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**BOSN:** --to the Judiciary Committee. I'm Senator Carolyn Bosn from Lincoln, representing the 25th Legislative District. And I serve as chair of this committee. We will be taking up bills in the order posted. This public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you're planning to testify today, please fill out one of the green testifier sheets on the back table. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are also yellow sign-in sheets back on the table for each bill. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone, telling us your first and last name and spelling them to ensure we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by proponents, opponents, and then anyone wishing to speak in the neutral capacity. We finish with a closing statement by the introducer if they wish to give one. We will be using a three-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining. And the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is just part of the process, as senators may have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up at least 12 and give them to the page. Please silence or turn off your phones. Verbal outbursts or applause are not permitted in the hearing room, and such behavior may be cause for you to be asked to leave. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. Also, you may submit a position comment for the record or you may testify in person, but you may not do both. I will now have the committee members with us today introduce themselves, starting to my left.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee March 27, 2025

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**HALLSTROM:** Good afternoon. Bob Hallstrom, representing Legislative District 1, southeast Nebraska counties of Otoe, Johnson, Richardson, Pawnee, and Nemaha.

**STORM:** Good afternoon. Jared Storm, District 23: Butler, Saunders, Colfax County.

**STORER:** Good afternoon. Senator Tanya Storer. I represent District 43, 11 counties in north central Nebraska: Dodge, Sheridan, Cherry, Brown, Rock, Keya Paha, Boyd, Garfield, Loup, Blaine, and Custer.

**HOLDCROFT:** Rick Holdcroft, District 36: west and south Sarpy County.

**DeBOER:** Good afternoon, everyone. I am Wendy DeBoer, and I represent District 10 in beautiful northwest Omaha.

**BOSN:** Also assisting the committee today: to my left is our legal counsel, Denny Vaggalis; and to my far right is our committee clerk, Laurie Vollertsen. If the pages for today would like to stand and introduce themselves.

**AYDEN TOPPING:** Hi. I'm Ayden. I'm a second-year psychology student at the university.

**ALBERTO DONIS:** Alberto Donis. I'm a [INAUDIBLE] student at UNL.

**BOSN:** Thank you. And with that, we will begin today's hearings with LB273 with Senator Hunt. Welcome.

**HUNT:** Thank you, colleagues. Good afternoon, Chair Bosn. I'm Megan Hunt, M-e-g-a-n H-u-n-t. And I represent District 8. I'm here today to present LB273, a bill that would lift a current restriction in our health care power of attorney statute that prevents lifesaving medical treatment from being administered to pregnant women in certain circumstances. I brought this bill at the request of an estate planning attorney in my district who is also an adjunct professor at Creighton Law School. This constituent has, in his capacity as an attorney, drafted hundreds of medical powers of attorney and handled many guardianship cases. In the course of his work, he came across an outdated consisten-- inconsistency in our health care power of attorney statute, which has some concerning implications for Nebraska women and their loved ones that may one day find themselves in the difficult position of needing to make choices about whether to save her life if

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she is incapacitated, under a medical power of attorney, and happens to be pregnant. LB273 would allow for lifesaving medical treatment to be administered to pregnant women who are under a health care power of attorney. Under current statute, the person legally empowered to make health care decisions on a woman's behalf if she becomes incapable of making such decisions for herself-- the attorney in fact or agent-- is prohibited from making any medical decision for the pregnant woman-- the principal-- that could result in the death of her unborn child. For most women, this attorney in fact would be a spouse, parent, or other loved one she may have legally designated to make these decisions for her care in advance in the case of an accident or debilitating illness. Effectively, current statute dictates that when a pregnant woman is under health care power of attorney the life of the unborn child must be preserved in all circumstances without regard to whether the mother's life is at risk. LB273 would lift that prohibition in very limited circumstances when the woman's physician has determined that her life is at risk without some medical decision or treatment. A health care power of attorney, HPOA, is created when a competent person executes a legal document-- that's the principal-- naming an agent to make medical decisions on their behalf should they become incapacitated. When the principal becomes incapable of making decisions for themselves, the agent steps in, acting in according to the principal's wishes expressed in advance. This is separate from but similar to our legal structure for court-appointed guardianships. When someone cannot make safe and responsible decisions for themselves and has no power of attorney, a court-appointed guardian makes those decisions. This could be in the case of someone who becomes incapacitated due to illness or accident, who did not make any prior arrangement for power of attorney, or someone who has a significant disability who did not have the competency to designate a person known to them prior to their incapacitation. The key difference between these arrangements is consent. Guardianship is imposed by the court without consent. A power of attorney is given voluntarily by a competent person. If a person can legally consent, then they don't need a guardian. It's come to my attention that there's a key inconsistency in our statutes when it comes to the powers given to a health care power of attorney agent with those given to court-appointed guardians. So LB273 seeks to align those powers and make them the same. Under current law, if a person is pregnant, their power of attorney cannot make any decision that would harm their unborn child, with no exceptions, even if the principal's life is at risk. In contrast, right now under

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current law, a guardian may only consider the best interest of their ward and can make medical decisions even if those decisions would harm an unborn child. As an example, there could be a competent woman who designates her husband as her health care agent. They discuss her wishes in advance. If she later becomes incapacitated and her life is in danger, her husband is legally forbidden from acting on the decision that she expressly made. Yet if she had no power of attorney, a court-appointed guardian could make that very same decision. The law gives more decision-making authority to a court-appointed guardian who could be a stranger than to her husband, a person voluntarily chosen by a competent principal who had the foresight to express her wishes. I posit to you that that's an unjust and illogical inconsistency in our treatment of agents and guardians, and this bill would correct that. Under LB273, an agent with the advice of the principal's treating physician would be permitted to make medical decisions necessary to protect the principal's life. The agent would still be legally bound by the principal's prior instructions and could act only within the scope of that authority. This bill is just giving the agent the same power and authority that the principal would have if she could act to make decisions for herself or that a court-appointed guardian could make for her. In terms of real-life applications of this bill, the reality is that most pregnant women are relatively young and are not as likely as older women to have advanced directives for their medical care or to have thought to complete power of attorney legal agreements at this stage in their life. Most pregnant women will never experience this situation, but there are a number of women who can and do make these arrangements and decisions, especially if they are married or already have children they want to consider, or if they have a preexisting medical condition that they know could take a turn for the worse. For these women, our current law forces the hand of their agent, their spouse, or loved one to prioritize the pregnancy over the woman's own life. Pregnant women do sometimes end up incapacitated due to injury, accident, or severe illness, and pregnancy itself can exacerbate the risks of incapacitation or death in some of those cases. Often, the accident or illness that caused the pregnant woman to be incapacitated also affects the health and viability of the fetus, so continuing the pregnancy could be futile, whereas the woman may still have a chance to live. The pregnant woman may not receive optimal care if her doctor must prioritize the health of the possibly already compromised pregnancy over the life of the woman. The current statute restricts patient rights, creating situations where families and doctors are

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forced to watch a patient potentially suffer and deteriorate rather than providing necessary treatment. In LB273, I've added a layer of accountability and medical oversight by requiring that if some medical treatment is being considered that could jeopardize the pregnancy it could only be when the woman's life is at risk, as determined by her doctor. I'd like to thank Chairwoman Bosn and the committee for your flexibility in rescheduling this hearing after last week's blizzard caused hazardous conditions for travel. And I know you have a full agenda today, so thank you again for being adaptive with your schedule. And I'm happy to answer any questions.

**HUNT:** Thank you. Any questions for Senator Hunt? Senator Hallstrom.

**HALLSTROM:** Senator Hunt, thank you. With regard to the guardian's authority, is that expressly authorized by statute or implied because of silence?

**HUNT:** It's a-- it's expressly authorized by statute. It's--

**HALLSTROM:** Do you have a citation?

**HUNT:** Yep. It's 30-3417.

**HALLSTROM:** Thank you. And secondly, I'm, I'm trying to-- been trying to read through this language. Does the language simply turn the tables that you've expressed concern over the priority being the unborn child to the potential detriment of the mother and now we're, we're prioritizing the mother over the unborn child?

**HUNT:** No. What it says is that, that the patient can express their wishes in advance and that the husband, for example, or the father won't be put in the position of, you know, knowing that his wife is going to die and they might lose the fetus too, they might lose the pregnancy too. But under our current law, they have to prioritize the pregnancy.

**HALLSTROM:** And the reason I ask the question is, right now, it talks about prioritizing the unborn child because it, it could result in the death of the unborn child. But you've got a situation where now the language that's in the statute or the proposed statute indicates that we're looking to a unborn child who is likely to develop. So could, could there not be a situation in which a decision to prioritize the

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life of the mother with an unborn child who was likely to survive could end up dying?

**HUNT:** Under the language of this bill, it would only apply if the woman's life is at risk, as determined by her doctor.

**HALLSTROM:** And, and my, my concern-- not my concern. My, my point is, right now, we're saying we're, we're trying to avoid the death of the unborn child, and now we're saying we're taking an unborn child who's likely to survive, but notwithstanding that, we may make decisions in the best interest of the mother that could very well result in the death of the child. And I'm wondering if that, if that could be a, a result.

**HUNT:** That could be the case.

**HALLSTROM:** OK.

**HUNT:** What this is saying is that if it's between the life of the mother-- and it really has to be a matter of life or death for the mother. It can't be, you know, I would prefer not to be pregnant type of situation. If the mom's going to die, the dad has the right to choose the mom if the mom is incapacitated.

**HALLSTROM:** OK. Thank you.

**BOSN:** Senator DeBoer.

**DeBOER:** So is it that the dad has the right to choose the mom or is it that the mom has the right to have given permission to the--

**HUNT:** You're, you're right, Senator DeBoer. I misspoke. You're totally right, what you're saying, yeah--

**DeBOER:** So--

**HUNT:** --that, that this would be the wish of the principal, aka--

**DeBOER:** The principal--

**HUNT:** --the patient.

**DeBOER:** The principal can designate someone to decide on their behalf.

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**HUNT:** Mm-hmm.

**DeBOER:** And that principal maybe hasn't discussed it, so maybe the person decides. So maybe the-- let's say the dad is in the position to have to decide, but it's to decide to continue to give medical treatment to the mother or to give medical treatment to the mother, not to decide against the unborn child. It's to decide to continue to give--

**HUNT:** It's to decide for the mother. Exactly.

**DeBOER:** --to give treatment to the mother.

**HUNT:** Mm-hmm.

**DeBOER:** Because it's not about treatment or nontreatment to the unborn child, right?

**HUNT:** That's right.

**DeBOER:** It's just about whether or not you can give treatment to the mother.

**HUNT:** That's right.

**DeBOER:** So if the mother's life is in danger, can you give her treatment notwithstanding this other issue?

**HUNT:** That's right.

**DeBOER:** Which is a, a real issue. It's a--

**HUNT:** Yes.

**DeBOER:** It's fine.

**HUNT:** Yes, absolutely.

**DeBOER:** But I, but I think-- you're not-- you're saying that the law should be neutral as to-- between the two. So Senator Hallstrom said, are we shifting it from favoring the unborn child to favoring the mother? And I think what I hear you saying is it should be neutral-- the law should be neutral and the decision should be with the principal or the principal's designee.

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**HUNT:** That's right.

**DeBOER:** OK. Thank you.

**HUNT:** Thank you.

**BOSN:** Any other questions? I know you have a 1:30 in the other. Are you planning to stay to close or--

**HUNT:** If, if I can, yeah, I will.

**BOSN:** OK.

**HUNT:** Thank you.

**BOSN:** Yes. Can I see a show of hands how many individuals are planning to testify in some capacity on LB273? OK. Come on up. Are you a proponent?

**MATTHEW WURSTNER:** Yes.

**BOSN:** All right. Good afternoon.

**MATTHEW WURSTNER:** Good afternoon. You ready for me?

**BOSN:** Yes, sir.

**MATTHEW WURSTNER:** My name is Matthew Wurstner, M-a-t-t-h-e-w W-u-r-s-t-n-e-r. I am, the estate planning attorney that Senator Hunt mentioned. That has been my practice my entire career. I have taught this to law students at Creighton. I was researching a completely unrelated matter when I stumbled across this statute, and I was a little surprised to see it. I have represented Omaha's largest hospital system and guardianships before, so I understand the interplay between POAs and guardianships. I, I had some testimony prepared, but I, I think it might be more appropriate to just sort of directly piggyback on the comments that I just heard. The point of clarification that I want to make is when somebody is appointed as an agent or appointed as a guardian, they have a fiduciary duty to that person only. They don't have a fiduciary duty to others, be that an unborn [INAUDIBLE] or other family member. At present, the health care statutes-- the ones that permit the performance of an abortion-- specifically say that when a guardian consents to an abortion they can only consider the best



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interests of the ward. They cannot consider the best interests of the unborn because they don't represent the unborn. What, what I think the distinction is-- here is we're not, we're not looking at a person who's considering the entire panoply of people who may be involved. They're only considering the best interest of their spouse or their daughter, whoever it may be. The, the other thing to consider is-- and me as the attorney that does this every day, the loophole already exists. If there is an agent under a power of attorney who doesn't have the authority to act, I can file a guardianship and I can get around this. The problem is that creates more stress for the family. That creates more lawyer fees when you've got a person who's already had the foresight to come to an attorney to try to solve this issue. Where I have a problem, though, is we almost never catch people early enough in the cycle. You know, it's not often the 23-year-old woman who's newly pregnant that comes to us. It's an older woman who's far past the point of pregnancy who's going to have a power of attorney. More often than not, the woman who gets into a car accident hasn't been to an estate planning attorney before if she's pregnant because she's too young because she's not thought about this. And so I, I think the issue that's, that's created is the power exists already in a convoluted way that seems to benefit nobody but lawyers. And as much as I love to pay my mortgage, I would much rather have women have the ability to have foresight and preplan instead of having an extra layer of stress and problems and court system involvement that's not otherwise necessary, in my opinion. That's why I proposed this to Senator Hunt. And to, to echo her comments, this is a really narrowly tailored, really esoteric issue. It's not going to do anything more than the law already allows. It only is empowering a principal to make a decision that a, that a woman could make for herself. All other existing statutes and restrictions are still in play. It's not extra authority. It just matches authority the woman would have had herself.

**BOSN:** Let's see if there's any questions. Senator Hallstrom.

**HALLSTROM:** When I asked Senator Hunt, she gave me the statute, 30-3417, which is actually the one that's being amended here. Do you know what the guardianship statute is?

**MATTHEW WURSTNER:** I wasn't looking at a guardianship statute. I was looking at statute in Chapter 71.

**HALLSTROM:** OK.

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**MATTHEW WURSTNER:** So I'm looking at 71-6902. And it says at the end of that statute, in deciding whether to grant such consent-- consent to an abortion-- in, in deciding whether to grant such consent, a pregnant woman's parent or guardian shall only consider his or her child or ward's best interest.

**HALLSTROM:** OK. Thank you.

**BOSN:** Any other questions for this testifier? Seeing none. Thank you for being here.

**MATTHEW WURSTNER:** Thank you.

**BOSN:** Any other proponents? Opponents? Neutral testifiers. All right. While Senator Hunt makes her way back up, I will note-- actually, Laurie, was this updated? OK. So there were 16 proponent, 3 opponent, and 0 neutral comments submitted for the record. Welcome back, Senator Hunt.

**HUNT:** Thank you, Madam Chair. And thanks again-- I want to thank Mr. Wurstner for coming down, especially with this rescheduled hearing. He was prepared to come down last week even through the snow in Omaha, and I'm so glad that he did not have to do that. So thank you again, Madam Chair, for rescheduling. Right now-- basically, the problem is-- and I think he did a good job explaining it. Right now, the power of attorney can only consider the best interests of the unborn, while the guardianship statute requires the guardian to consider the best interest of the woman. And so it just puts in place kind of what's already going on with guardianship and I think is more compassionate and makes more sense for what families would actually want if they had the ability to make the decision for themselves, so. Again, happy to answer any questions. Thank you.

**BOSN:** Any follow-up questions? All right. Thank you very much--

**HUNT:** Thank you.

**BOSN:** --for being here. That will conclude our hearing on LB273. And-- OK. Next up, we have Senator Conrad on LB492. We'll give her a minute because I think she probably anticipated that would run a little longer. Perhaps while we're waiting, I'll just note: on LB492, we received 5 proponent, 3 opponent, and 1 neutral comment.

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**CONRAD:** Hello.

**BOSN:** Hello.

**CONRAD:** Good afternoon, Chair Bosn, members of the committee. My name is Danielle Conrad. It's D-a-n-i-e-l-l-e; Conrad, C-o-n-r-a-d. I represent north Lincoln's 46th Legislative District in the Unicameral Legislature. And today, I'm here to introduce LB492. I introduced LB492 to further streamline the current law, law regarding truancy and to address issues that I have dealt with in regards to the current law. So Nebraska's strict 20-absence rule triggers county attorney involvement and court involvement, and I believe that is overly broad. Personally, I think truancy laws should be eliminated. But at the very least, I think truancy laws should be reformed and narrowed. And that is the point of LB492. So as you may well know, truancy laws were developed a long time ago to curb child labor and to advance educational attainment and literacy. They have evolved significantly over many, many decades. And my contention is that the truancy laws have become too unwieldy and too broad in terms of scope and application. So what we see happen in Nebraska is that kids reach this 20-absence mark, but they may not be suffering educational loss. They, they may, they may not be coming from families that are struggling or, or that have hit hard times or that don't care. And in many instances, we have fa-- children that are doing well in school from strong families triggering court involvement because of absences due to religious activity, extracurricular activity, or mental or physical illnesses. And so I just think the current structure is far too strict and expansive, and it doesn't take into account individualized issues when it comes to why a kid is missing school. I also think it unfairly penalizes kids for missing school in some instances for no fault of their own, because perhaps the family lacks transportation, for example. And that just seems like an odd hammer to utilize in the juvenile justice system, when a kid can't get to school because they don't have transportation and that's not the kid's fault. So what LB492 does is it creates a clearer definition about what we're talking about in regards to truancy. It also puts together some defenses if truancy measures are triggered to show whether or not the school put in place a plan, provided services, et cetera, et cetera. There's people that practice on the front lines of the truancy cases in our courtrooms-- I know here today from the public defender's office, and then I also know some child welfare advocates are going to testify as well. And many young people have reached out to my office to share their story about how they've been entangled and

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ensnared in the current truancy system, so I anticipate perhaps some additional testimony from them. The final piece is I-- this reform measure builds upon a long line of reform measures that our Legislature has taken up, both through the Judiciary Committee and through the Education Committee over many years. It is an attempt to further define, clarify, and narrow how our truancy issues are-- truancy laws are utilized to ensnare less families and ensure better outcomes for kids and save costs in the system. So. Happy to answer questions. Happy to turn it over.

**BOSN:** Any questions for Senator Conrad?

**CONRAD:** Thank you.

**BOSN:** Are you staying to close?

**CONRAD:** Yes, I'll be here.

**BOSN:** Can I see a show of hands how many individuals wish to testify in some capacity on this bill? 1, 2, 3, 4. OK. Thank you. All right. Proponents.

**JENNIFER HOULDEN:** Good afternoon. I'm Jennifer Houlden, J-e-n-n-i-f-e-r H-o-u-l-d-e-n. I'm the chief deputy of the Juvenile Division of the Lancaster County Public Defender's Office. I'm here on behalf of the Nebraska Criminal Defense Attorneys Association. I want to echo a lot of what Senator Conrad said and then try to provide some practitioner insight. Something I want to highlight about the fundamental fairness built into our judicial system is-- in, in both civil and criminal, but especially in criminal-- is that the individual that is charged with something is actually responsible for the conduct that is being charged. And this bill brings back that sort of commonsense, fundamental fairness to our truancy application in juvenile court. It also matches essentially what the practice was 15 years ago, when truancy meant truancy, when truancy was the decision of the child to not attend school without a valid reason. The unwieldiness that Senator Conrad talked about is actually sort of how we got here, that changes were made to statute and interpreted by the appellate courts and sort of built us to this place where truancy does not mean truancy; it means excessive absences. And the safeguards on that have moved the application of truancy law to children who are not choosing or causing their own absences. When you take the case law together with the

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statutory changes, what truancy means right now is 20 days of absence or more, according to the school's absence policy. The only safeguard on what that policy is is that they follow it. So a school can have arguably an absurd policy, an unfair policy, a discriminatory policy. And so long as they follow their own policy, then it counts as an unexcused absence. An unexcused absence is a family funeral. An unexcused absence is an illness that you don't see a doctor for. An unexcused absence is anything that the school hasn't fit in. I would also like to highlight that this returns us to the commonsense idea in law that the policy of the law is connected to the concerns it's trying to prevent, and the educational attainment being reinfused into this statute is ensuring that we are doing what we're doing-- which is bringing kids into the court system to address their school attendance-- for the reason that is valid, which is we are concerned about their education. I would highlight as a practitioner that without these narrowings-- which is actually bringing us back to a traditional meaning of truancy-- we are having unfair and potentially illegal applications of school policy to children's absences, which could be concerning. Thank you.

**BOSN:** Let's see if there's any questions.

**JENNIFER HOULDEN:** OK.

**BOSN:** Any questions for this testifier? I have just a few. OK. So you would agree that if you have an illness and it's-- you did see a doctor, then it is marked as an excused absence, right?

**JENNIFER HOULDEN:** So long as that's the school's policy. And in LPS, it is.

**BOSN:** OK. Are you aware of any districts where it isn't?

**JENNIFER HOULDEN:** No.

**BOSN:** OK. My-- there-- this bill also then essentially says any child under 13 cannot qualify as a truancy case.

**JENNIFER HOULDEN:** Right.

**BOSN:** And I-- would you agree there-- you have had cases where there are children under 13 where it is a choice of the child to be truant?

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**JENNIFER HOULDEN:** I haven't, no.

**BOSN:** Never?

**JENNIFER HOULDEN:** No.

**BOSN:** OK. You don't-- could you foresee that occurring? I mean, I guess when you put a cap on an age thing, as you've testified multiple times in this, you know, committee before, you then set the, the, the baseline, right?

**JENNIFER HOULDEN:** Right.

**BOSN:** And so I have had cases where-- I tried juvenile cases for a long time where we had juveniles who were truant at 12. You know, that's essentially fifth and sixth grade.

**JENNIFER HOULDEN:** Right.

**BOSN:** Where they are exercising their freedom and not going into school by choice. And so we have the ability under a (3)(a) if it is in fact the parent. And I agree with you. There are unfortunately cases where we get them as a referral for a truancy, but it's truly the parent who isn't taking the responsibility of getting the kid to school. But there have been cases where you've had kids younger-- or, I have-- who-- whose parents think they're go-- actually thought they were going to school and they were missing class.

**JENNIFER HOULDEN:** I think you can design an example that illustrates your point, certainly. I think what the line drawn here-- we're drawing lines, right? It's currently at 11. I'm sure you could de-- you know, create an example where a nine-year-old is making a choice. I think what this says is that-- which, again, I think is very sort of common sense about development of children, is that 11- and 12-year-olds, the choices that they're making are actually in a family unit and that they are not legally responsible or capable of being legally responsible for getting themselves to school. Because that has been my experience, is that the allegations relate to conditions that a fifth grader simply could not have control over. All this bill does is remove the sort of what, what I would say are the illegitimately placed on the child. It doesn't say if there are 20 days of truancy and 11 days of absence for illness or parent-approved or religious activities. It removes them. So it doesn't-- I just-- I think-- it's a judgment call, right? It's a

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judgment call that fifth and sixth graders are better dealt with as a family unit and the family operation instead of in a prosecution of the individual.

**BOSN:** I'll-- and-- I think we can agree then probably just have to disagree on that. But the other thing is is I think the language of this bill also says that the school-- we're now adding another unfunded mandate on the school if that-- they have to provide some evidence when they submit these for a loss of educational attainment. What does that mean to you?

**JENNIFER HOULDEN:** I would say that that evidence exists in available records as we speak. There are notes on absences from teachers and parents, or communication. So when-- I see on progress reports absences and related homework unfinished is causing your child to fall behind. I think that is sort of already part of the records that are being created within the school system and provided. So I see that already. It just is a logical connection to say, is this absence actually compromising the student's education? Because where we see-- or, where I see a disproportionate and unfair application of truancy is where the school attendance aide, whoever that is and whatever their training and education is, knows this family and knows that kid's doing fine. So they don't log it. There really are application problems that result in disparate outcomes, and I think that there has to be some acknowledgment that attendance is to promote educational progress. They are tracking all of these measures already. Those records exist. They're all electronic. I see them already, so I don't see that as an additional burden. It just narrows the scope of the court to those that are actually in need of that intervention.

**BOSN:** OK. And then I guess to that point-- so what I'm hearing you say is that, currently, school personnel are exercising discretion already on whether or not a child is absent but not falling behind, so doesn't need a referral. Is there a process for discretion on behalf of the school or the county attorney?

**JENNIFER HOULDEN:** So-- certainly the county attorney has discretion. We have heard in testimony of LPS employees that they made a decision on how to code an absence based on being familiar with the family. So that's really what I'm talking about, is that it ha-- it's not being applied with any consistency. It is unpredictable. And that

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individual's testimony said, well, I know this kid's doing fine in school.

**BOSN:** But my point is, is-- so how does this bill fix that? Are you trying to say that they shouldn't use that discretion or that they should use it more liberally? Or what is it you're trying to fix then?

**JENNIFER HOULDEN:** This, this bill identifies the actual policy concerns regarding truancy and makes sure there is some evidence of that connected to the prosecution of a child.

**BOSN:** Is it your point, though, to say that there are additional students who would fit that category if the school personnel just knew their family?

**JENNIFER HOULDEN:** I'm saying it is not applied with concern to these policy goals and it's applied in a discriminatory fashion. And so it's not true that we care about the honor roll student getting 20 absences. That's not true. I would suggest that it's in sort of an-- a capricious and arbitrary and loaded, problematic, socially sort of governed application. And so this puts in the law what matters and why it matters. And I can't prevent human beings from exercising discretion. I'm just sort of providing-- it's not true that we care about 20 absences for every kid. I don't think-- I don't think that's true. I think adults, parents, teachers can look at an individual child and go, oh, that is true, that he's had 21 absences. But he did his homework when he was sick home with COVID and couldn't come in because he was contagious. It's not-- he didn't go to the doctor because he took a COVID test and his mom said, you'll stay home for six days. It-- I don't think it's true that this rigid application of 20 is getting to the problem. And so this brings it back to what truancy actually is and what it's for and makes sure that we're not overprosecuting by ignoring that this student isn't being harmed in their educational progress due to absences. And I think people are doing that on the front lines sort of instinctively already, but this makes it clear from a policy perspective what matters.

**BOSN:** OK. Any other questions? Senator Hallstrom.

**HALLSTROM:** Maybe I'm not even reading between the lines, but it sounds like parents can be the problem for children being absent on occasion.



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**JENNIFER HOULDEN:** Yes.

**HALLSTROM:** And, and do you find it easy to prove that it's the parents that are the, the problem?

**JENNIFER HOULDEN:** It doesn't exist in current law that it would matter.

**HALLSTROM:** OK. But--

**JENNIFER HOULDEN:** So that's sort of the point of this.

**HALLSTROM:** If it does, how easy is it to prove that the parents are the problem?

**JENNIFER HOULDEN:** How ea-- I don't prove things as-- in my role. I defend things. And so I-- how easy is it to prove? I think we all know that it's true.

**HALLSTROM:** OK.

**JENNIFER HOULDEN:** I mean, for what it's worth, my conversations with individual prosecutors tend to be candid and acknowledge that it's a family problem. And it's-- it is so much more complex than, it's the parents' fault.

**HALLSTROM:** OK. So if--

**JENNIFER HOULDEN:** It's poverty, it's--

**HALLSTROM:** But if it is the parents' fault.

**JENNIFER HOULDEN:** Yes.

**HALLSTROM:** I-- it-- the standards seem to be somewhat nebulous to me. So you're going to allow a parent to excuse, based upon a physical or mental illness, with or without a note from the doctor?

**JENNIFER HOULDEN:** Yes.

**HALLSTROM:** So if the parent is the problem--

**JENNIFER HOULDEN:** Well, what this does--

**HALLSTROM:** Let me finish, please.

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**JENNIFER HOULDEN:** OK. I'm sorry.

**HALLSTROM:** If, if the parent is the problem, do you see any problem with allowing the parent to be in control of whether or not there's a physical or mental illness, purported or otherwise, as not qualifying as an unexcused absence?

**JENNIFER HOULDEN:** The structure of this bill simply protects the child from being prosecuted for that. There is ample room in existing statute to address parental neglect with regard to education. The Department of Health and Human Services involved. There is no age limit at all with regard to addressing parent choices. All this does is identify, when it is the parent making the choice, we're not going to prosecute the child. That's all it does. It limits the child--

**HALLSTROM:** Isn't the side element of that making sure, whether it's the parents' fault or not, that the child is getting proper education? And if, and if unexcused absences are leading to less than maximum or reasonable educational attainment, shouldn't we be concerned about that in addition to truancy and whether or not children are prosecuted?

**JENNIFER HOULDEN:** I think we are concerned about that. I think the statute has existed in-- without much modification in the (3) (a) section of 43-247.

**HALLSTROM:** And would you see any issues-- one of the criteria is failure to coordinate necessary interven-- interventions or attendance supports agreed upon by the school. And, and my concern would be parents oftentimes ask the schools to do things that aren't necessary. But yet the, the-- you're saying that the school's now going to have to determine-- not you. The bill is now saying that the school's going to have to determine if, if intervention was necessary. And they may not think it was. And then don't we have a, a problem with whether or not that's an excused or an unexcused absence?

**JENNIFER HOULDEN:** So in application, I would suggest that that subsection (b) relates to the current operation of the interventions in the school. There's something called a collaborative plan meeting, which is required. That has different sections, whether it is access to resources, transportation, mental health-- does the family need support? That is a required meeting between the school. The parent has

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to be notified. The student has to be notified. They don't actually have to be present. So--

**HALLSTROM:** So that current policy is operating satisfactorily?

**JENNIFER HOULDEN:** No. It requires that the meeting happen. It does not require that any member of the school or the parent or the child actually execute anything in the plan. So it has been found under current law that if the parent wasn't there, that's not a problem. If the student wasn't there, it's not a problem. It's not a problem if they wrote a plan with four action points and never even attempted it. Our current law does not make action on the identified issues a requirement. And this just says if you've identified that this child needs A, B, and C, and then you don't do that, that is a defense. And it's on the back end, right? So that's me as their lawyer talking about it. Not that they can't--

**HALLSTROM:** And so currently then--

**JENNIFER HOULDEN:** --push it forward.

**HALLSTROM:** --you, you have to schedule a meeting, you have to make some recommendations. But if nothing happens, there's no consequences.

**JENNIFER HOULDEN:** Currently, a part of the schools addressing truancy in an ongoing way is to sche-- schedule the collaborative plan meeting. They have to document the meeting, but it does not-- it's sort of form over substance.

**HALLSTROM:** Gotcha.

**JENNIFER HOULDEN:** It doesn't matter if the parents' there. It doesn't matter if they tried. They wrote it down. And so that's enough. This puts a little sort of accountability around, well, you said you knew you-- the kid needed this. You need to try.

**HALLSTROM:** OK. And one last question. You, you mentioned-- you used the term unlawful and discriminatory a couple of--

**JENNIFER HOULDEN:** Yes.

**HALLSTROM:** --times. What actions are unlawful and/or discriminatory?

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**JENNIFER HOULDEN:** I think it is unlawful to prosecute a child for absences related to religious observation. I think that's unlawful. And I think it is discriminatory to prosecute a child who, because of their poverty, is unable to get to school on the 21st day.

**HALLSTROM:** That's what I assume. We've heard a number-- Senator McKinney had a bill earlier this year regarding stopping cars because they weren't kept up to, to repair and poverty led to the failure to do so. But poverty is-- is or is not a protected class?

**JENNIFER HOULDEN:** Poverty is a-- no, that's discriminatory in fact, but potentially maybe not unlawful. So I think we should try to not be discriminatory even if it's legal is my position.

**HALLSTROM:** Thank you very much.

**JENNIFER HOULDEN:** Yep.

**BOSN:** Senator Storer.

**STORER:** Thank you, Chairman Bosn. I guess-- as with many of these hearings, the more we talked about this, the more questions it spurs. So I'm struggling a little bit on the-- I would agree that no child should be discriminated against due to poverty, but if, if poverty is sort of the cause of their inability to get to school and get that education, this sort of eliminates that-- the way I read it eliminates that as a check for the truancy. Are, are we-- how are we helping that child by eliminating a possible cause-- of no fault of their own but that's actually being harmful to the child?

**JENNIFER HOULDEN:** So I think-- if it's OK, I would answer in two parts. As, as a person who represents children in court, I have concerns about prosecuting individuals who could not be responsible for the conduct that's being charged. So that's one part, where the child could not be responsible. I would also say that we have comprehensive, statutory authority right now to act on educational neglect by a parent that exists. It's overarching. It's not limited. I don't agree that this bill eliminates looking at kids who are having absences because of poverty. What it says is that if the school knows that poverty is impacting absences, and it's been identified, that they need to attempt to address that, which is part of the collaborative plan meeting already.

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**STORER:** And it-- if I heard you correctly earlier, I think what I heard you saying that I-- is that an attempt is-- this-- there's no teeth in that. We attempted.

**JENNIFER HOULDEN:** An attempt is not required currently. Documentation that a meeting happened is required.

**STORER:** Which is technically an attempt.

**JENNIFER HOULDEN:** No, it's a meeting where the parent's not present is technically adequate. So this is the teeth is what I'm talking about. This gives a little-- when we said have a meeting, we meant have a meeting with the people and attempt some things.

**STORER:** So is-- and, and this is an area I've not-- I mean, I have a background in education, but not in the-- not a lot of truancy where I come from in western Nebraska and small schools. And-- I mean, it just isn't necessarily as prevalent because everybody knows everybody and where's the kid at, right? So I am a little unfamiliar with really how this moves forward. I, I want to be clear about that. But this-- the concerns that-- I can't imagine-- and I guess tell me if I'm wrong-- that when a child hits the 20 days under the current law and it triggers a report to the county attorney that they're truant, then that oftentimes can open up an opportunity to discover other issues that may not be the child's fault. Do you see where I'm going-- that, that-- it doesn't necessarily need to result in that, in that child being criminally punished, but it does expose perhaps a bigger problem that may not be the child's fault. Is that fair to say?

**JENNIFER HOULDEN:** I suppose that, yes, looking at things would expose it. What I see this bill doing is, is enunciating when the child should be held responsible. There are other ways to look at things other than prosecuting the child.

**STORER:** What it would also do-- and tell me if I'm reading this correctly. But what-- and I understand that intent. And I--

**JENNIFER HOULDEN:** Yeah.

**STORER:** But wouldn't it also eliminate the ability for those days to be marked as truant to trigger a notification? Because it could indeed be the symptom of something bigger that's not the child's fault. So if you have a-- if you have a-- if this eliminates-- for example, it says,

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hey, if parent says-- if, if the parent says, my child is dealing with mental illness and here's my note, with no doctor's note. Therefore they're not-- they, they are excused-- basically that's what it says-- how long can that go on for? And is that-- does the child even know that's what mom or dad are writing down as an excuse? And is that-- I mean, I can just see a really deep hole-- a, a spiraling hole that this kid could be caught under the guise of an abusive parent at home and the parent just keeps writing notes that have no substance or no, no professional documentation, then never really triggers a report to the county attorney to look into what's-- do you see the line I'm going down here?

**JENNIFER HOULDEN:** I-- this bill actually protects against that by building in these factors as an affirmative defense. So an affirmative defense in criminal prosecution is like--

**STORER:** Wouldn't it say that these are reasons that they're not considered absent-- they're excused absences that don't count against the truancy.

**JENNIFER HOULDEN:** What, what you'll see on page 8 of the bill in the (3)(a) section, which is the amendment, is that it shall be a defense to adjudication. So that's where I come in in the process, not that the school attendance officer is required to do the math. It allows after referral to the county attorney, after filing of a truancy, for me to say to the judge, actually, look at this. Look at this. Look at this. So it's, it's like self-defense where we believe the actual elements exist, truancy or assault. But in a court of law, we've identified a series of events that may allow you to have a legal defense. So the structure of the language-- and I certainly would defer to Senator Conrad to clarify her intent in that structure. But I read this as creating an affirmative defense that happens in a court of law, not in the application in the school setting.

**STORER:** OK. I-- and that makes sense. But is it possible then the school can take this and say, well, we're not going to count them absent if mom said they're home with depression.

**JENNIFER HOULDEN:** Well, right now the school gets to decide all of that without any guidance from this body.

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**STORER:** I mean, could it be construed that this-- the schools start to say, this is a-- this is a reason that we'll use-- I guess that's ultimately, my concern is, how could this be abused potentially in a situation by an abusive parent utilizing a power to sort of cover up why that child's not in school? That-- that's my concern. I understand--

**JENNIFER HOULDEN:** I don't know--

**STORER:** --the intent of, of--

**JENNIFER HOULDEN:** What, what is beneficial about this is it expresses the policy intentions of the Legislature so it's better understood. Right now, the school does not have that regarding their own attendance policies. So that discretion exists already. So with regard to that fear, I, I don't think this should increase it. I think the question is, is whether or not the actors in, not just the court system but sort of the people who are on the front lines of the-- in the school making these decisions have guidance. And I would suggest that right now they have none.

**STORER:** Which sort of just validated my concern in a way. But-- I mean, what you said, that this gives them a guidance, while it's not the intent of it, but-- I-- yeah--

**JENNIFER HOULDEN:** I think I--

**STORER:** [INAUDIBLE].

**JENNIFER HOULDEN:** --understand what you mean.

**BOSN:** Let me, let me-- bef-- and then I'll get back to you. OK. I, I think we're-- we got a little bit confused because there's right now (3)(a) filings--

**JENNIFER HOULDEN:** Yes.

**BOSN:** --that address when a parent is not protecting their child sufficiently by giving them the opportunity to get to school, right?

**JENNIFER HOULDEN:** Right.

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**BOSN:** That's where we say, mom and dad, you have dropped the ball and not taken Jen to school every day. That can be a six-year-old is what you're saying.

**JENNIFER HOULDEN:** Correct.

**BOSN:** That could be an 18-year-old.

**JENNIFER HOULDEN:** 17, but, yes.

**BOSN:** 17. Yeah. Sorry. I tried to use extremes and then I-- OK. So-- but then we have-- so that's, that's-- starts on page-- top of page 6. So it's 47-- it's 43-247(a). And that's where you have parent fault and no fault. Fault is, I beat my kid. No fault is, I can't afford the gas to get Jen to school. So Jen doesn't get to school. But it's through no fault of my-- I'm not intentionally not taking her. I can't afford it.

**JENNIFER HOULDEN:** I agree with all of that.

**BOSN:** OK. Then we go to subsection (b), which starts on line 16. And those are youth in, in subsection (b)(i) that are what we historically called uncontrollable-- or, ungovernable. I don't know what you call them now. So I, I don't-- and that is 11 years and older. Right?

**JENNIFER HOULDEN:** Yes.

**BOSN:** So now you're creating a sub (b)(ii), right, who is habitually truant. And you have defined habitually truant to now not be 11--

**JENNIFER HOULDEN:** Right.

**BOSN:** --but to raise that to 13, which I--

**JENNIFER HOULDEN:** Right.

**BOSN:** --disagree with, but I can--

**JENNIFER HOULDEN:** Sure.

**BOSN:** --understand the, the goal here. But that's where you're holding the child responsible for being uncontrollable or skipping school. Right? So we have (3)(a), parent's at fault. We have (3)(b), juvenile who's skipping school or uncontrolled.



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**JENNIFER HOULDEN:** Agreed.

**BOSN:** OK. So I think that maybe clears up some of this. How does the pa-- if-- how will you know if it's the parent versus the child? The same documentation is sent to the county attorney, right? The school is still going to have that truancy list. We tried to reach mom and dad. This is what we got. They send it to the county attorney. The county attorney then may say, well, let's do some more investigating to see if this is a parent and we need a (3)(a) or if this is a juvenile and we need a (3)(b). You're--

**JENNIFER HOULDEN:** I assume-- yes.

**BOSN:** --probably aware that--

**JENNIFER HOULDEN:** Yes. I assume that that's the process.

**BOSN:** OK. So what your position is is that, starting on page 8 and that section (3)(a)-- boy, it's unfortunate they're both (3)(a)s-- but it's talking about when the county attorney files, then the defense to that is, you haven't met it through this, this, and this. And if I'm understanding you correctly, you're saying while it may be required that they have a meeting, there isn't an attendance that's required or any action plan that's statutorily at least required.

**JENNIFER HOULDEN:** Yes.

**BOSN:** But what I don't see is in this 3-- top of page 9 how this now requires parental attendance for those meetings.

**JENNIFER HOULDEN:** Well, what it does is it says if you don't follow through that the child--

**BOSN:** Who is the you in your example?

**JENNIFER HOULDEN:** If you-- if the school does not-- after it identifies-- it's-- I-- for what it's worth, I think the collaborative plan has been expanded over time and been more specific, but I think there's always been some materials from the school that identify-- what, what this does is just through operation of the court system say, because you are prosecuting the child, if the child did not receive the help that everyone knew the child needed, then this child can't be prosecuted. It's just a particular structure. I would certainly be

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supportive of increasing accountability for follow-through in the collaborative plan meeting. This just shows-- does it in a structured, legal way of-- when we're in court, if the attorney for the child can show that the child has not had the benefit of the necessary aid, then they can't be held responsible for it. It could be supplemented and expanded to provide more guidance and more teeth on what is expected when issues-- that could be an additional thing that I would be supportive of.

**BOSN:** And maybe we're saying the same thing, but my concern is is-- what you're saying is you can have the meeting but parent attendance isn't required and this puts that in. I don't see how this puts that in.

**JENNIFER HOULDEN:** This allows me to defend my client when it's not their fault. So I agree that this is sort of-- does not do requiring parents' attendance. But it says that the-- it acknowledges that the child is not responsible for the failure of the school to execute--

**BOSN:** But what would the school--

**JENNIFER HOULDEN:** --the help.

**BOSN:** And that's where-- that's the crux. The child is not responsible for the school's failure. But what we're saying is is that the parent wouldn't-- the school did have the meeting. The parent didn't go. The school did offer to take steps to do those things. But if the-- you can't control a parent under a (3)(b)-- although some judges have done it, and we've both seen that-- you can't control the parent who doesn't go to the meeting.

**JENNIFER HOULDEN:** I would suggest that the failure to provide the necessary supports is of varied type and not just due to parents not attending. I have seen many, many of my clients come in and say, I don't have a ride. My mom leaves for work at 5. If my older sister doesn't go to school, then I don't get to school because they're responsible for me. And the school's identified that and has identified getting bus passes or whatev-- built a plan and then not executed it. So it's not just the parent.

**BOSN:** OK. And that makes more sense.

**JENNIFER HOULDEN:** OK.

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**BOSN:** Senator Hallstrom.

**HALLSTROM:** Isn't the backdoor way-- and I'm reading on page 9-- failure by the school to coordinate necessary interventions or attendance supports agreed upon by the school and the child's family. If the parents don't attend, you're not going to have an agreement. And if you don't have an agreement, it's an excused absence by the way I read the bill.

**JENNIFER HOULDEN:** I don't believe that that was the intent. I'll certainly defer to Senator Conrad on that what--

**HALLSTROM:** It still treats it as an, an excused absence, which is part of what I assume is the intent, is to provide an excuse for those types of situations where the intervention didn't, didn't work, for lack of a better term.

**JENNIFER HOULDEN:** Well-- and it's failure of the school to coordinate the necessary interventions. I, I would suggest that what-- something that is a, a very important and very present issue in these cases: the educational rights of parents, concurrent with all of the rights of parents to dire-- direct medical care, religious involvement. We have a lot of strong rights for parents, which are appropriate. And I believe that saying, like, supports agreed upon by the school and the child's family is acknowledging that a parent does not have to surrender their child to the school without saying, yes, I want my child to receive psychotropic medication. Yes, I want my child to participate in this particular thing. I think it allows for that right of the parent-- which is a very strong right in our jurisprudence in the United States of America-- to say, I control the religious education. I control the mental health treatment. I control-- I don't want my kid going to anger management group with twelfth graders. I don't want my kid doing this. So it-- I think it infuses the parents' right to direct the interventions. But, I mean-- and many of these questions highlight that we need the parents to be held accountable too. I certainly am notorious for talking about parents in my truancy cases. I just think that what this does is acknowledge that the prosecution of the child has to be for the things that the child could possibly be responsible for. And maybe there are slight adjustments to language to clarify that, but I don't see this-- I see this as an, an affirmative defense that I get to talk to a judge about. Right? Not that the school has to say, well, I'm not allowed. I, I would suggest that that's probably

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structured that way on purpose so we capture it but then we can legitimately talk about it. Because right now, I can't make an argument that the child could not control this. That's not an argument available to me in court. So even if we all agree it's true, it doesn't matter.

**HALLSTROM:** And, and the last question I have, which dovetails into Senator Bosn's-- I was trying to look up-- are, are there penalties under an (a) and (b) for the parents-- criminal penalties for the parents and the child?

**JENNIFER HOULDEN:** There are criminal prosecutions in an extreme case for child neglect related to education. I've never seen it. I certainly don't know that it's ever-- I don't know that it's ever been filed, but I can imagine a scenario.

**HALLSTROM:** What are, what are the penalties for the child if, if found guilty of truancy?

**JENNIFER HOULDEN:** Well, they are adjudicated for being a child subject to the juvenile code. So it's not a conviction. But they can be required to part-- participate in all sorts of-- we do a lot of evaluations in juvenile court to try to assess from a clinical perspective what's going on. They can be required to participate in probation programming. A lot of the attention these days is focused on how to get this kid engaged in school. And so there can-- there's a RISE program. There can be tutoring. It's, it's us-- it's often mental health. But the reality is that if we are prosecuting the child and the orders are to the child, there is no requirement of the parent to do anything. So we have-- Senator Bosn refu-- referred to judges sometimes ordering parents. Parents can be ordered to make it possible for their child to participate in these things. But if it's not working and you have a (3)(b) prosecution, a truancy prosecution, if it's not working and we all know it's not working because of the parent, there's nothing you can do.

**HALLSTROM:** Thank you.

**BOSN:** Any other questions?

**STORER:** Just have one more, but I may be able to--

**BOSN:** I didn't see your hand. Sorry. Senator Storer.

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**STORER:** So I'm still-- and the-- I'm still thinking back to your explanation of the (b), now (ii). And those are for students who are absent due to their own wayward, habitually disobedient, not-- these are not identified as the parents' problem, but we're adding language that identifies exceptions for it being the parents' fault, in essence.

**JENNIFER HOULDEN:** Well, there's affirmative defenses that I would characterize as conditions that are not within the child's control in the later section.

**STORER:** OK. I'll just have to work through that. And had-- it, it seems to be adding, adding something that there's another way to deal with in (a)-- (3)(a), but-- I'll work-- we can [INAUDIBLE].

**JENNIFER HOULDEN:** OK. [INAUDIBLE].

**STORER:** I'm confident that I just need to understand it better.

**BOSN:** Any other questions? All right.

**JENNIFER HOULDEN:** Thank you.

**BOSN:** Thank you for being here. Next proponent. Good afternoon.

**ANAHI SALAZAR:** Good afternoon.

**BOSN:** Welcome.

**ANAHI SALAZAR:** Thank you, Chairperson Bosn, members of the Judiciary Committee. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r. And I am one of the policy coordinators for Voices for Children Nebraska. Here in support of LB492. Education plays a crucial role in shaping children's-- children into healthy, productive adults. School attendance is one among several factors that impact children's educational success. Efforts to ensure attendance are important but must focus on resolving obstacles to attendance for children and families in a supportive rather than punitive manner. Voices for Children Nebraska supports LB492 because it helps create a more balanced and compassionate approach to truancy, one that does not penalize students for reasons that are often beyond their control. Creating an educational system that reflects that of the legal system or discipline within education has zero-tolerance policies as a way to curb behaviors in school can have negative consequences. K-12 schools

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have expanded the use of exclusionary discipline policies for offenses, giving way to what is known as the school-to-prison pipeline, which disproportionately affects Black and Latinx students. There is a link between exclusionary discipline policies and subsequent involvement in the juvenile legal system. Truancy or chronic absenteeism should be resolved with supportive services rather than providing a pathway deeper into the juvenile justice system. Students across-- student success and positive educational outcomes are important to the future of Nebraska, and research supports the association between high rates of absenteeism and poor educational outcomes. During the last school year in 2023 to 2024, 25% of Nebraska students were chronically absent, missing 10 to 19 days. 25,000 or 100-- over 25,000 students missed 20 to 29 days, and over 23,000 students missed 30 or more days. Chronic absenteeism disproportionately affects students with disabilities, students of color, and economically disadvantaged students. LB492 addresses the need for students and family support, requiring services to be provided before the 20-day threshold. LB492 seeks to ensure that students are not unfairly marked as truant due to legitimate absences, such as those caused by illness or lack of adequate school transportation. It's crucial that we recognize these barriers and provide the flexibility needed for students to continue their education without facing additional punitive measures. Illness can sometimes prevent a student from attending school, and many students face challenges in getting to school due to inadequate transportation options. Particularly in rural or underserved areas, this-- these situations should not contribute to a student's truancy record. A little note also about illness that we've kind of heard across the state is the lack of-- what am I thinking of-- of coherency within the state. Some schools you need-- you are required to have a doctor's note in order to have an illness, such as a cold or the flu, be an excused absence, where other districts don't require it and it's fine if you-- if the parent just says that, you know, my child had the-- had a cold. We've also seen in other states that usually they allow three days to be excused absences for illnesses because that's around the, the average length of time in which, you know, you get a virus and your body reacts to it, and then you get all better and go back-- you're, you're ready to go back to school without spreading it to others. So I think LB492 kind of addresses that as well, bringing that coherency within the state. And thank you. I'm available for any questions.

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**BOSN:** Any questions for this testifier? Thank you very much for-- oh, I'm sorry. I didn't see your hand. Senator Rountree. Apologize.

**ROUNTREE:** Thank you so much, Chairman Bosn. Thank you so much for your testimony today. As you have dealt with children and truancy, have you seen situations-- I [INAUDIBLE] asked this one earlier, but have you seen situations where parents' notes of excused absences have been rejected by the schools and they've been counted as truant--

**ANAHI SALAZAR:** That's a great--

**ROUNTREE:** --or unexcused absences even with a parent's note?

**ANAHI SALAZAR:** Yeah. That's a great question, Senator Rountree. I-- yes. I was actually speaking to a parent yesterday who was having constant meetings with the school that her daughter attended. Her daughter has severe anxiety and is on medication but is-- sometimes needs to up the dose or lower the dose because it, you know, affects her other mental health issues that she has. So there, there have been a lot of times where she knows that her daughter is going through an episode, doesn't want to take her to the hospital, and will try to make that an excused absence with the school. The school will reject and say that you need this doctor's note and, and that this, this-- it's a single mother who has another child as well. And so she was also discussing the economic stability that this has on her household. So, yes, we, we have heard some of these situations occur.

**ROUNTREE:** OK. Thank you.

**BOSN:** Thank you very much for being here.

**ANAHI SALAZAR:** Thank you.

**BOSN:** Next proponent.

**JAQUALA YARBRO:** Good afternoon, senators. My name is JaQuala Yarbro, J-a-Q-u-a-l-a; last name, Y-a-r-b-r-o. Thank you for your time today. And thank you, Senator DeBoer and lovely public defender. We need people like this to keep this work going. I think that this piece of legislation is so needed as a person who's boots on the ground. I am the executive director of the Compete Institute of Socioeconomic Policy and Education in north Omaha. We have the privilege of serving-- of serving as consults on 22 collaboratives throughout the state of

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Nebraska. So whether it's a rural or very urban area, our forte is really just hearing the needs of people and trying to work with our policymakers and our schools to make sure that, for one, there's a prevention and intervention component of-- that prevents our families from going into the system and staying in the system. I know that it's very popular right now to, to steer clear of disproportionate minority contact language, to talk about the overrepresentation of youth of color and people of spor-- socioeconomic stature, but the reality is, until this current administration, that was a problem. And it doesn't go away because the language of the administration changes. And so with that being said, the data shows it. It doesn't say that it changed-- that, that any of these things changed or went away because we have a new president. I think as Nebraskans we still have to figure out a way to solve our problems to get things done, and this legislation is a very, very prominent piece that can change. We can really see differences in, for one, the juvenile detention in juvenile-- I'm sorry-- kids entering the juvenile justice system. So I'm very heavily involved in what goes on in Douglas County and about 22 other counties in Nebraska. And like the lovely lady said before, when we are talking about the schools, it's really up to-- they have a lot of discretion what-- how they-- who they file on and who they don't. And we start to see that children of poor socioeconomic stature or children who don't necessarily share the same ethnic background or racial background as the people who are reporting as mandated reporters are-- everyone in Nebraska's a mandated reporter-- but children who don't necessarily look like those individuals tend to be reporting more. So the first-- the number one reporter is the school nurse. So we don't have a problem with reports. The number one reporter is a school nurse or school administration to CFS. The number two reporter is, is usually either law enforcement or medical personnel. So the issue with truancy is it's one of the nine system entry points that we have in Nebraska. And as a person who's world is prevention and intervention, my goal is to try to figure out how do we keep kids and families out of the system. Truancy has, has been used so widely to just ensnare families in the system. So I will give you an example of how I have personally received with all of my advocacy-- advocacy. I have personally received letters threatening truancy. Right? I have three children. If one kid has COVID, one kid has influenza A, one kid has strep-- OK. Then they all swap because they're all sharing and eating and drinking after each other. If you do the math, they have all collectively racked up 20 days, right? So now I'm getting three letters saying, hey, your children are missing



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school. These are all straight-A students. These kids are on honor roll. I serve. I help at hearings. I mean, it-- any-- I'm sorry. The, the nurse's office, whatever kind of shortages they have in their schools. I'm very involved in this type of work. I say that to say if I were not me, right, if I wasn't a person that had a big mouth [INAUDIBLE] I can advocate for myself, like most of our families, I would probably be in the system. My children do not deserve to have a truancy charge because they got sick or because mom didn't have a car or mom and dad got into an argument and dad's decided I'm not helping mom this week. This is so much bigger than I think we see it administratively. As a boots-on-the-ground person, there are so many people who go into the system for no reason.

**BOSN:** Ma'am, your red light is on, so I'm gonna have you wrap up your final thought.

**JAQUALA YARBRO:** Gotcha.

**BOSN:** And then we'll-- we'll see if there's questions. If-- do you-- if you want to wrap up your thought. Otherwise, we'll go to questions.

**JAQUALA YARBRO:** Yes. And then to the point of your-- I know-- I mentioned-- I heard you mention (3)(a). The danger of (3)(a) is and-- as it looks around for people who are of poor socioeconomic stature, those kids, a lot of times, as soon as there's a petition filed, there's an ex parte hearing-- which means the parent itself is not even involved-- those kids are removed. So I don't see how any of that all together is working to keep these kids in school. I think our goal has to be, how do we keep our kids in school? Schools have wraparound services available to them. And I think as an absolute last resort they should be filing truancy charges.

**BOSN:** Let's see if there's any questions. Senator DeBoer.

**DeBOER:** Thank you. So as I'm listening to this hearing today and I-- I've sort of been flummoxed by the whole thing because it, it doesn't make any sense to me why we're dealing with truancy through the court system at all. In your experience-- and you've worked with this a lot-- would DHHS be a better handler of truancy? Like, after a certain amount of time, you just get referred for wraparound services to DHHS, and then someone there can make a discretionary choice about whether you need them or not?

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**JAQUALA YARBRO:** I would go more the community-based programming route. I think that we have built through collaborative infrastructure and partnership with Nebraska Children and Families Foundation over the past four or five years, we've really worked to build out a collaborative, which is a team. DHHS is involved, but they're not ultimately making the decisions. The problem is when you start to overwhelm CFS-- which is already overwhelmed-- we still see that extreme disproportionality because the people who come into the system don't look like the people who make the decisions. So I'm not necessarily sure DHHS, Children and Family Services would be the best route, but I think a community wraparound approach, which is-- schools have been somewhat receptive to, at least in the, the cities in the counties that we have the collaboratives in, 22 of those. It's looking a little better. But again, we still-- when you enter a family into CFS, you still have now that system-- that systemic oversight that has proven to be a problem for people of poor socioeconomic stature or black, Native, Hispanic people. So I'm not sure that DHHS would be the best route either.

**DeBOER:** So when you say that stys-- systemic oversight--

**JAQUALA YARBRO:** Mm-hmm.

**DeBOER:** --what does that look like?

**JAQUALA YARBRO:** So systemic oversight looks a lot different depending on how much money you make and what the color of your skin is. And I know in this administration that's not popular language, but the-- their numbers show it. So systemic oversight, the danger of that is, OK. We'll have DHHS reach out to the family, right? Make contact, blah, blah, blah. OK. DHHS operates. They make decisions. Children and Family Services make decisions based off a manual called the Structured Decision Making tool. The Structured Decision Making tool is biased. So for instance, if a child-- if black people-- I'm black-- I feed my kids hot sauce. They love hot sauce on their chicken. Right? A CFS-- it's actually in the Structured Decision Making manual. If a CFS person-- personnel observes that and they perceive that to be child abuse, they can remove my children for that. If I am in their eyes irate and I say I can feed my child what I want, they can say mom has poor impulse control. And so now there's this paper trail that's, that's continuously-- it's snowballing. And so we tend to see that that

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contributes to more disparate impact in communities of color and particularly people of poor socioeconomic stature.

**DeBOER:** OK. I, I that makes sense. I get, I get that point. But let's say we were able to correct some of those biases within DHHS or-- frankly, even if we're not, isn't that a better-- I mean, I get that the better choice would be community based, something that has not got those inherent biases in there. But between DHHS and the courts, which is the better?

**JAQUALA YARBRO:** So they kind of flow hand in hand is what we see. If you look at the Foster Care Review Board-- and I think in a perfect world, it'd be great to be able to separate the two. But if you look at the Foster Care Review Board's annual reports and even quarterly reports, there's about, like, 68% overlap in kids who are dually involved in the juvenile justice system and CFS. So, you know, one kind-- if a kid's going to CFS, they usually end up with a juvenile justice case. If they're in juvenile justice, there's usually some CFS involvement. And so our goal is to develop community-based wraparound services so that the schools are looking to the community because there are resources, there are programs there. We want the schools to look towards the comm-- to the community instead of filing cases against families.

**DeBOER:** OK. Thank you.

**BOSN:** Senator Rountree.

**ROUNTREE:** Thank you so much, Chairman Bosn. Thanks for your testimony today. So we're talking about the community-based services. I might have a twofold. Number one, I want to know what was your-- what was the outcome of your situation when all of your kids were sick in that round robin? And-- [INAUDIBLE] 20 days. What was that outcome? And then number two, on the bills we had back-- I was asking the county attorney. [INAUDIBLE] at the table to get funding back out to all of these community services that we've heard about through various bills in the committee, that we can get those wraparound services to the individuals who need those so that they don't go into the system. We can keep them in school. We can keep them making up their work so they can be productive. So that's a twofolder.

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**JAQUALA YARBRO:** Thank you for that question. So the outcome of my kids is they're always sick. So it's-- my rule is if they don't have a fever, they're going to school in the morning. If you don't have a fever and you don't throw up, bye. Usually they call me back. One actually just bust her eye during the blizzard and she has a face full of stitches. But I sent her to school the next day. So, you know, it's just-- it's, it's horrible around my house. Hoverboards. But, but I believe-- I solely believe that if I were not myself, I would have been in a worse situation. Like, I am a person who I can advocate for myself. I usually know people-- like, I will, I will-- I usually will call the public defender before you do and say, hey, let's have a meeting, you know? But the 99.9% of other people in my county and my city don't know how to do that and probably wouldn't have that relationship to be able to do that. I'm sorry. Your second question was?

**ROUNTREE:** About the wraparound services. And [INAUDIBLE] because we have a lot of organizations that are ready to provide those services. But some of the things I've heard here has been not fully funded, not being able to get the funds they need to continue to reach deep into the community and resolve these issues and help those before they become major issues.

**JAQUALA YARBRO:** Absolutely. So we-- it's very, very important. The interesting thing that I found out, because we were always-- when I first started, I was always told there's no funding, there's no funding, there's no funding. But there is so much funding. The problem is where the funding goes. So the funding usually goes to some overarching body or larger organization that uses-- say \$10 million comes in. And I may or may not be giving a real-life example. But if \$10 million comes in, they would use \$6, \$6 million just for their overhead and administrative fees. That's \$10 million that you guys are putting forth to say, hey, this is what we're going to use for prevention intervention. An organiz-- an organization might come in and they would use 6-- they're gonna take 6 off the top for the administra-- administrative fees, hiring people, whatever, building infrastructure-- infrastructure that, by the way, already exists among community-based organizations. But they're taking advantage of the situation because they're going to be the fiscal agent. They're going to use \$2 million more-- so that brings us to \$8 million-- as a cushion. Right? And then \$2 million might go down to programs, during which they might distribute little, micro, mini grants to individuals

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like myself who are, by the way, doing family support, getting families to court, getting-- making sure that the kids have rides and stuff to school, organizing community organization meetings or whatnot, sitting in as liaisons in 504 IEP meetings, making sure that parents are aware you have rights, connecting fam-- children and families to the Education Rights Counsel. So really connecting the dots. There's not enough funding to people who are direct service providers like myself. And there's tons of us out there. But, you know, again, we're app-- applying and hoping to be in the right rooms to get the funding. Otherwise, it's just a labor of love, so.

**ROUNTREE:** All right. Thank you so much. That answers my questions. Thank you.

**JAQUALA YARBRO:** Thank you.

**BOSN:** Thank you very much for being here. That was very informative.

**JAQUALA YARBRO:** No problem. Thank you.

**BOSN:** Thank you. Yeah. Next proponent. Good afternoon. Welcome.

**NA'VAEH BROWN:** Good afternoon. Good afternoon, Chair Bosn and members of the Judiciary Com-- Committee. My name is Na'Vaeh Brown, spelled N-a-V-a-e-h B-r-o-w-n. I'm a ninth grader at Lincoln High School. I'm here to testify and advocate for bill LB492 on behalf of the Lincoln Youth Advisory Council-- Council. The bill, LB492, is very significant to me because I have problems in transporta-- with transportation, for instance, when my mom's tire popped and there was no way for me to make it to school. There's also physical health. When I'm not feeling good and have to miss school and it's hard to get to a doctor's note and it-- not as convenient to get a doctor's note if your parent can't get you there. My mom is also a single mother, which means it's harder to get us there on time. Or if something happens, it can be harder to make it happen if there's an inconvenience. In accordance with the LP-- the students in Lancaster County and the commit-- community, it would make it better for the parents and students to not have to stress so much of having to worry about getting a doctor's note or if they can't get there because their parent or guardian can't get them to school because of transportation. Personally, I've missed my fair share of days of school and can still keep passing grades regardless of me being there. I'm not saying that because I have good grades and that-- it's a good

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thing to miss school, but it is better than failing classes [INAUDIBLE] school. If this bill doesn't pass, could there be an alterna-- alternative-- for instance, e-learning? Could be a quick and easy resource. Schools could also look at students' grades to see if the amount of truancy is becoming an academic problem. Another alternative is there could be a bus service that could come and get the kids if they can't find a way of transportation. There's also other circumstances on the way-- why students may miss school, such as caring for young siblings or having to work a part-time job to help their parents. Or mental health could also be another problem. This bill could also help the parents not have to stress so badly about their student missing school because of the other things going onsi-- going on outside of school. Therefore, with this bill, LB492, it would allow easier and better ways to come around and find other solutions of truancy and make it have a better meaning than the school just thinking they are skipping school. Thank you for your consideration and efforts in trying to make the truancy more convenient through bill LB419. And I would ha-- be happy to answer any questions.

**BOSN:** Nice job. Any questions from the committee? What grade are you in?

**NA'VAEH BROWN:** Ninth grade.

**BOSN:** Ninth grade. All right. Well, very well done. Is this your first time testifying? Excellent.

**NA'VAEH BROWN:** Thank you.

**BOSN:** Thank you for being here. Any other proponents? Good afternoon.

**JAKYAH SCHUBERT:** Good afternoon. Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Jakyah Schubert, spelled J-a-k-y-a-h S-c-h-u-b-e-r-t. I am a seventh grader at Park Middle School. I am here to testify and support LB492 on behalf of Lincoln Youth Advisory Council. This bill is a very-- is very important to me because I am a student who does have unexcused absences that I feel should be excused. For example, I have a five-year-old brother who has a disability and has to go out to Children's Hospital in Omaha a lot. And when my mom does go there, sometimes she needs help. When my mom does need help, I have to miss school. I do feel that those absences should be excused. There are so many other reasons why this bill should

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be passed, because sometimes kids don't have rides, cars break downs, and-- or weather is bad, especially in Nebraska. And I do understand that if you really can't get to school, it should be excused. But on the-- but on the other hand, some people have really bad mental health and just can't come to school because of it. Like for me, sometimes I just don't feel like getting out of bed because of how bad my mental health is on some days. Then for physical health, some people have things that happen with their body where they might get hurt and can't walk, or sometimes their parents refuse to take them to the doctor even when they miss school. So even though they are supposed to go get a doctor's note, they can't. The reason why I am wanting to share these stories with you is that I feel like most other students have these types of problems too. Having this be said, I think that if you have good enough grades, you should be able to miss school if needed, with it being excused or without getting a consequence. I'm not saying that people should just miss 20 days of school in a row. I'm saying that if I need-- if they need a mental health or a physical health break or if they even need to help someone out, they should be excused. Some kids don't have parents who can just take them to doctors every time they are gone due to not having medical insurance. Some parents are mentally checked out from their kids. And if you pass this law, I wouldn't have so many, many-- so many days excused because of when-- my-- help my mom, mentally do not feel good, or when I can't because my body hurts from the day before. It wouldn't count against me, especially because I-- my grades are good. Now, if you guys are unwilling to pass this law, I think you guys should look into alternative types of learning. Like if someone is having a bad mental health day, then they could email their teachers and ask for remo-- remote learning. And I think that all teachers should have this option. Thank you, Chair Bosn and the members of the Judiciary Committee for letting me come and speak my opinion today.

**BOSN:** Awesome job. Are you-- you said seventh grade?

**JAKYAH SCHUBERT:** Yeah.

**BOSN:** Wow. Very well done. Thank you for being here. Let's see if there's any questions from the committee. Senator Rountree.

**ROUNTREE:** Thank you, Chairman Bosn. And thank you so much for your testimony. That was outstanding. So you have really good grades. So when you take some time off just for your mental health and, you know,

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your body may be hurting and you get a little rest-- you know, one of the things I was looking at in our bevy of public school systems as far as makeup work is concerned, how do you go about with makeup work? Or are you just really good at it you don't have to try to get to makeup work?

**JAKYAH SCHUBERT:** Well, whenever I miss school, I look on Google Classroom-- like, the most used thing for all teachers. I just look on there, and teachers usually have what we did that day that I missed. And then I can do it on my own or wait till tomorrow and then-- or, the next day. And then they'll help me on it.

**ROUNTREE:** Oh, great. So you're pretty good on all that makeup work then and staying current. Well, you offer some really good ideas here, so thanks for that innovation.

**JAKYAH SCHUBERT:** You're welcome.

**BOSN:** Senator DeBoer.

**DeBOER:** Thank you. Thank you for testifying. Are you missing school right now?

**JAKYAH SCHUBERT:** Yes.

**DeBOER:** And did you learn anything here today when you came? Have you learned anything here in this hearing?

**JAKYAH SCHUBERT:** Yeah, a lot of stuff. Like, just different kinds of things. Like, different options for kids to have, like for transportation and stuff. Yeah.

**DeBOER:** Does it, does it look to you like-- I mean, have you learned anything about the government by being here and being a citizen who testified?

**JAKYAH SCHUBERT:** A little bit, but I kind of-- like, I kind of know a lot because I do a lot of research and stuff like this.

**DeBOER:** Got it. Got it. Well, I think you basically got your money's worth for school today by being here.

**BOSN:** I agree. Thank you for being here. I appreciate it. Nice job.



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**JAKYAH SCHUBERT:** Thank you so much.

**BOSN:** You bet. Any other proponents? Opponents? Good afternoon.

**BRI McLARTY:** Good afternoon. Good afternoon, members of the Judiciary Committee. My name is Bri McLarty. That's spelled B-r-i M-c-L-a-r-t-y. And I'm testifying in opposition to LB492 on behalf of the Nebraska County Attorneys Association. Our primary concern lies with the affirmative defense language in Section 3 of the bill, but we also wanted to raise a few concerns about the practical effects of the new definition of habitually truant that's in Section 1. Before diving into the specifics of the bill, I did want to highlight-- I think it's probably an unintended consequence that would significantly disrupt some early intervention services for at-risk youth. LB492 proposes raising the age threshold for truancy petitions from 11 to 13. I, I will say it's incredibly rare to file truancy petitions for the ages of 11 and 12. I don't think I have any on my docket right now. But I did want to note that when we're talking about the jurisdiction of the juvenile court being at 11, specifically there's community-based diversion and prevention programs that are funded by the Nebraska Crime Commission, and they're restricted to serving youths that are at risk of entering the juvenile court. So that eligibility of being able to utilize those funds is tied to the jurisdiction of the juvenile court. So I imagine that's probably an unintended consequence. But I just want to highlight that that is something that would impact things like the PASS program that we ut-- we utilize in Sarpy County, as well as some of the early intervention services and diversion programs that are available for truancy cases in other jurisdictions. Turning back to Section 1, we don't ident-- we don't oppose the idea of defining habitually truant. I do agree it is ambiguous and it's something that we've seen some inconsistency across the state. So providing some clarity and uniformity does make sense, especially if we align that definition with the 20-day threshold that's outlined in the compulsory education laws. This isn't-- Section 79-209. 20 seems to be kind of the threshold of what we all utilize based off of the compulsory education law. But as you'll see in the language of Chapter 43, the juvenile code is not specifically listed as 20. We kind of rely on that compulsory education law to give us that baseline. So when we're looking at the affirmative defense, specifically Section 3, I think it is, when we're looking and referring to the compulsory education laws in 79-209, that's the, the meat that really directs the school boards to establish those written policies for addressing excess of absenteeism, including

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what can be considered an ab-- an absence due to illness. But in Section 3, it essentially overrides that by giving full discretion to the parent about whether or not an absence is excused by just calling it in as an illness, and then later can be used as an affirmative defense by the defense counsel, essentially subtracting that from the total number that's submitted. This doesn't line up with the language that's in the compulsory education law being impossible or impractical when it's a physical or mental illness. So I wanted to flag that as well as just that it could lead some-- some inconsistency when you're talking about directing the school on when to give it to the county attorney, and the directions given to the county attorney about whether or not to file. I've served as a juvenile prosecutor for nearly eight years. I can tell you that truancy cases are the most complex, difficult, and time-consuming we have in our system. These are not cases we really want to micromanage through statute. I will say that as a prosecutor that does charging, we do look at, what are their grades? Are they having that educational attainment issue? We look at, is there a history of truancy that's come from elementary school up to this time? We do look at what communications is being, is being had between the school and the parents, whether or not they attended the attendance plan, a collaborative plan, what efforts the school did. So looking at this-- and we're talking about truancy-- county attorneys really are kind of being tasked with making sure that there's compliance with the laws. So we're just here to share our concerns with the language that's in there. I don't think everything in there needs to go. I think some things like the definition could stay with some tweaking. But we just don't want micromanaged statutes that make it almost nearly impossible to get those services and interventions to the students that are truant, that are having those maladaptive behaviors and those truancy behaviors. And I'd be happy to answer any questions. I practice both in delinquency and (3)(a) cases. So if you have HHS questions, I can answer those as well.

**BOSN:** Senator DeBoer, followed by Senator McKinney.

**DeBOER:** So this is probably a real basic question. And also you talked very quickly, so I'm going to do my best. I'm going to do my best.

**BRI McLARTY:** Court reporters hate me. I'm sorry.

**DeBOER:** It doesn't seem to me like what you are doing when you were dealing with truancy cases is the practice of law, not how I imagined

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the practice of law. Right? It seems like you're doing more of a social worker kind of a function when you are dealing with truancy cases. Now, I know that there is the compulsory attendance in school piece that you're trying to effectuate, but it still does not seem like what we're asking you to do here is really what a lawyer should be asked to do with respect to truancy. Like, I'm not even sure why county attorneys are involved in the process at all. Because if what we want is the child to be in school and we want those wraparound services to ensure that they can be, I don't-- I, I just-- I don't understand why a, a county attorney is having to kind of parse through all of this and say, well, are the parents' excuses good enough or not good enough? Like, you know, going through and say, well, they have good grades. So maybe the parents' excuse-- maybe the parents are-- I mean, I feel like this is almost like saying now we're asking the county attorneys to decide whether or not parents have fed-- fed their kids enough vegetables or made them eat enough vegetables when the kids don't want to eat vegetables. And I'm, I'm just failing to see how this is really so-- like, I went to law school, and I don't remember ever having a class on deciding whether a parents' dec-- you know. I mean--

**BRI McLARTY:** Senator DeBoer, I'll be quite honest, I think juvenile law is an area of law that law schools have ignored.

**DeBOER:** Fair enough.

**BRI McLARTY:** Juvenile law was not a-- was not even a course when I was at the university. And that was only ten years ago. So it is a very specialized area of law. I don't think it gets the credit it deserves. But, yes, you're right, we do act like social workers. It's a team. The defense attorney, the prosecutor, HHS, legal, HHS staff members, probation. Once we get past the adjudication stage, we're supposed to work as a team to rehabilitate, whether that be the parent, if it's a delinq-- dependency case, the juvenile if it's a delinquency case, for the purpose of, one, providing a service to the community to make sure that the community's safer by having functioning members of society, whether that be the parents or the children, but also to eliminate the risk of harm and mitigate harm to that child and to that family. So, yes, there is a lot more that goes into my decision of whether or not to file than, say, my counterparts that do misdemeanors. Were you speeding? Yes. Did you hit this person? Yes. There's a lot more that goes into it. But I-- actually, thank you for saying that I take that time-- type of energy and effort to really dig into it because that's

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what we should be doing as prosecutors. So, yes, it's different than what you traditionally think of as a prosecutor, but that's why it's a specialized area of law with an entire code that governs how we work. So. And I don't know if I answered your question.

**DeBOER:** No, I, I actually that was, that was very helpful. Can I ask for more along those lines?

**BRI McLARTY:** I love talking about my job. Go ahead.

**DeBOER:** More along those lines is, is then-- the work that you do with respect to truancy, like the other work that you do with respect to maybe other juvenile delinquency issues, or is it-- is truancy kind of set alone as its kind of own thing within the juvenile code work that you do? Do you see what I'm saying?

**BRI McLARTY:** Yes. I would say they're cousins. Because when you think about delinquency, we actually follow the criminal code. So when I'm charging a child with a criminal act, like assault, I follow the elements of the case law that is in the criminal code. Same thing with an adjudication. I follow the strict rules of evidence as it applies and as it's, as it's interpreted in the criminal code. Truancies are a little bit different. They're more like our dependency cases that are kind of civil in nature because they're status offenses. So they're kind of in the middle. And when you're looking at how we approach those, we're looking at kind of that assessment. Is this one where the parent is a key contributor to the lack of attendance? Is it maladaptive behaviors by the juvenile? We can give a million examples on either side. One example I would give is you have a juvenile that is refusing to go to school. They're claiming social anxiety or social phobia, which is fair. And that's when you kind of say, OK. What treatment's happening? What has the school set up? What are the parents working on? Some kids refuse to go to therapy. They refuse to get the help to help them get to school. Some kids have oppositional defiant disorder or adjustment disorder. These are kids that are now manifesting behaviors that are violent.

**DeBOER:** OK.

**BRI McLARTY:** Or they're oppositional and so they're refusing to work and go to school.

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**DeBOER:** Let me ask you this. What are some other status offenses?

**BRI McLARTY:** Uncontrollable would be the, the only other status offense. Status offense is defined as one that is only an offense because they're under the age of 18. So that would be truancy and uncontrollable.

**DeBOER:** Uncontrollable.

**BRI McLARTY:** Or, ungovernable, yeah.

**DeBOER:** Ungovernable and--

**BRI McLARTY:** [INAUDIBLE].

**DeBOER:** --and truancy. Neither one of those seems like the other things that you do in juvenile law, right? They're, they're quite different.

**BRI McLARTY:** Yes. I wouldn't say they're quite different. I think that there's some interplay among them, but, yes, they're not what you would consider the typical delinquency docket that we do when it's an assault or a theft or--

**DeBOER:** It seems like those things should be treated differently. Completely differently. But this is a bigger question than what's on the, the bill before us today. But it does seem like there is a very big difference and we ought to tread very carefully when we're dealing with status offenses in terms of how we're interacting with the individuals, because we're bringing them into the same system that somebody who hit someone or, you know, stole something.

**BRI McLARTY:** And I think there's the-- maybe the misnomer there where then you're thinking we're treating those juvenile delinquents the same as we treat adult delinquents.

**DeBOER:** I'm not saying we're treating them the same. I'm saying we're putting them into the same system.

**BRI McLARTY:** That same system that's designed to be specific to, one, the adjudicated facts, and then the specific needs of the child versus-- are based on the assessments that they do at the time of ad-- of-- between adjudication and disposition.

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**DeBOER:** I, I get that, but it's the same system. And that's-- I'm, I'm, I'm not going to be able to get around that, that we're, we're putting kids who miss school-- we're, we're using the same tools for kids who miss school as we're using for kids who steal things. And I, I, I don't see those as the same.

**BRI McLARTY:** I, I would disagree with that statement, but.

**DeBOER:** That we're using the same tool?

**BRI McLARTY:** The tools that we're utilizing through juvenile [INAUDIBLE]-- yes, we are using the same state agency to provide these tools and to utilize these services. But a kid that commits a theft is not going to get the exact same services and--

**DeBOER:** No, they're not gonna get the same services. No. I, I, I recognize that. But the-- a kid who commits a theft isn't going to get the same services as a kid who does drugs either.

**BRI McLARTY:** Yes.

**DeBOER:** So-- I don't know. All right. Thank you.

**BOSN:** Senator McKinney.

**McKINNEY:** Thank you, Chair Bosn. First, you, you offered some suggestions. I don't know if you totally oppose this bill, but did you speak with Senator Conrad before you testified today?

**BRI McLARTY:** I unfortunately was not able to. I've been in a million termination trials, so I have been unfortunately very busy. I don't know if our lobbyist was able to speak with Senator Conrad beforehand. But in other, in other truancy-related bills with Senator Conrad and then prior with Senator Pansy Pransing Book-- Patty Pansing Brooks, I have tried to reach out and, and work with them to try and come with-- up with some language, yes. So I'm not, I'm not new to the conversation. I definitely dropped the ball in not reaching out to Senator Conrad beforehand.

**McKINNEY:** All right. And then the conversation about kids missing school for mental health reasons. Do you think the courts are the right place to deal with that?

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**BRI McLARTY:** I'm going to say yes because I have seen it help kids. But I do agree that there are some kids with mental health that don't need to be filed on, and we try to suss that out at the, at the charging stage, either by working with the school to-- for example, there's a program called Re-- Rapid Response through the Region 6. It's an-- referral that a county attorney can do to help kids cut to the front of the line for mental health services. So if something comes across my desk and I see a child has a behavioral diagnosis that's severely impacting their quality of life, because that came to my desk, I can refer that kid to that program. They can do that-- I won't-- and they don't get a juvenile court case filing on them. But I've also seen the alternative where we file-- we get to really the bottom of what's happening and we're able to get kids into something like a PRTF or the right intervention services for both the parent and the child. So I guess not every kid belongs in juvenile court, but I've seen some situations where the kid does have those maladaptive behaviors, where juvenile court has assisted for truancy issues.

**McKINNEY:** Have you seen the research that clearly shows that system involvement, no matter how small, has negative impacts?

**BRI McLARTY:** Yes.

**McKINNEY:** So I don't understand the argument that--

**BRI McLARTY:** I guess my argument would be that the positive impacts in those situations I've described outweigh the negative impacts.

**McKINNEY:** How so? If, if, if the research shows even a little system involvement has negative impacts, how can any involvement even be justified, especially for mental health reasons?

**BRI McLARTY:** Are you asking me to answer this narrowly tailored to-- in a truancy situation or can I offer a broad answer?

**McKINNEY:** I'm just-- we're talking about truancy today.

**BRI McLARTY:** OK. There you go. Then for truancy, the study's specific about the negative impact-- don't specify what that negative impact is. It just broadly states there can be or there is a negative impact. My argument would be that if a child is having-- if mental health is one of the components to their maladaptive behaviors about why they're not attending school, then we are-- to-- able-- through the juvenile court

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to put in the appropriate interventions to get that kid the right help to help them improve their mental health and attain their education. I see that positives outweighing the negative interaction with me.

**McKINNEY:** I guess I struggle with, why do we need the courts to get kids help to deal with their mental health? That-- those two don't, like, register or, or comprehend in my head.

**BRI McLARTY:** That's fair. I can understand where you would be coming from in that situation. I guess my argument-- or, I don't want to say argument, but my counter to that is, well, it's statute. And unfortunately-- and I'll, I'll quali-- I'll, I'll qualify that.

**McKINNEY:** I disagree with it.

**BRI McLARTY:** Unfortunately in my experience sometimes, it really takes court involvement for a fire to be lit under someone, either-- whether that be the parent on a delinq-- a dependency case, whether it be the kid. Sometimes-- we have a lot of carrots in, in the juvenile world, in community-based programs, in the school. This is the stick we have. I-- I'm not sure if it's always the stick we should be using, but I do have cases where schools have tried for years. I've had referrals come to me where the-- this social worker has been working with this family for years to try and improve this attendance. And the parents either don't call back, the kid just gives the middle finger, and walks off campus. And it's not until the juvenile court gets involved that then we see any sort of compliance or any sort of engagement. I'm not saying it's right, but I'm saying that's what I'm seeing.

**McKINNEY:** I guess what I-- what, what I miss from that thought process is a lot of these kids come from burning communities. So I don't think you need a fire to be lit under them, because their community's already burning. Just the other night, my community was burning. I was sitting at home and I heard sirens and helicopters all night. And that's what those kids are living through. So I don't think they needed a fire lit under them to, to get on the right track. So I, I just-- for me, it's hard to understand why you need the courts to get people help. I-- and, and, and I could go all day with that, but, but I just don't understand it.

**BRI McLARTY:** I would say it's an incredibly complex area of law, and this is one drop in the bucket of how we try to fix or address it. We



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do have cases where they will refuse to engage until the court's engaged. And that's unfortunate. But that's-- and what I hope is that in education of prosecutors, in tweaking the language of the statute, in investing in community-based programs we see enough change ripple that the only people being funneled to me are those where it really is truant behavior. And that's the hope. So that's why I come here and take the questions and take the hits, because I want to have that conversation.

**McKINNEY:** Yeah. But they usually don't engage because the system don't understand them.

**BRI McLARTY:** I think that's a broad generalization. I'm not sure if-- in the districts I've worked in, but I also will admit I've never worked in Douglas County. So.

**McKINNEY:** All right. Thank you.

**BRI McLARTY:** Thank you.

**BOSN:** Senator Holdcroft.

**HOLDCROFT:** Chairwoman Bosn, thank you. Do you get truancy cases from private schools?

**BRI McLARTY:** We do, yes. I actually just got one from a parochial school.

**HOLDCROFT:** And what's the comparison? I mean, is it more? Is it less? Is it different?

**BRI McLARTY:** I would say-- when I was in Dodge, which is a smaller community, it was rarely. But now that I'm in Sarpy, that has a higher concentration of Catholic schools, it's higher. But I'd say-- it's not as frequent as, for example, your, your bigger schools like Millard or, or OPS.

**HOLDCROFT:** OK. And what are-- is there a difference in the reasons? Is it still mostly illness problems that's why they're out of class? Or they--

**BRI McLARTY:** No, it's substantially similar. And every, every truancy's different. I can't say that I see mostly this. Sometimes it's children

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that are refusing to get in the car and go-- to go to school with their parents. Sometimes it's parents that are calling kids in because the kids are refusing to go, but they're calling them in sick. Once we talk to them, they tell us, well, they won't listen to me. And that's when we kind of get to the bottom that it's not mental health; it's more behavioral. So it, it really is every possibility.

**HOLDCROFT:** OK. Thank you.

**BOSN:** Thank you very much for being here.

**BRI McLARTY:** Thank you.

**BOSN:** I appreciate it. Next opponent. Any neutral testifiers? All right. While Senator Conrad makes her way up. Sorry. Oh, I already noted this while we-- before you got here, but again: 4-- excuse me-- 5 proponent, 3 opponent, and 1 neutral comment submitted. Welcome back.

**CONRAD:** Thank you, Chair Bosn. Thank you, members of the committee. Thanks to everybody who took time to be here today and to share their perspectives. It was illuminating to hear Bri's testimony. And I'm sorry to be so informal, but I've known her for so, for so long. And we've had a chance to work together over the years in, in many different capacities, which makes it even more frustrating that I didn't get a heads-up about how they were coming in and why. Because we have had really rich conversations about trying to find common ground on truancy reform over the years. And I think we would have had a better hearing today if we would have been able to have a meeting of the minds in regards to the areas where we can find common ground. But nevertheless, we'll carry that forward through this session or into the next biennium. You know, the, the other thing that I wanted to just lift up here is a couple of things. Everybody-- this-- we aren't talking about kind of the common idea about truancy anymore. We're not talking about a 14-year-old willfully skipping school to smoke cigarettes on the, on the street corner. OK? That's, that's not what we're talking about anymore. What we're talking about is kids in poverty, kids with serious issues, kids who are doing well in schools and from strong families who are ensnared in these systems and they can't get out of them. And we've got to figure out a better way to do it. You know. You've heard countless bills this session, lengthy bills, lengthy hearings about heartbreaking and serious issues. We have serious issues to deal with in this state. Truancy through the juvenile

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court code, or at least as broad as the status quo allows, is not one of them. And it shouldn't be. It's a waste of resources. Everybody involved, from the schools to the county attorneys to the public defenders to the child welfare advocates all acknowledge and agree the worst way, the most expensive way to deal with truancy is happening in the juvenile justice system. The best way to deal with it is to wrap support and services around the families and around the kids so that they can go to school and succeed. That can happen-- those solutions can happen outside of this punitive system. And for those instances when parents are harming their children, there is a child welfare system that exists. In serious cases, there is a criminal code that exists in regards to child abuse. You don't need a stick or a hammer or a fire lit by the heavy hand of the government to expand and accelerate family mass surveillance and engagement, which is what these systems are a part of. And with all due respect, the condescending nature of some of the questions here today-- while I know people are trying to get at the heart of the matter of things-- we don't trust parents to say whether or not their kids are sick? We need a second set of eyes and ears to say whether or not a parent can truthfully say whether or not their kids were sick. And if you don't have a car and if you don't have money and you don't have sick leave and you don't have a safety net, we're going to require that you make a trip to the doctor because we don't trust you as a parent to say whether or not your kid's sick. Think about that. That is not a conservative perspective by any means. And whether or not we agree with how the family conducts their affairs is not the question. Parental rights are fundamental, and parents have a right to guide and control their children's education. And if there isn't a loss of educational attainment and ability and the issues belong to poverty or otherwise, we shouldn't be adjudicating and prosecuting truancy cases as we are today. Now, if we can figure out a way to get a better definition, if we can figure out a way to narrow the application, I'm happy to work with this committee and county attorneys and otherwise. And I'm happy to answer your questions.

**BOSN:** Questions for Senator-- Senator Hallstrom, followed by Senator Storer.

**HALLSTROM:** Senator Conrad, if, if-- would unexcused or excused absences become less significant if we do take it out of the juvenile system and provide wraparound services or some of the al-- options or alternatives that we were talking about today?

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**CONRAD:** Yes, I believe so.

**HALLSTROM:** And would that seem to be a better solution to you?

**CONRAD:** Yeah. As I noted in my opening, I, I think that we should abolish truancy jurisdiction. I think it's antiquated and it doesn't get to the heart of the matter. And it's expensive. When you look, for example, Senator Hallstrom, at some really smart success mod-- success models that are out there-- there's some in Nebraska where schools are actually leaning into social emotional learning and family wraparound support, and they have cut truancy and excessive absenteeism to a fraction of what it was before they had those kind of supportive engagements. That's what we should be focused on. It's a better outcome. It's better for the taxpayers. It's better for the family. It helps kids stay in school and learn. And in those instances where a kid's 4-H and they have a lot of absences because they need to travel with their animals or whatever and they're not getting bad grades and their family is strong, we, we shouldn't waste the county attorneys' time with a referral in that regard.

**HALLSTROM:** And, and I don't disagree with that. I think that's a possible option. And I, I don't want to presume that you would suggest that any of my questions were condescending. The nature of my question that I ask earlier that you may be suggesting was that if we're talking about parents being the problem, should we trust parents to not just say, gosh, they were sick?

**CONRAD:** Yes. I think we should trust parents. I think that should be the deal--

**HALLSTROM:** Then, then we shouldn't talk about them being the problem if we're going to give them an easy out. Should we?

**CONRAD:** I, I don't think that we're giving them an easy out. I think that we-- the default lens from the government should be to trust the parent to guide and control their family and their child's education. That is not my opinion. That is an unyielding line, long-standing set of Supreme Court cases regarding fundamental rights. I think where you see a role for government is when parents are hurting their children, and we have child welfare laws and criminal justice laws to deal with that.

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**HALLSTROM:** And I, and I understand that, but it seems incongruous to come in and suggest that the parents are the problem.

**CONRAD:** I didn't say the parents were the problem.

**HALLSTROM:** Well, that's what most of the testimony I took out of here today was.

**CONRAD:** I wouldn't say that parents are the problem. My, my contention is when parents don't have resources, like access to basic transportation, it can be hard to get their kids to school.

**HALLSTROM:** And, and with regard to that, one question of clarification. On page 9, it talks about an unexcused absence-- or, an excused absence is a lack of adequate transportation. And in the Voices for Children--

**CONRAD:** Yeah.

**HALLSTROM:** --the testimony talked about a lack of adequate school transportation. Would you see, for purposes of, of applying the, the, the provision of the bill that there's a distinction between adequate transportation-- which may be something that you alluded to, that the, the parents can't get them to school because of poverty or whatever purpose-- as opposed to school transportation? Or would either one of them fall under the purview of that?

**CONRAD:** Yeah. I think that it pops up in different contexts in different environments. For example, like-- for example, right here in my home district in Lincoln, we don't have widespread bussing. It's the responsibility of the family to get their kids to school. Most kids walk to school, some get dropped off. Right? And there is some bussing in certain instances. Right? So that's where transportation is primarily the responsibility of the parent in urban districts. Right? We have bussing in many rural districts where the school's providing that. So I think that, I guess, could pop up in either way or either context there.

**HALLSTROM:** Yeah. And my primary interest would be in terms of the application of the, of the bill or ultimately the law to that situation. Does the fact that Lincoln has lack of adequate school bussing provide an excuse then under those criteria, or should it?

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**CONRAD:** I don't, I don't think so, but it's a good question and I'll think more about it and--

**HALLSTROM:** Thank you.

**CONRAD:** --I can follow up on it if need be. Senator Hallstrom, I also wanted to just be responsive to part of the discussion you had with Ms. Houlden, who was here before. So you're 100% right. Socioeconomic status, of course, is not considered a federally protected class. But that doesn't mean that other jurisdictions haven't elevated it to such in their policies. For example, LPS and many schools across Nebraska have specific prohibitions against discrimination on the basis of socioeconomic status.

**HALLSTROM:** Thank you.

**BOSN:** Senator-- oh, sorry. I forgot about-- Senator Storer.

**STORER:** Thank you, Chairman Bosn. I guess-- I just have a question and a comment and a follow-up a little bit on Senator Hallstrom's comments. Senator Conrad, certainly I asked one of those questions that alluded to, do we trust the parents in regards to determining whether or not their child writing a note to say they're sick and/or mentally have a mental illness? I want to clarify that was not intended to be derogatory, nor do I think it's reflective of my political party. After all, we do pride ourself on being a unicameral here. So on that note, is it possible? My question is largely to the, to the point that we do need to be responsive to any holes or gaps in which children may indeed be in an abusive situation.

**CONRAD:** Yeah.

**STORER:** Is it possible that there's a scenario where a parent-- a child is maybe indeed suffering from some sort of a mental illness or depression that it-- that it's at the hands of their parent and it goes undetected because it becomes an unexcuse-- a reason for an unexcused absence?

**CONRAD:** Yeah. Senator Storer, I think you're right, that nobody-- every single person in the Legislature cares about protecting kids, keeping kids safe. Right? There's absolutely zero disagreement about that. But I, I do think that there was a suggestion or a tone in some of the prior Q&A that indicated that we do not-- that we shouldn't trust

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parents. And I just, I just don't agree with that. I think that we should trust parents to be the best arbiter of decisions for their children. I think that in those super sad cases where parents are harmful, we have a lot of adequate remedies beyond truancy to deal with that-- in the child welfare system, in the criminal justice system. You know, we have one of the most robust mandatory reporter laws that is out there as comparison to our sister states. Right? We have neighbors that care about neighbors. When we see something, we say something when kids are involved. Right? I think there's so many different ways that we can make sure to keep kids safe outside of truancy that do keep kids safe outside of truancy. I think that this has just become kind of an antiquated way to ensnare too many families who don't need to be in these systems in these systems. And I just-- I, I don't think the default position should be that we don't trust parents.

**STORER:** And certainly that was, you know, for, for-- I 100% agree the parents have rights that need to be respected and they are and should be the best decision-makers for their children. However, I think any of those things should have consistency across the board, which may, may get more to the root of my concern of that being the reason for an unexcused absence. Just, just having a concern that we have some sort of consistency and a safety net in place, that we don't have a situation where a parent is the problem-- which I too heard a lot of testimony that indicated oftentimes that is the case-- that doesn't take away from their rights as a parent or their ability, that, that we should trust first that they are the best decision-makers. But--

**CONRAD:** Yeah.

**STORER:** --my question was in line with the need for consistency and some sort of sensitivity that we're not by default or unintended consequence providing some sort of a, a hole that gets to be abused in a situation that leaves a child without a safety net. That was the intent of my question.

**CONRAD:** Yeah. OK. Thank you.

**BOSN:** Senator DeBoer.

**DeBOER:** Thank you. So I think with the respect to the parents are a problem issue, is it-- I think would be better described as parents are the decision-makers in some cases, or maybe the responsible party, as

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opposed to the 11-year-old. So if it is the-- if it is the fact of poverty that-- it's not-- the parents aren't the problem, but they may be the responsible party in that situation. And they're the ones that perhaps we could provide the services for that would, that would sort of get at the issue. Is that maybe a better way of describing it? Or it-- I, I stand totally correctable.

**CONRAD:** No. With rights come ris-- responsibility, right? There's no question about that. And parents also have not only rights but responsibilities, and different responsibilities than children and young children for a variety of different reasons, right? Legally, practically, policy. And I, I think that that really was the heart of Ms. Houlden's testimony, right, is that the kid is being adjudicated for things that are beyond their control in an attempt to, to try and shape the behavior of the parent, right? And I think that's--

**DeBOER:** And so colloquially, we might have been using it as parents are the problem, but what we meant is parents are the responsible party or something like that.

**CONRAD:** Right. And in our effort to want to help all kids or even with an understanding, you know, that maybe there's some parents or some families that we disagree with their lifestyle or the decision-making that they have, right? We, we have to kind of navigate and sort through that. And we also, you know, can't forget the system itself, right, which is an adjudication of the chil-- the child who's before the court. And let's say, for example, somebody comes in on diversion, right, for a truan-- or, comes in on a truancy and gets-- ends up doing some programs or services or something and gets ultimately diversion or something so that they, you know, don't have to stay in the jurisdiction forever and ever. I mean, I think the typical truancy case has, like, an 11-month kind of--

**DeBOER:** Shelf life.

**CONRAD:** --kind of period. Right. Yeah. Right. Exactly. But let's say then for example, like, oh, OK. But then usually you only get one bite at diversion, right? Then let's say you have a delinquency or let's say you have a minor brush with the law. Then your diversion opportunity's vanquished on a truancy.

**DeBOER:** So you heard my questioning of Ms. McLarty.



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**CONRAD:** Mm-hmm.

**DeBOER:** Do you understand what I was trying to get at, that, that it seems like we're putting an attorney in the role of a social worker--

**CONRAD:** Yes.

**DeBOER:** --for which they have not been trained? I mean, I've--

**CONRAD:** Yes.

**DeBOER:** I didn't take a juvenile class-- class either.

**CONRAD:** I did. We had that at UNL Law. I was surprised. I don't know exactly when Bri was there, but it was-- I took it. And juvenile law was available at UNL Law.

**DeBOER:** Did they talk to you about some of these sort of social-worky type things? I mean, you may not recall. It was maybe a while ago.

**CONRAD:** No. I mean, the bigger questions that we studied in juvenile law were around-- the purpose of the juvenile courts were to focus on rehabilitation, right, and not the punitive aspects that come with criminal justice. But then over the years, as the systems had evolved and changed, juvenile court and juvenile jurisdiction started to look a lot more punitive. But we don't have the same protections that we have in criminal justice system, like lawyers, for example. Or the right to remain si-- right? So it was trying to get a better understanding about the purpose of each jurisdiction and the protections for a family or due process that exists or don't exist.

**DeBOER:** So more of the legal side of things and--

**CONRAD:** Yes.

**DeBOER:** --not so much a practicum, as it were.

**CONRAD:** That's right. It was not a clinic. It was, it was a, a class. Yeah.

**DeBOER:** Yeah. OK. Thank you.

**CONRAD:** Yeah. OK.

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**BOSN:** You've used the phrase a couple of times, this isn't getting at the heart of the matter. And I guess maybe I don't understand. And I'm not intending to be argumentative. But as someone who has a, a considerable amount of previous experience dealing with these cases, the (3) (b) statutes are a broad category intended to have lots of different ways of addressing what is a problem, not only for the student who's missing school-- whether it's their fault or the parents'-- but also one of the things is the other kids in the class are perpetually being brought back because the student was behind. I know that's a reason we've heard when I would have these trials. I'm not suggesting every truancy case is-- and I don't think you are either-- poverty related. There are some that are just kids who are going through a defiant stage, we'll call it.

**CONRAD:** Yes.

**BOSN:** But what is the heart of the matter that you were referring to, if you can?

**CONRAD:** Yeah. I think the, the, the-- my take on the problems with our truancy approach today is that it's too inflexible and too expansive and that there's other ways to deal with family and society and child problems outside of the truancy trigger that, that, that can bring a family into the system.

**BOSN:** OK. And-- OK. So some of the things that-- at least I recall-- that we did were the diversion stuff where you don't then do a-- you know, it's sort of a pre-adjudication. And so is your goal here to expand the use of that non-court-related, you know, channel for these youth--

**CONRAD:** Yes.

**BOSN:** OK.

**CONRAD:** And to-- part of your question before I knew you had a fair and smart question in regards to unfunded mandates on the schools. So this was actually a bill that we passed together in the last biennium. It emanated from the Education Committee. But it basically puts some new duties and-- on the school level to say, prior to sending these 20-days letters, you need to do some documentation and try and get some services to, to families. And that's pretty new. Those requirements

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just were passed in the last biennium. So we're kind of starting to see how that plays out.

**BOSN:** And that's what you were talking about with the (3)(a) on page 9.

**CONRAD:** Yeah. OK. Thank you.

**BOSN:** Thank you very much. Thanks for being here. That will conclude our hearing on LB492. Next up, we have LB395 with Senator DeKay.

Oh, I don't.

Think it touched me.

Jerry. Ricky.

I don't understand it.

It's not intentionally incorrect.

Yeah.

Yeah. I see the reset, though. Yeah, and I remember the first.

Agriculture was great. I.

Can't miss it. Yeah.

There was that. We finish this. Are you.

Finished? I wait, my opener.

Sorry. You're good. I don't know.

What to do. Yeah.

**DeBOER:** Senator DeKay, we're going to go ahead and start, if you would like. So please go ahead and start the hearing on LB395 at your leisure.

**DeKAY:** All right. Thank you. Good afternoon, Vice Chairman DeBoer and members of the Judiciary Committee. For the record, my name is Senator Barry DeKay, B-a-r-r-y D-e-K-a-y. And I represent District 40 in northeast Nebraska. And I am here today to introduce LB395. LB395 was

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brought to me on behalf of the Administrative Office of the Courts and Probation. This bill seeks to address conflicts with the language in the juvenile's sealed record statutes relating to the offense of possession of a firearm by a prohibited juvenile. This offense was created by LB990 in 2018, which was a bill brought by Senator Wayne. LB990 provided that a person who both possesses a firearm between the ages of 19 and 25 years old and was previously convicted of a felony or misdemeanor in domestic violence could be charged with the offense of possession of a firearm by a prohibited juvenile offender. Pers-- a person convicted of the offense of a possession of a firearm by a prohibited juvenile is subject to a Class IV felony for the first offense and a Class IIIA felony for the second and subsequent offenses. This bill would do three things. First, LB395 would authorize a law enforcement agency to inspect a sealed record of a person under the age of 25 years old when such person applies for a permit under the Concealed Handgun Permit Act or a certificate to purchase, lease, rent, transfer a handgun to determine if such a person with a sealed record has previously been adjudicated for an act which would constitute a felony or a misdemeanor crime of a domestic violence. Second, this legislation would amend subsection (1) of Section 28-1204.05 to include an offense for which a juvenile record has been sealed upon termination of probation. Third, if a court seals the record of a juvenile, the court shall, if applicable, inform the juvenile that such a juvenile is prohibited from possessing a firearm under Section 28-1204.05. This change just provides for more clarification during court process. Finally, I had the pages pass out an amendment requested by the Nebraska State Patrol. Their concern is that LB395 would not allow for the sharing of Nebraska's firearm-prohibiting juvenile information with the FBI. This is important because the FBI conducts long gun checks on behalf of the state of Nebraska. Without being, being allowed to share this information with the FBI, it could be possible that a prohibited juvenile offender is appropriately denied a handgun-related permit but then be erroneously allowed to purchase a long gun such as a rifle. I will also add that with regard to Nebraska State Patrol's \$120,000 fiscal note, it appears to me that they drafted this analysis back in mid-February with an amendment that they had in mind which was more expensive than what was negotiated and handed out today. The current amendment in my mind should not have a fiscal impact because it just involves already existing Nebraska court records, not collecting and sending fingerprints to the FBI. Following me will be a representative from the Administrative Office of the Courts and Probation who can

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elaborate more on the background and the need for this legislation. With that, I would be happy to try to answer any questions, but I would say that the testifiers following me can probably answer them better than I can. Thank you.

**BOSN:** Questions for Senator DeKay? Senator McKinney.

**McKINNEY:** Thank you. I guess-- is there-- has there been a issue with people with sealed records re-- requesting or seeking or purchasing firearms?

**DeKAY:** That would be a question that I would have you defer to the people behind me. They would have better examples or better records than I would know about in that instance.

**McKINNEY:** OK. I guess also just thinking about it-- maybe I'll just ask the other person. Just, just wondering, what is the process of why a juvenile record might get sealed? Is that a form of agreement? And if so, are we doing something that is, my opinion, kind of retroactive in a sense that they agreed to in the past? And-- so I'm, I'm just thinking through some stuff. But thank you.

**DeKAY:** Well, to me, this, this is-- could potentially close some loopholes where-- in, in a sense of public safety that-- where they are prohibited from the ages of 19 to 25 if they ha-- are prohibited from buying a handgun. The-- they could still erroneously be offered the opportunity to buy a long gun or a rifle, and this would close that loophole so that that would keep that in statute until [INAUDIBLE] age of 25 to be able-- as a-- with a felony or not being "adjudicated." They could be held without ha-- being able to buy a firearm until they are at the age of 25.

**McKINNEY:** So they, so they would still be able to pur-- so they still would be able to purchase the firearm?

**DeKAY:** No. No.

**McKINNEY:** Ever?

**DeKAY:** No. Once they get to 25 and they are-- finish their probation or they get to age of 25, this would hold them accountable until the age of 25 to be able to purchase a firearm, specifically a handgun, and

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possibly erroneously be able to purchase a long rifle instead of a, a handgun at tha-- in between those ages.

**McKINNEY:** All right. I-- I'm-- thinking through it in my head. All right. Thank you.

**BOSN:** Senator--

**DeKAY:** Thank you.

**BOSN:** Oh, sorry. Senator Hallstrom.

**HALLSTROM:** Senator DeKay, does your amendment at all address the fiscal note?

**DeKAY:** Yes, that's--

**HALLSTROM:** I thought that's what you said.

**DeKAY:** Originally, there was a fiscal note, and there was-- it was going to be a more expensive amendment. We visited about that. It was more expensive than what we brought today. So that should eliminate the need for the fiscal note.

**HALLSTROM:** Thank you.

**BOSN:** Any other questions? All right. Thank you very much.

**DeKAY:** Thank you.

**BOSN:** Before we get started, can I see a show of hands how many individuals wish in some capacity to testify on LB395? 1, 2. Perfect. OK. Thank you. First proponents.

**KARI RUMBAUGH:** OK. Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. My name is Kari Rumbaugh, K-a-r-i; Rumbaugh, R-u-m-b-a-u-g-h. I am employed by the Nebraska Supreme Court's Administrative Office of the Courts and Probation as the deputy administrator overseeing Juvenile Probation Services Division. I am before you today to provide testimony in support of LB395. I want to start by thanking Senator DeKay for introducing this bill. The Administrative Office of the Courts and Probation learned from judges that after passage of the original possession of a firearm by a

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prohibited juvenile bill that the current language conflicts with the juvenile's sealed record statutes. As a result, law enforcement currently cannot access sealed records to determine if a juvenile is prohibited from possession of a firearm or purchasing a firearm. LB395 will enhance the current statute language to ensure law enforcement is able to acce-- have access to the necessary sealed records regarding firearm possession. LB395, if passed, will accomplish three important elements. First, it adds language which will ensure sealed record access is available to law enforcement in determining if a juvenile was previously adjudicated for a misdemeanor or felony domestic violence offense and would be prohibited from possessing a firearm. This is an essential community safety element which would allow law enforcement who come into contact with an individual to determine immediately their status regarding possession. Second, the bill also includes additional court advisement for youth who are pro-- prohibited from possession. Judges across the state will ensure these advisements occur, which will allow for clarification during the court process. Finally, the bill also ensures law enforcement can access sealed records when an individual applies to purchase, lease, rent, or transfer a firearm certificate. Again, an essential community safety process which ensures previous offense history, including sealed records, is available and reviewed. In closing, the Administrative Office of the Courts and Probation supports the passage of LB395, which is an important cleanup bill, and it will ensure law enforcement has access to sealed records for juveniles who are prohibited from firearm possession, resulting in an enhanced community safety. Thank you for your time. And I'm happy to answer any questions.

**BOSN:** Thank you. Senator McKinney.

**McKINNEY:** Thank you. When did your office realize this was a issue?

**KARI RUMBAUGH:** So this actually was over a year ago. We had two separate judges bring this to our attention, that they had been informed that there were situations where a juvenile who was not able, per law, to possess the firearm, had been able to give-- or, possess the firearm, either purchasing it or was taken into-- or, you know, ta-- taken into custody by law enforcement. And they did not know due to the sealed records statute that they were prohibited.

**McKINNEY:** So how did they-- I'm-- so how did they figure out the juvenile was prohibited if the record was sealed?

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**KARI RUMBAUGH:** I believe it was through the court process. So I believe they were brought before the court. And through that process, they determined the sealed record existed.

**McKINNEY:** OK. So was it prior to last session or after last session?

**KARI RUMBAUGH:** I am not 100% sure--

**McKINNEY:** OK.

**KARI RUMBAUGH:** --when, when we identified it.

**McKINNEY:** All right. Thank you.

**KARI RUMBAUGH:** Yep.

**BOSN:** Senator Holdcroft.

**HOLDCROFT:** Kind of back to Senator McKinney's question to-- Senor-- Senator DeKay was, when are juvenile records sealed?

**KARI RUMBAUGH:** Sealed. So juvenile records are automatically sealed upon successful completion of juvenile probation. But a juvenile can also submit to have their records sealed if they were not successfully released. But they are automatically sealed. And that was-- that's-- that legislation has been enhanced over the years.

**HOLDCROFT:** Thank you.

**BOSN:** All right. Thank you very much for being here.

**KARI RUMBAUGH:** OK. Thank you.

**BOSN:** Appreciate it. Next proponent. Any other proponents?

**WILL RINN:** Good afternoon.

**BOSN:** Good afternoon.

**WILL RINN:** Chair Bosn, members of the Judiciary Committee. Thank you for hearing my testimony. My name is William Rinn, W-i-l-l R-i-n-n. I'm the chief deputy of administration for the Douglas County Sheriff's Office under Sheriff Aaron Hanson. I'm also here on behalf of the Police Chiefs Association of Nebraska and the Nebraska Sheriffs



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Association as a proponent of LB395. Annually, the Douglas County Sheriff's Office receives and processes more than 6,000 applications for permits to purchase handguns in the state of Nebraska. The sheriff is statutorily bound to receive, process, and either issue or deny applications for permits or authorize persons to purchase handguns. In doing so, the sheriff's staff must have access to all applicable, relevant Criminal Justice Information System and NCIC data to make an informed and prudent decision as to the approval or denial of such permits. This is especially true when the goal is to ensure the facilitating of the placement of a handgun in the hands of a mature and responsible citizen. There are strict federal and statutory guidelines which trained personnel can reference to determine the eligibility or ineligibility and to include those which speak to the suitability of a person under the age of 25 years old involved in certain criminal activity. Since 2018, there's been identified a gap in current Nebraska law which undercuts the integrity of the weapons permitting process by means of sealed juvenile records. The sheriff's office recognizes the intent of this law is designed to protect younger juveniles and the juvenile process from needlessly interfering with the future development and employment opportunities after successful juvenile adjudication participation. However, the presence of sealed records forces the sheriff to issue a sheriff to issue gun permits to much older persons who were involved in multiple violent or weapons-related crimes very close to the statutory age of 25. Arguably, such applications-- persons had little or no success with adjudication on some, on some instances or the probation process, and in some certain circumstances have been actively recruited by gang members or other ineligible felons to purchase firearms on their behalf. The sheriff's office has multiple-- numerous examples of persons meeting this criteria with sealed juvenile records that had mandatorily been issued handgun permits. Within weeks of issuance, the individual was involved and/or arrested in serious crime and violent-- violence and/or the use of a handgun. The most contemporary example handling we have heard in the last week. With that, I'd be happy to take any of your questions.

**BOSN:** Senator McKinney.

**McKINNEY:** Thank you, Chair Bosn. So if, if this gap has been identified-- or, gaps since 2018, why are we hearing this bill now?

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**WILL RINN:** I can tell you that I haven't been associated with a gun permitting process since about 2020. I also know that there were several coordinations with the Attorney General's Office and trying to get rulings on these. So there's been vary-- various hearings and rulings being requested on how to interpret this. So there was a, a, a gap in time for-- over several, several years in which they finally came down and said, around 2020, they can't be used. As to why it hasn't been brought before, I can't really speak to that. I've only been involved in the Legislature myself for about the last two years. I know that it has-- some people have talked about trying to coordinate with getting this bill changed, but I didn't-- couldn't speak to why that's--

**McKINNEY:** Because I'm bringing this up because maybe I missed it and it's been some time, but I don't even remember this coming up even during the LB77 process of that conversation with that bill.

**WILL RINN:** That is entirely possible.

**McKINNEY:** I'm-- I know. I'm just saying. If it's of-- if it's such a concern that gang members are being recruited and giving people guns and those type of things, I just-- I haven't heard it.

**WILL RINN:** I can tell you that of the, the 6,000 we, we do every we-- or, every year, at least weekly, we, we receive an application from a juvenile who meets the description, whose record is sealed and has a serious conviction or, or, or problem that makes them unsuitable, but we have no choice but to give them the firearm. And then at least once a month, we get notification from the Omaha police or another jurisdiction where they take a picture of our gun permit after they've arrested such a juvenile and said, why did this person get a gun? And, and we're like, we, we have no choice here.

**McKINNEY:** No, I-- and I-- I'm not denying that. And I'm not saying you're wrong. I'm just saying since I've been here, there-- I think there's been opportunities to address this. And I'm not-- and I just haven't heard this brought up.

**WILL RINN:** Sure. That's entirely possible. I, I, I share your concern. I wish somebody would have brought it forward sooner.

**McKINNEY:** Yeah. All right. Thank you.

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**BOSN:** Thank you very mu-- much for being here.

**WILL RINN:** Thank you.

**BOSN:** Yeah. Any other proponents? Opponents. Neutral testifiers. All right. While Senator DeKay is making his way back up, I will note there were 6 proponent, 4 opponent, and 0 neutral comments submitted for the record.

**DeKAY:** Thank you. I'll just close by saying this is a part of a bill that helps close a loophole for-- from a safety perspective for all citizens of Nebraska. So if, if there is an opportunity for someone to possess a firearm and they're not-- and they're prohibited because of a crime, this closes that loophole de-- you know, indifferent of what the firearm is, if it's a handgun or a long rifle or what. But this is for safety protocol for all Nebraskans, so. With that, I would close and try to answer any questions if you have any. Thank you.

**BOSN:** Any questions? Thank you very much. All righty. We'll miss you here in Judiciary. That will conclude our hearing--

**DeKAY:** This is as close as I get.

**BOSN:** That's all right. That will conclude our hearing on LB395. Next up, we have LB466.

**DeBOER:** And that brings us to our own Senator Bosn, who we welcome to your Judiciary Committee.

**BOSN:** Thank you, Vice Chair DeBoer. And good afternoon to members of the Judiciary Committee. For the record, my name is Carolyn Bosn, C-a-r-o-l-y-n B-o-s-n. I represent District 25. LB466 was a placeholder bill in order to have something if some of those rulings came down or we needed something to fix things in the juvenile statutes. So at this time, I don't expect or ask the committee to take any action on this because we haven't had that issue, and so I think we can hold off on this. But I'm happy to answer any questions.

**DeBOER:** Any questions? I don't see any. Are there any proponents? Any opponents? Any neutral testifiers? Senator Bosn waives closing. That will end our hearing. There were no position comments on LB466. That will end our hearing on LB466 and bring us to LB706. Senator McKinney.

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**McKINNEY:** Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. And I represent District 11 in the State Legislature, which is in north Omaha. Today, I'm here to discuss LB706. LB706 is a measure born from a tragedy that should have never happened. This bill is rooted in the heartbreaking and avoidable death of Sonya Massey, an Illi-- an Illinois woman who suffered from mental illness, called the police, and did not receive the response or care she desperately-- desperately needed. Had the protection protocols outlined in LB706 been in place, Sonya might still be alive today. Her story compels us to act, and this bill offers a path forward to prevent similar tragedies in the future. LB706 recognizes a long-standing issue in our public safety system. Law enforcement officers are frequently called upon to respond to individuals in crisis, particularly those struggling with mental health. While officers do their best, they are not always equipped with the training or tools to de-escalate these sensitive situations safely. LB706 addresses this gap by requiring that whenever it is safe and, and reasonably practical, law enforcement officers to be accompanied by social service specialists, trained professionals who are specifically prepared to respond to people experiencing mental or emotional distress. These social service specialists are trained in tra-- are, are trained in trauma care and crisis intervention, bias reduction, and cultural sensitivity. Their role is to lead interactions with individuals in crisis, using these strategies designed to calm, stabilize, and support rather than escalate. This model does not replace law enforcement. It brings together safety and compassion in a way that serves both the individual and the broader community. This bill also establishes new procedures for identifying when a mental health response is needed. Dispatchers will be trained to screen calls and identify key indicators of mental or behavioral health concerns when such-- when, when such a call is flagged, the appropriate team consisting of law enforcement and a social service specialist will be dispatched. This system allows for faster, more appropriate responses that prioritize safety and reduce the likelihood of violence or misunderstanding. We passed out an amendment. And the amendment to LB706 updates to terminology throughout the bill to reflect the broader and more accurate title: social service specialist, replacing earlier language at-- that referred to APS social worker. This change better aligns with the intended scope of the role and clarifies that these professionals are not limited to one area of social services but across-- but, but are cross-trained to, to support individuals across

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a, a range of crisis situations. LB706 includes clear expectations and accountability mechanisms. Law enforcement agencies must adopt written policies consistent with these changes and submit them to Nebraska Commission on Law Enforcement and Criminal Justice. Agencies that fail to comply may become ineligible for certain funding administered by the commission. These provisions are not punitive but necessary to ensure consistency and commitment to the bill's intent. We cannot reverse the tragedy of Sonya Massey's life, but we can make sure the death leads to a meaningful change. LB706 is a measured, thoughtful, and necessary step forward that brings trained professionals to the front lines of Nebraska's mental health crisis response. I respectfully urge this committee to advance this bill and ensure that individuals in crisis are met with care, compassion, and support that they deserve. Thank you. And I welcome any questions.

**BOSN:** Questions for Senator McKinney? Senator Storer, followed by Senator Hallstrom.

**STORER:** Thank you, Chairman Bosn. And thank you, Senator McKinney. I-- is, is this-- where does this cross over with the current process for individuals that are being EPCed, emergency protective custody?

**McKINNEY:** That's why we updated the language to say social service specialist to-- because we we had some social service workers reach out to us about the language, and we cleaned it up to say social service specialist means a social worker who has been trained in crisis intervention, trauma-informed care, bias reduction, and cultural sensitivity to, to, to clean that up.

**STORER:** So that-- but this scenario, the way I'm reading it-- but it doesn't, I don't think, say specifically EPC. But this would be what I envision to be a scenario where an individual is, is being EPCed-- emergent-- taken into emergency protective custody.

**McKINNEY:** OK. I get what you're saying. Where somebody might be going through a crisis?

**STORER:** Right.

**McKINNEY:** Well, I think that's why you would need somebody there to, to dis-- to kind of evaluate that situ-- better evaluate their situation.

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And that's also why the dispatcher would ask certain questions to see if that's the type of situation.

**STORER:** And I guess I'm not 100% familiar if there is some-- what those processes are--

**McKINNEY:** I'm not--

**STORER:** [INAUDIBLE] dispatch. Do you--

**McKINNEY:** I'm not, I'm not super clear either. I think it's just-- people just call and say somebody-- something is happening. I don't know if there's a clear process. I know in Lincoln they have something more-- I know Lincoln is doing something. I don't know about everywhere else. I know Lincoln has some sort of system going on here, but I don't-- I'm not sure how they're-- how they are kind of screening out those calls.

**STORER:** Right.

**McKINNEY:** Yeah.

**STORER:** I would be-- if, if you get any more information on that, I would--

**McKINNEY:** OK.

**STORER:** --I would-- and I'll visit with you later, but I would appreciate--

**McKINNEY:** Yeah. No problem.

**BOSN:** All righty. Thank-- oh. Sorry. Senator Hallstrom.

**HALLSTROM:** Senator McKinney, I just recalled-- and I'm looking back at LB73 regarding training requirements for law enforcement. And they do have de-escalation and mental health, but do you have evidence that that's not sufficient for them to address the types of cases that you're concerned with?

**McKINNEY:** I don't think it's sufficient, but I also don't think it's law for-- law enforcement's-- I don't think they are trained to identify, but I also don't think-- I-- because a lot of times in this

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committee, I've heard that we-- we've already put too much on law enforcement as it is, especially with mental health situations. I don't-- I think-- they're, they're already dealing with tense situations, and I think it would be, in my opinion, better to have somebody more trained and skilled to identify and deal with people that are going through, for example, a mental health crisis have somebody else there. I'm not saying that they shouldn't have the training, but I think having somebody more equipped is probably the better option. But--

**HALLSTROM:** OK. Thank you. And the second question I have: the fiscal note appears to be zero to almost \$500 million-- or, \$500 million?

**McKINNEY:** \$500 million?

**HALLSTROM:** \$500,000. I'll look at it again. It's a pretty big number. It's a pretty big number. And a couple zeros make a difference to me. Are the-- and I think the distinction was whether the employees or the, the personnel that are accompanying would be employees of the state as opposed to Omaha-- the city of Omaha. Do you have anything in, in mind to address that issue?

**McKINNEY:** I think that's a good question. I think-- it's one or two options. I think if we just put it on the cities to adopt and put "shall" language in, the cities would come in and say we're giving them unfunded mandates. If we leave it up to the state and the DHHS comes up with a program, it'll be on the state. So I, I guess there's just two ways to look at it, and, and I'm open to cleaning it up and figuring out which pathway sounds the best. But I'm sure the cities and the counties will come to us and say, if you're going to put this on us, pay for it. So if we're-- I think if the state is going to pay for it, I think maybe the state should come up with the program.

**HALLSTROM:** Yeah. And it's \$4.9 million. Excuse me.

**McKINNEY:** Yep. No-- yeah. That's what OPD said it'll the cost. Yep.

**HALLSTROM:** Thank you.

**McKINNEY:** No problem.

**BOSN:** All righty. Thank you.

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**McKINNEY:** Yep. Thanks.

**BOSN:** We'll take proponents. Anyone here to testify in support of LB706? Good afternoon.

**JASON WITMER:** Good afternoon, Chair Bosn and Judiciary Committee. My name is Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I'm on-- I'm here on behalf of the ACLU in support of LB706. LB706 formalizes and expands a similar practice in our community provided by the Mental Health Association of Nebraska's REAL program. It'll be in your handout. The REAL program is a community-grounded peer support program that responds to referrals from the law enforcement and various providers for individuals struggling. As you can see in one of the articles I provided, former LPD Officer Bonkiewicz, he committed-- he, he, he, he was a statistician as well. He put forth a study over 2008 to 2013 that showed that referrals contacted by the REAL program were 33% less likely to be taken into emergency protective custody within two years than those who are not referred. That number of success increased to 44% by three years, which meant the LPD's mental health calls have gone down. Their workload had also thereby gone down. Today, the REAL program has expanded to rural communities, continues to assist people in avoiding crises that might escalate into life-altering situations. So I think that might relate to one of your questions. You can look over that article. I would again refer you guys to the Mental Health Association that talk about this. That's been going on for-- since 2011. Continuing with my testimony, LB706 takes the model a step further by embedding APS social workers trained in trauma-informed care into law enforcement calls flagged for mental health concerns. This approach mirrors the success-- co-- the successful co-responder programs in Colorado, where mental health professionals ride alongside of officers in 25 counties. Evaluation by Colorado's health institution found that teams successfully diverted numerous people from jails and emergency holds, and improved the outcome for the community and the police. LB706 builds infrastructure, not just intention. It sets clear responsibilities for dispatch screening, requires local policies, and ensures that responses are rooted in care, not confrontation. It is-- it also includes critical accountability measures to ensure compliance across the state. We should not continue to ask the police to be everything to everyone but rather build community partship-- partnerships for everyone's benefit. And I'll refer to the sheriff who said he needs tools in his toolbox. And I have to say there is no greater tool than this one right here. We ask that the committee



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advance LB706 to the General File. If there's any question, I'll be happy to attempt to answer them.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here.

**JASON WITMER:** Thank you.

**BOSN:** Next proponent. Any other proponents? Welcome.

**CLARICE DOMBECK:** Hi. Good afternoon, Chair Bosn and members of the committee. My name is Clarice Dombeck, C-l-a-r-i-c-e D-o-m-b-e-c-k. So far, Senator McKinney and Jason have touched on much I would like to say about this bill. And I am also here today as a strong supporter of this bill. And the, the portion I would like to highlight is actually something that Jason said, is bringing a sense of care and empathy back into policing. As a community member that has had interactions with the police, oftentimes they have lacked-- oftentimes they have lacked-- the officers that I've dealt with have lacked a sense of sympathy for what the situation was. They have also lacked a sense of care. And it felt more transactional in those moments. And for those reasons, I think it's very important that officers have the support of a mental health professional, specifically when they're dealing with calls that are related to mental health issues. In Omaha in particular, we are seeing a uptick in homelessness. And I live in the Old Market, and I see how often the police are called when there is a unhoused individual that is having a mental health crisis in downtown Omaha. And it might be a situation where maybe something is unsafe to that person. Maybe it's something that is unsafe to the community. But more often than not, what I've witnessed is that it's more so situations where community members are uncomfortable. I don't think that police should necessarily be responding and potentially escalating situations where there is no real harm or real, real danger but folks are simply uncomfortable. And I think that having a mental health professional respond with these calls could help de-escalate that situation and also could help community members gain a better understanding of mental health issues that are happening in our community. So thank you.

**BOSN:** Any questions for this testifier? Senator Rountree.

**ROUNTREE:** Thank you, Chair Bosn. And thank you so much for your testimony. As you live in the Old Market and you see these situations

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and the police may be called, would it be at that call when somebody makes that call and, let's say, the police receive it, would they know then to take a mental health counselor out with them or the social worker that we're talking about here? How would they know to bring them with them?

**CLARICE DOMBECK:** I think that would be the responsibility of the person who was making to-- the call to let them know, like, hey, I believe this person is experiencing a mental health crisis. For example, Cubby's in the Old Market is sort of like my neighborhood grocery store. And I frequent Cubby's a lot. So does the unhoused community in Omaha. And there's actually a police officer-- usually one, sometimes multiple police officers inside of Cubby's because of the issues that the-- because of the presence of the unhoused community in that area. And again, instead of having a police officer there solely to deal with those issues, I think that there should be a, a mental health-- a mental health expert to be working alongside with them and getting those folks connected to the much needed services that they need.

**ROUNTREE:** Thank you.

**BOSN:** I have just a couple of questions. And I don't know if you were here when we had this bill-- it was last year-- and we talked about-- my recollection is it was a bill actually addressing squatting, but there was an organization that came in and the individual said law enforcement will contact them when there's an un-- as the example you're using here, an individual who's downtown and unhoused and potentially unsafe but potentially also just going through a mental health crisis, but that this organization, this group would join the law enforcement officer in contacting the individual to see if it's something that could be diffused with an offering of services. Do you know what, what I'm referring to at all?

**CLARICE DOMBECK:** I don't, and I haven't witnessed that before. Again, I frequent the Cubby's pretty often, as well as the Urban Abbey. I'm not sure if y'all are familiar with them, but they're a church in downtown Omaha. And they also have talked about essentially having to provide mental health services to folks in lieu of calling the police.

**BOSN:** OK. And that i-- that is helpful. So I guess-- let's assume that what I'm describing sort of does exist. Is that how you envision this, is that this is more designed towards cases where-- that are less of,

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like, the emergency, my house is on fire. I need someone. And now we're also sending a social worker where that might not be the correct solution and more towards individuals or calls that are-- and I, I know I'm grouping, but calls that are designed to address things like homelessness or is this a drug overdose or is this someone who's suffering from severe schizophrenia, things like that. Is that what this is--

**CLARICE DOMBECK:** To me, it sound-- to me, the bill-- there's an opportunity to do both of those things. And it-- that there's a necessity to do both of those things. Like, when it might be a situation that isn't-- excuse me-- that isn't, you know, like a five-alarm fire. Like, for instance, there is a unhoused person that I see often who-- thank you-- who basically walks up and down the street screaming and yelling. And I've seen the police called on him before. So I'm not sure what services, if any, the police have offered to that individual. I'm guessing not, because he's still in this same situation.

**BOSN:** Do you know what the officers are doing in that? What-- OK. So walk me through. You see this occurring and law enforcement contacts this individual on the street. Are they arresting the person?

**CLARICE DOMBECK:** I have not witnessed an arrest. Typically, what, what I've seen is more so like, you have to leave. Like, we just-- we don't want you here. You have to leave, sort of situation. And then in some cases, the police have been involved and I've witnessed maybe individuals getting, like, banned and barred and having a police report filed against them in that way from different establishments in the downtown area.

**BOSN:** OK. And your position is that potentially if we had someone who could offer services we could maybe stop that circle of--

**CLARICE DOMBECK:** Yes.

**BOSN:** --despair.

**CLARICE DOMBECK:** Yes.

**BOSN:** Senator DeBoer.

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**DeBOER:** But you don't mean this for cases like-- if I call and I say, 911. Someone's breaking into my house. You don't mean to send along someone in case the someone who's breaking into my house is breaking into my house because they're having a mental--

**CLARICE DOMBECK:** Right. I mean--

**DeBOER:** Do you know what I mean? Like--

**CLARICE DOMBECK:** Yeah. Mm-hmm.

**DeBOER:** Because I don't want a social worker there.

**CLARICE DOMBECK:** Right. More so if it's clearly a mental health crisis or if there's suspicion that there is, like, a mental health issue.

**DeBOER:** OK. Thank you.

**BOSN:** Any other questions for this testifier? Thank you very much for being here. Next proponent. Good afternoon.

**SHERMAN WELLS:** Hey. How y'all doing? Sherman Wells, S-h-e-r-m-a-n W-e-l-l-s. Hey, Senator Bosn, Mr. Rountree, everybody here. So today, I'm here in support of LB706 for a personal reason of a friend of mine who passed away in 2014. Hi-- his name is Michael Harris. And the reason I believe that this bill is important is because, like the senator said, the officers are professional officers for crime, right? We need to have trained professionals. Just like for the crime, we need to have a trained professional show up for a mental health crisis. My friend, Michael, he showed up to a, a liquor store. And the caller, when they called the police for him, they told the officers-- or, the dispatch that he was being paranoid, which was a part of his mental condition. He was just looking at people, kind of being confrontational. But his initial thing when he left home, he was supposed to go and buy him some-- he was going to buy him something to drink, his father said. It was not recognized by the store clerk because he's not a trained professional. It was not recognized by dispatch or the officers when they showed up. OK? So when they showed up, they treated Mike like a criminal. Wrestled him down, arrested him. And his father came to the scene. When his father got to the scene, he was like, hey, my son has mental issues. I can talk to him. Let me get a chance to talk to him. But unfortunately, he was already arrested and in the back of the car and they told him, meet me downtown at the jail.

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We're taking him to jail. Michael Harris Sr. went to the county to meet his son, and he sat there for an hour. They never showed up. He got a call that his son was in the hospital. And when he showed up, his son not only was unresponsive, he was unrecognizable. That happened September the 19th, 2014. By Monday, he died. We never got an explanation of what happened from that trip to the liquor store down to the hospital. Michael Harris. So I think for this bill-- I mean, it's a little too late, but I think if Mike would have had the option of somebody recognizing his paranoia in the store like described by the clerk, then they could have sent a mental health therapist there, not a trained officer deal-- there to deal with criminals, but somebody who could have been like, Mike, what's going on? Calm down. Relax. You know. Let me talk to you. Something like that. And to this day, the reason why it stick with me is because the family was so afraid for me to advocate for Michael that they said just leave it alone because they thought the police was going to harass them for trying to find out what happened to Mike. And I never got answers. And that was in 2014. That's how much that's been sticking with me since. And so when I seen this bill-- and since the senator is from the community, he knows these types of things happen. I was 100%-- I am 100% in support of this bill because we have it happen so often in our community.

**BOSN:** Thank you very much for sharing your story. I'm sorry for your loss.

**SHERMAN WELLS:** Thank you.

**BOSN:** Let's see if there's any questions from the committee. Senator Rountree.

**ROUNTREE:** Thank you so much, Chair Bosn. And thank you for the testimony. Just doing a quick check. And I'm looking at Michael Harris, it said he died after a-- was it a rampage [INAUDIBLE] quotes on here--

**SHERMAN WELLS:** Yeah.

**ROUNTREE:** --at the, at the liquor store. Just--

**SHERMAN WELLS:** Yeah.

**ROUNTREE:** --taking a look. So was it really violent from what you knew or--

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**SHERMAN WELLS:** No. His father said that-- so Mr. Westbrook [PHONETIC], who's passed away by now, he just said he came in. He was being really paranoid, kind of confrontational with other people. And he knew of Michael's father, so that's why he contacted the dad as well, as well as the police. But, of course, the police got there faster. They said that he injured himself in the back of the car, but if he's handcuffed, I don't see how he could have done injuries to himself to the point where he died three days later. I just-- and, and, and Michael Sr. said he was unrecognizable when he got there, but he was also unresponsive. So he couldn't tell his own story. We never got no follow-up from the police or nothing. And I've known Mike for a while, so I know sometimes he can go off the rails, especially without his medicine. So we were unaware of whether or not he had took-- taken it that day. But just for the father alone-- and then his other family was from out of town. They were afraid to pursue, you know, what actually happened out of fear of retaliation from the police department, so.

**BOSN:** Go ahead. Yes, sir.

**ROUNTREE:** And so you felt if we would have had this social worker, a mental health professional, there--

**SHERMAN WELLS:** Yes, sir.

**ROUNTREE:** --at the time, we could have kind of allayed that situation.

**SHERMAN WELLS:** Yes, sir. If you just look at the story, they said that he was being paranoid. I think a mental health professional on that other line, like senator said, if you can ask these questions-- is this paranoia? Is he doing this, he's doing that-- then you could've immediately, you know, deployed a mental health therapist based off your profession. Like, the police is a professional-- you know, they arrest the criminals. You got a, a mental health therapist that recognize the signs of somebody having a mental health episode. And if that person could have been deployed instead of the officer pulling up, treating him like a criminal, wrestling him down, you know, or at least gave his father a chance to, like, calm him down and talk to him. They wasn't trying to hear that because they just seen Mike as another angry black man going on a rampage. But that wasn't the case. Mike was a very smart guy. It was just an episode. Yes, ma'am.

**BOSN:** Senator DeBoer.

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**SHERMAN WELLS:** Oh, I'm sorry.

**BOSN:** No, you're OK. You're all right.

**DeBOER:** Thank you for your testimony. And, you know, also sorry for your loss. Do you think if his-- I mean, why didn't-- did the guy not say the father is coming? The, the-- you know what I mean? Like, the father probably could have defused it too, right?

**SHERMAN WELLS:** I think so. Once his father got there, the police kind of was treating him like, stay back. You know, you in-- you know, getting in the way of--

**DeBOER:** To the father?

**SHERMAN WELLS:** --arrest. Yeah. Yeah. They treated him like crap. And he was trying to explain to him-- to them that his son was having an episode. They're like, well, you can just meet us downtown. He's going to jail. It's too late. Stay back, you know, before you get arrested type stuff.

**DeBOER:** Man, that poor father.

**SHERMAN WELLS:** And Mike was only 32, so I'm like, he didn't deserve to die for having a mental health episode, you know? And then I just think if the father or the police would have arri-- if the police would have arrived with a mental health therapist, immediately they would've recognize he was just having an episode, you know? But even from the call, without the dispatch asking, if you look at the story, they say he was being paranoid and kind of, you know, confrontational with other people. So you could tell it wasn't him-- he wasn't there to rob or do nothing. Just paranoia. It was a mental health episode he was having.

**DeBOER:** Thank you.

**SHERMAN WELLS:** Yes, ma'am.

**BOSN:** Any other questions? Seeing none. Thank you very much for being here.

**SHERMAN WELLS:** Thank you for listening.

**BOSN:** Yes. Next proponent. Good afternoon. Welcome.

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**MIKE LEE:** Good afternoon. Chair-- Chairwoman Bosn, members of the Judiciary Committee. My name is Mike Lee, M-i-k-e L-e-e. And I'm here today to testify in strong support of LB706. This bill is about recognizing when someone is experiencing a mental health crisis. What they need is care, not cuffs. Too often our law enforcement officers are the only ones dispatched to handle situations they were never tran-- trained to handle. While many officers do their best under pressure, they simply aren't mental health professionals. And we shouldn't expect them to be. LB706 would ensure that individuals with actual experience and training in mental health, social workers, are present alongside law enforcement. When re-- when, when responding to mental health-related calls, these professionals are equipped to recognize symptoms, de-escalate tense situations, and connect people with resources they need. Their presence can mean the difference between someone getting help or being hurt, between someone being stabilized or being criminalized. We cannot keep treating mental health like a public safety issue or a nuisance-- nu-- nuisance alone. It's a public health issue. And when we respond, the-- when we respond with only force instead of care, we risk further traumatizing vul-- vulnerable individuals, especially in black and brown communities where com-- where those outcomes have historically been worse. LB706 is a step towards a system that sees people in crisis not as threats but as human beings deserving dignity, understanding, and support. And I believe that this is how we begin to reduce harm and avoid preventable tragedies and build a better, safer Nebraska for everybody. So.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here.

**MIKE LEE:** Dang. I wanted questions.

**BOSN:** All right. Any other proponents? Good afternoon.

**ALEX DWORAK:** Good afternoon, Chair Bosn. Thank you very much. My name is Dr. Alex Dworak, A-l-e-x D-w-o-r-a-k. I don't have written testimony. I've been composing it. I'll be happy to email it along. It's my honor to testify today in strong support of Senator McKinney's LB706. Speaking as a primary care physician, I work alongside mental health specialists. I have loved ones who have serious mental illness who have had multiple law enforcement interactions. I've made multiple calls for witness-- or, for wellness checks in my career-- and actually discussed one this morning with a therapist colleague for a transgender



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patient whose mental health has markedly worsened in recent weeks and who didn't come to their appointment or answer the phone. I dearly hope that patient's alive. And if they're reached, they'll be far better served by a trained mental health expert rather than police officers. I'm also speaking as the big brother to someone living with autism. And I am keenly aware that if police are summoned, he is at significantly increased risk of death compared to someone who doesn't have autism. And I have a tragic story of an autistic 15-year-old that I can share who had already calmed down when he-- after he was agitated. By the time police arrived, [INAUDIBLE] was still shot and killed. This was recently in California. That could have been my little brother. As an experienced physician who has some de-escalation training who also happens to be a very large man who doesn't experience the threat of violence the same way as many of my much more petite female coworkers, I'm part of not just our Code Blue response squad at my community health center for medical emergencies but also the Code Yellow response squad, which is for people who are belligerent, agitated, disruptive, or potentially violent. If I need to call 911 if I'm not able to succe-- successfully de-escalate them-- I typically am, thankfully, with help from my colleagues-- I would much rather have the option of having a social worker respond along with police instead of only police who have guns and radios that summon more people with guns to deal with somebody who's in crisis. I'm aware that if I call, especially on somebody who is a minority, there's a non-zero chance I just made a call that's going to result in them dying. And I've got literature to back that up. I am also speaking as someone who has been cuffed and had a gun held to the back of his head in the church parking lot of my godfather-- or, godparent youth group when I was a kid in Papillion. Somebody drove by on the way to the brand-new Walmart and said there's a black kid with a gun. And it was actually my Filipino friend who had a anodized, bright paintball marker that obviously was not an actual firearm. It's not lost on me that my status as an affluent white kid in Papillion who got the police called on them and had those guns drawn on me might have gone differently if I looked more like some of the other testifiers. Maybe I wouldn't be here. I have multiple citations from the National Association-- or, Alliance for Mental Illness, Johns Hopkins Bloomberg School of Public Health, and a variety of news sources talking about several of these things I'd be happy to email about. I also have an interview with police chief here in Lincoln, Michon Morrow, extolling the virtues of Lincoln's ride-along program. Please allow police to be police. Don't expect or force them to be

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unqualified therapists with cuffs and guns, which isn't what they trained for or what they want to do-- I am confident if you ask them. Thank you so much for your time. I'm very happy to answer any questions you may have.

**BOSN:** Thank you. Any questions for this testifier? Thank you very much for being here.

**ALEX DWORAK:** Thank you, ma'am.

**BOSN:** Any other proponents? Good afternoon.

**PAUL FEILMANN:** Good afternoon, Senator Bosn and Judiciary Committee members. My name is Paul Feilmann, F-e-i-l-m-a-n-n. 317 Clear Creek Drive, Yutan, Nebraska. I'm a retired licensed mental health therapist. Worked in the field for 25 years. I've-- I actually had a friend of mine coming today. He's worked in the field on-- done a lot of street work. And he is actually a co-responder for the Omaha Police Department. And he has taught numerous police officers ways to intervene with support from a mental health therapist. And he was-- I asked him if he would come today and kind of talk with you about, about the work that he's done. And unfortunately, he was doing a training session for police officers today. And I, I sent an email out. This concept of what you have is kind of an interaction between the mental health field, substance abuse field, and the criminal field-- police, law enforcement. And the issues related to mental health are so much more complicated than what you have in the, the law enforcement. Law enforcement tends to be very straightforward. You come into a situation where there's risk and then you take certain steps. But in the mental health, you have issues related to mental stability, hallucinations, depression, substance abuse, and so forth. In a lot of those situations, police are nowhere near capable of dealing with. It takes time, takes collaboration. And a lot of programs-- the email that I sent out to you today basically gives you a summary of some of the major programs that are going on across the state. There's a whole network of services that are available to mental health organizations. Region 6 is involved. I-- my friend told me that Fremont has a co-responder right now. Other agencies are using these services and training to deal with mental health issues when there's some kind of emergency. In, in-- the, the last part of my email shows the, the-- what they call the-- I'm trying to bring it up here. It's the mental health co-responder team for Omaha Public-- or, Omaha Police

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Department. They have 15 therapists. They screen calls, and they're building a program to send more officers out to deal with situations like Mr. Wells talked about. I don't know if you know about Zachary Bear Heels. He's the one that was killed when officers showed up. And I think the supervisor referred to him as an F'ing R-word that was very degrading and had no sense of how to deal with things. But I, I give you a list of all the services that are out there. There's a great infrastructure. This is a model that goes back 25 years in states like Oregon, where you just basically supplement the police, law enforcement with mental health support. And then the, the pol-- a lot of times, my friend says when he goes out, the police officer will just clear the situation, make sure it's safe, and then he leaves. And then the social worker is there to basically take over and set up a case plan to follow up. They'll do case follow up. It's like social work. That's what they end up doing. So.

**BOSN:** Thank you.

**PAUL FEILMANN:** Yeah.

**BOSN:** Before we take any questions, I have checked now and I don't believe I received an email from you today. So--

**PAUL FEILMANN:** I'll resend it.

**BOSN:** --if you're willing to resend it.

**PAUL FEILMANN:** Yes.

**BOSN:** Yes.

**PAUL FEILMANN:** Because I've got a-- it-- it's all the organizations that have got all these services. There's a whole network. And it also talks about the Omaha Police Department, Mental Health Support Unit. There's 15 people there that can go out on calls, and my friend is actually one of them. So I-- he's taught me how he's taught police officers to look at things differently and to rely on those people when they show up to, to kind of help out. And then the police officers can go and do other things.

**BOSN:** Sure. OK. Now we'll take any questions. Senator Hallstrom.

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**HALLSTROM:** I, I-- I'm not sure I understand the definition's law enforcement agency as to whether or not that limits the location. But if-- it-- is this intended to be statewide?

**PAUL FEILMANN:** I, I believe so. Senator McKinney's--

**HALLSTROM:** And do you belie--

**PAUL FEILMANN:** Yeah. So statewide.

**HALLSTROM:** Do you believe there's adequate social workers to fill the, the need statewide?

**PAUL FEILMANN:** Yeah. I think what-- if you-- when I get my email to you, what, what they're trying to do is connect in with regions-- the different mental health regions. And that's where you can do-- because as a social worker, I'm not-- I wasn't really heavily trained on going out and dealing with severe mental illness on the street and so forth that police officers would run into. So they're actually doing training for the regions. I think it was six regions that have mental health services. They're doing training with those folks. They could be the ones that could go along with. And there's also the possibility of using telehealth communication. If a police officer's going out to a situation, they would have access to one of these providers that's in a network statewide where they could talk to them by phone and get feedback on ways to manage the situation. I know that, like, Fremont has decided to invest in having a police officer train and go through this training. And that's, that's-- and, and I think you could bring officers from around the state that are willing to-- in each area, like a sheriff, to participate in this training. That's what my friend's doing. He asked me if I wanted to come tomorrow because they're going to be doing role-playing with the police officers tomorrow, and I might be able to make it tomorrow afternoon. But it just gives a whole different sense of how you can deal with things differently and-- now, the rural areas does pose a real threat. But I can guarantee you that-- you know, I, I can't even tell you how high a percentage of calls are to a sheriff out in a rural area that are going to either deal with substance abuse, domestic violence, or mental illness. And you don't want to go into those not having a sense of what you're getting into. Very complicated stuff. And having somebody to just bounce it off of, you know, would, would be critical to making sure that there's a good outcome for everybody, so.

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**HALLSTROM:** Yeah. And we've had a, a number of questions that have kind of raised concerns about what types of situations would dictate the use of these social workers, professionals. The way I read the bill is dispatchers are going to be designed to be trained and skilled in identifying the types--

**PAUL FEILMANN:** That would be the ideal. The, the program that's-- the model that I-- I actually facilitated the chief of police from Omaha Public-- or, or OPD communicating with the chief of police from Eugene, Oregon about four years ago because they've been doing a program out there for 25 years where they, they have a dispatch that kind of overlaps. So they-- like, right here now, you-- you've just recently gotten the 988 calls. So you have a whole system in place where before there was no call-- everything just went straight to 911. But now you have a whole system in place where you've got already a percentage of these calls coming in to 988. And if there's problems there, then, you know-- or you can divert a 911 call to 988 resources if it's not an urgent situation. And yeah, it has to be a collaboration between the 988 people and the 911 operators. And what-- in Eugene, what they do is they screen calls and they sort them that way. And they actually have trained pairs of-- they have vans that go out with-- one has an EMT-- they have an EMT and a crisis worker in the van, and they go out to situations that don't pose any imminent physical threat to individuals. And they've really been successful with that program. The chief of police-- was on a Zoom call with the chief of police here talking about that. And I think that's really when the chief of police started amplifying the need for this program, and he's really supported it. They actually screen calls that come in now, radio calls and different things that are going on. And my friend will sit at home when he's on duty and just listen and wait and take calls. And then he'll just meet the officer out there with his car and go over that that way.

**HALLSTROM:** Would you be more likely to have third-party calls to 911 and individuals calling out for help on 988-- individual?

**PAUL FEILMANN:** Well, I think you're going to get-- I, I think a large percentage of calls-- 911 is like, somebody's breaking into my house or-- you know, certain calls. But I think they're-- like, just the unhome-- unhoused population. That's the kind of-- the folks that are going to need somebody to be there, probably set up a, a game plan for them to get resources. I know a couple right now I've been working with that-- they just need resources. They need transportation to get to

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resources. But in the meantime, somebody could be calling 911 on them for, for being somewhere where they're not supposed to be. If they have resources and support-- it's like putting social workers-- I hate to promote my field, but, I mean, that's what social workers can do. I mean, if I were to go out and meet with-- I had a kid that was homeless, living in a van. OK? Well, now-- he ended up going to Harvard. But it's because I got him out of the van, you know? I got him and his mom out of the van. The van didn't run. Got him into a shelter. Eventually, he got into a school that prepared him. He-- and he went through that school, got scholarships, and went to Harvard. But that's what you do with people, is provide resources. And the police-- they have a, a basic role to protect and keep everybody safe. But my friend says once he gets out there and everything's safe, the police officers, they don't want to deal with it anymore. That's not their job. They're not skilled. They let my friend take over. And he'll, he'll talk to somebody, you know, for as long as it takes. I used to do crisis line at the psychiatric hospital. And you get a cold call on somebody that's in a major psychiatric incident. The number one rule-- two rules when you get those calls. First of all, figure out if they're on something. Because if they are, then you got a whole different ballgame of how you're going to talk to them on the phone because they may not remember talking to you. But the second of all is to keep them on the line and talk to you about their crisis for at least an hour. If I can get you to talk to me about your personal situation for an hour, then I'm going to be able to start navigating where to refer you to. And if I have to, I'll, I'll be making a phone call to 911 on the side to get them out there because there's an obvious risk of suicide.

**HALLSTROM:** Thank you.

**PAUL FEILMANN:** Yeah.

**BOSN:** Senator Storer.

**STORER:** Thank you, Chairman Bosn. And thank you. I'm-- I guess I just wanted to follow up a little bit on-- and I-- and I'm just trying to find out as much information as I can while we sit here on what training law enforcement receives. And it doesn't appear this is mandatory, but there is the crisis intervention training available, a 40-hour-- 40 hours worth of specialized training that many of our departments do utilize. And I don't know if that--

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**PAUL FEILMANN:** Yeah. That's what my friend's doing this afternoon.

**STORER:** Then that's what it-- OK.

**PAUL FEILMANN:** Yeah. He's doing that this afternoon.

**STORER:** OK. So--

**PAUL FEILMANN:** They're going to do role-plays tomorrow on, on situations like some of the ones we've talked about with the officers.

**STORER:** So it's optional but not mandatory.

**PAUL FEILMANN:** Yeah. He said that it wasn't, but he said they get a lot of participation from officers.

**STORER:** OK.

**PAUL FEILMANN:** OPD has 15 people that are actually hired to be co-responder, mental health professionals that go out on the calls. So they're building up their, their personnel.

**STORER:** And to, to also-- you know, as with many things in, in Nebraska, we're a very diverse state geographically and otherwise. And I, and I represent a very rural-- 11 counties, actually. It's-- makes up my district. And mental health crises happens across the state. So the, the concern about something like this, while I am very intrigued by the concept, is that access-- so you'd mentioned, like, regional behavioral health centers. So just for, just for perspective, many of my counties are going to have, on average, a two-hour drive to get to one of those regional centers. So I think we can-- I would be very interested in exploring, you know, some creative ways to sort of make what, what we have today better and-- and in fact, I'm introducing a bill tomorrow to that effect. But I just ask, I guess, for con-- you know, to keep in mind that, that even if this was doable based on access to crisis intervention counselors or in, in our more urban areas, the reality is this is-- would be virtually impossible to-- for rural areas to, you know, adhere to. I--

**PAUL FEILMANN:** To do in person--

**STORER:** There's just simply not--

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**PAUL FEILMANN:** Yeah.

**STORER:** There's simply not the, the--

**PAUL FEILMANN:** Yeah, but I think-- you know, I think that having access to profession-- maybe even one of the co-responders like-- that OPD has to-- far-- you know, contract with them to do-- to take calls from local sheriff departments to, to talk them through situations.

**STORER:** Sure. And I, and I think there's a lot of opportunity with telemedicine as you mentioned.

**PAUL FEILMANN:** Right.

**STORER:** But-- and I do know that-- I don't know if this is true in every behavioral health department, but-- and I served on the board for Region 4, and I know that they did regularly offer-- and it was to community members in general, but certainly was encouraged for correctional officers that worked either in the jail, dispatch, or law enforcement. But I believe it was called Mental Health 911 or something along those lines. It was a, a course to help people identify and respond to mental health crisis. And I guess my, my last question that I can't find the answer to that maybe you can help me out with, but we have to have some sort of protocol in place now for a dispatcher to know when there's a call that it is likely going to be an EPC situation when they send out an officer. So-- I mean, I-- and, and we're going to-- and I know I mentioned that to Senator McKinney, but continue to kind of try to find the-- those answers. But there has to be something in place now just to iden-- respond to those EPC calls. Right? And I don't know--

**PAUL FEILMANN:** Oh, the protective custody.

**STORER:** Mm-hmm. Like a-- for dispatch to determine-- help determine or help screen those calls to give officers a--

**PAUL FEILMANN:** And that-- the, the-- that's an area that I'm not as versed in as the dispatch. I know that the Eugene program, they had really a lot of ins-- input into the dispatch process. And they really reduced a-- I think, I think 20% or 30% of some of the calls that the police had to even go out on, because a lot of these dispatching decisions were made when calls came in. There was, like-- and I think that-- O-- Omaha Police Department's doing some of that. And I think



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consulting with the chief about how that's occurring would-- I don't know who else to talk to. I can talk to my friend more about that as well. And I'd be-- connect him with Senator McKinney because he's pretty familiar with everything about their program because he's been working in it for a couple years here.

**STORER:** I mean, is it possible that somehow we, we make that training, that you're-- the crisis intervention training more accessible, that we try to--

**PAUL FEILMANN:** Yeah. And I think the partnerships-- when I send you the material, the, the partnerships, I thi-- it went on, like, three pages of the partners around the state that are involved in this crisis intervention team training. And I think-- the infrastructure's there. When, when I get-- I-- my email's funny sometimes. I-- it came to me. I always blind-copy myself, but I'll go back and double-check. Wait. McKi-- Senator McKinney, you said you got my email, didn't you? You're just saying that to make--

**McKINNEY:** No, I get multiple emails from you.

**PAUL FEILMANN:** Did you get the one I sent you today, though? I-- but anyway. So-- anyway.

**BOSN:** All right. Any other questions? Seeing none. Thank you for being here.

**PAUL FEILMANN:** All right. Thank you.

**BOSN:** Yes. Next proponent. Last call for proponents. He's waving. He did receive your email, sir. All right. Any opponents? Anyone here in opposition to LB706? Good afternoon.

**BRYAN WAUGH:** Good afternoon, Senator Bosn and members of the Judiciary Committee. My name's Bryan Waugh, B-r-y-a-n W-a-u-g-h. I am the chief of police for the Kearney Police Department. And I am the current president of the Police Chiefs Association of Nebraska. And I'm appearing on behalf of the Police Chiefs Association of Nebraska and the Nebraska Sheriffs Association in opposition of LB709. As I've sat here and listening to the testifiers this afternoon, I've kind of regrouped. And I want-- I'm going to-- I'm going to pivot a little bit on, on what I've prepared. And I would start off by saying, as a police chief-- as a 32-year police professional in the state of Nebraska, I

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can agree, and I, and I, and I feel for all of those that have been impacted tragically through police response in reference to a mental health or behavioral health crisis. I, I agree. The conversations that have been had over the past hour or so I think are wonderful. And I thank Senator McKinney for bringing this-- bringing attention to this today. Bringing attention to crisis response, mental health, behavioral health response, substance abuse response by law enforcement. And I agree, generally speaking, with a lot of what was said today for the proponents. I stand in opposition on behalf of the associations that I'm representing today simply because of the unrealistic-- and the reality is that, that the material-- or, the mandates within LB709 are, quite frankly, unrealistic and virtually impossible for some parts of our state. There, there is a current system in place. Our 911 telecommunicators do have the ability to screen calls. They do prepare-- they have questions that are prepared on their screen when these calls come in. They're basically a script that comes in. The dispatcher can obtain the information needed to determine what type of emergency resources are, are needed to send. There is a commonly used ten code. I think that was within the bill as well. And I'm sorry to Senator McKinney. I have not seen the amended version to this point. But there is a code that the dispatchers would put out to let the police officers, deputies, state troopers, whoever it might be, what they're responding to may have a mental health or behavioral component to it. In Kearney-- and it's already been talked about. The Omaha police, they do have a co-responder program. The Lincoln police-- I believe I just read an article today. They have a co-responder program. Kearney Police Department has a co-responder program. We, we started it three years ago. It's a joint venture between the Kearney Police Department and the Buffalo County Sheriff's Office and Region 3 Behavioral Health in-- out in Kearney. It works. It works fantastic. I will tell you, it took us a year to hire that person. And we just got lucky. We had a-- we had a licensed mental health therapist from the Austin Police Department. Has family in Kearney, Nebraska. And she moved to Kearney, Nebraska. Her name is Megan. And she works for us. And it is fantastic. And we have seen a 30% decrease in EPCs in Kearney and Buffalo County because of the existence of a co-responder embedded with the police department and responding to those calls with our officers. It works. But is-- it is a challenge to-- I'm sorry. If I may--

**BOSN:** You may continue.

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**BRYAN WAUGH:** I'm sorry. Thank you. Thank you, Senator Bosn. Ultimately, the way, the way that the bill addresses this issue, I agree-- we agree with it. It's just unrealistic to hire those folks. The, the, the availability of, of, of the trained social service specialist, as mentioned in the amendment, would be virtually impossible in some parts of our states, as Senator Storer also had mentioned. Professional police officers are trained to de-escalate and respond in a way that protects the person they're interacting with, innocent family members and citizens in the area, as well as the police officers they are assisting. An untrained mental health professional I believe also would be placed in dan-- could be placed in danger. They, they-- there are oftentimes-- these-- like, these types of calls can become very dangerous. They are very chaotic at times. They are very volatile. And the goal would be to make sure that the police respond and have that co-responder available. I, I would wholeheartedly agree. But for the reasons that I just previously mentioned, it is simply unrealistic to mandate a social worker or a, or a licensed medical therapist to respond with police on every call simply because the availability of those res-- of that resource. I'd be happy to answer any question. There was a lot of great questions I could probably answer, if you like.

**BOSN:** Senator DeBoer.

**DeBOER:** Thank you. Thank you so much for being here, coming over from Kearney and talking to us today. So imagine we live in a really wonderful world in which we have all the money and freely available mental health specialists. Would you oppose the bill then?

**BRYAN WAUGH:** I would not.

**DeBOER:** So it's just about the money and the-- and availability.

**BRYAN WAUGH:** And I know it kind of tongue in cheek when the senator said unfunded mandate [INAUDIBLE] in his opener. That, that would be the concern for, for the Police Chiefs Association as well as the Sheriffs Association would be-- not only that, it's-- it-- you're right. If, if all things were great and we had therapists available to work every single call, we would support 100%. I was a-- I was a-- I, I helped spearhead the co-responder program in the city of Kearney and Buffalo County. And we have proven over and over again how valuable it is. We spearheaded CIT training for our officers. We are, we are a

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member of the One Mind campaign through the Internal-- through the International Association of Chiefs of Police. And what that means is we have 100% of our staff trained in mental health, first aid-- that you mentioned, Senator-- as well as we have 30% of our staff trained in CIT. CIT is a 40-hour class. We just hosted our third edition of CIT in Kearney. And I will quote two veteran police officers who have attended that class, and their, their exact words were, this is the most impactful class I have ever attended in my entire career. It's, it's great. It's so important that we focus on this. And I agree with all the previous testifiers. Our opposition is simply that it's unrealistic to, to expect police departments, sheriffs' offices, State Patrol to mandate this on every single call involving a mental health crisis. It simply is impossible.

**DeBOER:** Do you think if we had a grant program for departments to get money-- because originally, I think that's how yours started.

**BRYAN WAUGH:** It did.

**DeBOER:** If we had a grant program that allowed departments to start this program in their community and would fund it in their community, do you think that departments would take, take us up on our grant program and would apply to such grant program?

**BRYAN WAUGH:** I do. I, I really do. And I-- and I'd be a-- I would be a champion of that grant program as a-- as, as an agency that has seen the success and a community that have seen the success. I wish we could have three more co-responders in Buffalo County and Kear-- city of Kearney. We have one, you know, and she's not available. But it was mentioned about telehealth. There are options out there that we are currently working through-- and its grant-funded through the Helmsley Trust-- to have iPads available in every single police car in the state of Nebraska. Fund it. And then the officers could take that into the call with them. And they-- still going to have a police officer there. Somebody's got to hold the iPad and, and, and help that person through that crisis and then plug them into those services. But if we could divert EPC, if we can divert taking somebody to the jail, that's the goal. And, and we're going to talk about that tomorrow with Senator Storer's bill with the regional needs. I know that, that, that Sheriff Overman out, out west would have the same thought.

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**DeBOER:** So if you do not have to take as many EPC-- you said 30% fewer EPCs. Does that save the department money?

**BRYAN WAUGH:** Absolutely. We're, we're, we're, we're-- if we're able to divert a person from an EPC and plug them into services and a safety plan on the call, we do that through our co-responder. She's able to have those conversations. And then there's a follow-up piece, there's a community outreach coordinator piece to make sure that they're getting the services they need, getting their cell phone, getting transportation to work, getting transportation to their doctor's appointments. Great.

**DeBOER:** So does that--

**BRYAN WAUGH:** It frees up our officers to handle emergency calls for service.

**DeBOER:** Well, that--

**BRYAN WAUGH:** We're kicking in service more-- so these officers could be on a traditional EPC call. That could take-- and I'm just speaking on behalf the-- what we experienced in Kearney. And I came from metro Omaha before I went to Kearney, so I understand both sides of the house here. I worked in Omaha. So what I'm getting at is, if, if, if there's no-- if there's not a bed available for that person on an EPC, that officer could be tied up at CHI Hospital for four, five, six hours waiting on a, a place to take that person.

**DeBOER:** So do you have--

**BRYAN WAUGH:** But if we can divert them--

**DeBOER:** Do you have an opinion as to whether or not the amount of money you spend on the co-responder is offset by the amount of money you save in officer time and other resources because of the work of the co-responder?

**BRYAN WAUGH:** I, I don't have a number for you, but I, but I would--

**DeBOER:** That's why I said do you have an opinion. Is there a gut feeling?

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**BRYAN WAUGH:** Oh, it's-- we are saving money. Yeah. Absolutely. Officer staff time is-- it's, it's a, it's a hard number to quantify. It's not-- you really can't put a, put a-- put your thumb on it. But for me as a, as a police administrator, you know, we're obviously going through budgets. We look at-- we look at ways to be more efficient and meet-- be more effective with the delivery of police service. And I have seen over the past three years when it comes to this particular topic, emergency protective custody, and the ability to divert, divert those services, we're saving money. My gut tells me we're saving money.

**DeBOER:** Some of the-- some-- one of the things we hear in this committee a lot is about how some of the smaller forces-- you know, if they have to go to training, they've got an officer that's away and they're really kind of strapped because they don't have that many officers. It's also hard to off-- to hire officers in some of these areas. Would something like this kind of help, some of those issues in a small town so that at least if you have a small force you don't have your officer tied up on all of those? Is that something that would be affected by this, do you think?

**BRYAN WAUGH:** It'd be very helpful. Yes.

**DeBOER:** OK. Thank you.

**BOSN:** So let me ask you a few que-- I've had the opportunity to read some of the articles about the programs that you have in Kearney. They're Kearney articles. The individual that you have, I think you used the name Megan. Did I hear you correctly?

**BRYAN WAUGH:** Yes.

**BOSN:** OK. Is she full time?

**BRYAN WAUGH:** She is.

**BOSN:** So what happens or-- how does it work exactly? She work a set schedule? Or do you call her on an as-needed basis? What happens if you get a call that you think really she could be useful for but it's not during her business hours?

**BRYAN WAUGH:** So the challenging part is that she's-- we've got one co-responder. Megan Morris is her name. And I, I like to brag her up a little bit because she's super talented. She's wonderful, and we're,

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we're, we're blessed to have her there. She works a schedule based on-- so we-- we're a data-driven department, like most, most contemporary police departments would be. And we take a look at the data on, on what are our calls for service related to, you know-- you can never-- you can never, you know, project when a mental health crisis or a behavioral crisis is going to occur. But through data, we can kind of figure out what are, what are the, the peak times that we may see types of-- these types of calls. And that's what we, we have done with her schedule to make sure she's available. She does one of two things. Sometimes she-- she's got a vehicle as well that, that she can respond to calls. But she's also-- has a radio. She has a computer. She can see the [INAUDIBLE] calls. And sometimes she'll, she'll self-deploy based on criteria that she might look for in a call. She'll think, maybe they could use me there. And she'll go. And it's proven very beneficial. During her off hours, she's available on call. But additionally, we have a crisis response team. So there's a phone number. We have 988. Obviously, we can use 988. But we also have a-- have the ability to call a CRT, which is our crisis response team. And it's a-- so the officers can call CRT, and they can put the person on the phone with CRT immediately on the call. So in the absence of the, the co-responder, we have CRT. We also have 988 that we've actually, we've actually used-- officers have actually called 988 at the scene of a, of a call and have the person-- the consumer talk directly to the 988 operator and start getting those services in the absence of our co-responder.

**BOSN:** So if I'm understanding your testimony today, the concept you support-- in fact, you'd be a proponent of. It's the actual boots-on-the ground reality of implementing a program like this creates some significant hurdles. Am I--

**BRYAN WAUGH:** It does.

**BOSN:** So if we tweak some of the language in this-- and I'm not ju-- I don't intend to jump the gun on Senator Storer's bill for tomorrow, where it's pilot program, and it's more of a may and a reimbursement for forces that choose to use these services-- because I do think there's a return on investment that will outweigh the cost-- then would your testimony be different?

**BRYAN WAUGH:** It would.

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**BOSN:** You would be coming in in a different capacity, I guess?

**BRYAN WAUGH:** I'm-- I, I-- 100%.

**BOSN:** OK.

**BRYAN WAUGH:** And, and that's why I, I really-- I, I really want to again reiterate. After listening to the, to the proponent testimony, I loved hearing everything that was said. I really do. This-- I could see myself saying the exact same thing. The challenges in policing is mandates when, when the mandates are unrealistic. It really, it really makes our job harder, especially when there's consequences involved with that mandate. I believe in the bill it say-- there's, there's potential sanctions against law enforcement agencies for not following this mandate. So we would be in support if-- and we would welcome the opportunity to have conversations with Senator McKinney and anybody else on this topic because it's something that I embrace 100%.

**BOSN:** Thank you. Senator Hallstrom.

**HALLSTROM:** Is your co-respondent an employee of the Kearney Police Department?

**BRYAN WAUGH:** Great question, Senator. No. Our co-responder is an employee of Lutheran Family Services. And that is done through an agreement. So we have a-- we have a MOU with Kearney Police Department, Buffalo County Sheriff's Office, and Region 3 Behavioral Health. Region 3 Behavioral Health put out an RFP to hire the co-responder. And L-- and Lutheran Family Services has that contract.

**HALLSTROM:** Does that contract have any liability protections? You, you mentioned that these can be dangerous situations. Somebody that's not an employee of the Kearney Police Department is on site and gets injured or, heaven forbid, killed, do you, do you have those issues addressed contractually or--

**BRYAN WAUGH:** We do. So in the MOU-- and as a matter of fact, we just recently updated a few bits of that because now the co-responder drives a Buffalo County van. So obviously when-- we think about insurance processes and liability processes. So, yes, within the, within the agreement, we have liability and, and, and the dangers of the, of the job spelled out on who would be responsible in the event that [INAUDIBLE].



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**HALLSTROM:** Well, I-- it seems to me when we talked about the fiscal note earlier that, darned if you do, darned if you don't. If they're an employee, you've got the additional cost. And you may even have them in the arrangement that you have. But if they're state employees, what was going through my mind was there's liability issues there. And perhaps if Senator McKinney's listening closely, there may need to be something that we put in the, in the statute that would provide some type of, of immunity or liability protection.

**BRYAN WAUGH:** I agree.

**HALLSTROM:** Thank you.

**BRYAN WAUGH:** Thank you.

**BOSN:** Any other questions? Thank you very much for being here.

**BRYAN WAUGH:** Thank you. Always a pleasure.

**BOSN:** Yes. Next opponent. Anyone else here in opposition? Neutral testifi-- oh. Are you getting up? No. Neutral testifiers. Sorry. Good afternoon.

**SCOTT THOMAS:** Good afternoon, Chair Bosn. My name's Scott Thomas, S-c-o-t-t T-h-o-m-a-s. With Village in Progress and USIDHR. I'm not familiar enough with the senator's bill to take a position on it. That's why I came in the neutral capacity. I just wanted to point out that there was a conflation going on. And social workers are not clinical psychologists. They're two different fields. They're two different disciplines. Psychology and sociology are not the same. Just wanted to point that out for the record. That being said, I think that if somebody is accused of a crime at that point, officers need to respond and-- strictly officers unimpeded, not just in the interest of public safety but also because the accused has rights that deserve protection as well. And police officers are well-versed in the law. Social workers, even clinicians, you know, maybe not as well. And so, that being said, I-- I'm not opposed to the idea that you can be proactive to prevent something from getting to a situation where before a law has been broken maybe people can tell that it's kind of going in that direction. So last week when I was up at McDonald's and I said there was a homeless guy in there, he had come in and-- he had bought some food. But then he had sat down, started talking to himself, and

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spread his belongings all out throughout the lobby. And so the officer that responded kind of observed a little bit and was like, this guy's not really, you know, being too disorderly or anything. So I'm just going to ask him to leave and move along. And that guy was polite enough and packed up and moved along. He's going to be two or three blocks up the street, and they're going to have the same problem again. So. But he wasn't breaking the law. So I, I understand that there are positions when somebody accompanying law enforcement might be useful. I think that once somebody's accused of criminal activity that it just needs to be law enforcement responding. That's just my opinion on that, though. And any questions for the senators?

**BOSN:** Questions for this testifier? Seeng none. Thank you for being here.

**SCOTT THOMAS:** Thank you.

**BOSN:** Any other neutral testimony? All right. Well, while Senator McKinney makes his way up, I will note there were 16 proponent comments, 7 opponent comments, and 1 neutral comment submitted for LB706. Welcome back.

**McKINNEY:** Thank you. And thank you to everybody that came to testify. I thought it was a great conversation about the bill. And I think it's important to point out that not all these situations are situations where people are committing crimes. It's people dealing and going through mental health situations. And the importance of this bill and why I decided to bring this bill is because there's some people who end up in our jails and our prisons that were originally going through mental health situations that had-- we had people who were more skilled with identifying that. And, and being there at that time, we probably could have avoided them ever going to jail, going to prison, or, at worse, dying. And that's what this is attempting to do. I understand the concerns of my rural colleagues. And that's not without thought. Because I understand that, that concern. But a lot of times-- because, because, because it's tough for me sometimes because sometimes I'll, I'll introduce a bill and I, I will only tailor it to Omaha. And then I'll get asked the question, why did you only, you know, limit this to Omaha? You know what I mean? So I, I did it this way just to-- honestly just have the conversation. Because I know people deal with issues out in our rural communities as well. And if we could find the money and the resources to help people across the state, I'm always willing to

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find those resources because I think it's important to help people everywhere. And I'm-- I know I'm not a senator just for Omaha. I represent north Omaha and Omaha, but if I can help e-- the state, I-- I'm, I'm loo-- I-- I'm happy to do that. And biggest thing for me is just trying to find a way to be helpful. Because I think this is an important bill. And as stated by the officer, this can be effective and this can help. And this could help not only just the people in those situations. It can help our communities and it can help law enforcement and it can help save dollars. So with that, I'm willing to answer any questions.

**BOSN:** Questions for Senator McKinney? Thank you very much.

**McKINNEY:** No problem. Thank you.

**BOSN:** All right. That concludes LB706. Next up, Senator McKinney with LB700.

**McKINNEY:** Good afternoon, Chairwoman Bosn and members of the Judi-- Jud-- Judiciary Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I represent District 11 in the Legislature, which is in north Omaha. Today, we're here discussing LB700. This bill is about fairness, justice, and ensuring Nebraska's young people, especially those caught in our justice system, receive the compassion and safeguards they deserve. LB700 introdu-- introduces several vital reforms that will bring Nebraska's juvenile criminal justice system more in line with modern understanding of child and adolescent development. We know that young people's brains are developing well into their 20s. Science confirms that young-- youth and young adults are more prone to impulsive decisions and less able to fully comprehend the consequences of their actions. LB700 recognizes this by extending the juvenile court jurisdiction for certain serious offenses to the age of 26 and adjusting sentencing guidelines such as prohibiting life imprisonment for individuals under 22 years old. These changes reflect what research and common sense tell u-- tells us: young people deserve a second chance. Another key element of LB700 is confidentiality. This bill protects minors who are tried as adult by keeping their identities private. Youth involved in the, in the justice system often face long-lasting stigma that can hinder their re-- rehabilitation and reintegration into society. By protecting their identities, we're protecting their futures. This bill allows information sharing with the courts, law enforcement, and those directly involved in young people's

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care, ensuring accountability while still providing dignity and discretion. LB700 also modernizes how we treat young people during police interrogations and mandates that young-- that juveniles and young adults are clearly informed of their rights using language appropriate for their age and development level. Additionally, it guarantees they have access to parents, guardians, or legal counsel before or during questioning. No young person should be confused or intimidated into saying something without fully understanding the consequences. Because if you don't know, the police can lie to juveniles during intur-- interrogation. They can-- they, they can lie to them. LB700 prioritizes keeping Nebraska's children close to home and prohi-- prohibits sending juveniles out of state unless it's absolutely necessary for emergency medical or mental health treatment. We, we know, we know kids do better when they're near their families and communities. And we put this in there because I find it hard to comprehend that we're sending kids out of the state away from their families and their communities but we're not providing financial assistance to those families to go see those kids. And that's the-- that's my biggest issue. If we're sending kids out of state, we should be providing assistance to those families so those, so those families could go see those kids. Finally, LB700 promotes alternatives to int-- in-- to incarceration by requiring the use of day and even-- evening reporting senators-- centers when appropriate. These community-based programs provide supervision and services with-- without the trauma and disruption of detention, giving young people the better, better odds of staying on the right path. We have day and evening reporting centers in the community currently today that are not getting referrals from our probation and-- from, from probation at all, that are ready to take our kids and, and help and assist. But they're not, for whatever reason, getting reports or referrals. LB700 is not about being soft on crime. It is about being smart on justice. It's about balancing accountability with rehabilitation and punishment with opportunity. Our young people are Nebraska's future, and they deserve systems that recognize their potential for growth and change. I urge you to move LB700 and forward to the full Legislature. Let's give Nebraska's youth the second chances and safeguards they need. Thank you. I'll answer any questions.

**BOSN:** Questions for Senator McKinney? OK. Thank you.

**McKINNEY:** Thank you.

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**BOSN:** We'll start with proponents. Anyone here in support of LB700? Welcome back.

**JASON WITMER:** Hey. Good afternoon, late afternoon, Chair Bosn and members of the Judiciary Committee. My name is Jason Witmer, J-a-s-o-n W-i-t-m-e-r. And I here-- I am here on behalf of ACLU of Nebraska in support of LB700. We know that children and young adults are still mentally developing. We discussed the science of this in this committee many times this year. So I will not reiterate the data already placed before you multiple times. We know young people are not equipped with the maturity, impulse control, and ability to weigh consequences as adults can. Yet we still try to treat them like adults in a complex legal system that even adults have a problem navigating. So when I consider what I'm going to say on LB700, instead of rehashed data, I thought of Martin Luther, who's somebody I read about years ago. Martin Luther, the 16th century German monk who challenged the influential Catholic Church by interpreting the Bible, which was written in Latin, which only priests and those with influence-- or, those with wealth that could pay for the training could understand. And he, he interpreted it into German, which was the common tongue of the people. This priest's goal wasn't to abolish the church. It was to ensure everyday people had access to the truth and thereby had a chance to understand how the system was shaping their lives. LB700 does something similar. It clarifies a system that too often leaves young folks and their families in the dark. It translates legal protections into practical safeguards that are long overdue. Some of what LB700 does is ensure parents are notified when their children are taken into custody and requires their rights are explained in a way that the youth potentially could understand. It keeps Nebraska childrens close to home, near their families and support systems. It provides sentencing limitations without eliminating accountability so a child doesn't end up condemned to a life sentence. The car insurance industry-- which exists solely to use risk to profit-- charges higher rates to anyone under the age of 25 because they recognize that young people are impulsive, easily manipulated, and have limited foresight, and are more likely to cause harm because of immaturity, not because of something that is wickedly unredeemable about them. The car insurance industry acknowledges the multitude of data that young people are not adults, no matter how young people actions may portray them. Yet the legal system seems to refuse to align with this fact. So we believe that Nebraska youth deserve clarity, not confusion; protection, not just punishment;

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and accountability that leaves room for redemption. We ask that this committee advance LB700 to General File. Thank you.

**BOSN:** Questions for this testifier? Seeing none. Thank you for being here.

**JASON WITMER:** Thank you.

**BOSN:** Next proponent. Welcome back.

**SHERMAN WELLS:** Hey. Sherman Wells, S-h-e-r-m-a-n W-e-l-l-s. So unfortunately in this community, the shared stories just from this bill and the last bill, I have another one for you. I have a-- had a 14-year-old cousin named Tyon Wells. You can google his name. I made a video called "I Am Not an Adult." Tyon, at the age of 14, was led to believe that he could rob somebody for some marijuana, a 17-year-old named Zachary Parker, who lost his life behind this. He was coaxed by a 15-year-old young white gentleman, and he was given a firearm and told to jump out the bushes and to rob these 17-year-olds when they brought the marijuana. Tyon never had a record. He was a honor roll student. He played football. We was on him like flies on booboo. And no matter what we told him, he consistently wanted to be friends with this kid. When the robbery happened and the kids did not give up the marijuana as planned, Tyon was told by his 15-year-old counter partner to shoot at the car. Well, he shot at the car. When he shot at the car, the bullet went through the car and shot Zachary Parker in the back. And Zachary Parker died. What Tyon didn't know is that Zachary Parker had a baby named Bree [PHONETIC] Parker. And that-- and he-- Zachary Parker had a cousin that had a baby by another person in our family. So when Tyon shot Zachary and Zachary died, that baby is left to know-- now that one of my cousins killed my other cousin without them even knowing they were that tied together. Tyon was charged as an adult even though he had no prior record. And when I made the video, "I Am Not an Adult," it got, like, 50,000 views and a lot of attention. And the family, my cousin, was told to delete the video and that the-- Don Kleine will work with her on maybe charging him as a juvenile. Well, once we deleted the video, he still charged him as an adult. Tyon got about 40 years in prison. First time ever getting in any kind of trouble. I felt like he was not-- if you look on his Facebook page that he-- we didn't know he even had because he was able to block us. And on the Facebook page, he had on there he worked for the Krusty Krab. That's where his mind was at. So once the murder happened, we-- I was not able to talk

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to him even though I'm the male cousin in the family who advocate for my young people. And he were-- he was able to talk to the police and his mother without us being in there to help him. And Tyon since being incarcerated has got his degree. He, he-- I mean, he was regular Tyon. He still was that kid that was smart and was on the honor roll and in, and in sports. And so being charged as an adult has put him away for almost-- I think he'll be about 30 or 40 by the time he's able to get out. But he never was this super bad kid, and he didn't even get a second chance to, to prove that, for one, his mind was not developed to the point where he should have even been entertaining shooting anybody. And the kid that set him up to do it had a long criminal history. But unfortunately, since he was the one who turned state evidence, they allowed him to be [INAUDIBLE] witness and, and leave town. And Tyon to the full blame of the incident.

**BOSN:** Thank you for sharing your story. Are there any questions for this testifier? Seeing none. I'm very sorry for your family's loss again. Next proponent.

**ANAHI SALAZAR:** Hello. Good evening, Chairperson Bosn and members of the Judiciary Committee. My name is Anahi Salazar, A-n-a-h-i S-a-l-a-z-a-r. And I am one of the policy coordinators at Voices for Children in Nebraska. Here in support of LB700. Our justice system should hold youth accountable for their actions in developmentally appropriate ways that promote rehabil-- rehabilitation and the opportunity for fu-- future development. Voices for Children supports LB700 because adolescent brains are fundamentally different than those of adults, which means the processes and mech-- mechanisms of our juvenile and criminal systems must operate differently from them in order to be effective and just. LB700 takes meaningful steps towards recognizing youth development and improving outcomes for young people in several critical ways. First, protecting youth confidentiality. LB700 strengthens confidentiality for youth in juvenile and corm-- criminal proceedings. Decades of re-- research and broad public support has affirmed that young people have a strong capacity for rehabilitation. Most will stop lawbreaking behavior simply as they grow out of it. And a record may get-- and a record may get in the way of that natural process by cutting off opportunities, which research has shown support law-abiding maturity, namely completing school, starting a family, getting a job, and achieving financial self-sufficiency. LB700 also takes a step in implementing smart sentencing practices. This bill acknowledges the unique ability of adolescents to grow, change, and

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re-- rehabilitate even after serious offenses. LB700 applies principles of smart sentenci-- stencen-- sentencing that acknowledges adolescent capacity to change, rehabilitate, and grow beyond even the worst of crimes. Specifically, sentencing youth to life without the opportunity of parole is inconsistent with scientific understanding of youth development and out of step with most states, including our neighbors. It is costly and ineffective. On average, taxpayers spend approximately \$2 million to incarcerate a child for life. Costs for aging inmates in particular place a huge burden on state budgets. Conversely, a productive, college-educated adult contributes over \$1 million to succe-- society. LB700 also takes a step in preventing false confessions and manipulation. It protects against false confession and youth susceptibility to manipulation by requiring developmentally appropriate Miranda warnings and parental notification when youth are in cu-- custodial interrogation. Research again has reportedly shown that young people are particularly susceptible to manipulation and the pressure of authority during interrogation. Data from innocence projects across the country have shown that in 340 exoneration cases, 42% of individuals who were a minor at that time of interrogation had falsely confessed, compared with only 13% of adults. Young people may indicate they understand their rights when in fact they do not. Developmentally appropriate language helps. And when a young person asks for a parent, guardian, or other trusted adult, that request should be treated similarly to when an adult asks for a lawyer. Youth is expressing uncertainty and lack of understanding that cannot be remedied when-- until the trusted adult is present. And then lastly, LB700 keep-- helps keep kids out of adult facilities in, in the state of Nebraska. For these reasons, Voices for Children strongly supports LB700. And we thank Senator McKinney for championing this important legislation. And appreciate the committee's time. Thank you.

**BOSN:** Questions for this testifier? Seeing none. Thank you very much for being here.

**ANAHI SALAZAR:** Thank you.

**BOSN:** Next proponent.

**ROBERT PENN:** Hello, everyone. I'm an oppon-- I'm a proponent for LB700. I am Robert Penn of Harambee Group. We have several program-- we actually have several houses have been sitting vacant. I spoke with menor-- Senator McKinney and many others about. We have contracts with



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probation and the county, and we haven't received any children that we have our hands open to aid and assist. And so I am a true proponent of the bill because it's-- it, it, it applies natural reasoning. I mean, you can get a child under duress to confess to doing anything that he did not do on the suggestion that pain or suffering or whatever will dissipate. So-- and, and not only that, the psychologists and the psychiatrists have proved over and over again to the point to where the information is this anachronistic-- physiologically, a child's brain isn't completely developed till they are between 20 and 25 years old. So this bill is, I would call, natural reasoning, and I'm a true supporter of it.

**BOSN:** Before we take any questions, can I have you spell your first and last name for the record?

**ROBERT PENN:** Robert Penn, R-o-b-e-r-t P-e-n-n.

**BOSN:** Thank you. Senator DeBoer.

**DeBOER:** Thank you. Did you say that you have facilities that are currently-- have beds available?

**ROBERT PENN:** Yes. Yes. We have two houses open. Not only that, it's, it's, it's just been an ugly narrative in north Omaha. There are many people who have these facilities, providing services. And our children, including our environment, is like it's this backwards narrative that it's a crime-ridden area and our children are like assets for future penal system. And there are people who have-- provide these type of services who are reaching out in the community, and they're not receiving any referrals or anything. It's kind of odd.

**DeBOER:** Can I, can I ask you: these facilities that you have, are they for juveniles or for adults?

**ROBERT PENN:** Juveniles.

**DeBOER:** So they're facilities for juveniles.

**ROBERT PENN:** Mm-hmm.

**DeBOER:** Are they locked or what we've been calling staff secure? Meaning that they're full-time staffed.

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**ROBERT PENN:** Some, some of them are unlocked and some of them are locked. What is apparent is they're not receiving referrals.

**DeBOER:** So you said-- and, and maybe I didn't hear this right-- you have contracts with parole. Do you mean juvenile parole?

**ROBERT PENN:** Yes.

**DeBOER:** So you have contract for juvenile paro-- parole. They've been there. They checked you out. They say, thumbs up. But you're not getting referrals from them.

**ROBERT PENN:** Yes, this is true. In fact, we're already approved service providers.

**DeBOER:** Thank you for letting us know. Will you do a follow-up to me? I'm the only Wendy in the Legislature. Just like the restaurant. Easy to find. And let me know about your information. I'm also vice chair of the committee. I guess I could say that, but. But do a follow-up with me and let me know about your, your facilities.

**ROBERT PENN:** Most definitely will. In fact, I think that what needs to be done as well is there needs to be a type of audit or something like that where you guys are aware of all the people who pro-- all these service providers who are providing all these services but they get no referrals.

**DeBOER:** Have you been given a reason as to why you-- I mean, are your prices too high or--

**ROBERT PENN:** We've been told-- I've heard-- there's a lot of people involved in this work now. That's been the response. But all of us are waiting on referrals.

**DeBOER:** OK. All right. Thank you.

**BOSN:** Senator Rountree.

**ROUNTREE:** Thank you, Chair Bosn. And thank you for your testimony. I remember the last time you testified and we asked this same question about that. But in other bills that we've heard, we've also heard about backlog in the system. And people can't come out places because there no place to send them. So I, I would like to see that audit as well.

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Kind of run it up the chain and see where all the services are stashed and why nothing's coming your way.

**ROBERT PENN:** That, that definitely needs to be done because I think it's a situation where there are people who clearly see young children in north Omaha as an asset for a penal system or a system where we can just say we have a system. There is no process or natural reasoning within the people to make sure that a system actually reaches and aids and assists people that need help.

**ROUNTREE:** All right. Thank you.

**BOSN:** All righty. Thank you very much for being here.

**ROBERT PENN:** Thank you.

**BOSN:** Next proponent. Welcome back.

**CLARICE DOMBECK:** Thank you. Clarice Dombeck, C-l-a-r-i-c-e D-o-m-b-e-c-k. I am going to try to speak from a personal capacity. And it might be difficult, but I'm gonna try to get through it. In 2007, a neighbor and classmate of mine, Jordan Goodwin, was sentenced to 60 years in prison. He was 15 years old-- 14 years old when the crime actually occurred-- for killing a six-year-old girl. He was with his friends, possibly high from [INAUDIBLE], and shot into the back of a car and ended up killing a six-year-old girl. Jordan and I grew up in the same neighborhood. His aunt, Telicia [PHONETIC], was best friends with my older sister. We even went to King Science Center together. And he lived a couple blocks away from me, so we would walk home together sometimes after school. But Jordan and I had vastly different circumstances. He grew up in and out of foster care and had mental health issues, bipolar disorder, ADHD, and other problems that were never addressed. And they couldn't be addressed by his grandmother, who sometimes took care of him. His parents were not in the picture. And when he was in the care of the state of Nebraska in foster care, his issues were not addressed then either. And Jordan is just one of many friends and family members and young men that I know that have ended up in these circumstances. Because as a community, we did not provide the care that him and other young people need. And for those reasons, just witnessing, witnessing what life in this world can do to young people. Things that are out of their control because of a hand that they were

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dealt as children. I'm urging this committee to support this bill to be able to bring some fairness back into their lives.

**BOSN:** Thank you. Senator DeBoer.

**DeBOER:** I remember when this happened. I mean, I didn't hear it from your perspective, obviously. Can you refresh my memory on a couple of points? Was Jordan in foster care at the time that it happened?

**CLARICE DOMBECK:** Yes.

**DeBOER:** And-- so he was in the care of the state at the time it had happened?

**CLARICE DOMBECK:** Yes.

**DeBOER:** And I, I don't remember the circumstances that led him to have a gun or to shoot the gun. Was he shooting at someone or just--

**CLARICE DOMBECK:** I don't remember the exact circumstances either. Yeah. It's, it's been a long time. I mean, almost ten years at this point.

**DeBOER:** Mm-hmm. And he was 14 at the time of the incident?

**CLARICE DOMBECK:** Mm-hmm.

**DeBOER:** And you'd said he'd been in foster care most of his life at that point.

**CLARICE DOMBECK:** In and out, yes.

**DeBOER:** In and out of foster care.

**CLARICE DOMBECK:** Yeah. Sometimes his grandmother took care of him. I remember when I was younger-- so he was very young-- sometimes me and my older sister would go and pick up his aunt, Telicia, at the house where-- at the apartment. They lived off-- the apartments that are off of, like, 50th and Ames. I don't even think they're there anymore. It-- over by where the Walmart is. And we would go and pick her up sometimes. And sometimes he would be there and he-- sometimes he wouldn't.

**DeBOER:** And he's now in jail for how long?

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**CLARICE DOMBECK:** 60 years.

**DeBOER:** Obviously tried as an adult. 60 years. Thank you.

**BOSN:** Thank you very much for being here and for your testimony. Next proponent.

**SPIKE EICKHOLT:** Good evening, Chair Bosn and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in support of LB700. You heard from multiple testifiers and-- I'm not going to try to repeat earlier testimony. I just-- we just wanted to-- our association does support a number of the concepts in this bill. One part that we do like, if the bill does extend the ruling in Miller v. Alabama, which prohibits life sentences for juveniles 18 years of age or-- and younger who are charged as adults, it extends that sort of holding, if you will, to-- age is 22. The bill also does provide for a mitigation of sentences for IA and IB felonies from-- right now, [INAUDIBLE] IA felony for a person who's charged-- a child who's charged as an adult under age 18 is 40 to life. This would amend it to 40 to 80 years, where it at least has a ceiling. And then for IB felonies, the bill would adjust the penalties-- instead of 20 years to life, 20 years to 60 years. That concept was a similar proposal that you heard in another bill earlier this year from Senator Spivey, LB584. And I wanted to lift up that part because if this committee acts on justice-- juvenile justice reform or some similar omnibus-type bill, I'd ask the committee perhaps look at the proposals that are in this bill as well as Senator Spivey's. The bill also does extend the jurisdiction for juvenile court in some circumstances to age 26. And that has been proposed before. And that's important because when you are at the trial level-- and I know the chair's familiar with this-- and you're arguing a juvenile transfer issue, your child's charged with a fairly serious crime, they're 16, 17 years old, one of the things that is just there and the court is considering whether to transfer it is, well, if I transfer to juvenile court, he's only going to be in juvenile court jurisdiction for 18 months, two years, and then he's going to be done with the case. Usually, he-- the child's going to be done with the case. Extending it to age 26 provides for at least an assurance that a referral to juvenile court will be a meaningful, intensive, and lengthy process to address the issues that led that kid to the juvenile ju-- to the court system. So I know there's a fiscal cost with that, but I think this version of the bill only limits the

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jurisdiction from age 26 for IA and IB felonies. And hopefully that will lessen that cost. And we do-- our association does like the tailored Miranda warnings for young adults and for children. And we encourage the committee to look at that as well because that is something that is particularly important for young offenders when they are interviewed by police. You may not realize there is no obligation under the constitution in, in this state under state law that requires the police to notify a parent if the-- if a child's going to be questioned or detained or interviewed. And so this would provide at least some sort of tailored Miranda warnings for children and young offenders. And I'll answer any questions if anyone has any.

**BOSN:** Questions for Mr. Eickholt? You've just done such an efficient job no one has any. Thank you for being here. Next proponent.

**\*TANYA ENCALDA CRUZ:** Seems like common sense.

**BOSN:** Last call. All right. We'll move to opponents. Anyone here in opposition to LB700?

**BRI McLARTY:** Good afternoon, members of the Judiciary Committee. My name is Bri McLarty. That's spelled B-r-i M-c-L-a-r-t-y. And I'm here testifying on behalf of the Nebraska County Attorneys Association in opposition to LB700. This bill contains a number of proposed changes-- some we're fine with, some we aren't, and those are the ones I'm going to focus on given the limited time I have. First, we strongly oppose any if-- effort to shift sentencing guidelines based solely on defendant's age. As Mr. Eickholt mentioned, you've seen-- you've heard similar testimony in LB584. So we stand by our position and just ask that you take notice of our position and that, and that we don't agree with that part of the bill. We're also opposed to the proposed extension of juvenile court jurisdiction to include juveniles up to the age of 26-- I think it specifies in cases involving the most serious offenses, which are first-degree murder and first-degree sexual assault. The Juvenile Justice Center is-- system is designed to support minors, young people who are typically living at home, attending school, is still un-- still under the supervision of their parents or guardians. Extending that structure to fully independent adults does not re-- reflect the reality of the adult sp-- adul-- of the adult responsibilities or the purpos-- purpose of the juvenile court. I know there are ongoing conversations about how do we handle that. I think there's conversations about whether we're going to try and figure out a

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way to transfer. Our position would be a-- prefer to transfer as opposed to keeping the juvenile court or juvenile jurisdiction open longer, as I just don't think the services we have are set up to accommodate that. LB-- LB700 also introduces a new young adult category for individuals ages 18 to 21, treating them more like children in key parts of the legal process-- for example, that a parent be present during custodial interrogation. For legal adults, we feel this is a serious overreach. Adults in the age range, they can vote, enlist in the military, sign legal contracts. Su-- suggesting that they need a parent present during questioning contradicts some of the long-standing precedents in our case law, including *Miranda v. Arizona* and some-- undermines some established legal principles. In addition to those larger concerns, some smaller ones I wanted to flag. The first is Section 12. It mandates that the Department of Health and Human Services and Probation shall use day and evening reporting. I understand after hearing some of McKinney's introduction-- I get-- have a better understanding of maybe why he wanted to include the "shall" language. We would just ask that be "may." If you were to read the "shall" language really narrowly tailored, it would mean that we have to order it in every case, and sometimes it's not appropriate. I get we're trying to figure out a way to utilize the community resources that are existing-- and I'm definitely going to talk to the sir afterwards about what he has available because I was unaware of it. We just want to-- we prefer a permissive language as opposed to "shall." I did want to touch on Section 16 about out-of-state placement. As written, it is qualified only for emergency medical care or emergency mental health care. I do want to point out that there are some PRTF facilities and residential facilities for adolescents who sexually harm-- they're just not available in our community. We have two residential facilities for adolescents who sexually harm, but they don't address children that have complicating factors like they may have autism or lower IQ that cannot be served by our current ones that are here in the state of Nebraska. So cutting off access to those [INAUDIBLE] means we're not, we're not going to be able to get kids the services they need. I can go into more detail about that if people have questions. And finally, we do have some concerns about the bill's confidentiality provisions as written in Section 14. Specifically, it does not include probation as listed out, which would prevent them being able to do youth screenings when they're talking about possible detention versus alternative. It also-- in both Sections 1 and 14--

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**BOSN:** Can you speak up a little bit? I'm sorry. I can't hear you. Sorry.

**BRI McLARTY:** In Section 14-- sorry. I was on the bill's confidentiality provisions. Section 14 doesn't list probation, which would prevent them from be able to do youth detention screenings. And then in both sections where the confidentiality's touched on, it does not include disclosure to the victim who do have a right to participate in the court proceedings. So cutting off their access to that information would kind of put the county attorney in a difficult situation that we would try to follow the confidentiality-- confidentiality law but not provide the rights of the victims that we're required to do. I see I'm out of time, but I'm happy to answer any questions.

**BOSN:** Questions for this testifier? Thank you very much for being he-- oh. I'm sorry. I didn't see your hand. Senator Rountree.

**ROUNTREE:** It was late. Thank you so much, Chair Bosn. Thank you so much [INAUDIBLE] for your testimony today. As, as we're looking at the oppositions, are you ready to work with Senator McKinney on this language and we could come to something that could still be amicable?

**BRI McLARTY:** Yes. I, I guess I should-- I-- we'd-- we're fine with, like, the language, for example, the age-appropriate rights advisement. That's something that our judges are already doing. So giving that kind of clarification to law enforcement I could see being very beneficial. I definitely don't want to have a situation where, you know, there's body cam, the rights advisory's done, and now we're litigating whether or not that was age appropriate. I can't get evidence in. I'd rather know from the, from the get-go. Yep. You said what you're supposed to say. We're good. Versus going 18 rounds about whether or not that was age appropriate. So I-- we're fine with that part of it. But everything else I'd be happy to keep working with Senator McKinney on.

**ROUNTREE:** OK. All right. Thank you. Mm-hmm.

**BOSN:** Thank you very much for being here. Next opponent. Anyone else in opposition? Move on to neutral testifiers. Anyone here in the neutral capacity? All right. Well, while Senator McKinney makes his way up, I will note there were 12 proponent committee-- comments, 7 opponent, and 1 neutral. We also received ADA testimony on LB700, which will be included in the official hearing transcript and the committee statement



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if generated. This testimony in support was received from Tanya Encalada Cruz of Lincoln. With that, you're welcome to close.

**McKINNEY:** Thank you, Chair Bosn and members of the committee. And thank you for everyone that stayed to testify. I brought LB700 primarily because of the conversation around juvenile justice, and I wanted to make sure that we had something on the table to consider that wasn't just a punitive measure, primarily because I think at times we forget to humanize some of these situations. And I say that because of what Ms. Dombeck said. The individual that she discussed is my little cousin. Jordan grew up with them my-- like, up until he got arrested. His dad's my cousin, mom was a close friend of my mom's. And that's a situation that stuck with me because he went to jail when we was in high school. And we was all heartbroken when he got 60 years. We was in high school calculating, like, when we was going to see him. And I haven't seen him in a long time. And I know the circumstance of that situation and I don't think he deserved it. I understand the tragedy that happened because of that situation, but it was a lot of other factors that I did-- I think that that di-- didn't get considered. But the reason why I think bills like this are important is because I think about the Central Park Five and how they were lied to in interrogation, and it took years for that, that wrong to be-- to, to be accounted for. I think about the men who I go see when I go to NSP who were sent as a juveniles. I think about Shakur Abdullah who come in here who was sentenced as a juvenile. And I think about, you know, giving people second chances at life. I, I think about just those type of things. And I just want to do my job to make sure that we humanize the conversation, we protect youth, but we also-- you know, we talk about safety and those type of things, but I think it's a holistic approach. And, and also just accounting for the science and the data that's out there that says a lot of these kids that end up in these situations, they're not adults. No matter how much we want to charge them as adults and think they're adults because they're making adult decisions, they're making impulsive decisions that, because of their age and because of their immaturity, they're not there yet. And the science is there to back it up. And I just wanted to just do my part and-- really just putting something on the table to just continue the conversation to make sure nobody can say, you know, Senator McKinney, so what is your solution? What do you think we should do? And that's it. And also as far as, like, the out-of-state prohibition of this, I understand there's some-- there are some limitations on what we have in the state.

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What I will say to that opp-- part of the opposition: as I said in my opening, if you're going to send them out of state, you should, you should assist the families to go see those kids. If you're going to send them out of state, we should make it some-- we should make some type of way for mom and dad, grandma or guardian or whoever to be able to go out of state to go visit those kids. We shouldn't just be sending them out of state and then just detaching them from the family for ext-- extended periods of time. And then they come back and-- I don't really-- they don't really know their kids anymore because they've been gone so long and there's no relationship. And then the kid is thinking, you don't care about me. You didn't come see me. And mom is like, I'm, you know, living in poverty. I don't-- I didn't have it to take a flight. I didn't have it to drive there. So that's, that's all I will say to that, is if you're going to send them out of state, could you at least-- could we at least find a way to help the families go see those kids? As far as the day reporting centers, I-- I brought this before. It has been a issue. I-- it's a lot of programs out there, for whatever reason, are not getting referrals. And I think we should figure it out because I think that will help with a lot of the problems that we're having as far as the juveniles. I think we need to talk to probation. We need to talk to the county or counties about why aren't they utilizing some of these facilities and what can we do as a body to work with those facilities and probation to try to make sure some of these resources are utilized. With that, I'll take any questions.

**BOSN:** Questions for Senator McKinney? All right. Thank you.

**McKINNEY:** Thank you.

**BOSN:** That will conclude our hearing and our hearings for today.