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February 1, 2018

To: Chair Ebke and Members of the Judiciary Committee  
From: Juliet Summers, Policy Coordinator – Child Welfare and Juvenile Justice  
**Re: Neutral letter regarding LB 863, a bill to add grounds for termination of parental rights**

Our child welfare system should function to strengthen families and minimize trauma to children through swift and thoughtful action. Voices for Children in Nebraska supports the urgency underlying LB 863 to achieve permanency for young children in the state's care, but we are concerned that providing a new avenue for termination of parental rights (TPR) by itself will not assist children in achieving the stable, loving, forever family they deserve.

There is ample evidence that our child protective system (CPS) needs to improve timeliness in achieving permanency for children in care. Of the children who exited out-of-home care in 2016, over a quarter (27.3%) had been out of the home for 25 or more months. An additional 14.8% had been out of the home between 19-24 months.<sup>1</sup> In the 2017 federal Child and Family Services Review of our system, evaluators identified grave concerns with timelines to permanency, including delays in changing the permanency goal, lack of timely filing of TPRs under our current statute, and lack of periodic reviews while TPR findings were on appeal.<sup>2</sup>

However, the reasons behind these delays in permanency timelines are myriad and overlapping. In particular, a lack of resources – including and especially lack of an array of assessment and treatment services for mental health and substance abuse – has created significant challenges to preserving and strengthening families across our state.<sup>3</sup> Court delays may be a contributing factor; in 2015, the median number of days from the filing of a child welfare petition to the dispositional hearing at which the parents would receive their orders from the court was just over three months – half the length of time this bill would allow before TPR filing.<sup>4</sup> Chronic understaffing of our Division of Child and Family Services means case managers have overfull workloads and may be forced to make compromises and cut corners

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<sup>1</sup> *Kids Count in Nebraska Report 2017*. Data provided by Nebraska Department of Health and Human Services. Available at <http://kidscountnebraska.com/>

<sup>2</sup> *Child and Family Services Review 2017: Final Report*. U.S. Department of Health and Human Services, Administration for Children and Families. Page 3. Available at [http://dhhs.ne.gov/children\\_family\\_services/Documents/NE\\_CFSR\\_FinalReport\\_2017.pdf](http://dhhs.ne.gov/children_family_services/Documents/NE_CFSR_FinalReport_2017.pdf)

<sup>3</sup> *Id.* at page 4.

<sup>4</sup> *JUSTICE Statewide Juvenile Justice and Child Welfare Trend Analysis: 2013-2015*. Court Improvement Project; Through the Eyes of the Child Initiative. January 2016. Available at [https://supremecourt.nebraska.gov/sites/default/files/Programs/CIP/justice\\_statewide\\_trend\\_analysis\\_final\\_version\\_6.pdf](https://supremecourt.nebraska.gov/sites/default/files/Programs/CIP/justice_statewide_trend_analysis_final_version_6.pdf)

with their time.<sup>5</sup> This can leave families adrift in a confusing system, without clear direction of how to take the necessary steps to remedy the circumstances giving rise to the child's removal. This lack of direction could look, to a deciding court, like "substantial neglect" or "refusal to participate with reunification services."<sup>6</sup>

Family reunification, if possible, is the best outcome for children, and meaningful family engagement, assessment, case planning, and service delivery are key in achieving stable and successful reunification.<sup>7</sup> A six month window for out-of-home care seems too short to offer a child a meaningful opportunity to reunify with a parent, in light of Nebraska's inadequate service array, busy courts and overloaded case managers.<sup>8</sup> At Voices for Children, we are concerned that without simultaneously addressing these fundamental and cross-cutting problems with our state system, opening the door to faster TPRs for young children may result in broken families that could have been healed.

Balancing urgency for permanency with the goal of family reunification is a difficult challenge, and we thank Senator Howard for her willingness to engage it. I would also like to thank the committee for your time and consideration, and for all your hard work on behalf of Nebraska's kids.

Sincerely,

A handwritten signature in black ink that reads "Juliet A. Summers". The signature is written in a cursive, flowing style.

Juliet A. Summers

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<sup>5</sup> See, e.g., *Nebraska Inspector General for Child Welfare 2016-2017 Annual Report*. Available [https://nebraskalegislature.gov/FloorDocs/105/PDF/Agencies/Inspector\\_General\\_of\\_Nebraska\\_Child\\_Welfare/285\\_20170913-145750.pdf](https://nebraskalegislature.gov/FloorDocs/105/PDF/Agencies/Inspector_General_of_Nebraska_Child_Welfare/285_20170913-145750.pdf)

<sup>6</sup> It is also worth noting here that our statute does already provide for TPR when a parent has substantially abandoned a child for six months or more prior to the filing of the TPR. *Neb. Rev. Stat.* 43-292.

<sup>7</sup> *Family Reunification: What the Evidence Shows*. Child Welfare Information Gateway Issue Brief: June 2011. Available at [https://www.childwelfare.gov/pubPDFs/family\\_reunification.pdf](https://www.childwelfare.gov/pubPDFs/family_reunification.pdf)