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February 6, 2020

To: Chairwoman Howard and Members of the Health and Human Services Committee

From: Juliet Summers, Policy Coordinator for Child Welfare & Juvenile Justice

Re: Support for LB 1172 - Change provisions relating to juveniles and provide duties for the Department of Health and Human Services

Voices for Children supports LB 1172 because it provides for increased accountability and oversight of Youth Rehabilitation and Treatment Centers (YRTCs), better ensuring that youth in these programs receive the best care possible.

LB 1172's provisions for court oversight and the opportunity for hearings when challenging placements of youth under purview of the court advances the protection of vulnerable youth in the juvenile justice system in several ways. First, ensuring court oversight when transferring youth from a less restrictive to a more restrictive facility avoids over-placement of juveniles in restrictive custody situations designed only for the most extreme cases. Juveniles in restrictive custody are at higher risk for constitutional and civil rights violations, in-custody abuse, including violence by staff and other youth, sexual assault, and excessive restraint use, and may experience significant mental trauma leading to personal harm and negative behavioral outcomes.^{i,ii} Second, continuity of court oversight may help avoid frequent facility transfers that contribute to a sense of instability, impermanence, and lack of positive adult and peer relationships that can lead to increased negative behavioral outcomes, trauma, and recidivism among youth within the juvenile justice system.ⁱⁱⁱ Additionally, when juveniles are granted the opportunity for hearings when placements are challenged, constitutional rights to counsel and due process, which are often waived or overlooked within the juvenile justice system, can be carefully protected and ensured.^{iv,v}

Voices for Children also supports the provision of a needs analysis contract with the University of Nebraska as part of long-term planning for YRTCs to assess whether existing programs and facilities are meeting the needs of Nebraska's youth. Last year's crisis at the Geneva YRTC demonstrated that, despite high state spending on YRTCs, these facilities continued to fail to provide adequate care for youth. If these facilities are going to continue to exist in our juvenile spectrum, they need to be safe for youth, staff, and community alike, and produce the rehabilitative outcomes they are intended for.

Although YRTCs in Nebraska house, on average, fewer than 200 youth, these children are among the most vulnerable in the state and deserve the care we have promised them. We have a duty to protect their right to agency, dignity, and constitutional protections during their time in the juvenile justice system. It is Voices for Children's belief that LB 1172 will promote positive, evidence-based

systemic change and needed accountability in furtherance of a more humane, effective, and transparent YRTC system.

I'd like to thank Senator Cavanaugh for bringing this bill, and the members of the committee for your time and consideration. I would urge you to advance it.

ⁱ *No Place For Kids*. 2011. Annie E. Casey Foundation. <https://www.aecf.org/resources/no-place-for-kids-full-report/#findings-and-stats>.

ⁱⁱ McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. 2016. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. Harvard University/National Institute of Justice. https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ntcc_the_future_of_youth_justice.pdf.

ⁱⁱⁱ *No Place For Kids*. 2011. Annie E. Casey Foundation..

^{iv} *Ibid*.

^v McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. 2016. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. Harvard University/National Institute of Justice. https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ntcc_the_future_of_youth_justice.pdf.