



February 21, 2018

To: Chair Ebke and Members of the Judiciary Committee
From: Juliet Summers, policy coordinator
RE: LB 927 - to change provisions related to juveniles' out of home placement, care and custody

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A well-functioning juvenile justice system ensures that youth are held accountable for their actions in developmentally appropriate ways that promote community safety. In recent years, Nebraska policymakers, system stakeholders, communities and families have wrestled with big questions about our juvenile justice system and undertaken major changes to produce better outcomes. Voices for Children in Nebraska opposes the restructuring of our system to return care and custody of justice-involved youth to the Department of Health and Human Services Office of Juvenile Services ("DHHS-OJS"), but we welcome the opportunity Senator Howard has presented to examine the strides we have made as a state and to push the pressure points where improvement is still needed.

In the summer of 2013, under provisions of law passed in LB 561 and LB 464 that year, Nebraska youth and families experienced a major upheaval as care and placement supervision for juvenile justice transitioned from DHHS-OJS to the Nebraska Office of Probation Administration ("Probation"). The argument had been made for Probation to take over so that fewer children would be made state wards, and more would be provided rehabilitative services in their own homes and communities. New rules and regulations had to be hammered out. New policies and procedures were put into place. For many families, familiar faces were lost and new faces appeared. Legal battles were fought over whether and how the law would apply to open cases. As time passed, however, the ship steadied and observers such as Voices for Children could begin to track progress made on the promises of LB 561.

Not all of the following can or should be attributed solely to LB 561 or Probation's efforts, but here are some highlights worth noting:

- Admissions to secure detention are down: from 3,469 in 2012 to 2,161 in 2016¹
- Commitments to YRTC have fallen: from 565 in 2012 to 172 in 2016²
- Juvenile arrests have also continued to fall: from 11,993 in 2012 to 9,461 in 2016³

The work is not over. For one thing, our numbers of youth in out-of-home care continue to be disturbingly high: in 2016, of the 5,482 youth who were supervised on probation, 2,195 spent time in an out-of-home placement.⁴ Detention admissions are still too high and go on for too long. Cases take too long to close, and

¹*Kids Count in Nebraska Report, 2013 & Kids Count in Nebraska Report, 2017.* Voices for Children in Nebraska. Data provided by individual detention facilities. Information found on page 52 (2013 report) and page 79 (2017 report).

²*Id.* at 53 (2013 report) and 80 (2017 report). Data provided by the Department of Health and Human Services.

³*Id.* at 50 (2013 report) and 73 (2017 report). Data provided by the Nebraska Commission on Law Enforcement and Criminal Justice.

⁴ *Id.* at 78 (2017 report). Placements include non-treatment and treatment congregate care, foster care, detention, YRTC, jail, and runaways. Data provided the Nebraska Office of Probation Administration.

youth do not always have a clean path toward completing probation and getting record sealed.

However, I have every reason to believe that these ongoing issues can also be addressed, in part because of the culture of continuous improvement from juvenile probation leadership. They are clearly committed to continuing to drive down those numbers, and they lead or collaborate on multiple initiatives to further healthy juvenile justice reform. When I speak with advocates from other states, they are often shocked when I refer to Probation as one of our strongest allies in pushing positive change for youth.

All that said, I testify in the neutral today for one reason: because Voices for Children believes that even the best of intentions, producing positive outcomes, cannot eliminate the need for external oversight to ensure the safety of children in our state's care. We have been disturbed by the argument made over the past few years that Probation, though operating in this capacity as a child-serving agency, should not be subject to investigation or accept the recommendations of the Office of the Inspector General for Child Welfare. If Probation is going to continue to serve in that role as the custodian of our state's children, and receive millions in state general funds to do so, then oversight is necessary. Acceptance of responsibility when children die or are seriously injured while in care should include a willingness to seriously consider the recommendations of our state's expert in these matters. Though we oppose reversal of LB 561, we hope that this bill can serve as a launching point for conversations about whether separation of powers truly prevents this oversight and collaborative approach, or whether it might be necessary in future to move the agency's operations to a different branch of government.

I'd like to thank Senator Howard for her commitment to all of Nebraska's children, and this Committee for your time and consideration. The Nebraska Unicameral has led the way in reforming our juvenile justice system to better serve all kids, and we are grateful for your thoughtful efforts to ensure that progress continues.