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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 1149 to change provisions relating to the Office of Juvenile Services**

A sensible juvenile justice system should hold youth accountable in developmentally appropriate ways that promote community safety, and operate on principles of fairness, transparency, and individualized planning. When the government acts in families' lives, we should ensure that we are doing so in accordance with the best evidence at our disposal. Voices for Children in Nebraska supports LB 1149, because it will maximize the use of evidence-based programming and practices at the Youth Rehabilitation and Treatment Centers, it cleans up areas of old statute contributing to confusion about the scope of the Office of Juvenile Services' authority, and it interfaces with LB 1148 and several Committee bills to promote a forward-looking vision of our YRTC system.

In other testimony on LB 1140, 1141 and 1150 I have described the lengthy history of the YRTC campuses and administration. I won't repeat it here, except to say that if you look at our statutes which pertain to the YRTCs (largely in Chapter 83 and Chapter 43), they are a messy patchwork reflecting that history. Some haven't been touched since the 1990s. Many others were last amended in LB 561 in 2013<sup>1</sup>, where certain dates were set for major transitional overhaul of our juvenile justice system, and as a result, whole sections of our statute still remain divided by whether a youth was committed prior to or after July 2013, October 2013, or July 2014. Many pages of LB 1149 simply strike obsolete language. This type of statutory clean-up matters, because it creates simplicity and greater transparency for legal practitioners, youth and their families when they look to see what the law says about commitment.

We specifically support provisions that strike older language granting OJS contracting authority for facilities; the language currently in statute allowing OJS to contract with private providers is left over from before LB 561, when OJS had wider authority to perform and contract for community-based evaluations and case management for juvenile justice youth in their home communities who had not been placed at a YRTC. Its continued existence in statute has created confusion this year, as OJS has pursued a contract for a new facility within Lancaster County Juvenile Detention Center without prior legislative authorization for such an expenditure. LB 1149, particularly in conjunction with LB 1140, 1141, and 1148, would go far to clarify the precise scope of OJS' authority to run the named YRTC facilities, in the post-LB 561 era.

Finally, Voices for Children strongly supports the provisions of LB 1149 which articulate an emphasis on evidence-based treatment, programming, practices and protocols, and which more closely connect OJS wards to protections in statute that other state wards receive.

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<sup>1</sup>Nebraska LB 561, 2013. Slip law copy available at  
<https://www.nebraskalegislature.gov/FloorDocs/103/PDF/Slip/LB561.pdf>

We would especially note the prohibition against limiting family contact and visits as a penalty or sanction. Connections to loved ones are a fundamental need for developing teenagers, and abrogating family contact as a behavioral stick is not only inappropriate but likely to undercut a youth's success in treatment. Moreover, all these youth, no matter how long they stay at YRTC, will eventually be coming home and will need those strong connections to be successful back in their communities. We have heard from youth and families that this has happened and continues to happen, and so we would strongly encourage the Legislature to explicitly prohibit this damaging practice.

With that, I'd like to thank Senator Vargas for sponsoring LB 1149, as well as Chairwoman Howard and the Committee for all your time and commitment to Nebraska kids, families and communities as you pull together a strong package of legislation to move the YRTCs into this new decade. I would be happy to answer any questions.