



February 5, 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: **LB 1140 to provide requirements for youth rehabilitation and treatment centers & LB 1141 to require the DHHS to develop operations plans for the youth rehabilitation and treatment centers**

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When youth encounter our state systems, the treatment and care they receive will affect not only their futures, but ripple out to touch their families, communities, and Nebraska's future as a whole. We cannot be thoughtful enough when structuring our system, to ensure that every taxpayer dollar spent goes toward quality programs, services, supervision and ongoing supports. Voices for Children in Nebraska is here today to support LB 1140 and 1141, because they work together in setting forth a statutory framework that will guide both the big picture vision and the detailed operations planning for the Youth Rehabilitation and Treatment Centers.

I recognize that this Committee is familiar with the history of the YRTC's, but in the expectation that this pair of bills might reach the floor, I thought it might be helpful to offer it again in testimony for the record. Knowing the history of the YRTC's may assist colleagues in understanding why it is past time to put authorizing language and guidelines for operational planning into statute. The facility footprint we have has existed for well over 100 years, with Kearney initially built in 1879 and Geneva in 1891. Both pre-dated the advent of the idea of the separate juvenile court in the United States, and both existed for well over half a century before the first juvenile court was founded in Nebraska in 1959. For much of their history the facilities were known as "Youth Development Centers" and operated through the state Department of Corrections. It was only in the 1990s, in part through the process of the state coming into compliance with the federal Juvenile Justice & Delinquency Prevention Act, that the facilities were renamed the Youth Rehabilitation and Treatment Centers and the Office of Juvenile Services was created, then eventually moved out of Corrections and into the Department of Health and Human Services.¹

Subsequent administrative and legislative changes have made reforms, such as articulating eligibility criteria and a judicial process for commitment, but a major overhaul of the sections of code addressing the YRTC's' role and purpose has not happened in the modern era. We know so much more now about adolescent development and what works for young people, and the code that governs these facilities should match the values of our juvenile system and juvenile courts as a whole. It is my hope that between LB 1140 and 1141 today, LR 286 and LB 1144 yesterday, and LB 1148 and 1149 tomorrow, as a state we can take this period of crisis to finally articulate the broad strokes of what the YRTC's are, what they are meant to do, and what place they hold in our rehabilitative juvenile justice system as it exists today.

¹ A good summary can be found in Terra Luna, *Retrospective Developmental Evaluation of Juvenile Justice Reform in Nebraska*. Prepared for the Nebraska Court Improvement Project. March 2017: p 1-5. Available online: https://supremecourt.nebraska.gov/sites/default/files/Programs/CIP/developmental_evaluation_jjhbi.pdf

Provisions that we strongly support and wish to particularly highlight include:

- Defining in LB 1140 the baseline role of the facilities as “treatment and rehabilitation” and not to confine or penalize youth;
- Emphasizing in LB 1140 that each facility is a separate placement;
- Delineating in LB 1140 between “programming” and “treatment,” but requiring both be research- or evidence-based;
- Specifying in LB 1141 the inclusion of “key stakeholders” in designing the operations plan for each facility; and
- Requiring in LB 1141 a statement of rights for committed youth, including a right to privacy, and for their parents or guardians, as well as an articulated grievance process.

All that being said, we do have one recommendation for your consideration for amendment, that I have shared with Chairwoman Howard:

In LB 1141, on page 2, line 16, we recommend striking "taxpayer investments already made in the facilities" leaving the line to be "A facility plan that considers community support and acceptance ..." From our perspective, sometimes past investments made in facilities should be considered sunk costs and left at that - what is more important is the current functioning of the facilities and their role in the system.

Thank you again to Chairwoman Howard and the Committee for your leadership, and all your time and commitment to Nebraska kids, families and communities. I would be happy to answer any questions.