rehabilitation. So I, I just think at the current level, the

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discussions have been, if you're going to-- you might have to integrate the population together. They're going to go to boys and girls, going to go to school together, they're going to live together. But I, I don't think, at this stage of their lives and where they're, they're at, that it probably is for the best interest of them to be put together. And this whole idea of these pods of people that you can't look out the-- look out and see them or you can't have any communication-- I think it's so unrealistic. I don't think it's conducive to a good experience. I think the girls need to focus on their life without the boy interference, and I think the boys need to--

WILLIAMS: OK.

FRANK HEINISCH: --focus on their life.

WILLIAMS: Thank you. I'll just stop there. Thank you.

FRANK HEINISCH: And so will I.

HOWARD: Other questions? Senator Murman.

MURMAN: Thanks a lot for coming in again. You mentioned when the girls were moved out of the LaFlesche building, problems started to increase. Could you tell us your ideas on why that might have happened?

FRANK HEINISCH: Well, the girls that were in LaFlesche were the older, 17 or old-- later-- 17, 18 years old. What was interesting was, they were so well knowledgeable that they did not create the issues. They had the younger, the inexperienced girls do the dirty work for them, being assaulting another student or assaulting a staff member. But once that happened, they, they were not able to get a-- to, to deal with them, I guess. And then, all of a sudden, we had staff being assaulted. And in a small community, we know every stitch going on and every bruise. And that, that made employment very difficult. When we had a place where we could put these kids and segregate them-- well, even these hardened kids, sometimes a kid, a child-- a kid, a child-- a young lady, would be there for nine months or a year. And then all of a sudden she would get the light and she would come into the general population. And that's what you need to do is to get that person to the stage that they, they're not rebellious, but that they're trying to live as a good citizen.

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MURMAN: Thank you. I noticed that the LaFlesche building was-- had harder walls, higher ceilings. The sprinklers weren't easily accessible, and the same way with lights, different flooring that couldn't be torn up. Do you think that may have had something to do with the better situation at LaFlesche?

FRANK HEINISCH: Well, after, after LaFlesche was closed out because of a plumbing problem-- and I've heard different reports of design or what [INAUDIBLE] girls put in, down through the pipes [INAUDIBLE]. I was in there-- oh, I think it was latter January or early February-- there was a big three- or four-foot pile of dirt, and there was a big hole in the ground, and they were rummaging around. Why in the world that was not worked on for months. So we lost half of our facility, and the other half of LaFlesche went with the girls climbing up on cabinetry and got a-- getting at sprinkler heads and that, and, and I heard testimony of one maintenance person that said they were not up to repair any vandalism. I couldn't believe when I heard that. But yeah, we have some vandalism that-- the girls are in their way there. But those things need to be properly taken care of right away. And we have a history of doing that. Well, administrative services had different priorities. Once you have a 24/7 facility, you're probably going to have to have people on top of it right away.

MURMAN: And to continue with that, the LaFlesche facility-- I mean the last one built did have some advantages and, you know, like I mentioned, higher ceilings and hard walls and so forth. And, and that one houses 20 girls. The other facilities weren't built as, as indestructible. My idea is that the girls can be in the, the more indestructible one to start with. There's 20, you know, could be in there, and then use the more residential facilities. To me, LaFlesche looks residential, too. It's just built in a different way. That one could be used for when the girls are closer to being moved out. Do you think something like that could work?

FRANK HEINISCH: LaFlesche borders on incarceration. It has this stool sitting there in your room, it has the camera up above, not shining on you with it in there, but it's-- it feels more of an incarceration. But the, I, Health and Human Services are doing a nice job, and taking and getting the tile out so you can't pull the tile up or take-- they, they've done a nice job of remodeling, and I, I can't say enough about the good that they've done out there in LaFlesche. A lot of discussion on the other cottages, how poor they are. And I have, I differ with that, that that's part of the problem. If a girl has to go to the

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bathroom, there is a central bathroom, bathroom facility and each room does not have its own bathroom facility. I guess that's an outmoded philosophy, but if you're in a college dorm, some of them work that, you know, work that way. But--

MURMAN: Thank you.

FRANK HEINISCH: --we want a campus. We want the girls to be able to not come out of jail, but be rehabilitated and be used to a little more of a home environment. And that's what we're, we're really-- that's where we succeed, if we can provide a, a general home environment and a purpose.

MURMAN: Thank you. And, and Geneva does appear that way. Thank you very much.

FRANK HEINISCH: Well, we have a lot of people willing to work with the girls. We'll work with the girls if we have 2 or 3, or if we have 30 or 40 as it, to work, there's no way I-- I would prefer having them all in Geneva, but we'll work with them any way we can. We're, we're concerned about the continuing education. I've, I've got a juris doctorate, and I'm high into education. And I, I just don't think that-- there's such a high priority of having the girls have that education. And when they're bringing the girls back to Geneva, I'm understanding that their education is going to be through some video system. And we had a marvelous school. I mean, the-- our advisory board served as a school board for years and years. There was somebody that was outside, looking in, that harassed them for years about painting the lab tables. And, you know, the way we would do things, we would go through and to any individual and say: Hey, you need to clean this up or you need to do this or that. You need a third party eye on it, as a school board, not especially educators, but just-- you know, the kitchen right now, the kitchen faucets are wobbling. They should be repaired. But it's got-- it got so we couldn't even be allowed to cook-- bake cookies. Every year we'd bake cookies for the staff with the girls, and it was a, you know, a fun event, teaching them that if broken-- if cookies were broken, they were to be eaten at that time. Had a lot of fun with them. And all of a sudden, well, we couldn't cook anything. We had to, we had to make cold cookies-- or whatever-- and this whole idea of fearfulness, that you can't work with the kids, kind of took over. It was really difficult.

MURMAN: Thank you.

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HOWARD: All right. Any other questions? Thank you for visiting with us today.

FRANK HEINISCH: Thank you for your patience.

HOWARD: Our next proponent testifier for LB1150? Good afternoon.

KYLE SVEC: Hello. Members of the committee, committee and legislative staff, DHS and DST members, visitors, fellow Genevans here today, good afternoon. I'm Kyle Svec, K-y-l-e S-v-e-c, city administrator for the city of Geneva. I'm here today speaking on behalf of the entire community of Geneva and our mayor, Eric Kamler, who has testified before this committee several times. Wanted to be here today, but unfortunately had another commitment on his role as a staff member for Congressman Smith. He asked that I convey his gratitude and appreciation to all the senators here today that have shown their support and done due diligence in investigating and working hard to resolve the major issues of the YRTC facility in our community. As you all know, the closure and transition of the YRTC in Geneva has rocked our town. I have seen, firsthand, the negative impact it has had on people's lives in Geneva, that relied on the great jobs this campus provided. You also have heard and-- or will be hearing the difficult stories of the negative impact the closure of Geneva campus has had on the young people's lives that are currently a part of the YRTC program. As a community, we are thankful you've taken the time over these past several months to listen to the stories of so many that impact the YRTC-Geneva campus that it's had on its employees, the people of our community, and the young girls who have received help there over the many decades. As we are well aware, however, several major problems have occurred throughout the past one to two years that have changed the reputation of our facility from a well-respected center for health and behavioral treatment that it once was. As a city, we continue to try to be part of the solution as we look for ways to reintegrate the campus and its culture back into the community. For several months, our staff at City Hall had been working with DHS and DAS team members to not only partner with DHHS in providing recreation programming to the residents of YRTC, but to also allow the citizens of Geneva the opportunity to utilize the indoor swimming pool and gymnasium. In recent weeks, however, it's becoming apparent that there is simply too much cost that-- by either entity to comply with making this goal of integration financially feasible. Regardless of this hurdle, our position is clear and has been clear from day one. Geneva wholeheartedly welcomes the YRTC and its

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residents. There are countless stories that many of you have heard already and will hear again today about the quality of life and life lessons our town has and can provide to the young girls in need of behavioral help. From volunteering across Geneva as referees at our youth soccer games, working concessions at our theater, working at our senior center, the residents of YRTC have grown to be welcomed and known across our community. In my conversations with past employees, this unique small-town environment is one that has provided young girls staying here with the opportunity to build the needed relationships to get their lives back in the right direction. The city of Geneva continues to provide full support to both DHHS and DAS to find a resolution of getting the facility fully back on line once again to be a primary home of Nebraska's juvenile girls. Along with aiding where we can in the recruitment efforts, to fill current and future open positions, the Fillmore County Hospital and the Geneva Senior Center have both agreed to provide meals and food service to the facility once it reopens. While work force continues, concerns have been cited at times as one of the reasons for the major changes, our community has proven otherwise for over 125 years. And there's no doubt we have the work force and the people in Geneva and the surrounding communities and counties to not only continue the operation of the YRTC, be given the tools and the opportunity to rebuild that center back to the pride it once was. We're all one team and want what's best for the young people that the YRTC has been known for helping over the past century. Speaking on behalf of Mayor Kamler and our entire Geneva team, we, as a city, will wholeheartedly continue to work with DAS and DHS leadership and every senator here today, to serve as a liaison in bringing the YRTC back home. Thank you all once again for your time and dedication to finding a resolution to this problem. I'm happy to take any questions at this time.

HOWARD: Thank you. Are there questions? Senator Murman.

MURMAN: Thank you, Senator Howard, and thank you for coming in and testifying. Staffing is the big issue that we hear for the reason that Geneva is questionable, whether. It will continue as it was. Could you be more specific on addressing how staffing, that issue could be resolved?

KYLE SVEC: Well, I think-- as I mentioned, I feel they're-- the people are there. The dedicated hard workers are there in our county, surrounding counties. People will drive for those jobs, as Senator Brandt mentioned; they're good jobs. I mean, the complications that

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came with it, as you've heard from Mr. Heinisch and Senator Brandt of the retribution, the tax, those kind of hamper that problem a little bit. From the top down, I think if that's handled correctly, you're going to have more people wanting to work there than you know what to do with, because it was that way once. You know, you don't go back too many years when those were 20-year employees, 30-year employees. People worked their whole life there in our county, pridefully. So it's there, if the girls come back, in that capacity.

MURMAN: Thank you.

HOWARD: Other questions? Senator Walz.

WALZ: I just have a quick comment. Thank you, Chairman Howard. You know, I just wanted to say how apparent it was, when we came to visit, how much the community loves those girls, and that you made it a priority to make sure that they felt that they were a part of that community. It's something they probably didn't get any place else. So I just want to say how, I guess, proud I am to have you here and representing the Geneva community, and how proud I am that there is a community out there that loves those girls like they do. And the last thing I'm going to say is that, you know, regardless of the amount of programming and the amount of work, or whatever it is that you put in to trying to create a school or a facility for kids, you can't create a community like you guys have, a community that really loved and did whatever they could for those kids. So just wanted to say thank you for all that your community did.

KYLE SVEC: We appreciate that, Senator.

HOWARD: Other questions? I just had a logistical one. So towards the end of the summer, I had heard that the city was mowing the lawn at Geneva. Is that what--

KYLE SVEC: Yeah, at the campus?

HOWARD: At the campus.

KYLE SVEC: It, it it-- if I'm trying-- or I'm really pulling it out of my memory here. But it was a weekend. I think it was a weekend when it kind of went down-- the girls were moved-- that I got a phone call that said we may need to come help mow the lawn. And then it worked itself out. I don't, I'm not sure how DAS or whoever-- that where the phone calls went. I just got a call from our mayor that said: They're

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struggling; we might need to mow the lawn. So I was ready to pull my guys over there on Sunday to go get it looking good, because it had been forgotten, apparently. It was getting long and not looking well. And it was nothing more than a favor again, to make it look nice as part of the community. We have mowers and we have staff, and apparently there was not that at the YRTC. So we were going to go over and do it. Now they could've hired it done by some commercial guys. I'm not sure how it got done, but I got called off then, and we didn't have to do it.

HOWARD: Have you been asked to do any other maintenance for the campus at all--

KYLE SVEC: No.

HOWARD: --on behalf of the city? And then, do you know-- how's it going with the-- I understand there's new workers there or there are Medicaid workers on campus. How's that going?

KYLE SVEC: From what I understand-- and I am not out there all the time-- but I do believe there are people in training out there. A lot of those were some of the workers that had been let go earlier that got hired back. I understand some of them did. Of course, you don't know; the girls aren't there. But my understanding is that they were training, both that segment for the girls coming back and then that segment for the other part they've offered. I can't tell you in numbers. I don't know how many people were hired, how many people are training.

HOWARD: And then you mentioned what, workers who had been let go. So these are workers who--

KYLE SVEC: Maybe got riffed or--

HOWARD: --in the, in the transition-- remind me what "riffed" means.

KYLE SVEC: Reduction in force.

HOWARD: OK.

KYLE SVEC: That's my understanding from talking to some of them, that, that then maybe came back and were hired back in a different capacity.

HOWARD: OK, perfect. Any final questions? Senator Murman.

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MURMAN: Thanks again. I just have one further question. If, if it would be that we would want to start the Geneva campus up again, would you see difficulty in, in hiring enough staff? And, and are the buildings still in good shape? How would that work out?

KYLE SVEC: Well, obviously, LaFlesche is in very good shape. The other ones would need some repair because of the damage that was done. That's my tour of what I saw. You've got the bones of the operation there. You know, those buildings are there. Part of that issue was because I-- again, my personal opinion of the type of girls, those hardened girls. The judicial system has changed. I mean, those buildings were there a long time, but very little damage until things changed, and maybe less control from the top down allowed those girls to express themselves in different ways. So those buildings have held up. You know, do they need some, maybe, upgrades? Yeah, I think so. But why recreate the wheel, right? I mean, you've got the bones there and you've got the cafeteria. You've got a nice chapel. You've got the dorm rooms, you've got the, you've got the recreational facilities. We talked about the gym-- I mean the pool, last time I was there when we toured it not long ago, was full and it looked very nice, although we can't use it, as a city. But again, we went down the road with folks from DAS and DHS to put in programming together as a city. We were going to help. If the girls came, we were going to put our staff out there to help teach them-- basketball, whatever we could do, they asked. We tried to talk to our high school to see if we could make a plan to integrate those girls into-- they're not there long enough to maybe be part of the basketball team, but maybe as a student manager. So they see how people relate in those situations, and how teams are built. So we've started working down that road. But as I mentioned it here, due to ADA requirements, access requirements, locker room requirements, it's kind of looking like it's a good-- could be a half-million dollar deal for us to use that facility now. And it's sitting there with the court and pool, and we just want kids to shoot basketballs and learn how to swim in the community, which 10 years ago we did it all the time there. So that facility is ready to go.

MURMAN: OK. Thanks a lot.

HOWARD: All right. Any other questions? Oh, Senator Williams.

WILLIAMS: One quick question. Mr. Heinisch talked about, and, and you also talked about the community involvement with these girls. And you,

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in particular, mentioned the youth soccer referee and the concessions. Can you remind me, again, how many years ago that was discontinued?

KYLE SVEC: I want to say five or six, seven-- somewhere in there. I mean, I've, I've been with the city 15 years. It happened during my time, but I don't know if I can pin the exact time--

WILLIAMS: Can you--

KYLE SVEC: --but that we [INAUDIBLE].

WILLIAMS: Can you put a, a reason on that, why it was discontinued?

KYLE SVEC: I think that it didn't come from the city side by any stretch or the community side. It came from the YRT [SIC] side-- liability reasons. I mean, same reason they told us, about that same time, we could no longer use the pool or the gym, and it all kind of fell apart there.

WILLIAMS: Thank you.

HOWARD: All right. Any other questions? Seeing none, thank you for your testimony today.

KYLE SVEC: Thank you.

HOWARD: Our next proponent testifier for LB1150? Anyone else wishing to testify in support for LB1150? Seeing none, is there anyone wishing to testify in opposition? Seeing none, Is there anyone wishing to testify in a neutral capacity? Good afternoon.

JULIET SUMMERS: Good afternoon, Chairman Howard. Members of the committee, my name is Juliet Summers. J-u-l-i-e-t S-u-m-m-e-r-s. I joked in Judiciary just now that I've done so much testifying about YRTC's, I no longer can. But thank you for the opportunity to be here today on LB1150, and for all your time and work on this. When youth encounter our state-- oh, did I say my name, Juliet Summers-- J-u-l-i-e-t? OK. I'm here on behalf of Voices for Children, to provide neutral testimony on LB1150. When youth encounter our state systems, the care they receive will affect not only their futures, but ripple out to touch their families, communities, and Nebraska's future, as a whole. We cannot be thoughtful enough when structuring our system to ensure that every taxpayer dollar spent goes toward quality programs, services, supervision, and ongoing supports. I am providing neutral testimony today, regarding LB1150, because while Voices for Children

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absolutely supports a requirement that any facility serving our youth be fully staffed, supervised and outfitted to meet their needs, we remain unconvinced that the current physical footprint of our two state youth rehabilitation and treatment centers is necessarily the right one for our youth in this new decade and, in fact, century. And we do not want to cut off avenues for "revisioning" how and where young people may best have their treatment needs met. Yesterday, in support of LB1140 and LB1141, I testified to the history of the YRTC's. It's in my testimony, here written for you. I won't repeat it, except to say that, in recent era, as substance, subsequent administrative and legislative changes have made reforms, such as articulating eligibility criteria and a judicial process for commitment, the physical structures of the campuses, their locations, and, frankly, some of the correctional institutional culture has remained the same. Every year our admissions to these two facilities have gone down, requiring less and less actual physical space. But the level of treatment interventions required for the youth has risen, requiring more licensed and trained staff to address those, the variety and specialized nature of those needs. In state fiscal year 2018-2019, prior to the shutdown of Geneva, there were 152 youth admitted to the two facilities, 109 to Kearney, 43 to Geneva, and the cost to run them was \$19,753,256; that's in one year. We're facing different challenges with a different mission than those, the campuses in Kearney and Geneva, were initially built to meet in the 1800s. Moreover, we know a great deal more now about what works to rehabilitate youth in the long term, and so much of it revolves around maintaining strong, positive connections to family and community. So my testimony is by no means meant to be a reflection of the care that the community in Geneva or Kearney has for the young people who are being placed there, but rather to say that we have been in a moment of crisis. This is also a moment of opportunity to take a really thoughtful step in where should these dollars be flowing to best support the youth, given where they are coming from in there, in our state, and where they are going to return to. And for a price tag of approximately \$20 million annually to taxpayers, it is worth considering all of our options. I think-- rarely on the same side as the Department of Health and Human Services in some of these hearings, and clearly, we have very different opinions about the interim plan that has been developed. But we do feel like there is a moment of opportunity here, as our state agency is undergoing a visioning process to thoughtfully craft-- and we hope, with legislative oversight and the input of stakeholders, including youth and families-- a new plan for the YRTC's. We see this as a time to think boldly about the remarkable things we can do, as a state, for

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our youth. I did reach out by e-mail to Senator Brandt with these thoughts earlier in the week, and I apologize that we haven't had the opportunity to touch base in person about them. But as I said, I am grateful for the opportunity to share them with you here. And thank you again. I would be happy to answer any questions.

HOWARD: Thank you. Are there questions? Senator Murman.

MURMAN: Thanks for testifying. You mentioned, toward the end of your testimony there, about community involvement and family. And we did hear a lot about how that is taking place at Geneva. And I think there, there is a difference between where they are now-- I, now-- I think we've heard a lot, too, about it's not the best situation. Could-- do you have ideas on how that, you know-- it, it seemed pretty ideal at Geneva, the community involvement and everything. How could that be done in a different setting?

JULIET SUMMERS: Yeah. Thank you for that question, Senator. So my testimony-- I want to again say, it's not at all meant to suggest that a warm and welcoming community was not there at Geneva or, potentially even there at Kearney, although I think it's a different situation.

MURMAN: Um-hum.

JULIET SUMMERS: But rather, as we're thinking about the young people who are being placed at these two facilities, we know where they're coming from in our state, and it's primarily Omaha and Lincoln, Scottsbluff, Grand Island area, and North Platte. Year after year, those are the five hubs where they're really coming from. And we also know that best practices are a strong connection to the home community. So where that, that young person, whether or not they have a supportive family-- they may have a supportive extended family, or they may have a supportive neighborhood that they're coming from and that they're going to be going back to, or a church that they were involved with, and that could be a strength for them. So they might receive, you know, welcoming arms of a community in Geneva. But ultimately, that's not where they're building their life and that's not where their triggers are. And so our-- this testimony is to the effect of, we've had this moment of crisis. It's not an ideal situation right now. Voices for Children disagrees with the interim plan in a lot of regards. But by setting a date of 2021 and saying it has to be Kearney and Geneva by 2021, we don't want to cut off the opportunity for the agency to think through-- what if, instead of Kearney and Geneva, it is a small place out in Scottsbluff that has

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very little resources right now for young people? What if it's a secure facility in Omaha, where so many of these youth are coming from and they could remain better connected to their family and their neighborhood?

MURMAN: Thank you. You mentioned how they, they come from all over the state, you know, primarily probably Omaha and Lincoln. But so are you envisioning a smaller-- I hate to call it a facility, I don't know what the right name is for it-- but smaller places in different communities around the state?

JULIET SUMMERS: Yes, sir. So this is something Voices for Children has been looking at for, I think, decades, well before my time there. And we actually have a really good model right next door in Missouri. So Missouri's approach is small-size, small-bed, regionally-based facilities on sort of a continuum of care, and that they have a really terrific recidivism, low recidivism rate, high educational attainment rate. And part of that is being able to keep the young people strongly connected to their family, their neighborhood, where they've come from and where they're going back to, so that, as they're doing that reentry, etcetera, they're able to be right there, getting a part-time job that they're going to continue to have, working with their outpatient treatment provider that they're going to continue to work with, etcetera. And so knowing that, for instance, Scotts Bluff is one of the top five counties for sending youth to YRTC, at least for the past few years, I, I think a lot about that in terms of knowing what resources they, they may have or have not available to them out there, and what this opportunity could present in that regard.

MURMAN: OK. Thank you. If I might continue just a little more--

HOWARD: Sure.

MURMAN: So I haven't done research as to, you know, how much the families are involved with the girls or the boys that are in the facilities. I assume that a large number of them wouldn't have a strong family connection or even any family connection, you know, foster kids and so forth. I can see advantages, you know, in that situation, especially to getting them away from, maybe, a toxic situation and getting them more out into a more welcoming community. Could you speak to that a little bit?

JULIET SUMMERS: Sure. I think certainly that's true of some youth, especially young people who have been in our foster care system. And

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we know there are quite a few young people at YRTC who are dual-involved, both child welfare case and they haven't found permanency with a family, or in Juvenile Justice. But that said, I also think that every community has a grandma who lives a few doors down. Every community, every neighborhood in Omaha has a church community that is providing, you know, evening opportunities and connections for young people, has a basketball team that they can be involved with. And so even if the young person's immediate family does not exist or is not participating, there are other strengths there. And that's the first thing. And then the second thing is, the simple fact of the distance just makes it hard. So for those families who are-- who want to be involved, who have been through crisis with their kid-- maybe they were the ones who called the justice system on their kid in the first place-- it is really, really hard to do meaningful family therapy from a distance of two to three hours away or when you're, you're only getting to see them one time a week. It, it-- that just is a challenge.

MURMAN: Thank you. Just one more quick question, if I could--

HOWARD: Sure, sure.

MURMAN: Kearney and-- either Kearney or Geneva are fairly centrally located in the state, especially with the close proximity to the interstate and even north-south roads. So if we did, you know, have two facilities or one, you know, there would be an advantage to being out in the middle of the state, also, compared to, you know, maybe, clear on the-- in Omaha, clear on the east side. But, but thank you.

JULIET SUMMERS: Yeah.

MURMAN: Yeah, and, and you can comment [INAUDIBLE].

JULIET SUMMERS: Yeah. And I do think-- so in some prior years, there've been plans recommended for a regionally-based system. So I think the most recent one was in 2013. There was a committee formed by the Legislature to make a recommendation for regionalizing the YRTCs. And I think, in those conversations, there has been consideration of, there may still be-- Kearney and Geneva, as locations, may still make perfect sense for some level in that, in that continuum. I think my testimony today just reflects a desire not to, not to cut off that visioning process this year by saying: fully staffed and operational by 2021--.

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MURMAN: OK. Thank you.

JULIET SUMMERS: --because it, you know.

MURMAN: OK.

JULIET SUMMERS: So thank you for all your questions-- appreciate it.

HOWARD: Is that it? OK, I want to ask you specifically about Voices for Children and their thoughts on having the boys and girls on the same campus.

JULIET SUMMERS: So I thank you for that question, too. And we spoke about this once before. I think Voices, I think Voices for Children is extremely concerned about the current situation on Kearney campus. We think that that campus has always been run as a campus for boys, and that's how it's been set up. And recognizing that there was an emergency this year, we're concerned that the quality of care the girls who've been moved there have been getting is not, is not appropriate or equal to the boys, from what we've been hearing. That doesn't mean that a coed campus of some sort would always be impossible. And in fact, we have great examples of coed campuses that work in Nebraska, like at Boys Town, where young people-- it's very normal for teenagers. There are boys and girls and everything in between. And, and they can interact on the same campus, and get treatment, and get help. So I don't think we would not, we would not say you could never have such a campus be coed in a safe way, where every young person is getting great individualized treatment that meets their needs. We are very concerned about the current situation right now, but that is not happening.

HOWARD: And I wonder, just to clarify, because Boys Town is a medical model--

JULIET SUMMERS: Right.

HOWARD: --facility, and so their staffing ratios are a little bit different--

JULIET SUMMERS: Yeah.

HOWARD: --than what we're dealing with here, in terms of there are more staff there,--

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JULIET SUMMERS: Right.

HOWARD: --and there's a lot more support and supervision. So are there comparisons from other states where there is something like a YRTC, where they have boys and girls together?

JULIET SUMMERS: That's a great question, Senator. I'm not sure I have an answer offhand. I would posit that there are. I would also say that as I am articulating a vision for smaller regional facilities, I would hope that we would be looking more toward a medical model with such staffing ratios, because a lot of the needs that the young people are presenting is a mix of behavioral and, sometimes, medical, as well. And we just frankly know that smaller staff-to-youth ratios are going to provide greater safety, greater security, greater trust between young people and the adults who are overseeing their treatment and care.

HOWARD: Thank you. Any other questions? Seeing none, thank you for your testimony today.

JULIET SUMMERS: Thank you.

HOWARD: Is there anyone else wishing to testify in a neutral capacity for LB1150? Good afternoon

JULIE ROGERS: Good afternoon, Chair Howard, members of the Health and Human Services Committee. My name is Julie Rogers, J-u-l-i-e R-o-g-e-r-s, and I serve as the Ombudsman for the state of Nebraska since January 14th. Before then, I was the inspector general of Nebraska Child Welfare. Both the Ombudsman's Office and the Inspector General's Office has, have received lots of complaints from the girls since they were moved to Kearney. So I just wanted to state, for the record, that right when the girls got to Kearney, I think that my sense was that they felt much safer after the condition, after experiencing the conditions in Geneva. And so that, that was a stabilizing factor for them. But after that, there were lots of complaints, and you've heard them today. But I just wanted to echo that we have heard the same things about the showers, about-- being on the Geneva campus, there were more cottages. And on the Kearney campus, they were all together. They talked about being-- to me about being girls and being treated like girls, and that they didn't feel like they were being treated like girls or female youths. And that they, that's the way they wanted to be treated. And then I think it was mentioned earlier about the girls feeling like second-class

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citizens. That is not probably how they articulated it, but that is the message that they gave to me. And then I also-- the Kearney campus feels more correctional in its makeup, as compared to the Geneva campus. Finally, we've been-- our office has been doing a lot of research on gender-specific programming for these youth. And we have found that the, that is the programming that needs to happen, gender-specific programming both for boys and for girls, because their brains develop at different rates at that age. And with that, I would take any questions.

HOWARD: Thank you. Are there questions? Senator Cavanaugh.

CAVANAUGH: Thank you, Chairwoman. Thank you, Ombudsman Rogers, for being here and for your testimony. Have you heard much about the schedule and like wake-up times versus how long are they awake before they get breakfast?

JULIE ROGERS: Yes. So in terms of the last month, I have not heard about-- there have not been complaints. But certainly in the fall there were lots of complaints about-- again in Geneva, not only did the buildings deteriorate, but schedules deteriorated, and all sorts of things deteriorated. So maybe they were not getting up, or made to get up, at a certain time in Geneva. So they were not used to getting up, and they were made to get up maybe at 6:00, but then not getting breakfast for a while. Same thing at night. We would-- we got some complaints about getting their evening meals later than, a lot later than the boys, for example.

CAVANAUGH: Oh, OK. Thank you. I have another question. So the gender-specific programming--

JULIE ROGERS: Um-hum.

CAVANAUGH: Is that something-- so currently there's not gender-specific programming? Is that your [INAUDIBLE]?

JULIE ROGERS: I don't think it's to the level-- if there is, it's not to the level that would be evidence-based, as far as I know. Things are changing really quickly in the YRTC system right now. I know in the past that Geneva, there was-- I think it was called "My Journeys," which is a gender-specific program. The level system was gender-specific for the girls when that was developed, I think, and kicked off in 2017. And the phase model in-- at Kearney, I'm not aware

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if it is gender-specific to boys, but that is the model that they're using with the girls and the boys right now.

CAVANAUGH: So besides this, the schedule, is there anything else that has improved, from the girls' perspective, in the months that they've been there?

JULIE ROGERS: Well, I think--

CAVANAUGH: I know when they first got there--

JULIE ROGERS: --they felt very--

CAVANAUGH: Yeah.

JULIE ROGERS: They felt safe. Their-- it depends. Each girl had a different story, depending on how long they had been committed to the YRTC- Geneva.

CAVANAUGH: Um-hum.

JULIE ROGERS: Those that had been committed to the YRTC-Geneva prior to the current one had a much better experience in their first time on the Geneva campus. Those that had a very short time at-- being committed at Geneva like maybe through the summer, they don't have as many bad things to say about Kearney, because that's a lot better than the Geneva experience during the summer.

CAVANAUGH: I'm sorry.

HOWARD: Sure.

CAVANAUGH: Restrictive housing.

JULIE ROGERS: Yes.

CAVANAUGH: Is that being utilized more, the same?

JULIE ROGERS: So we call it juvenile room confinement or isolation, that it's also called at the YRTCs. At-- in Geneva, since LaFlesche was closed down, juvenile room confinement happened in a cottage called Burroughs. I'm not sure, over the summer, how accurately it was captured. It is certainly captured much better on the Kearney campus. They have a separate building, called Dickson, for when someone's on room confinement status. But I think the experience of room

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confinement might be similar at the Geneva campus, at least how it was going this summer, and at the Kearney campus.

CAVANAUGH: OK. Thank you.

HOWARD: OK. Senator Murman.

MURMAN: Yes, thank you for call, coming in. And the showers, I'd like to just be specific about them. In the Geneva campus, they had individual showers and, if I remember correctly, at the Kearney campus, they have a communal shower. Is that--

JULIE ROGERS: That's right.

MURMAN: Does that cause problems in supervision of the girls while they're in the shower? I know that, you know, modesty is important and,--

JULIE ROGERS: Right.

MURMAN: --of course, safety of the girls.

JULIE ROGERS: Yes.

MURMAN: Would you address that a little bit?

JULIE ROGERS: We haven't-- I don't think there's been any incidents since they've moved to Kearney, in terms of incidents in the showers that we're aware of. The girls certainly hate the shower situation on the Kearney campus. I mean, that is their biggest complaint. They were used to individual showers in Geneva. I think those bathrooms have been recently upgraded to make sure they're ADA compliant. At the new YRTC-Lincoln campus, there's individual showers, as well. So there-- yeah, there's no, there's no facility at the Kearney campus right now to allow individual showers, that I know of.

MURMAN: Just to continue a little bit on that, like monitoring by the guard-- I guess you call them guards-- at the two facilities. Does that present a challenge when the girls are all together in a communal shower?

JULIE ROGERS: I would guess it would, but I have not-- that's not something that I've asked the employees about.

MURMAN: OK.

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JULIE ROGERS: But just thinking about someone showering in an individual bathroom privately, compared to trying to watch separately, showering together. I would guess it would. But I, I, I don't know.

MURMAN: OK. Thank you.

HOWARD: Senator Walz.

WALZ: I just have a quick question. Thank you, Chairwoman Howard. Thanks for coming today. Being an educator, I'm pretty concerned about their education, as well. And it sounds-- we've had some communications, especially some communication yesterday, from teachers, that they're really, really concerned that education needs are not being met since the girls had to move and now it's a combined boys and girls education setting. Have you-- I'm just curious if you had the opportunity to go back and talk to the-- any of the teachers. Or can you give us an update on the education?

JULIE ROGERS: I personally have not, but I know that folks within the Ombudsman's Office have, and those are things that they are-- that we, as an office, are keeping track of and looking into. But that, that was-- that's not something that I have had the opportunity to do, though I have talked to some former teachers. I just haven't talked to anyone about the current situation.

WALZ: All right. OK, thanks.

JULIE ROGERS: Um-hum.

HOWARD: Any other questions? Seeing none, thank you for your testimony today.

JULIE ROGERS: Thank you.

HOWARD: Our next neutral testifier for LB1150? All right, seeing none, Senator Brandt, you are welcome to close. And while you're coming up, we do have some letters for the record-- two proponent letters: Kris Whisenhunt, from National Association of Social Workers- Nebraska Chapter; and Laura Opfer, Nebraska Children's Commission. One opposition letter: Dannette Smith, Department of Health and Human Services. No letters in the neutral capacity. Welcome back, Senator Brandt.

BRANDT: All right. Thank you. Senator Murman, on the, on the facilities, you've been there. The campus in Geneva is, is clean,

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inviting. You know, it's just sort of a superior looking campus. With the new fence at Kearney, I had not been to Kearney before I got there. And with the new fence, it does sort of look like a juvenile detention facility. And it's sort of run as such, because you're just sort of funneled into one point. And Senator Williams, one thing about people in a small town, they have a great work ethic. And with the fact that the Department of Health and Human Services rified 46 people, we've got 46 people that are available for jobs there. Now, a lot of them probably have moved on to some other things, but there's probably still some people there. And I'd just like to finish with saying I'm proud to represent the people of Geneva. I know there was a lot more people showed up here today, and they did not testify. I don't know if they wanted to raise their hand or not, people from Geneva, just so that they sort of can see what the support was. And I guess it-- if that's it, are there any questions?

HOWARD: Thank you, Senator Brandt. Are there questions?

BRANDT: OK. Thank you.

HOWARD: Seeing none, thank you for your testimony, and thank you for your bill today. This will close the hearing for LB1150, and the committee will take a brief break. We'll come back right after 3:00 p.m.

[BREAK]

HOWARD: [RECORDER MALFUNCTION] --open the hearing for LB1147, Senator Vargas's bill to provide duties for the Department of Health and Human Services regarding the youth rehabilitation and treatment centers. Welcome, Senator Vargas.

VARGAS: Thank you. Make sure I heard this right-- LB1147, right?

HOWARD: LB1147.

VARGAS: OK, OK. Good afternoon, Chair Howard and members of the Health and Human Services Committee. My name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7, communities of downtown and south Omaha, in the Nebraska Legislature. Now as the committee, presumably everyone in this room, and watching the hearing from afar is aware, our youth rehabilitation and treatment centers are in a crisis. HHS Committee-- which I really want to thank every single one of you for all your work and dedication to this, especially the excellent

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leadership of Chairwoman Howard--, has been involved in the ongoing conversations about how to address the numerous issues that were discovered and were experienced by youth in our facilities, their parents and loved ones and the facilities' staff over the summer. I introduced LB1147 to address one of these issues, which is the deterioration of the buildings and grounds at the YRTC in Geneva. LB1147 comes straight from one of the recommendations listed in this committee's report to the Legislature on YRTCs, which is-- I'm sorry-- to move the administration, maintenance, and operations of the YRTCs, as well as any other facility where a juvenile committed to the Office of Juvenile Services, OJS, is residing, away from the Department of Administrative Services and back to the Department of Health and Human Services. I'd also like to add a little context from my perspective, as an Appropriations Committee member. DAS requested funds from DHHS be moved to their budget so they can take over the facilities' maintenance functions for a number of buildings, including both the YRTCs. The thought at this time, which I'm sure you can imagine, was that taking this action would reduce some of the redundancies, since DAS is already performing these functions at other state facilities, and that some efficiencies would be created in terms of staff and repair project management. The Appropriations Committee approved this request, removed about \$4.6 million from DHHS's budget to DAS's budget. However, given the significant issues that have arisen at the YRTCs, and the slow and ineffective response from DAS to address the needed repairs, I would have to agree with my fellow Appropriations member, Kate Bolz. Senator Bolz's assertion, in her letters that are in your report to DHHS and DAS, that the appropriation has not been effective or beneficial, which is why I'm bringing this recommendation. With that, I'd be happy to answer any questions. And I thank you for your leadership.

HOWARD: Thank you. Are there questions? Senator Arch.

ARCH: Thank you. Thank you, Senator Vargas. I-- you know, as I was thinking about this issue, 'cause it was-- as we did the tours, some of this was pretty obvious. And I, I was thinking about the relationship of a lessee and a lessor, where the landlord is often the one that is responsible for structure-- roof,--

VARGAS: Um-hum.

ARCH: --perhaps HVAC, walls-- the, the structure-- windows where, where oftentimes, then, the lessee is responsible for main-- interior maintenance, exterior maintenance. And I think-- I felt as though

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sometimes I saw that dilemma-- is, is-- DAS kind of does structure, but then who does everything else? The re-- the repairs of the drywall when they're damaged and, you know, that, that type, did you--

VARGAS: Um-hum.

ARCH: --any of those thoughts that you had as you were, as you were drafting this? You're saying it should all move and not, and not split, in which case then, does DHHS have the expertise for the structure that DAS may have? How does that, how does that relate?

VARGAS: Yeah, that's a good question. As far as analogies go, yeah, I can see that analogy, and I understand. In essence, looking at some of the transcripts in the back and forth, it made the most sense for efficiency to move it back, because what we currently had clearly was not working. We have some transcripts showing, from some of the maintenance staff, that they were told to, then, not do any maintenance and specific issues. And that was, you know, over a year ago. And if they're not able to respond to certain maintenance issues in a timely manner, I think that's why we see some of the-- I think we all understand the connection between a place where you are living and,--when it starts to deteriorate, how that can impact the health of anyone, let alone what we're talking about are juveniles, kids. And so in this instance, it made the most sense to, to move it back. I, I don't necessarily-- I can't talk about whether or not they have the capacity or not. What we deal with in Appropriations is, if we need to then move responsibility, we assess whether or not the HHS has the funding. If they don't have the funding, we try to move it over, and I'm not concerned about that. So-- but I, I understand your question and, hopefully, I've been able to answer.

ARCH: Yeah.

VARGAS: And I think this is the most, the most informed decision we can make, in terms of policy, moving it back to the original place.

ARCH: Thank you.

HOWARD: And I want to, I want to clarify it. So your bill is really just for maintenance, minor repairs, custodial duties, and, and those sort of day-to-day operations.

VARGAS: Um-hum.

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HOWARD: But the Department of Administrative Services would still have capital improvements, big structural changes, that sort of thing. Those would still be in their wheelhouse?

VARGAS: Correct. Yes.

HOWARD: OK.

VARGAS: Yeah, it's the language in the--

HOWARD: OK. Perfect. And then just-- do you want to comment on the fiscal note, because it looks like that transition of maintenance staff, according to the fiscal note, was moved over July 1, 2019?

VARGAS: Um-hum.

HOWARD: And then 13 staff from the YRTC's were sort of moved under DAS, but we're not seeing any sort of fiscal impact from this bill.

VARGAS: No. What this fiscal note is basically saying is that DHHS would just need to increase their, their PSL, basically just their authority to have the staff, so we wouldn't see an actual net increase in funds that would be needed to carry this out.

HOWARD: OK. Thank you. Senator Murman.

MURMAN: Thank you, Senator Howard. And thanks a lot, Senator Vargas, for coming in. A question about the maintenance. Do you think the DHHS having control, more control over maintenance, would encourage more local, using more local contractors-- since DHHS is on the campus every day, you know, 24 hours-- might have a tendency, when things have to be fixed immediately, to work more with people that are more local, where DAS, having big contracts, you know, all over the state and everything, for buildings and so forth, might have a tendency to use more distant contractors?

VARGAS: That's a great question. I don't know, but I'm assuming that the question has been asked. It's a possibility.

MURMAN: That's the feeling I got when I was there. Thanks for coming.

HOWARD: Any other questions? Will you be staying to close?

VARGAS: Yes.

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HOWARD: Thank you, Senator Vargas. We'll now invite our first proponent for LB1147. Seeing none, is there anyone wishing to testify in opposition? Welcome back.

MARK LaBOUCHARDIERE: Thank you, Senator. Good afternoon, Chairwoman Howard and members of the Health and Human Services Committee. My name is Mark LaBouchardiere; that's M-a-r-k L-a-B-o-u-c-h-a-r-d-i-e-r-e, and I'm the director of facilities for the Department of Health and Human Services. I'm here to testify in opposition of LB1147. This bill requires DHHS to administrative responsibility of any public building where a juvenile is committed for youth rehabilitation and treatment, including all maintenance, repairs, custodial duties, and operations of such properties. This proposed legislation is duplicative of existing operations and practices. On July 1, 2019, maintenance staff at all the YRTCs were moved under the administration of the Department of Administrative Services. While the Department of Administrative Services is responsible for maintaining all state facilities, DHHS has authority over operations at all facilities serving juveniles committed for rehabilitation and treatment, including custodial care facilities and directing maintenance for minor and major tenants' improvements. DHHS has dedicated a full-time position for this purpose and is creating a 24-hour facility manager position, dedicated specifically for juvenile treatment facilities. Both these positions ensure the coordination of day-to-day activities and major construction projects. Our team continues to work closely with Jason Jackson, DAS director, to streamline processes and [INAUDIBLE] protocols related to residential facility maintenance. Over the past year, DAS has worked in concert with DHHS in response to operational needs and strategic direction with the Lincoln facility, the youth rehabilitation and treatment center campuses, and other juvenile facilities. These efforts include tenant improvements, dedicated 24-hour resources, emergency repairs, and dual-reporting relationships for dedicated maintenance staff. Thank you for the opportunity to testify. I'd be happy to answer any questions.

HOWARD: Thank you. Are there questions? Senator Arch.

ARCH: Thank you. I'm, I'm reading your testimony here. And in the, and in the paragraph that begins on July 1, why maintenance staff are moved, the second sentence, it says: While the Department of Administrative Services is responsible for maintaining all state facilities, DHHS has authority over operations at all facilities. And it goes on. Isn't that-- isn't that something that concerns you? I

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mean, it-- that appears in that sentence that we've split responsibility and authority.

MARK LaBOUCHARDIERE: So this is how I perceive this. So earlier, when we talked about education and it being under somebody who is knowledgeable about education-- and Commissioner Blomstedt talked about NDE-- instead of a principal reporting to somebody at the facility-- it's the same thing where, in the past, we had maintenance staff who reported to the facility, and the facility doesn't always have the expertise to know what kind of drywall to use, what kind of carpet to use. You have DAS. That's their main [INAUDIBLE], main functions-- one of the functions of the State Building Division, where they have experts on that. They have architects, they have project managers. They have the capacity to be able to do that. So you would think that, I mean, especially over this last year with Mr. Jackson, or Jason Jackson, we worked very closely. I mean, there was some miscommunication. And with the new leadership, with CEO Smith and Mr. Jackson working very closely together, I have seen firsthand, especially with the LaFlesche building in Geneva and the Lincoln campus here, the YRTC, there's been some marked improvement, and it's the way how things have been much more fluid and how there's much more communication between the maintenance staff and our facility staff. It's been-- I don't want to say night and day, but just marked improvement.

ARCH: Yeah, and I, and I, I don't discount that. I'm-- I, I, I take your testimony at fact. It-- the-- what, what we saw when we, when we were involved, it really boils down to the question of who can direct, right? Who can, who can direct the staff? Who has the authority to direct the staff, go do this? The person on site, on the campus, or Lincoln and Administrative Services? And, and I'll give you the big example. Who can shut off the water?

MARK LaBOUCHARDIERE: Hmm. Right.

ARCH: And, and so that was the concern, I know, that we had in the bifurcation of the authority and responsibility issue. It's that, it's that question of who can direct. You can work well together but, at the end of the day, who's got the authority to direct? And, and, and where does that authority lie?

MARK LaBOUCHARDIERE: Yeah, I remember us having that conversation about that, especially with the whole water shutoff piece; I think that's what you were referring to. And I think since then we had made

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some marked improvement, especially on questions like that about who has the authority and, at the end of the day, we have to be able to communicate with our DAS partners, and I think that's happened, leaps and bounds, over this last year, 'cause we, we saw some of the things that [INAUDIBLE] were not working. And we learned from those mistakes, and I think, from learning from those, this is where we've come to today, with some of the large improvements, with the relationship with them.

ARCH: All right. Thank you.

MARK LaBOUCHARDIERE: You're welcome.

HOWARD: Other questions? Senator Cavanaugh.

CAVANAUGH: Thank you, Chairwoman Howard. And thank you, Director LaBouchardiere. Maybe I'm doing it different every time. I was interested in this creating the 24-hour facility manager position,--

MARK LaBOUCHARDIERE: Um-hum.

CAVANAUGH: --which I think is a great idea. But how, how does that position-- so will that position work for DHHS?

MARK LaBOUCHARDIERE: Yes.

CAVANAUGH: And they'll be coordinating with DAS?

MARK LaBOUCHARDIERE: Yes.

CAVANAUGH: OK. And kind of to Senator Arch's questions about the authority, it seems that, to me, that Senator Vargas' bill just makes it really clear that you all have authority over the facility that you have. Like, don't you want to have authority over everyone who's working at your facility so that you work together as a team?

MARK LaBOUCHARDIERE: It would, and-- but like I said earlier, similar to what I was talking about superintendent of education--

CAVANAUGH: Yeah.

MARK LaBOUCHARDIERE: --and having a better relationship with the commissioner of education, the same process where-- I-- the current facility administrators that I have at the facility, they know how to work with kids. They don't know about drywall or maintenance issues.

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CAVANAUGH: Right.

MARK LaBOUCHARDIERE: We depend on people with the expertise for that.

CAVANAUGH: But a--

MARK LaBOUCHARDIERE: So DAS has the-- sorry.

CAVANAUGH: But a school has people who manage the facilities and they report to the principal. They work for the school. This is, I mean, similar--

MARK LaBOUCHARDIERE: Yes.

CAVANAUGH: --that the people that are on site, managing the facilities, work for the people who are managing the facility, the programming, etcetera, so that it's all integrated together. You do not have to be a-- an expert in drywall in order to hire somebody who's an expert in drywall.

MARK LaBOUCHARDIERE: True. So prior to that, prior to this move over, which was pretty recent, that's why initially there were some growing pains with that. That's why the miscommunicate--

CAVANAUGH: Those are some pretty big [INAUDIBLE]--

MARK LaBOUCHARDIERE: They are. I'm not so--

CAVANAUGH: I would not call those growing pains.

MARK LaBOUCHARDIERE: OK. So prior to that, when I first started here on April 16, every facility had their own facility's maintenance staff who had a maintenance supervisor, who then reported to the facility administrator. So there was-- let's say you have seven facilities, [INAUDIBLE] facilities, and each of them had their own reporting structure.

CAVANAUGH: Um-hum.

MARK LaBOUCHARDIERE: Instead of trying to have someone who was the expert in the field, like I talked about, like architects and project managers, then when you have big projects, when we have greater governance, it will change the way-- certain frosting on windows and take certain walls down and add walls. Those facility maintenance

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supervisors, they had a limited amount of maintenance expertise versus having to be able to use resources within DH-- DAS, I'm sorry.

CAVANAUGH: Well, those, I think, would fall under major repairs, not minor repairs, which is clearly stated here. But this is the--

MARK LaBOUCHARDIERE: Those--

CAVANAUGH: --the day today.

MARK LaBOUCHARDIERE: --capital improvements versus even, even small-- I'm not sure if all of the facility maintenance supervisors had that knowledge and expertise of even--

CAVANAUGH: Making minor repairs?

MARK LaBOUCHARDIERE: Not making minor repairs, but there were repairs which could be up to, under a capital construction threshold, which could be up to, sometimes, thousands of dollars, where if we had that expertise, who could potentially hire resources, other than we had within our own facility, I think that would have been beneficial.

CAVANAUGH: And custodial duties?

MARK LaBOUCHARDIERE: What sort of duties?

CAVANAUGH: I mean, that seems like that would fall pretty closely with the work that's happening.

MARK LaBOUCHARDIERE: So it is, in the sense where, when we have-- it's, it just separates it out where we have the facility operating, and their concentration on the treatment of the youth and the rehabilitation of youth, versus custodial piece about trying to do the whole cleanup and ongoing day-to-day maintenance piece.

CAVANAUGH: So if you have a light bulb out and it needs to be fixed, you have to go to another agency to have it fixed. And this would say that you don't have to do that, that your 24-hour manager can just say: Hey Bob, fix that light bulb.

MARK LaBOUCHARDIERE: And today, even though-- if it's a different agency, our administrators can go to Bob and say: Bob, can you fix this?

CAVANAUGH: OK, thank you.

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HOWARD: Other questions? I, I have a question because I had the opportunity to, I think, speak with both of your maintenance, so the fellow who worked maintenance at Geneva and the fellow who worked maintenance at Kearney. And they both indicated some confusion, once DAS took over, because it was-- they weren't clear who was in charge of custodial. They weren't clear who was in charge of putting up a piece of drywall to cover a hole in the wall. They weren't clear as to who could turn off the water. Do you feel as though you've built a solid enough relationship with DAS in the past six months, that you now know who is in charge of turning off the water and picking up the garbage?

MARK LaBOUCHARDIERE: I think-- it's been a little over six months, I think, with the whole-- issues that we saw at Geneva. That was a huge eye-opener for quite a few people. And I think that's what really triggered, or sparked making sure where that communication was solid-- or much more solid than it used to be.

HOWARD: So to your knowledge, what changes have been made within DAS to respond to DHHS's daily needs for maintenance?

MARK LaBOUCHARDIERE: So under this, the SBD, the State Building Division, with the director, there's been a lot more communication, even with myself and my team and the facility administrators, into what their needs are. And if we do have issues, they are tracked and they are taken care of swiftly.

HOWARD: I think my challenge, and one of the reasons why I would think that this bill maybe would be helpful to you, even though you're coming in in opposition, is because there's a, there's a big connection between the effectiveness of programming, and the work that you're trying to do with kids, and the buildings that they're in, right? If a building is falling apart around you, it's really hard to be rehabilitated.

MARK LaBOUCHARDIERE: Perhaps.

HOWARD: If there's garbage piling up in the corner, it's really hard to feel like you have value, as well. And so I think this bill really highlights that. I don't know if you want to comment on the connection between the facilities that you're working in and their, their sort of-- how well maintained they are and how that impacts the work that you're trying to do with youth.

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MARK LaBOUCHARDIERE: The only comment I will make about that, but you-- not necessarily at Geneva, but just in our facilities as a whole is, I mean, as you guys know that these facilities were built many, many decades ago. And so even right now in Geneva, we have LaFlesche, which was built more in the recent past. It's, it's, it was designed for more of a high-risk youth, and what they could potentially do. The kids, you know, who come to us, they've gone through all of-- all probation measures, all community measures. And this is kind of their last stop. I mean, they've, they've assaulted staff. They've done serious, serious crimes and have been adjudicated. This is not your first-time shoplifter who comes into the YRTC-Geneva or Kearney. And why I say that is because some of the other buildings-- and we got to visit like Sacajawea, Burroughs-- those were built so long ago, you have, you have an environment where ceilings are within your hand's reach to grab a sprinkler, to tear it down. So why I say that is because that's part of the challenge, where you have to have the right kind of facilities for the population you serve. So for-- this was a low-risk facility, more like a Hastings Regional Center or a Whitehall. That could be more acceptable because it's more of a PRTF setting versus a high-risk youth center.

HOWARD: OK. All right. Any other questions? Seeing none, thank you for your testimony today.

MARK LaBOUCHARDIERE: Thank you, Senator.

HOWARD: Is there anyone else watching to testify in opposition to LB1147? Seeing none, is there anyone wishing to testify in a neutral capacity to LB1147 Seeing none, Senator Vargas, you are welcome to close.

VARGAS: Thank you very much, members of the committee, Chair Howard. I don't have too much to add. I just want to thank you for the good questions and the dialogue here. At the end of the day, I think we are trying to create a more efficient process. I don't need to, I don't feel like I need to rehash some of the-- what we've heard from either maintenance staff or what we've heard from, from some of the youth in the YRTCs, regarding the impact of an unhealthy facility and lack of maintenance can lead to programming and mental behavioral health. We understand that connection. And so for that reason, that's why we introduced this bill, to ensure that DHHS has the authority, and the responsibility, and the ability to really easily react to these things, so we don't hear some of these instances where we can't do X, we can't do Y, we can't do Z. And so I want to thank you. I think this

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is an important change. And I just appreciate your leadership on the issues with YRTC's.

HOWARD: Thank you. Any final questions for Senator Vargas? Seeing-- oh, Senator Arch.

ARCH: Just one more. And because of Appropriations, if, if, if this bill were to pass, would there, would there need to be then an, an A bill that changes the appropriation from department to department? Would that-- is that what you would anticipate?

VARGAS: Yeah, .

ARCH: OK.

VARGAS: Yeah. There would need to be-- you know, typically we could still do this because we're still in the process of doing our, our biennium, mid-biennium adjustments, basically a reduction of PL-- PSL and the Department of Administrative Services, and then increasing it in DHHS.

ARCH: All right. Thank you.

HOWARD: All right. Seeing none, thank you, Senator Vargas. And this will-- letters. We have one proponent letter, Laura Opfer, from the Nebraska Children's Commission. No letters in opposition, no neutral letters. This will close the hearing for LB1147, and open the hearing for LB1149, Senator Vargas' bill to change provisions relating to the Office of Juvenile Services.

VARGAS: It's a fun day. Good afternoon, Chair Howard. Members of HHS, my name is Tony Vargas, T-o-n-y V-a-r-g-a-s. I represent District 7 in the communities of downtown and south Omaha, in the Nebraska Legislature. All right. So what we're trying to do with LB1149 is improve the programming and quality of care for youth committed to the Office of Juvenile Services, OJS. This is accomplished in this bill in four ways: 1) requiring the provision of evidence-based treatment in the operation of the two youth rehabilitation and treatment facilities, in accordance with evidence-based policies, practices and procedures; 2) mandating that in-person visits and communication with family shall not be limited as a consequence or sanction for youth placed at a YRTC; 3) connecting OJS wardship to other provisions of code, other programs providing protection and support for state wards; and 4) limiting OJS authority to contract for alternative placements

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for youth committed to a YRTC facility. Now as the committee and presumably everyone here, we're all aware our YRTCs are in need of immediate response because of the crisis. And this is something that we've been having conversations, with this committee in particular, to address all these issues that were discovered. So the committee reported to the Legislature just a couple weeks ago. We know that these issues on how we treat children and how we entrust it to the state are critical matters that need to be addressed. When we entrust our youth to the care of the state, we do so with the belief it will improve their lives and those in their communities, and that they'll be healed when they return. We have heard of too many instances of this trust being violated. And this is one instance where we want to change that. There are decades of research that shows that, when working and responding to juvenile offenders, we know that correctional settings are not appropriate ways to respond to adolescent mental, behavioral, and physical health needs. That is why we treat the juvenile justice system as such. Those correctional approaches backfire and they should be eliminated. As we react to the crisis our YRTCs hit this year, it is crucial that we do so with what we know works: treatment and practices and protocols that are evidence-based and designated specifically for youth. YRTCs are treatment facilities; they're not "Corrections Light." We have heard from families and youth that contact has sometimes been limited, as a penalty or a sanction for a child's behavior while on campus. This is unacceptable, and it's a harmful approach that can only backfire. Youth struggling on campus, who have been away from their families for an extended period of time, may need the support of a loving voice on the other end of the phone in order to do better. Youth are only at the facility for a period of months and will eventually be coming home to family and their community. They need every opportunity to strengthen that connection and to not lose track or not lose sight of it. The last thing I want to make sure to touch on is that LB1149 looks a little scary because there are a lot of things that we're striking out of statute. That is due to the sheer amount of outdated language in sections of code relating to YRTCs and OJS. The bulk of the pages in LB1149 simply strike text that has become obsolete in 2013, after the passage of the last major YRTC reform package, LB561. I want to thank the members of the committee. And with that, I'm happy to answer any questions. And there will be people behind me that testified on, on the previous bill, Senator Brandt's bill, that also will be able to talk to some more of the details, as to why

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evidence-based programs, why we're really harping on this in this specific piece of statute change.

HOWARD: Thank you. Are there questions for Senator Vargas? Seeing none, will you be staying to close?

VARGAS: Yes, I will.

HOWARD: Thank you. We'll now invite our first proponent of LB1149. Welcome back.

JULIET SUMMERS: Thank you. Good afternoon. Chairman Howard, members of the committee, my name is Juliet Summers. J-u-l-i-e-t S-u-m-m-e-r-s. I'm here on behalf of Voices for Children in Nebraska, to support LB1149. A sensible juvenile justice system should hold youth accountable in developmentally appropriate ways that promote community safety and operate on principles of fairness, transparency, and individualized planning. When the government acts in families' lives, we should ensure we are doing so in accordance with the best evidence at our disposal. Voices for Children in Nebraska supports LB1149 because it will maximize the use of evidence-based programming and practices at the youth rehabilitation and treatment centers, it cleans up areas of old statute contributing to confusion about the scope of OJS authority, and it interfaces with LB1148 in Judiciary and several HHS committee bills to promote a forward looking vision of our YRTC system. In my prior testimony on LB1141, LB1140, and LB1150, I described the lengthy history of the YRTC campuses and administration, and so I won't repeat that here again. But I will say, if you look at our statutes as they currently exist-- and I know you have-- pertaining to the YRTCs, they are a very messy patchwork reflecting that history. So some haven't been touched since the 1990s. Many others were last amended in LB561 in 2013, and then that's, in that bill, or law, were-- there were certain dates set into statute for major transitional overhaul of our system. And as a result, you can see whole sections of code where it's, you know, it's Section 1 prior to July 1, 2013, and then Section 2 is subsequent to July 1, 2013. And so many of the pages before you simply strike obsolete language, and Voices for Children strongly supports that. This type of statutory cleanup really matters because it creates simplicity and greater transparency for legal practitioners, youth, and their families, when they look to see what the law says about commitment, and their rights, and the duties of the agency to them. We also specifically support provisions that strike older language granting OJS contracting authority for facilities. The language currently in statute, allowing

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OJS to contract with private providers, is leftover from before LB561, when OJS had wider authority to perform and contract for community-based evaluations and case management for juvenile justice youth, in their home communities, who had not been placed at a YRTC facility. So that was, that was a major change that occurred, and LB561 was limiting OJS authority to controlling these two facilities. Its continued existence in statute has created confusion this year, as OJS has pursued a contract for a new facility within Lancaster County Juvenile Detention Center, without prior legislative authorization for such an expenditure. LB1149, and particularly in conjunction with LB1140, LB1141, and LB1148, will go far to clarify the precise scope of OJS authority to run the named YRTC facilities in the post-LB561 era. And finally, we strongly support the provisions of this bill, which articulate an emphasis on evidence-based treatment, programming practices, and protocols, and which more closely connect OJS wards to protections in statute that other state wards receive. Senator Vargas particularly noted the prohibition against limiting family contact and visits as a penalty or a sanction. Connections to loved ones are a fundamental need for developing teenagers, and abrogating family contact as a behavioral stick is not only inappropriate, but likely to undercut a youth's success in treatment. When I've heard from young people who talk about this happening, what they say is: I was having a bad day, I was told I, my phone call couldn't happen or it was cut short, and that just made me angrier and shut down more. And moreover, again, as a Senator Vargas noted, all of these youth, no matter how long they might stay at YRTC, will eventually be going home, and they will need those strong connections to be successful back in their communities. So with that, I would like to thank Senator Vargas for sponsoring LB1149, as well as, always, Chairwoman Howard and the committee for all of your time and commitment to Nebraska kids, families, and communities, as you pull together a strong package of legislation to move the YRTCs into this new decade. And I'd be happy to answer any questions.

HOWARD: Thank you. Are there questions? Seeing, none. Thank you for your testimony today.

JULIET SUMMERS: Thank you.

HOWARD: Our next proponent testifier for LB1149? Seeing none, is there anyone wishing to testify in opposition?

MARK LaBOUCHARDIERE: Good afternoon, Chairman Howard and members of the Health and Human Services Committee. My name is Mark

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LaBouchardiere; that's M-a-r-k L-a-B-o-u-c-h-a-r-d-i-e-r-e. I'm the director of facilities within the Department of Health and Human Services. I'm here to testify in opposition to LB1149, which specifies treatment locations and approaches under the responsibility of DHHS. LB1149 would lock DHHS into an inflexible two-location approach that does not serve, that does not adequately serve the youth placed in the youth rehabilitation and treatment centers. Instead, DHHS has been transitioning to a flexible three-campus system, wherein youth can be moved between campuses, based on their individual needs and circumstances. This bill also requires DHHS to use an evidence-based and validated risk-and-needs assessment for treatment of the youth served in the YRTC system. DHHS is already in the process of piloting several evidence-based treatment models, specifically trauma-based care and intensive behavioral modification. DHHS is currently exploring an external contract to develop and implement a new assessment model. In addition, DHHS has designated a new full-time position that will oversee all clinical programming to ensure program fidelity. Other initiatives underway include revamping the current phase program model, and partnering with the community provider to develop a family navigator program for aftercare transitioning. This program will run parallel and in collaboration with juvenile probation. LB1149 would also place juveniles in the care and custody of DHHS upon discharge from the YRTC system. This represents a significant reversal in legislation. Prior stat, prior statutory changes eliminated DHHS's authority to operate community-based services for juvenile offenders and replaced DHHS parole authority with intensive supervised probation and reentry planning. Millions of dollars were shifted from DHHS to the, to the judicial branch, to fund services and case management. This provision of the bill would also make DHHS the authority of juvenile cases after discharge. Assuming responsibility for the care and supervision of juvenile offenders after discharge, without resources, as statutory probation supervision, is unworkable and is not consistent with current juvenile justice statutes. Thank you for the opportunity to testify, and I would be happy to answer any questions.

HOWARD: Thank you. Are there questions? Senator Cavanaugh.

CAVANAUGH: Thank you. Thank you for being here again.

MARK LaBOUCHARDIERE: Yes, ma'am.

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CAVANAUGH: The model that you're --working on, is it going to have to be gender appropriate?

MARK LaBOUCHARDIERE: Yes, it's going to be gender appropriate. It's a trauma-informed care model. This is what we have right now, [INAUDIBLE] balancing at the YRTC or the Lincoln facility. Sorry.

CAVANAUGH: Okay. And to your, your first point about that two-location versus the flexible three-campus system, DHHS doesn't have authority to have that third campus, even though they've moved forward with it. So there's no statutory authority currently for that third campus. This just puts the names of the two campuses that currently exist into-- instead of just saying YRTC, it says Kearney and Geneva, and names them.

MARK LaBOUCHARDIERE: And, and my understanding is, in terms of the current-- the, the way the current statutes are written, it does provide us the authority to be able to contract or have a program, as the YRTC plan that should be based on just [INAUDIBLE] in Kearney. One of the things I just want to keep in the forefront of people's mind is, as we know what happened in Geneva, this whole, this whole business plan right now with Geneva, Kearney, and Lincoln, it's an interim plan right now. As we mentioned-- I think Senator [INAUDIBLE] mentioned this yesterday-- is that-- there was a meeting that occurred this morning, where it was a visioning session of what that whole contingent would look like. And, and it's going to be based on that bigger visioning session, what and how we're going to be treating Nebraska youth, from the front end to the back end, and see what is going to be the best, based upon working with external consultants, national consultants, to see what does that continuum of care need to look like, looking at different models that include the Missouri model, the New York model, and other models which have worked effectively across other states. So this, just like I'm saying, is an interim piece right now, and in no way is the department saying this is what we're looking at as a full-time or long-term plan.

CAVANAUGH: OK. I-- thank you.

HOWARD: Senator Arch.

ARCH: Thank you. A question on "evidence-based." Do you, do you draw a distinction between evidence-based and evidence-informed?

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MARK LaBOUCHARDIERE: We do not. This actually came up earlier in a conversation with the visioning group because there's actually around 600 different program models out there, which they call evidence-based. And that's why we really liked, in the bill, when they talked about the validation piece, 'cause it makes it a higher level of validation, if you may, of what's really out there, because it's very easy-- that was the trigger word back four or five years ago. Everyone would say: We're evidence-based. Today's trigger word is "trauma-informed." But going back to evidence-based, it's-- the way we're looking at is not-- so I'll give you examples of some of the programs we use currently, like ART or MRT or even Handle with Care, as I've previously mentioned. They're being used not in like, not only one or two different states, they're using, they're being used in a, probably 20 to 30 states in the U.S. right now. Handle with Care has been used in hundreds of facilities, where the story has shown there has, specific to the juvenile population, there has been validation that this is something which is, for a cognitive behavioral treatment approach, it's been very successful. So I, I understand what you're saying, but it's the next level, the validation, that I think really helps--

ARCH: Right.

MARK LaBOUCHARDIERE: --guide that.

ARCH: The next level, but perhaps not randomized clinical trial.

MARK LaBOUCHARDIERE: Yes.

ARCH: Right. I mean, truly evidence-based would imply that you have randomized clinical trial, your, your-- you have gone through the rigors of, of all of that. But these programs aren't at that level that you're talking about, correct?

MARK LaBOUCHARDIERE: These programs-- which I'm talking about the ART, MRT-- they have been. When you have a good portion of states across the country, you work with juveniles similar to Nebraska. And they're using certain models, and they're shown to work. They showed reduced recidivism and aggression, and just a different mind, thinking of current behavioral approaches. They have gone through that, that rigorous validation process.

ARCH: OK. Thank you.

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HOWARD: Senator Murman.

MURMAN: Thanks a lot for testifying. You mentioned a Missouri model, and it has been mentioned before by a testifier. Can you just give a quick layman's definition of what the Missouri model is?

MARK LaBOUCHARDIERE: So I used to work in Missouri. I used to work at their high-risk facility, and I used to manage one of their facilities. Their approach is different. It was something which the country had never seen before, where it's set up having large facilities. An example is, let's say, Kearney and Geneva. That's where-- Juliet Summers talked about it earlier-- they decided to say those aren't really very necessary, and because they weren't really swayed too much of a effective approach of how we work with youth. Instead, let's go with smaller facilities and closer to home, so 10-, 15-bed facilities, 20-bed facilities versus 150-, 200-bed facility, like in Kearney. And put that somewhere where the youth are already mostly coming from. So you have places like she talked about, like Lincoln, Omaha, Scottsbluff. And so this way, we've already seen, nationwide over the last five to six years-- five to ten years-- there's been a decrease, a dramatic decrease, because more and more youth are now being served on the front end, through probation services in the community already. It's when those community measures fail, is when they come to a YRTC. But you have, when you have a YRTC which is, let's say, two or three hours away from where the youth is at, it makes it harder for all that-- what we talked about, like the family therapy, the engagement, the community ties. So the Missouri model approach is more closer to home and smaller facilities. Then within the facilities, there is also a different approach of how we treat kids that's not, by any means, correctional. It is very treatment-oriented and rehabilitation in all aspects. I'll give an example which-- something which we cannot do today because of statute, if you may. But when I used to work in Missouri, we had a kid who, let's say, discharged, right? He goes, he goes back to his house and, when he gets back to his house, he has an issue with, let's say, with his peers, who are trying to just tell him to go do some drugs. In Missouri, that kid can call up the facility and would call me and say: Hey, can I come back for the weekend? I just want to get away from that, real quick. And so the kid does the-- the kid's peers don't know it, but guess what? They just, they think he just was brought back. So he's able to get a little space away, get him to refocus and get back out there. To be able to accomplish that today, with the current statutes and practices that we have, we couldn't do that, because

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it's, it's through different divisions and you have to have a judge. You have to sign off and stuff, and proof, leaving and coming back. So we have a whole different model. And that's what, with CEO Smith, she's looking at a whole vision of, what does that link look like? What's best for the youth? Yes, we have all the statutes in place, but that's why we have so many people at the table today, There's, I think, close to 25 or 30 people there from, from advocacy groups, to child centers, to Probation, to judges, to-- I mean, there's so many people. So if you look at the whole system as large, because looking at just the YRTC right now, what the programming is, I don't think that's going to be the answer to it. There was a report in 2013, and it was just a report [INAUDIBLE] on its recommendations. And not much was done about those recommendations. And I think, with CEO Smith coming in and resurrecting that report, and also looking at what does that whole system need to look like, because if you kind of just piecemeal stuff and say: Let's just fix this piece of it and not the other piece, because most of the states that I've worked at-- in most of those other states, they operate where you have even a probation and a facilities under the same umbrella. You know, we have to have a different umbrellas. And it's just, there's just different quirks with the system in Nebraska right now. So bringing all these people to the table to say, what does that need to look like, I think, for the youth in Nebraska, it's going to be the biggest bang for the buck, in how we treat them and how they can be successful. And to go after models which have been already shown to be successful, like a Missouri or a New York model, we are going to start looking and tapping into those resources so we can-- I'm not going to say mimic it, but see how close we can get to it for the best success for the youth.

MURMAN: Very good. Thank you.

MARK LaBOUCHARDIERE: You're welcome.

HOWARD: OK. Other questions? Senator Williams.

WILLIAMS: Thank you, Senator Howard. And thank you, again, for being here. And thank you for your insight into these issues. LB1149 addresses a few things that you did not touch on in, in your testimony. And I was wondering if you had a professional opinion that you would like to share with us, in particular, on the number two issue, the mandating that in-person visits and communication with families shall not be limited as a consequence of sanctions for youth

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placed at a YRTC. Do you have a professional opinion on using those kinds of sanctions?

MARK LaBOUCHARDIERE: I don't think we should ever restrict the family contact with youth. We need to encourage it as much as possible. With any facility, you have-- and I have worked at four other states' juvenile facilities-- you have to have some sort of structure, in terms of when families can visit. Normally they're on the weekends, which makes it easy for friends to come up there. But if a parent has ever asked to come up on a Tuesday or they work on the weekends, we have never said "no" to not allowing that. In addition to that, something we just started since I came here, is that we provide transportation for parents from Omaha or Lincoln to come to Kearney; we send a Midwest contractor out there to pick them up and to take them back. If you have a parent, we also offer parents, if they cannot-- if they have the transportation, but they don't have the money to be able to come up, we offer gas vouchers for them to be able to make that trip, if it's a long trip, We do, we do go through a little bit of a process to see if they can afford it or not. That's because we, we just don't want to hand out free state money by any means, but if they ever need to, we, we do that piece. Something we've increased over the last couple of years is, we used to allow one phone call, 'cause it's, paid by the state, to the parents, and then we've increased that to three phone calls. If a parent ever wants to call in for an emergency or any purpose like that, we allowed that, as well. As youth do better, where they're not as big of a public risk, we allowed them to go on furloughs where they can-- first, we start off by maybe a day furlough first, where they can go back home for a day to wherever they, they reside at. And then soon we make that overnight furloughs so we can slowly test them back instead of just putting them back out from a higher, higher-structured place back to their house. Even when a kid, a new kid comes on campus, first we allow parents to visit on campus. But as they progress on the levels, then they're allowed to have a day pass in Kearney. So those are different things that we have done. One of the things that we're really excited, that we're working on right now-- and this is not a done deal yet, so-- is, we have monthly family visits with the whole treatment team, with the, with the kid. And parents were allowed to go to the Probation Office to use a-- it was called the, the video system, where we can interface with them through video. But now there is a software called WebEx, where parents can actually-- they are able to, on their cell phones, be able to do that from home or whether they're from. So we're, we're trying to find different ways to make it more easier for the family to

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come visit. If a kid ever has a death in the family, then we allow emergency furloughs, as well. Or if a parent is in the hospital and very sick, or in an accident, we allow emergency furloughs, as well, where they are accompanied by staff to wherever their home is.

WILLIAMS: Thank you for your insight.

HOWARD: Senator Cavanaugh.

CAVANAUGH: Thank you. Sorry, I have some follow-up questions, and I would like to talk about the fiscal note. So there's a \$12 million fiscal note here, the reopening of Geneva. And CEO Smith submitted a letter to Senator Brandt's bill, that had a \$12 million fiscal note for that same issue. And so I just wanted to, to read a part of her letter. It said that, at the YRTC hearing held in Geneva on October 2, 2019: the department was moved by the commitment and response of the Geneva committee-- community. And so this is why, move forward with reopening it. And-- but we, prior to that hearing, took a tour. So it was already being renovated to be reopened. So I'm a little confused about the timeline and how the fiscal, this-- oh, sorry. I'm tying this together for my question.

MARK LaBOUCHARDIERE: Yes, well--

CAVANAUGH: The timeline and the fiscal note, it says it's based on the, the renovations to LaFlesche, which, first of all, is a higher security building, but that means that LaFlesche renovation cost \$3 million. Is that correct? Or \$4 million? \$4 million?

MARK LaBOUCHARDIERE: Um-hum.

CAVANAUGH: And did the department invest \$4 million on renovating LaFlesche, LaFlesche, with no intention, prior to October 2nd, of reopening it?

MARK LaBOUCHARDIERE: I'm not sure the exact amount was to renovate LaFlesche. I can speak about the fiscal note--

CAVANAUGH: All right.

MARK LaBOUCHARDIERE: --because I have a better understanding of that. So the reason why we put it in that \$12 million note is because this is how we viewed it. So when, when they came to you about it, the buildings you toured and we talked about earlier, like Burroughs--

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CAVANAUGH: Um-hum.

MARK LaBOUCHARDIERE: --Sacajawea, those were built 56 years ago. The ceilings were so low you could break sprinklers, and it's got some damage. The rooms were made out of drywall, where a kid can punch a hole, go right into the other person's room. You guys saw that as well. So it was built for a low-risk youth.

CAVANAUGH: Sure.

MARK LaBOUCHARDIERE: Currently we have LaFlesche, which is completely ready now--

CAVANAUGH: Um-hum.

MARK LaBOUCHARDIERE: --but 20 beds. Our population today in Kearney, with the youth-- or female, sorry-- female youth is 22. Part of the issue which happened last year, is-- but last, in the-- 2019, January, February, March, you had about 18 to 20 kids, female youth. In a matter of two or three months-- or maybe three months-- that population jumped to close to 43 youth; it, it doubled. You have to have enough staffing on hand to be able to manage a population that quick. And as you guys are aware, we don't hold the front door key to who we can come in, who can come in. We're not a Boys Town or somewhere you can say, well, you don't meet the criteria.

CAVANAUGH: But have, have you ever had the courts send more youth to Geneva than you had beds for?

MARK LaBOUCHARDIERE: No.

CAVANAUGH: So whatever beds you have available is your capacity?

MARK LaBOUCHARDIERE: Yes, but it--

CAVANAUGH: So right now your capacity is 20.

MARK LaBOUCHARDIERE: We, we don't have-- I don't think we, we are able to just hold kids in detention and just have them wait there for a bed to open up. That would not be good practice.

CAVANAUGH: Um-hum. no.

MARK LaBOUCHARDIERE: So to answer your question about the \$12 million dollars, and--

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CAVANAUGH: Yes.

MARK LaBOUCHARDIERE: --then where that came from, we looked at a similar facility, of how much it would cost to build a structure specific to a high-risk view, kind of like a LaFlesche, where it's not drywall, but it's actually a concrete wall, where they cannot break through, and to go to the other room and then, maybe, assault somebody or sexually harm somebody. So that's where that \$12 million will--

CAVANAUGH: So the \$12 million is to build a new structure entirely.

MARK LaBOUCHARDIERE: Yes,--

CAVANAUGH: OK, so--

MARK LaBOUCHARDIERE: --because--

CAVANAUGH: What is the intention for the three buildings that are sitting there empty?

MARK LaBOUCHARDIERE: Those buildings are not going to be able to sustain the high-risk youth.

CAVANAUGH: But what's the intention--

MARK LaBOUCHARDIERE: So we'll have to demolish that.

CAVANAUGH: --'cause you're--

MARK LaBOUCHARDIERE: We would have to demolish it, it, if we were going to serve high-risk youth in that facility,.

CAVANAUGH: If you weren't going to do that, if you weren't going to serve high-risk youth, what, what is the intention? Without any of this legislation being passed, what is the intention with those three buildings today?

MARK LaBOUCHARDIERE: As it currently stands in our business plan, we were not going to use those buildings and we would only use LaFlesche for transition youth or reentry youth.

CAVANAUGH: So they will sit empty and untouched.

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MARK LaBOUCHARDIERE: Yes, that was part of the business plan right now, but once again, like I mentioned earlier, this is all part of the interim plan--

CAVANAUGH: Um-hum.

MARK LaBOUCHARDIERE: --till the vision group meets and says: What does that-- overall arching plan needs to look like?

CAVANAUGH: So I'm sorry. [INAUDIBLE]. So when we toured the, the campus in October, we toured those buildings, as well.

MARK LaBOUCHARDIERE: Um-hum.

CAVANAUGH: And they were under some level of renovation. Is that completed?

MARK LaBOUCHARDIERE: Those have not been completed yet.

CAVANAUGH: Have they stopped?

MARK LaBOUCHARDIERE: I'd have to get a full back-up to know exactly what the status of it is, from DAS, on those. Our concentration right now was on getting LaFlesche ready. And as you guys know from the pictures in the media that was released --

CAVANAUGH: Yeah.

MARK LaBOUCHARDIERE: I mean, those were the main things that we were concentrating on, as a priority project for them to do.

CAVANAUGH: Right. But when we were there in October, those other buildings were being renovated. And what I'm hearing from you, and I'm-- I'd like you to speak to whether this is accurate or not, is that, while you are renovating them and spending dollars on renovating them, you have no intention of using them. And if we were to fully reopen the campus, you would actually knock them down.

MARK LaBOUCHARDIERE: We would have to if we were to serve high-risk youth. Because if we currently open those same buildings in the manner they were-- the only kids we serve at the YRTC now is high-risk youth. And I don't know if we would want to place our youth back in a setting like that where, knowing what happened in the past, knowing that kids can break sprinklers, and we put high-risk youth back in that setting and it happens again, that would be a shame on us, to place kids in

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that kind of setting again, with drywall where they can break it again very easily.

CAVANAUGH: OK. I, I would just, I, I would be interested in, in finding out more or hearing more from the department on the thought process with those three buildings and what the plan is with those three buildings, moving forward, if we don't enact any legislation.

MARK LaBOUCHARDIERE: OK.

CAVANAUGH: Thank you.

HOWARD: Just a couple of quick questions, yes or no. Have they finished the mold remediation in those three buildings?

MARK LaBOUCHARDIERE: That's what I think they're working on, the last I heard, was getting all that mold out, just to make sure--

HOWARD: Getting all the mold out.

MARK LaBOUCHARDIERE: Yes.

HOWARD: Yeah. And there was a lot of mold like on the floor, and like on the baseboard area. We saw them cutting that out of the drywall when we were there.

MARK LaBOUCHARDIERE: Yes, that's a--

HOWARD: So is that finished?

MARK LaBOUCHARDIERE: As far as my understanding, it has been finished, at least that piece of it.

HOWARD: OK. And then when we were walking through with the DAS representatives, they indicated that Sac had high enough ceilings for high-risk youth. Is it your opinion that they don't?

MARK LaBOUCHARDIERE: It's, it's-- like I mentioned earlier, it's-- for you to get the whole, the whole picture of it, so you might have, you might have high, high walls or-- high walls-- high ceilings, but the rooms are still drywall. So I mean, and then you-- I think you guys saw some of the rooms where the kids had actually broken through a whole, as then a body can walk right through.

HOWARD: Hmm.

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MARK LaBOUCHARDIERE: We cannot place youth in that kind of setting where if, in the middle of the night, some kid busts through and goes and attacks somebody. We got to make sure our kids are safe. So it has to be an overall safe environment. And so yes, there was one area, right, where the ceilings were higher, and there was like the old piping up there, or the, the HVAC system up there, which would potentially, but there were other pieces in it which would not have made it, which would not have made it a safe environment.

HOWARD: And so when you're talking about the ceilings are too low because somebody can reach the sprinklers. When we visited the Boys Town facility, they have these really beautiful covers for the sprinklers. Have they considered something along those lines?

MARK LaBOUCHARDIERE: It's-- I'm not, I'm not the expert to talk about what we have, in terms of the security measures of being able to get to the sprinklers, but if you remember those walls, those-- the whole-- it, it would-- I don't know what it's called, the correct term. It's kind of like a fake ceiling, where you have the sprinklers attached to it. You could, literally, pull that whole wall down. That's what kids would do to this. They were just jumping on tables and pulling the whole ceiling down. That's why you saw that one building where the whole ceiling was pulled down. 'Cause even if you did have, even if you did have that fake ceiling with the, those-- sorry, I don't know what you call those.

WILLIAMS: Tile.

WALZ: Tiles.

MARK LaBOUCHARDIERE: Those tiles.

HOWARD: Tiles.

CAVANAUGH: Drop ceiling.

HOWARD: Drop ceiling?

MARK LaBOUCHARDIERE: Drop ceilings, yes. It, it's hard to have a youth in that kind of environment, to be able to just go bust through that drop ceiling.

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HOWARD: And so the business plan outlines that you'll be-- your intention is to leave those buildings vacant. Are there any problems with the Geneva community for leaving them vacant?

MARK LaBOUCHARDIERE: The Geneva community wants the whole place to be opened up again.

HOWARD: Hmm.

MARK LaBOUCHARDIERE: So I think that's the best way I can answer that. And it's not just those three buildings, but just the one, the whole campus to come alive again.

HOWARD: And the department has conferred with the Geneva community. They know that they're going to have these three empty buildings in their community, like they know that they're going to have these three vacant buildings just hanging out there?

MARK LaBOUCHARDIERE: That's, that's been the business plan that's been circulated so much that they've agreed or conferred. But I know that's been communicated. That's what our business plan looks like for now, in the interim, until we can get that larger vision, moving forward.

HOWARD: OK. Other questions? Senator Cavanaugh.

CAVANAUGH: Thank you. Just to follow up on the fiscal note, could you provide the committee with the expenses that were associated with the LaFlesche renovation and the other renovations to date?

MARK LaBOUCHARDIERE: Yes, ma'am.

CAVANAUGH: That would be very helpful. And--

MARK LaBOUCHARDIERE: Just for Geneva? You mean Lincoln, too? Or--

CAVANAUGH: Oh, just-- well, sure, let's do all of them; that'd be helpful, I think, as far as informing what needs to be done here. And then for the, the \$12 million, so none of the bills pertaining to the Geneva campus state how many beds Geneva has to have open. So that \$12 million fiscal note for building a new building, how many beds are you intending with that?

MARK LaBOUCHARDIERE: So the example I gave you earlier about they went from 18 and, in a matter of a few months, went to 43. This is just last year. And that number can fluctuate. Not having a key to the

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front door and taking kids in right away, being allocated, to look at maybe 40 beds-- add that-- so having it 60, 'cause if you can hit 43, we can go anywhere, 10 up or 10 down, in a matter of time. There could be some gang war in Omaha, where they send a bunch of kids at the same time. And we've seen that happen at Kearney before. In this last-- in Kearney, just over this last two or three months, or two months, we had 25 kids show up that quickly and that could change the whole culture around. But to answer your question, we allocated 60 for that, 20 existing right now in LaFlesche and 40 at this new build, if we would, we would be-- if we would have to go that route.

CAVANAUGH: OK. And, and how many beds are there available at Kearney currently? I mean, not available. How many-- what's the capacity Kearney can have?

MARK LaBOUCHARDIERE: I guess they've got 170, but you're looking at-- what you're, what you're-- Kearney's a little different, though.

CAVANAUGH: I know.

MARK LaBOUCHARDIERE: And the reason why is because you're talking about dorms--

CAVANAUGH: Right, right.

MARK LaBOUCHARDIERE: --out there, and you can place a lot of beds out there, if need be.

CAVANAUGH: Sure.

MARK LaBOUCHARDIERE: So there's a little difference, in terms of that versus a Geneva, if you don't what individual rooms,--

CAVANAUGH: Um-hum.

MARK LaBOUCHARDIERE: --if that makes sense.

CAVANAUGH: And Geneva's capacity, prior to August, was--

MARK LaBOUCHARDIERE: I think it was mid-'70s, I think.

CAVANAUGH: OK.

MARK LaBOUCHARDIERE: So 79, I think, was the number-- could be wrong. I can get you an accurate number, though.

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CAVANAUGH: Thank you.

MARK LaBOUCHARDIERE: OK.

HOWARD: All right. Any other questions? Thank you for your testimony today.

MARK LaBOUCHARDIERE: Thank you, Senator Howard.

HOWARD: Next opposition testifier? Seeing none, is there anyone wishing to testify in a neutral capacity?

JULIE ROGERS: Afternoon, Chair Howard.

HOWARD: Hi.

JULIE ROGERS: Members of the Health Human Services Committee, my name is Julie Rogers, J-u-l-i-e R-o-g-e-r-s. I serve as the Ombudsman for the state of Nebraska and, previous to serving as the Ombudsman, I served as the Inspector General for Nebraska Child Welfare. A couple things about the bill. As Inspector General of Nebraska Child Welfare, we've made several recommendations, on all sorts of different topics, about making sure assessments and treatment are evidence-based. I think, in the juvenile justice world, evidence-based and evidence-informed probably are interchangeable. I've also learned that, with the juvenile justice population, there has to be fidelity to the model. It has to be normed for a juvenile justice population. So some of the-- like a new assessment model, I don't know, there's lots of questions there about have, having it applied to a juvenile justice population. Trauma-informed care, there's a lot of these girls who have a lot of trauma in their background. So when we talk about trauma-informed care, that is a very, very good thing. I just caution that, whatever model we're talking about-- and there's probably several out there-- that it be, again, for juvenile justice-specific population and more individual-based, which I think the bill contemplates. When I read, on page 18 at the Section 12, about visitation, I did not take that as-- I read it as in-person visitation and communication, as an in-person communication. So if the committee is contemplating phone calls, I would-- maybe that needs to be clarified, or maybe it's just the way I read it. But I think considering phone privileges, in addition to not limiting visitation and communication with the families, is very good. And then, finally, based on some of the questioning, I did visit Geneva last week, and I toured the LaFlesche building, as well as Sacajawea and Burroughs.

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Sacajawea looks like all the mold remediation has been done, which means they've cut out most of the drywall to the building. But it is in disarray and disrepair still. And then in Burroughs, I think there was a leaking roof, also, and all the flooring has been, has been taken out. But I'm not-- it does not look, with my eyes, like anything more has been done. Since the visit in October, all the plastic has been taken down, and it's just sitting there. So I thought I'd offer that, too. And if there's any questions, I'm happy to answer them.

HOWARD: Thank you. I just want to hear it really clearly. So Burroughs-- so Burroughs has a leaking roof. Is that what's going on?

JULIE ROGERS: I don't know if it's currently leaking, but I think that there was plans to fix the leaky roof and capital improvements. That was my understanding back in August, when I saw some plywood on the ceiling. And what is that? And was that because of a sprinkler pull? But it was because of a roof that needed repaired.

HOWARD: Thank you. Any other questions? Seeing none, thank you for your--

JULIE ROGERS: You're welcome.

HOWARD: --testimony today. OK, the next neutral testifier for LB1149? Seeing none, Senator Vargas, you are welcome to close. And while he's coming up, there are some letters for the record, three letters in support: Kris Whisenhunt, from the National Association of Social Workers-Nebraska Chapter; Laura Opfer, the Nebraska Children's Commission; Lana Temple-Plotz, for the Nebraska Children's Home Society. No letters in opposition or neutral. Welcome back, Senator Vargas.

VARGAS: Thank you very much. A couple points I want to make, both in response to some questions, and then, also, you know, based on some of the information we have from the fiscal note and DHHS. I introduced this to, I introduced this bill because I believe oversight is necessary. I don't think our, our job is to directly manage these facilities, but, as elected officials, our job is to ensure that children are being taken care of, youth are being taken care of, and that we have the appropriate oversight. A lot of the questions that are being asked from the committee have to do with oversight. And, and I'll have some reaction to some of the appropriations ones. And we could actually start there. So the fiscal note. Fiscal notes can sometimes be moving targets. They should normally not be. We don't

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often have the departments and the fiscal office have different interpretations on what the cost is. Sometimes we do. I do think \$12 million is a big shift. As you will see, at least from the fiscal note, there are questions proposed by the fiscal analyst as to what the \$12 million, why it would be needed. I just think it's helpful, for the record, exactly what it states, "The Department's fiscal note shows a cost of \$12 million to add 40 beds to the YRTC at Geneva." And this part is important, "Since the agency indicated that they are in compliance with the provisions requiring evidence-based policies, procedures, programs and services, it is unclear why" they would need the additional beds. Every single biennium, agencies come to us and tell us exactly how much they need to then be able to run their programs and services. And we always ask about existing capacity, what's coming up. In years like this, mid-biennium adjustments are when agencies come to us and say they need more money to meet new needs. I can assure you that, if DHHS came to us and told us that we have more of a need of more youth in our system, we would, in the biennium, appropriate more money. I think Appropriations knows how to get the job done in that resistance-- in that specific instance. We typically have that. We had that with Child Welfare services in the past. So this-- so I want you to think of this less as there's \$12 million needed for this, but more, if there was an increased need, Appropriations would do their job to then address the increased need of services. And either way, the facilities should have me meeting the appropriate provisions in statute, and should be able to house what they typically have housed, unless they've told us something differently. And to my knowledge, there hasn't been something differently asked of us for more funding. That does bring us to another provision in this that we're proposing to change, which is, there is an outdated statute that enabled DHHS to contract and to have this third building as part of this process. Wherever you are, and whether or not that's the right pathway forward, the ability to then go and contract happened because our statutes allowed it. The reason why we're making this change, or specifically suggesting this change, is because I want to make sure that there is-- we have the oversight. This decision to move with the third building was made before this master plan was finalized. I believe the intent of the department is good and cares deeply about the kids. I don't think our intent is any different. We care just as deeply about the kids, but we care deeply about the accountability of these programs and services. And so that's one of the reasons why we made that change, as well. We want to make sure that something like this doesn't happen again. But keep in mind, if they were able to contract for a new building, a facility which

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costs money and is going to be a new cost, and we're going to have this discussion in Appropriations, they have the authority to make some changes in appropriations and spending. And then they're also asking for \$12 million for more beds, even though they seem to be, already be in compliance. It's why we need oversight. I just want that to be said. I think the other questions-- and I think, Senator Williams, you asked, you asked this question, which was great. A lot of the language we're proposing, specifically in regards to evidence-based programming, I, I did not hear that there is a problem with that or that it's duplicative, because if you'll see in different instances, in the fiscal note or even in their testimony, they are doing evidence-based programming. Adding that language just ensures that we're lining up what they're doing and what they should be doing with our statutes, and making sure it's in there. So I, I hope we're clear on that. And I also think we heard that, as a result of, you know, making sure we're not using a consequence, withholding the ability to connect with your family. So there are pieces of this, which I'm hearing they're not disagreeing with, and some of the other parts that they're fundamentally disagreeing with. I think more have to do with the oversight of our Legislature and are even more important, because each and every one of us are not going to be sitting in these seats from-- eight years from now. So in the age of term limits, it's going to be more important that these specific changes that are put into account. The last thing I want to say is a thank you to this committee. I know this is not-- these recommendations shouldn't feel new. I know they don't because they come out of this report. But when we were thinking about what is the most appropriate, most in line with how our current system treats youth, that's where this stemmed from. So I want to thank you. And if you have any questions, I'd be happy to answer them.

HOWARD: Thank you. Are there any final questions for Senator Vargas? Senator Cavanaugh.

CAVANAUGH: Thank you. Thank you, Senator Vargas. I have sort of an Appropriations question.

VARGAS: Um-hum.

CAVANAUGH: I recall last year that we voted, as a body, on the budget, to appropriate funds to build a building for Corrections.

VARGAS: Um-hum.

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CAVANAUGH: Do we not have to do that for DHHS? Do they have the ability to build a building without us having any enabling legislation?

VARGAS: My understanding is, this specific statute enabled them to then contract and move forward on--

CAVANAUGH: Oh, I'm talking about the \$12 million building. That's the fiscal note for building a \$12 million building.

VARGAS: So a fiscal note for a \$12 million building, like a Corrections. Is that your--

CAVANAUGH: Yeah.

VARGAS: Would, would come to Appropriations, yes.

CAVANAUGH: So there would have to be a bill authorizing that.

VARGAS: Well, there would have to be a request in the biennium budget. There, there would need to be a request for that,--

CAVANAUGH: Sure.

VARGAS: There would, either in the proposed budget from the Governor or coming out of the seven budget bills that come out of the biennial budget.

CAVANAUGH: And your, your bill does not intend-- in, in putting into statute, Geneva does not intend to authorize or request a new building to be built.

VARGAS: No, there is nothing of that sort in this.

CAVANAUGH: And one more question is, do you-- and I'm sure we could look this up-- but if you know it offhand, what is the cost of leasing that facility in Lincoln?

VARGAS: I have to get the exact number. I cannot remember off the top of my head.

CAVANAUGH: OK.

VARGAS: And then I won't-- I don't want to misspeak.

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CAVANAUGH: Thank you.

HOWARD: All right. Any other questions for Senator Vargas? I actually might have that cost here, because you gave it to me. It's like \$350,000 for the lease, \$350,000?

VARGAS: Oh, yeah, that's right. I just couldn't remember off the top of my head.

HOWARD: Yes.

VARGAS: [INAUDIBLE], and we'll put it in the record.

HOWARD: OK.

VARGAS: Sounds right.

HOWARD: All right. Any, any final questions? Seeing none, thank you, Senator Vargas. This will close the hearing for LB1149, and it will open the hearing for LB1172, Senator Cavanaugh's bill to change provisions relating to juveniles and provide duties for the Department of Health and Human Services.

CAVANAUGH: Good afternoon, almost evening. Committee and Chairwoman Howard, I am Machaela Cavanaugh. This is the wrong bill. I apologize. That's not-- that's correct. I just grabbed the wrong folder.

HOWARD: Trade with Brandon?

CAVANAUGH: It's right here.

HOWARD: Great.

CAVANAUGH: Just trying to introduce a data system to all of you. I'm sure you [INAUDIBLE]. My apologies. I'm really-- I'm sorry. I have too many papers. I apologize to everyone. It's getting late, and I am-- [INAUDIBLE] myself. OK. Well, I'm going to wing it.

HOWARD: No. Here, we can take a five-minute break and we'll reconvene--

CAVANAUGH: OK.

HOWARD: --at 4:27.

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CAVANAUGH: I apologize. I must have--

HOWARD: That's OK.

CAVANAUGH: --left it somewhere.

HOWARD: We like breaks. OK.

[BREAK]

HOWARD: [RECORDER MALFUNCTION]--reconvene, and we will open the hearing for LB1172, Senator Cavanaugh's bill to change provisions relating to juveniles and provide duties for the Department of Health and Human Services. Welcome, Senator Cavanaugh.

CAVANAUGH: Thank you, Chairwoman Howard and members of the Health and Human Services Committee. I am Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, and I represent District 6: west-central Omaha. I'm here today to introduce LB1172, which seeks to better address the needs and stability of residents at our youth rehabilitation and treatment centers. LB1172 requires that a court order to place a juvenile at a YRTC must specify they be placed either at the facility in Geneva or the facility in Kearney, and, outside an emergency, any transfer between the two requires a new court order. There was confusion last year about whether a court order was necessary, so this clarifies the issue and ensures that residents of the YRTC facilities are only moved with sufficient notice and consideration for the disruption, disruption caused. Second, it authorizes the use of the Lincoln Regional Center as a psychiatric residential treatment facility for juveniles, and it has a requirement for notice, if that were to happen. I should-- or I'd like to just state clearly that it does not require the use of the Lincoln Regional Center. It all-- it is a "may," not a "shall." It does, however, require that the University of Nebraska conduct a needs assessment of the program and facilities, to ensure what, what needs we could be utilizing the LRC facility for. It also requires an annual report to the Legislature and the Supreme Court, and that is to update us, both bodies-- or branches of government-- on any programming and programming changes, so that once a year we can just get that update on what is the program that's happening within the YRTC system. I have passed out an amendment, and this is to authorize another report for calls into the hotline. And it's something that I have discussed with Ombudsman Rogers, and considering whether or not we need this or not. But I wanted to introduce it so that we could have the conversation in case we, as a

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committee, decide that it is something that we would like to see. But it is just purely so that we have this on the record, as part of the hearing. And with that, I will take any questions.

HOWARD: OK. Thank you. Are there questions? Seeing none, will you be staying to close?

CAVANAUGH: I, I will-- with all my papers.

HOWARD: We'd like to invite our first proponent testifier up for LB1172. Good afternoon.

ANNE HOBBS: Thanks. Hi. My name is Dr. Anne Hobbs; that's A-n-n-e H-o-b-b-s. I'm the director of the University of Nebraska Juvenile Justice Institute. However, I do not represent the university today in my testimony. Thank you for the opportunity to speak in support of LB1172. Specifically, I'd like to address conducting a needs assessment of Nebraska's youth rehabilitation and treatment center. An integral part of any kind of needs assessment must include the needs of the individuals who are served, so not just the needs of the state or the needs of the juvenile justice system, but also that the people served. In 2012, I conducted such a needs assessment, but it was just the youth returning to Lancaster County who had been committed to YRTCs. We worked closely with DHHS during that time and called data from N-FOCUS to get a better, accurate, or more accurate picture of the needs of those youth. We studied 150 youth-- 75 male, 75 female-- and our findings revealed-- really, it's one of the most astounding reports I think I've ever written because there were so many youth that were crossover youth. Of those 150, roughly-- over 87 percent had a history of CPS contact, as the victim of abuse and neglect. And not just one contact, but on average it was 5.34 per child, so the child that was housed or committed to YRTC. When we expanded that and looked at the family, that number rose to about 7.85. So what that tells us is, this is a really, a population that has experienced a great deal of trauma. The other pattern that we saw that was really pronounced was the number of placements, the total number of placements a youth had experienced. So this is just these 150 youth. It ranged from 1 to 41 per individual child. So the average number of placements was about 11, with girls having a significantly higher number of placements than the males that we reported on. I mention this report because, when we conducted the assessment, we were able to analyze the needs of youth, but we had less access to kind of what services, what the, what our state was doing to serve those youth. A needs analysis must really include individual-level data, the history of the youth, the needs of

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youth, and then the treatment and services received, the number of hours that the youth attended and whether or not the youth successfully completed that. The bill also includes a requirement to evaluate the facility. The layout and physical environment of the building clearly affects the youths' experience, as well as safety and security of both staff and youth. Sorry, there's a typo. But even if the physical plant has suitable environmental layout, this can be hindered by the facility itself. So, for example, I believe you heard testimony about covered windows and doors being blocked. In a similar way, evidence-based programming can be provided in a way that is not-- that reduces its effectiveness, so for example, if staff believe that the youth need to be punished rather than recognizing the impacts of trauma. So in closing, I'm solidly in support of a needs assessment of YRTC, but it should include: first, whether, the youth needs match programming they receive; secondly, whether the physical plant is conducive to delivering that treatment; and then, finally, whether the staff and administration have a philosophy that's conducive to the treatment goals. I'm happy to answer any questions you might have.

HOWARD: Thank you. Are there questions? Dr. Hobbs, you have a group of students, and I'll-- Senator Murman, yeah, OK. You have a group of students that-- this is the YRTC-Kearney. Can you tell us a little bit about that program and their observations?

ANNE HOBBS: Yes. So we have-- currently there's 15 students. They're not all working with YRTC youth because, when we went to match them, some of the youth were in seclusion and couldn't be matched. But right, right now, about six of the students still have a mentee in the facility. Up until December, they had pretty regular meetings, but recently-- we're not too sure what's going on, but the individual youth are not able to meet with their mentor, even though the mentors have gone out and made that trip. So we're hoping that those visits will continue. It could be that some of the youth are in crisis. So last week, one of the mentors drove out and then was told, about a half an hour before she got there, that there was a crisis and both youth couldn't meet with her. So I don't know exactly why they haven't been able to meet except where if all five or six youth are actually acting out, so. But the program still operates. UNK this semester had about five or six students ready to match, but they were not. They were told they couldn't match them, probably because there's so much going on. So I'm not sure where UNK sent those students. But we have Wesleyan coming on in the fall. So we have universities lining up to mentor these kids and just go spend time with them. And they're

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trained. They get about 50 hours of training throughout the course of a year. So thanks for asking that question.

HOWARD: Yeah, thank you.

ANNE HOBBS: Um-hum.

HOWARD: All right. Senator Murman.

MURMAN: Yeah, thanks a lot, Senator Howard. And thanks for testifying. When you're talking about the number of out-of-home placements, is that placements with families? I that--

ANNE HOBBS: So it's-- in that particular account, we went back and looked. It counts everything, every time a child has a disruption. So it could be the youth went on the run, it could be the youth acted out and ended up in a detention facility, it could be a foster home. So it's any time the department was aware that they were moved, and then that's logged into N-FOCUS.

MURMAN: OK. Thank you for that.

ANNE HOBBS: Yeah, um-hum.

HOWARD: Other questions? Seeing none, thank you for your testimony today.

ANNE HOBBS: Thank you.

HOWARD: Our next proponent testified for LB1172? Good afternoon again.

JULIET SUMMERS: Good afternoon again.

HOWARD: Last time.

JULIET SUMMERS: Last time today. For the record, my name is Juliet Summers, J-u-l-i-e-t S-u-m-m-e-r-s. I'm here on behalf of Voices for Children in Nebraska, to support LB1172. And you have heard my spiel in various regards, regarding the YRTC's, this week. So you have my written testimony. I'm not going to read it off for you, except to say we, we strongly support LB1172 because it provides for increased accountability and oversight, both on the court side, which we see is crucially important to provide protection in individual cases, and then also through the needs assessment, which we perceive as long overdue, and are really optimistic about that opportunity for Nebraska

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to take a university look at the-- whether existing programs at facilities, that we have as our YRTC's, are truly meeting the needs of our youth. So I would be happy to answer any questions about either of those points. I guess I will go before, before I stop and say, both on this bill as regards the court oversight and the court providing for a specific placement, as well as previously on Senator Vargas's LB1149 in here today and LB1148 in Judiciary, all three of these bills contemplate a court order to a specific facility and then court involvement and legal party involvement in any moves between facilities. Voices for Children really supports that as providing that direct oversight from the people who know the case and the child the best. But we do not read any of these bills, any of these three bills, as actually requiring a new building on the Geneva campus due to an increased population there. None of them are specified-- the-- of these three bills: and the, all the girls from any court in Nebraska shall go to Geneva, and that shall be the original and ongoing placement. I don't, in my reading of these bills, see them as necessarily prohibiting the YRTC interim plan system, but rather saying: Look, the court gets to make the decision about the initial placement facility. And if you're going to change that, there needs to be notice and, and opportunity for a hearing, particularly if it's to a higher level of care just like any other state board. So with that, I'd be happy to answer any questions.

HOWARD: Thank you. Are there questions? Seeing none, thank you for your testimony.

JULIET SUMMERS: Thank you, and good evening.

HOWARD: Have a good weekend. All right. Our next proponent for LB1172? Seeing none, is there anyone wishing to testify in opposition? Good afternoon.

BO BOTELHO: Good afternoon, Chairwoman Howard and members of the Health and Human Service Committee. My name is Bo Botelho, B-o B-o-t-e-l-h-o, and I'm the chief operating officer and general counsel for the Department of Health and Human Services. I am here to testify in opposition to LB1172, which addresses the youth rehabilitation and treatment centers, YRTC's. The bill requires the courts to specifically place youth at either the Geneva or Kearney. It prohibits any transportation of youth between these two locations without a court order, except in emergencies. DHHS would be permitted to use space at the Lincoln Regional Center as a psychiatric residential treatment center for youth, but could not discharge or transfer these youths

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without a court order, unless there is an emergency. LB1172 would lock DHHS into an inflexible two-location approach, and does not adequately serve the youth placed at YRTC's. Instead, DHHS has been transitioning to a flexible three-campus system wherein youth can be moved between campuses, based on their individual needs and circumstances. Within this system, Kearney campus serves as the intake center for all youth, and offers basic programming, treatment, and education. The Lincoln facility provides intensive programming and appropriate physical structure and security to youth with higher needs. Geneva Campus offers a more homelike environment for female youth who have successfully moved through treatment and are preparing to return to their families and reentering the community. DHHS's ability to use these three campuses in different ways, and to move youth between campuses as needed, is key to improving the quality of care and treatment that DH, that DHHS provides. When youth are entrusted to the DHHS care, the agency needs the flexibility to work with them in the best way possible, and the YRTC system enables DHHS to do this. Precluding DHHS from using its Lincoln facility, in particular, would poorly serve youth in the YRTC system. The Lincoln facility is specifically designed to serve youth with higher needs, who are not responding to treatment in Kearney. Using space at LRC for a psychiatric residential treatment center for youth would not serve the same purpose. LRC is an adult-only facility that provides psychiatric and sex offender services. It does not have appropriate space for programming for youth. In addition, there is frequently a three-to-six month long waitlist for admission to the LRC. Using the LRC space for youth would only lengthen this. Also, not only, not all YRTC youth with higher needs have treatable psychiatric illness. Some have other needs, i.e., developmental disabilities. LB1172 would oppose reporting, would impose reporting and needs analysis requirements that duplicate current DHHS initiatives. The Health and Human Service, Services Committee already has oversight of the agency and the YRTC's. DHHS has well established lines of communication with the committee, and has provided them regular updates on the YRTC's, and will continue to do so without a statutory reporting requirement. Similarly, DHHS has already designed a future state planning committee, whose first meeting is scheduled for February 6, 2020. This committee will be instrumental in providing important guidance as the agency moves forward in designing services, developing programming, and enhancing coordination across the continuum of care for Nebraska youth. Thank you for the opportunity to testify. I would be happy to answer any questions I can.

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HOWARD: Thank you. Are there questions? I have a quick question, because this, this bill specifically relates to the, the notice of transfer between the locations. What is the, what is the policy, or what will be the policy for when we're transferring kids between the locations for the YRTC, of sort of telling their parents and their judges, and that sort of thing?

BO BOTELHO: So the, the department sends out a notice to all the parties of record, which would include the parents. So that would be the, the, the court or the judge that committed the child, the attorney representing the child, if there's a GAL, the county attorney, as well as the parents.

HOWARD: When does that go out?

BO BOTELHO: The notice is sent to-- we're currently revising the policy now, and I'm not sure. It'll be sent in advance of the transfer, but I'm not sure of the number of days, off the top of my head. But I can get that to you.

HOWARD: In advance of the transfer, OK. That's great. All right, other questions? Seeing none, all right. Oh, oh. Do you have any commentary on the amendment that was brought forth?

BO BOTELHO: It's, it's a reporting requirement.

HOWARD: OK.

BO BOTELHO: [INAUDIBLE] from now.

HOWARD: OK. All right. Seeing no further questions, thank you for your testimony today.

BO BOTELHO: Thank you.

HOWARD: Our next opponent testifier for LB1172? All right. Seeing none, is there anyone wishing to testify in a neutral capacity?

JULIE ROGERS: Afternoon. Chair Howard, members of the Health and Human Services Committee, my name is Julie Rogers, J-u-l-i-e R-o-g-e-r-s, and I'm the Ombudsman for the state of Nebraska, formerly the Inspector General of Nebraska Child Welfare. Any time a youth changes placements, it is known that it causes further trauma to that youth. So when there is a plan put in place and a youth is moved, and there are legal, cut legal parties involved and legal parties might, might

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file a motion, there is always some chance, without clarifying language in statute, whatever that clarifying language is, to ensure that decisions are made in the best interests of children. To give you an idea, for the record, of the youth population that we're talking about, the Inspector General's Office analyzed the 35 female youth committed to the Youth Rehabilitation and Treatment Center in Geneva in August of 2019. Over half of these youth are being served at the YRTC-Kearney right now. These youth were adjudicated as OJS wards from ten different counties, covering all DHHS service areas and three different tribes. Nine youth had one or more previous commitments to the YRTC-Geneva. One youth was born while her mother was committed to the YRTC-Geneva. The ages, at the time of commitment to the YRTC-Geneva, range from 14 years old to 18. The race/ethnicity of the youth comprised of the following: one Native American/Hispanic; three Caucasian/Hispanic; five African-American/Caucasian; seven Native American; seven African-American; and 12 Caucasian. Ten youth had also been adjudicated as state wards, and 14 other youth had a history of being state wards for youth who were in the legal custody of a tribe. Thirty-three out of the 35 youth have a documented history of being abused and/or neglected, including being sex trafficked. All 35 youth have been diagnosed with a behavioral disorder and/or a mental health disorder. The most common diagnoses include: conduct disorder; alcohol/cannabis use disorder; disruptive mood dysregulation disorder; and post-traumatic stress disorder. Twenty-seven out of the 35 youth were prescribed one or more psychotropic medications at some point during their commitment at the YRTC. So increased accountability on the court side can ensure that there is less trauma to each of these youth. I'm happy to answer any questions.

HOWARD: Thank you. Are there questions? Senator Williams.

WILLIAMS: Thank you, Senator Howard. And thank you, Ms. Rogers, for being here. Can you tell me what the time period is? If you have, if you, if you wanted to, if there was a situation to move a youth,--

JULIE ROGERS: Um-hum.

WILLIAMS: --and you have to go through a court proceeding, how long does that take?

JULIE ROGERS: I think it just depends. The situation on that week of August 12th, in Lancaster County, it was a very quick procedure. I'm not sure. The county attorney's office filed a motion to move the girls from the Lancaster Detention Center-- the four girls-- back to

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the YRTC-Geneva. And I'm just-- I would have to look at the exact timing to know whether it was within 24 hours or within--

WILLIAMS: I guess, specifically, it's, it's not necessarily a lengthy time period to get on a--

JULIE ROGERS: Not necessarily.

WILLIAMS: --get on a docket and get it done.

JULIE ROGERS: Not necessarily. At least it was not in Lancaster County at that, with that instance. Now I'm not sure, in a place like Douglas County, what their caseloads are and how that process would work. I also am not sure, in a rural county, when county attorney, county judges sit as juvenile court judges and they travel, but I think that, in emergent situations, that could go really quickly.

WILLIAMS: Thank you.

JULIE ROGERS: Um-hum.

HOWARD: Other questions? Do you want to comment on the amendment that was passed out, since it's relative to your office?

JULIE ROGERS: Yes. We are happy to receive any sort of reports that is required to give us. We do have access to hotline calls. And right now we are-- we, we can look up hotline calls if there is a complaint to our office about a hotline call. So that's what I would comment on.

HOWARD: So you would get, sort of, trends for calls, or is it just you could ask for a specific call?

JULIE ROGERS: We, we could have analyzed trends--

HOWARD: OK.

JULIE ROGERS: --for, for calls. That's on their N-FOCUS system. And since we, per statute, have access to all computerized records, then we do have access to N-FOCUS, so we can look things up. Now if, let's say a year from now, everything is running very, very smoothly at each YRTC, we haven't had a complaint in a while. We don't know of hotline calls, but there are other topics that our office is monitoring, we might not be monitoring hotline calls from the YRTCs at that point. So

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having reports about hotline calls might be helpful in those situations. So in other words, we prioritize our burden.

HOWARD: Oh, OK.

JULIE ROGERS: So right now the priority is YRTCs.

HOWARD: So I just want to make it-- so you can--

JULIE ROGERS: Yes.

HOWARD: --get at the calls,--

JULIE ROGERS: Yes.

HOWARD: --but they wouldn't be segregated out for you to necessarily know if they were a YRTC call?

JULIE ROGERS: Oh, no. We can, we can look at--

HOWARD: Or you could take [INAUDIBLE] YRTC calls?

JULIE ROGERS: YRTC. We can-- and like right now, we could monitor YRTC calls. But if there is another priority, it's not being put in front of us like, let's say, the Inspector General's side, death and serious injury. When that happens, it's put in front of us instead of us monitoring whether there's been a death or serious injury. I'm making a slight distinction here, but we would find out about a death or serious injury, probably by monitoring other things. But with death or serious injury, they're required to give us notice of that instead of us monitoring a system to see what's happening.

HOWARD: OK. All right. Any other questions? Seeing none, thank you for--

JULIE ROGERS: Thank you.

HOWARD: --your testimony today. Is there anyone else wishing to testify in a neutral capacity? Seeing none, Senator Cavanaugh, you're welcome to close. We do have some-- two letters in support: Kris Whisenhunt, from the National Association of Social Workers-Nebraska Chapter; and Laura Opfer, for the Nebraska Children's Commission. No letters in opposition, no letters in neutral. Welcome back, Senator Cavanaugh.

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CAVANAUGH: Thank you. Chairwoman Howard and members of the Health and Human Services Committee. A couple of things I want to address. So the needs analysis is to ensure that we are meeting the needs of the population we're serving. I'm happy to introduce an amendment that gives more, provides more detail on what that needs assessment would look like. I know that it is mentioned in the fiscal note that there is some confusion over what it should include. I'd be happy to work with other interested parties on detailing that further. This bill does not require a new building to be-- a new-- built. It does require- it-- and it does not require gender separation. So Senator Brandt's bill, it specifically outlines who goes to which campus. This bill simply says that, if a court orders a youth to go to a certain campus, then that is where they shall be. And if they need to be moved, the courts need to be involved in that through an additional court order. The courts were not involved in the changing locations of youth the way that they wanted to be, and the way that I think they should be, as the fact that they are the ones placing them there. They should be involved pretty intimately, in my view, in where they're located. So this does require that. It does not authorize the use of Lincoln. I suppose, by not authorizing the use of Lincoln, it maybe unauthorizes the use of Lincoln. However, the department has stated, on numerous occasions, that they do not need our authorization to use Lincoln. So I'm not sure what to do with that, just wanted to highlight it. It was my understanding that there is a building at-- on the LRC campus that is unused. And perhaps I am incorrect in that information but, if that is the case, then I-- that was the intention of authorizing them to be able to consider using the building that is not currently being used as a PRTF. Another option could be, this \$12 million that they have put in the fiscal notes on these bills could possibly be used to build a PRTF, something else we could consider. And Mr. Botelho's testimony-- he talked about, at the end on the back page, the oversight piece of the reports, and communication with the committee, and the needs assessment, saying that they were duplicative. It is part of our oversight, or is part of our responsibility to do oversight. And I-- even though they are doing them, as Senator Vargas stated, we will not all be here always. And so putting into statute what information this committee needs in this, and the Legislature needs in the future, is really important so that we don't have freshman senators coming in and being like: Well, I don't know what I need to know. But the people who have been through this over the last several months, our committee, we do know these things. And so putting it into statute, I think, will be really helpful for the future relationship of both the Health and Human

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Services Committee, the Legislature, and the Department of Health and Human Services. I think that's it.

HOWARD: Thank you.

CAVANAUGH: Any questions?

HOWARD: Are there any final questions for Senator Cavanaugh? Seeing none, thank you, Senator Cavanaugh. This will close the hearing for LB1172, and will close our hearings for the day.