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January 31, 2020

To: Chairman Howard and Members of the Health and Human Services Committee
From: Juliet Summers, Policy Coordinator for Child Welfare and Juvenile Justice
Re: **LR 1061, to change provisions relating to alternative response to reports of child abuse or neglect**

Our state systems should be structured to ensure that every child can grow up safe, healthy, and valued, and the state's response to child maltreatment should be transparent and clear. Voices for Children has long been a supporter of alternative response and the Nebraska Department of Health and Human Services' (NDHHS) efforts to serve more children in their homes in non-court cases, keeping them safely with parents or extended family whenever possible to avoid the trauma of removal and the damage that foster care placement itself can do to families and communities. Voices for Children in Nebraska supports LB 1061, because as our state moves toward fewer court-involved child welfare cases and more alternative response and non-court cases, this bill would provide a clear and understandable statutory framework for this side of our child protective system.

Voices for Children applauds NDHHS efforts to move toward right-sizing our foster care system, changing Nebraska from a culture of "when in doubt, pull them out" to a state where we recognize how damaging the break-up of families can be for children and prioritize efforts to keep families intact without resorting to court involvement and removal. Attached to my testimony is a page from this year's Kids Count report, with data on child welfare entries and involvement; as you can see, there has been a marked trend toward non-court entries. **In 2018, 3,555 children entered the child welfare system through a non-court case and only 1,990 entered through a court case.**¹ Broadly speaking, this is beneficial for kids and communities. It is supported as a best practice and aligned with the federal government's Family First Prevention & Services Act, which can provide matching federal funds for supportive services. It can also unclog our busy juvenile courts to ensure hearings are adequate and timely for the cases that need to be there.

However, with any part of our child welfare system, we have to ensure that each child is safe, that every family is receiving the services and support they need to maintain that safety, and that parents and guardians understand what their legal rights are in relation to the government's involvement in their home life. You can also see on the data page that **in 2018, there were 1,871 children who entered foster care who had prior involvement in the system.**² The family's needs hadn't been met in the first go-round to adequately maintain safety for those children.

Voices for Children supports LB 1061 as the work of a collaborative group of stakeholders to create a beginning statutory framework for a side of our child welfare system that is increasingly utilized. We believe it will provide for greater transparency and accountability in non-court and alternative response cases, while supporting our Department in managing risks in the family home to avoid the traumatic harm of removal.

¹ *Kids Count in Nebraska Report 2018*. Voices for Children. P 65

² *Id.* Prior involvement could mean a prior court case which had closed, or a prior non-court case which transitioned to removal and court involvement.

It does so by:

- Creating clear statutory definitions relating to the initial assessment, alternative response, and non-court side of our child welfare system
- Clarifying statutory provisions relating to reports appropriate for an alternative response comprehensive assessment versus a traditional investigation, substantiation finding, and ongoing non-court case
- Strengthening and placing into statute the regulatory exclusionary and Review-Evaluate-Decide criteria for alternative response
- Ensuring that in non-court cases where temporary custody is granted to an alternative caregiver, that both the parent and the temporary caregiver receive notice of their rights, responsibilities, and any benefits to which they are entitled by virtue of that care
- Requiring the promulgation of rules and regulations pertaining to these new sections of statute

We are confident that these provisions will provide a sound beginning statutory framework for the protection and care of children in alternative response and non-court child welfare cases. I'd like to thank Senator Crawford and her team for their hard work and patience as this bill came together, and this Committee for all your time and attention to these important issues for kids. I'd be happy to answer any questions, and I would urge you to advance LB 1061.