



February 28, 2025

To: Chairperson Bosn and members of the Judiciary Committee

From: Katie Nungesser, policy coordinator for Voices for Children in Nebraska

Re: LB 684, Transfer juvenile probation functions to a new Juvenile Probation Agency in the Executive Branch

A well-functioning youth justice system ensures that youth are held accountable for their actions in developmentally appropriate ways that promote community safety. Over the past two decades, Nebraska policymakers, system stakeholders, communities and families have wrestled with big questions about our juvenile justice system and undertaken major changes to produce better outcomes. Voices for Children in Nebraska is offering neutral testimony on LB 684, because we largely oppose the large scale restructuring of our system, but we welcome the opportunity Senator Bostar has presented by bringing this legislation to examine the strides we have made as a state *and* to push the pressure points where improvement is still needed.

In the summer of 2013, under provisions of law passed in LB 561 and LB 464 that year, Nebraska youth and families experienced a major upheaval as care and placement supervision for juvenile justice transitioned from the executive branch DHHS-OJS to the judicial branch Nebraska Office of Probation Administration ("Probation"). The argument had been made for Probation to take over so that fewer children would be made state wards, and more would be provided rehabilitative services in their own homes and communities. New rules and regulations had to be hammered out. New policies and procedures were put into place. For many families, familiar faces were lost and new faces appeared. Legal battles were fought over whether and how the law would apply to open cases. As time passed, however, the ship steadied and observers such as Voices for Children could begin to track progress made on the promises made in LB 561.

Not all of the following can or should be attributed solely to LB 561 or Probation's efforts as a Judicial Branch agency, but here are some highlights worth noting since the shift was made:

- Admissions to secure detention are down: from 3,469 in 2012 to 1,232 in 2023¹
- Commitments to YRTC have fallen: from 565 in 2012 to 153 in 2023²
- Juvenile arrests have also decreased: from 11,993 in 2012 to 7,864 in 2023³
- Juvenile probation asserts a low one-year recidivism rate for youth who have been successfully released from supervision: 21% in 2023⁴

¹ Data provided by individual detention centers to Voices for Children, for publication in the upcoming *2025 Kids Count in Nebraska Report*

² Data from the Department of Health and Human Services: Office of Juvenile Services annual report

³ Data provided by the Nebraska Commission on Crime and Law Enforcement and Douglas County, for publication in the upcoming *2025 Kids Count in Nebraska Report*

⁴ Data from the Juvenile Probation Annual Report & Detailed Analysis, 2023

All that said, I testify in the neutral today, because Voices for Children believes that even the best of intentions, producing positive outcomes, cannot eliminate the need for external oversight to ensure the safety of children in our state's care. We have been distressed by the argument made over the past several years that Probation, though operating in this capacity as a child-serving agency, should not be subject to investigation or accept the recommendations of the Office of the Inspector General for Child Welfare in the same way as the executive branch agencies are.

We support Speaker Arch's LB 298 this year, clarifying the role, scope, and duties of these important watchdog offices for children in the care and custody of the state: both in child welfare with HHS, and in juvenile justice with Probation. And we believe that if Juvenile Probation is going to continue to serve in this role as the custodian of our state's children, and receive millions in state general funds to do so, then oversight is necessary and should be welcomed. Acceptance of responsibility when children die or are seriously injured while in care should include a willingness to seriously consider the recommendations of our state's expert in these matters.

I'd like to thank Senator Bostar for his commitment to all of Nebraska's children, and this Committee for your time and consideration. The Nebraska Unicameral has led the way in reforming our juvenile justice system to better serve all kids, and we are grateful for your thoughtful efforts to ensure that progress continues.