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January 30, 2020

To: Chairman Lathrop and Members of the Judiciary Committee
From: Juliet Summers, Policy Coordinator for Child Welfare & Juvenile Justice
Re: **LB 941 – Create the Nebraska Youth in Care Bill of Rights**

Children and youth are entitled to the Constitutional and statutory rights that all Nebraskans enjoy, and these rights should not be unduly abrogated by foster care or juvenile justice placement. Mere involvement in a state child-serving system should not cut off a child from his or her rights, but all too often, it does. This may happen, in part, because children and youth are not even aware of the scope of their rights, to what extent system involvement should or should not affect them, or how to assert them. Voices for Children supports LB 941, because creating a bill of rights for youth in care would provide crucial information to young people who may be unaware or uncertain of the rights and freedoms to which they are entitled, even in state custody. It will ensure that youth in care know their rights and are empowered to advocate for them.

You have already heard from the real experts on this bill, so I will not spend your time enumerating the rights outlined in the bill before you. I particularly want to laud the youth advocates who collaborated on this bill and Senator Hunt for including juvenile justice youth; it would be easier, I think, to have left this as a foster care bill of rights and write off justice-involved youth as undeserving or having waived their rights by virtue of their choices. This just isn't the case, or what we should stand for in Nebraska. And though all too frequently, foster care youth and juvenile justice youth are one and the same population, I think you will hear there is some fairly simple clean-up we can do to carefully specify which entity is responsible in which type of case jurisdiction, as there may be certain protections that attach in child welfare cases which are less applicable in juvenile justice, or vice versa.

I will add that apart from the moral value of ensuring children involved in our government systems understand and can access their rights, there is also a pragmatic reason to support this legislation for both foster care and juvenile justice youth: research shows that youth *perception* of fairness in a justice process is correlated with better outcomes. **When youth understand processes and perceive they are being treated fairly, they are more likely to respond positively.**¹ If every youth in our child welfare and juvenile justice system experienced this with their case manager or probation officer – enumeration and honoring of their rights – it could have a tremendous, positive impact on the way all those youth perceive and participate with their court cases moving forward.

¹ See, e.g. Carol A. Schubert et al., *Perceptions of Institutional Experience and Community Outcomes for Serious Adolescent Offenders*. 2012. *Criminal Justice and Behavior* 39, No. 1: PP 71-93.

Most importantly, I want to emphasize that this bill came out of recommendations from the Nebraska Children's Commission's Strengthening Families Act subcommittee, but I believe that this draft has been the work of youth advocates with lived experience of these systems, and we are here to support them as they share their expertise. Thank you to Senator Hunt for listening and bringing this legislation, and the Committee for your time and attention. I would urge you to advance LB 941 and would be happy to take any questions.